

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **October 22, 2019 6:00 PM**

3 **Providence City Office Building**

4 **164 North Gateway Drive, Providence UT**

5
6 **Opening Ceremony:**

7 Call to Order: Mayor Drew

8 Roll Call of City Council Members: Mayor Drew

9 Attendance: John Drew, Kirk Allen, Kristina Eck (arrived at 6:52 PM) Brent Fresz (by phone), Dennis Giles,
10 Roy Sneddon

11 Pledge of Allegiance:

12 Opening Remarks – Prayer:
13

14 **Staff Reports:** Items presented by Providence City Staff (including but not limited to: City Engineer, City Attorney,
15 Public Works Director, and Administrative Services Director) will be presented as information only.

16 Rob Stapley, Public Works Director:

- 17 • The thermal tape is all installed. It took us longer than anticipated, but it should last longer than paint and
18 therefore be safer for residents.
- 19 • The water line part of the 500 South project is almost complete. They should be done by the end of the
20 week. Staker Parson’s will start the road work aspect tomorrow morning, following behind the water line
21 work. We are optimistic that we will be able to finish the project this year.
- 22 • The Redd reservoir control building’s meter has never been tied into our SCADA system. We bought a new
23 meter. There is some old plumbing that needs to be rebuilt. We will do that tomorrow.
- 24 • Val Kotter has been fixing the sewer inflows and infiltrations. We are making significant progress in fixing
25 the infiltrations that have been found.
- 26 • Hillcrest Park is looking good. The grass is in, but we can’t walk on it yet. It would be best to wait until next
27 spring to walk on it.
- 28 • K Allen complimented the staff who worked on the park. It looks great. He feels that with the growth
29 going on in the city, this park will be well used.
- 30 • R Stapley said that he has received questions about why the city doesn’t just use the leaf-sucking Billy
31 Goat machine across the whole city. He said that we don’t have the personnel to do that. We use the
32 machine on the areas of the city with irrigation canal ditches so that we can keep them clean for storm
33 water flow.
- 34 • K Allen said that 400 East has been asphalted because of a joint agreement R Stapley worked out between
35 us and Millville. It is great to have it asphalted.
- 36 • R Stapley said that Garth Thompson should get some credit for finishing up parts of the Hillsborough
37 subdivision, including roads and work on the water main. The fire water flow rate has more than doubled
38 in that area.
39

40 Skarlet Bankhead, Administrative Services Director

- 41 • We had meet the candidates night. There were about 65 citizens there.
- 42 • The city celebration went well. We had 90 cars come to the car show.
- 43 • Ballots have been sent out for the election. We are receiving some now. Candidates have been doing
44 pretty well with keeping their signs in the right places. The time for submitting a campaign finance report
45 is coming up.
- 46 • We had a mini-golf lunch on Monday for the staff because we didn’t have any reportable accidents on our
47 insurance this quarter.
- 48 • In December we will have a Santa Clause event.
- 49 • K Allen warned the candidates that if they don’t submit their financial reports on time, their name can be
50 taken off the ballot. S Bankhead said that we would not be able to count any votes for that candidate if
51 they don’t submit the report on time.
52

53 **Approval of the minutes**

54 **Item No. 1.** The Providence City Council will consider approval of the minutes of September 27, 2019
55 **Motion to approve the minutes of September 27 2019 and October 8, 2019:** — K Allen, second — D Giles

56 **Vote:**

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

58 **Nay:**

59 **Abstained:**

60 **Excused: K Eck**

61 **Discussion:**

- 62 • Line 17: Sexton

63

64 **Item No. 2.** The Providence City Council will consider approval of the minutes of October 8, 2019

- 65 • Line 22: Rob Stapley, Public Works Director is the one speaking

- 66 • Line 23: Fix dangling preposition

67

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

- 72 • No public comments

73

74 **Public Hearing(s):** None

75

76 **Business Items(s):**

77 **Item No. 1. Bear River Heritage Area - Discussion:** Representatives from the Bear River Heritage Area will explain
78 efforts to become a national heritage area.

- 79 • Lisa Duskin-Goede, coordinator of the Bear River Heritage Area, explained the history of the organization.
80 They began in the year 2000. The purpose of the organization is to identify, preserve and enhance our
81 cultural and natural heritage, and to support and sustain the diverse economic opportunities associated
82 with the heritage area.

- 83 • L Duskin-Goede said that the organization includes 7 counties following the path of the Bear River in Utah
84 and Idaho. They function as an organization for economic development within the Bear River Association
85 of Governments.

- 86 • L Duskin-Goede said that In 2004 they made an interlocal agreement that was signed by the seven
87 counties and the governors of Utah and Idaho. This made them a state-level heritage area. Since then,
88 they have written a bill for Congress in order to become a national heritage area. This is the fifth time that
89 they have submitted their bill. It is sponsored by Rep. Rob Bishop. The heritage area has much support
90 from cities and towns within the heritage area. Four Idaho counties will be voting on approving the bill
91 soon. They have been discussing concerns about property rights for farms, ranches and mining. The
92 heritage area's goal is not to disrupt those rights. Their goals are to tell the story of the area, to promote
93 tourism, and to promote small businesses that are heritage-related or that have been in a family for a
94 long time. The heritage area tells the story through brochures. They have many. They have also done a
95 survey of historic barns. They use the money from selling the survey brochure to help preserve historic
96 barns. They also consult with people on how to rehabilitate historic barns or log buildings. They also help
97 with restoring/resetting cemetery gravestones.

- 98 • L Duskin-Goede explained that if they pass the bill, they can receive a steady stream of funding. They
99 would like to hire another employee.

- 100 • L Duskin-Goede said that Providence could make a resolution to show their support for what the Heritage
101 Area does.

- 102 • L Duskin-Goede explained that some of the brochures have tours that people can follow. Most of them
103 are loop tours.

104

105

106 **Item No. 2. Resolution 035-2019 – Development Agreement:** The Providence City Council will consider for
107 adoption a resolution approving the Development and Public Improvement Installation Agreement for the Jensen
108 Farm Subdivision, a 5-lot residential subdivision in a single-family traditional (SFT) district, located in the general
109 area of 196 W 100 N, Providence UT.

110 **Motion to approve Resolution 035-2019, development agreement for a five-lot subdivision, with the correction**
111 **noted below about the number of water shares being transferred to the city: — R Sneddon, second —D Giles**

112 **Vote:**

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

114 **Nay:**

115 **Abstained:**

116 **Excused: K Eck**

117 Discussion:

- 118 • S Bankhead noted a correction. She said that on page 4 the water requirement is 5.92 Acre feet. They
119 would need to turn in 2 water stock shares, not 6.
- 120 • S Bankhead said that the developer worked with the county to get the access to the development
121 approved. This took some time, but in a split decision, the county did vote in favor of allowing the access.
- 122 • Jim Macfarlane said that the vote was 4-3. It allowed them to move forward, but a final vote won't occur
123 until November.
- 124 • R Sneddon asked why they county was objecting. J Macfarlane said that the county wanted to pass a
125 resolution that forces cities to take over county roads in some circumstances. They decided to allow this
126 project to proceed while they work with the different cities in the area.
- 127 • Mayor Drew explained that the county wanted the city to annex the road as well as having the
128 development. However, this would be 1.5 miles of road that the city would take on. This road also goes
129 through Millville, River Heights, and Nibley. Those cities thought that the county was trying to use this
130 development as leverage to force all cities to take on county roads.
- 131 • Alese Crockett said that she represents some of the neighbors in that area. She said she and many of the
132 neighbors are in favor of this development. They were opposed to some past proposals, but they feel like
133 [the developer] has listened to their concerns with this proposal. She expressed the thanks of her
134 neighbors.

136 **Item No. 3. Resolution 034-2019 Recertification of the Providence City Justice Court:** The Providence City Council
137 will consider for adoption a resolution requesting the recertification of the Providence City Justice Court.

138 **Motion to approve resolution 034-2019 to recertify the Providence City Justice Court: — K Allen, second — R**
139 **Sneddon**

140 **Vote:**

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

142 **Nay:**

143 **Abstained:**

144 **Excused:**

145 Discussion:

- 146 • K Allen mentioned that this is the first time we have done court certification in this building. There are
147 many standards in the paperwork that we are now able to meet because of the building.
- 148 • Beth Munson, Court Clerk, said that people tend to be behave more respectfully in this building than in
149 the previous one.
- 150 • Mayor Drew said that Judge Funk gets high marks for the good job he does.
- 151 • R Sneddon said that he appreciates the attention to safety in the paperwork. He has had concerns about
152 that for a long time.
- 153 • Kristina Eck arrived at 6:52 PM

155 **Item No. 4. Ordinance No. 2019-017 – Rezone a Portion of Parcel 02-098-0010:** The Providence City Council will
156 consider for adoption an ordinance changing the zone for Parcel No. 02-098-0010, generally known as 32 East
157 Center, Providence UT. The property is currently zone Commercial General District (CGD); the applicant is
158 requesting Multi-Family Medium (MFM).

159 **Motion to approve Ordinance No. 2019-017 – Rezoning a portion of parcel 02-098-0010: — K Allen, second — R**
160 **Sneddon**

161 **Vote:**

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

163 **Nay:**

164 **Abstained:**

165 **Excused:**

166 Discussion:

- 167 • S Bankhead said that we are only rezoning enough square footage to meet the Multi Family Medium
168 density requirements. The Old Rock Church has a second building called the bungalow in which they have
169 two bed and breakfast units. It is on its own parcel. As they have been remodeling, the owner would like
170 to continue to use the two suites for bed and breakfast. This ordinance rezones the north portion of the
171 parcel to Multi-Family Medium. This is because he would like to have a night manager living at the facility.
172 One of the problems with the Commercial General District (the current zone of the parcel) is that it does
173 not allow residential uses. We don't want to allow residential uses in our commercial zones because of
174 residential treatment facilities. We are not against residential treatment facilities, but we don't want
175 them to use up our commercial space. They can locate within residential zones. The best way we could
176 think of to allow the owner of this property to have a night manager and the two bed and breakfast units
177 was to rezone the partial to a multi family zone.
- 178 • S Bankhead said that the south portion of the parcel will remain Commercial General District.
- 179 • S Bankhead said that the second key to this working for the business is that the Council also approve item
180 No. 7 on the agenda, which allows bed and breakfast in multi family zones.
- 181 • Kip Gilley, the manager of the Old Rock Church, said that they want that building to be used for bed and
182 breakfast. They want someone to be able to be there throughout the night to oversee guests and the
183 property.
- 184 • K Gilley asked if they would need to apply for [a permit] if this were approved. S Bankhead said that the
185 Planning Commission recommended it be a conditional use, which would require an application.
186 However, because this building is currently already being used for bed and breakfast, it may not need an
187 application.
- 188 • K Allen asked if the neighbors to the east are okay with this. S Bankhead said that we have not talked to
189 them. She felt that people's concerns have been about whether the applicant will be able to put many
190 units there. They were not so concerned about having 3 units.
- 191 • K Allen felt that this is a good fit, and it helps preserve the Old Rock Church, which is an important part of
192 our city.

194 **Item No. 5. Ordinance No. 2019-021 – Code Amendment PCC 7-1-3, 6, and 8:** The Providence City Council will
195 consider for adoption and ordinance amending PCC Title 7 Public Ways & Property, Chapter 1 Streets, Sidewalks
196 and Public Ways, Section 3 Obstruction in Streets, Section 6 Sidewalk Regulations, and Section 8 Park Strips.

197 **Motion to approve ordinance No. 2019-021 – Code Amendment PCC 7-1-3, section 3, 6 and 8, with the**
198 **corrections below indicating that a park strip must be greater than 4 feet in width to allow trees:** — R Sneddon,
199 **second — B Fresz**

200 **Vote:**

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

202 **Nay:**

203 **Abstained:**

204 **Excused:**

205 Comments:

- 207 • S Bankhead said that a citizen came in and filled out a code amendment request because she didn't want
208 to spend so much money watering the park strip. Her park strip is more than 6 feet wide, and currently,
209 we do not allow rock in that size of park strip. We also received a complaint from someone else who is in
210 a wheelchair who has trouble because of vegetation encroaching on the sidewalk. As we talked about it,
211 we also decided that we wanted to strengthen our regulations about obstructions in the streets as well as
212 on the sidewalk.

- 213 • S Bankhead read from the proposed ordinance. We wrote the ordinance language so that if the owner
214 does not respond to a notice of an obstruction within three days, the city may fix the obstruction and bill
215 the owner for the work.
- 216 • S Bankhead said that we had some discussion back and forth on park strips. In light of the Water
217 Conservancy District's "Flip the Strip" campaign, we thought about being more water conscious in the
218 landscaping of park strips.
- 219 • S Bankhead said that along with allowing rocks, we are also making a requirement that the general
220 contractor be in charge of maintaining the park strip during construction.
- 221 • S Bankhead said that we added decorative rocks as allowed for park strips 6 ft in width or greater. We also
222 gave some requirements for rock, gravel or chips. Park strips with an 8% or greater grade must receive a
223 permit from the city. We also asked for a commercial-grade weed barrier.
- 224 • S Bankhead said that we also made some rules about trees. We have decided that we have trouble with
225 people not following our park strip tree list. Also, people sometimes plant a tree within the clear view
226 area of their driveway or a corner lot. We decided that a permit would be necessary for trees in park
227 strips.
- 228 • S Bankhead said that the trees need to be the species that are on the city's list. Trees that are under utility
229 lines cannot grow taller than 15 feet. However, if the canopy extends out into the street, it needs to be at
230 least 14.5 feet high so that trucks can get under it. If both of these rules came into play, it could cause an
231 issue. Hopefully, people can plant trees closer to the property side.
- 232 • K Eck asked if they have to pay for the permits. S Bankhead said that we have not put a charge to it yet.
- 233 • S Bankhead said that she got some of the language from Salt Lake City's ordinance. Salt Lake requires a 2
234 inch caliper tree. Our engineer suggested a 1.5 inch caliper tree. We mention in the ordinance that the
235 maintenance, pruning, etc., is the responsibility of the abutting property owner. Except in the case of an
236 emergency, they also need a permit to remove a park strip tree. This helps to protect the utilities below.
- 237 • K Allen asked about planting a tree in a 24 inch park strip. S Bankhead said that trees aren't allowed in the
238 narrow parking strips. K Allen suggested that we include in paragraph D a restriction about the narrower
239 parking strips to make this requirement clear.
- 240 • K Allen said that we may want to get advice from Zollinger Fruit Farm about our species list, and also
241 about how quickly a 2 inch caliper tree becomes larger.
- 242 • S Bankhead said that the restriction on planting trees in narrower park strips is on page 5. It says that park
243 strips less than 4 feet in width shall be landscaped according to a list of options. Trees are not on that list.
- 244 • K Allen asked what "chips" mean in the code. He asked if they are the same chips that we use on our
245 roads.
- 246 • R Stapley said that on a pretty flat grade, we could put the street rock chips in a park strip.
- 247 • D Giles asked what the definition of rock is. Is there a certain size?
- 248 • R Stapley said that we had a lot of discussion about rock size, but M Pierce convinced us to take that out
249 of the code.
- 250 • R Stapley said that large rocks present a safety concern for people crossing the park strip.
- 251 • S Bankhead said that the city has the right to maintain, remove or alter the park strip as they feel
252 necessary.
- 253 • K Eck was concerned about enforcement for these changes. We struggle with that already.
- 254 • Mayor Drew said that this is why we have budgeted for an inspector starting in January.
- 255 • Mayor Drew said that we should put a sentence that says that trees are not allowed in smaller park strips.
- 256 • S Bankhead said that currently, we don't allow trees on park strips less than 4 ft in width. We can add an
257 item to the list of tree requirements in 7-1-8 D saying that trees are not allowed in park strips four feet
258 wide or less.
- 259 • K Allen said that we should also add the phrase "Trees are not allowed" in 7-1-8 A(2).
- 260 • R Stapley said that a 4ft park strip is too narrow for a tree.
- 261 • R Stapley said that he is not happy with the tree list that we have.
- 262 • R Stapley said that on a 4 ft park strip, trees will be encroaching pretty quickly. A 6 ft park strip can
263 accommodate a lot more types of trees. He would suggest 6 ft as a minimum.
- 264 • Correction by K Allen: 7-1-8 First sentence: "Trees may be used in park strips greater than 4 ft in width
265 subject to the following limitations."

- 266 • R Sneddon asked if 49 inches is greater than 4 feet.
267

268 **Item No. 6. Ordinance No. 2019-018 – Code Amendment PCC 10-1-5:** The Providence City Council will consider for
269 adoption and ordinance amending Providence City Code (PCC) Title 10 Zoning Regulations, Chapter 1, Section 5
270 Amendments and Changes by adding information required with a rezone application.

271 **Motion to approve Ordinance No. 2019-018 Code Amendment PCC 10-1-5: — R Sneddon, second — D Giles**

272 **Vote:**

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

274 **Nay:**

275 **Abstained:**

276 **Excused:**

277 **Comments:**

- 278 • S Bankhead said that state code changed a while ago. It now does not use the term Planning and Zoning
279 Commission, rather Planning Commission. This is one change we made in the ordinance.
- 280 • S Bankhead explained that most of the changes in this ordinance are things that we already ask for as part
281 of our rezone applications. Sometimes we get some pushback on these things. There is nothing formal in
282 our code that says that they have to provide that information. We want to add these to our code so that
283 we can tell applicants that those things are actually required.
- 284 • S Bankhead said that also, the new language says that applicants are encouraged, but not required, to
285 provide information about the type of housing, the layout of the development, etc., for the benefit of the
286 Planning Commission. S Bankhead said that we will have to be careful with this language, because we
287 don't want anyone to think that something is approved when the zone is changed. This would give a
288 developer vested rights before we scrutinize the plan.
- 289 • S Bankhead explained that once a rezone is approved by the Council, the Planning Commission is the land
290 use authority that looks at landscaping, architectural requirements, etc. If it is a commercial development,
291 it is the Administrative Land Use Authority that looks at those things.
- 292 • R Sneddon said that what we are talking about could be called spot zoning. Many people are of the
293 opinion that we shouldn't do that.
- 294 • K Eck asked about the requirement to provide names and addresses of affected entities.
- 295 • S Bankhead said that it is defined in state code. The school district, cemetery districts, etc., are some of
296 the entities listed.
- 297 • K Eck asked what would happen if the applicants did not submit all the correct affected entities.
- 298 • S Bankhead said that city staff goes through the list as well to make sure that it is complete. We are
299 making the developer be the first set of eyes.
- 300

301 **Item No. 7. Ordinance No. 2019-019 – Code Amendment PCC 10-6-1:** The Providence City Council will consider for
302 adoption and ordinance amending PCC Title 10 Zoning Regulations, Chapter 6, Section 1 Use Chart by adding
303 accessory apartment unit (AAU), amending accessory dwelling unit (ADU) as permitted in the residential zones,
304 and amending bed and breakfast as a conditional use in multi-family zones.

305 **Motion to approve Ordinance No 2019-019 Code Amendment PCC 10-6-1, by approving the changes relating to**
306 **accessory dwelling units and accessory apartment units, and continuing the portion relating to bed and**
307 **breakfast: — K Allen, second — D Giles**

308 **Vote:**

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

310 **Nay:**

311 **Abstained:**

312 **Excused:**

313 **Comments:**

- 314
- 315 • S Bankhead said that the rezone item passed earlier (No. 4) won't help the Old Rock Church property
316 owner unless the Council permits bed and breakfast in multi family zones.
- 317 • S Bankhead said that the reason that Accessory Apartment Unit is being added to the chart is that
318 accessory dwelling units used to be attached units, but now we are defining those as detached units.
319 Because we are changing the name, we need to have both definitions in the chart to differentiate

320 between them. If the council does not pass the accessory apartment ordinance (Item No. 8), then the
321 boxes to the right of accessory apartment unit on the use chart showing where it is allowed will remain
322 blank. If the council passes the ordinance, then we will update the use chart according to the ordinance
323 that the council passes.

- 324 • S Bankhead said that the Old Rock Church is requesting that bed and breakfast be a permitted use in MFR,
325 MFM and MFH zones, but the Planning Commission recommends it be a conditional use.
- 326 • S Bankhead said that with a conditional use, the only reason that we wouldn't allow the use is if the
327 applicant couldn't mitigate some unusual conditions. For example, if an applicant for a bed and breakfast
328 were in a cul de sac with a narrow throat into the driveway that did not have room for parking, the
329 Administrative Land Use Authority might deny it. But this is rare. The Administrative Land Use Authority
330 may also limit the number of guests based on the amount of available parking, etc.
- 331 • S Bankhead said that the Executive Staff recommended that bed and breakfast also be allowed in Single
332 Family Medium and Single Family High zones. One of the conditions would be that they would have to be
333 owner occupied in single family areas.
- 334 • S Bankhead said that if it is owner occupied, there are certain fire code requirements that they don't have
335 to meet. If it is strictly a business, they have to do more.
- 336 • Mayor Drew asked where we could put the language to require it to be owner occupied. S Bankhead said
337 that we could put a caret marker that refers to language below the table that would require it to be
338 owner occupied.
- 339 • R Sneddon said that requiring the owner to be there is a positive thing for the customers. The owner can
340 answer questions about the area, etc.
- 341 • S Bankhead said that even if it is a permitted use, you could still require owner occupancy. In the case of
342 the Old Rock Church, owner occupancy might cause some problems. The applicant felt like Multi-Family
343 zones are a bit more transient anyway, and so owner occupancy might not be as important. This is a
344 conundrum, because we want to allow the Old Rock Church to keep functioning, but we also don't want
345 to open the floodgates [in Multi Family zones]. S Bankhead felt that we probably won't get a lot of
346 applications for non-owner-occupied bed and breakfasts in multi family zones, so it is probably fine to not
347 require owner occupancy. However, she felt that requiring it in Single Family zones would be a good idea.
- 348 • B Fresz said that in Louisiana, state code required the bed and breakfasts to be owner occupied, and this
349 caused problems for people who bought a house next door so that it could be a bed and breakfast.
- 350 • S Bankhead said that she believes that our code allows a business to be on an adjacent lot. She will have
351 to look into it.
- 352 • K Eck said that she would like bed and breakfast to be conditional because of parking issues, etc.
- 353 • S Bankhead said that she will have to check with the city attorney to see if adding an owner occupancy
354 requirement will cause a problem for an existing use such as the Old Rock Church. She wasn't sure if an
355 employee of the owner can count as an "owner" for the purpose of owner occupancy.
- 356 • Mayor Drew said that we could change our definition of "owner" to include an employee of the owner.
- 357 • R Sneddon felt that this would not preserve the feel of "owner occupied" in the minds of the citizens of
358 the city. It is different dealing with the boss than with an employee.
- 359 • K Gilley said that the owner of the Old Rock Church does not live on site.
- 360 • The council decided to add P to all single family zones for Accessory Apartment Unit
- 361 • Mayor Drew asked about the caret that represents an owner occupied requirement. K Allen, R Sneddon, K
362 Eck, and D Giles were in favor of the caret. B Fresz was against it.
- 363 • S Bankhead said that in most multi-family units, the owner does not live there.
- 364 • K Eck asked how we would enforce the owner occupied requirement.
- 365 • The council decided to continue the bed and breakfast part of this item, while passing the others.

366
367
368 **Item No. 8. Ordinance No. 2019-020 – Code Amendment PCC 10-12:** The Providence City Council will consider for
369 adoption an ordinance amending PCC Title 10 Zoning Regulations, Chapter 12 Accessory Apartment Units (AAU) to
370 allow for accessory apartment units.

371 **Motion to approve item No. 8 Ordinance No. 2019-020 – Code Amendment PCC 10-12, with the three changes**
372 **listed below: — K Eck, second — D Giles**

373 **Vote:**

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

375 **Nay:**

376 **Abstained:**

377 **Excused:**

- 378 • S Bankhead said that in about 2005, the Council decided to discontinue allowing new accessory apartment
379 units. We kept the ordinance in place to govern the ones that were legally existing at the time. There are
380 probably about 20 of those that were legally existing at the time and that are still being used.
- 381 • S Bankhead read from the proposed code amendment.
- 382 • S Bankhead said that because of the regulations in this ordinance, there is no need to make accessory
383 apartments a conditional use. We have already covered the things that we would cover in a conditional
384 use process within the ordinance.
- 385 • S Bankhead said that the number of unrelated individuals that can live in an AAU is 4. State code requires
386 us to define a single family as 4 individuals unrelated by blood, marriage, or adoption.
- 387 • S Bankhead said that she believed that the Planning Commission intended to strike the requirement that
388 the AAU be no larger than 1,200 square feet in 10-12-2(D)3. Bob Perry of the Planning Commission
389 agreed.
- 390 • Jesse Bardsley, City Staff, said that the Planning Commission also didn't intend for the ordinance to say
391 that an AAU is permitted in all single family zones (10-12-2). They intended the citizens and the council to
392 discuss that issue. B Perry agreed.
- 393 • S Bankhead said that in 10-12-4(B), the language says that a building permit shall be obtained from Cache
394 County. This is currently the right language; however, we may want to say "obtained from the designated
395 authority" in case things change.
- 396 • B Perry of the Planning Commission said that they also discussed off street parking. They settled on having
397 no off street parking requirement.
- 398 • S Bankhead said that we have a carryover from the previous code on line 34 and 35 that says that an AAU
399 cannot have a separate driveway. Some houses already have a second driveway. Do we want to prevent
400 people from having an accessory apartment only because they have a second driveway? We already allow
401 single family homes to have multiple driveways.
- 402 • Mayor Drew asked how a "separate driveway" is defined. S Bankhead said that she thinks it is defined as a
403 curb cut.
- 404 • K Allen said that we should simply prevent existing homes from building another driveway when they
405 build an accessory dwelling unit.
- 406 • K Eck said that in Nibley, they have ADUs all over. You can usually tell because they have a second
407 driveway, but other than that, they look like single family homes. What if someone wanted to build a new
408 home like this?
- 409 • B Fresz asked about 10-12-2(D)3. What is the purpose of the size limitations? What if someone wants to
410 live in the smaller part of the house and rent out the larger part?
- 411 • B Fresz said that we should strike 10-12-2(D)3. The council agreed.
- 412 • B Fresz said that we should strike the requirement for a single driveway on line 34 and 35 of page 4. The
413 council agreed.
- 414 • R Daniels of Providence said that he saw someone with a driveway next to the neighbor's fence, and they
415 parked a big motor home there. He felt that this shouldn't be allowed.
- 416 • K Eck said that there are also property rights. Are we more concerned with the rights of the neighbor than
417 the property owner's rights?
- 418 • R Daniels asked if an ADU and an AAU can be on the same property. He doesn't see anything that would
419 prevent it.
- 420 • Mayor Drew said that he believes R Daniels is right. The way the ordinance reads, you could have both.
- 421 • R Daniels expressed concerns about parking. There is no parking requirement. You could have four
422 unrelated individuals in an AAU, and each could have their own car parked on the street. If you added an
423 ADU, that could be four more cars. Some residents are concerned about on street parking.
- 424 • Mayor Drew asked if R Daniels is suggesting that we limit the number of vehicles that a property owner
425 can have.
- 426 • R Daniels said that an AAU should not be allowed to park a lot of vehicles on the street.

- 427 • K Eck said that she lives in a single family neighborhood, and one house has 16 or 17 cars that they park all
- 428 up and down the street. All the residents of the house are related, so there is nothing the city can do
- 429 about it. There is not much the city can do about policing the parking situation.
- 430 • R Daniels was concerned that due to the parking situation, the council would not be maintaining the
- 431 integrity of single family residential zones if this ordinance is passed.
- 432 • Mayor Drew said that higher density helps preserve open space and limit the impact of growth on city
- 433 utilities.
- 434 • Jeanell Sealy of Providence said that she has no problem with AAUs, but she doesn't see why ADUs are
- 435 necessary. She was concerned about where they would be allowed, and restrictions such as setbacks, etc.
- 436 The Planning Commission is still working on these issues.
- 437 • Mayor Drew said that with the current setbacks, it would be difficult to fit an ADU on a Single Family
- 438 Traditional lot. S Bankhead said that it depends upon the size and layout of the main dwelling, the shape
- 439 of the lot, etc.
- 440 • J Sealy asked if ADUs were part of the City's response to SB 34. K Eck said that they were. We can check
- 441 the box to say that we are allowing them, but we have given them tight restrictions.
- 442 • J Sealy asked if we were required to have both ADUs and AAUs as a part of SB 34.
- 443 • K Eck said that the bill required us to do a mix of different housing options, and ADUs and AAUs count as
- 444 part of the mix. We tried to pick the options that were the least offensive.
- 445 • Mayor Drew said that SB 34 has 26 options.
- 446 • S Bankhead said that we are getting a lot of requests from people who want to stay in their house and
- 447 rent out a part of it. These have nothing to do with SB 34. Also, our code requires the home with the AAU
- 448 to be designed in such a way that the appearance continues to be that of a single family dwelling unit.
- 449 • Mayor Drew read a statement from Deborah Dushku of Providence. The AAU in her home was
- 450 grandfathered under the old law, and she rents out her basement. She said that she is a single mom with
- 451 five children who couldn't keep her modest home without a tenant. She carefully screens the tenants to
- 452 make sure they are safe for her children. She has rules for renters, such as not allowing alcohol. She
- 453 mostly rents to newlyweds or students at USU.
- 454 • Vickie Holmgren of Providence was concerned about parking on the street. What will happen when the
- 455 snow plows come around? What if the people renting an ADU or AAU have no choice but to park on the
- 456 street during the winter because the driveway is not big enough?
- 457 • Mayor Drew said that those people will still get a citation if they park in the street during the winter
- 458 parking restriction hours.
- 459 • V Holmgren asked where they will park.
- 460 • K Eck said that they will have to figure out for themselves where to park during the winter.
- 461 • Mayor Drew said that he doesn't see a big problem with curb parking in the city. Those who park in the
- 462 street the most seem to be those with lots of vehicles rather than those with ADUs or AAUs.
- 463 • K Eck said that the renters will have to pay attention to the parking situation before they rent the unit.
- 464 • V Holmgren asked if we can include in the ordinance something that says that there must be parking for
- 465 the occupants of the ADU or AAU.
- 466 • K Eck said that we have discussed this at length. We can't regulate everything that a homeowner does.
- 467 People won't rent a unit without parking unless they don't own a vehicle.
- 468 • V Holmgren was concerned about a situation where the occupants of an AAU might park in front of the
- 469 neighbor's house because all the street parking spots in front of their house are taken.
- 470 • Mayor Drew said that this is part of growth in Cache Valley. There is more traffic and more parking issues.
- 471 • V Holmgren said that she doesn't want Providence to become like Logan. She felt that we should be
- 472 careful with how we handle growth.
- 473 • Correction: Page 5 line 20 and 24: "...shall be obtained from the designated authority..."

474
475 **Item No. 9. Resolution 036-2019 – Appoint City Manager:** The Providence City Council will consider for adoption a
476 resolution appointing Ryan Snow as the City Manager for Providence City and accepting the attached City Manager
477 Agreement.

478 **Motion to approve Resolution 036-2019 – Appoint City Manager Ryan Snow:** — K Eck, second — R Sneddon
479 **Vote:**

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

481 **Nay:**

482 **Abstained:**

483 **Excused:**

484 Discussion:

- 485 • Hal Hansen of Providence asked why this was not on the agenda. Mayor Drew said that it was on the amended agenda that came out.
- 486
- 487 • The council discussed holding a workshop to discuss the duties and responsibilities matrix with Ryan
- 488 Snow.
- 489

490 **Item No. 10. Ordinance No. 2019-022 – Code Amendment PCC 1-6-7:A:** The Providence City Council will consider
491 for adoption an ordinance amending PCC 1-6-7:A. changing the day of the regular city council meetings to the 2nd
492 or 4th Wednesdays of the month.

493 **Motion to table the ordinance for the next city council to decide: — K Allen, second — K Eck**

494 **Vote:**

495 **Yea: K Allen, R Sneddon, K Eck**

496 **Nay: D Giles, B Fresz**

497 **Abstained:**

498 **Excused:**

499 Discussion:

- 500
- 501 • K Allen said that we should leave this to the new City Council.
- 502 • K Eck agreed. It can wait until the first of the year.
- 503 • B Fresz said that he felt that not having representation at the county council is a mistake. There are things
- 504 that we are missing out on. We should change it now, and if the next council doesn't like it, they can
- 505 change it back.
- 506 • D Giles said that we are still the current council and can make the change. It could be good to have
- 507 representation at the county council.
- 508 • K Eck left the meeting at 9:10 PM after the vote. B Fresz also left the meeting by ending his phone
- 509 participation.
- 510

511 **Item No. 11. General Plan Discussion:** The Providence City Council will discuss Chapters 1, 2, and 3 in the proposed
512 general plan.

- 513 • Mayor Drew asked about the picture on page 2. S Bankhead said that some of the pictures are
- 514 placeholders [that will be updated]. We will also have the consultants update the statistics for the
- 515 demographics, etc.
- 516 • Mayor Drew brought up his comment on page 1-1 about referencing the state code. S Bankhead said that
- 517 the general plan references state requirements already. It references the Act, not the specific code
- 518 citation.
- 519 • Mayor Drew said that his next comment clarifies that the general plan is an advisory guide, and is not set
- 520 in stone. R Sneddon agreed that this is important to state. K Allen agreed.
- 521 • R Sneddon brought up Mayor Drew's comment on page 1-1 about "agrarian character." R Sneddon was
- 522 trying to understand what this term means. Mayor Drew said that Providence is not agrarian, and it hasn't
- 523 been agrarian for some time. He felt that we should strike that sentence.
- 524 • R Sneddon suggested saying "non-urban" character.
- 525 • S Bankhead said that she felt that the intent was to preserve the single family neighborhood character of
- 526 the city.
- 527 • D Giles said that we could substitute single-family for agrarian.
- 528 • R Sneddon said that we need to think 25 years into the future. Mayor Drew agreed. In 25 years, we will
- 529 see less single family.
- 530 • J Bardsley suggested "small town" character.
- 531 • S Bankhead suggested "friendly hometown atmosphere." She said that we haven't been preserving the
- 532 agrarian character since the 1970s when we had a committee that got people to tear down their old
- 533 barns.

- 534 • K Allen suggested taking out the word agrarian. Mayor Drew and D Giles agreed. R Sneddon said that he
535 will try to think of another word.
- 536 • Mayor Drew asked about several dates that are not current. S Bankhead said that the consultants need to
537 update them.
- 538 • The council discussed the word agrarian in the vision statement. K Allen thought that we should take out
539 “agrarian essence,” and instead mention the unique character of the neighborhoods of the city.
- 540 • S Bankhead said that she thinks people are trying to preserve the historic downtown look. Ironically, when
541 we actually propose ordinances to preserve that look and feel, people don’t like the ordinances because
542 of the restrictions they impose. She doesn’t feel that preserving agrarian essence is a realistic vision
543 statement.
- 544 • Mayor Drew suggested saying something about the city being well-maintained and having areas for
545 recreation. S Bankhead felt that this is a more realistic vision.
- 546 • Mayor Drew suggested having a contest where we invite people to come up with a vision statement for
547 the city. S Bankhead thought that this is a good idea.
- 548 • The council decided to strike “and the agrarian essence of the city” from the vision statement pending
549 further discussion.
- 550 • The council discussed the map on page 3-4.
- 551 • Mayor Drew brought up bike routes.
- 552 • S Bankhead said that the Planning Commission has made updates to the map, including to bike routes.
553 This map doesn’t reflect them yet.
- 554 • D Giles thought that maybe we should designate all roads as bike paths.
- 555 • Mayor Drew noted that Cache Valley Transit District is not mentioned in the plan. S Bankhead said that it
556 probably should be mentioned. We talk to them frequently.
- 557 • The council discussed deer populations. R Sneddon said that it is possible to live with the deer and enjoy
558 them. R Stapley felt that the majority of the citizens of Providence agree.
- 559 • K Allen said that we should say that we tolerate deer and small animal populations, but we should exempt
560 cats from that list.
- 561 • K Allen felt that most people will not pay attention to small details of the general plan. They will read
562 through it quickly. He asked who will do certain tasks specified in the plan, such as estimating the tax
563 consequences of annexation.
- 564 • Mayor Drew wondered how our city staff will have time to do all the studies, etc., called for in the general
565 plan.
- 566 • S Bankhead said that the annexation policy plan [that is required by the state] requires us to discuss fiscal
567 responsibility already.
- 568 • S Bankhead said that Danny McFarlane has done tax analyses a few times with his developments.
- 569 • S Bankhead asked about the statement on page 3-7, at the bottom of the page, which says that the city
570 will strive to “retain open spaces and scenic views.” She asked if we will limit the size of people’s trees in
571 order to preserve the views. Trees are the main view blocker, but we probably don’t want to discourage
572 planting trees. This statement in the plan might not be realistic.
- 573 • Mayor Drew asked how we retain open space. R Sneddon said that we should buy open space. Mayor
574 Drew felt that this is not realistic.
- 575 • Mayor Drew said that in order for us to reduce the demand on Providence’s water, sewer and storm
576 water system, we should build with higher density.
- 577 • S Bankhead said that there is repetition of many of the objectives from one initiative to another. We don’t
578 need to be redundant.
- 579 • R Sneddon said that there is no map that specifies where we should have mixed use housing. We need to
580 specify this in the plan so that we don’t have to fight about it every time mixed use housing is proposed.
- 581 • S Bankhead said that there is one area marked for Life Cycle west of the highway near Logan
582 Extermination. This is the only area that is marked [on the current General Plan maps].
- 583 • R Sneddon said that there is a problem with isolating multi family or mixed use housing within a certain
584 area of the city, or with having very large complexes. It creates the problems that people in the city are
585 afraid of: transients, people who don’t care, etc. If they are dispersed throughout the city, that doesn’t
586 happen as much.

- 587
- 588
- 589
- 590
- 591
- 592
- 593
- S Bankhead said that the Association of Planners recommends that you mix densities right next door to each other. R Sneddon said that he is aware that this is not what the average person in the city wants right now.
 - S Bankhead said that a general plan can be difficult. If we have a community that just wants to remain the same, that is not planning for the future. If the city doesn't plan for growth, then people accuse the city of not managing growth correctly when it comes. If you do plan for growth, people don't like the plan.

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

- 597
- 598
- 599
- 600
- 601
- 602
- 603
- 604
- 605
- Mayor Drew said that B Fresz attended the Mayor's dinner. Jeff Young told him that every mayor in Cache Valley is excited about [UTOPIA fiber]. He suggested that we proceed with our request for proposal. Other cities will be doing the same thing in the spring. The more cities we get on board, the lower the sign up threshold [after which the city is not required to pay anything].
 - Mayor Drew spoke about proposed changes to the Council bylaws. There was a section from the newly approved Planning Commission bylaws about conflicts of interest that he felt should be added to the City Council bylaws. The city attorney agreed that this should be in the bylaws for the next council.
 - Mayor Drew reviewed the legal situation surrounding 100 South.

606 **Executive Session Notice:**

607 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as
608 allowed by Utah Code 52-4-205(1)(c).

609 The Providence City Council may enter into a closed session to discuss professional competence or other factors
610 allowed by Utah Code 52-4-205(1)(a).

611 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property
612 Utah Code 52-4-205(1) (d) and (e).

- 613
- No executive session

614

615 **Motion to adjourn: — D Giles, second — R Sneddon**

616 **Vote:**

617 **Yea: K Allen, D Giles, R Sneddon**

618 **Nay:**

619 **Abstained:**

620 **Excused: K Eck, B Fresz**

621

622 Meeting adjourned at approximately 10:40 PM

623 Minutes prepared by Jesse Bardsley

624 Minutes approved by vote of the Council on November 12, 2019

625

626

627

628

629 _____
John Drew, Mayor

Skarlet Bankhead, City Recorder