

**Minutes of the North Logan City
Planning Commission
Held on February 21, 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 Casey Moriyama 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: Sharilee Griffiths, Lauren Schreiber, Aris Schreiber, Gabby Kennedy, Sara & Mitchell Richardson, Kelly Porter, Susan Durham, Miegann Nasto, Kathryn Taggart, Carlos Carias, Thomas Guest, Kelley Warky, Delaney Carnahan, Kathy Allan, Barbara Middleton, Bonnie Flandro, Tina McComber, Brad Crookston, Nolan Krebs, Spencer Burt, Alan Luce and Marie Wilhelm.

The Pledge of Allegiance was led by Nan Isaacson.

An invocation was given by Eric Hansen.

Adoption of Agenda

00:02:00 Motion

Eric Hansen made a motion to adopt the agenda as presented. Nelson Boren seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for February 7, 2019 Planning Commission Meeting

00:02:26 Motion

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

Per a request from Casey Moriyama, new Community Developer Director, Spencer Burt introduced himself and gave a bit of his background.

New Business

Executive Session to discuss legal matters.

00:04:48

Alan Luce introduced the item and explained the process for moving into an executive [closed] session.

00:05:39 Motion

Buzzy Mullahkhel made a motion to close the meeting and move into Executive (Closed) Session for the purpose of discussing legal matters. Eric Hansen seconded the motion. A vote was called and the motion passed unanimously. This occurred at 6:39 p.m.

Minutes for this portion of the meeting are written under separate cover.

00:34:42 Motion

Buzzy Mullahkhel made a motion to open the meeting and move out of Executive (Closed) Session and return to the regular Planning Commission meeting. Eric Hansen seconded the motion. A vote was called and the motion passed unanimously. This occurred at 7:08 p.m.

Discussion regarding an existing Dog Kennel Permit, and the related conditional use permit at 2595N 1600E. (Schreiber Tails)

00:36:27 Explanation and discussion.

Casey Moriyama explained the previous discussion regarding the revision made to the original conditional use permit (CUP) adding a cap of ten dogs. He said after the City sought legal counsel, it was determined that the first CUP was approved with all of the staff's recommendations, including setting a maximum number of dogs, which we did not do the first time. He said it was an oversight on the Planning Commission's part however, to not set a total number of dogs, which is why that had to

be revisited at the next meeting; to meet the first staff recommendation to set a maximum number of dogs. He said the discussion was held, taking into consideration the recommendations from Animal Control Officer Nolan Krebs, as well as taking into account what is an appropriate scale for a home-based business. He said one of those factors needed to be setting conditions on how to best mitigate any detrimental or negative impacts to the surrounding properties, or neighbors. He said the recommendation the City has received is that the CUP with the limit of ten dogs is valid and in place. He explained that we have two options; one is to stick with the conditions of the amended CUP, or to revoke the permit. He said the second option is not something we want to do. He said therefore, the amended CUP with those conditions is what will govern the conditional use permit moving forward. He reiterated that this is not about "shutting down"; just that we wanted to operate with the same understanding that these are the conditions, and they will have to be followed. He said the conditional use permit will not have to be renewed annually, although the kennel permit will have to be renewed yearly. Casey asked Lauren if she wanted to speak to any of this.

00:41:34

Lauren Schreiber said it sounds like the Planning Commission is saying that she has to stick to ten dogs or they'll revoke her permit, but said the Planning Commission can make changes to that permit. She said when they first came, "they said they could get a number and reassess in a few months, so that's always an option as well". She said she wanted to know "where that ten came from". She then read some verbiage out loud that sounded like state code or something similar. She asked again what ordinance that ten came from. Casey explained the discussions that were held from various experts which helped the Planning Commission determine that number, and it was voted on unanimously. Lauren said that it came from personal opinion and not an existing ordinance and said it the commission's job to approve or not approve it based on the existing ordinances. Casey said it is their job to set reasonable conditions to mitigate any negative impacts to surrounding properties and that is what they felt was an appropriate number.

Alan Luce displayed the part of the North Logan City Code, 12C-512, that addresses this and reflects our legal position in setting the number of dogs.

Lauren argued that even though it says that, the City can "clearly state the number of dogs, but you can't just pull that out of nowhere; you have to have an ordinance in order to do that. If you don't have an ordinance, that's your problem". She said that's an issue that needs to be addressed for the future but said we "can't just come up with a number".

Sharilee Griffiths, Lauren's mother, said the City put the Planning Commission in an impossible position and said that number has to be based on an ordinance and there was no ordinance. She said she was accused of threatening litigation last week, which she said she did not do, and that it very much upset her. She said we can either work this out, or we can go and let a judge make the determination. She said so what you're saying is that it's either ten [dogs] and we'll just let a judge decide.

Buzzy Mullahkhel said he asked a similar question and that's how the Planning Commission is interpreting the letter from the City Attorney; that our hands are tied; and that we either allow [Schreiber Tails] to continue with ten or revoke the permit, in which case it would not likely get renewed because the matrix has changed. He said in the Planning Commission's review on this, our hands are tied at this point.

Sharilee said [the Planning Commission] can adjust that number, and Buzzy said the lawyer said we can't. Sharilee said then they'll let a judge decide, and that we need to realize that their hands are tied as well.

Consideration of a conditional use permit for an accessory dwelling unit located at 2690N 1600E, North Logan. (Eric and Christina McComber).

00:47:09 Explanation and discussion

Alan Luce introduced the item and explained that the last time this came before the Planning Commission for discussion, the staff report did not go through all of the items that were specified in the ADU Ordinance and the record was incomplete. He said it is therefore back before the Planning Commission for reconsideration for the application, based off a completed staff report/staff record. He further explained the request for this and details for the situation. He said the Planning Commission needs to review the application based off of a completed staff report, otherwise known as a "finding of fact".

Alan and Spencer Burt addressed various questions from the commission and explained how to proceed, and reviewed various points of the staff report.

Casey Moriyama referred to the item regarding the ADU needing to have the appearance of a single-family residence and discussed his interpretation of that, which Alan addressed.

Nelson Boren discussed the appearance of the residence in this case, in relation to the ADU and described how he felt that they match very well architecturally.

Eric Hansen said he agreed with Casey and said they appear very different to him.

This was discussed further. Eric discussed the statement that the ADU is to be subordinate in size to the original single-family unit, and these two look very similar in size to him. This was discussed further.

Buzzy Mullahkhel discussed his concern that the Planning Commission is getting information "after the fact" on some of these CUPs and asked if something needs to be done to ensure that they get all of the information ahead of time, which Alan addressed, including the need to review the Findings of Fact, one by one.

This was discussed further.

Alan said the Planning Commission is reviewing this against current code at this point; and that on a side note, we will be addressing how to correct these items when the code is updated. He said however, this has to be approved under the old code.

Casey asked about creating a committee to work on [the code], which Alan addressed.

The discussion continued.

Craig Humphreys said for clarification, based on some letters received, that if we give this ADU a conditional use permit and the property is sold, that it does not stay with the property, which Alan confirmed was correct. Alan reiterated that a conditional use permit does not stay with the house, and cannot be grandfathered in.

The discussion continued.

01:10:59 Motion

Craig Humphreys made a motion to approve this conditional use permit for an accessory dwelling unit. Buzzy Mullahkhel seconded the motion. A vote was called and the motion passed with Nelson Boren, Casey Moriyama, Craig Humphreys and Buzzy Mullahkhel voting in favor, and Eric Hansen voting in opposition.

Set Next Agenda and/or Adjourn

01:11:42

Spencer Burt discussed moving forward with the General Plan updates and encouraging community engagement, and asked the Planning Commission members to give him their recommendations on how this could be managed. Casey discussed districts.

They discussed the potential ways to move forward and how to manage meetings. Spencer discussed the need to get guided feedback. They also discussed ways of allowing people to be heard.

Barbara Middleton said she thinks it's very important to meet people on "their turf" and explained further; and said in her experience, it's very important during a meeting, that the person facilitating that meeting between the City and the citizens, for example, be a neutral party, and explained further. She also discussed the need for group facilitation techniques to be utilized.

Craig said in being part of many Planning Commission meetings with other entities, he discussed allowing people to speak during meetings, and how to manage the control of that. This was discussed further.

01:35:47 Motion

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

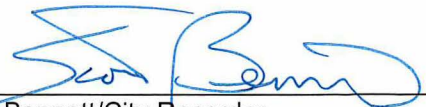
The meeting adjourned at: 8:09 a.m.

Approved by Planning Commission:

March 7, 2019

Transcribed by Marie Wilhelm

Recorded by


Scott Bennett/City Recorder