

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**  
2 **January 8, 2019 6:00 PM**  
3 **Providence City Office Building, 164 North Gateway Drive, Providence UT**

4  
5 **Opening Ceremony:**

6 Call to Order: Mayor Drew  
7 Roll Call of City Council Members: Mayor Drew, B Fresz, K Allen, R Sneddon, D Giles  
8 Excused: K Eck  
9 Pledge of Allegiance:  
10 Opening Remarks – Prayer: Josh Paulsen

11  
12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of December 18, 2018.

14 **Motion to approve the minutes for December 18, 2018 – B Fresz, second – K Allen**

15 **Vote:**

16 **Yea: B Fresz, D Giles, R Sneddon, K Allen**

17 **Nay: None**

18 **Excused: K Eck**

19 **Corrections: None**

20  
21 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- 25 • None

26  
27 **Public Hearing(s):** None

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29 **Business Items:**

30 **Item No. 1. Discussion – Proposed Rezone:** The Providence City Council will discuss a rezone request for Parcels 02-116-0004 (59.11 acres) and 03-036-0027 (19.85 acres) located on the southeast area of the City, in the general area east of Grandview and 800 East, changing the zone from SFL to LCR.

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34 **Discussion:**

- 35 • Mayor Drew explained that the Council has decided to table this decision for 60 days for further discussion and review.
- 36  
37 • Mayor Drew explained that the city is obligated to consider a petition from a property owner for a rezone. This is according to state law. This is the first time that this particular petition has come before the Council. There are some changes in the zoning ordinance that the mayor would like to consider.
- 38  
39 • Shari Phippen of Logan, a former city employee, was asked by residents to prepare a statement for council members in regards to LCR. She was one of the primary authors of the LCR ordinance, and has a decade of experience in professional planning. She feels that the rezone request should be denied for several reasons. First, the property in question was not planned for LCR in the City's general plan. Secondly, the project does nothing to help the City fulfill its mandate to provide affordable housing. She was also concerned that there has not been enough research and planning about traffic concerns. She recommends that the city put a moratorium on all new subdivisions and developments for 6 months (the maximum allowed by state law) until the general plan is finished.
- 42  
43 • Ashley Nance of Providence referred to a proposal from Provo City similar to J Jensen's proposal. She felt that it was a good example of what should be asked when an application comes into the city for a rezone. The application required a subdivision map, which Providence does not require.
- 44  
45 • Andrew Lillywhite, Attorney for Hillyard, Anderson, & Olsen represents some of the citizens of Providence. He referred to Utah Code 10-9a-509, which provides that once zoning is changed the land owner has the

53 right to develop up to the maximum density allowed by the zone. He feels that too much latitude is being  
54 given to Imagine Development. The developer did not provide a concept or a phasing plan for the project.  
55 He mentioned that such a plan is required by Providence City Code, although Mayor Drew has stated that  
56 this requirement is unenforceable. A Lillywhite gave his opinion that the state statute that the Mayor  
57 referred to does not preclude enforcement.

- 58 • Amy Delosreyes of Providence explained that she carefully chose her home based on zoning and  
59 neighborhood considerations. She has enjoyed living in Providence until lately. The proposed rezone has  
60 caused anxiety in her family. She understands the need for moderately priced homes in Cache Valley, but  
61 she feels that for Providence, this is a matter of safety. Traffic makes it dangerous for kids to play outside.  
62 Also, in emergency situations such as fires, high density can cause a traffic jam. She feels that without  
63 proper planning, having a development like this puts everyone around the development and everyone  
64 within it in danger.
- 65 • Brenda Poulsen of Providence asked for an update on LCR on Spring Creek Parkway, and asked about the  
66 General Plan and how that fits in with it.
- 67 • Mayor Drew said that the General Plan is advisory, and that with most cities it is a continuous process. If  
68 something is in the general plan it is not set in stone. The City Council is the ultimate authority. The Chugg  
69 property is 3 parcels on the north end of town. They were all unincorporated county parcels, and were in  
70 River Heights and Providence's annexation plans, except for one parcel that was only in Providence's plan.  
71 That parcel has been annexed into Providence and assigned the LCR zone. The developer has a petition to  
72 annex the other two parcels into the city. That application is currently with the County, and will return for  
73 the Council's consideration in about eight weeks.
- 74 • S Bankhead explained that the application is being reviewed for completeness by the County. It is not  
75 going to County Council. Providence City feels that the applicants have met the requirements of the  
76 application. Once it comes back to Providence, there will be a notice in the newspaper for three  
77 weeks. There is a 30-day period for filing a protest with the County Boundary Commission. If there are no  
78 protests a public hearing will be scheduled with City Council. The City will create an annexation  
79 agreement with the developer, which will be approved prior to annexing the parcel. Then the Council can  
80 vote on the annexation.
- 81 • B. Poulsen stated that the agreement for the annexed Chugg parcel has been changed with regard to the  
82 bridge on Spring Creek Parkway.
- 83 • Mayor Drew explained that there were several versions of the agreement. The one that was approved has  
84 the developer paying for 75% of the bridge. The City will pay for 25%. He explained that another  
85 developer to the west had already contributed funds to the City for the bridge, which is why the City  
86 agreed to cover up to \$75,000 towards the bridge. There is another crossing on the west side for which  
87 the City has received grant money to cover \$200,000 of the \$271,000 estimated cost of the crossing.
- 88 • B Poulsen asked if she could see the Army Corps of Engineers report on the West crossing.
- 89 • S. Bankhead said that she will check to see if that is information that she is allowed to release in draft  
90 form. Otherwise, she might have to wait until it is signed to release it.
- 91 • Emily Sim of Providence lives on 330 West. She reported that there is currently no state mandate for  
92 affordable housing, even though the term has been used in Planning Commission as if there is  
93 one. According to her research, there is no mandate for the number of affordable housing units in a city.  
94 The Utah legislature has tried to craft such legislation, but has not passed any yet. The only mandate  
95 currently signed into law is that a city must plan for affordable housing. It must be a part of the general  
96 plan, but there is no mandate for the number of units. She feels that the mixed use will drastically change  
97 the look and feel of the neighborhoods. She explained that it shouldn't be done at the expense of current  
98 residents who chose their homes in Providence because of the current environment.
- 99 • Scott Findley, Highlands Phase 1 resident, thanked the council for their work and dedication. He is a  
100 professor of real estate finance, economics, and life cycle issues related to aging. His concern about this  
101 rezone is not with the LCR ordinance, but rather the particular location. Cluster development can be very  
102 beneficial in highly urban metro areas and can improve home equity. In suburban and rural areas, the  
103 opposite occurs. He referred to a study he participated in about Larimer Colorado where cluster  
104 developments were required and property values were damaged. If cluster development raised home  
105 values, he would be for it. He felt that LCR has the potential to wipe out the home values of residents. He

- 106 felt that an LCR rezone with some tweaks could benefit the city if it was closer to the commercial  
107 districts.
- 108 • K Allen expressed that the council listens to each resident. To his knowledge, no one on the council has  
109 already made up their mind and is unwilling to listen to research or residents' feedback.
  - 110 • R Sneddon asked S Findley how "urban" is defined in his research.
  - 111 • S Findley explained that in the study, non-urban was defined as areas outside of the municipal boundary  
112 of Fort Collins, Colorado.
  - 113 • Ashley Nance has lived in town homes for the past 12 years. She explained that if townhomes have  
114 community property, you can't modify it, and you can't just send your kids out alone. It is not the same as  
115 having a yard. There is also very little privacy if there is no back yard. She feels that kids need places to  
116 play.
  - 117 • Dan Turner of Providence has lived here 18 years. He has been an engineer for 25 years, and has done  
118 developments in every city in Cache Valley. In 25 years' of development experience, the public has  
119 opposed every project he worked on except two. They have been opposed for the reasons we have heard  
120 today. In his experience, the concerns have usually not come to fruition. As an example, he mentioned  
121 Saddle Rock development in River Heights. It went through about three years of city discussion before it  
122 was approved. In this case and in many other cases, the majority of people who ended up living in the  
123 new development were from the city where the development was located, or were the children of  
124 current residents. We shouldn't judge a housing development by a preconceived idea of the character of  
125 the residents of that housing development. D Turner and his wife have lived in a tiny apartment, a small  
126 house, a condo, and now a 2,800 square foot house in Providence. Their character has not changed. This  
127 is true for many people. The type of housing does not determine the character.
  - 128 • Dee Yoast of Highlands neighborhood appreciates the comments from D Turner. She feels that her  
129 character has not changed due to the places she has lived. However, she feels that just because people  
130 would want to move into town homes on the bench doesn't mean that it is best to allow it, or that those  
131 people are entitled to it, when there are so many potential issues with this development. She thanked the  
132 council for suspending the rezone for 60 days. She feels that the location poses issues for safety, etc, that  
133 the council should seriously study.
  - 134 • Carrie Kirk of Grandview Circle explained that she does not feel that it is the type of people that causes  
135 concern but rather the property values, traffic, and density. She does not want any more  
136 density. Providence residents bought their homes based on the rules that were in place. Changing them  
137 halfway through the game is not fair.
  - 138 • Rob Smith of the Highlands neighborhood has lived here for about a year and a half. In Nibley, he fought  
139 the City's decision to put a park behind his home, even though the city showed him scientific research  
140 indicating that it would be a positive thing for him. Eventually he changed his mind because his children  
141 loved the park. He hopes the scientific evidence presented today is not ignored. Property values and a  
142 home surplus are both important concerns that can be addressed scientifically. He feels that the science  
143 that has been presented today speaks louder than the anecdotes or emotions, and that the evidence  
144 seems to be against this particular rezone. He is concerned about traffic problems.
  - 145 • Candice Hansen asked the council what plans they had for schools if this development happens. She said  
146 that schools are already full.
  - 147 • Mayor Drew explained that it is the school district's job to plan for future growth. Mayor Drew explained  
148 that there are plans to convert the middle school to an elementary school to accommodate the growth.  
149 There are also plans to build a middle school in Nibley.
  - 150 • S Bankhead explained that the schools read the population studies and are ahead of the city's  
151 development. They are planning for a district-wide increase, not just in Providence.
  - 152 • C Hansen said that with new growth, the district would need a new bond. Each bond is a political battle,  
153 not a guarantee.
  - 154 • Zach Brown of Providence Highlands noted how full the council room is. He hopes the Council will hear  
155 the voice of the people.
  - 156 • Katie Shupe of Canyon Road explained that her concern is property value and land. She wants to live  
157 where there is open land. She is also concerned about traffic on Canyon Road, which is already busy, and  
158 about the effects on the deer population. She asked the council why they felt this location was ideal for

- 159 LCR.
- 160 • K Allen emphasized that the council did not decide to turn this into LCR. The property owner requested a
- 161 rezone, and the council is required to consider it.
- 162 • Josh Paulsen stated that he wrote a Facebook post claiming that you could put 948 units in the proposed
- 163 rezone area. That was incorrect. However, you can put six or seven hundred units up there. The developer
- 164 will have the ability to put up to 50% apartments in the proposed area under the current zoning
- 165 ordinance. He felt that there has been misinformation given out about members of the Council. Through
- 166 the process of learning about this, the Council has earned his respect. However, the Council doesn't have
- 167 the same vision as he does for Providence. He doesn't believe the accusations that Mayor Drew had
- 168 colluded with the developer. Although he believes that not everyone on the Council has made up their
- 169 mind, he believes that Mayor Drew and B Fresz would like to see the development go in. He is opposed to
- 170 LCR because he feels it needs to be improved before it is applied. He wants the ordinance changed so
- 171 that there are firmer limits on the developer. He also wants a traffic study to be conducted before the
- 172 rezone is approved, as opposed to the current practice which requires that the traffic study be done after
- 173 the rezone and paid for by the developer.
- 174 • Mayor Drew read a statement prepared by Councilwoman Eck:
- 175 K Eck is not in favor of the rezone for several reasons. She agrees with the letter from S Phippen.
- 176 However, she does not agree with the statement about how new home values are determined, and she
- 177 does not agree that there should be a moratorium on development. She does agree with LCR in some
- 178 areas of the city. She does not think that the ordinance needs to be rewritten. The zone allows for
- 179 apartments and condos, and in her opinion these need to be in areas of the city that are more bikeable
- 180 and walkable and close to public transit. They also need to be in an area with good traffic flow. The Chugg
- 181 property is a good example of where it is a great fit. She expressed concerns about the existing
- 182 infrastructure in the Highlands area not fitting LCR. The developer has limited creativity options with open
- 183 space because of this. She thanked the council and the citizens for their hard work.

184

185 **Item No. 2. Resolution 001-2019:** The Providence City Council will consider for adoption a resolution declaring a

186 portion of the Little Baldy Place Subdivision undevelopable and crediting a portion of the water dedication.

187 **Motion to continue 001-2019 – B Fresz, second – R Sneddon**

188 **Vote:**

189 **Yea: B Fresz, D Giles, R Sneddon, K Allen**

190 **Nay:**

191 **Abstained: None**

192 **Excused: K Eck**

193

194 **Item No. 3. Ordinance 2019-001 – Code Amendment:** The Providence City Council will consider for adoption an

195 ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 4 Establishment of Districts,

196 Section 4 Mixed Use District. Proposed amendments include but are not limited to: clarify “vertical development”

197 and “horizontal development,” increase the density, and to require both residential and retail uses.

198

199 **Motion to approve 2019-001 – B Fresz second – R Sneddon**

200 **Vote:**

201 **Yea: B Fresz, D Giles, R Sneddon, K Allen**

202 **Nay:**

203 **Abstained: None**

204 **Excused: K Eck**

205

206 Discussion prior to vote:

- 207 • S Bankhead reviewed recommended changes from the Planning Commission:
- 208 o *Page 5 of 11 where mixed use starts – Light Commercial - This was discussed and removed because there is*
- 209 *not a definition for light*
- 210 o *Page 6 10-4-4-A—Residential development is required at a maximum of 40 dwelling units per acre*

- 211 • S. Bankhead explained that the increase in density was suggested in order to create the desired amount of  
212 pedestrian traffic.
- 213 o Page 6 10-4-4 D.4.a 39 units per acre
- 214 o Page 6 10-4-4 D.5. Maximum building height within the mixed use district shall be 45' as defined in 10-1-4.
- 215 • S. Bankhead explained that the city wants to encourage vertical development, with commercial/retail on  
216 the lower floors and residential above. This creates a true mixed area.
- 217 • R Sneddon asked why "light" was stricken instead of defined. S Bankhead explained that the uses for each  
218 district are spelled out in the use chart. There is no definition for light commercial on the use chart. S  
219 Bankhead recommends that the chart be changed to say that any uses not listed are not permitted,  
220 instead of saying that they are conditional uses.
- 221 • K Allen asked why it was recommended that the wording be changed from "commercial" to "retail" as  
222 being a required component of any development in the zone.
- 223 • S Bankhead said that retail is a specific type of commercial. She believes that the wording "retail, and may  
224 include office and/or commercial" was meant to leave the door open to some uses that are not strictly  
225 retail, even though retail is what is being emphasized.
- 226 • B Fresz explained that the motivation was to ensure that there is at least 20% retail and 20% residential.  
227 The rest is open to the developer's choice.
- 228 • Ashley Nance of Providence stated that she attended the meeting when these changes were discussed.  
229 She explained that the Planning Commission debated between the bonus for vertical development  
230 bringing the total density to 30 units per acre, or 30 being the initial limit and then adding the bonus on  
231 top of that. They decided that 30 should be the initial limit, with the bonus bringing the total to 39.
- 232 • Devon Davis, who lives on 330 W, explained that he felt that the location of mixed use districts should be  
233 considered carefully, and that buffer zones should be used in between mixed use districts and other  
234 districts. He asked the council to be respectful of comments made by the residents.
- 235

236 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

237 R Stapley, Public Works Director:

- 238 • Crews have been working hard keeping the streets clear.
- 239 • There have been several water main leaks lately.
- 240 • He would like the council to keep thinking about Hillcrest Park Phase 2. Fencing was discussed. Mayor  
241 Drew suggested preparing a list of options with prices to be presented to the council.
- 242

243 S. Bankhead, Administrative Services Director

- 244 • S Bankhead praised the Public Works staff for their hard work during the snow storms.
- 245 • Business and dog licenses are currently underway.
- 246 • Recreation registrations will begin in a month.
- 247 • Diane Campbell is a new employee. Her duties will be general office and assisting with cemetery and  
248 business license responsibilities.
- 249 • K Allen asked that the furniture store on Main Street be contacted about putting their feather signs in the  
250 proper location. He said he will inform them of the violation.
- 251

252 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal  
253 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and  
254 the City Council determines that an emergency exists.

255

- 256 • Mayor Drew explained that budget challenges will be discussed in the February newsletter. He explained  
257 that the Logan Fire contract will also be discussed. He also explained that based on an agreement with  
258 the developer of Providence Highlands, in 2020 the City will be required to pay for the water rights for all  
259 the undeveloped lots. Currently, this would total a one-time bill for the city of about \$400,000.
- 260 • Mayor Drew explained that impact fees collected from developers would pay for the well drilling that  
261 would allow the City to use those rights.
- 262 • K Allen recommended that the budget meetings be put on the agenda as soon as possible.

263  
264 **Executive Session Notice:**  
265 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as  
266 allowed by Utah Code 52-4-205(1)(c).  
267 The Providence City Council may enter into a closed session to discuss professional competence or other factors  
268 allowed by Utah Code 52-4-205(1)(a).  
269 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property  
270 Utah Code 52-4-205(1) (d) and (e).

271 **Motion to enter an executive session – B Fresz, second – K Allen**

272 **Vote:**  
273 **Yea: B Fresz, D Giles, R Sneddon, K Allen**  
274 **Nay: None**  
275 **Abstained: None**  
276 **Excused: K Eck**  
277 Entered approximately 9:11pm

278  
279 **Motion to close the executive session – B Fresz, second – D Giles**

280 **Vote:**  
281 **Yea: K Allen, D Giles, R Sneddon, B Fresz**  
282 **Nay: None**  
283 **Abstained: None**  
284 **Excused: K Eck**  
285 Closed approximately 9:32pm

286  
287 **Motion to adjourn –D Giles , second – K Allen**

288 **Vote:**  
289 **Yea: B Fresz, D Giles, R Sneddon, K Allen**  
290 **Nay: None**  
291 **Abstained: None**  
292 **Excused: K Eck**  
293 Meeting adjourned approximately 9:33 PM  
294 Minutes prepared by Mindi Petersen & Jesse Bardsley

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297  
298 \_\_\_\_\_  
299 John Drew, Mayor

300 \_\_\_\_\_  
301 Skarlet Bankhead, City Recorder  
302