

**MINUTES OF THE HOLLADAY CITY
PLANNING COMMISSION MEETING**

Tuesday December 3, 2024

5:30 p.m.

**Holladay Municipal Center
4580 South 2300 East**

ATTENDANCE

Planning Commission Members:

Dennis Roach, Chair
Angela Gong
Paul Cunningham
Ginger Vilchinski
Brain Berndt

City Staff:

Jonathan Teerlink, CED Director
Carrie Marsh, Senior Planner
Brad Christopherson, Legal Counsel

CONVENE REGULAR MEETING

Chairman Roach called the meeting to order at 6:00 p.m.

ACTION ITEMS

1. Approval of 2025 Planning Commission Meeting

Commissioner Paul Cunningham clarified with staff various markups on the 2025 meeting calendar. No other discussion was had by the commission.

Commissioner Paul Cunningham, moved to APPROVE the 2025 meeting calendar, as presented

Commissioner Angela Gong, seconded the motion. The motion passed with the unanimous consent of the Commission.

2. Ratification of prior approvals of Minutes –

Jan – 9th & 23rd, Feb – 6th & 20th, March – 5th & 19th, April – 2nd & 16th, May – 7th & 21st, June – 4th & 25th, July – 16th, August – 20th, September – 3rd, October – 1st

Legal Counsel, Brad Christopherson reviewed the issue of providing seconds on all motions. Previous approvals to meeting minutes listed were not recorded as having a second to the approval motion. Mr. Christopherson continued to explain a motion to ratify approved meeting minutes of the dates in the agenda is needed – with a second.

Commissioner Cunningham moved to ratify the previously approved Meeting Minutes from 2024 as presented in on the agenda

Commissioner Berndt seconded the motion. The motion passed with the unanimous consent of the Commission.

3. Planning Commissioner Training –

Legal Counsel, Brad Christopherson provided the commission's required training session. Mr. Christopherson reviewed the topic of conditional use permits as multiple of his clients have experienced challenges that arise because of conditional use permits and sometimes the litigation involved.

Mr. Christopherson provided an overview and detail of case law, *Staker vs. the Town of Springdale*. Elements of the applicant's proposal and the Town's final actions were described as an example of an issue that may be similar to applications in *Holladay*

Mr. Christopherson provided insight as to how commissioner approvals should be based on findings of fact. Explaining that, staff reports will typically have findings especially for conditional uses. He described that these are suggested findings, but commissioners have the authority to bring in their own findings. The importance of findings is highlighted by Mr. Christopherson is critical, especially in the case of a denial. As most of the time approvals do not get challenged, as in, appealed. Findings provide substantial evidence. The definition of substantial evidence is provided to the commission as evidence where it's supportive, where a reasonable mind could reach that conclusion based on the evidence that was presented.

Mr. Christopherson presented the commission with various examples of approvals with findings that provided this level of substantial evidence included the resolution of the matter in the case of *Staker vs. the Town of Springdale*. Making the point that these are the types of applications that result in litigation.

In addition, Mr. Christopherson described the staff's role. The city staff's job was described as identification of any number of issues and impacts a conditional use could have and to provide, in the staff report, findings that will be defensible as substantial evidence. Mr. Christopherson clarified that staff findings are provided, not because there may be predetermined outcome or guiding a decision but because staff knows certain areas can be very controversial, so the staff's job assist in discovering substantial evidence, to assist the Planning Commission in making findings that can be supported.

Commissioner Berndt queried as to what LUDMA's (Land Use and Development Management Act) definition of what is minimum mitigation is or does LUDMA define a point where mitigation is met. Mr. Christopherson explained that a standard or condition must be objective enough to be measurable upon confirming compliance. The notion was further clarified when a question was raised on altering codified standards. Mr. Christopherson explained that as the Land Use authority you have the authority to impose reasonable conditions.

Commissioner Roach asked if the applicant needs to agree to commissioner findings. Mr. Teerlink answered, "no, because they have the right to appeal that decision.

Commissioner Berndt commented on how the commission can use a reasonable standard to address public claims of negative impact, and implied that the commission would hope to ensure legal counsel would providing guidance on those making a final decision so as to defend a

challeng. Mr. Christopherson supported the notion. Mr. Teerlink provides insight on commissioner options to recess or continuing a meeting to a separate date, during a tense comment period.

Senior Planner, Carrie Marsh stated that transparency is the main reason why we hold public meetings, to gain additional feedback. Sometime the staff may miss things or don't realize what some of the impacts might be, and so it's nice to have that second check with both the Commission and the public involved.

Senior Planner Carrie Marsh clarified that October 29th minutes were not part of the ratification as they have yet to be approved. It was decided by the commission to continue the meeting minutes of October 29th to the next meeting.

Commissioner Roach moved to adjourn. Commissioner Berndt seconded the motion. The motion passed by the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at 6:51 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Holladay City Planning Commission meeting held Tuesday, December 3rd 2024



Jonathan Teerlink
CED, Director

Minutes approved: February 4, 2025