

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 16, 2021, at 5:30 pm via ZOOM Webinar at this link: <https://us02web.zoom.us/j/82829481740> or Webinar ID: 828 2948 1740. 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 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128.

In compliance with Utah Code Ann. §52-4-207, Chairman, Mark A. 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 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128*

Council Members present at the beginning of the meeting via Zoom: Chairman Mark A. Anderson, Vice Chair Jeannie F. Simmonds, Councilmember Amy Z. Anderson, Councilmember Tom Jensen, and Councilmember Ernesto López. Administration present: Mayor Holly H. Daines, City Attorney Kymber Housley, Assistant City Attorney Craig Carlston, Finance Director Richard Anderson, Economic Development Director Kirk Jensen, Community Development Director Mike DeSimone, Planner Russ Holley, Planner Aaron Smith, Library Director Karen Clark, Police Chief Gary Jensen, Public Works Director Paul Lindhardt, Fire Chief Brad Hannig, Parks & Recreation Director Russ Akina, City Recorder Teresa Harris and Deputy City Recorder Esli Morales.

### **OPENING CEREMONY:**

Chairman Mark A. Anderson gave the opening ceremony on a letter that was written on December 27th, 1776 by George Washington, then serving as Commander-in-Chief of the Continental Army. Washington sent the letter to John Hancock, President of the Continental Congress. That fall, Washington's army had been roundly defeated in New

*York City by the army of British General William Howe. If his performance didn't improve, Washington would be fire, or worse, they would lose the war. After their defeat in New York, Washington's depleted army retreated south. Morale was low, and desertion was high, and on January 1st, the contracts for many of his men expired, leaving them legally free to go. The state of the war being what it was, Washington expected few to recommit. Washington also feared that if he didn't cross the Delaware River, Howe's army would, delivering a winter knockout blow. The fear of territorial loss was so high that, only a week earlier, Hancock and his Continental Congress colleagues had fled south from Philadelphia to Baltimore. Sensibly, Washington's operation to save his career and the war used the password "Victory or death."*

*The plan for that operation, now known as the Battle of Trenton, relied heavily on surprise and subterfuge. In November, Washington planted a spy in Trenton, New Jersey, near a large detachment of Hessians, German soldiers brought in by the British as auxiliaries. Under Washington's direction, the spy posed as a loyalist butcher and barkeep and convinced his Hessian patrons that Washington's army was falling apart and incapable of an attack, lulling them into a false sense of security. Meanwhile, Washington quietly gathered riverboats from the surrounding area and laid a plan: Under cover of darkness, he would slip all the troops and artillery at his disposal across the Delaware River. Even the officers would be armed with muskets. They would split up, march on Trenton from north and south, and deliver the Hessians a loud Christmas surprise.*

*As Washington describes in his letter, the operation got off to a rough start. Unexpected ice in the river, bitter cold, and hail made the crossing treacherous and slow. Two detachments of troops that were supposed to join in the operation abandoned the crossing altogether. It took three hours longer than planned to get enough soldiers across for the attack, forcing Washington to lead a swift march in order to reach Trenton before sunrise. A number of Washington's men, lacking proper boots, did the snowy trek with rags wrapped around their feet.*

*Despite the delay, the operation succeeded. Washington's troops caught the Hessians off guard, killing eighty-eight in the ensuing firefight and taking more than eight-hundred prisoners, as well as much-needed munitions and supplies (including boots). Washington's army suffered minimal casualties, with one of the few injured being future president James Monroe. The added load of captured cargo added one more challenge to the return crossing more (not made easier by the intoxication of some of the Continental troops who, elated by their victory, had dipped into some captured Hessian liquor). The Hessian prisoners endured a long and humiliating march through Philadelphia, held up as proof that the revolutionary cause was alive and well, but afterward, they made out alright. Most were sent to Lancaster, Pennsylvania, where many German immigrants already lived, to do farm work. Many of the prisoners had been conscripted, forced to fight a war for a country they'd never been to, to line the pockets of a prince they'd never met. They were well-received by the Lancaster community, and when the war came to an end, thousands chose to remain in the United States.*

*The attack on Trenton wasn't Washington's final trip across the Delaware that year. The day after this letter, Washington's army re-crossed the Delaware, this time marching to*

*Princeton ("Prince-town"), New Jersey, where a contingent of British Regulars was stationed. On January 3rd, Washington won another decisive battle, taking hundreds of British prisoners. The victories at Princeton and Trenton didn't win the war for the Americans (not even close), but they did provide a vital morale boost that saved Washington's career and the revolutionary cause.*

**Meeting Minutes.** Minutes of the Council meeting held on February 2, 2021, were reviewed and approved with no corrections.

**Meeting Agenda.** Chairman M. Anderson announced there are five public hearings scheduled for tonight's Council meeting.

**ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair Simmonds to approve the February 2, 2021 minutes and approve tonight's agenda. Motion carried unanimously.**

**Meeting Schedule.** Chairman M. Anderson announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, March 2, 2021.

#### **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

Chairman M. 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](mailto:teresa.harris@loganutah.org), who will distribute them to the Mayor and Councilmembers.

#### **MAYOR/STAFF REPORTS:**

##### **Board Appointments (Airport Authority) – Mayor Daines**

Mayor Daines asked the Council for ratification to reappoint Gar Walton to serve on the Airport Authority Board.

**ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to reappoint Gar Walton as presented. Motion carried unanimously.**

No further Mayor/Staff Reports were presented.

#### **COUNCIL BUSINESS:**

##### **Planning Commission Update – Vice-Chair Simmonds**

Vice Chair Simmonds reported that the Planning Commission met and the only item they discussed will be workshopped later on the agenda concerning the Deer Pen Subdivision.

She also said that a letter from Michael Timmons with additional suggestions regarding the RV Park, restrictions on the western side of the lots was sent to the Council.

No further Council Business items were presented.

**ACTION ITEMS: Chairman M. 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](mailto: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 them by Monday, February 15 at 5:00 p.m.**

**2. Join the meeting via ZOOM Webinar ID: 828 2948 1740. 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.**

**ACTION ITEMS:**

**PUBLIC HEARING - Consideration of a proposed resolution approving the Program Year 2019 Consolidated Annual Performance and Evaluation Report (CAPER) for the receipt of Community Development Block Grant (CDBG) Funds – Resolution 21-05**

At the February 2, 2021, Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution.

The Consolidated Annual Performance and Evaluation Report (CAPER) reviews the progress of the City's 2019 Annual Action Plan (AAP). Logan City received \$471,651 in CDBG funds for Program Year 2019. The 2019 AAP is the first Annual Action Plan for the Five-year Consolidated Plan (2019-2023). The main objectives of the Consolidated Plan and the 2019 AAP are: Invest in infrastructure projects in neighborhoods with eligible low/moderate-income (LMI) areas (40%). Invest in the remediation of access and mobility barriers in all neighborhoods (10%). Sustain community needs that support LMI residents of Logan (30%).

Infrastructure Projects approved & completed during PY2019 were the Three Pointe Avenue & Southwest St. Sidewalk as well as Boulevard-USU Tunnel Trail. The Three-Point & Southwest St. Sidewalk added: a sidewalk, curb, and a gutter; 4 new Ada ramps; 11,335 SF landscaping restoration; 9,834 SF of new asphalt; benefiting 6,205 residents with 3,444 (55%) are LMI; a total project cost of \$259,443. The Boulevard-USU Tunnel Trail was an 8' wide multi-use trail along 800' of 4<sup>th</sup> North linking 6<sup>th</sup> East & the

Boulevard with the USU tunnel. Benefitted 6,950 residents of which 5,070 (70%) are LMI with a project cost of \$30,000.

Remediation of Access & Mobility Barriers approved & completed during PY2019 were Lundstrom Park ADA Corners & Sidewalk, and Audible Traffic Signals. Lundstrom Park ADA Corners added 500' of New Sidewalk on either side. An area identified in the Access & Mobility Plan with a project cost of \$15,000. Audible Traffic Signals installation at two prioritized intersections: 200 N 100 E & 1400 N 400 E. Persons with a disability account for nearly 10% of Logan's population and with a project cost of \$12,000.

Community Needs Projects approved & completed during PY2019 were Whittier Center Playground Flooring & Family Place Outdoor Lighting/Security Cameras. The Whittier Center Playground Flooring was replaced with rubber tile in the "tot" play area of the outdoor playground area. The project qualifies as a presumed benefit by remediating access and mobility barriers for a person with disabilities in a specified geographic area with at least 50% LMI residents with a project cost of \$40,000.

Family Place Outdoor Lighting & Security Cameras, there was the installation of three security cameras and outdoor lighting around the outdoor court area. Benefits 1056 LMI residents with a project cost of \$17,000.

Program Administration & Planning completed during 2019 for Program Administration PY2019 is \$83,271 & for Public Arts Master Plan is \$23,000.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

**ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve Resolution 21-05 as presented. Motion carried unanimously.**

**PUBLIC HEARING – Consideration of a proposed resolution amending CDBG Program Year 2019 Annual Action Plan COVID-19 – Resolution 21-09**

Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He said the purpose of the amendment is to specify funding alternatives authorized under the CARES Act and CDBG-CV guidance in response to the coronavirus pandemic and include those in Logan City's PY2019 Annual Action Plan (APP). The proposed changes to the PY2019 AAP include utilizing the second allocation of CDBG-CV funding \$207,849 as follows:

- Allocate \$207,849 to the Logan City Fire Department and the Bear River Health Department for a Community Coronavirus Vaccination Clinic Program.

- Designate the Little Lambs, Cache Food Pantry, and the Non-Profit Assistance Grant Program as the designed receiver projects for funding reallocations from completed projects canceled projects, or recaptured funds.

These funding alternatives reflect Logan City's strategies for distributing the supplemental funding of CDBG-CV funds in response to the impacts and demands of COVID-19 on Logan residents.

Community Development Director Mike DeSimone explained that the CBDG-CV workshop is normally presented to the Council prior to a public hearing, but the Covid-19 funds have an accelerated turnover rate and indicated that this was the second round of funding.

Vice Chair Simmonds noticed that in the process of vaccination clinics CRIC (Cache Refugee and Immigrant Connection) is one of the nonprofits that is not on the list. The refugee community may be less able to access vaccinations than other communities. She wondered if there was a way for the Fire Department to help facilitate that as well.

Mr. DeSimone replied that it would be possible as long as they directly reached out to CRIC.

Chairman M. Anderson asked if the actual registration would be done through the Bear River Health Department and being instructed to go to the said location or would it be part of the scheduling as well.

Mr. DeSimone replied that the Health District will still provide the administrating oversight and the scheduling, while the Fire Department will provide the manpower to perform the vaccinations. The Fire Department is better suited for the operational side of vaccines and the Health District is better suited for the administrative side.

Councilmember Jensen asked if the Fire Department could use existing equipment to go into neighborhoods to provide vaccination services.

Mr. DeSimone responded the goal is to set up mobile units that can service clientele that are homebound.

Chairman M. Anderson asked Fire Chief Brad Hannig if this was a mission that the firefighters were excited to participate in.

Fire Chief Brad Hannig eagerly replied that the firefighters were excited about helping to administer vaccines. The Fire Department has already signed a Memo of Understanding (MOU) with the Bear River Health Department and staff had a training week with them two weeks ago to administer vaccines to the public. Fire site stations will be a good access point for the community as well as have a mobile unit to attend to homebound areas as needed.

Councilmember A. Anderson encouraged the Fire Department to contact BRAG (Bear River Association of Governments) and the Area Agency On Aging to identify seniors that are homebound.

Fire Chief Brad Hannig responded that there is a plan in place, but they are waiting for the funding to become available to commence their mission.

Councilmember A. Anderson commended the plan and the approach. She reiterated the statement that the sooner shots are in arms that in turn businesses and life will return to normal and prevention is a great response.

Chairman M. Anderson opened the meeting to a public hearing.

Dr. Gail Yost from Logan, Utah, inquired if some of the vaccinations could occur at some of the bigger shopping centers like Walmart or Smiths, where people naturally congregate.

There were no further comments and Chairman M. Anderson closed the public hearing.

Mr. DeSimone stated that though the idea of Dr. Yost is good, their approach is to utilize existing facilities, where staff will be staged and use those areas where the community can come in and which would be the simplest, and most efficient way to administer vaccines.

Councilmember Jensen commented that if the population is around 4% vaccinated, what would be an estimate for the entire population being vaccinated.

Chief Hannig replied that is a question that he does not have an answer to, but their limitations will be based on the availability of the vaccine that will be their biggest constraint. They will continue to administer vaccines for as long as vaccines are available and for however long the funds last. The hope is that the funds will last several months until the summer and administer to the community as much as they can.

**ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair Simmonds to approve Resolution 21-09 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed ordinance amending Chapters 17.14 Public Zone Uses and 17.62 Definitions – Ordinance 21-02**

At the February 2, 2021, Council meeting, Planner Russ Holley addressed the Council regarding the proposed ordinance.

**RECOMMENDATION**

Staff recommended 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 permit long-term RV Park occupancy within the REC zone. The applicant also proposes to amend the definition section of the LDC concerning RV Park occupancy. The current Land Use Table only allows short-term RV Parks and defines those as less than 30 days in duration for recreation or vacation purposes. This request proposes to add a definition for long-term RV Parks and define them as 90 consecutive day stays with the option to clean up and move to another slot within the park for subsequent 90-day stays.

This amendment request is associated with a proposed new RV Park and rezoning 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 but less than 90 days)</u>	<u>N</u>	<u>C</u>
Tent campground	N	C
Miniature golf course and accessory recreation	N	C

Figure 1 shows the proposed code language addition in red ink

17.62: Definitions

a clubhouse, dining and snack bars, pro shop, and practice facilities.

“**RV Park, Short-Term**” means any lot or parcel of land upon which a site is located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes, for a period not to exceed ~~seven~~ thirty (30) days.

“**RV Park, Long-Term**” means any lot or parcel of land upon which a site is located, established, or maintained for occupancy by recreational vehicles ~~for a fee as temporary living quarters for recreation or vacation purposes, for a period longer than seven days.~~ Patrons on an RV Park, Long Term, may stay up to 90 consecutive days. After 90 consecutive days, patrons may elect to clean up their space and move to a different space within the park for subsequent 90 day stays.

“**Non-vehicle Camping (Tents) in RV Park**” means a designated area within a Recreational Vehicle Park specifically established for occupancy by people with tents for sleeping and vacation purposes.

“**Tent Campground**” means any lot or parcel of land upon which a site is located, established, or maintained for occupancy by people with tents for a fee for temporary vacation and recreational purposes.

Figure 2 shows the proposed code amendment struck out in black ink and underlined 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 how these areas 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 for RV Parks in the REC zone is prohibited. Even if moving to another slot every 90 days, this code amendment proposal will create opportunities to accommodate long-term residential uses inside RV Parks. Staff would argue that the negative impacts of RV Parks 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. As currently defined, RV Parks are clearly meant for vacation and recreation purposes and not for residential purposes. RVs are designed and constructed for vacation and recreation purposes and not for long term residential purposes.

Affordable housing is a real issue in the city, but RV Parks are not the best solution to that problem. Long-term RV Parks do not contribute to the local economy in the way a short-term vacation-oriented RV Park does.

## **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 uses are not intended for long term residential uses.
2. The code amendment would result in incompatible land uses within close proximity as REC areas are typically positioned in areas near industry or in areas not ideal for residential land use.
3. This code amendment may likely result in additional citizen complaints related to clean up/appearance associated with RV Parks.
4. Long-term residential uses in RV Parks do not contribute to the tourism and economic development in the City like short-term RV Parks do.

On January 14, 2021, the Planning Commission recommended the Municipal Council **approve** the RV Park Occupancy Code Amendment. The Planning Commission amended the original proposal by the applicant from multiple 90 days stay options to no more than 90 days maximum (7-0).

Planner Russ Holley explained that McKay Winkle submitted the first code amendment application in October, which was denied. The proposal was brought before the Planning Commission on January 14, 2021, and the Planning Commission recommended a single 90-day maximum without the option of multiple stays at an RV Park.

Planner Holley said also on January 14, 2021, he received an email from Stan Checkett, and Daniel MacFarland, who is the property owner and applicant for the A-OK RV Park. Stating that they have decided to withdraw the rezone and design review permit as they are looking in a different direction.

Planner Russ Holley researched additional data as requested by the Council. He researched about a dozen other cities of similar sized cities to Logan. Five of those cities don't allow RV parks within city limits. The cities that do allow it, most RV parks are in a commercial zone or mobile home type of zoning district. St. George was unique as they require a PUD (Planned Unit Development Zoning District).

As far as length is concerned the majority that do permit RV parks and are e in that 30-day range and are short-term are Brigham City who allows up to 180 days. St. George does not have a max and would be approved through that PUD process and Provo City allows for the long term as well.

Planner Holley reminded the Council that the applicant wanted to withdraw this application, but it was far too late, and was already on the agenda as a public hearing. The notice needs to be honored and to make sure to at least hold a public hearing. It is the Council's purview how they want to proceed.

Councilmember A. Anderson asked that Planner Holley quickly review with them what the Planning Commissions' viewpoint was on the application.

Planner Holley replied that the original application was to change the code for 90-day increments from the current 30-day maximum. The original application asked for

subsequent 90-day stays. The Planning Commission amended the original application to a 90-day max, and they voted 7-0.

Chairman M. Anderson asked for the initial staff's recommendation.

Planner Holley said staff's concerns are centered around long-term residency and the complaints they receive. Typically, these are for refuse, junk collection, and things of that nature. There is also a concern with permanent residents in an RV park that they are not built for permanent residents especially with the cold, hard, and wet winters of the valley. The RV's structurally are not built to be lived in year-round. Although, one of the issues which is a good point to consider is vacationer's that stay longer than 30 days, such as the snowbirds who contribute to tourism but are not permanent residents.

Chairman Jensen was not opposed to the 90-day max limit suggestion, but his concern was that if after the 90-days an RV could move to another pad and set down again.

Planner Holley replied that was the original request, but the Planning Commission amended the application to reflect a 90-day max, (a period of stay that does not exceed 90 days). The current code has two definitions of an RV park as short-term and long-term, because a decade ago long-term stay was permitted and was never stricken from the definition section of the code. The long-term definition was removed and now reads as, "a period not to exceed 90 days."

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

Councilmember A. Anderson asked for further clarification on the language used. When the word reads as a parcel, she is presuming that indicates as to the entire RV park versus just an RV pad in the park. That it was a 90-day maximum stay and that they were out of the development and not moving to another pad within the park.

Planner Holley explained that an entire RV park is one parcel of land with slots, but they are not subdivided lots. The individual would have to leave the park after 90 days.

Vice Chair Simmonds said the proponent felt that without the broadening of the initial definition of the RV Park, the proponent would not be able to make money. The proponent desires to withdraw entirely. Is it prudent to do so currently; will there be unintended ripple effects as a consequence; or is simply better to leave it as is.

Councilmember A. Anderson agreed with Vice Chair Simmonds as there are other opportunities for a short-term stay, but 7 days did seem like an awfully short period.

Planner Holley agreed that 30 days for a short-term stay would be correct and the 7-day reference in the code was a typo.

Vice Chair Simmonds said that her understanding was that typo in the code could be changed without the Council.

Planner Holley replied that any change to the code requires the Council in agreement. Usually, these types of errors are corrected when the Director of Community Development Mike Desimone does what is termed as “clean up” work in the code.

Councilmember Jensen said he was in favor of the submitted proposal. If the argument was to clean up the code, then why not make the change in favor of the summer citizens. If not, the code can always be changed later if there are terms of disagreement.

Vice Chair Simmonds retorted that have never been any complaints suggesting otherwise, and that summer citizen typically stayed at the apartments on campus.

Councilmember Jensen explained that close acquaintances go down south to Las Vegas for the winter in their RV’s. He could not see why that would be applicable in the valley. There is a virtue in cleaning the language, but also considering alternative possibilities.

Chairman M. Anderson agreed with Councilmember’s Jensen argument and believed it a valid one. He asked Assistant City Attorney Craig Carlston if there was a need for a motion if the code was already listed as 30 days.

Mr. Carlston replied that there was a need as in section B of the code lists short-term as 7 days, there is a need for a correction.

Councilmember A. Anderson stated the reason for the correction of the code to 30 days and said her primary concern is that a 90-day change in the code would be applicable year-round. She pointed to the fact that Planner Holley remarked that RV’s are not meant to be lived in year-round. She is concerned that individuals will live in the park during winter and leave for a 24-hour period only to return and continue to live so again. The 30-day short-term fits the usage of the community and precludes the short-term RV parks from inadvertently becoming long-term stays/residences that are meant as vacation habitations, not permanent habitations.

Councilmember Jensen argued that that same logic applied to the 30-day stay. He is still in favor of the 90-day code change.

Chairman M. Anderson proposed that there be a specific period designation of the proposed application if there is a concern regarding long-term stay, especially during the winter. His suggestion was from May until September as summer-time hours and then there would be winter-time hours or there is also the possibility that the 90-days be all year round.

Vice Chair Simmonds would prefer there is a proponent behind the request rather than the idea being that the proposed change in the code is financially viable. In the meantime, 30 days is adequate for a short-term stay in an RV Park.

Councilmember Ernesto López asked for a compromise of 60 days.

Vice Chair Simmonds reiterated the fact that there did not seem to be an existing reason to make the change if there no proponent, and Councilmember A. Anderson agreed with the statement.

Chairman M. Anderson did note that there have been two other prior attempts from RV Parks but did not pass Planning Commission. He asked Planner Holley about the two original proponents for the code change.

Planner Holley answered that there are two total RV parks, (Travel Land and Riverside) and the applicant that continued is the prospective owner of one of the parks, Riverside.

Councilmember A. Anderson that the communication with the second park is specifically, why she objected to the request and preferred to remain as is with the 30-day short stay.

Councilmember Ernesto López queried as to which of the areas was already grandfathered in and go beyond current ordinance limits.

Vice Chair Simmonds replied that only the one that is still in the discussion has a few that are grandfathered in if sold to a new owner. The use can't be taken away once it is granted, but the use can be expanded if the zoning has changed.

**ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair Simmonds to amend Ordinance 21-02 to reflect a stay not to exceed 30-days. Motion carried 3-2. (Councilmember Jensen & Chairman M. Anderson voted nay)**

**PUBLIC HEARING - Consideration of a proposed ordinance amending properties in the Ellis Neighborhood (286 South 100 West) from Mixed Residential Low (MR-12) & Commercial (COM) to Mixed-Use (MU) – Ordinance 21-03**

At the February 2, 2021, Council meeting, Planner Russ Holley addressed the Council regarding the proposed ordinance.

#### **RECOMMENDATION**

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council for a Rezone of approximately 1.73 acres of property located at approx. 286 South 100 West (TIN# 02-048-0006; 0007; -0008; -0009; -0010; -0011; -0012; -0013.) from Mixed Residential Low (MR-12) and Commercial (COM) to Mixed Use (MU).

Land use adjoining the subject property.

North: COM: Commercial Uses      East: COM: Commercial Uses  
South: MR-12: Residential Uses      West: PUB: Logan High School

## **PROJECT**

The proponent is requesting to rezone eight (8) parcels totaling 1.73 acres at approximately 286 South 100 West. The rectangular-shaped parcels sit at the southwest corner of the block adjacent to 300 South and 100 West. The properties currently contain five older residential structures and one commercial structure. This area of town is relatively flat. This is only a rezone request at this time. It is anticipated that if approvals are granted, a Design Review Permit would subsequently be submitted for a new mixed-use project.

## **GENERAL PLAN**

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service, and hospitality businesses that provide employment centers and serve city-wide and regional populations. New projects should have buildings that meet high architectural standards and are constructed with quality materials. Most COM designations inside Logan City are located near the Main Street corridor north and south of downtown.

Mixed-Use Center (MUC) FLUP designations are described in the General Plan as having concentrations of commercial and office uses with residential uses integrated. MUC developments are required to have both residential and commercial components. MUCs are required to be designed in a compact dense form for people to live, work, and play within a walkable center.

## **LAND DEVELOPMENT CODE**

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The COM zone allows a wide range of commercial and light industrial uses. The COM zone (current zoning designation) is typically located along with major collector and arterial streets with large capacity utilities. Standard building heights are limited to 40' and 60% lot coverage maximums. Parking requirements are based on each commercial land use and 20% of project sites are required to be improved with open space.

The Mixed Residential Low (MR-12) zoning district (current zoning designation) permits a maximum density of 12 dwelling units per acre and building heights at 35 feet. Lot coverage is capped at 60% and a total of 30% of the site is required to be set aside for open space. New residential buildings are required to provide 2 off-street parking stalls per each dwelling unit.

The Mixed-Use (MU) zoning district (proposed zoning designation) permits a maximum density of 30 units per acre (density bonus available for an additional 10 units per acre). A minimum amount of commercial space is required based on the overall project size. Building heights are permitted up to 58' with front setbacks at 0'-10' (min.-max.). Street frontage, a building width to property width ratio requirement, is set at a minimum of 60%. 20% of project sites are required to be improved with open space. Studio/one-

bedroom residential units require 1.5 parking stalls, and two-bedroom or larger units require 2 parking stalls. Commercial parking is based on individual businesses and square footage.

### **NEIGHBORHOOD COMPATIBILITY**

This area, adjacent to Logan High and a couple of blocks south of Downtown, currently contains a wide variety of nearby land uses. Single-family homes, multi-family apartments, recreation centers, schools, restaurants, gas stations, convenience stores, and hospitality lodging are all within a 600-foot radius of the site. 300 South and 100 West are identified as existing or future collector and arterial streets on the City's Master Transportation Plan. 100 West was recently approved for a new bridge and street improvements creating better connections to HWY 89/91 on the south end of the city. These improvements will likely result in higher traffic volumes along this north/south corridor. The existing buildings and structures within a 600-foot radius are single and two stories in height with most of the residential structures being built between 1900-1970. The surrounding commercial structures were built circa 1950-1980's.

Because there is NR zoning and single-family homes kitty-corner to the site, any future development would be subject to the LDC 17.09 height transitional requirements. These include a maximum 35-foot building height nearest to the single-family homes and then transitioning up at a ratio of two horizontal feet to every one vertical foot.

### **SUMMARY**

The COM zoning district, indicated on the FLUP, is similar in nature to the MU zoning district. MU allows taller buildings and a density bonus for residential units but is more limited on the range of permitted commercial uses. As stated in the General Plan, compact infill and re-development near Logan's core will reduce pressure to sprawl outwards into surrounding rural areas. Infill and redevelopment are more efficient on utilities and infrastructure. Infill and re-development are less taxing on Logan City's transportation system and should result in fewer miles driven and lower amounts of pollution emitted by residents. There could be design compatibility issues with a MU development built to maximum allowances with the existing single-family homes to the west/south, but LDC transitional height requirements and Planning Commission site-specific conditions can help to mitigate any potential incompatibilities.

### **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. The Logan City FLUP identifies the area as COM which is similar in nature to MU.
2. This area is positioned along 100 West, a street that is planned for expansion to the south.
3. Infill and redevelopment are more efficient ways to handle population growth and reduce pressure on rural/suburban sprawl.
4. Design incompatibles can be mitigated through Design Review processes.

On January 14, 2021, the Planning Commission recommended the Municipal Council **approve** the Renewal Rezone (7-0).

Planner Holley summarized the Renewal Rezone Project to the Council. It is 1.7 acres at the intersection of 1<sup>st</sup> West and 3<sup>rd</sup> South. There are currently five older homes and three commercial properties that comprise the project area. The applicant is requesting mixed-use, currently, the zoning of the area is MR-12 & Commercial, a mixed zone. The applicant intends to build a mixed-use building with residential apartments on the upper floors with commercial on the ground floor, a bistro has been mentioned as well to other local services such as a Gym, electric bike parking, amazon hub stations, etc. The applicant did not propose a design review at this juncture, there are generic images. It is their intention if the zoning is approved, they will go to the Planning Commission for a design review. The only new detail is that an email was received from the business owner of the Beehive Grill. He expressed concerns and opposition, especially about traffic and parking.

Chairman M. Anderson asked what the difference was between the current zoning and the requested zoning MR-12 & Commercial. Councilmember A. Anderson added to the question by asking what the differences in setbacks, in height, density, and so forth.

Planner Holley explained that from a use standpoint it is fairly similar. In both zones, there can be offices, a restaurant, retail, etc. Use-wise both zones are similar, and the difference is in the form, height, and density. Mixed-Use is 30 units per acre and so is Commercial, but Mixed Use allows for density bonuses allowing up 40 units per acre. Mixed-Use allows for a 58-foot-tall building and Commercial is 35 feet but if the building goes further back, the building can reach 45 feet. It is a bit taller than Commercial. The other difference is that Mixed-Use is a very urban zoning district. It requires for the building to be near the street, a maximum setback. For example, a building cannot be pushed to the back of the lot. The building must be within 10 feet of the street. Also, there is a requirement for a wider building. A more urban dense type of development pattern. The goal is to have dense developments where an individual can live, work, play, and walk rather than drive.

Chairman A. Anderson asked about the commercial setback in this area.

Planner Holley replied that the commercial setback starts at 10 feet and can go further back. Usually, the further back the building, the higher the building can go within a limit.

Vice Chair Simmonds asked for further details in respect to housing. Commercial must be on the bottom and housing above, but in a mixed-use environment, only a percentage of the structure needs to be commercial.

Planner Holley replied that was partially correct. It is not a percentage of the structure that needs to be Commercial rather than the land, the project site. For instance, the parcel is 1.7 acres of that 1,500 square feet must be Commercial for a mixed-use building. A very small amount in a mixed-use project needs to be Commercial with the rest being

stand-alone residential. Commercial zoning requires that the ground floor be 100% Commercial. The entire first floor of any building is designated for Commercial use, while the upper floors can be residential. There must be vertical mixed-use in commercial zones, and don't have necessarily do it in a mixed-use which can still be done. The minimum requirement as mentioned before the project site is 1,500 square feet.

Vice Chair Simmonds asked if the amazon hub, the bike repair area, the gym considered Commercial in this sort of structure, and further on MR-12.

Planner Holley answered that if the area is open to the public, then the answer is yes. If it is a gym that is only for apartment residents, then the answer is no, because it is an amenity to the residential project. He did not have the details with him at that time regarding MR-12 but he summarized the difference. It is a medium-density residential zone that only allows 12 units per acre. It's 35 feet tall, and Commercial is prohibited except for small home office or very small daycare type of things.

Councilmember A. Anderson interjected that she believed MR-12 had 8 feet setbacks.

Planner Holley corrected the previous statement and said that if higher about 10 to 15 feet setbacks, while 8 feet is the side yard. The other unique aspect of the particular site is the corner is single-family residential. Whenever that occurs, there are further setbacks or height requirement transitions including Mixed-Use and MR-12.

Councilmember A. Anderson asked if the project could go right to the corner or not, because of the single-family lot across the street.

Planner Holley replied that the project can be right to the corner, but they can only go up, three stories max. However, if they step back further, then they can go up to five stories.

Councilmember Jensen said that regarding the letter received from Jeff Mathews, many of the questions were related to parking. He asked for further clarification or a simple contrast.

Planner Holley answered that they are similar for both Mixed-Use & Commercial. For example, when there is a studio unit the parking requirement is 1.5 stalls per unit. For a two-bedroom or larger residential unit, the requirement is 2 parking stalls per unit. While for each Commercial use the requirement differs on the particular use. A restaurant has a high parking requirement, while an office has a much lower one. It is based on each individual use and is reviewed at the business license stage.

Chairman M. Anderson said that from his understanding if the project becomes Commercial, they can still build what they are planning with reconfiguration to the bottom floor.

Councilmember A. Anderson asked that if based on the FLUP, the entire area would be Commercial.

Planner Holley said that would be correct, they cannot build as high nor are eligible for the density bonuses.

Vice Chair Simmonds interjected that one of the topics that Jeff Mathews brought up was the impact of traffic with a high intensity with residential use on those particular streets. She wondered if they did any traffic impact studies prior to agreeing to rezone something. Her primary concern is 300 South as it is very narrow, and seriously consider all those ramifications when making such a high-density change.

Councilmember Jensen asked how many units could be put with Mixed-Use on this parcel.

Planner Holley replied that the density bonus can add up to 40 units per acre. This would be a grand total of 69 units per acre. And has not seen a traffic impact study associated with a rezone request, but he has with a specific project. Traffic engineers typically need a unit count, a bedroom count to conduct those studies.

Vice Chair Simmonds said that based on "if's" she did not find it particularly reassuring.

Mr. DeSimone interjected that the Future Transportation Master Plan is based on the FLUP.

Vice Chair Simmons countered that the FLUP does not have that density in that area.

Mr. DeSimone said that the FLUP takes into account the commercial zone with its equivalent of 30 units per acre. But that Mixed Use does allow for a density bonus.

Chairman M. Anderson said that was only roughly 16 units of difference.

Councilmember Jensen interjected that perhaps the most prudent course of action would be to continue the ordinance.

Chairman M. Anderson opened the meeting to a public hearing.

Kevin Allen, a proponent of the project addressed the Council. He appreciates the concern and comments regarding parking and traffic. He believes they have designed a project that considers addresses the concerns of a charging station and other residential amenities They have spent the last couple of months monitoring the parking situation and are familiar with the parking concerns. With physical evidence, there have been no less than 40 parking spaces at any given time. The concern is that Beehive Grill especially wants to give their customers access to park and walk 15 feet from the front door. There is plenty of open parking down from 100 West across from the High School. The parking is usually open, but most don't want to drive down there and walk an extra 100 yards. He did wish to point out that individuals do not seem to have any problem parking 200 yards away from Walmart but feel the necessity to be able to park right across from the door

from the Beehive Grill. Although it can be a concern, the parking can be figured out and even more so according to the code that has already been set by the Council. Though they do not have any obligation to provide parking to a property that they own to another business. They want to complete the project and put together a plan that is feasible for the tenants and all. Traffic concerns should not be an issue considering that there are nearby projects with much higher density. They are not emphasizing cars that is the whole reason why they are providing alternative transportation methods and nearby destinations that can all be walked to and from.

Dr. Gail Yost addressed the Council and said she lives near 300 South. When visiting friends on the weekend, she and her husband take that route via 100 West. If there is a sporting event at the High School or the Recreation Center traffic becomes congested in that area. She is concerned that kind of extra traffic will make it more difficult to get to and from that area.

There were no further comments and Chairman M. Anderson closed the public hearing.

Councilmember A. Anderson said that due to the traffic increases a light was installed at 300 South and 100 East. He wondered if there was any projected signaling for this intersection.

Mayor Daines replied that the update to the Transportation Master Plan is not completed yet, and hence that is a factor that they are waiting on. Typically, the first step before putting in signaling in an intersection requires a traffic count.

Councilmember Jensen said he is in favor of the project but has several general questions. He would be in favor of continuing a decision until the next Council Meeting until those more questions can be answered.

Councilmember A. Anderson said she was in favor of this as well. Vice Chair Simmonds stated that her concern was not parking, but the potential traffic impact with all the additional cars.

Councilmember A. Anderson said there will always be traffic no matter what as that area is designated for Commercial. The only difference will be potential traffic scattered throughout the day, versus commuting to work.

Chairman M. Anderson agreed.

Councilmember Ernesto López also liked the idea of continuing until the next Council meeting.

Chairman M. Anderson asked if that would be an impediment to the project.

Planner Holley said that he would speak to the applicant, who is anxious to begin. He only requested that the continuance be date specific, (which would be the next council meeting).

Councilmember A. Anderson said that she did not know if it would be feasible in a two-week time period to do a traffic count or any other of the requirements. She asked Public Works Director Paul Lindhardt if this was possible.

Mr. Lindhardt asked if the Council was only looking for traffic counts.

Vice Chair Simmonds said that she would like the current traffic counts and accident counts in that general neighborhood.

Mr. Lindhardt said that the accident data is readily available, and, the count will be more dependent on the weather. If that is the case it would easily take more than two weeks and the data would then need to be analyzed.

Vice Chair Simmonds said that she presumes that if a building is going to be built, it will be built on 100 West and 300 South. The parking will be exiting at some location onto 300 South based on the design standards that instruct that the building be built to the street. Based on this most of the traffic impact would be leaving or going into 300 South or the intersection of 100 West.

Chairman M. Anderson stated that whether the property goes Commercial or Mixed Use, either way, traffic will increase. The proponent has purchased all of the property designated as MR-12, it will go either way, and he would be fine voting or waiting.

Councilmember Jensen wanted to make it clear that the City is growing, the surrounding cities are growing, and the county is especially growing even more rapidly than last year due to external factors. Logan will continue to grow whether it is planned or not and bring in even more projects. That which needs to be mitigated is the traffic, whether a roundabout or other because growth is happening.

Councilmember A. Anderson points out that any traffic count or information presented will not include future nearby projects which will impact that area. There will be a vacuum of facts.

Councilmember Jensen understood the sentiment but did point out that they cannot afford to wait until the projects are completed.

Mr. Lindhardt asked for further amplification of the request to ensure the correct data is presented. From his understanding, the Council wants traffic and accident counts. The traffic counts will tell the number of cars, but not any mitigation for the cars nor plans nor for the project.

The councilmembers answered that they would like the count and any information on mitigation.

Mr. Lindhardt said that at present the Traffic Masterplan is being worked out, but there is no present project slated for that intersection. The first step would be to conduct a warrant study. He would have to check if a warrant study has been done. The next step would be to seek funding.

Vice Chair Simmonds asked what the impact would be if the selection of choice would be a roundabout like the one in the Woodruff neighborhood. What would be the impact if that was the case as a roundabout takes property from the corners which are precluded.

Mr. Lindhardt replied that the roundabout may be precluded from taking property from that corner and shift it to the west or south. There is not even a project submitted to learn of the impact of that intersection currently.

**ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to continue Ordinance 21-03 to the March 2, 2021 Council meeting as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed resolution establishing the Woodruff Neighborhood Plan – Resolution 21-08**

At the February 2, 2021, Council meeting, Planner Aaron Smith addressed the Council regarding the proposed resolution to establish the Woodruff Neighborhood Plan and he presented the following:

**Summary of Woodruff Neighborhood Plan Process**

Over the last several years, Community Development has been engaged in the creation of a specific plan for the Woodruff Neighborhood. Through fits and starts, the plan has developed and is now at a state that it is ready for Municipal Council review and adoption. The plan includes multiple sections that cover a physical inventory and social inventory of the neighborhood, analysis of various areas of the neighborhood, neighborhood outreach through a workshop and survey, and the development of value statements and project recommendations for the neighborhood.

The plan was reviewed by the Planning Commission during the meetings of December 10, 2020, and January 14, 2021. The PC recommended the plan to the City Council with additional language in the plan to include a leadership opportunity for Latinx community members. That language has been added as a new recommendation in the current draft of the plan that has been provided to the Municipal Council.

**Summary of the Recommendations Section of the Woodruff Plan**

To help drive the analysis and recommendations of the plan, the neighborhood was broken into smaller planning areas based on similar characteristics. These areas are:

**The Historic Core** - The area from Main Street to 600 W.

**The Highway** - The corridor along Main Street and US 89/91

**West Woodruff** - The area from 600 W and westward

Following neighborhood input and analysis of the physical and social inventory, value statements were developed for the neighborhood. These value statements are designed to inform planning recommendations in Woodruff and serve as general statements of the desires of the neighborhood.

### **General Value Statements**

- The high quality and availability of recreational amenities in the neighborhood.
- The open space and agrarian character of the neighborhood.
- The diversity of people that live in the neighborhood.
- Attracting families to stay long-term in the neighborhood.

### **Historic Core Value Statements**

- Walkable, pedestrian-oriented, neighborhood streets that are connected to various neighborhood assets.
- Preservation and rejuvenation of historic and aging homes.

### **The Highway Value Statements**

- Convenient connectivity to the neighborhood.
- Improved and new access to commercial centers and nodes.
- Preserve an open, agrarian character as a community gateway.

### **West Woodruff Value Statements**

- Development that matches the existing character of the area.
- Improved access to 1000 W.

For each value statement, specific recommendations were developed. The following recommendations are proposed for Woodruff and the associated planning areas:

### **Woodruff Wide Recommendations**

- Implementation of the Logan City Bicycle Pedestrian Master Plan.
- Implementation of the Blue Trail along the Logan River.
- Develop a Logan City Open Space Plan that identifies areas for protection and includes implementation strategies.
- Actively encourage, recruit, and invite interested Latinx community members to participate in the neighborhood planning process through participation in planning projects, such as steering committees, neighborhood councils, advisory boards, and other City administered committees and commissions, in order to cultivate community leadership opportunities.
- Complete a Latinx outreach survey and report to understand the unique challenges and community perceptions of Logan's largest minority group.
- Ensure housing policies allow for a variety of housing types in the neighborhood while addressing housing affordability in the community.

- Market housing grant programs towards the Latinx community.
- Zone additional area in the neighborhood to NR-4.

### **The Historic Core Recommendations**

- Provide sidewalks and accessible crossings in areas around the fairgrounds, Willow Park, and the Aquatic Center.
- Provide sidewalks along Park Avenue.
- Implement traffic calming and pedestrian improvements along 100 W to mitigate traffic impacts.
- Continue to provide housing rehabilitation assistance to residents of Logan. Use the program to target older single-family homes that are in disrepair and needed upgrades.

### **The Highway Recommendations**

- Signalization along the south highway corridor.
- Signalization along South Main between 400 South and 700 South.
- Improved and new access to commercial centers and nodes.

### **West Woodruff Recommendations**

- Use an improved 2000 W corridor as a land-use edge that divides suburban and rural development along the western edge of Woodruff.
- The primary land use in the western annexation area should be detached residential.
- Create a network of connected open spaces that create a green belt open space.
- Develop active recreation parks in West Woodruff.
- Add signals along 1000 W at 200 S, 1000 S, and 1600 S.

Planner Aaron Smith broke down the plan into five sections: Physical Inventory, (Land Use, transportation, etc.); Social Inventory, (Demographics, housing); Analysis, (Planning Areas, Growth Model); Public Participation, (Open House, Survey); & Recommendations.

Planner Aaron Smith said that they were able to have a neighborhood meeting with the Woodruff community. He appreciated the neighborhood leadership and the council members that agreed to put the meeting together. He did wish to clarify that the plan does not propose any extension of 600 South between Park Ave. and 500 West. The roundabout proposed at 100 West is a height of pedestrian improvement to ease crossing so that those intersections are pedestrian safe as we increase density and traffic.

Councilmember Jensen said that his concern is that a single area is termed just as single-family as from what he has read; the best neighborhoods are where there is a mix. Somewhat of a mix that provides a bit of social integration and does not have all high density into a single part of the City. He used his own personal experience as an example of living in very nice neighborhoods right across the street from an apartment complex.

Planner Smith said that he would be very open to a broader conversation regarding mixed residence options.

Councilmember A. Anderson asked Planner Smith regarding any feedback received from the meeting where he and Chairman M. Anderson were in attendance especially about 10<sup>th</sup> West and the division that would create.

Planner Smith said that concerns were raised as well as understanding about being able to move alongside 10<sup>th</sup> West. The need for increased signalization and connectivity especially safely.

Chairman M. Anderson appreciated the comments and feedback received. His takeaway was the love for the trails and the bike paths especially the Blue Trail. Planning for opening spaces and parks, but still completing that agrarian, rural feel to that west part of Logan. There were some concerns about 10<sup>th</sup>, but UDOT has a bit of control or say over that. Overall, it was very positive feedback.

Councilmember Ernesto López invited the Spanish speaking members of the community to participate in the public hearing. *“Ahora es el momento en esta parte de la audiencia en que podemos escuchar los comentarios de la comunidad acerca de esta plan para el vecindario de Woodruff. Asi que si usted le gustaría participar asegúrese de presionar, para alzar su mano en Zoom para que le podamos dar le la oportunidad de participar.”*

*(Now is the moment during this part of the hearing that we can hear the comments of the community regarding the Woodruff neighborhood plan. So, if you like to participate be sure to press the raise your hand option in zoom, so we can give you the opportunity to participate.)*

Chairman M. Anderson opened the meeting to a public hearing.

Kehler Ames, a resident of Wellsville addressed the Council and said that he had read about this topic in the Herald Journal that very morning. He just wanted to take the opportunity to state the importance for Logan to implement the Master Bicycle & Pedestrian Plan especially as there are more and more developments west of 10<sup>th</sup> West. He believes that the City is moving in the direction of large growth as talked about previously in the meeting. Car traffic is a problem as we are experiencing more and more traffic. One of the best ways to mitigate that is to provide alternative routes of transportation for bicycles and pedestrians. He wished to emphasize the importance of bicycle and pedestrian transportation as growth happens. He added that Wellsville is a sub-community of Logan and is car-locked like an island. The only option is to travel by car, and he does not wish for similar situations to occur elsewhere in the valley. More bikes equal fewer cars.

There were no further comments and Chairman M. Anderson closed the public hearing.

Councilmember Jensen asked Planner Smith if the riparian area adjacent to the wetland would be kept.

Planner Smith replied that land was called X-overlay which means significant onsite constraints for development. As far as identifying any specific areas for an easement or for protection, the plan suggests that a Natural Comprehensive Open Space Plan be conducted for the City. To signal out a citywide policy on open space for future planning efforts to be far more comprehensive.

Councilmember Jensen pointed out that creating trails along rivers is difficult if the land is sold and purchased as private property, a trail will never be made. If we can preserve the ability to put a trail through the sides of wetlands or rivers will serve future generations.

**ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve Resolution 21-08 as presented. Motion carried unanimously.**

**WORKSHOP ITEMS:**

**Budget Adjustments FY 2020-2021 appropriating: \$11,400 funds the Library received from the State of Utah, the Community Library Enhancement Fund (CLEF) Grant to be used for collection, development, technology for public use and community outreach programs; \$207,600 purchase of a new ambulance from the EMS Funds – Resolution 21-10 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments. The first request is for a grant and the second one is to appropriate reserve funds. There are funds on hand, but at present funds are constrained with cash flow yet coming back in.

The proposed resolution will be an action item and public hearing at the March 2, 2021 council meeting.

**Consideration of a proposed sale of real property owned by the City of Logan located at approximately 1500 North Aspen Drive in Logan, Utah (commonly known as the Deer Pen Subdivision) consisting of 22 subdivided lots totaling approximately 8.63 acres.**

Mayor Daines addressed the Council regarding the proposed sale of the property. In 2016, the Deer Pen Subdivision was approved by the Planning Commission but was never brought before the council. They returned to the Planning Commission in order to be completely transparent including to the Wilson Neighborhood. The reason for selling the property that it's a good time and the neighborhood is more comfortable with the idea. The money from the sale will go back into the cemetery perpetual care fund. The cemetery desperately needs a new irrigation system, which is a rather expensive project.

Mayor Daines said there must be a public notice and hearing to sell the property and a public process for a bid.

Vice Chair Simmonds said that a letter had been received from Michael Timmons addressed to the Council regarding a stipulation on fencing that might apply to a future park west of the subdivision and would those restrictions be included in any kind of bidding process.

Mayor Daines replied that a meeting has been setup with staff including Parks, Engineering and Community Development to discuss Mr. Timmons concerns.

Mayor Daines replied that the City is not in the development business. The City will sell the raw land and allow a developer to develop the land. The City will develop the proposed Deer Pen Park. It will be a natural area with walking paths and several potential designs from Michael Timmons, who is on the park's community, and lives in that neighborhood, and is also professor of landscape architecture.

Councilmember A. Andersons agrees that some of the site lines for the park as the lots are developed are imperative requiring conditions as that land is developed.

Mayor Daines interjected that there is a bill in the Legislature and House that would remove the ability for all cities rights to regulate color, materials, etc.

The proposed resolution will be an action item and public hearing at the March 2, 2021 council meeting.

There were no further workshop items presented at tonight's council meeting.

### **OTHER CONSIDERATIONS:**

#### **Voter District Presentation – Professor Damon Cann**

Professor Damon Cann addressed the Council and gave a presentation on Voter Districts.

Mayor Daines briefly introduced Professor Cann, who was a former member of the North Logan City Council and is the current Mayor of North Logan City.

Professor Cann explained that it was a difficult issue to answer whether to switch from one voting system to another. Uncertainty is a good starting point as it is complex and has multiple answers. There is no single best way, and there are diverse approaches.

Professor Cann described what can and cannot be changed in an electoral process. The cannot's are the dates of the election, term lengths of the city council member and mayors, and anything set in state law. That can be changed are partisan/nonpartisan format (for towns/3<sup>rd</sup>-5<sup>th</sup> class cities); the primary approach (nominating conventions, primary, ranked-choice); mail vs. election day voting; districting vs. at large.

Single-member district elections: the city is divided into a number of districts, each of which selects one representative on the city council, for example, Salt Lake, Herriman.

At-large elections (multi-member districts), the entire city comprises a single district. There are a number of seats available and each voter gets a certain number of votes. The number of candidates with the most votes win a seat, for example, Logan, Orem.

Mixed System, (a hybrid approach) most council members are elected from single-member districts. 1 – 3 council members are selected in an at-large elections, for example, West Valley City, Ogden.

The at-large system is the most common voting system across all Utah cities. Among Utah's 20 largest cities, 8 use single-member districts, 4 use a mixed system, and 8 use the at large system. In terms of geography and population size, it is appropriate for Logan City to consider which system is best for the city. However, the rationale to go from away from an at-large system is most compelling as cities get bigger and bigger.

Professor Cann said there is no single “best answer and there are “Pros” and “Cons.” It requires discussion and to make a value judgment as the Council are the policy makers for the City.

Pros for District Elections: Better geographic representation. Better representation of racial minorities *if minorities are concentrated in specific neighborhoods*. Council members are aware of unique geographic needs. Citizens know exactly who to go to with their issues.

Cons for District Elections: Lower levels of candidate recruitment. Council members tend to prioritize their district over city-wide concerns. Negative campaigning is easier.

Pros for At Large Elections: No need to create districts. All members of the council take a city-wide view. Easier candidate recruitment. Makes negative campaigning more difficult. Some studies suggest better gender balance.

Cons for At Large Elections: No guarantee of representation for some areas of the city. Easier for one coalition representing similar interests to win.

A few specific issues to consider. Diversity: Districts promote geographic diversity. They will only promote other forms of diversity (e.g. racial) to the extent that those groups are clustered within districts. Woman candidates tend to see higher success in at-large systems (Troustine & Valdin 2008).

Turnout: None of these systems are known to have clear and consistent effects on voter turnout (Hajnal & Lewis 2003). Usually, electoral competitiveness is the best predictor of turnout.

Redistricting requirements: districts must have roughly equal size. “Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.” – Chief Justice Earl Warren.

Districts should be contiguous, compact, preserve communities of interest, nesting/political boundaries. Redraw is every 10 years based on census count.

[Citations:

Trounstine, Jessica and Melody Valdini. 2008. “The Context Matters: The Effects of Single-Member versus At-Large Districts on City Council Diversity.” *American Journal of Political Science* 52(3): 554-569.

Hajnal, Zoltan and Paul G. Lewis. 2003. “Municipal Institutions and Voter Turnout in Local Elections.” *Urban Affairs Review* 38(5): 645-668.]

Councilmember A. Anderson asked how the number of municipal seats is determined. The City has 5 council seats is that based on population or what is the deciding factor.

Professor Cann replied that Logan City has a strong Mayor form of government. The City of Logan is a little different in that retrospect in comparison to cities in Utah that have a 5- or 6-member council form of government. If the City wanted to increase the number of seats in the Council, he would have to check, but it would likely require a State Legislative act to alter the Logan City charter. It would not be something that could be adjusted by a motion or action from the City.

Councilmember Jensen said that the requirement to create a district must be equal to each other in population. The committee has brought up issues of wealth and homeownership or is it only population. There are wealthier and less wealthy sections of the City.

Professor Cann replied that is the reason why Congressional Districts are frequently litigated. Because it is a tricky, difficult issue. The way those district boundaries are drawn does affect who ends up being elected. Under communities of interest, there are people who are like each other in certain ways and might want to be represented together or make it easier for them to be represented if they share certain things in common within that community of interest. There are examples nationally such as the majority and minority districts. District lines are drawn to catch a lot of minorities and are much more likely to elect someone who shares similarities with them. The district can be grouped by income and draw a district such that people with a similar income dynamic will be likely someone from that socioeconomic background. In addition to simply looking for compactness continuity.

Professor Cann firmly said that he would not suggest in favor or against of districts. However, if the City of Logan did elect to draw districts, there is something to consider. If the City does draw a district to make it more likely to represent a particular minority be it racial, income, etc. There are two things to contemplate. First, that it will increase the likelihood of getting that group represented. But the secondary consequence of packing

every one of one background into a single district then they are also being taken away from all the other districts. The risk is that none of the other representatives in that city don't have any interest in that specific district other than goodwill.

Chairman M. Anderson asked if there is not a majority in that one particular district then said the district does not aid them at all.

Councilmember A. Anderson replied that it would depend on voter turnout.

Professor Cann answered that the best static in a race is congressional districts which do not take 50% but rather a 40% threshold. How well that transfers into a municipal context there is not much specific evidence whether higher or lower especially considering the turnout in municipal elections.

Vice Chair Simmonds asked regarding voter turnout. If districts are created and one of the concerns is that a district of 200 select a council member, while another of 3,000 elect the another. It may be philosophical but is it more important for a City to deal with voter participation or is the geography despite the lack of participation more important.

Professor Cann replied that is more of value judgment. There is no one single answer, and that example could even occur. People will have more influence in changing the outcome of their daily lives in a municipal election than they ever will in a presidential election.

Councilmember López asked that in a mixed system, what would be steps to decide how many seats would be at large or district seats.

Professor Cann answered that he can't give any concrete information, but there are things to consider. It would be highly unusual to see more than 7 council members on a city council. There are a few places that go up to 9, but in a municipal government, it is the trappings of a larger legislature with committees and subcommittees, specialization, etc. Things that are traditionally not seen in a municipal government. A municipal body of more than 7 council members is more difficult to run. A mixed system that it is virtually always the case that the majority would be district-based, 4 or 5 would be from districts and 2 or 3 from at large districts.

Councilmember Jensen asked if the City had a hybrid, 3 districts and 2 at large, a person would apply to be from district 1 or would they from at large. Just how would that work.

Professor Cann replied that typically in district elections the candidate must live in the district that they are running. Otherwise, it is a designated seat-style election. There is no advantage of going to district voting without a geographic designation. The at large seats would be run the same way as now.

Councilmember A. Anderson said that in the presentation it was mentioned that electoral competitiveness was the best predictor of voter turnout, are there any other factors.

Professor Cann responded that there are but would not be helpful to a council that is trying to encourage an initial turnout. The level of education is a very strong clear predictor of voter participation. The level of income tends to correlate. Those factors are hard for a governing body to change. The things that can help at least in the long-term are the City of Logan has Neighborhood districts that function as next-level down advisory boards and this is a fantastic concept because one factor that increases voter participation is the development of skills for civic engagement. If people can be helped to build these skills, they will be more likely to participate. To build a sense of political efficacy to help people feel like they can engage with the political system and have their voices heard helps to create and encourage further political engagement. It is a long-haul process. The community must be found and encouraged in a positive way.

He quickly added that voting by mail does not help with voter participation be it in general or major elections. It tends to make it easier for people to vote who are already intending to vote. The exception is the municipal context and will increase participation in those that are registered to vote.

Councilmember A. Anderson said that it had been mentioned the impact of districts on signatures required. If the City went to district format, each district would require a certain number of signatures vs. at large where it is just a gross number of signatures.

Professor Cann explained that a certain number of signatures must be gathered to show support for different geographic municipalities. There was a project in Salt Lake County that was referred to the ballot and defeated. The State looked at the process and part of those changes are referred from a municipality must come from different geographic regions from across the City. Every city in the State is required to have some sort of district setup to gather signatures.

Councilmember A. Anderson remarked that should have been set up with voter precincts, and asked if City Attorney, Kymber Housley would speak to this.

Mr. Housley replied that was correct. There are 8 voter participation areas and the statute required signatures from 6 of the 8 precincts for initiatives or referendums. He stated that the State code specifies the form of government for a Mayor and council with up to 5 to 7 council members and that it would require voter approval to move to 7-member council

Council A. Anderson said that there was a repeated phrase of “communities of interest” she wondered if there was a place of material that explains the definition of a community of interest and whether they are represented or underrepresented.

Professor Cann referred Councilmember Anderson to City Attorney’s Kymber Housley and Craig Carlston. Because communities of interest have a greater definition in a range of court cases that are established overtime. It could be as simple as school boundaries or the way major streets layout or could be far more complex.

Council A. Anderson asked for further clarification. Communities of interest no matter what must be equal to those population sizes.

Professor Cann answered that would be correct. They would be compact and would recommend continuous in a district as not to create an island or peninsula of a particular length. It begins to resemble as if drawing with a political outcome in mind. No matter who draws the boundary they could be accused of having them drawn with a particular political outcome in mind. It is something that must be accepted as a part of a district voting.

Councilmember A. Anderson asked if that had been done differently with the cities that have implemented district voting or if there is a different methodology.

Professor Cann said there is no state standard. He recommended that an independent redistricting community draw the district boundaries. Ultimately, it takes a bit of the politics out of it. Take, for example, the Cache County School Board draws their own boundaries and there have been allegations made. Those same allegations occur every 10 years when the State Legislature redraws their own districts so it's something the Council should be mindful of if they decide to do districts.

Vice Chair Simmons commented that School Districts are legislatively required to have district voting for their schools, and asked for clarification from Professor Cann, who said that was correct.

Councilmember López said from the cities listed with the various voting systems would Professor Cann recommended cities who have had success with voter turnout.

Professor Cann replied that he was not well enough acquainted with voter turnout in these areas to make a recommendation. He would suggest looking to similarly sized cities such as Draper, Murray, Millcreek than say West Valley simply because of the size of the City. In terms of cities that are rated in participation, the City with the highest level of turnout in Utah in any given municipal election will be the cities rife with scandal, challenge, and difficulties. He suggested the Council not look at these cities.

Chairman M. Anderson thanked Professor Cann for his presentation and for taking the time to do so.

He also thanked Councilmember A. Anderson for all her efforts in keeping up with the State Legislature.

Councilmember A. Anderson mentioned that a citizen had reached out about parking on 1200 East. They have already spoken to the police department, and they will follow up with his questions and concerns. She also had a citizen ask about baseline charges for rental units and the question has already been sent to Finance Director Richard Anderson for a response.

**ADJOURNED.** There being no further business to come before the Council, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency.

The Logan Redevelopment Agency convened on Tuesday, February 16, 2021, at 8:20 pm via ZOOM Webinar at this link: <https://us02web.zoom.us/j/82829481740> or Webinar ID: 828 2948 1740. Instructions for downloading and using ZOOM can be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. Logan Redevelopment Agency Meetings are televised live as a public service on Channel 17 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128.

In compliance with Utah Code Ann. §52-4-207, Chairman, Mark A. Anderson previously 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 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128*

Council Members present at the beginning of the Logan Redevelopment meeting via Zoom: RDA Chairman Mark A. Anderson, RDA Vice-Chair Jeannie F. Simmonds, Councilmember Amy Z. Anderson, Councilmember Tom Jensen, and Councilmember Ernesto López. Administration present: Mayor Holly H. Daines, Assistant City Attorney Craig Carlston, City Attorney Kymber Housley, Finance Director Richard Anderson, Economic Development Director Kirk Jensen, City Recorder Teresa Harris, and Deputy City Recorder Esli Morales.

### **WORKSHOP ITEMS:**

**Budget Adjustments FY 2020-2021 appropriating: \$4,347,905 to fund building demolition and construction of the Center Block Plaza and associated improvements, including stage, administration building, portable ice rink, splash pad, site furnishings, and equipment; \$1,575,157 funds for building improvements at 41 & 45 North Main Street – Resolution 21-11 RDA**

Economic Development Director Kirk Jensen addressed the Council regarding the proposed budget adjustments. Together all these projects will positively impact the entire City. The past several months the staff and Mayor Daines have worked with the architect to bring the Center Block Plaza together within a sound budget. The first step will be demolition before the construction and the associated improvements begin. The final project will create a destination for the community both in the winter and the summer. The second part of the resolution is for funding improvements associated with 41 & 45 North Main Street, (Plaza 45), with the final intent to sell the property.

Mayor Daines interjected that regarding the sale of the building, there has been plenty of interest with more than a few inquiries. There will be a public bidding process, but as part of the open bidding, the condition will be to present an idea for the development or usage of that building to the City.

Chairman M. Anderson asked if there have been parties that have approached the City that were interested in purchasing the building.

Mayor Daines repeated that there have been several parties interested within the last month or so.

Councilmember A. Anderson asked if the City can sell a building with conditions attached, and Mayor Daines replied yes.

Councilmember Jensen asked if that would include the building on 100<sup>t</sup> West.

Mayor Daines replied, no, and presently the City is waiting on this building. It is however an asset and there is no loss in value. The purpose of the property has yet to be determined.

Mr. Housley remarked that not only is the property not going down in value, but the City is collecting market-rate rent on the property every month.

Councilmember A. Anderson asked what the balance in the current RDA funds is to cover the request.

Mr. Jensen replied that there is a \$10.4 million-dollar fund balance, but most has been allocated to ongoing and recent projects such as Millcreek. After allocating the expenditures for this project, there is about \$1 million dollars in surplus cash not including the value of Plaza 45 itself not factored into that \$1 million dollars. Financially, they are in good shape to absorb the costs associated with the ongoing projects.

Councilmember A. Anderson asked to be reminded as to the expiration date of the Downtown RDA.

Mr. Jensen responded it expires December 2022.

The proposed resolution will be an action item and public hearing at the March 2, 2021 council meeting.

**Consideration of a proposed resolution approving the use of Agency funds for publicly owned infrastructure and improvements in the Downtown Redevelopment Project Area – Resolution 21-12 RDA**

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He explained that it is about sourcing the funds to carry out the Center Block Plaza project. The improvements in the first discussion and eliminate the deficit in the Downtown RDA that resulted in acquiring the property from where the Plaza will be built. Those funds will come via transfer from other agency project fund balances. Utah RDA law allows for that when the cost of the installation of publicly owned infrastructure and improvements benefits the project area or areas from where the funds are sourced. The RDA Board is required to determine the transfer of funds from other funds to benefit all project areas

The proposed resolution will be an action item and public hearing at the March 2, 2021 council meeting. **ADJOURNED.** There being no further business to come before the Logan Redevelopment Agency, the meeting adjourned at 8:34 pm.

Esli Morales, Deputy City Recorder