



1 acres were annexed. Several agreements were put in place at that time. A letter of understanding was  
2 executed between the developer and the City July 13, 2004. Some of the things mentioned were:

- 3 \*Water issues (second source for Coomb Flat Reservoir, water rights).
- 4 \*Sewer improvements
- 5 \*Average overall density not less than 2.5 units/acre
- 6 \*Water conveyance agreement
- 7 \*Sufficient water rights to service the development at anticipated maximum build out.
- 8 \*Water conveyed is sufficient for 640 homes, which is far more than what their needs will  
9 be.

- 10 • J Jensen said the boundary line agreement was executed by Millville City and was adopted by  
11 ordinance by Providence City.
- 12 • J Jensen said some of the contractual obligations completed were:
  - 13 \*Provided water rights for Providence City – Water over 600 homes.
  - 14 \*Designed, constructed, and partly financed Coomb Flat water pump station.
  - 15 \*Designed, constructed, and partly financed a new waterline connecting Providence Canyon  
16 pump station to Upper Providence Canyon water tank.
  - 17 \*Improved 1000 South from 470 East up to Forgotten Lane.
  - 18 \*Connected water and sewer lines on 1000 South. (Some was paid for by the City and was not  
19 required by the subdivision).
  - 20 \*Upgraded City fire protection system for entire Grandview area.
  - 21 \*Ran a three-phase power source to Providence Canyon, specifically for the water booster station.
  - 22 \*Spent approximately \$1 million for infrastructure in Providence City.
- 23 • J Jensen said Millville City was reluctant to give up some of this property. Years ago Millville agreed  
24 to let go whatever they could not service with a sewer system because they do not have a sewer  
25 system.
- 26 • J Mock asked how many more acres are being considered for annexation.
- 27 • J Jensen said they have 220 acres including Phase 1, leaving 90 acres that are still in Millville.
- 28 • J Jensen said the City agreed to purchase 100 acre feet of water, which is good for approximately 140  
29 homes. There would only be immediate water access to 500 homes. The City could use the other 140  
30 for whatever needs they have.
- 31 • B Bagley asked if this involves the transfer provision.
- 32 • J Jensen said yes. The transfer has been completed, and there are some protesters. He would like to  
33 look forward with this rezone the same way Anderson Development has moved forward with their  
34 development, and would be willing to agree to hold up the final plat until the water issue is resolved.
- 35 • B Bagley asked if he is getting something that is not there yet.
- 36 • J Jensen said no. The water attorney can answer the question more specifically. The water has been  
37 deeded, and the City owns the water rights. He doesn't believe the City can deed or sell the water  
38 back. The State Water Engineer has approved the transfer, and that stands. The decision has been  
39 made and the water is usable, but a current litigation is trying to overturn the final ruling.
- 40 • B Bagley asked if the agreement he has is with the City for the Phase 1 development.
- 41 • J Jensen said the agreement is for the boundary line agreement for the 135 acres brought into the City.  
42 He doesn't know how many phases there will be.
- 43 • B Bagley asked if the 105 acres is for Phase 2. J Jensen said it will come in different phases. Seventy  
44 lots were approved three years ago, and 30 homes are currently there. That is an average of 10 to 15  
45 homes per year. There are still many lots that have not been built upon. It could be years and years  
46 before building comes to an end.
- 47 • Denise Strong asked who Craig Smith is. B Bagley said he is the State Water Attorney.
- 48 • J Jensen explained that Craig Smith was hired by the City to defend the water litigation and that the  
49 Attorney General is also involved.
- 50 • Bob Bissland asked if Craig Smith also represents Providence Highlands.
- 51 • J Jensen said they agreed to pay for the appeals, which is about \$9,000.
- 52 • B Bissland asked if his attorney is the same as Providence City's attorney.

- 1 • J Jensen said no.
- 2 • S Wyatt said the developer will pay the costs to ensure the water rights transfer to Providence.
- 3 Providence hired an attorney to represent the City, but under the agreement, the developer pays
- 4 Providence City's debt.
- 5 • Sharell Eames asked why he wants to bring in Phase 2 if lots are still available in Phase 1.
- 6 • J Jensen said because several agreements have been entered with the City. They are asking for
- 7 rezone, not for the development of the lots.
- 8 • S Eames asked why he is doing it now.
- 9 • J Jensen said it is personal preference.
- 10 • S Eames asked the Commission to consider this before rezoning the land and deny the request.
- 11 • B Bagley asked if he is acting in behalf of Boyd Campbell, Dallas Elder, and Robert Harris, and if he
- 12 has a letter stating that.
- 13 • S Bankhead explained that they are listed in the original agreement.
- 14 • Denise Strong will refuse to let her children ride their bikes on the City roads if the proposed homes
- 15 bring ten trips per car each day. Also, she was unhappy with the City Council because they would not
- 16 debate Laura Fisher's water ordinance at last night's meeting. She admonished the Commission to
- 17 put water, safety, health and welfare issues in place before taking any action. She asked that a list of
- 18 her concerns be addressed. She feels an auditor should give a breakdown of the cost of the new
- 19 development. She said she isn't against development, but feels the issues should be taken care of
- 20 first. She also asked that her list be included in the minutes.
- 21 • S Bankhead commented that the City is working with Logan City to create a new fire station.
- 22 • J Mock requested that her list will be included in the next packet.
- 23 • B Bagley believes that previous minutes say the development will mitigate any impact and asked if it
- 24 has been researched, and, if it is documented, who will pay.
- 25 • S Bankhead said she believes Mark Cohen, one of the principles in the development company, talked
- 26 about it and said they would work with Providence City on traffic. That is one reason why 1000
- 27 South was made. Nothing is written about it in any agreement.
- 28 • H Ames felt it was left up to the developer, and some citizens believe the developers did not follow
- 29 up with what they said they would do.
- 30 • John Drew said he lives at the epicenter of this project. The only access is across the street from his
- 31 home. His wife has called the Sheriff's Office twice because of speeding dump trucks. He is
- 32 concerned with ingress and egress. He asked if there is something in the plan to add an additional
- 33 access.
- 34 • J Jensen said his company owns 100 acres in Millville City and property that goes to 400 East in
- 35 Millville. They do expect to have an access to go down. There will also be an access from
- 36 Hillsborough. He believes additional connections will be made.
- 37 • J Drew felt most citizens will head north to go to Logan. He questioned the use of Grandview.
- 38 • J Jensen said there will be multiple access points. The transportation plan in effect will show that
- 39 Vern Keeslar said the roads were designed to handle that kind of traffic. In addition, impact fees for
- 40 traffic will be paid. That is why the fees are in place. He lives in the development, also, and knows
- 41 what J Drew is talking about.
- 42 • Gary Stauffer asked if J Jensen is planning, at his cost to the City, to bring the water out of the ground
- 43 if the opposition to the transfer goes away. He said five wells are in the City, and it is unknown if the
- 44 wells running at capacity will be able to provide transferred water to supply the City. He wonders if
- 45 one or two additional wells will need to be built. He doesn't want his taxes raised to support this
- 46 development.
- 47 • J Jensen said he would have to refer to the water agreement.
- 48 • G Stauffer read in the newspaper that this development would charge \$1,300 dollars per share for the
- 49 City to use the water.
- 50 Motion to close public hearing on Item No. 1 – H Ames, Second – B Bagley.
- 51 • B Bagley read that "a well can be tapped and used for water today" to clarify G Stauffer's question.

- 1 • S Bankhead answered that a new well will not come from tax dollars or solely from the development. That is why impact fees are in place. They are a buy-in to the system and for capital improvement. If the well was drilled in the Highlands area and served only in that area, they would be responsible to do that. If the well was to be in another area in town, the City would use impact fees—not tax dollars. She doubted that service fees would increase. She also added that there is a possibility of another well being built somewhere else in the City.
- 7 • G Stauffer felt that until the data proves what can be pumped from the five wells, the City should not allow the development to go ahead. He asked where the money would come from.
- 9 • S Bankhead reiterated that home builders are paying impact fees; the money comes exclusively from impact fees.
- 11 • G Stauffer felt impact fees only pay for the current upkeep of the system.
- 12 • S Bankhead explained that it isn't legal to use impact fees for upkeep. They are to be used for buy-in and development of new facilities. Operation and maintenance is the responsibility of public services.
- 15 • Don Calderwood asked how much money is in the account from impact fees.
- 16 • S Bankhead said she would look it up. She also pointed out that she is not qualified to give any data on the capacity of the wells. The City Engineer would have to answer that question.
- 18 • G Stauffer asked how much water the wells will pump and what the additional cost will be.

19 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

20 Nay: None

21 Abstained: None

22 Excused: J Russell

23  
 24 **Item No. 2. 6:35 p.m. The Providence City Planning Commission will hold a public hearing on**  
 25 **Wednesday, June 27, 2007, at 6:35 p.m. to receive public comment on a code amendment changing**  
 26 **Providence City Code Title 11 Subdivision Regulations, Chapter 3 Plat Procedures and**  
 27 **Requirements and Chapter 5 Public Improvements to provide consistency with the Land Use**  
 28 **Authority ordinances and recent changes to the Providence City Department of Public Works**  
 29 **Standards and Specifications Manual.**

30 **Motion to open Item No. 2. – W Wimmer, Second – L Campbell.**

- 31 • B Bagley asked why Section 11, section 3-4, was left off of the code amendment, and felt it could affect Brad Bearson's sidewalk.
- 33 • S Bankhead said most of the text is fairly similar in Chapter 3. Distances on preliminary plat requirements were changed to 100 feet. Also, the size of the submittal copies and the number of required copies were changed to reduce cost. The timeframe was also changed to allow the City time to complete the first review in 30 days, allowing more flexibility on a staff level to review the application and make corrections before bringing it to the Planning Commission. Also, if the required information is not included, the City has the right to deny the application. The term, "DRC" and "land use authority" was put in place of "staff" and the "Planning Commission." Changes in the size of forms and number of copies required for submittal were also made on the final plat. Signature blocks for the City's authority for culinary water and sanitary sewer system were also added to the preliminary as required by State Code to ensure that the plat is not approved until everything required has been completed. The term "Land Use Authority" replaced "the Planning Commission," and the "City Council" and the development will still be submitted to the City Council because it deals with financial obligations. In the approval process, the plat will be done by the Land Use Authority, and the construction drawings will be approved by the staff. The ordinance left much discretion as when to apply curb and gutter in two-lot subdivisions. Some places are automatically set up for it, whereas for others in the middle of a standard block or in the outlying area, it may not be in the best interest of the City to have curb and gutter at that time. That was a reason to leave that section out and to be included in the development agreement. She also explained the City is working on improvements to the sidewalks with curb and gutter.

- 1 • S Bankhead explained that the City has worked about one and one-half years on a construction  
2 specifications and standards manual for the City. Kathy Baker was present at many of the  
3 meetings. Terms were made consistent to apply to large site plans, large lots, etc. They also tried  
4 to make clear the inspections and approvals. Since it is a Land Use Ordinance, the Planning  
5 Commission must approve or deny it. Once developments get going, the developers can sell lots  
6 as soon as the plats are recorded. Things must be done before the City can issue building permits.  
7 There are mandatory approvals rather than inspections, because in the mind of the builder, if an  
8 inspection fails, they feel they have already had the inspection and can move forward. Clarified  
9 and approved development agreement agenda, which is the nuts and bolts of the agreements, has  
10 been clarified. The agreement said developers will post a bond for improvements prescribed in  
11 the addendum, and if he doesn't do it, the City can use the money to complete the project.  
12 Redundant terms were taken out.
- 13 • B Bagley asked for clarification in 11-5-4. "May" is used instead of "will."
- 14 • S Wyatt said "may" gives the City authority.
- 15 • B Bagley asked if the wording should be more definite.
- 16 • S Wyatt said it is a policy statement used by the executive branch. If "will" is used, something is  
17 required regardless of circumstances. "May" means it will be resolved. He recommended using  
18 "may" in case there may be exceptions.
- 19 • S Bankhead said it may not be necessary to stop the construction of all the homes in a  
20 development while the developer catches up for completion. The bonding should be in place to  
21 cover the City so he can continue his development. It may not be prudent to stop all work if a  
22 small sidewalk needs to be completed. May allows the City to stop the entire project, but it does  
23 not require the City to stop the entire thing if it can easily be corrected. Also, the delay of  
24 improvements section was taken out to ensure that the developer doesn't drag out the completion  
25 for a long time. The City would like the subdivision built, the infrastructure accepted by the City,  
26 and to get the people on their way.
- 27 • H Ames asked where the paragraph said there will not be a delay. S Bankhead said it was taken  
28 out.
- 29 • S Bankhead read from 11-5-3h saying the development must be completed in a two-year  
30 timeframe. The two-year time frame starts on the day the construction drawing is signed by the  
31 Engineer.
- 32 • B Bagley said it doesn't mean "completed," but "started" in two years.
- 33 • S Bankhead said it means "completed." B Bagley asked if he would need to start the process  
34 over in two years if it wasn't completed.
- 35 • J Mock asked if there is something issued to get the project started on time when the permit is  
36 issued.
- 37 • S Wyatt said the developers have bonded to complete it; if they don't execute it, the City will  
38 complete it. They put more money in than what is required to complete the project.
- 39 • B Bagley asked if a percentage must be put down.
- 40 • S Bankhead said construction estimates are used to determine how much is kept by the City to  
41 complete the project. The developers provide an actual bid or construction estimates, and 110  
42 percent is withheld for the performance. In addition, another 10 percent is held at the time of the  
43 recording so once the improvements are accepted, if they fail within a year, the City has the 110  
44 percent that will be used for repair.
- 45 • H Ames asked what the consequences would be if the water stock transfer ordinance was  
46 changed.
- 47 • S Bankhead explained that terminology changes are being made to be consistent with the current  
48 ordinance in place.
- 49 • J Mock felt the City should know if sufficient water is available to cover that and recommended  
50 that language be incorporated to reflect that.
- 51 • H Ames said the language would be amended if the other water ordinance was approved.
- 52 • J Mock asked if someone can buy a current water hookup if there isn't water.

- 1 • B Bagley recommended waiting to see what the Council decides.
- 2 • S Bankhead answered that if the Planning Commission recommends that the Council pass this
- 3 amendment, it does not prohibit them from moving forward with action they would take on the
- 4 other item.
- 5 • S Bankhead explained that “private lanes” were changed to “private roads.” A private road is a
- 6 primary drive access serving no more than two parcels. If more than two people are to use the
- 7 access, a public street must be built. She also felt that half streets are not practical. Someone
- 8 should not need to build an entire right-of-way out of a development, but they need a street that is
- 9 safe and passable. The Logan City Fire Marshall sits in on the DRC meetings to help ensure that
- 10 developments are safe for emergency vehicles as well as for other purposes. Depending on the
- 11 right of way being required, an entire street or a short drive may be put in. The City has the upper
- 12 hand in requiring the size of street.
- 13 • J Mock asked if natural hazards should be addressed.
- 14 • S Bankhead explained that Title 10 and the Master Plan Hazard Zone map address those issues.

15 Motion to close public hearing on said Item No. 2 – L Campbell, Second – H Ames.

16 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

17 Nay: None

18 Abstained: None

19 Excused: J Russell

20

21 **Item No. 3. 6:50 p.m. The Providence City Planning Commission will hold a public hearing on**

22 **June 13, 2007, at 6:50 p.m. to receive public comment on a code amendment repealing Providence**

23 **City Code 10-9-8 Parkways and creating 7-1-8 Park strips.**

24 Motion that the Planning Commission open public hearing No. 3. – B Bagley, Second – W Wimmer.

- 25 • S Bankhead reported that enforcement is included in this amendment to allow the Sheriff’s
- 26 Department, the Justice Court, or S Wyatt’s office to deal with violators.
- 27 • G Stauffer asked if this amendment is for enforcement of the current ordinance prohibiting rock in
- 28 park strips or if the ordinance is being changed.
- 29 • S Bankhead felt the ordinance is being changed to give the City recourse for violators.
- 30 • G Stauffer believes everyone should know the ordinance and should be treated equal.
- 31 • S Wyatt said the purpose of the ordinance is to keep the land attractive.
- 32 • S Bankhead said the ordinance was written by the City Manager based on what he felt was
- 33 aesthetically pleasing to the City. It was written without the idea of water conservation in mind.
- 34 • W Wimmer asked if it applies to land without sidewalks.
- 35 • S Bankhead explained that the definition of a park strip is the strip of land between the asphalt and the
- 36 property line or sidewalk, wherever it may be determined in the future.
- 37 • W Wimmer asked if property owners can have gravel in front of their home for parking.
- 38 • S Bankhead said the City can say what can go in and what can’t. The way the ordinance is currently
- 39 set, this request would go through the appeal authority. This ordinance would clarify what can be
- 40 done on streets.

41 Motion to close Item No. 3 – W Wimmer, Second – B Bagley.

42 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

43 Nay: None

44 Abstained: None

45 Excused: J Russell

46

47 **Item No. 4. The Providence City Planning Commission will continue a public hearing held on May**

48 **23, 2007, to receive public comment on a request by Brad Bearson for Final Plat approval of a**

49 **two-lot residential subdivision located generally at 80 North Satsuma, Parcel #s 02-08-0026 and 02-**

50 **08-0035.**

1 Motion to open for public hearing Item No. 4, Providence City Planning Commission, to receive public  
2 comment on a request by B Bearnson for the final plat approval of a two-lot residential subdivision  
3 located generally at 80 North Satsuma, – B Bagley, Second H Ames.

4 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

5 Nay: None

6 Abstained: None

7 Excused: J Russell

- 8 • Mary Lynn Andreason, representing Brad Bearnson, said she would try to answer any questions.
- 9 • J Mock explained that B Bearnson wasn't connected to the sewer system because it wasn't available  
10 to him when he built his home. B Bearnson has an affidavit releasing him from the responsibility.  
11 When the sewer system goes further north, he will be happy to hook to it. The lot in question has the  
12 sewer and water stubbed out, so there will not be a problem. Also, the west end of lot two has  
13 approximately a 60-ft. strip between Jack Nixon's property that will stay as part of lot #1. To the  
14 east, the curb extends all the way down, but the sidewalk extends to the end of his property. On the  
15 west, the curb goes to the north end to B Bearnson's property. He asked if B Bearnson would be  
16 required to put in sidewalks in order to have them on both sides.
- 17 • M Andreason said he would be willing to put the sidewalk in.
- 18 • B Bagley explained that the east side of Lot 2 will be developed. The curb goes to the east side of Lot  
19 1 and Lot 2. of B Bearnson's property.
- 20 • J Mock felt bringing the sidewalk to the end would pose a safety issue.
- 21 • Marilyn Bell said the crossing would be away from the crosswalk.
- 22 • B Bagley felt the sidewalk could be negotiable.

23 Motion to close public hearing on Item No. 4 – H Eames, Second – L Campbell.

24 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

25 Nay: None

26 Abstained: None

27 Excused: J Russell

28 **B Bagley asked that the commission move ahead to vote for Mary Lynn Andreason.**

29  
30 **ITEMS FOR RECOMMENDATION:**

31 **Item No. 2. The Providence City Planning Commission will consider for recommendation a request**  
32 **from Brad Bearnson for Final Plat approval of a two-lot residential subdivision located generally at**  
33 **80 North Satsuma, Parcel #s 02-08-0026 and 02-08-0035.**

34 Motion that the Providence City Planning Commission approve a request from Brad Bearnson for Final  
35 Plat approval for a two-lot residential subdivision located generally at 80 North Satsuma – B Bagley,  
36 Second – H Ames.

37 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

38 Nay: None

39 Abstained: None

40 Excused: J Russell

41  
42 **Item No. 1. The Providence City Planning Commission will consider for recommendation a request**  
43 **from Curtis L. Jacobs requesting approval to alter the Creekside Subdivision Final Plat and the**  
44 **Creekside Townhomes Plat D by creating the Parkway Medical Plaza Subdivision, a three lot,**  
45 **commercial subdivision located generally at the intersection of Spring Creek Parkway and 280**  
46 **North.**

47 Motion that the Providence City Planning Commission approve a request from Curtis L. Jacobs  
48 requesting to alter Creekside Subdivision Final Plat and the Creekside Townhomes Plat D by creating the  
49 Parkway Medical Plaza Subdivision, a three-lot, commercial subdivision located generally at the  
50 intersection of Spring Creek Parkway and 280 North – H Ames, Second – B Bagley.

- 51 • B Bagley asked if everything from the Creekside has been approved.

- 1 • S Bankhead said yes. Dee Barnes investigated the agreements and a letter was sent to Steve Roberts.
- 2 He met with the home owners association president, and the fencing and the landscaping area for the
- 3 retention pond are being worked out.
- 4 • Daniel Huff said an agreement was made that a fence will be installed.
- 5 • S Bankhead noted that landscaping will be done on the detention area.

6 Daniel Huff represented Curtis Jacobs.

7 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer

8 Nay: None

9 Abstained: None

10 Excused: J Russell

11

12 **STUDY ITEMS:**

13 **Item No. 1. The Providence City Planning Commission will discuss with Mark Teuscher proposed**

14 **changes to Providence City Codes.**

- 15 • Mark Teuscher explained that Sexual Oriented Businesses (SOBs) must be addressed, and they will
- 16 be listed in the land use ordinance and in the business license section. This is a use most people find
- 17 extremely offensive; however, over many years of legal action, it has become a protective right under
- 18 the First Amendment. The courts say cities can regulate SOBs, but the regulations must be very
- 19 specific. An ordinance must be in place to provide a place for them. The property must have access,
- 20 parking, and meet all of the other conditions of business.
- 21 • W Wimmer asked if there are restrictions in place, such as around schools.
- 22 • M Teuscher said yes. Brigham City only allows SOBs in industrial zones.
- 23 • J Mock asked how close to the City boundary the business can go and if they may create a potential
- 24 problem for another city.
- 25 • M Teuscher said it depends. The Commission must create a zone to put them in. An industrial zone
- 26 could be created and specified that SOBs must stay in that zone.
- 27 • J Mock asked if a place must be provided for them if industry takes the industrial zone before an SOB
- 28 comes in. M Teuscher answered no.
- 29 • L Campbell asked how far the business can be squeezed down. S Bankhead explained that it depends
- 30 upon the building size.
- 31 • M Teuscher explained that in good businesses such as Stadium 8, ordinances must be in place to treat
- 32 “pussy cat theaters.”
- 33 • W Wimmer asked if there is a requirement specifying the size of lot.
- 34 • M Teuscher said areas the size of one acre can be identified.
- 35 • B Bagley asked if it is smart to tell them to make their business fit on one acre.
- 36 • M Teuscher recommended that the general plan specify how much land is available for industrial use.
- 37 • J Mock explained that the land use ordinance should list where they will be allowed.
- 38 • S Bankhead recommended that the land use chart be amended as well.
- 39 • J Mock asked if other property must be rezoned if none is available.
- 40 • M Teuscher said no. He doesn’t want into get into the business license ordinance tonight. He felt
- 41 that section is descriptive and offensive.
- 42 • H Ames asked what the consequences would be if “we stuck our head in the sand.”
- 43 • M Teuscher advised that it is not appropriate in this case.
- 44 • H Ames asked if someone can build a sexually oriented business in a vacant lot, and if so, does the
- 45 City have the right to say, “no, you can’t build there.”
- 46 • M Teuscher said they would lease a space in the commercial zone and request a permit to run a
- 47 bookstore. H Ames said they could a lease a space and say we are putting a business in, but not
- 48 necessary specify what for.
- 49 • M Teuscher explained that the City could not prevent it because zoning was in effect at the time.
- 50 • H Ames asked if the City could turn down someone who purchased multiple lots for an SOB.

- 1 • M Teuscher said they could be turned down unless the zoning was in part time. Some things in the
- 2 proposal are very important. The business license section states that if someone is convicted of a
- 3 felony, they cannot run a business in the City. Some protections are in place. They can be made as
- 4 difficult as possible, but there are limitations. Once an SOB finds an ordinance in place, they don't
- 5 want to deal with that city. Brigham City has had their ordinance close to eight years. SOB owners
- 6 come in for a copy of the ordinance and see limitations, and they are not seen again. It is better to be
- 7 proactive to set up standards, conditions, to identify an area, and to put an ordinance in place. It gives
- 8 something defensible. There are a few choices of where to put SOB's. An SOB zone can be created,
- 9 but he recommended creating an industrial zone and adopting it in the zoning code. The lot size must
- 10 be reasonable and accessible.
- 11 • S Bankhead felt the zone would be east of the northeast corner of Blackhawk subdivision.
- 12 • M Teuscher recommended that the City look west of 300 South, south of the extermination business.
- 13 A little pocket of land has not been annexed, but it is shown in the General Plan.
- 14 • S Bankhead questioned what the results would be if Logan annexes that property.
- 15 • M Teuscher said the City would then find another place.
- 16 • L Campbell recommended using land already annexed into Providence City.
- 17 • B Bagley asked if Logan City can trump a letter of annexation.
- 18 • M Teuscher said yes; if both sides have a policy in place, they go with the property owner's choice.
- 19 • J Mock felt the City would have a hard time going up next to Logan.
- 20 • M Teuscher recommended looking at a map of the city to see where to place it.
- 21 • W Wimmer asked for clarification on licensing daycare facilities.
- 22 • M Teuscher explained that everything in a daycare should be licensed by the State of Utah. They
- 23 don't regulate preschools held less than four hours daily. Daycares with children from one to nine
- 24 who are in care under four hours are not required to have licenses.
- 25 • H Ames asked what would happen if the City chose an area and someone violated the ordinance,
- 26 causing the industrial zone and the clearances around to be blocked.
- 27 • M Teuscher explained that it becomes a question of whether to include uses outside jurisdictional
- 28 boundaries. The Planning Commission can write whatever they want in the ordinance as long as the
- 29 area has reasonable accesses for the business. He advised the Commission to consider where to put
- 30 the zone. The courts have many cases with these issues. The first decision is where and how to put
- 31 an SOB. He advised them to look at an industrial zone and divide it as a light or traditional industrial
- 32 zone, allowing uses that might be expected. Storage units should be in light industrial zones instead
- 33 of commercial zones. Offices and automotive uses are considered light industrial.
- 34 • M Teuscher recommended that the Planning Commission study this issue before holding a public
- 35 hearing.
- 36 • J Mock explained that the City has exceeded its budget with his services and will be looking towards
- 37 the County for advice on transportation issues.
- 38

39 **Item No. 2. The Providence City Planning Commission will discuss a request by Carma Lee Jensen**

40 **for approval of a two-lot subdivision located generally at 530 East Canyon Road.**

- 41 • S Bankhead explained that Carma Lee Jensen asked to have her request removed at this time. When
- 42 she decided to subdivide, the proper steps were not taken before she sold a lot. Now that she is ready
- 43 to go forward, Larry Hogge, the property owner to the south, is rescinding an agreement made
- 44 previously that would allow her to have the frontage required for another lot. It will temporarily be
- 45 on hold.
- 46
- 47 • B Bagley asked what the next step is in finishing up the SOB ordinance.
- 48 • S Bankhead clarified that M Teuscher has already been of service in creating the residential plan and
- 49 with the P district. The County has a metropolitan organization where mayors of the communities
- 50 serve as executive members of the board. The technical advisory committee is made up from staff
- 51 members; she sits on that board. A regional plan discussion suggests that communities in the MPO
- 52 are not communicating with the County on planning transportation needs. Transportation wise, the

1 MPO would like to incorporate the overall transportation plan into one. She felt it would be prudent  
2 to work with the County Planner's Office in planning for Providence's roads. Some traffic modeling  
3 may be given by Jeff Gilbert to see if it is feasible. M Teuscher will finish the sections on SOB  
4 ordinances and business license changes and will give the Planning Commission a draft for the  
5 industrial zone. The City felt like more coordinated effort was needed with the County in working on  
6 the transportation effort.

- 7 • B Bagley asked what the next step will be in working with the General Plan.
- 8 • S Bankhead said the next step is to update the future zone map. The future zone map should be  
9 updated posthaste to include where the industrial and the P zones will be. She also suggested that the  
10 next resolution on the Master Plan should have a name change to say, "Providence City General Plan  
11 as revised June 2007" and be changed each time a new revision is made.
- 12 • J Mock suggested that the document be segmented out so that each section will have different  
13 revision dates throughout since changes will be made at different times.
- 14 • S Bankhead recommended that the Planning Commission look at the zoning map and transportation  
15 plans. The staff has begun working on moderate income housing with the information that has been  
16 sent to them. Countywide census information was sent, but it was not broken down into  
17 demographics of the City. The County is trying to get current information for each city.
- 18 • J Mock asked when the most recent census was taken. S Bankhead believes it was in 2005.
- 19 • J Mock asked if Staff is working with the water master plan. S Bankhead said the City has not  
20 contracted with any engineering firm to work on the Master Water Plan. The capital facilities impact  
21 fee analysis is currently being reviewed.
- 22 • S Bankhead will get the Commission a copy of the zoning map.
- 23 • J Mock asked if this information should be addressed at the next meeting.
- 24 • S Bankhead recommended that the Planning Commission look at this as a study session. The  
25 Commission would discuss the current, future, and existing map while staff takes notes; a drafting  
26 team could put thoughts on the map; and when the Commission is ready, it would go to a public  
27 hearing. From there, it would come as a recommendation item. It would be passed through a  
28 resolution instead of an ordinance.
- 29 • J Mock felt it would take one or two study sessions. He requested that this item be listed on the next  
30 agenda.
- 31 • S Bankhead stated that S Wyatt will discuss City obligations and consequences for the Highlands  
32 Development. She also noted that Rick Arnold is the Highlands' attorney.
- 33 • S Bankhead recommended that the Commission discuss how many times an item can be taken out of  
34 the agenda with S Wyatt. It will be listed as an action item for the next meeting and can be continued.
- 35 • K Baker asked what the City's obligations are in paying back money to the Highlands.
- 36 • S Bankhead explained that if the water transfer went through and the City denied the zone changes,  
37 the City would be obligated to pay for the water. It cannot be legally given back. There is a  
38 difference between water rights and water shares. The irrigation company owns the rights. The City  
39 owns stock, not rights. The City does own the actual water rights in Richmond, but cannot sell them.  
40 The rights were purchased from a private party. Water rights cannot be deeded on condition.
- 41 • H Ames asked what the Highlands Development recourse is.
- 42 • S Bankhead said they entered into an expectation; they upheld their part of the bargain. They may  
43 have recourse. The agreement was made in acre feet.
- 44 • K Baker asked if Providence City is paying upfront for the pipe the Highlands installed.
- 45 • S Bankhead explained that the agreement was that the City would pay 50 percent and the Highlands  
46 would pay 50 percent. The City is paying the Highlands the City's share of the cost. The booster  
47 pumps are not specifically for Highlands.
- 48 • G Stauffer questioned if the pumps would benefit homes above the Highlands development.
- 49 • S Bankhead clarified that the pumps would benefit above the Zone 3 level. The Highlands  
50 development ended up building 1000 South, and the City ended up participating in the booster pump  
51 because it was needed to pump more water to Fox Ridge as a secondary culinary source.
- 52 • W Wimmer asked if anyone has talked to the City Water Engineer.

- 1 • S Bankhead answered yes. The State Engineer says passive water is available, and that Cache County
- 2 has excess water in the basin. One can find professionals on either side of the water issue to support
- 3 their views.
- 4 • K Baker noted that the City has been pumping, and the water levels have not decreased.
- 5 • J Mock questioned whether other issues that the City may be facing, such as schools, must be dealt
- 6 with.
- 7 • S Bankhead stated that Providence City is part of the Cache County school district. The City must
- 8 deal with the growth of the schools; Providence does not have a say in determining if new schools
- 9 will be built. The school district is an elected board, and the City would work through them. She
- 10 recommended that a meeting be held with them.
- 11 • J Mock suggested talking to the fire marshal as well.
- 12 • S Bankhead reminded the Commission that Liz Hunsaker, Logan City's fire marshal, is involved with
- 13 the DRC.
- 14 • S Bankhead also clarified that once the City Council was taken out of the land use realm, there is no
- 15 longer a conflict of interest. K Baker is also a bona fide member of the DRC.
- 16 • Lance Campbell will not be in attendance at the next meeting.

17 Motion to adjourn – L Campbell, Second H Ames

18 Vote: Yea: H Ames, B Bagley, L Campbell, W Wimmer  
 19 Nay: None  
 20 Abstained: None  
 21 Excused: J Russell

22  
 23 Meeting adjourned at 8:40.  
 24 Minutes taken and prepared by Becky Turley.

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 Jon Mock, Chairman

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Becky Turley, Office Specialist

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