

**Minutes of the North Logan City
Planning Commission
Held on March 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.)*

***00:00:09**

The meeting was called to order by Casey Moriyama at 6:33 p.m.

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

Others present were: Curtis Jacobs, Bonnie Flandro, Gabby Kennedy, Bill Bullen, Mitch Spencer, Mark Hancey, Tiffany Hancey, Tracy Walker, Benjamin Bell, Mitchell & Sarah Richardson, Justin Petersen, Lauren Schreiber, Steven Gunnell, Cort Christensen, Jeanine & Carlos Anderson, Gary Peterson, Barbara Middleton, Jason Killinen, Mike Wolford, Shanna H. Duke, J _____ P _____ (illegible), Jared Walker, Becky Walker, Joni Kartchner, Lydia Embry, Brad Crookston, Spencer Burt, Alan Luce and Marie Wilhelm.

The Pledge of Allegiance was led by Eric Hansen.

An invocation was given by Craig Humphreys.

Adoption of Agenda

00:01:52 Motion

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

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

00:02:13 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

Spencer Burt mentioned that the discussion about ADUs will continue at the next Planning Commission meeting.

New Business

6:45 Public Hearing - Consideration and possible recommendation of ordinance changes proposed by Curtis Jacobs changing the required percentage of dwelling units in qualifying senior communities occupied by at least one senior resident (55+) from 100% to 80%.

00:03:45 Explanation and public hearing

Spencer Burt explained the developer's request to make a change to his subdivision, lowering the required percentage of senior living, thereby necessitating an ordinance change.

00:07:36

Casey Moriyama read aloud the guidelines for speaking at a public hearing, and opened the public hearing at 6:49 p.m.

Developer, Curtis Jacobs explained the reason for his request of a 20% reduction in the senior resident requirement. He said his intent is not in any way to open this up to families or children. He said they are being "handcuffed" by the restriction that the other senior community is not. He said they had some people who were 48 and 50 who wanted to purchase in his development and couldn't, but that they could in the other senior community [Towne Center Villas]. He said this is not fair, and they are not intending to change anything in terms of "family unit", and that the only intent is to give the exception of the "50 year old who would like to be in this community" and that's it. He said it is not for student housing, and that it states in their

CC&Rs that they won't even allow anyone under 25 years of age. He commented further. He said he guarantees that they won't sell to a family.

00:15:20 Public Comments

Lydia Embry asked if this is this within the federal regulations. She also asked if this is this for this development and future ones, or whether someone else is going to do this.

Mark Hancey discussed the email he sent to the City and asked the commission if they had any questions. He said it is the Planning Commission's job to write the ordinances, go through them thoroughly, and only then is it brought forth, debated and discussed. He said we put the cart before the horse here and went outside the standing that is authorized by the law, because a *citizen* is drafting the ordinance here. He said one can only imagine what would happen if every citizen could submit any ordinance. He said for that reason, the Planning Commission should recognize that fatal defect and not make a recommendation either way; to send it back and deal with it in a proper way under the Planning Commission's control and not a citizen's control. He said in relation to the over-55 federal guidelines, we can discriminate. He said we can't choose to rent to someone of a particular race or gender; and we cannot discriminate on the basis of age, *unless* you qualify for this special federal exception such as over-55, but that we are only entitled to those federal protections if we meet that base threshold. He said if we drop below 80%, we are discriminating and can be sued for discrimination; but that if we stay above it, we can't be sued. He said we spent a considerable amount of time with the neighborhood, the developer and with the City to negotiate a deal and "to craft something we could all live with"; and said this feels very much like a bait and switch when we get notice of this two days before a hearing, when one home has been built, seeking a change with no concessions in exchange.

Jeanine Anderson asked where the parking would be for an 18 year-old, and if they are looking to expand parking. She referred to another development where the lack of parking is an issue, and commented further. She said this needs to be closely considered.

Curtis Jacobs said parking doesn't affect what they're asking for. He said they have in their CC&Rs that no one under 25 [years old] can live there. He said they are not advertising anything other than [for] senior citizens. He said "if someone comes in who's 28, we're not going to let them get one". He said we would really like to keep it at around 90%, but that under the guidelines, they are actually going to restrict unrelated people in their current CC&Rs and commented further.

Jeanine Anderson argued that the developer knows very well that parking is going to be an issue, and commented further.

Mike Wolford said on behalf of the developers, the 80/20 rule stands and is a federal rule. He said the chances of a family moving into a 55+ community are very slim in that people don't want to raise their kids in that environment; and the HOA fees are in place for the beautification of the property and people 55 and over are willing to pay that, and reiterated his points.

Cort Christensen said a concern they have is that this states "18 and above", so the representation of not selling to someone under 25 [years of age] does not carry forward to the subsequent sellers and purchasers of those homes. He also asked whether the City wants the obligation to monitor and choose which lots can then be sold to individuals under the age of 55; and said he doesn't think that is something the City would want the responsibility to; and asked how we would equitably go about choosing which lots would be available to those under 55 [years old] versus those who are not, to keep it at that 80% threshold. He said he fully supports Mark Hancey's opposition and opinion here, as well.

00:27:12

Casey Moriyama closed the public hearing at 7:01 p.m.

Per a question from Eric Hansen, Alan Luce said a citizen *can* come before the City and request a change. A change to the code requires a lengthy process, but they do have the right to ask for a change.

Per a question from Mark Hancey, a fee was paid. Alan said this is simply a request.

Alan explained the senior qualifying factors and said it is a federal mandate that it is to be 55 and up, but the City cannot set below that, or set another number. He said the developer, however can set any number they choose within their CC&Rs.

The discussion continued.

Casey Moriyama asked why this even has to come to the Planning Commission in the first place, and why we have to change this for one or two potential buyers and noted that this was agreed upon in the original approval. He said he is against anything changing the ordinance, as it does not seem significant enough to change the ordinance.

Per a question from Craig Humphreys, it was confirmed that Heritage is 100% 55 and over. He said when it was stated that this is "not fair", that is not accurate. He said he finds it difficult to pass a new City ordinance that is applied City-wide to all possible future developments, because of one single incident or claim.

Eric Hansen said he sees the issue with trying to regulate the percentage, and would regulate and monitor that. He said from everything he has seen with the Towne Center Villas; there has been a lot of demand for senior living and that there will be no issue with selling these units.

Casey said these are going to be individually, titled properties and explained that they could not regulate the chain of sales and how that would be monitored.

Craig said he spoke to a developer who has done several of these around the state who told him that they can't build these fast enough, so there is therefore a demand.

The discussion continued briefly.

00:34:40 Motion

Eric Hansen made a motion to retain the existing ordinance as it currently stands. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously.

6:55 Public Hearing - Consideration and possible recommendation of ordinance changes proposed by staff making changes to pet daycare and boarding, and conditional use permits for a dog kennel.

00:35:07 Explanation

Spencer Burt introduced the item and discussed the current revisions done to further clarify the ordinance, which he reviewed with the commission, including regarding outside boarding areas; number of dogs allowed per square footage; staff availability; and, inspections. He also explained the kennel permit request process, which now allows for a limit of six, and that the animal control officer can inspect the premises of a kennel permit holder, with notice given.

00:39:33 Public Hearing

Casey Moriyama opened the public hearing at 6:49 p.m.

Lauren Schreiber said she appreciates the research that went into this and said it is very well done. She referred to the item requiring each dog to have its own crate, and said that there are places that have "family crates" so that a family of dogs can be boarded together, which she said helps reduced stress, etc. She asked whether that would be allowed with this. She also referred to the square footage required of 70 square feet per dog, and said what is being required seems very high to her. She said that other kennel facility buildings say that the minimum that is needed is 40-50; and said that 70 is a big space and commented further. She said regarding residential kennel permits, that "six" is a great number if it is for your own dogs; but said what about breeders and rescue facilities. She said she knows of multiple rescue facilities here in the valley that have up to 10-15 dogs. She said we are tying people's hands in terms of rescuing or fostering dog situations. She said other than those issues, she "thinks this looks awesome".

Benjamin Bell said he thinks that the required 70 square feet per animal is very high and said he does not even know of any veterinarians that board that fit that requirement.

00:42:26 Close of Public Hearing and Planning Commission discussion

As there were no further public comments, Casey Moriyama closed the public hearing at 7:17

176 *p.m.*

177
178 Eric Hansen asked about the definition of core vaccinations. Spencer said that can be defined
179 and commented further. Alan Luce said Stacy Frisk's comment of "core" vaccinations was not
180 clear and should be defined. Lauren said it is different depending on the vet; and Barbara
181 Middleton said that "core" vaccinations can also change. Spencer said they will get that
182 clarified.

183 Craig Humphreys asked why the 70 square footage requirement changed and where that came
184 from, which Alan addressed. This was discussed further. Spencer mentioned that staff only
185 has to be on site during clearly posted business hours and discussed some of the changes
186 made.

187 Buzzy said the "family crate" issue that Lauren brought up needs to be addressed.

188 Spencer said the main point of this ordinance was to clarify certain items, as it was overly
189 restrictive and other items needed to be defined, and commented further. He said this can be
190 put in place now to ease up restrictions and have some terms defined, and then continue
191 discussions for the various items, and make changes as necessary.

192 The commission discussed having a noise standard for this so that it does not become
193 excessive.

194 The discussion continued.

195 Alan said as this is a pending ordinance, and that another kennel permit requests cannot be
196 approved until this ordinance is done.

197 The commission agreed to revise the ordinance further, related to the items discussed, and
198 bring it back to the next meeting for consideration and recommendation.

199
200 Consideration of a conditional use permit for a Private Day Care/Nursery (not home) at 1775
201 North 200 East, North Logan.

202 **00:53:33 Explanation and discussion.**

203 Spencer Burt explained the situation and the request for a day care/nursery in a location in a
204 multi-family residential zone, just outside of a commercial zone. He reviewed the items in the
205 staff report with the commission. He reviewed the various state requirements.

206 Mike Wolford, representing the applicants, discussed the request and a bit of background of the
207 applicant's experience running three home daycares, and their desire to open a commercial
208 daycare. He explained the location and the building itself, and various details that will be
209 beneficial for this use. He discussed the inspections that have been done.

210 Craig Humphreys said in relation to the building, when there is a change of use – there are
211 significant changes that need to be made to make this work for a daycare center and asked the
212 developer to pay close attention to those notes from the Fire Marshal.

213 Mike said as part of their due diligence, they will follow all of those rules for the state and the
214 items discussed by the Fire Marshal. He said they will comply with code and all of those
215 requirements.

216 The discussion continued, including regarding the various state requirements. Spencer and
217 Mike addressed various questions from the commission.

218 Casey Moriyama asked whether the developers had discussed this with the adjacent
219 neighbors. Per a question from Buzzy Mullahkhel, Mike said this was not noticed. Buzzy said it
220 meets the conditions.

221 The commission recommended that the developers notice the neighboring properties of the
222 use.

223 The discussion continued, including regarding meeting the related requirements.

224 Casey said he feels the City should do its due diligence by noticing the surrounding properties
225 about this use.

226 This was discussed further.

227
228 **01:17:15 Motion**

229 *Buzzy Mullahkhel made a motion to approve the conditional use permit as presented in the*
230 *staff report. Eric Hansen seconded the motion. A vote was called and the motion passed with*

Eric Hansen, Buzzy Mullahkhel and Craig Humphreys voting in favor, and Casey Moriyama voting nay.

Consideration and possible recommendation of a Development Plan for the Bullen Brothers Commercial Subdivision (2 lots) located in the CG zone at approximately 2500 North Main Street, North Logan. (Steve Gunnell)

01:18:12 Explanation and discussion.

Spencer Burt introduced the item and discussed the situation, and that the concept plan for this was approved on January 16th. He said this has been reviewed by staff through several meetings and explained further, including all that has been submitted. He also discussed the access approval that is in the process of being obtained through UDOT by the applicant. He said approval is conditional upon the applicant obtaining this access from UDOT, and also that that the applicant follows all recommendations or requirements from UDOT. Spencer explained this access further.

Developer, Steve Gunnell explained the shared access, where this would be located and how it would be managed, and how they would fulfill the requirements.

Spencer further discussed the intentions of the developers and reviewed the items in the staff report. He said staff recommends a positive recommendation on this with the condition that the developer acquire that signed access from UDOT.

Spencer and the commission discussed various related items, further.

Alan Luce said there is an access management plan from UDOT which recommends opening certain access points and some they want closed, and explained further.

Craig Humphreys discussed access on 2500 North, which Alan addressed. Access was further discussed relating to the potential of traffic backing up to this driveway along 2500 North from the traffic signal.

Eric asked if there were any concerns regarding water supply, which Alan addressed, and said there will not be anything too excessive here.

01:29:38 Motion

Craig Humphreys made a motion to make a positive recommendation to the City Council on this development plan. Eric Hansen seconded the motion. A vote was called and the motion passed unanimously.

Set Next Agenda and/or Adjourn

01:30:32 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: 8:05 P.M.

Approved by Planning Commission:

April 4, 2019

Transcribed by Marie Wilhelm

Recorded by


Scott Bennett/City Recorder