

1 **PROVIDENCE CITY**
2 **PLANNING COMMISSION MEETING AND PUBLIC HEARING**
3 **Tuesday, June 6, 2006**
4 **Providence City Office Building**
5 **15 South Main, Providence UT**

6 **Attendance:** Chair: Blaine Sorensen
7 Members: Bill Bagley, Jim Beazer, Kristina Eborn
8 Alternate: Lance Campbell

9 **The Providence City Planning Commission will hold a public hearing/meeting on June 6, 2006**
10 **at 5:30 p.m. in the Council Chambers of the Providence City offices, located at 15 South Main**
11 **Street, Providence, Utah. The item(s) listed below will be discussed, and anyone interested is**
12 **invited to attend. No public comment will be heard and no action will be taken on the study**
13 **items.**

14 **Study Items:**

- 15 • There are no study items on tonight's agenda.

16 **Action Items:**

17 **Minutes.**

18 Motion to approve the minutes of May 16 – J Beazer, second – K Eborn,

19 Corrections: None

20 Vote: Yea: B Bagley, J Beazer, L Campbell, K Eborn

21 Nay: None

22 Abstained: None

23 Excused: J Mock

- 24 • B Sorensen asked for follow up to the Mayor's report
- 25 • Mayor Simmons reported the City is putting together the documentation on the rights the City
- 26 has from Broad Hollow Spring. He felt within about 6 weeks the Committee would have
- 27 more information to present.
- 28 • Mayor Simmons reported Ron Liechty is looking into the City's irrigation water rights.

29 **Disclosure of any conflict of interest on any of the agenda items.**

- 30 • None

31 **Disclosure of any ex parte communication on any of the agenda items.**

- 32 • B Bagley spoke with the City Attorney, S Bankhead, J Beazer, B Sorensen, and Mayor
- 33 Simmons in preparation for Ordinance Modification 009-2006
- 34 • J Beazer reported he asked S Bankhead if the City Attorney had reviewed Ordinance
- 35 Modification 006-2006.

36 **Public Hearings:**

37 **5:50 p.m. The Providence City Planning Commission will hold a public hearing to**
38 **discuss Resolution 06-043 approving a request by Doran Baker for a large**
39 **animal conditional use, for property located in Block 28, generally known as**
40 **333 South 100 East.**

- 41 • B Sorensen opened the public hearing.
- 42 • Doran Baker, 333 South 100 East, explained at the present time he has three miniature
- 43 horses. He has had horses since they came to Providence. They like the miniature horses
- 44 because they are good lawn mowers. They have not had complaints from neighbors.

- 1 • D Baker explained the barn is existing.
- 2 • No other public comment.
- 3 • B Sorensen closed the public hearing.
- 4 • D Baker explained the zone was agriculture, when it changed to residential it was
- 5 “grandfathered”.

6 Motion to recommend to the City Council approval of Doran Baker’s request for a large animal
 7 conditional use, located in Block 28, generally known as 333 South 100 East, with the following
 8 findings of fact, conclusions of law, and conditions as stated in the staff report – B Bagley,
 9 second – L Campbell,

10 Vote: Yea: B Bagley, J Beazer, L Campbell, K Eborn

11 Nay: None

12 Abstained: None

13 Excused: J Mock

14 **6:00 Ordinance Modification 006-2006. The Providence City Planning Commission will**
 15 **consider for recommendation an amendment to Providence City Code 10-12**
 16 **Accessory Dwelling Units by stating the condition will run with the property, not the**
 17 **ownership.**

- 18 • B Sorensen explained in previous discussion there was concern about the use continuing
- 19 with new ownership. He explained recent information indicates a conditional use applies
- 20 to the property not the ownership.
- 21 • Laura Fisher, 1590 Canyon Road, asked if the Planning Commission felt applications
- 22 should be stopped, and there was a moratorium, if allowing the use to continue was going
- 23 in a different direction.
- 24 • Mayor Simmons explained the City Council passed the ordinance not allowing any new
- 25 accessory dwelling units. Not allowing the use to remain with the property violates case
- 26 law. If the City wants to stop the use, they can establish an amortization schedule.
- 27 • J Beazer explained the Commission has since learned the conditional uses run with the
- 28 property – not ownership.
- 29 • Denise Strong, 839 Grandview Dr., asked if anyone had seen the home on Grandview
- 30 Drive which was the last to be approved. She suggested requirements that minimize
- 31 blocking view.
- 32 • K Eborn explained the purpose was that this was for a mother-in-law.
- 33 • D Strong felt they had used the structure as an architectural feature.
- 34 • K Eborn explained this change will not allow new accessory dwelling units.
- 35 • Kent Dunkley, 285 West 100 South, asked for clarification that the right would stay with
- 36 the property – not the owner, but there will be no more new accessory dwelling units
- 37 allowed. The Commission confirmed the statement and added the use will be
- 38 discontinued upon abandonment.

39 Motion that the Planning Commission recommend to the City Council approval of the
 40 amendment of Providence City Code 10-12-3:A.2. Sale of Single-Family Dwelling with the
 41 findings of fact, conclusions of law, and conditions stated in the staff report.– K Eborn, second –
 42 L Campbell

43 Vote: Yea: B Bagley, J Beazer, L Campbell, K Eborn

1 Nay: None
2 Abstained: None
3 Excused: J Mock

4 **6:10 Ordinance Modification 008-2006. The Providence City Planning Commission will**
5 **consider for recommendation an amendment to Providence City Code 11-5-4:B.2.**
6 **by removing, “All water meter barrels shall be set between the back of curb and the**
7 **sidewalk.”**

- 8 • B Sorensen explained because the park strip width varies it is not always possible to put
9 the water barrel in the park strip.
- 10 • Bob Bissland, 1590 Canyon Road, asked what a water barrel was. B Sorensen explained
11 it is the housing for the water meter.
- 12 • No additional comment from the audience.
- 13 • J Beazer asked if this now allows the City to put the meter barrel wherever. Mayor
14 Simmons explained what will control is the City’s Standard Construction Specifications
15 book.

16 Motion that the Planning Commission recommend to the City Council approval of the
17 amendment of Providence City Code 11-5-4:B. with the findings of fact, conclusions of law, and
18 conditions stated in the staff report.– J Beazer, second – K Eborn,

19 Vote: Yea: B Bagley, J Beazer, L Campbell, K Eborn
20 Nay: None
21 Abstained: None
22 Excused: J Mock

23 **6:20 Ordinance Modification 009-2006. The Providence City Planning Commission will**
24 **consider for recommendation an amendment to Providence City Code Title 10**
25 **Zoning Regulations, Chapter 2 Administration and Enforcement, by establishing an**
26 **Appeal Authority and the appeal process.**

27 Mayor Simmons explained the next step will be to consider who should act as the land use
28 authority.

- 29 • B Sorensen explained this is an ordinance modification.
- 30 • B Sorensen opened the meeting for public comment.
- 31 • B Bagley explained this is mandated by Utah Code. He felt many people did not
32 understand the appeal process and jumped to District Court. He explained any
33 municipality must have an appeal authority. Heretofore, the City’s appeal authority by
34 default has been the Board of Adjustment. He explained this document outlines the
35 process and the creation of the appeal authority. He explained this can be one individual
36 or a group of individuals. He explained there has been some discussion of sharing this
37 Appeal Authority among several municipalities.
- 38 • Sharell Eames, 98 East 400 South asked who B Bagley had talked to. He reported he
39 spoke with S Bankhead and also with the City Attorney. J Beazer also explained this was
40 discussed during the recent workshop.
- 41 • Autum Smith, 386 Canyon Road, asked if the reason to share was for cost purposes. B
42 Bagley explained there may not be costs involved. K Eborn felt sharing may provide for
43 someone unbiased.

- 1 • B Bagley read his proposal.
- 2 • A Smith asked for clarification that the recommendation was for 3 to 5 persons. B
- 3 Bagley explained that was his recommendation, but it was subject to change.
- 4 • D Baker asked if the Board of Adjustment would remain in effect. B Bagley explained
- 5 they would continue to hear variance requests.
- 6 • B Bagley explained this clarifies the appeal process and prevents people from being
- 7 bounced from board to board.
- 8 • K Eborn expressed concerned about finding three to five individuals that would be
- 9 willing to serve and have the expertise needed.
- 10 • A. Smith felt more comfortable with a three to five member board rather than one
- 11 individual. J Beazer agreed.
- 12 • B Bissland explained it does not say expert, it says knowledgeable. He felt
- 13 knowledgeable could be found.
- 14 • D Strong felt there was a certain context that people may understand by living in the
- 15 City. She felt someone with attachments to the City may research more.
- 16 • B Bagley explained there is no feeling for how many appeals this board would have. He
- 17 explained when talking with S Bankhead she suggested partnering with other cities may
- 18 give the board more opportunities to meet.
- 19 • B Bagley explained the City Council will appoint the members. D Baker felt the person
- 20 or persons who appoints the individuals is crucial. He suggested staggered terms.
- 21 • L Fisher felt if it was an individual it should be an elected position. B Bagely explained
- 22 state code requires they be appointed.
- 23 • Marilyn Bell, 550 South 75 West, reported she spoke with a mayor of another city in the
- 24 County that has an appeal authority – they have only met once in ten years. He felt it was
- 25 because they had good ordinances and strong chairpersons. They do not have problems
- 26 in their town because they have good ordinances. B Sorensen asked what small town. M
- 27 Bell did not want to say only that it is in Cache County.
- 28 • B Bagley felt there had been cases where people felt harmed but did not know what to
- 29 do. This provides an avenue for a hearing.
- 30 • S Eames felt it was obvious by some in the town who was a good official and who was
- 31 not. She hoped there would be more input on board members than Mayor Simmons
- 32 suggesting and the Council ratifying. She hoped the Council could also make
- 33 suggestions.
- 34 • J Beazer explained he has recommended many people to serve on various positions. S
- 35 Eames felt things had changed – citizens want to have more input in who is named. J
- 36 Beazer felt S Eames wanted someone she agrees with – she stated exactly. She wanted it
- 37 clarified who could nominate – she did not want just one person making the
- 38 recommendations.
- 39 • K Eborn explained anyone can recommend to the Mayor – then the Mayor presents
- 40 names to the Council.
- 41 • A Smith expressed concern that some names may be censored by the Mayor.
- 42 • R Liechty explained during the recent filling of Board of Adjustment seats several of the

1 Council Members and the Mayor had names to recommend. The names were discussed
2 and the Council decided who would be appointed. S Eames did not want Mayor Simmons
3 to be the sole person to recommend. R Liechty explained if the Mayor does not present
4 all the names that have been suggested, the Council will ask for more.

- 5 • B Bagley explained the selection process can be part of the ordinance.
- 6 • J Beazer felt if the recent election for mayor had gone the other way – this would not be
7 an issue.
- 8 • R Liechty explained he will look at the State Code – but he felt in State Code the mayor
9 is the authority to recommend.
- 10 • B Sorensen felt someone other than B Bagley should make the motion.

11 Motion to recommend that the City Council review the Appeal Authority as presented by B
12 Bagley and establish an appeal authority – K Eborn, second - J Beazer,

13 Vote: Yea: B Bagley, J Beazer, L Campbell, K Eborn

14 Nay: None

15 Abstained: None

16 Excused: J Mock

17 B Sorensen adjourned the meeting.

18 The meeting adjourned at 6:55 p.m.

19
20 Minutes taken and prepared by S Bankhead.

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Blaine Sorensen, Chair

Skarlet Bankhead, City Recorder