

**Minutes of the North Logan City
Planning Commission
Held on October 20, 2011
At the North Logan City Library, North Logan, Utah**

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The meeting was called to order by Mark Hancey at 7:00 p.m.

Commission members present were: Mark Hancey, Glen Hansen, Brett Robinson, Frank Prince and Geri Christensen. (Bob Balling was excused).

Others present were: W. Richard Wood, Ruth Ellen Wood, Jason Killinen, Brian Carver, Lydia Embry, Cordell Batt and Marie Wilhelm.

The Pledge of Allegiance was led by Geri Christensen.
An invocation was given by Brett Robinson.

Adoption of Agenda

Glen Hansen made a motion to adopt the agenda as presented. Geri Christensen seconded the motion. A vote was called and the motion passed unanimously.

**Approval and Follow-up of Minutes for September 8, 2011 and September 22, 2011
Planning Commission Meetings**

September 8, 2011 Planning Commission Meeting

Geri Christensen made a motion to approve the minutes as amended. Brett Robinson seconded the motion. A vote was called and the motion passed unanimously.

September 22, 2011 Planning Commission Meeting

Brett Robinson made a motion to approve the minutes as amended. Glen Hansen seconded the motion. A vote was called and the motion passed unanimously.

Follow-up

Cordell said he's been working with Jake Young on form-based codes, and said Jake suggested that the City apply for a CIB (Community Impact Fund Board) grant which is through the Utah Division of Housing and Community Development, as did Brian Carver with BRAG [Bear River Association of Governments]. Cordell said the plan for the City Center area is very conceptual at this point, and more planning is needed. He discussed the review of the grant, said that the City applied, asked for and received a \$15K matching grant last week; which the City will match with CDA money and use for the City Center area. He discussed this further.

New Business

7:10 PUBLIC HEARING - Consideration and possible approval of a conditional use permit for an accessory dwelling located at 2186 North 1450 East, North Logan. (Richard Wood Residence)

Cordell Batt presented the item and oriented those in attendance to the site via an overhead, projected map of the location. He said the Woods built a home on this lot and would now like to rent out the basement, which is the reason for the conditional use permit/accessory dwelling request. He discussed further steps taken in the approval process. He said they have provided a notarized letter stating that they will be living in the house; however, further stated that they would like to go on a mission in the future, and said that the ordinance will allow that as long as they work with the City and let us know when that is occurring and designate someone who will be responsible for the home.

Mark Hancey discussed the current living situation with the homeowners, including the fact that the owners have been gone on a mission and the home is currently being remodeled to allow for them to live in a part of the home and rent out the other part to the people who are presently living in their home.

Cordell explained the status of some of the other requirements.

58 *Mark Hancey opened and then closed the public hearing at 7:18 p.m. as there were no*
59 *forthcoming public comments.*

60
61 Cordell discussed the concern staff had about the fact that the Woods are currently staying in a
62 camper in the garage of the home until the remodeling is done. He said he and Jason Killinen
63 from the North Logan Fire Department have made them aware of what they can and cannot do in
64 that situation, particularly in terms of heating and cooking on site.

65 Mark Hancey asked Cordell if the City wanted to put an [expiration] date on the temporary
66 occupancy permit and require the owners to be done with the remodeling by a certain date; which
67 Cordell said was up to the Planning Commission.

68 Per a question from Mark Hancey, the owners said they would like to and are intending to have
69 the remodeling done by Thanksgiving of this year.

70 Per a question from Brett Robinson, the owners said they have a sub-contractor performing the
71 remodeling work.

72 Cordell suggested that once the Planning Commission gives approval, he write a letter of
73 approval that includes the conditions; which can be withheld until the last inspection for the
74 basement is completed.

75 Jeff Jorgensen raised the issue of the owners needing a possible extension, and it becoming a
76 zoning violation if they cannot extend the temporary occupancy time limit. He suggested setting a
77 date and then having the Woods work with City staff to extend the date if necessary.

78
79 *Geri Christensen made a motion to approve the conditional use permit, with the conditions*
80 *proposed by staff and with the condition that the homeowners complete the remodeling by*
81 *January 1, 2012, absent any additional extensions granted by City staff. Brett Robinson*
82 *seconded the motion. A vote was called and the motion passed unanimously.*

83
84 RV Park conditional use permit review to consider whether to approve it continuing after one
85 year. The RV Park is located at 75 East 2850 North, North Logan. This is a 2.2 acre parcel in
86 the Forest Recreation (FR) zone (the access portion of a permitted use in the CG zone. (Taylor
87 REI, Inc.)

88 Jeff Jorgensen explained that Steve Taylor was aware of the meeting, and called to say he was
89 unable to attend; but said that he would comply with the Planning Commission's decision. Jeff
90 reminded the commission that a conditional use permit was set up for a portion of the land where
91 the RV park is built, which is on county recreation land. He said the Taylors had a plan for what
92 was supposed to be done on that property, which was approved by the Planning Commission and
93 the City Council. He said while in the process of doing that work, weather issues occurred, and
94 there was a need to house the people who were working on the Ruby Ridge Pipeline; therefore
95 the City Council allowed the Taylors to begin occupancy in the park, even though the Taylors had
96 not completed all the work in the plan, and did not have a Certificate of Occupancy, nor a
97 Business License. He said the City has been working with them ever since, on that basis. He
98 said the Ruby Ridge occupants have come and gone, and the park has occasional occupants on
99 and off. Jeff explained that there are still items that the park needs to complete per their initial
100 plan, and referred to the letter the Planning Commission had a copy of which outlined those
101 items. Jeff discussed these items further and said until certain items are completed, the City has
102 had to continue to do monthly storm water inspections at the site to ensure that their Best
103 Management Practices are still in place. He also mentioned the constant late payment issues
104 with their City utility bill, which consistently puts them on the City's shut-off list; as well as the fact
105 that their utility payment checks have bounced on at least three occasions. Jeff discussed this
106 further. He said this does not relate to land use, but does reflect that they have not been entirely
107 responsible with their situation. Jeff also discussed the situation with the transient room tax,
108 which seems to be going to Logan City, rather than North Logan City, as it should be, which the
109 Taylors promised to correct on several occasions.

110 Frank Prince asked if only the east entrance would be affected if the conditional use permit was
111 not renewed; and that they would then have to go to UDOT to get access, which Jeff said was
112 correct. Jeff said that they would still have to do all that is required of them in order to get a
113 Business License, Certificate of Occupancy, etc. Jeff discussed further issues that would take
114 place if they do not fulfill their requirements.

115 The commission discussed this further. Cordell said that the issues which Jeff Jorgensen
116 outlined in his report are what the commission needs to determine whether to continue or revoke
117 the conditional use permit. Per a question from Mark Hancey, Jeff also explained that the letter
118 from City Attorney, Bruce Jorgensen, explains the Planning Commission's authority in this
119 situation and essentially recommends that the commission give the Taylors a reasonable amount
120 of time to correct the issues by a certain date; and that if they are not corrected by that time, to
121 revoke the conditional use permit. He said Bruce Jorgensen recommended giving them four
122 weeks.

123 The commission further discussed the situation, and how to proceed. Cordell read the
124 recommendations made by Bruce Jorgensen in his letter to City on this, including that the Taylors
125 could complete the requirements quickly if they would work to get them done; and asked why, if
126 the Taylors did not have the funds to do the project correctly last year, why they had committed to
127 the project and started. Cordell also read that Bruce recommended that the commission give the
128 Taylors four weeks to comply (i.e. the second Planning Commission meeting in November, which
129 would be November 17th) which would show the Taylors that the City has given them every
130 opportunity to comply; and that by November 17th, non-compliance to the conditions means the
131 permit will be revoked. Cordell said that Bruce further stated that compliance means completion
132 of each condition, and inspection and approval by the City inspector or other official before the
133 November 17th Planning Commission meeting; therefore every condition that Jeff Jorgensen
134 outlined in his report has to be completed by November 17th.

135 Per discussion with the commission, Jeff reiterated that the issues listed in the letter to the
136 Taylors that they will be required to comply with are, that they: (1) Complete their plan and get a
137 final inspection so that they can get a Certificate of Occupancy; (2) Obtain a Business License;
138 (3) Correct the tax issue regarding where they are sending their transient room tax is going; and,
139 (4) Stabilize the soil and complete their SWPPP.

140 Mark Hancey confirmed that by the thirty-day deadline, the Taylors will either comply with those
141 four items, or their conditional use permit will be revoked.

142 The Planning Commission discussed this further, and agreed that instead of making the deadline
143 November 17th, the City give the Taylors 30 days from the date of the letter to them, to comply.

144
145 *Frank Prince made a motion to give the Taylors thirty (30) days from the date of the letter from*
146 *the City to comply with the four conditions, as discussed here; otherwise the conditional use*
147 *permit will be revoked. Brett Robinson seconded the motion.*
148

149 Mark Hancey asked if the conditions are met, whether the Planning Commission would renew the
150 conditional use permit for another year, and whether the commission would meet again in one
151 year to consider another renewal. Cordell said it will not be done on a year by year basis, unless
152 complaints or issues arise, in which case it will be reviewed as is done with any conditional use
153 permit once it is issued. Jeff discussed potential items that might be cause for concern. The
154 Planning Commission further discussed various, minor items.

155
156 *A vote was called and the motion passed unanimously.*
157

158 Consideration of building setbacks for the assisted living (Caring Hearts) building conditional use
159 permit at 425 East 2500 North. (Staff).

160 Cordell explained that this development is actually in a residential zone, although it is being done
161 as a conditional use permit. He also said the City has not typically had to deal with setback
162 issues for conditional use permits; however this is different, as it is in a narrower than usual lot,
163 and the architect wants to move the building two feet to the north because the building changed a
164 bit; which bumps them closer to the typical setback limits. He said the construction plan is
165 currently being reviewed, and the developers are ready to build the building as soon as that is
166 approved. He said the site plan was reviewed and looked fine, so they proceeded; but the
167 setback issue was not considered. Cordell said that in terms of the setbacks; they are in
168 compliance in all but one area, which Cordell explained via a site map of the location. He said he
169 discussed this with City Attorney, Bruce Jorgensen, and said they feel, since this is a different use
170 than a typical residential lot use, that setbacks could be set for this use at the time of the
171 conditional use permit approval, as one of the conditions; and that since that was not done at that

172 time, we should do it now. He explained this further.

173 Mark Hancey asked whether the setbacks being shown were on the subdivision plat map at the
174 time of approval, which Cordell confirmed that they were. Per a question from Mark about
175 whether the developer is now deviating from those setbacks; Cordell said they are in compliance
176 with all of the setback lines on the plat map, except for one. Mark asked whether there would
177 have to be an amendment to the plat done in that case, and Cordell said he would have to
178 determine that.

179 The Planning Commission discussed this further and Cordell explained what the proposed
180 setbacks were actually going to be (i.e., 30' on the west, 20' on the south, 10' on the north and 30'
181 on the east for lot one), which is like what is for residential, and per a question from Mark Hancey,
182 would still be in compliance.

183 Jeff Jorgensen briefly explained further and said the ten foot setback for fire safety is in place, as
184 required.

185

186 *Frank Prince made a motion to approve the recommended setbacks (30' on the west, 20' on the*
187 *south, 10' on the north, 30' on the east), as discussed, as a condition of the previously approved*
188 *conditional use permit for this development on lot one of this subdivision. Geri Christensen*
189 *seconded the motion.*

190 *Mark Hancey made an amendment that the plat will be reviewed and adjusted, as necessary,*
191 *which was agreed to by Frank Prince and Geri Christensen.*

192 *A vote was called and the motion passed unanimously.*

193

194 Review Housing Element with new census information provided and decide on next steps of
195 recommendations to make. (Staff)

196 Cordell explained that he worked with Brian Carver, who put the updated census data into the
197 Housing Element. Cordell said he gave the updated additions and changes to the commission for
198 their review.

199 Mark Hancey discussed a discrepancy, particularly in relation to the numbers regarding existing
200 and newly approved apartments in North Logan, which would change the final numbers
201 drastically.

202 Brian said that he did receive that information from Cordell; but explained that it is difficult to get
203 accurate numbers with the model he is using, and further explained some of the problems with
204 the model. Mark discussed this with him further.

205 After further discussion, the commission agreed that the numbers need to be an accurate
206 reflection of what is there before the Housing Element can be approved. It was suggested to
207 have Brian evaluate the numbers again and review this item again at the next or following
208 meeting. Brian agreed to review the numbers and let Cordell know when it is ready and then it
209 can put back on the agenda.

210

211 **Set Next Agenda and/or Discussion**

212 Cordell said the only item likely coming up at the next meeting is the Keller Lane, three-lot
213 subdivision.

214

215 *Brett Robinson made a motion to adjourn the meeting. Glen Hansen seconded the motion. A*
216 *vote was called and the motion passed unanimously.*

217

218 The meeting adjourned at: 8:11 p.m.

219

220

221 Approved by Planning Commission:

November 17, 2011

222

223 Transcribed by Marie Wilhelm

224

225 Recorded by

226

227


Scott Bennett/City Recorder