

**Minutes of the North Logan City
Planning Commission
Held on September 14, 2023
At the North Logan City Library, North Logan, Utah**

**(The time stamps throughout the minutes below, located next to an item, indicate the time an item begins in the recording of the meeting.)*

***00:00:01**

The meeting was called to order by Nan Isaacson at 6:31 p.m.

Commission members present were: Nan Isaacson, Herond Hoyt, Heather Ericson, Kenny Reese, Gavin Payne and Teresa Theurer.

Others present were: Kelli Fife, Jon Landeen, Pauline Jonsson, Susan McKenzie, City Beeston, Tasha Olson, Tim McKenzie, Lance DeLange, Barbara Middleton, JoAnn DeLange, Alan Luce, Scott Perkes, and Marie Power.

The Pledge of Allegiance was led by Teresa Theurer.

An invocation was given by Herond Hoyt.

Adoption of Agenda

00:01:44 Motion

Gavin Payne made a motion to adopt the agenda as presented. Kenny Reese seconded the motion. A vote was called and the motion passed unanimously.

**Approval and Follow-up of Minutes for June 8, 2023, June 22, 2023 and July 13, 2023
Planning Commission Meetings**

00:02:03

June 8, 2023 Planning Commission Meeting Minutes

Herond Hoyt made a motion to approve the June 8, 2023 meeting minutes, as presented.

Heather Ericson seconded the motion. A vote was called and the motion passed unanimously.

June 22, 2023 Planning Commission Meeting Minutes

Nan Isaacson mentioned the word "no" being accidentally left out of a sentence on line 397 in the June 22, 2023 minutes, which Marie Power said she would correct.

Gavin Payne made a motion to approve the June 22, 2023 meeting minutes, as amended.

Herond Hoyt seconded the motion. A vote was called and the motion passed unanimously.

July 13, 2023 Planning Commission Meeting Minutes

The Planning Commission agreed to approve the July 13, 2023 meeting minutes at the next commission meeting, as they wanted more time for review.

Follow-up

00:04:57

Scott Perkes gave an update on the Hopkins Detached ADU situation, and that the Appeals Authority has overturned the denial of the Planning Commission, and explained further.

Scott also discussed the mixed-use project in the City Center area on the north side of 2200 North, that the Planning Commission had given a positive recommendation on; he said the City Council reviewed it the previous evening with a public hearing, and had a good discussion, and approved it, which he explained will now go back to the Planning Commission for the subdivision review. Per a question from Kenny Reese, Scott explained that the developer included the recommendations made by the Planning Commission, and reduced the unit count to ensure there

were two parking spaces per unit, and 87 spaces for the two commercial buildings that front 2200 North. He said they reduced it by five units, which was ten total parking spaces that we were trying to work in to the project.

New Business

Regular Commission Business:

Item # 1 - SUB-2023-02: Discussion and possible recommendation regarding a Development Plan and Preliminary Plat associated with the Wiberg Subdivision, a single-lot standard subdivision in the RE-1 zone located at 2595 N 1600 E.

00:08:47

Scott Perkes explained the situation and the request of the applicants for this 3.4-acre parcel that is being divided, in this one-acre residential estate zone. He explained various details of the plan from the staff report, as well as the City's subdivision requirements for this. He said they're primarily reviewing a single developable lot on this site, and detailed various items further.

Scott addressed various questions and comments from the commission.

00:22:24 Motion

Herond Hoyt made a motion to make a positive recommendation to the City Council on this Development Plan and Preliminary Plat as presented, along with staff's recommendations in the staff report. Kenny Reese seconded the motion. A vote was called and the motion passed unanimously.

Item # 2 - ZTA-2023-03: Continuing discussion and possible recommendation regarding a city-initiated zoning text amendment to the North Logan Municipal Code (NLMC). Proposed amendments adjust multiple sections of code related to the permissibility and standards for Short-Term Rentals, Accessory Dwelling Units, and Conditional Use Permits. The amendments also adjust multiple sections of the NLMC regarding public noticing requirements needed in order to conform with the recently adopted state-wide requirements of SB43.

00:23:22

Scott Perkes discussed the proposed changes to our code that address the following items: conditional use permits, short-term rentals, ADUs, and how we notice different project types. He discussed the impetus behind making the amendments, particularly in finding issues in parts of the code that needed better clarification; and explained in detail the various elements of each item, and addressed questions and comments from the commission.

They reviewed various related items and issues, and the review and discussion continued, at length; including whether or not to hold an additional public hearing on this, which Scott said they could hold at this meeting, or at a later date, and explained further.

The Planning Commission agreed to hold a public hearing with the people currently in attendance, and then reevaluate whether another one should occur.

01:23:56 Motion

Kenny Reese made a motion to open the public hearing. Herond Hoyt seconded the motion. A vote was called and the motion passed unanimously. This occurred at 7:55 p.m.

Tim McKenzie said he appreciated the discussion by the Planning Commission, and that he thought that they really looked at all of the issues, and really thought about that. He said he hoped that they would hold another public hearing to allow people to come prepared to talk about this. He said his concern is about short-term rentals, and that in his case, he has a short-term rental that moved in across the street that advertises that 28 people can stay there. He said on any given weekend, there are anywhere from 10 to 20 cars, and 20 to 30 different people there every weekend; and said it's like a hotel moved in across the street in his quiet neighborhood. He said it has changed the dynamics of our street and our neighborhood. He said, as the Planning Commission thinks about the conditional use, or what it takes to get that permit; that there are some restrictions [placed] on how many people can stay. He mentioned the numbers the commission discussed, and said he doesn't know how the City would enforce it; but in the place

111 across the street in their neighborhood, it's having more than 20 people and they have eight
112 bedrooms, and advertise it for 28 [people]. He asked how the City takes short-term rentals and
113 not let them turn into a hotel in your neighborhood. He said if you have a three-bedroom, and just
114 have a small family staying there, that is not a disruption to his neighborhood; but every weekend
115 he has 15 different cars there, and 20 to 30 strangers that are coming in and out of that area. He
116 said he's not raising kids anymore, but that if he was, he'd have concerns about all of these
117 strangers that are there. He said he thinks if that short-term rental moved in next door to anyone
118 on the Planning Commission, they would not be happy about it. He said his question is then, if
119 there are conditions the Planning Commission could put on the size.

120
121 Pauline Jonsson said she would recommend that the [City] office have a copy of your formulation.
122 She said she wasn't able to come to the previous meeting, and when she went to the office, they
123 had no idea where should could find [the information]. She asked what the difference is between
124 a family with extended family staying in the home, versus short-term rentals, and so on. She also
125 asked what the City's definition is for short-term rentals, and asked if that meant less than 30
126 days, which the Planning Commission said was correct. She said a lot of the areas are changing
127 in terms of how many people are living in a home, and how many cars. She said across the
128 street from her, they park their cars on the lawn in the winter, but then the plow can't get around
129 some of their cars because they come out onto the sidewalk. She asked if the Planning
130 Commission could comment on that. She asked if there was a limit per block of how many
131 rentals there are; but asked, how then though, would the City decide who would get that.

132
133 Lance DeLange said he also lives across from the Hopkins, and is McKenzie's neighbor. He said
134 he appreciates the Planning Commission allowing them to make comments. He said he doesn't
135 really think they have time to "see how this develops" and thinks this is a huge trend happening
136 across the country. He said this is affecting their small community; and said specifically across
137 the street, this money came in from out of town, and are not locals who decided that they needed
138 extra money to supplement their income, it was money coming in as a business. He said it has
139 had a huge effect on his neighborhood. He said just as a hobby, he started taking pictures of
140 across the street, blocking his mailbox so he can't get the mail delivered; cars parking the wrong
141 direction across the street; 14 cars last week, and 14-20 cars is constant. He said this is not a
142 benign business, and wonders what is the benefit to our community. He asked whether North
143 Logan receives taxes from this; and said it's \$500-\$700 per night, if you look it up on their website
144 right now. He said this is *huge* money they're making; and asked why then do we have zoning,
145 and why we have a business zone, or a residential area, as this has turned his residential area
146 into a business, and this is a huge business that is coming for all of the small communities. He
147 summarized by saying again, it's not benign, there are tons of new people all of the time, there's
148 tons of traffic in and out; it's huge and it came for his neighborhood, and it's coming for your
149 neighborhood, and is coming for every neighborhood. He said there are rules, like having two
150 plus four per bedroom, which is 20; but said they advertise right now on their websites that it
151 sleeps 28. He said what is the fire code, what is the safety for him and his family and his small
152 children; and said we just need to protect our small communities.

153
154 Tasha Olson said she was unable to attend the last meeting, and that some of her comments are
155 going to be a repetition of what others have already said. She thanked the Planning Commission
156 for letting them comment, and to Scott and the City looking into this situation as it has become a
157 problem. She said across the street from her in her neighborhood on 2100 North, they are a
158 neighborhood of a lot of elderly couples; one across from her is an elderly woman, and right next
159 to her is this Airbnb. She said they also have several young families, and then this giant house
160 that they advertise sleeps 30+, and has been advertised in the past as sleeping 34+ before they
161 were a little bit more strict on the parking issues. She said she's had people parking in front of
162 her house, and in front of the fire hydrant in front of her house that she's asked to leave, who've
163 been belligerent with her. She said it's a public safety issue if they're parking in front of the fire
164 hydrant. She also said she's had people walking through her yard as they've parked to get to the
165 Airbnb. She said she had 24 cars there on one occasion that she remembers, and that she
166 worries about the amount of traffic that she gets through her neighborhood. She said there are

no sidewalks along the roads, so people drive quickly, and people are walking their dogs and walking their families; and if these cars are leaving this Airbnb fast, they don't care about the other residents of the area, because they're here as visitors, not residents, and they don't care about the people in the neighborhood. She said we need to be watching out for traffic, regulating the number of people, so that we don't get these groups of 40 and 50 people in these Airbnbs.

Cindy Beeston said she does not live in this area, but was at the Planning Commission meeting when the Airbnb came in and the Planning Commission denied approval; and now we're hearing that it was appealed and approved. She said her concern is, which was brought up at the last Planning Commission meeting; when we buy into a neighborhood, we buy into a certain thing. She said the last time, we were talking about the veterinary hospital and school; and one of the big issues was, these people bought these homes expecting that that was going to be a single-family area. She said these people have bought into neighborhoods expecting that they were going to be in a single-family subdivision environment, and all of a sudden, we're approving these Airbnb short-term rentals that change the dynamics of their dream home and dream neighborhood. She said she understands that the Planning Commission is putting a clause in that is two people per bedroom plus four, but that can be a lot of people, as they're talking about. She said she really thinks the Planning Commission needs to look at that, and have some kind of limit that is ten people, or *something*, for a short-term rental, no matter the size of it. She said it's not fair that our homes, and our dream homes are being destroyed by someone else coming in and changing the dynamics of the neighborhood by putting a business in the middle of it. She said it ruins people's lives. She said put a limit on these short-term rentals, and say maybe ten people; that won't be as many cars, or people, and is something to consider.

Paulien Jonsson spoke again, and said in terms of some of the parking, the fire hydrant, etc., she thinks that's related to the shortage of police officers that we have. She said she didn't know whether that was something they could take to the City Council, but thinks that is part of the problem, and the fire hydrant is not a priority with other safety issues.

Susan McKenzie expressed her gratitude for all of the time the City is putting into this. She asked if the new restrictions and directives that are being put into place, with the limit to the number of people who are allowed into the short-term rental, will be retroactive to what is already in place, or whether they will be grandfathered in.

Scott said they are grandfathered in.

Susan commented that it would not then affect the current situation she is in. She also asked, that for homes that will be grandfathered in, where the primary home is being used a short-term rental, [and] the ADU has now been approved as potentially a short-term rental; if they could then potentially have two short-term rentals on the same property.

Scott said no, and that our existing language has it as a single entity, a single-family unit, and explained further, briefly.

Susan reiterated her question about whether or not the new restrictions would not change the ADUs that currently exist, which Scott addressed, and explained that there is an occupancy based on the number of parking spaces they have available, but there is not a cap on occupancy per se; so if you look at some of the homes we have, some of them are configured with very large driveways and side yards with RV pads, therefore the occupancy could be quite large, and explained further. He also discussed fire code that limits occupancy based on the building structure type, which he further explained.

Susan also asked if, when the business licenses are granted, whether the homeowners that would be impacted by the businesses coming into their neighborhoods, are notified about them coming in. She also said as being a "home business" it's actually a commercial business, since they are renting out to 20+ people; and asked whether that would actually fall under a commercial license in a residential area, where it's zoned for residential use.

Scott said it is zoned for residential use, but that City code very specifically indicates that home-based businesses are allowed in any of the residential zoning classifications, and explained further.

Cindy Beeston asked whether it was possible to add a limit to the number of people allowed.
Nan Isaacson said the Planning Commission will discuss that.

As there were no further additional comments, Nan Isaacson closed the public hearing at 8:12 p.m.

Teresa Theurer asked about the allowance of parking, which Scott addressed, and explained the code, which they reviewed further, including potentially limiting the number of cars.

The Planning Commission continued their discussion and review of the changes; and also discussed the extensive process and review these items have undergone, as well as holding three public hearings, and discussed how best to proceed. Scott and several Planning Commission members agreed that a fourth public hearing was likely not necessary.

02:01:28 Motion

Gavin Payne made a motion to make a positive recommendation to the City Council for the proposed amendments, to adjust multiple sections of the code per the updated staff report, along with changing the parking requirement from three spaces to two, for additional occupants, as discussed. Herond Hoyt seconded the motion.

Kenny Reese explained that the only reason he suggested another public hearing is because a lot of the modifications to the code have changed, and he does not think that the general public has had a chance to review the latest modifications and provide input. He said in an effort to promote transparency in what we're doing here, on such a "hot topic," that is why he suggested it. He said he understands what Scott is saying, and it's hard to suggest it, knowing we don't have enough time for it, but it's important.

Scott commented that he does not want to imply that he wants to "stifle" public input in any way, whatsoever; it's just knowing how much critical work there is to do, with very limited time to do it in.

Nan asked about the Planning Commission's role in setting guidelines in the Conditional Use Permit to the proposal offered, which Scott explained.

A vote was called and the motion passed with Nan Isaacson, Herond Hoyt, Heather Ericson, Gavin Payne and Teresa Theurer and voting in favor, and Kenny Reese voting against the motion.

Work Session:

Item # 3 - ZTA-2023-06: SB174 Development Review Amendments.

02:08:20

Scott Perkes explained the impetus behind this zoning text amendment to change our Subdivision Ordinance for the way we review and approve subdivisions, and that it will require us to turn things around very quickly with very short timelines. He said this change is state-mandated and we are required to have this done by February 1st, which is all as the result of Senate Bill 174. He explained this further, in detail, and addressed various questions and comments from the commission.

Staff Business:

Staff Business/Discussion

02:27:33

Scott Perkes explained that we received two formal proposals for our RFP for our General Plan, which he explained further; including discussing the committee that has been put together to review those proposals. He commented further.

Set Next Agenda and/or Adjourn

02:29:31

277 Nan Isaacson said our next Planning Commission meeting is scheduled for October 5th.
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279 *Herond Hoyt made a motion to adjourn the meeting. Gavin Payne seconded the motion. A vote*
280 *was called and the motion passed unanimously.*
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282 The meeting adjourned at: 9:01 p.m.
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284 Approved by Planning Commission: February 22, 2024
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286 Transcribed by Marie Power
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288 Recorded by:
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Scott Bennett/City Recorder