

**Minutes of the North Logan City
Planning Commission
Held on December 12, 2024
At the North Logan City Offices, North Logan, Utah**

Opening Business:

The meeting was called to order by Gavin Payne at 6:30 p.m.

Commission members present were: Heather Ericson, Gavin Payne, Teresa Theurer, Tracy Walker, and Porter Wilkins. (Nan Isaacson was excused.)

Others present were: Jon Keller, Alan Luce, Scott Perkes, and Marie Power.

The Pledge of Allegiance was led by Porter Wilkins.

An invocation was given by Heather Ericson.

Adoption of Agenda

Motion

Teresa Theurer made a motion to adopt the agenda, as presented. Heather Ericson seconded the motion. A vote was called and the motion passed unanimously with Gavin Payne, Heather Ericson, Teresa Theurer, Tracy Walker, and Porter Wilkins voting in favor.

Approval and Follow-up of Minutes for the November 7, 2024 Planning Commission

Meeting.

Motion

Heather Ericson made a motion to approve the above-referenced set of minutes, as presented. Tracy Walker seconded the motion. A vote was called and the motion passed unanimously with Gavin Payne, Heather Ericson, Teresa Theurer, Tracy Walker, and Porter Wilkins voting in favor.

Follow-up

Scott Perkes explained the situation with the Village Springs proposal, and what had taken place at the November 20th City Council meeting where it was denied; based mostly on the issues regarding the required percentage of two-story homes, and the private vs. public roads. He gave additional details, and explained that the developer came in and met with the Mayor, a couple of City Council members, and staff, essentially for a mini work session; and agreed to some adjustments from his original proposal that allowed the City Council to approve it, along with a couple of additional conditions. He said it will be coming to the commission again for review, likely in February of 2025. Scott explained the situation further, and addressed some questions from the commission.

New Business

Regular Commission Business:

Item #1 - CUP-2024-05: Review and action regarding a conditional use permit request to operate a home-based day care business, with a child occupancy of up to 16 children, within a single-family residence located at 2232 N-1450-E 1503 E 2300 N [see information below] (Parcel ID: 04-057-0015).

Gavin Payne introduced the item, and explained that the Planning Commission is the approving body on this, as opposed to sending it off with a recommendation to the City Council. He asked Scott Perkes to review the staff report for the Planning Commission.

Scott mentioned, that as a point of clarification, the address he included on the agenda for this application is actually the mailing address for the application, but that property address is correct in the staff report, and is 1503 East 2300 North.

Scott explained the request for this homebased business that operates a daycare; and that they want to increase the number of children who attend the daycare from the eight (8) that they

currently care for, to 16. He explained the related North Logan City code; and said that we allow two, to a maximum of eight children, to be cared for in a homebased daycare business. He said if a homebased daycare wants to increase that permitted number of children to the state-permitted maximum of 16 children, they have to come before the Planning Commission and go through the conditional use permit process to make a request for the increased number. He explained that if the Planning Commission decides to deny this request, they must do so based on very specific findings that explain why the request does not meet code, and commented further.

Scott used an aerial photograph of the site to show the property, including that the lane that goes to the home, which is on a flag lot, is only 17 feet wide for the entire 450-foot length of the lane. He discussed safety concerns related to the length and width of the road; especially with the extra traffic that would result from having potentially eight additional children, and the cars traversing this lane for pick-ups and drop-offs. He said specifically applicable to fire code, is that this lane needs to be a minimum of 20 feet wide, and needs to be able to hold 75,000 pounds; as well as needing to have a turnaround at the end of the lane to manage cars and emergency vehicles. He said it might be acceptable to add conditions of approval, such as: widening the lane to 20 feet; making the surface of the lane thicker in order to manage the 75,000 lbs.; and, installing a turnaround. He detailed why those requests would not be unreasonable. He said staff made a negative recommendation on this, which is in the staff report, based on findings that the lane does not meet fire code, and commented further. The possibility of acquiring an access easement with the neighbor was discussed, including why that isn't something that would really be practicable or reasonable; and Scott explained that ultimately, the land is still the main issue.

Scott and the Planning Commission discussed and debated various items, at length, and Scott addressed their various questions and comments.

Gavin referred to the appendixes to the fire code that Scott had sent to the commission, and asked about it stating that they're not mandatory unless the City adopts the ordinance. He asked about the requirements that the lane be 20 feet wide, handles 75,000 lbs., and a turnaround needs to be installed; but that they are not then not mandatory.

Fire Marshal Jon Keller explained that the City has not yet adopted that appendix, so it is used as a guide [rather than as requirements].

This was discussed further. Per a question from the commission, Scott mentioned that this parcel is not platted, and is a historic parcel that was done with metes and bounds, and is likely grandfathered in. This was discussed further.

Various related items were discussed and considered further by the commission, with questions and comments addressed and explained by Scott.

Scott discussed the language of the City's General Plan stating that when considering the approval of a homebased business, the business cannot get to a point where the size of it, or the type of business it produces, changes the characteristics of a neighborhood. He commented further that a daycare business is one of the most impactful homebased businesses that we have in the City, as opposed to applicants who work from home as CPAs or do ecommerce. He further commented.

Safety issues were discussed, including the traffic coming and going on this narrow lane in the mornings and evenings, for 16 kids attending this daycare; especially during the winter when there is snow on this dirt and gravel lane. Gavin mentioned that most two-car garages are 20 feet wide, and this is narrower than that; which he said is something to be considered when cars are trying to pass each other on this lane. Scott mentioned that when he went out to look at the site, there is a fence on either side of the lane; and that particularly in winter, where there is snow pushed up to the sides on this dirt lane, there is no room to maneuver and try to pass people by going around them. The amount of traffic trying to manage this continued to be discussed.

This and other related items were considered and discussed further.

Scott said government is based on maintaining the health, safety, and welfare of its citizenry. He said if there is a concern about not technically adopting the fire code and it only being advisory; he feels that the only finding that could stand up against an appeal, would be based on a genuine concern over health and safety, which is referenced in the City's General Plan, and further explained. Per a question from the commission, Scott also discussed a bit of the history of this

specific conditional use, and some of the items related to its approval.

Scott reviewed some of the specific, related code with the commission, and their discussion continued.

Gavin Payne said he wanted it stated for the record, that the applicants for this did not attend this meeting where their request was being considered, and were unable to speak for themselves, on their request.

The discussion and review continued.

Gavin said, as he is unable to make a motion because he is Chairing the meeting; if he were to make a motion, it would be for staff to go back and review the chain of the fire code to see if it could stand, and if not, to see how they might rewrite the staff report.

Tracy Walker asked if that would reasonably change things, though; and Teresa Theurer said she didn't think that it would.

Motion

Teresa Theurer made a motion to deny this request for a Conditional Use Permit, on the basis of it being unreasonably detrimental to the health, safety, and general welfare of persons residing, working, or attending daycare in this area, based on the lane being 17 feet wide, which is too narrow, based on City code. Tracy Walker seconded the motion.

Porter Wilkins said he thinks that it's highly prudent that we adopt this motion, whether or not it's statutorily tied to code at the state level; as, based on his many years of experience studying these kinds of emergency situations and trying to prevent loss of life.

Gavin said that he agrees, but that his concern is based on another conditional use permit appeal they denied that was overturned; and just wants to make sure that our facts and findings are solid, and commented further.

Scott stated and explained some language from state code that would apply to this situation and motion of denial, stating that reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal, or the imposition of reasonable conditions to achieve compliance. He said there is a strong argument here for the overwhelming concern over health and safety, and detailed this further.

Heather Ericson asked if we needed to add language to the motion to amend it.

Scott said if they wanted to add language, they should add the following sentence as a fact in denying the motion:

"The anticipated detrimental effects of the proposal cannot be substantially mitigated by the proposal."

Teresa Theurer asked to have her motion amended to add the sentence above.

Tracy Walker seconded the amended motion.

A vote was called and the motion passed with Heather Ericson, Teresa Theurer, Tracy Walker, and Porter Wilkins voting in favor, and Gavin Payne voting against the motion.

Staff Business:

• Staff Business/Discussion

• 2025 Planning Commission Meeting Schedule

Scott Perkes discussed the meeting schedule, as well as the conference and other events that may potentially conflict with a regular meeting schedule, which he explained was taken into consideration when he put this calendar together. He explained various events and other related items further. He mentioned that the City Council adopted this calendar at their meeting the previous evening; but also said this calendar is tentative and can be adjusted, as necessary.

Scott also mentioned the APA Conference occurring on May 7, 8, and 9, 2025, that is taking place in Logan this year; and that because they are holding it in Logan, they are asking that the local cities participate, and host some of the presentations and sessions. He explained this further. He said the City is considering having our General Plan consultant present our City

Center Master Plan at this conference, which he detailed further. He discussed additional ways that we could participate and present various planning presentations, to highlight what North Logan City is doing in our community.

• Annual Planning Commissioner Training

Scott discussed various upcoming training requirements with the commission; and discussed what items have been fulfilled, and which still need to be.

The commission discussed this further, and Scott addressed their comments and questions.

• Set Next Agenda

• 1/16/2025 - Regular Meeting

Scott Perkes mentioned that the meeting schedule for January is irregular.

Adjourn

Motion

Teresa Theurer made a motion to adjourn the meeting. Heather Ericson seconded the motion. A vote was called and the motion passed unanimously with Heather Ericson, Gavin Payne, Teresa Theurer, Tracy Walker, and Porter Wilkins voting in favor.

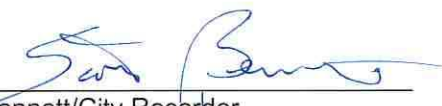
The meeting adjourned at: 7:13 p.m.

Approved by Planning Commission:

January 16, 2025

Transcribed by: Marie Power

Recorded by:



Scott Bennett/City Recorder