

**Minutes of the North Logan City
Planning Commission
Held on February 7, 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.)*

***00:00:06**

The meeting was called to order by Nelson Boren at 6:30 p.m.

Commission members present were: Nelson Boren, Casey Moriyama, Craig Humphreys, Buzzy Mullahkhel, Eric Hansen and Nan Isaacson.

Others present were: Gabby Kennedy, Lauren Schreiber, Aris Schreiber, Nan Isaacson, Steve Moss, Mitchell Richardson, Dan Durham, Mandy Durham, Sharily Griffiths, Susan Durham, Bonnie Flandro, Joni Kartchner, Barbara Middleton, Kelly Porter, Thomas C. _____ (illegible), Alexis Davis, Melody _____ (illegible), Kari Wiegand, Katie Todd, Crystal Francks, Nolan Krebs, Alan Luce and Marie Wilhelm.

The Pledge of Allegiance was led by Eric Hansen.

An invocation was given by Casey Moriyama.

Adoption of Agenda

00:01:45 Motion

Craig Humphreys made a motion to adopt the agenda as presented. Casey Moriyama seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for January 17, 2019 Planning Commission Meeting

00:02:05 Motion

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

Follow-up

00:02:19

Nelson Boren asked new commission members Nan Isaacson and Eric Hansen to give brief introductions of themselves, which they did.

New Business

Introduction of newly appointed members of the Planning Commission, along with nominations of Chair and Vice Chair for 2019.

00:06:29 Discussion and nominations.

Nelson Boren briefly discussed the need to nominate a new chair and vice-chair for the Planning Commission for the new year.

Buzzy Mullahkhel made a motion to nominate Casey Moriyama as Chairman for the Planning Commission. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously.

Nelson Boren made a motion to nominate Buzzy Mullahkhel as Vice-Chairman for the Planning Commission. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously.

Alan Luce discussed the hiring of North Logan City's new Community Development Director, Spencer Burt, and gave a bit of his background, and said that he would be starting work at North Logan City the following week.

Discussion and Consideration of a modification of Dog Kennel Permit Condition for existing permit at 2595N 1600E (Schreiber Tails).

00:10:03 Explanation and discussion.

Alan Luce introduced the item and explained the situation, as well as the previous discussions on this. He also explained how this use is managed in other cities in the valley. He mentioned some complaints that the City has received regarding some of the conditions set, and commented further. He said their main intent at this meeting is to discuss the conditions, as well as addressing the complaints.

Casey Moriyama explained some of the background on this for the new commission members.

Alan reviewed some of the complaints made about the establishment and detailed what they were, including regarding barking and the number of dogs, and commented further.

Casey discussed the number of dogs and that they went over the limit of ten dogs set by the commission, and had 30 dogs, and also did not have her own dogs licensed, as was required. She has since done so.

Applicant Lauren Schreiber explained the process that her application went through, including stating that the Planning Commission's original approval was for an unlimited permit and that we then contacted her to review the situation further, which she explained. She said that our animal control officer Nolan Krebs recommended a number and that they closed on the house based on believing that they could "survive" with that number and work towards increasing it later. She said at the third meeting, the commission disregarded Nolan's number entirely. She further explained that her legal advisors told her it was illegal for us to bring her back in the first place, and that we shouldn't have issued an unlimited permit to her, and that we couldn't bring her back without verifiable complaints. She said regarding her dogs not being licensed; her dogs were licensed in Logan City until January and that they still own a home in Logan City.

Casey said it should be clear that the intent of this meeting is to figure out how to make this work, *not* to "close or shut down". He said the idea is to go through the complaints and figure out how we can move forward and make it work, and exist in harmony.

Lauren asked if any of the barking complaints are verifiable, because she said they have to be; and she said she has not heard about any verifiable complaints.

Per a question from Buzzy Mullahkhel, Lauren said the number Nolan Krebs originally stated as allowed was 17 dogs based on the area in the basement. She said based on that standard, their basement is 1400 square feet, and she could have 60-70 dogs, although she said she does not want that. She said Nolan was "trying to please us both and basically we knew that we could come back later, after we had gone with zero complaints".

Casey referred to the barking plan and the complaints made via letters sent in from citizens. Lauren said there are other dogs in the area that bark.

The commission discussed various related issues with Lauren.

Eric Hansen asked Lauren some general questions about the situation, which she addressed.

This was discussed further, and she said when the dogs are outside start barking, they immediately take them inside.

Nelson Boren asked when they closed on their house and Lauren said on May 10th

Nelson said he wants to make sure that the conditions are clear.

Buzzy Mullahkhel said it seems that the only verifiable complaint is the number of dogs.

Lauren said the letter she received said non-compliance for the permit issued April 4th, which was when the unlimited permit was originally approved, not May 21st which Alan addressed and said that was when the letter was sent.

Nelson said we want to make this work. He said we have records on clearly voting on May 17th for ten dogs and that's the conditional use permit [CUP] we're going by. Lauren asked what that was based on; and Nelson explained the research that was done for the Planning Commission to arrive at the number of ten. The discussion continued. Nelson said he understood Lauren's dilemma in them closing on their house on May 10th; but that the condition by which the Planning Commission is currently going by is for ten dogs. He said we need to discuss how to make this work based on the Planning Commission's conditions, or whether they need to change. He said we're not here to close the business, but have to abide by the legal obligations of the commission, and commented further. Lauren said she can't work with the number ten; and

Nelson said the commission spoke to her about that early on, and said that as a commission, we cannot consider financial success or failure as a consideration and commented further. He said Lauren made her decision based on the facts she had at the time.

The discussion continued.

Lauren's mother commented that the purview of the commission is to determine on a conditional use permit whether it fits or doesn't. She commented that at the time that Lauren asked for the permit, there was no ordinance that prohibited her from running the business; and that the only purview that the Planning Commission had at that time was to say whether it fits or not. She said we can put conditions on that CUP according to an existing ordinance, at the time that she applied. She said however, that at the time she applied, there was no ordinance regarding the number of dogs. She said from a legal standpoint, we overstepped our boundaries. She said the Planning Commission approved her permit request before they closed on the home with no limits, based on that unlimited permit. She said neighbors then caused a stir before they even moved in and further explained what took place after that when the Planning Commission reconsidered the conditions for the situation, including Officer Krebs suggesting 17 dogs. She said in the meantime, they closed on the home and now have a financial commitment on that home, based on that existing permit that the Planning Commission issued. She explained the process undertaken further, including that it was well out of the purview of the Planning Commission to have made the limit of ten dogs, and that they're not to make conditions based on personal opinion or biases, nor on citizen opinion or biases. She said that if we had looked at "the chart" we would have realized "the ridiculousness" of requiring 60 square feet per animal, and continued to expound at length. She made the statement that City staff is divided on this, and said Lauren moved forward with legal advice because she claimed that no one would speak to her or to Lauren; then corrected herself saying that Buzzy did respond. She continued to comment and said Lauren moved forward with the original permit because, she said, that is the legal permit.

Craig Humphreys made a motion to table this discussion until this is reviewed by the City Attorney.

Motion died for lack of a second.

Casey said it is the responsibility of the Planning Commission to set the conditions for the CUP. He said when they realized they hadn't addressed it correctly the first time, it was brought back on the agenda for them to address the issue and that we had to set a number. He said they had to determine the proportionality for an appropriate number of dogs for a home-based business, and a compatible use for a home-based business; and said they that a compatible use for a residential zone is not a large-scale dog business, and commented further.

Lauren asked where the Planning Commission got the number "ten from" and said that places in the valley have more than that, and commented further. She also said she is not in regular residential zoning as she is in RE-1, and said she is surrounded by farmland and has three and a half acres of land. She said "they are not a regular neighborhood home". Casey said that is a residential zone.

Casey said they will table this and consult which document is the appropriate document to work from, and agree on the Conditional Use Permit conditions so that they're looking at the same document, and go from there; and that that will be the one that governs the Conditional Use Permit going forward.

Buzzy asked if we could get a legal opinion that is valid to clarify which permits hold bearing, and commented further.

Buzzy discussed his concern about the fact that this does not work when the applicants bash the City publicly, which Lauren tried to argue. He referred to the Facebook posts made by them and said that it is hard to work with them when they are "throwing the City under the bus a little bit". Lauren said to imagine how they feel. Buzzy countered that we are not going behind their backs saying terrible stuff about their business; we are trying to do it professionally and in an organized way. He said he knows that they don't agree but the commission has spent *hours* together trying to figure this out and how it can work for the applicants, and that he told them when he met with them that they're trying to work this out. He commented further and asked her to let the City work through this. Buzzy also told them that he had responded to their emails nine times.

Lauren said she had invited all of the Planning Commission to come to their home. Nelson said he had never received anything, but would love to visit their home.

Nelson asked Alan to have the City Attorney address whether the Planning Commission is able to

put conditions on a conditional use permit, and whether the commission has the legal right to reevaluate that and put conditions on it. Alan said yes, if complaints are received, or for the health, general welfare and safety of the citizens; those can be readdressed at any time, and commented further. He reviewed the conditions that can be considered including the zoning, lot size, proximity to neighbors, the proposed size of any structure used to house dogs, and more, and explained further. He agreed that we should table this item and we can consult with the attorney.

The discussion continued.

00:47:11 Motion

Nelson Boren made a motion to table this item. Buzzy Mullahkhel seconded the motion. A vote was called and the motion passed unanimously.

Discussion regarding modifications to the City's Accessory Dwelling Unit ordinance.

00:47:55 Explanation and discussion

Alan Luce introduced the item and explained that this is a discussion item to consider modifying the City's Accessory Dwelling Unit ordinance. He explained the situation the impetus behind having this, and reviewed various related details. He addressed various comments and questions from the commission including situations of Airbnbs and the pros and cons of such.

Alan and the commission continued to review the ordinance and how to address various potential issues, at length.

Barbara Middleton discussed shipping container housing.

Training for Planning Commission.

01:29:29 Discussion

Alan Luce reviewed general Planning Commission practices and how things are managed, and the process for how things are run.

Set Next Agenda and/or Adjourn

02:07:13 Motion

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

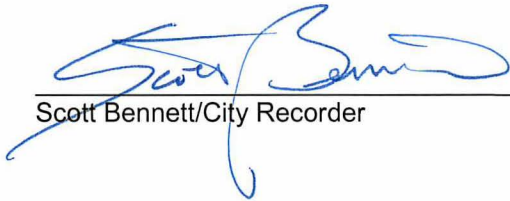
The meeting adjourned at: 8:40 p.m.

Approved by Planning Commission:

February 21, 2019

Transcribed by Marie Wilhelm

Recorded by



Scott Bennett/City Recorder