

1 **PROVIDENCE CITY PLANNING COMMISSION MEETING**  
2 **Providence City Office Building**  
3 **15 South Main, Providence, UT**  
4 **November 8, 2006**  
5 **6:00 p.m.**

6  
7 **Attendance:** **Chair:** B Sorensen  
8 **Members:** S Allan, H Ames, B Bagley, J Beazer, L Campbell, J Mock,  
9 B Sorensen introduced Steve Allan and Harry Ames as alternates to the Planning Commission.

10  
11 **Action Items:**

12 **Minutes.**

13 **Meeting Minutes from October 17, 2006:**

14 Lance Campbell's name was changed in two places: page 4 of 6, line 44 and page 5 of 6, line 4.

15 Motion to approve minutes of the Providence City Planning Commission Meeting on October 17, 2006,  
16 with the corrections as stated – J Mock, Second – B Bagley.

17 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock

18 Nay: None

19 Abstained: None

20 Excused: None

21  
22 **Meeting Minutes from October 25, 2006:**

23 Page 4 of 6, line 20, getting should be taken out.

24 Motion to approve minutes of the Providence City Planning Commission on October 26, 2006, with the  
25 corrections as stated – B Bagley, Second – J Beazer.

26 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock

27 Nay: None

28 Abstained: None

29 Excused: None

30 Page 1, attendance, remove R Liechty.

31 Remotion to remove R Liechty's name from the attendance line – B Bagley, Second – J Mock.

32 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock

33 Nay: None

34 Abstained: None

35 Excused: None

36  
37 **Disclosure of any conflict of interest on any of the agenda items.** None

38 **Disclosure of any ex parte communication on any of the agenda items.** J Mock had a brief discussion  
39 with K Baker.

40  
41 Motion to move Item No. 1 under New Business to fill in the time gap between the Public Hearing  
42 scheduled for 6:30 p.m. – J Mock, Second – J Beazer.

43 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock

44 Nay: None

45 Abstained: None

46 Excused: None

47  
48 **New Business:**

49 Item No. 1. The Providence City Planning Commission will hold discussions with Scott Wyatt,  
50 Providence City Attorney, on rezoning the properties located on 691 Grandview Drive and 870 South 400  
51 East, otherwise known as The Cove and the Hillcrest properties.

- 1 • S Wyatt presented two law suits filed against the rezones for The Cove and Hillcrest subdivisions.
- 2 A significant reason for the lawsuits is that the notices were inadequate for public meetings or
- 3 hearings. He feels the lawsuits will be expensive and long for the City, and that the City should
- 4 strike a solution and move on. It is his recommendation that the Planning Commission set up a
- 5 public hearing for the rezone of these parcels. All notices will be more than adequate when
- 6 everyone is aware and citizens or residents or property owners can express their comments.
- 7 • B Sorensen wondered if that will curtail or stop the lawsuits.
- 8 • S Wyatt said he can't predict that. If there is a significant allegation that something has gone
- 9 wrong, then the rezoning process should be redone.
- 10 • B Sorensen asked what steps need to be taken to notify or to rectify the problem.
- 11 • S Wyatt has discussed this issue with S Bankhead. The solutions were: (1) Have witnesses
- 12 present when notices are posted in order to testify that it was given properly and to make sure
- 13 there are no questions, and (2) Give notice beyond what is required. He suggested that both
- 14 rezones be put up for a public hearing to allow public comment at the next meeting, make a
- 15 recommendation, and then send it to the City Council.
- 16 • B Sorensen commented that this is the third or fourth time this process has been done.
- 17 • B Bagley asked if the rezones have been negated.
- 18 • S Wyatt answered no because no one in the room has the authority to negate the previous
- 19 decision. A discovery and planning schedule has been set that will carry the trial into next year.
- 20 If the Planning Commission and City Council put out the notices, it may resolve the issues or a
- 21 portion of the lawsuit. His recommendation is to start over and do it right.
- 22 • Dan Hogan remarked that he has gone through these four times and announced that ramifications
- 23 may be coming back the other way. He feels that the issue of improper notice on the rezone is
- 24 phony because it was well known and everyone involved in the lawsuit attended the meeting. He
- 25 feels the plaintiffs want to stop development and negate the rezone. He perceives extending the
- 26 decision as a sham because everything was done legally.
- 27 • S Wyatt pointed out that if the Court concludes that the City didn't give proper notice, it will take
- 28 a lot of money and time to get this resolved.
- 29 • Darcy McEvoy claimed to have notified the citizens of the meeting through the grapevine.
- 30 • L Campbell asked if going back will delay the process any further or make the process go faster.
- 31 • S Wyatt explained that in theory the meeting can be held today, the public hearing can be held
- 32 three weeks from now if the subject is proposed properly, and the next meeting could be used to
- 33 make the decision go up or down. It may or may not resolve the problem.
- 34 • B Sorensen recommended that someone from the Planning Commission make a motion to do
- 35 what S Wyatt suggests.
- 36 • B Bagley asked if the process will start over as if the land had not been rezoned.
- 37 • J Beazer replied that the Planning Commission has tried to readjust their schedule to entertain this
- 38 problem. He suggested giving the citizens a week or two to prepare for comment.

39 Motion that the Planning Commission revisit the rezone requested for The Cove and Hillcrest properties  
 40 and set the date of November 29, 2006, for the public hearing and the public input for the rezoning of  
 41 SFT, commonly known as The Cove and Hillcrest Subdivisions – J Beazer, Second – L Campbell.

42 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock  
 43 Nay: None  
 44 Abstained: None  
 45 Excused: None

- 47 • S Wyatt suggested holding the meeting at a different location to enable all of the citizens to
- 48 attend.
- 49 • S Bankhead will contact the school to see if the meeting can be held there.

50 Motion to amend the previous motion that the Planning Commission revisit the rezone requested for the  
 51 Cove and Hillcrest properties and set the date of November 29, 2006, for the public hearing and the public

1 input for the rezoning of SFT commonly known as The Cove and Hillcrest Subdivisions, and because of  
2 public interest, be held at either the Providence Elementary School or Spring Creek Middle School and  
3 will be given the proper public notice – J Beazer, Second – L Campbell.  
4

5 **Public Hearings:**

6 Item No. 1. 6:30 p.m. The Providence City Planning Commission will hold a public hearing on  
7 Wednesday, November 8, 2006 at 6:30 p.m. to receive comment on proposed changes to Providence City  
8 Code 10-1-4 Zoning, General Provision, Definitions by adding a definition for Downtown Area;  
9 Providence City Code 10-5-6 Zoning, Overlay Zones, Lot Downsize by repealing the lot downsize zone;  
10 and Providence City Code 10-14-1 Zoning, Cluster and Inner Block Development by prohibiting inner  
11 block development in the defined downtown area.

- 12 • Linda Goetze has reviewed the ordinance changes and believes it is consistent with repealing the  
13 overlay zones. She concludes that it defines the downtown area and makes it consistent with the  
14 historic area as well as accomplishes what has been trying to be done for a number of years.
- 15 • B Bagley asked Mark Teuscher if he had a chance to look into this.
- 16 • M Teuscher stated that he hasn't seen the ordinance.
- 17 • J Beazer concluded that the inner grid system has been defined and keeps the character of the  
18 town.
- 19 • Linda Goetze commented that her corner isn't defined in the historic area. The Edgewood Hall  
20 property would not be included. Inner block development could occur caddy corner from her  
21 home. She doesn't know how the residents around there would feel.
- 22 • J Beazer stated that 200 East to 300 South isn't included but is consistent with the Historic  
23 Committee. He replied that the ordinance change will be followed up on 300 South and 200 East  
24 even though it isn't a defined block.
- 25 • B Sorensen would like to vote on the 29<sup>th</sup> of November in order to avoid surprises.
- 26 • Harry Ames asked if we are looking at the whole ordinance or if the wording is being modified.
- 27 • It was clarified that the red lines presented in the ordinance information is being changed. Errors  
28 would be taken care of at a later time.

29  
30 Item No. 2. 6:45 p.m. The Providence City Planning Commission will hold a public hearing on  
31 Wednesday, November 8 at 6:45 p.m. to receive comment on proposed changes to Providence City Code  
32 amending certain provisions in the Providence City Land Use Ordinance bringing it into compliance with  
33 recent amendments to the Utah Code including the establishment of a land use authority and an appeals  
34 authority.

- 35 • B Sorensen introduced this topic. Wilf Summercorn from Davis County was introduced and was  
36 asked to enlighten the Commission.
- 37 • Wilf Summercorn, Davis County Director of Mountain Development and the legislative chair for  
38 the Utah Chapter of the Banking Association, explained that Mayor Simmons asked him to  
39 discuss what a land use authority is and why it is an option for cities and counties to do things this  
40 way. He is involved with the legislative activity and with the State Code. A few years ago,  
41 considerable discussion took place between Government and local officials in regards to the State  
42 Code. There was concern that a number of court cases had been decided upon; often times not in  
43 accordance with the State Code. Because of turnover, they were not aware of court rulings. This  
44 is where the land use authority comes forth. An option is to streamline by development  
45 approvals. Wilf Summercorn presented an outline to the Commission. He explained that the first  
46 page of his handout separates the policy (legislative) function and the administrative function  
47 (applying laws and codes.) The Planning Commission will continue to function in the role of  
48 policy making and making rules to implement it. The City Council adopts, amends, or doesn't  
49 adopt. The Land Use Authority takes on the role of going through the approval process; it is the  
50 deciding body. The appeals go to the Appeals Authority, which is an administrative process.  
51 Page 3 lists that the Land Use Authority is recommended, they recommend an appeal authority  
52 and the land use application process. Communities can streamline uncontested applications. This

1 allows for a process to be set up for the staff person to designate it. Provide some kind of notice,  
2 and if no opposition comes forth, it goes through. If it is contested, it goes to the Land Use  
3 Authority and Appeals Authority. The Planning Commission recommends on subdivision plats  
4 and amendments to subdivision plats, prepare annexation policy plans and provisions for  
5 agricultural and industrial protection areas.

- 6 • Mayor Simmons explained that review and recommendation of subdivision plats must be  
7 approved and require a plat that is reviewed by the City which the Planning Commission  
8 recommends.
- 9 • W Summernote implied that Page 4 explains the Land Use Authority and takes it through the  
10 process approval. Before it can be recorded, it must have a signature from the Land Use  
11 Authority and the Mayor or from someone else. It then goes to the Council for dedication like a  
12 street or right-of-way. In 2005 the State Code was changed and now requires that a Land Use  
13 Authority be designated. It isn't optional to use the Land Use and Appeals authority, but it is  
14 optional who is designated to do it. The Planning Commission can be designated as a Land Use  
15 Authority. The Planning Commission spends so much time dealing with development  
16 applications that they never have time to plan. A land use application is an application required  
17 by the land use ordinance such as site plans, conditional use permits, etc, under the Land Use  
18 Ordinance. They are sent to the Land Use Authority. Building permits are delegated to a  
19 building official in some cities. The code makes it clear what the requirements are. The rezone  
20 concept is vague because it is a policy decision. He recommends designating property in the City  
21 as desired. When this action is taken, it comes in the jurisdiction of the Planning Commission. It  
22 then becomes a legislative decision. Legislative decisions are broad whereas administration  
23 actions are clear cut. Next specifies how to apply for a rezone, which under the state code is to be  
24 done by the Land Use Authority. The appeal process becomes confusing if someone disputes  
25 what has been done. Page 6 of his handout interprets the Land Use Ordinance. Rezones are not  
26 an administering ordinance. The appeals authority deals with variances. A body or individual  
27 can be designated. There are many options under the way the code is set forth.
- 28 • H Ames asked if the Board of Appeals can be the Land Use Authority. W Summernote said no.
- 29 • R Henderson specified that he was gratified by the City's recognition that notices are important  
30 and people deserve to be heard. The City made a motion to dismiss the other part of the lawsuit  
31 based upon the right to sue. His clients feel that if the City were to take seriously the changes  
32 from the State Law and consider ordinances that promoted smart growth and avoid problems  
33 down the line, then his clients would be willing to dismiss the lawsuit. He commented that the  
34 notice issue has been recognized and changed by the law. He feels that Mr. Summernote's  
35 presentation was the most even minded presentation on LUDMA. He feels there are now options.  
36 The law indicates that the purpose the State Code was changed is for the health, safety, welfare,  
37 etc. His clients aren't apposed to streamlining, but when an application becomes contested, due  
38 process has to be followed. When a land use application comes before the Land Use Authority,  
39 should it come before a public hearing.
- 40 • J Beazer doesn't agree with the land use authority process because it takes citizens' rights away.  
41 He is worried that even though something seems to be mundane, it may never see the light of day.
- 42 • R Henderson believes the approved Appeals Authority has never been given to the City Council.  
43 He believes it is wrong. This write-up was prepared in pursuit to the condition that it be given to  
44 the City Council. Attached to the recommendation he presented to the Commission is a proposed  
45 ordinance that recommendations be made to the City Council. He invited the Planning  
46 Commission to put an appeal authority in the current Board of Adjustments. He feels it would  
47 take care of the Appeals Authority and Land Use Authority. He feels that a Land Use Authority  
48 making and then appealing doesn't make sense. He feels that notices should be posted on the  
49 web instead of having his clients take pictures of the postings. He is willing to work with S  
50 Wyatt. He also would like the City to listen to other ideas on changes that could be made. The  
51 appeals authority 10-9-8-801, page 27 of the handout, the last subsection stated examples of  
52 things to be done in the appeals authority. The next page, subsection 5 recognizes that an appeal

1 authority can be a board. A way to have a positive impact is to allow thirty days' notice. He said  
2 to take into account the due process rights of the people. Section 10-9-8-801-8-b-ii on page 30  
3 was also explained. He feels that if the two subdivisions would have been considered when they  
4 were in compliance with the State law, they would comply with the ordinance. Mayor Simmons  
5 agreed that it is a good idea for R Henderson to discuss this with Scott Wyatt.

- 6 • J Beazer would like to have someone on the Appeals Authority who hears appeals often to avoid  
7 favoritism in the City. He sees an advantage of having one person who is only interested in the  
8 law serve in the position.
- 9 • B Sorensen reminded the Committee that two weeks ago S Wyatt shared this information. He  
10 suggested that this proposal be meshed together with S Wyatt and Rand Henderson as well. He  
11 felt that a vote could be held in December.
- 12 • S Wyatt responded that he and R Henderson could get together and present a list to the  
13 Commission with the items they don't agree upon.
- 14 • J Beazer asked why R Henderson wants postings to be given longer than ten days. R Henderson  
15 replied that a hearing officer does stop favoritism, but there are other ways.
- 16 • J Beazer exclaimed that the feeling of favoritism would be lost. It would be complete neutrality.
- 17 • J Mock reminded the Council that S Wyatt explained that a group who heard cases regularly  
18 would be up on the law and cases won't be so far between.
- 19 • R Henderson suggested bringing in specialists and to remember that there is an appeal from this  
20 authority. He gave an example of State and Federal judges; they don't have a clue what goes on  
21 at ground level.
- 22 • S Wyatt commented that his is a State court proposal. R Henderson disagreed.
- 23 • K Baker asked how the people in town know if they can contest a subdivision application when it  
24 is going to the Board if it doesn't meet in a public hearing.
- 25 • S Wyatt explained that every land use meeting is posted. It was suggested that notices be placed  
26 on the website, notifying the adjoining land owner by letter, and doing extra things would make  
27 everyone happy.
- 28 • Linda Goetze asked if there would be another public hearing.
- 29 • B Sorensen said it depends on what is presented and what works. He believes there would be a  
30 public hearing again and the Commission could vote that night. He would like to have the  
31 proposal on the 29<sup>th</sup> of November agenda.
- 32 • J Beazer suggested that this meeting be treated as a workshop and have a public hearing at the  
33 next meeting.
- 34 • B Bagley is frustrated because on June 6 this was presented to the Planning Commission, and it  
35 was unanimously approved on two of the six accounts. Nothing more was heard. S Wyatt said it  
36 was good and B Bagley thought it was going to be pursued. He wondered why the process was  
37 stopped before it got to the City Council.
- 38 • Mayor Simmons said there was a misunderstanding that it was to come to the Council because it  
39 wasn't an ordinance, it was a general recommendation. His assumption was that he would  
40 receive an ordinance that was to be considered.
- 41 • B Bagley voiced that State Law states that recommendations go to the City Council to create an  
42 appeal authority. He feels the process should have been followed through.
- 43 • Mayor Simmons said B Bagley and the Planning Commission are to recommend ordinances. He  
44 will take responsibility for this misunderstanding. B Bagley stated that it should have been  
45 addressed.
- 46 • Bob Bisland responded to J Beazer's thought of one person on the appeal authority. He feels that  
47 without a lot of research, it limits to corruption. He feels there are too many approaches on the  
48 Board to have favoritism. Years ago three Commissioners appeared to be too small and a County  
49 Council was formed. He feels the County Council meetings he has attended work well. He  
50 doesn't like favoritism either, and two or three people from the same neighborhood or office may

1 not work. He was impressed with the Board of Adjustments recommendation because there were  
2 people from all over the town with different ideas.

- 3 • Linda Goetze aired a comment made at the last meeting that said those who come to these  
4 meetings are a vocal minority who likes to be heard. She feels discounted on what she has to say.  
5 She feels she has a lot to contribute because she is out in the community. Clint Thompson would  
6 help everyone understand what the appeal was about by looking at the physical site. She doesn't  
7 just want more notice; she wants the Council to respond to their comments. She admonished the  
8 Commission to make ordinance changes that come to light as the public provides input, and half  
9 acre lots should be part of the ordinance.
- 10 • J Beazer said he doesn't feel that a City employee should be on any Land Use Authority.
- 11 • Sharrel Eames agreed. She feels the term vested comes from developers and she, too, is vested in  
12 the City's character, officials, and personality. She is concerned that the process isn't followed  
13 and the efforts put in weren't acknowledged. She echoes the objection of one person serving on  
14 the Appeals Authority.
- 15 • Darcy McEvoy feels that a small group is inclined to be influenced for unknown reasons on the  
16 Land Use Authority. Stacie Gomm mentioned having an ordinance made that would provide  
17 one-half acre estate lots. She feels that with this new direction, a new ordinance should be put in  
18 as a choice for the future.
- 19 • Elinor Hansen dittos all that has been said. She appreciates the thought of what is going on  
20 considering what the citizens have been asking. In August 2005 she was told that development  
21 was coming on Hillcrest. She mentioned at that time that it would have been nice if the City had  
22 sent notices. She feels internet postings would be great because she and others have spent a lot of  
23 money sending out fliers and putting up signs to advertise what wasn't being seen by the regular  
24 community.
- 25 • Gary Meunier likes what he has heard. He would like the Commission to consider the  
26 composition of the Land Use Authority, Land Use and Appeals Board. He figures reasonable  
27 input to technical expertise such as engineering should be made available to the Land Use  
28 Authority and with an appeals officer. He admonished the Commission to make sure necessary  
29 technical expertise is available, especially in applications, and specify that the Land Use  
30 Authority be a certain body for projects above a certain size threshold and smaller projects go to a  
31 lesser body.
- 32 • Mayor Simmons explained the process currently being used and why B Bagley gets frustrated.  
33 He said someone comes in with a subdivision proposal and they submit plans to the City staff.  
34 The staff reviews the application to make sure it is submitted appropriately. The DRC goes  
35 through a checklist. The plans usually go back numerous times. Once it meets every ordinance  
36 and all of the City requirements (policies established by the Planning Commission and the City  
37 Council), it comes back to the Commission, and they must approve it. If it comes to the City  
38 Council, they must approve it also. He asked if the City should go beyond the point where they  
39 meet all the ordinances. The proposal by S Wyatt would make open meetings and public  
40 hearings on subdivisions. When the legislative side was laid out, it would come to the  
41 administrative side. Staff meetings aren't open to the public, but if it were a Land Use Authority,  
42 it would become an open meeting.
- 43 • J Beazer commented that the Planning Commission and City Council can add conditions but can't  
44 change the law.
- 45 • B Sorensen commented that other Planning Commissions are under the same conditions.
- 46 • B Bagley questioned pending ordinances.
- 47 • S Wyatt commented that Utah is unique in Land Use ordinances. In Utah, the day the developer  
48 files the application, they are vested. They are entitled for their application to be considered.  
49 One exception is pending ordinances. If someone files an application a year ago, he is entitled to  
50 have his application go at the time. If you are today to make a pending proposal, it wouldn't  
51 apply to anyone in the past, just the future. The most severe restriction is a moratorium for six  
52 months.

- 1 • B Sorensen clarified that he is hearing that Dan Hogan made this proposal earlier and will not be
- 2 subjected to anything that will be changed.
- 3 • S Wyatt answered said yes, the ordinance saying two accesses or one-half-acre lots will not apply
- 4 to him. He said, “As disagreeable as this seems, you are the Government and the developer is the
- 5 citizen with property, property rights and due process rights with what is protected in the
- 6 Constitution.”
- 7 • B Bagley asked if there is a timeline for ordinances.
- 8 • S Wyatt answered that if it is put in the agenda with a legitimate proposal and put on diligently, it
- 9 can be worked on.
- 10 • W Summerville stated that it takes about six months.
- 11 • Darcy McEvoy is under the impression that no one was vested until the Judge said they were
- 12 vested.
- 13 • S Wyatt explained that the developer is vested the day he files a complete application.
- 14 • Darcy McEvoy asked why the rest of the citizens aren’t vested.
- 15 • S Wyatt replied that it is part of the process. If the City Council ignores someone, then that
- 16 person is in no different position than when he (S Wyatt) wanted Congress to change decisions in
- 17 Washington D.C. He explained that we have a represented democracy.
- 18 • Linda Goetze commented that she assumes that The Cove and Hillcrest are not currently rezoned.
- 19 She asked if a different application should to be made.
- 20 • S Wyatt said no.
- 21 • B Sorensen explained that if it is revisited in a perfect way, it will apply in that point in time for
- 22 people who make an application at that time.
- 23 • S Wyatt said a fair comparison is assuming there are no speeding laws. If he were to race down
- 24 the street at 100 mph and someone gets mad, and if the next day there is a speeding law, the law
- 25 doesn’t apply yesterday, but it does today.
- 26 • Linda Goetze feels due process was awarded in the process of public notice.
- 27 • S Wyatt said lets assume that the City Council, Administration, and everyone made a mistake. If
- 28 they failed to do everything correct, the City cannot unvest someone’s application. City mistakes
- 29 do not take away from the citizen.
- 30 • Laura Fisher wondered why if the law isn’t retroactive there is a hearing.
- 31 • S Wyatt explained that it is to give notice.
- 32 • K Baker asked if an application is hogwash, are the people vested. S Wyatt said no.
- 33 • S Bankhead said a complete application would be the application; all of the documentation and
- 34 the fee. It is not guaranteed to be approved. If someone meets every ordinance in place at that
- 35 day, those are the set of laws and ordinances used to judge his application. If it does not meet
- 36 what he has, it is denied. It guarantees that it will be looked at with what was presented that day.
- 37 The City Council still has discretion on whether to grant the rezone or not.

38  
39 5 minute break at 8:25.

40  
41 **New Business:**

42 **Item No. 2. The Providence City Planning Commission will hold discussions with Mark Teuscher**

43 **concerning policy changes to the Providence City Code.**

- 44 • B Sorensen reconvened the meeting and invited Mark Teuscher, Mayor Simmons, and Scott
- 45 Wyatt to join. He turned the time to Mark Teuscher.
- 46 • Mark Teuscher explained that the General Plan is basically the direction of planning in the City.
- 47 To implement that, land use ordinances are made, broken up into City codes, etc. They are the
- 48 implementing tools. A subdivision ordinance is just a process which tells the City and the
- 49 applicant how to divide his land. It does not tell lot size, etc., just the procedure. The zoning
- 50 code is that Ordinance which discusses design standards, setbacks, and density. Lot sizes come
- 51 from zoning codes. These are tools to use in implementing the General Plan. The current

1 General Plan does not have a plan on residential development. To create new zones or lot sizes, it  
2 should be in the General Plan. Writing a code to implement it is the next step. He presented a  
3 basic outline and suggested using it. The map should be changed because it is not consistent with  
4 what is trying to be done tonight. He drew the City into five distinct areas. The western end of  
5 the city along Highway 165 is the commercial area. At this point, it can be for mixed uses. The  
6 first area is historical.

- 7 • Gary Stauffer noted that in the early days there were six lots in a block. M Teuscher defined the  
8 historical area on a map he presented and asked if it seems to be consistent.
- 9 • J Beazer commented that the area should go further east and south, but can be defined as the  
10 original Providence City.
- 11 • Mark Teuscher stated the purple on his map is the bench area where some of the newer  
12 subdivisions have taken place. The west area is between the historical and growing commercial  
13 area. Finally, the blue is considered the future annexation. Most of it is adjacent to the east  
14 residential development area. When it is annexed, it will come to the upper bench area. This was  
15 the Declaration of Annexation to the City. He asked what basic principals the Council would like  
16 him as a planner to focus on.
- 17 • J Beazer said he would like to see the traffic problem addressed. His concern is the transportation  
18 from the bench into town.
- 19 • Mark Teuscher explained that traffic is a land use and is probably the largest land use.  
20 Transportation is a reciprocal land use, which means someone wants to use it. If you build a use,  
21 you want a use to get to it. He will look at relationship and coactivity with the system in place.
- 22 • Harry Ames commented that he refuses to ride a bicycle in the City because it is suicide and he  
23 believes it should be included in the planning process with Mark Teuscher.
- 24 • Mark Teuscher commented that the Commission would like a discussion on pedestrian friendly  
25 access for the people.
- 26 • B Bagley feels that a lot has to do with transportation, addressed in Section 11 of the Code and in  
27 the General Code, but it is the health, safety, and welfare of the citizens. He asked how it can be  
28 addressed when a subdivision comes in.
- 29 • Mark Teuscher commented that health, safety, and welfare may not be the same to one person as  
30 another. The only basis of denying something is on the health, safety, and welfare of the citizen,  
31 and sometimes every issue may not be able to be mitigated.
- 32 • B Sorensen commented that bus stops are an example of that issue. There is no safe place to drop  
33 off the kids.
- 34 • Mark Teuscher explained that school districts are exempt. They can be asked to do something  
35 different, but they can choose not to.
- 36 • J Mock asked if this issue would be handled in an overall general statement.
- 37 • J Beazer commented that his concern is getting a second egress which is on a hill. It is such an  
38 ambiguous thing, that the time and event would have to be predicted that someone will be hit by  
39 the car, and that is why it cannot be denied.
- 40 • J Beazer and J Mock commented that density, mixed use/open space is also a concern.
- 41 • Mark Teuscher suggested looking at other open space. Owned open space cannot be changed.  
42 Under the Land Use Authority, there is a responsibility to look at subdivisions and make  
43 recommendations that must be integrated into a subdivision. The entire development should be  
44 included. Procedurally, he said to look at a unified project or overall residential development.  
45 There may be a slope of property so steep that nothing should be developed on it. Density issues  
46 and open space can be looked at as part of the development.
- 47 • J Mock asked how it could be preserved by the City.
- 48 • B Bagley stated that a condition would stay with it.
- 49 • Mark Teuscher explained that the property would be left in its natural state.



- 1 • J Beazer asked whose authority it would be to enforce the decision, and M Teuscher suggested  
2 that it would be the owner's responsibility. As subdivision processes are being made, make a  
3 note for it to be defined.
- 4 • B Sorensen commented that previously the Planning Commission did not want to see anything  
5 built under the power line. The solution approved by the Council was to make adjustments so  
6 that the lots were not directly under the power line. J Beazer said that in this instance, it was in  
7 the General Plan that the land was to be used for parks or recreation and the Commission missed  
8 it.
- 9 • Mark Teuscher commented that Brigham City doesn't let development occur east of their power  
10 lines.
- 11 • B Bagley suggested studying slope developments and turn-arounds for fire trucks.
- 12 • Mark Teuscher explained that the biggest problems cities face are the ones they won't deal with.  
13 Transportation is bumped to the end because it is very difficult. There is no money or limitations.  
14 Experience suggests solving transportation issues up front and land issues will fall behind it.
- 15 • J Beazer questioned how it is to be accomplished without having the money.
- 16 • Mark Teuscher suggested putting it on the ballot. Another way is to protect transportation  
17 corridors by adding to the registration fee up to \$10 for preservation funds. Davis County is a  
18 growing suburb of Salt Lake City. They adopt funding mechanisms and ask the County to collect  
19 local funds.
- 20 • J Beazer said locally it will never happen.
- 21 • Mark Teuscher disagreed. SID is a separate political entity and he doesn't like it. The third  
22 methodology is the community development area, which can extract the increment to make  
23 improvements. However, only your increment may be used. There are mechanisms out there that  
24 can be used. Some are harder, some are easier. It will not pay for everything. Sometimes higher  
25 property taxes must be paid.
- 26 • S Bankhead stated that the City has an excellent firm that does financing and they can design the  
27 impact fees.
- 28 • Mayor Simmons commented that two different developments of over 200 acres each would like  
29 to have a small neighborhood store. He asked if that is mixed use.
- 30 • J Beazer commented that in Boise the homeowners association subsidizes the market to create  
31 neighborhoods.
- 32 • B Sorensen is not interested in having residential and commercial land mixed.
- 33 • Mark Teuscher explained that how it is looked at may be uniquely different depending on the area  
34 being discussed. There may not be any mixed commercial use. Open space applying to all  
35 residential sections is another area. Major utilities on the east bench may come in as  
36 opportunities. A major gas line may run through the City eventually. Inner state utilities have the  
37 power of domain and they will use it.
- 38 • J Mock if there will be anything presented with the sensitive area issue.
- 39 • Mark Teuscher said there is always sensitive areas and will be treated differently. Sensitive areas  
40 have to be dealt with. The wetlands are a sensitive area.
- 41 • B Bagley asked if flood zones will be addressed. Mark Teuscher commented that it is a sensitive  
42 area.
- 43 • Harry Ames brought up that light, noise, and smell pollution should be addressed.
- 44 • J Beazer commented that a light ordinance was discussed in the Design Review Committee.
- 45 • Mark Teuscher gave examples that need to be addressed which have issues.
- 46 • B Sorensen asked if the lighting from the baseball fields has been addressed.
- 47 • Mark Teuscher noted that things brought up in the past are what he has now. Ambiguous codes  
48 are written giving the right to make any kind of decision desired. A lawyer from the Risk  
49 Management Group will be used because the ordinance isn't specifically written. The basic of  
50 use is what should be looked at. He gave a flood plane as an example. It can be built up to put a  
51 house on, but he has to go through the County for approval. The builder will be building up and

1 out of a flood plane. All health, safety, and welfares cannot be solved. He admonished the  
2 Committee to do the best they can to mitigate them. When Residential Treatment Centers come  
3 in, they must be approved because it is regulated by Federal laws by the Fair Hazard Act.

- 4 • J Mock wondered if no flood plane area or fault line is listed, can an ordinance be written to say  
5 that no development can take place on these areas.
- 6 • Mark Teuscher explained that it can be required to have the developer show where the fault line  
7 is and agree not to put a residential structure on it. The first thing is tell the subdivision to trench  
8 the fault and then give an easement that nothing will be placed in the setback. The code must to  
9 be written so that it is specific as to what the developer can do.
- 10 • B Bagley asked M Teuscher to expound on low income housing and SOBs.
- 11 • Mark Teuscher explained that the moderate income housing section was adopted as part of the  
12 General Plan. The City is up for a biannual review. It will be reviewed and updated. It is a  
13 separate document. The City must do a report on it. There are minimum requirements that have  
14 to be dealt with.
- 15 • Mayor Simmons commented that the City does want to take the open space. There is a trade-off  
16 for open space because the City will take care of the land. The Court House will sign off things  
17 the City doesn't know about.
- 18 • Mark Teuscher commented that this will be a process of reiteration. If there are thoughts to have  
19 Mark Teuscher look at, he asked to be e-mailed at [cacheplanning@yahoo.com](mailto:cacheplanning@yahoo.com). He will attend the  
20 next meeting.
- 21 • Harry Ames asked if open irrigation verses closed irrigation will be discussed.

22  
23 Meeting adjourned at 9:35 p.m.

24 Minutes taken and prepared by Becky Turley.  
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Blaine Sorensen, Chair

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Skarlet Bankhead, City Recorder