

**Minutes of the North Logan City
Planning Commission
Held on January 17, 2019
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.)*

***00:00:31**

The meeting was called to order by Casey Moriyama at 6:42 p.m.

Commission members present were: Casey Moriyama, Buzzy Mullahkhel and Craig Humphreys. (Nelson Boren, Robert Burt and Larry Hepworth were excused).

Others present were: Gabby Kennedy, Lauren Schreiber, Aris Schreiber, Jeanine Anderson, Susan Durham, Richard Mueller, Kari Wiegand, David Wiegand, Meagan Waite, Sydnie Ence, Ander Governale, Bonnie Flandro, Dave Flandro, Gabrielea Belter, Thomas Goest, Ryan Cannell, Jennifer Cannell, Rachel Keen, Don Durham, Mandy Durham, Allison E. Saunders, Barbara Middleton, Kathryn Taggart, Carlos Carias, Steven Frisk, Alicia Larsen, Tina McComber, Linda Hammond, Delaney Callahan, Nolan Krebs, Alan Luce and Marie Wilhelm.

The Pledge of Allegiance was led by Buzzy Mullahkhel.

An invocation was given by Craig Humphreys.

Adoption of Agenda

00:02:06 Motion

Casey Moriyama mentioned that item #3 on the agenda has been rescheduled for a future meeting.

Craig Humphreys made a motion to adopt the agenda as amended. Buzzy Mullahkhel seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for January 3, 2019 Planning Commission Meeting

00:03:46 Motion

Buzzy Mullahkhel made a motion to approve the minutes as presented. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously.

Follow-up

00:03:58 Discussion

Alan Luce mentioned that invitations have been extended to some individuals to serve on the Planning Commission, which should be approved at the next City Council meeting at the beginning of February. He said a new Chair and Chairman should also be chosen at the next Planning Commission meeting.

New Business

6:35 p.m. PUBLIC HEARING Consideration of a conditional use permit for an accessory dwelling located at 2690 N 1600 E, North Logan. (Eric and Christina McComber)

00:05:29 Explanation and discussion.

Alan Luce introduced the item and explained the situation.

00:06:58 Public Hearing.

Casey Moriyama read aloud the guidelines for speaking at public hearing, and opened the public hearing at 6:50 p.m.

Richard Mueller read aloud his written comments on this, a copy of which he gave to the City Manager to give to the City Recorder for record-keeping.

Barbara Middleton referred to the extensive email she sent to the Planning Commission on this in

which she said she expressed her concerns in detail. She said she also thinks this should be denied, primarily because the kind of application the Planning Commission is considering goes against City ordinances. She also said she does not think that the City is ready with a list of standards and criteria for these auxiliary dwelling units. She said there is a very large amount of reading material on these on the kinds of issues that cities have gotten into. She said she is not saying that the City cannot do these at a future date; but North Logan is not ready in the least. She said there has been discussion about conditional use permits being difficult to manage and at one meeting in December, the Planning Commission discussed whether they should even be issuing conditional use permits because of the staff time required to manage them. When the City is looking at housing for people, she asked what kind of safety standards would be in place; who will be looking at them; who will be setting them; who in the City will be in charge to check those; and, who has the time, or will the City have to hire someone and have to adjust the budget to be able to do that. She said we have seen with the dog ordinance that it is hard enough for our one animal control officer to get around and manage all the things he has to manage, and do the education he needs; so at this time she said she does not think the City is ready to look at these units. She said there are a lot of things to consider, including safety, which she detailed further, including an experience she had in a hotel fire many years ago. She said AirBnBs and some of these places that have been converted like this do not have those safety features in place.

As there were no further public comments forthcoming, Casey Moriyama closed the public hearing at 6:57 p.m.

00:16:01 Planning Commission discussion.

Buzzy Mullahkhel commented, and explained that the Planning Commission is obligated to pass this if it meets the code. He addressed some of the comments made regarding accessory dwelling units (ADUs) and also said that the Planning Commission needs to work right away on getting some more straightforward ordinances in place for ADUs, which he said is likely to be requested more and more often in the future. He said based on what is written currently in the code, he personally would have a hard time saying no to this and commented further.

Craig Humphreys said that when issues come before the Planning Commission, they are either administrative decisions, or legislative ones; and said this is an administrative decision, and explained further.

Buzzy also referred to the safety issues, and said they have to rely on the City officials for that and explained further.

Craig explained the safety codes related to these types of dwellings, which he said are done differently.

Casey said he appreciated the comments and the neighbors participating in the public hearing. He concurred with previous comments made by Craig about the code in relation to safety, and the difference in making a decision administratively vs. legislatively, and commented further on how the Planning Commission has to proceed. He discussed the accessory dwelling unit needing to be subordinate in size to the main dwelling.

00:24:17 Motion

Buzzy Mullahkhel made a motion to approve this conditional use permit as presented. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously.

Casey stated again that the Planning Commission needs to address in the near future any vagueness or dual-interpretations in the code regarding ADUs. Alan Luce agreed and said there is a lot of work that needs to be done to clean up that ordinance. Per a question from Buzzy, Alan said there are two official ADU permits currently in the City, and said that part of the vagueness relates to the proximity of the ADU to the home and commented further.

For the record, Craig Humphreys said he wanted to pass a recommendation on to the City Council to put a moratorium or a place some kind of stop on any future ADUs until we can get it straightened out. They discussed the items they wanted to specifically review, including the subordination in size; square footage; how a second family is defined; sewer line issues; better definitions for setbacks; the position of the ADU on the property; and, its consistency in architecture and design to the main dwelling.

Continued consideration and possible recommendation of changes proposed by Staff (reviewed by Planning Commission) after City Council's direction for making changes to the Land Use Permitted and Conditional Use Matrix concerning Assisted Living, Skilled Nurse Care Facilities and Dog and Cat Day Care Ordinance.

00:29:35 Planning Commission discussion.

Casey Moriyama introduced the item and said while this is not a public hearing, the City has invited a few individuals who have prepared some short statements, to speak. He asked Alan Luce to explain the situation further.

Alan gave the history of the situation and the process this item has gone through, and the continuing discussion on this, particularly as it relates to the dog and cat daycare.

00:32:12

Applicant Lauren Schreiber discussed her facility and the benefits of what they provide. She also discussed a similar facility in Portland, Oregon and how it compares to their location. She recommended classifying the dogs based on difficulty levels and the size of the property. She discussed the higher benefit of locating these kinds of facilities in homes rather than in industrial sites. She further explained various related details and addressed some questions from the commission.

00:39:26

Stacey from the Cache Humane Society gave a presentation on their recommendations for these types of situations. She said although Cache Humane is a different type of facility, she explained the standards of care at their facility, which she said is an animal shelter, and very different from these types of facilities being discussed. She said that using square footage per animal is not most useful metric. She said the standard that is put forward by the guidelines they follow is based on time of care required to meet a humane standard of care, which includes 15 minutes per animal, per day of exclusive cleaning and feeding time, which she said does include socialization, training, or anything else that should go into a humane environment. She said therefore, if someone has 40 animals in a facility, for example, workers are spending about 10 hours of just explicit, hands-on scrubbing and feeding, which is "not getting to any of those higher-order needs". She said that might be hard to write into an ordinance but it is a standard of care that is embraced by the animal sheltering industry. She said she noticed in our ordinance that we require vaccinations, but encouraged us to expand that past the rabies vaccine, which she explained further, and said she could give us a more comprehensive list of what those should be. She said everyone is moving on beyond just a maximum number of animals, both in residential and kennel licensed facilities, because she said that just doesn't work. She explained this further and said that Salt Lake City has moved away from this completely. She said by having those limits, it drives people who have more than that [specified] number of animals, underground; and then there are safety and health issues, particularly in situations of hoarding animals. She said generally, these ordinances are moving towards focusing on nuisance ordinances and animal welfare ordinances that give you discretion and standards, which she explained further. She also discussed the animal welfare standard set by the state which she said is only defined as a very generic standard to provide food, shelter and essential care; and said they do not define shelter or essential care in any way. She said we are at a point where she hopes that our jurisdictions across the county are recognizing the need to define and expand on that language, which she said in our case, is North Logan City's purview, not the state's. She said right now, a patio that a dog can make it under during a thunderstorm is shelter, and it's up to us whether that is an appropriate standard, and commented further, including that it is up to us whether we want to give people more direction. She said she encourages North Logan City to really undertake a broader ordinance review process. She discussed various related details further, including recommending how to manage our kennel licensing process.

Craig Humphreys asked Stacey what her recommendations are on staffing ratios; and she said she recommended 15 minutes, per animal, per day, and commented further. She said her shelter has about 120 animals and they have 30 staff members with 5K square feet to manage that. She continued to address various questions from the commission.

00:50:08

North Park Police Department Animal Control Officer Nolan Krebs, said he called various cities in

Utah and found there is no real set standard for this, and that they all say that it is up to the city how many animal each facility can have. He said he also spoke to the USDA Department of Agriculture and Veterinary Science and got their take on the number animals per square footage, which he said can vary, and explained further. He said he thinks the Schreibers are doing a great job. He said he's received some minor complaints about barking, but for the most part have not had any complaints. He said he has been in the facility and see what they're doing. He said there were 30 dogs in there when he went in, and that they seemed to be handling them okay; but that according to the three organizations he spoke to, they recommended a ten dog-to person ratio and commented further. He said he does not think that the Schreibers should be shut down if that is an option. He said in relation to future ordinances, not everyone is going to the same kind of job that the Schreibers. He said if we make an ordinance "off of someone who is doing a great job", we should expect that it is going to get worse. He said he spoke to Logan City's Animal Control, and they have had several complaints about barking at their pet motel, which is why they moved it to a commercial and industrial area. He said the ordinance should state that the facility needs to be away from neighbors and commented further. He also said that he doesn't think that the Schreibers should have 30 dogs, and that a reasonable number should be in place. He also said he has been to several hoarding situations which he explained. He said we do need something in place to take care of animals in a correct way, but something that the City does not have to over-regulate. He said if we make those amounts too high, the animal control people will have to go into those places a lot and explained further.

00:58:36

Lauren discussed the different personalities dogs have, and recommended that dogs be classified based on difficulty level rather than the size of the dogs.

01:00:05 Planning Commission discussion.

Casey Moriyama explained further changes to the matrix. He explained that we are not discussing a particular operation or business, but changes to the matrix for these uses, and will make a recommendation to the City Council, who does the legislative side of the decision-making.

Buzzy Mullahkhel said he felt he could not make a recommendation at this point; that this is a much bigger discussion than he'd originally thought and said we have a long way to go on this. He said he felt that Stacey showed him the value of North Logan City setting the standard across the county, and it is really critical now and commented further. He said a bigger discussion needs to be had, along with the "experts" who are at the meeting. He also said he felt that maybe we should remove this from the matrix and move it forward without this item on it, as this is holding up the other uses.

Craig Humphreys commented and also said he had a thorough conversation with a vet who has two clinics and runs two dog daycare centers. He said he understands the idea of keeping the dogs calmer in a home setting, but that these facilities are doing that and are in commercial zones. He said he spoke to the two cities these facilities are in, and both cities stated that they would not allow them in residential zones. He said his other concern is with the neighbors and said it is the City's job to protect the neighbors from things next to them, that weren't there and weren't part of the ordinance when they purchased their properties; and said they have invested in their estate and in their home and further discussed some of the complaints people have made about something being built next to them, but that this is worse than some of those things. He said we need to find the balance between protecting the rights of the property owner that was [already] there and creating a good environment for the dog daycare.

The discussion continued.

Casey said the metric comes down to scale and proportionality of this and what is appropriate, which he explained further. He said he does not have a problem with rover.com, but when it is a couple of dogs versus the scale of dogs out-scaling the home, that's where he has an issue. He said another issue is that 30 dogs is too much for one home, and thinks 10 is plenty. He commented that we need to accept that there will be a "rover.com presence" and acknowledge that there is a need, but the scale is when there is an issue, and commented further. He said supports the move to change the matrix and update it so that it can be in a commercial setting and not a huge-scale operation in our residential zones. He said he agrees with Officer Krebs that on a large-scale, this wouldn't be run as well, and could pit neighbor against neighbor in

many cases. He also said it is the City Council's job, with the Planning Commission's recommendation, to form the policy that the commission enforces. He said he would vote for moving this forward to City Council, to have them do the legislative side of things and set the policy for commercial operations, and commented further.

01:16:04 Motion

Craig Humphreys made a motion to make a positive recommendation on this ordinance to the City Council, as presented.

Buzzy asked if the Planning Commission should really be the ones to work on those standards. Casey said that the Planning Commission is not the legislative policy makers, and said he read through the standards and feels that they are reasonable. They discussed this further.

01:18:41 Motion.

Buzzy Mullahkhel seconded the motion.

The discussion continued briefly.

A vote was called and the motion passed unanimously.

Set Next Agenda and/or Adjourn

01:20:11 Motion

Buzzy Mullahkhel made a motion to adjourn the meeting. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously.

The meeting adjourned at: 8:02 p.m.

Approved by Planning Commission:

February 7, 2019

Transcribed by Marie Wilhelm

Recorded by



Scott Bennett/City Recorder