

1 Providence Historic Preservation Commission Meeting
2 February 16, 2010
3 6:00 p.m.

4
5 THOSE ATTENDING: Adrian Gale, Kaye Lyn Harris, Jay Hicken, Karl Seethaler,
6 Marie Olsen, Hoyt Kelley
7 OTHERS: Mayor Ron Liechty, Skarlet Bankhead, City Administrator
8 EXCUSED: Alma Leonhardt

9
10 Minutes taken by Brenda Nelson

11
12 MOTION to approve minutes of Jan. 19, 2010, by J. Hicken, Second by K. Harris
13 All in favor.

14
15 Since Mayor Liechty and Skarlet Bankhead, City Administrator, were present to discuss
16 Item 4 on the agenda, the Commission agreed to change the order of the agenda and have
17 Item 4 first.

18
19 **Item 4. Discussion on Accessory Dwelling Units (ADU) in the Historic District**

20 B. Nelson stated that in the ordinance creating the Historic Preservation Commission
21 there is a clause under Duties of the Commission that states that the Commission should
22 give a recommendation when there are alterations, changes of use, or new construction
23 within the district. For this reason, Mayor Liechty came to discuss the Accessory
24 Dwelling Unit Ordinance. He explained that this ordinance has been repealed. However,
25 some people have asked that it be reviewed again and reinstated. He added that
26 originally the ordinance was put in place to allow people to have caregivers live in the
27 home, but still maintain a separate residence. The ordinance has been abused by people
28 who created apartments strictly for monetary purposes, or contractors who were stating
29 that the home they were selling or building could have an apartment in it.
30 Recently, a couple who is having financial difficulty asked if they could rent out their
31 basement to their daughter and two roommates. They presented the idea to the City
32 Council and then to the Planning Commission, and found many opposed to the idea.
33 Another couple with a house with an existing apartment would like to rent it out, but the
34 ordinance also states that if an approved unit goes a year without being used for that
35 purpose, the approval for the ADU becomes null and void. The family, in this case, had
36 to sell their home and move.

37 The Planning Commission is adamant that this ordinance not be reinstated. They feel this
38 will detract from the single family zoning. The definition of the family states that 3
39 people unrelated by blood marriage or adoption can live together in a single
40 housekeeping unit. The ADU ordinance requires that the owner of the home live in the
41 home. The ordinance allows for extended family to live together as long as they share the
42 same kitchen and live as a single family.

43 S. Bankhead explained that there is a fear that a large number of duplexes will be created.
44 She added that in the historic district it may not be cost effective to retrofit a house to add
45 an ADU. The Building Code requires separate furnaces, separate entrances, large
46 basement egress windows, etc., all of which are expensive to put in. The definition of a

1 family used to allow 5 people unrelated to live together as a unit. Because of the number
2 of people requesting ADU permits, the City did two things. They changed the definition
3 of the family to allow only 3 people, and repealed the ADU ordinance. If a couple needs
4 to have caregivers, they could have a single person, but not a couple because of the
5 definition of the family being 3 people. These two changes are difficult for a population
6 that is aging. It's definitely something that is nerve racking for communities. Cities can
7 beef up the ordinances - make sure the home is owner occupied, has adequate parking,
8 etc. If they meet all the requirements, a conditional use permit would be granted. The
9 biggest obstacle is retrofitting the home to meet all the codes and requirements.

10 K. Harris asked why the unit has to be separate. If they all live together and use the same
11 kitchen and eat meals together, etc., it would be considered one family unit. K. Harris
12 asked if we could require by ordinance that only a caregiver could live in the ADU.

13 S. Bankhead explained that when the original ordinance was adopted, everyone thought
14 there would be dozens of apartments spring up. However, only 17 were grandfathered.
15 Almost all of these were to allow a caretaker to be nearby an elderly person. Later, others
16 did start springing up. The City decided they needed to get a handle on the situation. H.
17 Kelley noted that when he was on the Council they had the same problem with a person
18 putting a trailer in the back yard for the aging mother. When the mother passed away, the
19 trailer was still there and was used as a rental.

20 J. Hicken said he could not see anything wrong with the ordinance if the City could keep
21 control. He suggested if there are realtors trying to sell homes as rental properties, we
22 need to talk with them.

23 Mayor Liechty stated that he has a separate unit in his basement, and if anything happens
24 to his mother, he would like to have her live there rather than a nursing home. S.
25 Bankhead stated that a young single mother, who travels a lot with her work, wanted to
26 add an ADU so she could have the security of having someone in her home while she
27 was away.

28 K. Harris asked if this would be just for the historic district or all over town. Mayor
29 Liechty explained that it would be for all over the city. S. Bankhead noted that we could
30 create an ordinance just for the historic district and that may save the integrity of the area.

31 J. Hicken said again that he didn't know why it needed to be regulated so much. If you
32 have an apartment in the basement, it doesn't change the footprint of the home or the
33 integrity of the house. He did remember when this first came up and how upset everyone
34 was over it. He felt we do need solid guidelines, but do people a disservice making it too
35 restrictive. He felt the guidelines in the original ordinance were good.

36 Mayor Liechty explained that with the bad economy, people are thinking of new ways to
37 make money. Others are trying to find alternatives to nursing homes. S. Bankhead felt
38 that some are trying to supplement their income while having someone nearby for
39 company. H. Kelley didn't feel being lonesome was enough of a reason to allow ADU's.
40 He felt that bringing family home is sometimes necessary. J. Hicken explained that by
41 adding the girl and her two roommates, there are two or three more cars. Mayor Liechty
42 stated that when all of his kids come for a visit, he has a dozen cars parked at his home,
43 and that is not against the city ordinances unless it is during winter parking curfew.

44 K. Harris stated that the problem still goes back to whether it is a single family unit. This
45 is creating a double family. J. Hicken said an altered home still has to have a certificate
46 of occupancy. S. Bankhead said they would also have to have a conditional use permit

1 They would have to bring in a site plan and see if it qualifies. Then there would be a
2 public meeting. K. Harris asked if neighbors are notified. S. Bankhead said only for
3 rezoning. If the person meets all the requirements, he doesn't need to have his neighbors
4 permission.

5 MOTION by J. Hicken that we recommend reinstating the ADU ordinance. Second by
6 H. Kelley. All in favor. K. Harris added that she wanted to add the stipulation that the
7 ordinance be reviewed for the historic district.

8 J. Hicken added that we need to make sure there are teeth in the ordinance, and the City
9 needs to keep track of what's going on. K. Harris said this still will not help the person
10 who has asked for help because the definition of the family still prohibits her from having
11 that many unrelated people in the apartment. H. Kelley stated that he still thought we
12 should have ordinances for the historic district only. S. Bankhead asked that the
13 Commission discuss what conditions they would like to have in the District.

14
15 K. Seethaler explained that there is a CLG Conference from April 29 – May 1 in Salt
16 Lake City if anyone is interested.

17
18 **Item 1. Report on CLG grant application**

19 B. Nelson reported that she turned in the application for the CLG grant last week. J.
20 Hicken contacted as many Commission members as he could regarding the signage. He
21 spoke with Randy Eck who had the idea of putting stick on labels on each of the street
22 signs in the district. The cost of each label was \$6.50. We plan to get 200 labels, or 4 per
23 intersection. J. Hicken also looked into getting 4 pole signs to have at various places
24 entering the district that will identify the area and give information. We need to decide
25 on the colors and graphics. He said if we want to see what one looks like, there are some
26 on 600 West and Center in Logan.

27 B. Nelson added that along with the signage, she has submitted to have K. Broschinsky
28 complete 8 more intensive level surveys. This gives us much more information about the
29 homes within the district. We need to decide which homes to include.

30
31
32 **Item 2. Report on proposed museum**

33 A. Leonhardt was not able to attend, but did phone in his report. He met with the City
34 Council, and they were in favor of using the RAPZ tax application to apply to help with
35 the purchase of the home on 100 North and Main to use as a museum. The owners
36 agreed to have an appraisal on the home and lot done the first part of March.

37 S. Bankhead added that the Council has decided to apply for three large projects. K.
38 Seethaler asked if applying for such a large amount may dilute the chance of getting the
39 museum property. S. Bankhead felt that if we ask for a large amount, at least we will get
40 a portion of it. We have been conservative in the past. These are good projects, but they
41 are expensive. H. Kelley asked when the RAPZ allocations would be announced. S.
42 Bankhead thought in March or April. K. Seethaler asked if we need to assure that the
43 museum property is still available. S. Bankhead said we have to assure the County that
44 we will finish the project. The owners are agreeable to sell, but we are not ready to
45 commit until we know if we have the funding. J. Hicken stated that we may need to do
46 an option to purchase so we have first right to the property

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Item 3. Discussion on Cache Vision 2010

K. Seethaler asked S. Bankhead to report. As she started her report, B. Nelson added that she had probably worded this wrong in the agenda. She said we want to discuss the project for Providence City being coordinated by the USU Landscape Architecture students.

S. Bankhead explained that the charette the students are preparing is to create a mixed use district – residential, retail, and professional all in one place. This would help transition the area from the highway into the city. The students are preparing proposals, and will do a presentation in March. S. Bankhead said they are meeting tonight in the Fine Arts Center to present posters on what they are doing. These include types of housing, buildings, other landscaping. These are not binding, just suggestions

Item 5. Discussion on the creation of an Old Rock Church foundation.

K. Seethaler reported that the committee is meeting this week on Thursday. They are looking to expand the Board of Directors and develop questionnaires to go out to the community. He felt that at some time we may wish to merge this commission with the other committee. S. Bankhead reminded him that these are separate entities and need to be kept that way. The City may entertain proposals from the committee, but they must stay separate from this commission

J. Hicken reported that he received a brochure in the mail showing homes listed on the national register. He felt that we should make such a brochure showing the homes on the intensive level survey. S. Bankhead reiterated her request too look at other ordinances that will protect the district. She added that there is not much sense having the intensive level surveys done and then allow the homes to be changed and destroy the integrity of the area. H. Kelley noted that there are many vacant lots, and it would be wonderful to have homes built on those lots that maintain the integrity of the district. B. Nelson noted that now that our other projects are completed, we have time to work on this. Next meeting will be March 16, 2010 at 6:00 p.m.

Motion to adjourn – K. Harris. Second by H. Kelley. All in favor. Meeting adjourned at 7:35 p.m.

Karl Seethaler, Chairman

Brenda Nelson, Secretary