

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 16, 2021, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: [https://www.youtube.com/channel/UCFLPAOK5eawKS\\_RDBU0stRQ](https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ)

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

Excused: City Attorney Kymber Housley; Councilmember A. Anderson was excused at 6:35 p.m.

Chair Mark A. Anderson welcomed those present. There were approximately 8 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Councilmember Tom Jensen provided the opening ceremony and led the audience in the pledge of allegiance.

*I'm a lucky man.*

*I'm not the wealthiest man in town, not even on my block*

*I'm not the healthiest man in town, or even in my neighborhood.*

*I'm not the sexiest man, or the strongest, the smartest, or the most righteous.*

*So why am I so lucky? Because I'm truly grateful for what I have.*

*A wise expression reads, "I have sufficient for my needs"--so, I have enough--and I'm lucky, maybe a better word is fortunate. I am blessed. We all are.*

*Yet we hear and utter complaints daily....*

***"The roads are so bumpy, the cars are so loud, the dogs are still barking, there's a big grey cloud. The prices are rising, our kids don't call, my co-workers are rude and I'm afraid I will fall."***

*I've made it a practice to go out on my porch almost daily and sit and be still. I quietly meditate and offer a heartfelt prayer which, after addressing Deity, starts out with.*

*I'm so grateful for my wife and family, my generous and caring neighbors, my many friends, the ability to work, to laugh, and to struggle to solve problems.*

*While I do have some pains and reduced functions of the eyes, ears, and joints, I'm grateful for the health that I do have.*

*While I don't have the money for all the things I may want, I do have enough to live comfortably.*

*There is strife and corruption in the world, yet we live peaceably here in this valley and I trust those I work with.*

*My life has had many challenges and setbacks. I've lived in poverty. We've had family members abused and we've lost close loved ones. Yet life is good, and we've been blessed.*

*As we approach Thanksgiving, let us stop briefly each day and count our many blessings. Let us express appreciation to those around us. Let us bring a bit of cheer to those who have heavy burdens.*

*At this time, I would like to specifically express gratitude to our citizens who make Logan a safe and kind place. Even those who write or call us with a complaint or concern usually thank us for our service. This is appreciated. I'm grateful for our incredible department heads and workers who keep the lights on, clean water flowing, and the waste removed. Thanks to Rich, Teresa, Kymber, Issa, Paul, Mike, Gary, and Brad and the Mayor for intelligent and diligent leadership. And thanks to my fellow council members for thoughtful consideration of each issue and for courtesy even if we disagree.*

*"Gratitude turns what we have into enough".*

*And to the citizens, thank you for allowing me to serve.*

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

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

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

**Meeting Schedule.** Chair 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, December 7, 2021. He also announced that December 21, 2021, has been canceled.

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

Chair M. Anderson explained that any person wishing to comment on any item not otherwise on the agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to respond outside of the City Council meeting.

There were no comments or questions for the Mayor or Council.

## **MAYOR/STAFF REPORTS:**

### **Plaza Donations Update – Mayor Daines**

Mayor Daines gave an update on donations for the downtown plaza. Additional donations for the Plaza have been received, there will be a forthcoming formal announcement with a press release at a later date.

### **Board Appointment (Parks & Recreation Advisory Board) – Mayor Daines**

Mayor Daines asked the Council for ratification to appoint Jake Powell to serve on the Parks & Recreation Advisory Board. This is a new appointment to the Board.

**ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to approve ratification of Jake Powell as presented. Motion carried unanimously.**

### **Open & Public Meetings Act Training – Assistant City Attorney Craig Carlston**

Assistant City Attorney Craig Carlston addressed the Council and gave an update on the Annual Open and Public Meetings Act training which is required by law to be completed annually. He stated the Open and Public Meetings Act was enacted upon the premise that the State, its agencies, and its political subdivisions exist to aid in the conduct of the people's business. As such, a public body should deliberate and act openly. The Open and Public Meetings Act requires that members of a public body be provided with annual training on the requirements of the Open and Public Meetings Act.

1. Intent of the Act:
  - a. Public bodies “exist to aid in the conduct of the people’s business.”
  - b. Public bodies should “take their actions openly; and conduct their deliberations openly.” (Utah Code Ann. §52-4-102)
  
2. Definition of a Meeting:
  - a. The convening of a public body, with a quorum present (whether in person or by electronic means), “for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body...has jurisdiction or advisory power.”
  - b. “Meeting” does not mean a chance or social gathering. Cannot use a chance meeting or social gathering to circumvent the purpose of the Open and Public Meetings Act. (Utah Code Ann. §§52-4-103(6), 52-4-208)
  
3. Definition of a Quorum: “Quorum” means a simple majority of the membership of a public body, unless otherwise defined by law. (Utah Code Ann. §52-4-103 (11))
  
4. Public Notice for a Meeting:
  - a. At least 24-hour notice of the meeting, including the agenda, date, time, and location of the meeting.
  - b. Notice must be posted at the principal office of the public body and on the Utah Public Notice website and newspaper or local media correspondent.
  - c. The schedule of regularly scheduled meetings must also be noticed once a year.
  - d. Emergency meetings once approved by a majority of the public body require the best notice practicable. (Utah Code Ann. §52-4-202)
  
5. Agenda for Meeting:
  - a. Agenda items should have reasonable specificity to notify the public.
  - b. Items raised by the public, but not on the agenda, may be discussed but no action may be taken. (Utah Code Ann. §52-4-202)
  
6. Written Minutes/ Meeting Recording:
  - a. Written minutes of an open meeting include the date, time, and place of the meeting; the names of the members present and absent; and the substance of the matters discussed; a record of each vote taken; a summary of public comments.
  - b. A recording of an open meeting shall be a complete and unedited record of the open meeting. (Utah Code Ann. §52-4-203)
  
7. Closed Meeting:
  - a. A closed meeting may be held if a quorum is present; the meeting starts out as an open meeting for which proper notice has been given; two-thirds of the members' present vote to approve closing the meeting; the reasons for closing the meeting are entered into the record of the public portion of the meeting; a recording of the closed meeting is kept (exception for discussion on individual or for security issues).

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**Proclamation: 2021 Small Business Saturday – Mayor Daines**

Mayor Daines stated that she signed a proclamation declaring Saturday, November 27, 2021, Small Business Saturday to recognize the City’s local and small businesses. The Mayor encouraged citizens to patronize our local small businesses since small businesses are a crucial part of the economy and of our community.

Mayor Daines also extended an invitation to the public to participate in the Christmas Parade on Center Street, Saturday, November 27, 2021.

No further Mayor/Staff Reports were presented.

**COUNCIL BUSINESS:**

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

Vice Chair Simmonds reported that the Planning Commission will meet on November 18, 2021.

**Joint City Council and Planning Commission Workshop – Vice-Chair Simmonds**

Vice Chair Simmonds announced that a Joint Workshop with the Logan Municipal Council and the Logan City Planning Commission will be held on Tuesday, November 30, 2021, at 11:30 am in the City Hall Conference Room. The topic of the meeting is Wetland, Floodplain, Riparian Area Protection Standards. The public is invited to attend and to bring their own lunch.

Chairman M. Anderson reminded the public that the Council Meeting to be held on December 21, 2021, has been canceled.

No further Council Business items were presented.

**ACTION ITEMS:**

**PUBLIC HEARING – Budget Adjustment FY 2021-2022 appropriating: \$10,000 a grant the Police Department was awarded from the State Asset Forfeiture Grant (SAFG) to be used to replace outdated police equipment; \$210,000 EMS reserves for the purchase of an ambulance; \$1,200 a grant the Library received from the State of Utah to be used to pay for the renewal of Wi-Fi hotspots at the Library; \$850,000 Environmental reserves for the purchase of a new tree branch grinder – Resolution 21-56 – Richard Anderson, Finance Director**

At the November 2, 2021 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Mayor Daines stated that due to the immense quantity of fallen branches from the most recent storm, the fourteen-year-old old tree grinder the City currently has begun to break down.

Vice Chair Simmonds remarked that the fourteen-year-old tree grinder breaks down every few days after use.

Councilmember Jensen remarked on the astounding quantity of branches that need to be broken down.

Mayor Daines replied that tree branches will need to be ground for a year or more to be rid of the stockpiles generated from the storm. Furthermore, the equipment will take time to arrive much like everything else.

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

Bronwyn O'Hara, a resident of Logan asked about the ambulance cost of \$210,000 and as to the size of the EMS vehicle.

Fire Chief Brand Hannig responded the cost included the ambulance and equipment as well as a gurney and a fully staffed ambulance.

Bronwyn O'Hara also inquired if a tree grinder costs \$850,000.

Finance Director, Rich Anderson responded that is the current cost, but likely there will be additional costs associated with the purchase of the tree grinder.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to approve Resolution 21-56 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed resolution of the City of Logan approving the Program Year 2020 (PY2020) Consolidated Annual Performance and Evaluation Report (CAPER) in accordance with the entitlement community requirements of the U.S. Department of Housing and Urban Development (HUD) for the receipt of Community Development Block Grant (CDBG) Funds – Resolution 21-54 – Amanda Hovey, CDBG Coordinator**

At the November 2, 2021, Council meeting, CDBG Coordinator Amanda Hovey addressed the Council regarding the proposed resolution.

The Consolidated Annual Performance and Evaluation Report (CAPER) reviews the progress of the City's 2020 Annual Action Plan (AAP).

Logan City received \$509,744 in CDBG funds for Program Year 2020. The 2020 AAP is the second Annual Action Plan for the Five-Year Consolidated Plan (2019-2023). The main objectives of the Consolidated Plan and the 2020 AAP are: Invest in infrastructure projects in neighborhoods with eligible low/moderate-income (LMI) areas (40%). Invest in remediation of access and mobility barriers in all neighborhoods (10%). Sustain community needs that support LMI residents of Logan (30%). (20% - public facility, 10% - public services).

*Infrastructure Projects approved and competed during PY 2020:*

1200 N 200 W Intersection Alignment completed Fall 2020. 450' of new sidewalk, curb & gutter, 4 new ADA ramps, benefits 5,395 residents of which 3,480 (66%) are LMI. Project cost - \$52,505.20

*Community Needs Projects Approved & Completed PY 2020, Public Facilities:*

Senior Center Parking Lot Repair completed Fall 2021. Removing and replacing the asphalt parking lot benefits 656 LMI residents. Project Cost - \$26,202.85

Family Place Shed completed summer 2021. A new shed was constructed to provide storage and replace rental storage units that benefit 387 LMI residents. Project Cost - \$32,000.

*Community Needs Projects Approved & Completed PY 2020, Public Services:*

Cache Humane Society Vouchers benefit 36 LMI residents. Project cost - \$3,216.

CAPSA Technology Enhancements benefits 1215 LMI Residents. Project cost - \$16,000.

English Language Center Smartboards benefit 404 LMI Residents. Project cost - \$29,500.

*Program Administration & Planning completed during 2020:*

Program Administration PY2020 - \$82,560.92

*Covid-19 Responses Activities:*

14 CV Activities benefited over 169,000 people. The total cost of \$297,597.46 [ Cache Food Pantry Coolers, Cache Food Pantry Emergency Food, CAPSA Emergency Shelter,

CAPSA Rental Assistance, CAPSA Organizational Needs, BRHD PPE Supplies, LMI Resident Assistant Grant, Sunshine Terrace Segregated Patient Space, Sunshine Terrace Telehealth, CNS Charity Care, Little Lambs Emergency Diaper & Hygiene Distribution, ELC Technology, Cache Employment Training Center PPE, Common Ground Outdoor Adventure Utilities & PPE]

\$210,163.54 funds remaining to be reallocated.

Michael DeSimone, Community Development Director summarized the CDBG presentation.

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

Dr. Gail B. Yost, a citizen of Logan asked how evaluations are made, and the determination of performance.

Mr. DeSimone responded that the evaluation is dependent on the activities that are done in cross-examination of the application.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember López to approve Resolution 21-54 as presented. Motion carried unanimously.**

***(Continued from November 2, 2021)* Code Amendments– Consideration of proposed amendments to the Land Development Code Chapters 17.08 “Neighborhood Residential Uses”, 17.11 “District and Corridor Uses”, 17.37 “Additional Development Standards”, and 17.62 “Definitions” to include standards for “Community Agriculture, Urban Agriculture, and the keeping of domestic fowl, bees, and livestock in urban areas – Ordinance 21-22 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council and provided a memo with the following information:

**This is a follow-up to November 2, 2021, Council hearing regarding Ordinance #21-22 (Urban Agriculture) and a summary of changes made to the proposed LDC language in Chapter 17.37.**

### **Changes**

Revised the structure of the proposed code language (chicken, livestock, AEU's, bees, & community agriculture) to read easier.

Moved rabbits from the livestock section up into the chicken section (17.37.080).

Maintained the proposed setbacks of 25' from adjoining residential dwellings for chickens and 50' for livestock and added a reference to Section 17.09.030 which regulates setbacks of accessory buildings from property lines based on building size (<120 sf = 1' setback while >120 sf = standard setbacks) (17.37.080.8.5 & 17.37.090.8.6).

Took out the specific numbers of chickens and animals in each section and instead tied the numbers of allowable domestic fowl and livestock with the AEU approach. Total numbers of allowable animals relate to the size of the lot using the AEU formula (17.37.080.B.2 & 17.37.090.8.3).

Carried forward the minimum lot size of 10,000 square feet for livestock (17.37.090.8.2).

Prohibited livestock larger than 250 pounds (17.37.090.8.9).

Removed large livestock from the AEU formula (17.37.100.C. & D) and replaced with small livestock and domestic fowl & small animals.

No changes in Beekeeping (17.37.110).

Included a reference to the accessory structure requirements (17.37.120.8.3).

**Grandfathering (Non-conformities)** - In Ordinance 21-22, we tied "Grandfathering " of agricultural activities in residential areas to the adoption date of Logan Municipal Code 6A (5/7/19) as that delineates when our animal control regulations defaulted to the Zoning Ordinance for regulating certain types of animals. Uses & activities will still be governed under Chapter 17.52 of the Land Development Code.

Mike DeSimone, Community Development Director summarized the changes made to the proposed ordinance.

Vice Chair Simmonds inquired how 250 lbs. were determined for large livestock.

Mr. DeSimone responded that based on the ADU information to determine a baseline.

Vice Chair Simmonds expressed concern about the wording.

Mr. DeSimone answered that there is a certain implication in the wording. A baby calf requires a mother and therefore cannot be owned according to the proposed code. It is the same with larger animals such as a horse.

Councilmember Jensen remarked that the proposed 25 feet setback is from any adjoining residential dwelling, but which may change over time should a neighbor for example build a pavilion, and in which instance the existing chicken coop would change

to illegal and non-conforming.

Vice Chair Simmonds reminded the Council that there are already existing regulations regarding fencing.

Mr. DeSimone replied that is correct and livestock must be within a fenced yard.

Councilmember López asked in the instance of the 4-H Club if youth club members wished to raise a calf would there be any changes.

Mr. DeSimone responded that animals that grow larger than permitted within the City would need to be raised in an area where it is permitted such as in the County.

The Council discussed the reasoning for their decision such as livestock, current existing rules, etc. The proposed ordinance is to create a community culture that is equal across the City.

Chairman M. Anderson thanked the community for all the feedback received.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember A. Anderson to adopt Ordinance 21-22 as presented. Motion carried unanimously.**

***(Continued from October 5, 2021)* PUBLIC HEARING - Hoggan Rezone – Consideration of a proposed ordinance rezoning 6.62 acres located at 1800 South 1600 West from Traditional Neighborhood Residential (NR-6) to Mixed Residential Low (MR-12). Bradley Hoggan/Bradley R. & Cathy P. Hoggan, authorized agent/owners, are requesting the rezone in order to develop a 71-unit townhome community on the site (Woodruff Neighborhood) – Ordinance 21-16 – Russ Holley**

Planner Russ Holley addressed the Council regarding the proposed rezone.

**RECOMMENDATION**

Staff recommended that the Planning Commission recommend **denial** of the rezone for Project #21-036 Hoggan Property. Pending the outcome of the rezoning, the staff recommends approval of the Design Review and Subdivision Permit for this project located on 6.62 acres at approximately 1800 South 1600 West: TIN #03-005-0048. Pending the outcome of the rezone, staff recommends approval of the Design Review

*Land use adjoining the subject property*

<i>North:</i>	Cache County / Single-Family	<i>East:</i>	MR-9 Single Family Homes
<i>South:</i>	NR-6 Single Family Home	<i>West:</i>	Cache County / Vacant Land

### ***Request***

The proponent is requesting to develop 71 townhomes on a 6.62-acre property at the southeast corner of the intersection of 1800 South and 1600 West. The property is currently vacant and relatively flat with three open-water ponds near the west border. Historically, the property has been used for agricultural purposes. Both 1800 South and 1600 West streets are under-developed without curb, gutter, park-strip, and sidewalk along the property frontage.

### ***General Plan***

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Detached Residential (DR) and explains that designation as being areas for detached single-family homes developed at a density range of 4-6 units per acre of land. The recently adopted Woodruff Neighborhood Plan also indicates this project area as single-family.

### ***Land Development Code (LDC) - Zoning***

The current zoning designation is NR-6, which is described as being a detached single-family home zoning district with a maximum density of six (6) homes per acre. Minimum building lot sizes are 6,000 SF with minimum of 50-foot widths. The proposed rezone to the MR-12 zone is described in the Land Development Code (LDC) as providing a range of housing option types for all stages of life and levels of income. Attached multi-family homes are allowed in this zoning district at a maximum of 12 units per acre and do not have a minimum lot size. This zone often functions as a transition zone between commercial and other higher-intensity zones to lower-density areas. MR zones are often placed near job centers to offer walkable options. The LDC 17.08.040 permits a maximum occupancy of one family or no more than three (3) unrelated people within each dwelling unit inside the MR-12 zone.

### ***Design Review Permit and Subdivision***

The LDC 17.43 requires Design Review Permit approvals for new multi-family developments to ensure compliant design and layout. This proposal includes 71 townhomes aligned to new streets. The townhomes are shown with front-facing double-wide garage doors and grouped in buildings ranging from 3 units to 6 units. The MR-12 zone permits townhome structure types as per LDC 17.08.030. The applicant proposes to subdivide each townhome onto its own lot with a remainder parcel for common and open space. The LDC 17.40 requires subdivision permits to be in accordance with zoning district standards to ensure orderly development patterns, block connectivity, and preserve traditional neighborhood character. When subdividing townhomes, the LDC does not require a minimum lot size, only compliance to maximum density and overall open space. The density of the project is proposed at 10.72 townhomes per acre of land.

### ***Street Grid Connectivity, Building Orientation & Site Layout***

The LDC 17.30.190 requires projects serving twenty (20) or more dwelling units have at least three (3) street connections or stubs for future connections. The LDC street

connectivity requirement ensures equitable traffic distribution, efficient utility/infrastructure networks, better walkability, and the continuation of traditional neighborhood development patterns. This proposal includes the creation of a new north-south street connecting to 1800 South and the continuation of 1900 South Street (east/west) for a total of three (3) street connections., with the east/west extension of 1900 South Street to 1600 West through the property. As proposed, the project meets street connectivity requirements in the LDC.

***Building Design***

The LDC has pending legislation that was mandated from the Utah State Legislature prohibiting local jurisdictions from imposing design requirements on single-family homes and townhomes on individual lots. Previously, Logan City regulated building materials, fenestration, garage width and placement, and façade variations from adjoining homes. Driveway width may still be regulated. The LDC requires driveways to be 12-22 feet in width and spaced at least 2 feet away from side property lines and 4 foot minimum spacing from adjacent driveway edges.

***Setbacks***

The Land Development Code (LDC) requirements for setbacks in the MR-12 zone are as follows (as measured from property lines):

Front:	10'
Corner	10'
Side:	8'
Rear:	10'

Setbacks vary from building to building across the site, but all fall within the range of minimums listed in the LDC. As conditioned the project meets the minimum setback requirements of the LDC.

***Lot Coverage***

The LDC 17.10.080 limits lot coverage at a maximum of 40% (building(s) footprint) in the MR-12 zone. The total project size is 6.62 acres (288,367 SF) in size with total proposed building footprints at approximately 1.67 acres (72,745 SF), creating a lot of coverage of approximately 25% which complies with the requirements in the LDC.

***Pedestrian Circulation***

The LDC 17.30.160 requires pedestrian circulation throughout neighborhood streets and within a project amenity or open space area for walkability and access. Pedestrian circulation should take a visually predominant role with safe, convenient, and well-connected sidewalk networks. The conceptual site plan shows a sidewalk along the gridded streets and intersections giving pedestrians multiple options for walkability. The site plan also shows some mid-block sidewalk connections for more pedestrian options. As submitted, the project meets pedestrian circulation requirements in the LDC.

### ***Parking Stall Requirements***

The LDC 17.31.040 requires two (2) parking stalls per every dwelling unit. The proposal includes a total of 142 parking stalls located within the two-car garages and four (4) additional surface parking stalls. (This will be confusing to PC so take out) As conditioned with a minimum of 142 parking stalls, the project meets the parking requirements in the LDC.

### ***Open Space***

The LDC 17.07.090 requires 20% open space and an additional 10% useable outdoor space of the project site. The LDC 17.28 generally describes open space as native vegetation or landscaped areas, while useable outdoor space is typically decks, patios, and other similar amenities. The 6.62-acre (288,367 SF) site would require 57,673 SF of landscaping/open space and 28,836 SF of usable outdoor space for a total of 86,509 SF of open area. The proposal only shows conceptual landscaping and open space areas. As conditioned with minimum open space requirements, the project complies with the LDC.

### ***Landscaping***

The LDC 17.32 requires minimum landscaping for overall visual aesthetics, ecological reasons, visual screening, shading purposes, and enhancement of the outdoor experience. The LDC requires a minimum of 20 trees and a combination of 50 shrubs, flowers, and ornamental grasses per acre of land in the MR-12 zone. For 6.62 acre, 132 trees and 331 shrubs, flowers, and ornamental plants would be required as per the LDC. The proposed project shows only conceptual landscaping with approximate numbers. As conditioned with a detailed landscaping plan meeting minimum plant numbers, the project complies with the LDC.

### ***Lighting***

The LDC 17.30.090 requires adequate lighting that adds aesthetic quality and improves safety while mitigating unnecessary glare, sky glow, and light trespass. The LDC limits freestanding pole height to 32 feet and luminaire fixtures on buildings and canopies to be concealed source, down-cast, and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0-foot candles, so areas are sufficiently safe, but not excessively bright. As submitted, no exterior lighting has been shown. As conditioned, the project meets the requirements of the LDC.

### ***Staff Summary***

The property was annexed into Logan City in 1999 and zoned Agricultural (very low-density single-family). In 2012, the site was rezoned to NR-6 (single-family, 6 homes per acre). The FLUP has always indicated this area as single-family detached and the recently completed Woodruff Neighborhood Plan also shows this area as remaining in single-family land use. The two adjacent projects that are zoned MR-9, but are actually detached single-family homes, were approved as Planning Unit Developments with smaller lots in

exchange for larger open space areas. When these two projects expired and the Planned Unit Development ordinance was eliminated, MR-9 was the only zone that would allow completion of the original approval in a similar manner. Deed restrictions were recorded that only allowed single-family detached with a gross acreage density of more than 6 units per acre. As you move east towards the 1000 West commercial and industrial corridor, the MR areas exist as transition zones. This property is farther west and would not be considered as a transition zone. Staff finds that the rezone request is not consistent with the Future Land Use Plan, Woodruff Neighborhood Plan and would not fit in with the existing neighborhood pattern of higher density along 1000 West and lower densities further away from that commercial corridor. Staff recommends denial of this rezone request.

### **RECOMMENDED CONDITIONS OF APPROVAL**

*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 Design Review and are available in the Community Development Department.
2. The project is approved for 71 townhome buildings lots and the remainder of non-buildable common area.
3. Three street connections shall be made for this project.
4. Sidewalks shall be established along all streets and/or alleyways so that every unit has pedestrian accessibility.
5. Building setbacks shall be reviewed and approved on an individual building basis and comply with the MR-12 requirements of 10' front yard, 8' side yard, 0' common wall side, and 10' rear yard.
6. Townhome buildings within the MR-12 shall have a maximum occupancy of one family or no more than three (3) unrelated people within each dwelling unit.
7. Buildings placed adjacent to streets shall be oriented with primary entrances and front facades oriented towards the street.
8. A minimum of 2 parking stalls per unit shall be provided. Driveways shall be a minimum of 20' in length.
9. A performance landscaping plan, prepared in accordance with §17.32 of the LDC, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
  - a) Street trees along all adjacent streets are provided every thirty (30) feet on center unless otherwise noted by the City Forrester.
  - b) Open Space and Useable Outdoor areas shall total a minimum of 57,673 SF
  - c) A total number 132 trees and 331 shrubs, perennials, and grasses shall be provided. 25% of the trees shall be evergreen.
10. All dumpsters shall be placed outside of front setbacks and visually screened or buffered from public streets by using fencing, walls, and landscaping.
11. Storm-water retention/detention surface ponds or basins shall be positioned outside of the front setback and screened with dense vegetation from street views.

12. All streets adjacent to or within the development shall be improved to current city standards and specifications.
13. Exterior lighting, including gas canopy lighting, shall be concealed source, down-cast, and shall not illuminate or cast light onto adjacent properties.
14. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
15. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
16. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a. *Environmental—contact 716-9760*
    - Residential carts/cans will be provided.
    - Place all carts at or above the minimum separation distance and clear of all overhead obstacles.
  - b. *Water—contact 716-9622*
    - All landscape irrigation systems fed from Logan City water must have a high hazard-rated backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning water into them and annually thereafter.
    - All points of use of water must comply with the 2018 IPC and State of Utah Amendments and the Utah Admin Code 309-305 during and after construction.
    - The project shall comply with all current plumbing codes, Utah State Amendments, and the Utah Division of Drinking Water rules and regulations including, but not limited to, those pertaining to backflow protection and cross-connection prevention.
  - c. *Engineering – contact 716-9160*
    - Provide stormwater detention/retention per Logan City Standards for this development. This includes the onsite retention of the 90% storm utilizing Low Impact Design methods
    - Provide water rights for this development to the City in accordance with Land Development Code 17.29.210. The City will accept an in-lieu fee for this requirement as approved by the City Engineer.
    - Coordinate with Community Development and Fire Marshall to ensure that the number of accesses to the site comply with City standards. Modify current site plan as required.
    - No civil plans for utilities were provided with this submittal, Public Works will review and approve these plans as part of the Building Permit review process.
    - Construct curb/gutter, park strip, sidewalk, and a radius corner per City plans and design standards on 1600 West and 1800 South. This will require that the existing ponds be filled in, relocated, etc by the developer with all necessary

approvals from the Army Corps of Engineers. This construction shall be within the current road right of way dedicated portions for the right of way.

- The developer shall provide a geotechnical report that shows the historical high groundwater level, historical high-water table, and a California Bearing Ration for the final subgrade depth for the proposed pavement section in 1600 West and 1800 South. These roads shall be constructed to meet the Gridded road section per the City's current road design standards.
- Dedicate any right of way necessary to ensure a 66' right of way on 1600 West and 1800 South
- Maintain existing irrigation ditch and piping along the south side of 1800 South, this may also include headgates as necessary for flow diversion. Coordinate requirements with the Spring Creek Cache Irrigation Company for irrigation needs and requirements.
- Provide storm drain piping and groundwater piping as required for connections to historical drainage routes associated with the existing ponds
- The existing road section for 1600 West is a former gravel road with a chip seal for the current pavement surface. The developer shall construct a full road pavement section for 1600 West to the centerline of the right of way.
- Dedicated a 10' minimum public utility easement on all property lines and road frontages. The 10' easement can be reduced to 5' on interior property lines if the adjacent property has a public utility easement already recorded.
- This development is not being considered for a subdivision; therefore, a dedication plat for road dedications and public utility easements must be submitted to the City for review and approval prior to being recorded at the County Recorder's office
- CC&R's addressing maintenance of the Storm Water ponds, swales, and other infrastructure outside of a dedicated street.

*d. Fire – contact 716-9515*

- Install fire apparatus turnarounds on all dead-end roads and driveways longer than 150 feet from a fire apparatus access point, (which is within 150 of all points on buildings as measured by an approved route around the exterior). Provide site plan. IFC 503
- Install all fire apparatus access roads to accommodate the following fire apparatus specifications: Inside turn 17 ft., curb to curb 32 ft., wall to wall 36 ft. Provide a CAD drawing indicating two tracks. IFC 503
- All roads shall be maintained with 20 ft. clear with for emergency apparatus access. Roads without sufficient width to allow parking shall be signed “No Parking”. IFC 503
- Install fire hydrants such that all points of buildings, as measured by an approved route around the exterior is within 600 feet of a fire hydrant. Provide site plan. IFC 507

### **RECOMMENDED FINDINGS FOR DENIAL FOR THE REZONE**

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

1. The proposed rezone to MR-12 does not comply with the adopted Logan City General Plan and Future Land Use Plan.
2. The proposed rezone does not comply with the recently adopted Woodruff Neighborhood Plan.
3. The proposed rezone does not follow the neighborhood pattern of reduced density and only permitting detached single-family homes in areas that are far away from the 1000 West corridor.

### **RECOMMENDED FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW AND SUBDIVISION PERMIT**

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

1. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the conditioned building design, site layout, materials, landscaping, building orientation, heights, and setbacks.
2. The Design Review Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The proposed project provides adequate open space and useable outdoor space in conformance with Title 17.
4. The proposed project provides off-street parking in compliance with the LDC.
5. The project meets the goals and objectives of the MR-12 designation within the Logan General Plan by providing high-quality projects designed in a way for easy circulation of both pedestrians and vehicles.
6. The proposed project complies with maximum height, density, and building design standards and is in conformance with Title 17.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
8. The surrounding streets provide access, utilities and are adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.
  - Provide a completed fire flow water supply analysis. 507

On August 26, 2021, the Planning Commission recommended that the Municipal Council **deny** the Hoggan Property Rezone.

Planner Russ Holley summarized the proposal of the Hoggan Property.

Councilmember Jensen inquired if the ponds within the project location are part of wetland systems. And if not, what would need to be done.

Mr. Holley replied that a delineation has yet to be conducted, but at present, they are viewed as irrigation springs (and irrigation water rights), not wetlands. And if the project is approved the irrigation springs would need to be piped.

Vice Chair Simmonds inquired what would occur if the area is found to be wetlands.

Mr. Holley answered if that was the case a delineation would occur to preserve the wetlands. The process for delineation would occur resulting in a preferencing for leaving the area alone or mitigating on-site.

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

Kent Hoggan, Developer of the proposed project said that the townhomes would be for single-family housing. Since there is MR-12 just north of the property and MR-9 just to the south, the MR-12 designation would be best. With housing issues and drought, it would make sense for there to be smaller lots for homes.

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

Councilmember A. Anderson commented that an email had been sent to the Council in opposition.

Vice Chair Simmonds said that the developer was only developing MR-9 single-family homes in the deed restriction.

Mr. Holley responded that the developer had voluntarily done so even if MR-9 does permit townhomes.

Councilmember Jensen said he is not in favor of the project proposal to the East of the current site, where there will be detached housing. It negates the idea of the proposed housing, while still considering the shortage of housing in the valley.

Vice Chair Simmonds explained a concern from the Planning Commission is that there is a family park to the East of the project proposal. A concern was the increase in density that the park would be overwhelmed with the higher density.

Vice Chair Simmonds inquired if MR-9 with a detached residential would be appropriate or as to the process of whether it would return to the Planning Commission or simply deny the proposal.

Mr. Holley answered that would be an option of returning it to the Planning Commission or deny and have the applicant reapply and start the process over again. Admittedly, it

would be a cleaner process to deny the application and permit the applicant to begin the process anew.

Craig Carlston, Assistant City Attorney stated that the public and the applicant are warranted due process in any application or process.

Vice Chair Simmonds reiterated the statement that it would be better to deny the applicant if not in favor of MR-9 and permit the applicant to reapply.

Mr. Carlston answered that is correct.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to deny Ordinance 21-16 as presented. Motion carried unanimously.**

Councilmember A. Anderson was excused from the meeting 6:35 pm.

### **WORKSHOP ITEMS:**

#### **Consideration of a proposed resolution approving the Water Conservation Plan – Resolution 21-52 – Cameron Draney, Water/Wastewater Manager**

Water/Wastewater Manager Cameron Draney addressed the Council regarding the proposed resolution approving the Water Conservation Plan. The Water Conservation Plan is required by the State. It is a program tailored to improve water systems within the City rather than that of public outreach.

In 2005, the City of Logan submitted a Water Conservation Plan to address excessive water use. In 1992, average water use exceeded 400 gallons per capita daily (gpcd) throughout the City. Recognizing this problem, the City implemented several efforts to reduce this water use, primarily by searching for leaks in the system. By 2003, this number was decreased to about 350 gpcd. The Public Works Department has recognized water conservation to be very important, not only for environmental reasons but for economic reasons. In 2003 and 2004, our summer peak demands nearly exceeded our ability to deliver water. As a result, very aggressive goals were set to prevent this from happening again.

As part of those efforts, the following programs were implemented:

1. Golf Course reservoir replacement project (2008)
2. DeWitt Pipeline replacement project to eliminate major leaks (2008)

3. Automation of water system controls to eliminate storage tank overflows (SCADA updated 2008)
4. Implementing aggressive leak detection and repair programs
5. Installing water meters on all services to eliminate estimating errors (2010)
6. Replacing old water meters to correct under measurements (Ongoing)
7. Implementing monthly meter reading using radio systems (2007)
8. Implementing pressure reducing valves to decrease pressures to service lines (2014)

As a result of these efforts, the City of Logan has reduced our total water use to 175 gpcd in 2020. This was further emphasized by the reduction of our summer peak demands from 36 million gallons per day (mgd) in 2003 to 24 mgd in 2020.

Additionally, the projects have increased our system capacity from 55.7 cfs (36 mgd) in 2004 to 69 cfs (44.6 mgd) in 2014. These improvements, combined with the reduced water demands, have significantly reduced stress on our system during the summer months.

Mr. Draney stated that while these improvements have been fantastic, the City of Logan needs to again refocus on new priorities. First, while major improvements have been made, we are still losing 25 percent of the water we deliver in the system associated with leaks, main breaks, and other unaccounted for water. This causes significant costs in pumping and facility maintenance. In order to further address these issues, Logan City has identified the following additional goals.

1. The further implementation of the pipe replacement plan developed in 2007 and the proposed update to the plan in 2012.
2. Completion of a water audit of the City's accounting system to identify any errors in the process. This will also allow us to try to identify possible illegal connections within the City.
3. The participation of the implementation of a vast multi-city pressurized secondary irrigation system.

These combined efforts are expected to continue to reduce our water losses and demands on the system and extend our water supply into the future.

Vice Chair Simmonds requested further clarification of the water being billed in gallons.

Mr. Draney explained that the water that is being billed and delivered is increasing. However, that is not the total water that remains in the spring rather the water that is being diverted. The City is not running out of water but rather the system can be improved in fixing leaks and in other formats.

Councilmember Jensen asked about the pumps that are drilled but do not produce water.

Mr. Draney replied that during the summer months four deep wells are used to supplement irrigation. Not all four wells are used at the same time as that would indicate that the City is requiring water at full capacity.

Paul Lindhardt, Public Works Director interjected that the project proposal is not part of the current Watershed study. Rather this is a study of the system itself. For example, if 100 gallons are recorded going out and only 98 gallons reach a home. The purpose is to find what happened to the missing 2 gallons. Hence, repair any leaks and improve the overall water system.

Councilmember López asked if the Logan City gpcd for (2006-2020) is based on the water being billed or the water being delivered.

Mr. Draney answered it is the water that is being produced. The current gpcd of the City is below 200 and the State by 2050 is requiring that the gpcd of the entire State be below 250. The public has done a good job in aiding by reducing their usage of water.

Mayor Daines commended the public for adhering to the request to use less water during the drought.

Vice Chair Simmonds asked how the main lines under Main Street would be reflected within the Conservation Plan.

Mr. Draney responded that some of the oldest water pipelines are under Main Street. Some leaks would reflect within the Conservation Plan. They have done patches in the past, but they are 100-year-old pipes.

The proposed resolution will be an action item at the December 7, 2021, Council meeting.

**Consideration of a proposed ordinance repealing Logan Municipal Code Chapter 8.36 “Prohibition of the Distribution of Disposable Plastic Bags” – Ordinance 21-23**  
**Issa Hamud, Environmental Director**

Environmental Director Issa Hamud addressed the Council regarding the proposed ordinance. The ordinance prohibits the distribution of disposable plastic bags. It creates a problem between communities of low and high income. The ordinance would not go into effect until January 1, 2022.

The proposed ordinance will be an action item at the December 7, 2021, Council meeting.

**Consideration of a proposed resolution supporting a Countywide Plastic Waste Management Program – Resolution 21-55 - Issa Hamud, Environmental Director**

Environmental Director Issa Hamud addressed the Council regarding the proposed resolution.

**Plastic Waste Management Program Problems:**

- State and federal rules prohibit litter surrounding the landfill
- Plastic litter is unsightly in the landscape
- Plastic litter prevents us from being a good neighbor to our community
- Plastic waste litter control is expensive
- Plastics waste recycling contamination
- Lack of viable recycling options

**Development of Program:**

- Community and retail assessment on bag distribution in 2019
- Plastic waste education campaigns using the newspaper, radio, and other social media outlets
- Meeting with manufacturers, and retailers.

**Program Objectives:**

- Minimize plastic waste nuisances
- Meet state and federal requirements
- Meet community expectations
- Be a good neighbor
- Make plastic waste management simple and easy to comply
- Make it customer friendly
- Make it business-friendly (manufacturing and retailers)

**Pre-consumer Plastic Reduction Requirements:**

- **Option 1:** Recycling. Businesses will implement plastic bag/film recycling at their facility and provide reports quarterly.
- **Option 2:** Containment. Businesses will bundle bags sufficiently before being disposed of with the garbage so that plastic bag waste cannot blow at the landfill or transfer station or from the trucks.

**Proposal:**

- **Retailer Plastic Reduction Requirements:**
- **Option 1:** Retailers will eliminate free single-use plastic bags or implement an approved recycling program.
- **Option 2:** Retailers will provide plastic bags only if the retailer charges a \$0.10 fee per bag supplied (the retailer keeps the revenue).

Vice Chair Simmonds asked if the proposed resolution is intended to replace the ordinance prohibition of the Distribution of Disposable Plastic Bags.

Mr. Hamud answered that is the intention.

Councilmember Jensen asked if the application of the ordinance would be countywide.

Mr. Hamud responded that the resolution will support a Countywide Plastic Waste Management Program.

Vice Chair Simmonds for clarification purposes asked if the resolution needed to be adopted or not.

Mr. Hamud replied that it is a request of support from the Council to go to the County Council with this ordinance proposal to be implemented in the entire County.

Vice Chair Simmonds inquired what would need to be done about the previously adopted ordinance in regard to plastic bags.

Mr. Carlston responded that the ordinance in question would need to be repealed. It must be noted that the ordinance would not have gone into effect until January 1, 2022.

The proposed resolution will be an action item at the December 7, 2021, Council meeting.

**Budget Adjustment FY 2021-2022 appropriating: \$6,999 a grant the Police Department was awarded from the State of Utah, Justice Assistance Grant (JAG) funds to purchase police equipment; \$599,744 funds for an employee retention stipend – Resolution 21-57 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments. The employee retention stipend is proposed to be \$500 for part-time employees and \$1,000 for full-time employees. The employee retention stipend will be prorated for new employees. Currently, the City much like the rest of employers throughout the State are having difficulty attracting new employees. The purpose of the

one-time stipend is to try and retain existing employees until the upcoming fiscal year with wage increases.

Mayor Daines stated that the stipend is to retain current employees until the new fiscal year when permanent wage increases can be proposed.

Chairman M. Anderson commented on the hardship of retaining employees in the current market economy and expressed understanding.

Councilmember López asked how many employees have left their employment at the City.

Mr. Anderson responded that in certain departments in the City employees have left. There have been new employees that have been rehired, but any employees related to construction are difficult to hire. The stipend is not to attract new employees but rather to retain current employees.

The proposed resolution will be an action item and public hearing at the December 7, 2021, Council meeting.

#### **OTHER CONSIDERATIONS:**

There were no further considerations addressed by the Council.

**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, November 16, 2021, at 7:25 pm, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 8432. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at:  
[https://www.youtube.com/channel/UCFLPAOK5eawKS\\_RDBU0stRQ](https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ)

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

Excused: Councilmember Amy Z. Anderson.

Chair Mark A. Anderson welcomed those present. There were approximately 7 in attendance at the beginning of the meeting.

**WORKSHOP ITEM:**

**Budget Adjustment FY 2021-2022 appropriating: \$700,000 funds for City Hall parking lot improvements in conjunction with the Library project – Resolution 21-58 RDA – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment. The reserves have been put in place to restructure the parking area around City Hall, the Library, and the Hampton Inn Hotel. This has been the intention for several years as the Library begins construction.

Mayor Daines interjected that part of the cost comes from stormwater, infrastructure improvements, etc.

Councilmember López asked if the changes would increase the number of parking stalls.

Mayor Daines replied that the parking stalls would increase significantly to approximately 44 additional parking stalls.

The proposed resolution will be an action item and public hearing at the December 7, 2021, Council meeting.

**ADJOURNED.** There being no further business, the Logan Redevelopment Agency adjourned at 7:28 pm.

Eslí Morales, Deputy City Recorder