

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 March 9, 2006

6 Present: Blaine Sorenson, Chair

7 Commission: Jim Beazer, Lance Campbell, Jon Mock, Kristina Eborn

8 Council: Deon Johnson, Stacie Gomm, Ron Liechty, Kathy Baker, Trent Rasmussen

9 Mayor: Randy Simmons

10 City Administrator: Skarlet Bankhead

11 Secretary: Rebecca Billings

12 Excused: Bill Bagley,

13 Press: Hard News Café at USU

14

15 Minutes: change date in footer

16 p. 2 line 15-17; Ron Liechty instead of City Council (lots and lots of conditions)

17 p. 2 line 24 elect, not appoint; line 23: one instead of many (jim)

18 p. 3 line 20: asked instead of suggested. (Jon asked)

19 p. 7 line 43: Bonnie's Lake Washington

20 p. 9 line 31: semi-colon or period; same line: until about 5 years ago (not exactly 5 years ago)

21 p. 8 lines 1 and 3: reversed (Dan commented first).

22 p. 1 line 27: Mayor Simmons said this.

23

24 Motion by K Eborn to approve the minutes of the February 21, 2006 Planning Commission with
25 the corrections above. Second by Jon Mock; all in favor.

26

27 Conflict of interest: none.

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29 Disclosure of ex parte: none.

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31 Joint City Council/Planning Commission Workshop:

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33 Design Review has been approved by the Planning Commission back in 2003 (in a public
34 hearing). S Gomm wasn't sure if we needed to take back the document.

35 B Sorenson felt the document was too lengthy. He would like to see a more compressed version.

36 J Beazer felt that the City Council should look at it; the Planning Commission is just a
37 recommending body.

38 S Gomm said that, according to the Design Review document, the Planning Commission IS the
39 Design Review Committee.

40 B Sorenson felt that, because of the changes in the document, it would be advantageous to look at
41 it again. He felt that, because City Council never took any action on it, it should go back to
42 Planning Commission.

43 Mayor Simmons said that the City Council asked the Planning Commission to look at the
44 document again on March 21. He told the Planning Commission that they'll be provided with a
45 drafted ordinance to go along with the document. He proposed to the Planning Commission and
46 City Council having a booklet of examples to go along with an ordinance.

47 Motion by Jim Beazer to table item three until the March 21st Planning Commission and until the
48 Development Review Committee can get together to discuss. SECOND by K Eborn.

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2 **ITEM ONE**

3 Jodi Hoffman, ULCT Legislative consultant (and former attorney for Park City), and Dan
4 Lofgren, Utah Quality Growth Commission Chair, will lead discussions about training and
5 incentives for implementation of quality growth principles and initiatives.

6 *Dan Lofgren*

7 • B Sorensen said that Providence City has those who feel growth should occur, those that feel
8 there should be no growth, those who want to slow growth, those who feel that the Planning
9 Commission rubber stamps all development . . . there are a number of citizens who are active in
10 showing up to meetings; concerned when development comes to their area.

11 • Dan Lofgren said that many cities statewide are asking the same sort of questions. He said he
12 is primarily a real estate developer in residential and some commercial areas. He is also chairs
13 the State Quality Growth Commission and is Vice-Chair of Envision Utah. He distributed a
14 handout: *An informal discussion on planning and zoning* (handout attached with minutes). He
15 explained that the overriding principal in development and environment is balance. This balance
16 is achieved by two simple rules: the reasonable man test and the golden rule test (if I were the
17 owner is that what I would expect the outcome to be?)

18 • D Lofgren quoted the 5th amendment taking clause (taking without compensation). This tends
19 to suggest that a property owner has a right to do what they see fit. But another perspective
20 shows that on every fence line there is an owner on each side.

21 • D Lofgren: If, in pursuit of my prop rights, I want to build a chemical plant, but my neighbor
22 has a fish hatchery, whose property rights prevail? I don't know. That takings clause is an
23 important premise for all of us to remember; however, private property rights apply on both sides
24 of the fence.

25 • D Johnson: Wouldn't the fish hatchery, that was established and operating, have jurisdiction
26 over the one that's supposing to come in?

27 • D Lofgren: But that presumes that the application of law is predicated on time; I don't think it
28 is. Irrespective of when I showed up, it's due process and equal protection. I don't think that one
29 necessarily trumps. These non-compatible uses are the whole premise of why Planning and
30 Zoning emerged.

31 • Lofgren quoted Adam Smith (18th century philosopher credited with establishing economics)
32 from the handout. D Lofgren: The opportunity to develop my property: that's the fundamental
33 basis for our economic system; that is what allows capitalism to exist; but, again, there are two
34 sides to it; if the fish hatchery is how I derive my living, the chemical plant defeats my rights to
35 "produce more wealth and better standards of living." These kinds of dilemmas are why zoning
36 took place in the first place.

37 • Lofgren: If we stop and think about growth, plan for it, there's a likelihood we'll do it better
38 than if we don't. Lofgren quoted from page two of the handout under *Designation*.

39 • Lofgren quoted the *Principles of Quality Growth* (handout):

40 ○ *Local responsibility* Lofgren: No city is anxious to have the county tell them what to do;
41 no county wants the MPO telling them what to do. Local control is the issue.

42 ○ *State Leadership*

43 ○ *Conservation Ethic* Lofgren: Conservation is a key component of quality growth. We
44 need to plan for and identify critical lands.

45 • Lofgren quoted from *Quality Growth Strategy* in the handout. Lofgren: The question is far
46 more than just the proximity of uses—more than the fish and chemical plant being next to each
47 other.

48 • B Sorenson wondered how the City balances a number of concerns: housing opportunity,
49 quality of life, affordability, conservation ethic, building and developing, quality of the air, water,
50 preservation of agricultural lands.

1 • Dan Lofgren said these questions lead in to the next page about the variety of housing choices a
2 community has. Last page of the handout shows *Housing Needs Over a Lifetime*.

3 • Lofgren discussed second to last sheet on handout:

- 4 ○ Left diagram: I own an acre of land; therefore, I can build a house. In order to attempt to
5 protect those sensitive lands, I dispersed the density in an effort to protect the lands: an
6 attempt to substitute yard space for open space. The example of the birthday cake: If I
7 want to make sure there's enough cake for my cousins who are coming to the party later,
8 does it make sense to cut big pieces for the people who are already here? No. It makes
9 sense to cut smaller pieces to preserve for future generations.
- 10 ○ We can utilize density to our advantage; given a choice, we might choose an alternative
11 if it's available. By allowing the market to work, building at higher densities (putting
12 several stores in to a town center or something—off the sensitive lands), now we've got
13 our cake, and we're eating it, too: we've got economic development and we're protecting
14 and conserving our sensitive lands. This doesn't suggest that there's no for a larger,
15 detached lot. There has to always be a place in the spectrum for those who succeed. One
16 of the rewards of success is to buy a big house and put it on a big lot. This isn't a speech
17 about zoning more dense; it's about allowing the market to react. There are ways to do
18 that that are sensitive to the chemical plant and the fish hatchery. There are other ways to
19 approach zoning: cluster density, cluster development: these allow us to preserve the
20 outer areas.
- 21 ○ The City that starts to panic when they see the fields turn in to development intuitively
22 zones larger lots to preserve the character, but pretty soon, the rural nature of it is used
23 up, and the City ends up with 1/3 of a 1-acre lot landscaped, and the rest storing derelict
24 motor homes.

25 • Lofgren encourages any City engaging in general plan to have a critical lands discussion:
26 What's the basis for our traditions and heritage? What should be preserved? It could be different
27 for every community. Conservation ethic is not just about open space; open space is an issue, but
28 it's about identifying what's critical

29 • Lofgren explained that the Leroy McCallister Fund was set up specifically by the State to
30 consider quality land and conserve it. Over 80% of the state of Utah is owned by the federal
31 government and is already open space in perpetuity. The discussion isn't about open space. The
32 question is which open space should we conserve for the right things? There are critical lands
33 that need to be thought about right here in Providence.

34 • No two entities are likely to have more diverging perspectives than Dan Lofgren, a developer,
35 and Dave Livermore (State director of the Nature Conservancy), but if Dave made list of the top
36 ten things he'd want a community to be like and if Dan wrote his top ten, and they compared lists
37 they'd be the same. They'd want low crime, air quality, low traffic congestion, good education,
38 etc. While the two may be on opposite ends of spectrum, they agree on priorities that become the
39 point on the horizon. When both begin to converge on the horizon, the best of general plans get
40 drafted.

41 *Jodi Hoffman*

42 • Mayor Simmons introduced Jodi Hoffman: She has worked for Park City as land use attorney
43 and does similar things for the League of Cities and Towns. She knows a lot about land use
44 planning law. Her experience in park city will give Providence City some ideas.

45 • J Hoffman said the property in Park City was downright worthless 30 years ago. Just goes to
46 show that a lot can happen in 30 years.

47 • J Hoffman does primarily lobbying for the League of Cities and Towns. She has been
48 practicing this for about 20 years—the last 13 in Utah. She began with Park City. They hired her
49 to stop growth. Look how successful she was. She helped them guide growth. Growth is going
50 to happen—especially with internet and success of businesses in doing transactions in

- 1 cyberspace. The same thing can happen here as is happening in Cedar City and St. George. This
2 is a gorgeous valley. A general plan should be on the horizon for Providence City.
- 3 • Hoffman: There are ideas about the interplay between open space and density: in order to have
4 open space, you have to have density. It sounds contrary, but the reality is, it's not. She showed
5 slides of open space on the east coast. What happens when you let development happen is all the
6 open space gets used up. If you're lucky, it all becomes traditional, modern density—1/2 acre,
7 1/3 acre lots. But cluster development can do the best of both worlds: the same density crammed
8 in to smaller spaces leaves larger open spaces.
 - 9 • D Johnson: what happens to those open spaces down the line?
 - 10 • Hoffman: If I were your attorney, I would put perpetual open space easements over those
11 spaces. Generally, a high-power developer will take advantage of open space over and over
12 again. That's why cities need somebody up front that can go toe to toe with developers.
 - 13 • J Beazer wondered if this would be perpetually taking away somebody's property rights.
 - 14 • Hoffman explained that you don't take away property owners' rights. All units can be there,
15 but they can't be spread out over all of those acres. It's also an advantage because a developer
16 doesn't have to put in all the square feet of roads, lineal feet of water pipes, sewer pipes, etc.
 - 17 • J Beazer said the City can't give the opportunity to each land owner to develop so much and
18 leave so much.
 - 19 • Hoffman said that the City can set up a transfer development rights system: holding zones, etc.
20 It's relatively sophisticated. Lofgren suggested buying the development rights off a person.
21 Hoffman: Our company has put over 30 million dollars in to buying open space. Buy
22 development rights—don't buy the land—farmers can still farm it.
 - 23 • B Sorenson wondered where the open space was in Park City. Hoffman said it's the nature park
24 (several hundred acres obtained through the transfer of development rights system). The big
25 white barn is the entrance to 45 acres of open space. Many development rights have been
26 obtained on slopes: on the hillsides. Little parks downtown are considered open space. Urban
27 densities deserve open space as much as rural. Soccer fields and play fields are considered open
28 space.
 - 29 • Hoffman's fear for Providence is that the beautiful farm land is going to be consumed. Large,
30 half acre lot looks innocuous until they take over your farm. There are ways for a developer to
31 get his needs and preserve: preserve and give density at the same time. Large lot sprawl is not
32 good for financial pocketbooks at the City.
 - 33 • Jon Mock wondered how you achieve the clustering so there's still the feel of privacy, and also
34 provide the big houses with big lots.
 - 35 • Hoffman doesn't believe big lots belong on farm land. There are places (forests, dense slopes)
36 that don't impinge on the visual of the community. You can preserve by embracing density.
 - 37 • Dee Barnes wanted Hoffman to define rural. His idea of rural is probably very different. His
38 idea is a neighbor 15 miles away.
 - 39 • J Hoffman said rural is where there's a great deal of land in Agricultural production that works
40 and also involves a slower lifestyle.
 - 41 • Hoffman said the City obligation is to provide density—not rural.
 - 42 • Kristina Eborn said many citizens complain about cookie-cutter neighborhoods on small lots.
43 The large lots are still in cookie-cutter neighborhoods. If we make lots large, we still have the
44 same problems as with the small lots.
 - 45 • Hoffman said that if we provide smaller lots with higher density, then we can enjoy the open
46 space.
 - 47 • J Beazer said that, unless all the land is owned by one individual, then the City would have to
48 compensate several people.
 - 49 • Hoffman said it takes a relatively sophisticated system, but it's not beyond Providence as a
50 small town. People pay 3, 4, 5 million dollars in Park City to live in a very dense place. They're

1 kicking each other to live there because there's a synergy that happens when you aggregate
2 people in a good way. The scale of the buildings are such that you still feel human: have things
3 for people to do.

- 4 • B Sorenson wondered how you deal with the people who work in Park City who can't afford to
5 live there. Hoffman said they deal with it through CORE: Citizens Outlife for Essential Growth.
6 It's affordable housing for workers; over 10% of the housing in Park City is deed restricted—it
7 will always be affordable. Don't fall in to the trap that you have to go to high density of
8 affordability—Park City is proof that that's not true. Sorenson wants people to be able to afford
9 to live in Providence. Part of it has to do with where you are in the time spectrum. Providence is
10 at a different stage than Park City. The reason the affordable housing works for those 800 units
11 in Park City is that the City has said, "Yes you can get this extra density, but no, you don't get a
12 normal market profit when you sell. It's not going to go up so much % when you sell like the rest
13 of the community."
- 14 • Hoffman: Don't just think of infrastructure costs, but think about whether or not someone could
15 walk to the store. In higher density there are fewer cars. This helps the issue of air quality, too.
16 Higher densities in commercial areas also prevent huge wastes of space for asphalt (parking lots).
17 Hoffman: There are Smart Growth principles—national and local—that get looked at from time
18 to time. As you look at your general plan, try to balance contradictory principles. How do you
19 accommodate growth, yet have it still feel relaxed and rural? A community that's sustainable
20 over time looks at a mix of land uses. Look at trying to make it easy for people to stay on their
21 feet and out of their car. Put schools, churches, and small-scale groceries in the neighborhoods.
22 Create compact density with 0 setbacks. Allow the land to be used to its maximum potential
23 where you want it to be used to its maximum potential. Park City is fun because it's compact
- 24 • Hoffman presented the Ten Smart Growth Principles.
- 25 • Ken Sim said that, despite the prevalence of using a lot of large lot zoning, there are a variety of
26 other tools that planners can use to create greater benefits—lower cost to communities and land
27 owners.
- 28 • D Johnson didn't feel we could compare Providence to Park City. Park City has so much to
29 offer as far as activity. The people in Providence have farmed this land; they've been squeezed
30 out. He felt the City has to honor their retirement. He wondered how the City can watch over the
31 growth and try to utilize it the best they can. Providence doesn't have all that much growth. The
32 small and medium size farmers are gone.
- 33 • Lofgren pointed out that many farmers are hanging on to land. It gives them the opportunity to
34 sell when they retire. Its value as a development parcel is much higher than its value as a farm.
35 Lofgren pointed out that half a dozen studies say that real estate values are enhanced by
36 clustering. Access and proximity to 5 or 10 or 20 acres of open space is far more valuable to you
37 as a vista, a view corridor. One of the challenges is, however, that most builders, every time they
38 take out a construction loan have bet it all each time they do it, so they're not really willing to
39 take a risk or they'll go broke. They do what worked last year. How do you break that habit?
40 Give them some incentive. Instead of giving him 4 lots per acre (Euclidian zoning), give him 5
41 units to the acre if he'll cluster and preserve open space. Taxes can be good, but be careful about
42 exactions. You can't make housing affordable by taxing it.
- 43 • J Beazer said a multi-use zone could be advantageous—then you don't have one spot of town
44 that is inherently poor, with more crime—with everything we don't want.
- 45 • Hoffman said that the median income in the county is so high in Park City that it's not difficult
46 to make money on affordable housing. In 1986 they were in such a recession. Because these
47 principles were applied then, they're working now. Growth WILL come. The City will develop.
48 The City's obligation is to direct it.
- 49 • Lofgren: The market will decide how many homes will be built in Providence; in the end, the
50 market decides. Hoffman: how you nudge makes a difference.

- 1 • Mayor Simmons said that Providence will be built out someday, but Hoffman disagreed. New
- 2 York keeps going up and up, and land is re-developed.
- 3 • Jon Mock was concerned that water might be a constraint.
- 4 • Hoffman says water flows to money; if you've got the people, you'll figure out.
- 5 • Stacie said that all of Providence's open space is brown weeds. She's not sure it's a good idea
- 6 to have more parks because the City has to maintain them all.
- 7 • Hoffman said that there could be one conservation lot where one person owns all of it and has
- 8 the responsibility to take care of the whole thing. With a Home Owners' Association, good and
- 9 bad things can happen. But taxing citizens to maintain open space is another option. Hoffman
- 10 has been impressed with her community's tolerance to tax themselves to maintain open space and
- 11 police. She said that, unless a house is over \$700,000 assessed valuation, you're better off taxing
- 12 yourself to preserve the open space than to allow the house to go in on the space.
- 13 • Hoffman said that people who moved in to a city a year ago say no more growth, but the longer
- 14 you're in a City, the more you realize that so much of our economy is dependent on development
- 15 and growth. Trails have been the trade-off, in Park City, for the sophisticated high-end growth
- 16 and very dense densities.
- 17 • Lofgren said if you don't want the farm next to you to be developed, buy it.
- 18 • Hoffman: the more you look at stopping growth, the more you see it's a fool's game; you can't
- 19 do it.

20 **ITEM 2**

21 The Planning Commission and City Council will discuss the creation of the Single
 22 Family Large (SFL) zone. (Changes to Title 10 *Zoning Regulations* chapters 4
 23 [Establishments of Districts], 6 [Use Regulations], and 8 [Area Regulations and Parking
 24 Requirements].)

- 25 • Stacie Gomm said that adding the ½-acre zone is a band aid. She didn't want to take the time
- 26 to rewrite the whole entire zone. The Planning Commission and City Council should do it
- 27 together. We need to amend the ordinances we're bound by right now.
- 28 • J Beazer felt like our current zones create the tensions we don't like. We rubber stamp a certain
- 29 area as a zone. If there were opportunity to look at a mixed zone, maybe 1-acre down to 12,000
- 30 square feet, it would be good.
- 31 • K Eborn feels it is better to re-write everything than to band aid.
- 32 • S Gomm said it may take six months to a year. Maybe the City Council and Planning
- 33 Commission could meet on a weekend to get a good start.
- 34 • S Bankhead said that the City has some drafted ordinances that deal with clustering and mixing
- 35 zones.
- 36 • S Gomm said either we create a workshop and come up with a permanent fix or we band aid.
- 37 • Laura Fisher felt the discussion had strayed far from the agenda. She also felt that some people
- 38 on the Planning Commission might have too much of a conflict because of how it will affect their
- 39 business and person life. She is hearing that ¼-acre lots are more likely to lead to better lots for
- 40 realtors.
- 41 • K Eborn said that she doesn't make any friends in Providence by being on the Commission.
- 42 She has realtors telling her not to be on the Commission.
- 43 • B Sorenson said that the people on the Planning Commission pride themselves on being able to
- 44 separate themselves from what they do business-wise and about making a logical decision about
- 45 what's best for Providence.
- 46 • Mark Stimpson said that several people he's talked to would feel it was an asset to raise taxes
- 47 for open space to solve the severe air quality problem. He feels that taxing for services, parks,
- 48 and open space is a good idea.
- 49 • Kathy Baker wondered if the ¼ acre lots were sold to individuals or builders.

- 1 • J Beazer said that a builder is not willing to spec a ½ acre lot. Most want quarter or third-ac.
2 Lots.
- 3 • K Eborn said she can't find a nice home on a smaller lot for her buyers; the demand is greater
4 for smaller lots.
- 5 • Jason Christensen, builder, said that buyers don't want ½ acre lots because of the upkeep. The
6 demand is for smaller lots. He feels it's a good idea for the City Council and Planning
7 Commission to have a study meeting so that in 5 years the whole City of Providence isn't taken
8 over by ½-acre lots.
- 9 • Jon Mock asked the developers if they favored mixed, clustered development. The developers
10 in the audience said yes (there were 3 or 4).
- 11 • Leon Jensen said that he doesn't want Providence to turn in to Sun Valley, Idaho, where there's
12 no affordable housing. He wanted smaller lots.
- 13 • Jason Christensen said that many developers are willing to deed that open space back to the
14 City; if you cluster the development, you can put easements to preserve it.
- 15 • S Bankhead said all of this comes with a price tag. There are funds like the McCallister fund.
16 Many people feel this is all developer-driven, but they need to realize that the City has to watch
17 its financial back also. Development is healthy, as long as we do it in a creative and positive way.
18 The City would like to explore possibilities, resurrect ideas—but Providence has to have growth.
19 The City itself has to have an in and out or it won't survive as a city.
- 20 • J Mock said the demand for services increases, as well, as that growth.
- 21 • S Bankhead said that's why the City needs to come up with some creative things. To look at
22 the errors made in the last 45 years. Influx is healthy for a City to keep thriving.
- 23 • K Eborn said that lots of neighborhoods have a small home owner fees to maintain just the
24 open space (mowing, not shoveling).
- 25 • Max Pierce, engineer for Providence City, said there are a couple options of maintaining the
26 open space. His firm (Skyline Engineers) has done developments in the past where steep areas
27 not easy for developers to put homes on are left as open space. He said these are quite successful,
28 and there's not too much maintenance on some of these bench developments—not a huge cost for
29 anyone.
- 30 • Ken Sim said the City could take advantage of state impact fees for maintenance. There are
31 other tools besides lot sizing.
- 32 • Nate Ballsteadt said that last year there were three park fees that were refunded to him, but he
33 wouldn't have thought twice if he didn't receive them.
- 34 • A citizen said that one of the most common walkways is above the deer fence, and it takes no
35 maintenance time.
- 36 • Jason Christensen said that a poll was taken about what amenities make a development
37 desirable, and the number one was walking trails. These not only preserve open space, but
38 benefit the resale value for a developer. Sounds like goals are synonymous.
- 39 • D Johnson said that the past Council and Planning Commission have done a good job. He
40 didn't feel that much had gone wrong. He felt that the City needed to move forward and come up
41 with some decent zoning to preserve rights. The Council in the past didn't have the same things
42 hitting them that are hitting the City now. We need to move forward, but we have to grow.
- 43 • Cheryl Eames hoped that the public would be able to be involved in this new zoning.
- 44 • S Bankhead said that the direction the City wants to go with budgeting is critical to this.
- 45 • Applicant Stacie Gomm withdrew the application with the understanding that the City Council
46 and Planning Commission meet together within 30 days to re-write the zoning ordinance.
- 47 • Motion by K Eborn that the City Council and Planning Commission meet together within 30
48 days to re-write the zoning ordinance. SECOND by? All in favor.
- 49 ITEM THREE was tabled (see page 1 line 23).