

Minutes of the North Logan City
Planning Commission
Held on May 16, 2013
At the North Logan City Library, North Logan, Utah

The meeting was called to order by Chris Nelson at 7:01 p.m.

Commission members present were: Brett Robinson, Chris Nelson, Brad Crookston, Nathan Hult and Geri Christensen. (Joan Findlay and Kevin Christensen were excused)

Others present were: Andy Checketts, Keri Pabst, Lydia Embry, Cordell Batt and Marie Wilhelm.

The Pledge of Allegiance was led by Geri Christensen.
An invocation was given by Nathan Hult.

Adoption of Agenda

Brad Crookston made a motion to adopt the agenda as presented. Brett Robinson seconded the motion. A vote was called and the motion passed unanimously.

Approval and Follow-up of Minutes for May 2, 2013 Planning Commission Meeting

Nathan Hult made a motion to approve the minutes as presented. Brett Robinson seconded the motion. A vote was called and the motion passed unanimously.

Follow-up

Per a question from Chris Nelson about the budget information given to the commission, Cordell explained that it is simply a monthly report that just the Planning Commission Chair receives. Cordell briefly addressed some questions about the Planning Commission's budget, and confirmed that the request for a Consultant was not removed from the planning budget.

Nathan Hult asked about the previous discussion regarding the ordinance for the cigarette business and potentially writing a new ordinance. Cordell explained that the Planning Commission's comments on this were given to Jeff Jorgensen who is reviewing that and is currently putting an ordinance together. Cordell said they went through the state code and obtained the appropriate definitions; and also said that the City Council agreed that this should be done through the Land Use ordinance rather than the adult-oriented business ordinance. Cordell said this will be coming to the commission at a future meeting.

Chris Nelson said he had heard something about the RV Park possibly having their conditional use permit revoked. Cordell explained the situation and said the last he had heard; Cache County was revoking the RV Park's lease for this site.

New Business

7:15 Public Hearing - to receive public input on the proposed conditional use permit to allow an accessory dwelling unit at 1302 East 1850 North, for the residence of Andrew Pabst, North Logan and consideration of approval for the CUP. (Andrew Pabst)

Cordell introduced the item and explained the situation. He oriented those in attendance to the site via a projected, aerial photo of the area. He explained that this home site has existing structures on it, and that one of the structures is the one the owners want to remodel and convert into the detached accessory dwelling. He said it has been historically accessed from Keller Lane and explained the site further, including the extensive clean-up the owners have done with this site. He said after initially meeting with the owners and thinking what they initially requested would work; he further reviewed the code and realized that there was a section in the code that requires the accessory dwelling to be on the same lot as the primary residence. He explained that the accessory dwelling unit is actually on another lot that the applicants own, adjacent to the lot that their primary residence is on. He explained this further and said he then put a condition for approval on the Conditional Use Permit that they must combine that parcel with the residential lot, using a lot line adjustment. He said he spoke to City Attorney, Bruce Jorgensen who

59 confirmed this; and mentioned that this has caused some issue for the applicants in their funding
60 process. He explained the situation further and how this would proceed. Per a question from
61 Chris Nelson, Cordell said the access would continue to be from Keller Lane.

62 Cordell addressed minor questions from the commission. He discussed what would occur if this
63 went through the subdivision process.

64
65 *Chris Nelson opened the public hearing at 7:20 p.m.*

66
67 Lydia Embry asked if Keller Lane is private, and asked whether all of the owners had to sign off
68 on a "use of a private lane" and maintenance agreement.

69
70 Andrew Checketts said that it did include access when it was purchased; and that all of it is
71 signed off.

72
73 *As there were no further public comments, Chris Nelson closed the public hearing at 7:22 p.m.*

74
75 Cordell Batt addressed various minor questions of the commission.

76 Chris Nelson asked about whether there was existing plumbing. Keri Pabst said it does not
77 currently have plumbing, but that they spoke to the City and plumbing will go through Keller Lane.
78 He said they have had someone come out to look and said it was feasible.

79 Brett Robinson asked about the rendering of the accessory dwelling included in the packet, and
80 Chris said it appears to be a duplex. Cordell said it is a floor plan of what the applicants plan on
81 doing with the building.

82 Keri briefly discussed their design intentions for the building as residential.

83 Brett asked what the difference is between an accessory dwelling and a duplex. Cordell
84 explained that a duplex is allowed per a zone, where two families are allowed to live in each unit.
85 He explained that an accessory dwelling is a single-family residential lot on which the City allows
86 a unit to be built that will house an extra family. He said it is not categorized the same as a
87 duplex and does not have to go through the same scrutiny. He explained the code requirements
88 for an accessory dwelling. He said it is now allowed to have the accessory dwelling to be
89 detached, but that the owners have to live in the primary house; they have to provide enough
90 parking; if they are remodeling, they have to provide an outside entrance; they have to get a
91 building permit including going through the inspection process to ensure that everything is up to
92 code; and, the owners have to write a notarized letter stating that they will be living in the primary
93 residence. Cordell also explained that the conditional use permit for the accessory dwelling does
94 not stay with the property if the owners leave; it stays with the owner. If a new owner wants the
95 situation to remain, or to get a new tenant, they would have to come into the City to request a
96 new conditional use permit. Cordell further explained the definition of a family, and said they
97 could have as many as four unrelated people living in the accessory unit, or as many related
98 people as they chose to.

99 Chris said his concern is that by allowing an accessory dwelling that would have two apartments,
100 this is not in harmony with this geographic area.

101 Brad Crookston said this appears to be two apartments.

102 Cordell said the Planning Commission's concern should be that the accessory dwelling has been
103 approved based on the conditions staff set forth; and then it is up to the City to make sure that the
104 applicants follow the conditions.

105 Brad discussed the building access situation and what the Planning Commission has to review;
106 and that this could disturb the neighbors if this is a rental, and looks like a rental.

107 Brett said his idea of an accessory dwelling is something like a mother-in-law apartment, and not
108 a duplex. He said you can call it an accessory dwelling but that this "looks and smells" like a
109 duplex to him.

110 Cordell said it cannot have a separate address, nor be metered separately. He said this does not
111 act like a duplex. He said they cannot do a lot of things that a separate unit could do. He said
112 the major control that is put on an accessory dwelling is that the owners have to control it, as they
113 have to live there.

114 Chris said this is an accessory dwelling, but that inside that accessory dwelling, it appears as
115 though it is *not* an accessory dwelling, it is a *duplex*, because there is a plan to have two
116 apartments put inside there; not a single accessory dwelling.

117 Cordell said that he typically only shows the Planning Commission a layout to show there is an
118 outside entrance. He also said that when staff reviews this for building permit approval, they look
119 at it as a residential unit, not as a duplex. He explained what would have to be done for a duplex,
120 which is not looked at that way for an accessory dwelling.

121 Keri discussed another rental situation nearby on Keller Lane that has three apartments included
122 in it.

123 This was discussed further and Cordell reiterated that one can have four unrelated people living
124 in one home. He said that there may be two kitchens, etc. within the home, but that the owners
125 are still restricted by who can live there, whether it is an accessory dwelling or not.

126 Nathan Hult mentioned that the drawing the owners provided show the unit as having two
127 separate entrances and does not seem compatible with the code.

128 Cordell said the owners can do what they want *inside* the unit, but if the appearance of two
129 entrances is an issue, the commission could require having a single entrance as a condition for
130 approval; as well as even requiring them to have one unit inside.

131 Keri explained more design intentions per a question from the commission.

132 The commission continued their discussion with Cordell and the applicant, and attempting to
133 clarify whether this is an accessory dwelling or a type of duplex, which the general consensus of
134 the commission was that it was the latter.

135 Cordell reiterated that what the applicant proposed, including the conditions Cordell put on it,
136 make this an accessory dwelling. He said it does not matter what is on the inside, as long as
137 they comply with the conditions.

138 The conversation continued.

139 Geri Christensen asked if the current ordinance states whether the accessory dwelling can be
140 more than one unit; and Cordell said it does not get specific on what that unit *is*. He said the
141 applicant is coming to get the ability to have another family live on that site. He commented
142 further and said that staff does not get too concerned with what they're building on the *inside*; that
143 what the City has control of is who they can have living there and reiterated that they cannot have
144 more than two families living on that residential lot, regardless of what it looks like on the inside.

145 Chris said he wanted to state for the record that the Planning Commission wants to review the
146 definition and usage for detached accessory dwellings at a future meeting; because the way the
147 ordinance is currently written, it is too ambiguous to allow the Planning Commission to make a
148 reasonable expectation of what this really is. He further read aloud the language of the
149 ordinance.

150 Cordell commented that the ordinance for the detached accessory dwelling has been in place for
151 five years, and said there was no one in attendance at the meeting that was opposed to this and
152 commented further.

153 Chris said it is in the best interest of the public for the Planning Commission to look at the code
154 and make recommendations, as it is the Planning Commission's responsibility to do so.

155 The commission continued to discuss that the issue is that this looks like two units, with two
156 separate entrances.

157 Cordell explained the definition of a family in relation to an accessory dwelling, per a question
158 from Nathan. He said the family has to live in the primary residence, and they are allowed one
159 additional family. He reiterated the definition of family, which is four unrelated, or family plus one.

160 Cordell reiterated that the City is not seeing this as two units; they are only seeing it as one.

161 The conversation continued.

162 Cordell discussed the applicant having to comply with the requirements after they receive
163 approval; otherwise they are in violation of the law, and the police are contacted in that case. He
164 said he maintains a list of all conditional use situations in the City.

165 Per Chris Nelson's mention of potentially tabling this as an option; Cordell said there needs to be
166 good reasons for doing so, along with some direction to staff about how they should proceed with
167 this. Cordell said except for the fact that this is not one lot, the applicants are meeting all of the

168 other conditions and will not be issued the approval letter until they work with staff and get the lot
169 line adjustment made to make this one lot.

170

171 *Nathan Hult made a motion to table approval of this based on the following: 1) one accessory*
172 *dwelling is permitted, and this appears to be two separate accessory dwellings, side by side; and,*
173 *2) the plan shows two separate entrances and that according to the ordinance requiring the*
174 *appearance of the building remain that of a single family dwelling, this should only have one*
175 *entrance.*

176

177 The commission discussed potentially having the applicant alter the floor plan so that there is only
178 one entrance, or that there are not two kitchens; as well as adding a condition that the applicant
179 only be allowed to have related family only, live in the accessory dwelling.

180 Keri explained that their plan is to have her daughter and son-in-law live in one half, while renting
181 out the other half to someone else to offset the costs of remodeling the building.

182 Cordell told her she could not do that as that is beyond the definition of a family, and explained
183 further.

184 The conversation continued at length, and Chris reiterated that the applicant's intention is to have
185 two accessory dwellings, not one, which is a duplex.

186

187 *Brad Crookston made a friendly amendment to the motion that the Planning Commission get*
188 *more detailed plans of the accessory dwelling as part of the conditional use permit application so*
189 *the Planning Commission has an idea of what it will look like.*

190 *Nathan Hult accepted the friendly amendment.*

191

192 There was further discussion about how to proceed, and approving adding certain conditions,
193 including stating that this is one unit, and having one entrance instead of two.

194

195 *A vote was called and the motion passed with Nathan Hult, Brad Crookston and Brett Robinson*
196 *voting in favor, and Geri Christensen and Chris Nelson voting against.*

197

198 Cordell asked the Planning Commission what they wanted the applicants to bring back to them.

199 Nathan discussed that the current drawing has the accessory dwelling drawn exactly in half, with
200 the designs the same on each side, with each one having its own kitchen, bathroom, bedroom,
201 etc. He said if we're talking about an accessory dwelling unit, he would like to see something that
202 looks like one unit and not two.

203 Chris said the unit has a demising wall that clearly and distinctly separates two, very distinct living
204 quarters with completely separate functionalities. He said the appearance is that it is not a single
205 accessory dwelling. He commented further.

206 The commission and the applicant briefly continued their conversation.

207 Brad said this needs to be on the next agenda to discuss accessory dwellings.

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211 *Brett Robinson made a motion to adjourn the meeting. Nathan Hult seconded the motion. A vote*
212 *was called and the motion passed unanimously.*

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214 The meeting adjourned at: 8:27 p.m.

215

216 Approved by Planning Commission: June 6, 2013

217

218 Transcribed by Marie Wilhelm

219

220 Recorded by

221

222



Scott Bennett/City Recorder