

1 **PROVIDENCE CITY PLANNING COMMISSION MEETING**
2 **January 24, 2007**
3 **6:00 p.m.**
4 **Providence City Office Building**
5 **15 South Main, Providence, UT 84332**
6

7 **Attendance:** Chair: Jim Beazer
8 Commissioners: Stephen Allan, Harry Ames, Bill Bagley, Jon Mock
9 Excused: Lance Campbell
10

11 J Beazer opened the meeting. He explained that changes were made at the previous City Council meeting
12 allowing the Land Use Authority to become effective immediately, which, in turn, gave the Planning
13 Commission the power to make decisions on Spring Creek Village Subdivision request, allowing Item
14 No. 2 of the study item to be scratched from tonight's agenda. Mark Teuscher explained that because of a
15 pending ordinance change, the Commission could choose to recommend that this item go to DRC.
16 Passage of the ordinance change would make this a conditional use; whereas another section of the code
17 suggests it is a permitted use. S Bankhead felt that the sign is a conditional use because it is an electronic
18 message sign, but it is also permitted use because it is a highway sign. J Beazer suggested passing this on
19 to the DRC because the application is for electronic ads. B Bagley suggested adding a time restraint for
20 the completion.
21

22 **ACTION ITEMS:**

23 **Minutes from January 10, 2007.**

- 24 • Page 2 of 10, line 3, should say J Beazer received a call from K Baker asking to not change the
25 zoning.
- 26 • Page 2 of 10, line 44, should say, for example, and are we allowed to change the density.
- 27 • Page 2 of 10, line 47, should say that H Ames asked if that provided more negotiation leverage for the
28 City.
- 29 • Page 2 of 10, line 50, should say tighter would be smaller.
- 30 • Page 3 of 10, line 25, should say developers have always had the option to develop half-acre lots.
31 When S Gomm suggested adding half-acre lots, it wasn't a fix. It was not a zone the developer would
32 ask for.
- 33 • Page 3 of 10, line 32, strike the line he wondered on flat lots.
- 34 • Page 3 of 10, line 37 should say asked if it were feasible to do away with SFT.
- 35 • Page 3 of 10, line 9 and 10, should say negotiating concerns, and developers put the land to maximum
36 use to capitalize the dollar.
- 37 • Page 4 of 10, line 11 should say that is the leverage.
- 38 • Page 4 of 10, line 8 should say M Teuscher explained that the P district becomes the zoning standard
39 for that development.
- 40 • Page 4 of 10, line 6, negation should be negotiations
- 41 • Page 4 of 10, line 15 and 16, instead of no, put yes.
- 42 • Page 4 of 10, line 51, J Mock meant until the discussion of the P zone ordinances are completed.
- 43 • Page 4 of 10, line 9, add that Mark Teuscher was excused.
- 44 • Page 5 of 10, line 20, flushed out should have been fleshed out.
- 45 • Page 5 of 10, line 27 should say no further traffic will feed off of the new phase of the Highland
46 Subdivision directly onto Grandview.
- 47 • Page 5 of 10, line 36, should say they will be the next test case because he will be the next one seen.
- 48 • Page 5 of 10, line 40, should say cleaned up.
- 49 • Page 5 of 10, line 47 explained that the City cannot give water shares back to someone.
- 50 • Page 7 of 10, line 1 should say and some citizens instead of the citizens.
- 51 • Page 7 of 10, line 5 should say and once the state signs the paper, the city has water rights.

- 1 • Page 7 of 10, line 15 should say the green space that Eagles Nest encroached upon we don't want to
2 have an Eagle's Nest problem again.

- 3 • Page 7 of 10, line 39, strike that line.

4 Motion to approve the minutes of the Providence City Planning Commission meeting of January 10,
5 2007, with the corrections as noted – J Mock, Second – S Allan.

6 Vote: Yea: S Allan, H Ames, B Bagley, J Mock

7 Nay: None

8 Abstained: None

9 Excused: L Campbell

10
11 **Disclosure of any conflict of interest on any of the agenda items.** None

12 **Disclosure of any ex parte communication on any of the agenda items.**

- 13 • J Beazer had a discussion of the second item of the recommendations with S Bankhead

- 14 • S Bankhead asked for a point of order. The hearing time was scheduled for 6:30.

15
16 **PUBLIC HEARING:**

17 **Item No. 1. 6:30 p.m. The Providence City Planning Commission will hold a public hearing on**
18 **Wednesday, January 24, 2007 at 6:30 to receive comment on proposed changes to Providence City**
19 **General Plan Residential Development.**

20 Motion to open the public hearing on Item No. 1 – J Mock, Second – H Ames.

- 21 • Mayor Simmons congratulated the Planning Commission for becoming the new Land Use Authority
22 for the City. He explained that when the Planning Commission disapproves a subdivision, it will not
23 go back to the Council. He expressed his liking of the P district idea. He and the Council are
24 concerned that the ordinance, as written, does not clarify the standards, and that members of the City
25 Council and the Planning Commission are amateurs acting on these ordinances, and therefore, may be
26 easily taken advantage of. He questioned if the performance zone will establish a minimum lot size
27 and what the number of units per acre will be. He supports the concept completely and doesn't want
28 to see it become a "lets make a deal" system.
- 29 • J Beazer expressed that his concerns have been discussed but haven't been included because density
30 hasn't been decided upon.
- 31 • M Teuscher expressed that the General Plan will give direction, and then a planned district with
32 multiple options will be adopted for Providence.
- 33 • Mayor Simmons is concerned that until January a year ago, subdivision plats were coming in before
34 rezone requests, creating a deal-making process.
- 35 • J Mock felt that was a problem a year ago; the developer was already vested before zoning was
36 discussed and it tied the Commission's hand.
- 37 • Mayor Simmons felt this is great progress.
- 38 • Bob Bissland asked if a public hearing will be held on the sign at the Spring Creek Subdivision. J
39 Beazer explained that the Commission is the Land Use Authority for subdivisions; everything else
40 will be handled by the Development Review Committee. The DRC will hold a time to take comment.
41 S Bankhead explained that a public hearing will be held. She felt it will take a few days to get the
42 evening schedule organized, but it will be done promptly.
- 43 • Laura Fisher asked why the sign wasn't on the agenda as a study item. She feels it is hard to
44 participate if the comment period precedes the presentation. She was referring to the M Teuscher
45 changes to the codes.
- 46 • J Beazer explained that this is a public hearing, and M Teuscher's guidance in making changes to the
47 code will be an ongoing process.
- 48 • M Teuscher explained that the only item for discussion is the General Plan amendment, which is the
49 residential plan. He explained that this isn't anything new and that he has copies available. Laura
50 Fisher felt this information hasn't been available for the citizens.

- 1 • Bob Bissland thought he heard at the last meeting that M Teuscher was going to rework his proposal
2 and bring it back. He questioned how to respond to proposed changes when it isn't known what those
3 changes might be.
- 4 • J Beazer agreed and asked if the public hearing could be continued. He wants the citizens to have the
5 opportunity to have the latest proposals. This discussion will be listed on the agenda to be revisited in
6 two weeks.
- 7 • Laura Fisher felt that citizens do not know what has happened with the electronic signs on the
8 highway. She asked for a summary.
- 9 • J Beazer explained that the DRC will review the sign at length.
- 10 • H Ames felt the City cannot afford to send out 2,000 mailers informing the citizens of Providence
11 everything the City is doing. He asked if it would be possible to have a section in the current mailer
12 outlining probable agenda items or suggesting to those who want details that they contact the City
13 offices.
- 14 • J Beazer felt that ongoing talks are written in the newsletter.
- 15 • J Mock feels that he as a citizen would like to see this item more publicized.

16
17 **STUDY ITEMS:**

18 **Item No. 1. The Providence City Planning Commission will discuss with Mark Teuscher proposed**
19 **changes to Providence City Codes.**

- 20 • J Beazer asked M Teuscher to give a quick overview and to explain the proposed changes in the
21 general plan in a residential development.
- 22 • M Teuscher explained that he has prepared a section for the General Plan of Providence City. The
23 City does not have, and is not required to have, a section dealing with residential development. Three
24 things are required in a general plan; land use, transportation, and affordable housing. Overall
25 residential development of the community is broken into three sections. They are: basic background;
26 basic description; and a broad description of how many homes are in Providence. Almost 2,000
27 homes are in Providence City. Forty percent of the homes were built between 2000 and 2007.
28 Fifteen percent of the housing is fairly old and may become an increasing problem. Eighty-eight
29 percent of the homes are owned and are zoned as Single-family Residential; eight percent are rental
30 units, and three percent are vacant. Compared to the County, Providence City is unique. As far as
31 affordability, the median cost is about \$191,000. Apartments rent at around \$600. A housing
32 conditions study by BRAG suggests that most of the housing is acceptable. The Supreme Court
33 versus Amber Realty said zoning is a legal function of local government. The most common is block
34 style zoning, but it also creates income segregation. He said there are alternative zoning methods in
35 his handout.
- 36 • J Beazer asked if the reason for changing the plan to residential development is to allow the City
37 flexibility.
- 38 • M Teuscher explained that his plan contains two recommendations: maintain the existing traditional
39 residential zone, and to look at a planned district. The Commission should tweak his
40 recommendations to fit Providence City.
- 41 • K Baker asked if rezones always went to a P district. She wondered if the developer can ask for a P
42 district. M Teuscher said anything coming in for residential development will be looked at as a P
43 district.
- 44 • B Bagley asked if rezones would come in as agricultural or as a P district. M Teuscher recommended
45 it come in as a P district.
- 46 • J Beazer asked if a P district can be assigned to any zone. M Teuscher answered that it can be
47 attached to any zone or stand alone.
- 48 • H Ames clarified that this keeps the City from being forced to allow SFT zones. He felt this
49 procedure would allow public comment, resulting in an actual change.
- 50 • M Teuscher explained that once the P district is passed, the P district can be crafted to make an
51 outline of density, setbacks, and lot sizes. Items can be defined as they are negotiated. He explained
52 that his handout is only a recommendation. It allows the developer to bring a proposal to the City for

- 1 review. The P district is a process to define new standards that are negotiated between the developer
2 and the City. The development principles within the General Plan specify what is to be in the
3 developments.
- 4 • Bob Bissland felt that this proposal will allow different standards for different developers during
5 negotiation, and he asked if this is against EPA ethics.
 - 6 • S Bankhead felt that P districts can allow for more public comment.
 - 7 • J Beazer has heard the citizen's concerns and shares the same concerns with small lot sizes. The
8 current plan does not give the Commission a choice of negotiating lot size.
 - 9 • Bob Bissland asked if this would cause citizens to be treated differently.
 - 10 • J Beazer and M Teuscher felt it would. The land use ordinances are only tools to implement the
11 development principles plan.
 - 12 • Bob Bissland questioned if an open space ordinance has been studied for Providence. M Teuscher
13 asked if the City would like an open space plan. B Bagley asked if it could be incorporated. M
14 Teuscher answered yes.
 - 15 • J Beazer pointed out that the Master Plan has feel-good language in the front, yet the middle states
16 that everything has been planned out as SFT. The two do not coincide and should be rewritten.
 - 17 • H Ames felt this is an inferred inequality with some rationale based on the City's needs.
 - 18 • Bob Bissland felt that things need to be nailed down, or developers will bring lawsuits against the
19 City.
 - 20 • J Beazer felt a P district allows treating developers differently. M Teuscher explained that there may
21 be different circumstances.
 - 22 • J Beazer explained that public comment and public hearings will exist for everything. This will give
23 an opportunity for something different than quarter-acre zones.
 - 24 • Marilyn Bell expressed that the word "negotiable" makes her nervous. J Beazer explained that rules
25 will be in place.
 - 26 • Ken Allsop presented copies of a water report he made. He indicated that he and Rand Henderson
27 discussed concerns they have with P districts and felt that the districts will look like spot zones and
28 foster litigation. He then asked to comment on water.
 - 29 • J Beazer explained that the Commission is discussing changes to the General Plan.
 - 30 • Ken Allsop felt this is a matter of grave concern. He has looked at the water situation for Bob
31 Bissland and Laura Fisher. Daily water usage logs were incorporated. He explained how much water
32 the City is allowed to use and overages occurring during the year. He admonished the Commission to
33 make sure water can be provided to everyone. He referred to the City's practice of using Blacksmith
34 Fork water as stealing.
 - 35 • J Beazer asked if water delivery had been reduced to the shareholders.
 - 36 • Laura Fisher felt that many people have complained of the lack of water. Ken Allsop said his
37 research on the Spring Creek water system states each share of stock is worth an acre foot of water.
38 Some users have suffered water deficiencies. He has data back to 2002 and feels this has been
39 happening since then.
 - 40 • J Beazer asked why the water companies haven't made an issue of it.
 - 41 • Ken Allsop feels they are not aware of it. He requested documentation from the City.
 - 42 • S Bankhead felt that public input is great, but she recommended holding a public hearing with the
43 Spring Creek Water Company and Providence City to discuss this issue. Ken Allsop acknowledged
44 this is on the schedule for the February 14 meeting.
 - 45 • Laura Fisher added that the DRC decided to reject the water ordinance she has been trying to develop.
46 She indicated that she expressed her desire to the Mayor to participate in that evaluation and was
47 excluded.
 - 48 • Denise Strong stressed that many people who moved here want open spaces and the rural atmosphere
49 which comes from planned growth. She admonished the Commission to keep this in mind when
50 readjusting the Master Plan.
 - 51 • H Ames explained that M Teuscher's recommendation gives leverage with the developers.

- 1 • M Teuscher explained that this public hearing will not be completed tonight, and that the public can
- 2 read the proposed ordinance changes and make recommendations at the next meeting.
- 3 • M Bell explained that the items being discussed were on the Master Plan when she served on the
- 4 Planning Commission. Someone has changed this between 1992 and this date.
- 5 • J Beazer explained that the City has no negotiating power. This recommendation will allow the
- 6 citizens a choice. M Bell asked if it would be the citizens or the Planning Commission who have a
- 7 choice.
- 8 • Bob Bissland asked M Teuscher why older homes create a demand on the community. M Teuscher
- 9 explained that housing has more problems as it ages, and older citizens who usually live in the homes
- 10 may not be able to maintain them.
- 11 • B Bissland asked if this is Mark Teuscher's or someone else's statement. M Teuscher said it is his. J
- 12 Beazer gave Ogden's Wall Street as an example. Bob Bissland felt the proposal isn't worded very
- 13 well. M Teuscher stated that residential developments never pay their fair share.
- 14 • Laura Fisher felt the sentence should include a comparison. She felt that new homes rather than
- 15 repairs cause her City bill to increase.
- 16 • B Bagley asked if concerns such as infrastructure can be incorporated into the P zone ordinance.
- 17 • M Teuscher explained that developers will answer questions as to how their subdivision or proposal is
- 18 going to increase mobility within the community. He felt that this is a guiding principle. He
- 19 explained that zoning is a tool and the General Plan a guideline. The decision should always be based
- 20 on the General Plan.
- 21 • B Bagley asked if health, safety, and welfare can be asked for. M Teuscher said yes.
- 22 • J Beazer asked how to address an ambiguous statement as that. M Teuscher informed him that it
- 23 would have to be defined.
- 24 • J Beazer felt The Cove Subdivision is isolated. Even if it were possible to have two egresses, it still
- 25 would feed onto a substandard road. M Teuscher explained that the City should look at the
- 26 transportation standard. B Bagley noted an amendment dictating that roads should be widened.
- 27 • S Bankhead felt that part of that discussion involves the transportation plan, and the Master Plan
- 28 should dictate what impact fees should be charged. She wondered if alternatives should be developed
- 29 rather than widening Canyon Road. It may be desired that the upper traffic funnel elsewhere.
- 30 • M Teuscher explained that transportation is the one area cities fail. If the City will solve
- 31 transportation problems, all other land use issues will fall into place. Cities don't do it because it is
- 32 expensive. Transportation is the biggest thing the City can control. The biggest problem in Logan
- 33 today is they ignored transportation.
- 34 • H Ames wondered if, as a citizen of Providence, he can ask the City to widen the roads. M Teuscher
- 35 felt this would work. He also suggested asking the developer to show how the subdivision impacts
- 36 the City transportation system.
- 37 • S Bankhead explained that the ordinance does not require the developer to provide a transportation
- 38 plan; therefore, it cannot be a requirement.
- 39 • M Teuscher explained that his handout is just an example. Once the Council adopts the General Plan,
- 40 the next step will be taken to create a district in that helps manage new residential development in
- 41 new annexations in the agricultural zone. He recommended continuing this item to the next meeting.
- 42 He also recommended reading a book called A Good Grape. He will work with S Bankhead to have
- 43 his recommendations put on the website

44 Motion to continue discussion on the public hearing on Wednesday, February 14, 2007 to receive
 45 comment on proposed changes to Providence City General Plan Residential Development – J Mock,
 46 Second – S Allan.

47 Vote: Yea: S Allan, H Ames, B Bagley, J Mock
 48 Nay: None
 49 Abstained: None
 50 Excused: L Campbell

- 1 • K Baker explained that the Heritage Committee has been commissioned by the City Council to
2 recommend design standards for Providence City. The Committee decided to focus on transportation
3 issues and make recommendations to guide traffic flow away from downtown.
4

5 **ITEMS FOR RECOMMENDATION:**

6 **Item No. 1. The Providence City Planning Commission will consider a recommendation proposing**
7 **changes to Providence City Code 10-16 Fence Regulations.**

- 8 • J Beazer decided not to make changes in the fence regulations. He doesn't like too much government
9 regulation. What is unsightly to one person isn't necessarily unsightly to another person.
10 • H Ames asked if items can be changed from a regulation to a guideline. He doesn't feel that
11 neighbors have the right to come back and disagree with something such as a fence.
12 • J Beazer asked why the Commission should create an ordinance that will not be enforced.
13 • S Bankhead said the City is requesting to stop issuing permits. Civil matters will be taken care of by
14 the property owners.
15 • M Teuscher gave an example of a lady who bought a house. Her neighbor built a fence. The first
16 lady goes to the City and said, "Can't you have them plant trees instead of build a fence." He said it
17 is not the City's job to determine what is unsightly.
18 • J Beazer recommended striking k in 10-16-4-k because it will be unenforceable.
19 • S Bankhead questioned fences on sloping property. J Beazer didn't see a problem.
20 • B Bagley expressed his concern with safety issues on corners. S Bankhead pointed out that there is a
21 clear view ordinance.

22 Motion that the Planning Commission recommend a change to Providence City Code 10-16, striking -4,
23 section k – H Ames, Second – B Bagley.

24 Vote: Yea: S Allan, H Ames, B Bagley, J Mock

25 Nay: None

26 Abstained: None

27 Excused: L Campbell
28

29 **Item No. 2. The Providence City Planning Commission will consider a recommendation approving**
30 **the final plat for Spring Creek Village Subdivision, a 7-lot commercial subdivision, located**
31 **generally at 517 West 100 North.**

- 32 • J Beazer noted that the final plat was amended yesterday morning. He asked S Bankhead to explain.
33 • S Bankhead explained that this development started out as one big piece of land with multiple
34 buildings. Things changed for the developer, and he felt it was necessary to put the land into a
35 subdivision. There are existing buildings with businesses operating on four of the lots, and three are
36 vacant. This project has taken a long time to complete. The current developer is selling the property.
37 Because of other dynamics, the City attorney recommended that permits not be issued until the
38 subdivision plat is recorded. The DRC has reviewed the preliminary and concept plans. Mayor
39 Simmons, Dee Barnes, Tara Bankhead, and the developer looked at the plans that were brought in. S
40 Wyatt suggested bringing this recommendation to the Planning Commission for approval of the final
41 plat. This is basically the preliminary plat, but the design is nothing different than what has been
42 presented in the past few years. The City felt it wise to move ahead.
43 • B Bagley asked if there were boundary disputes.
44 • Andrew Daines explained that the surveyor found a dispute with property lines and it has been taken
45 care of. Water issues around Kate's Kitchen are to be taken care of by their owners. S Bankhead
46 introduced Andrew Daines, a previous owner, and Brent Jacobson, who is an original owner. Brent
47 Jacobson owns Pier 49 Pizza and would like to open for business. Licenses cannot be issued until
48 this item is approved by the Planning Commission.
49 • J Beazer explained that the problem occurred years ago.
50 • S Bankhead noted the conditions that were sent in an e-mail. None of the conditions changes the
51 outline or the design of the plat. The conditions will be met before the plat will be recorded.

- 1 • Andrew Daines presented the construction drawings for the looping of the water lines. S Bankhead
- 2 explained that the City engineer will review the drawings, and once he is satisfied, he will sign them.
- 3 The City attorney will also sign the final plat.
- 4 • K Baker reminded the Commission that this is a civil dispute. B Bagley asked if the plat could be
- 5 signed before the Planning Commission's approval.
- 6 • J Beazer asked who owns the property. Andrew Daines replied that Russell Properties bought it. S
- 7 Bankhead said the names will be corrected and all required signatures will be on the plat. B Bagley
- 8 asked if there are line items listing the conditions.
- 9 • S Bankhead explained that changes have occurred over a period of time. The signature blocks cannot
- 10 be signed before the plat is approved. She feels it has become a difficult and drawn out situation.
- 11 The subdivision was acceptable when it first started. When the owners wanted to subdivide, the City
- 12 pushed for subdividing. The City had assurances that the plat was under way. It took longer to reach
- 13 the City than anticipated. There is an exception, if recommended by the Planning Commission, that
- 14 states the City can waive requirements of the subdivision ordinances in the code. The City chose to
- 15 not completely drop the requirements, but to allow the subdividers to subdivide the same time the
- 16 commercial buildings were being built. When the original developers sold their interest to other
- 17 parties, the City required the plat to be recorded.
- 18 • Laura Fisher suggested that someone write an account of this. S Bankhead said it has been written.
- 19 Maceys felt like they were punished because they had to wait. But because they didn't have their
- 20 final plat in, they were held to the line. They had their plat recorded and were able to begin.
- 21 • J Beazer acknowledged that the City previously wanted businesses to come, so they fast tracked. He
- 22 stated that, "We have learned our lesson."
- 23 • H Ames felt like developers wanted to fast track at the last Planning Commission meeting, and it
- 24 can't be allowed to happen.
- 25 • J Beazer read the conditions of the plat. H Ames asked if the real issue is that there is not much the
- 26 Planning Commission can do except cross the t's and dot the i's.
- 27 • S Bankhead explained that the Planning Commission is acting as the Land Use Authority.
- 28 Motion to approve the final plat of the Spring Creek Subdivision based on the following findings of fact
- 29 and conclusions of law. The conditions would be as stated with the addition of line 12 which say all
- 30 required fields must be filled in according to the Final Plat Code and the final signature be the City
- 31 Attorney as final approval of the plat – B Bagley, Second – J Mock.

32 Vote: Yea: S Allan, H Ames, B Bagley, J Mock

33 Nay: None

34 Abstained: None

35 Excused: L Campbell

36

37 Motion to continue this public hearing on February 14, 2007 – H Ames, Second – J Mock.

38 Vote: Yea: S Allan, H Ames, B Bagley, J Mock

39 Nay: None

40 Abstained: None

41 Excused: L Campbell

42

43 Meeting adjourned at 8:45.

44 Minutes taken and prepared by B Turley.

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Jim Beazer, Chairman

Becky Turley, Office Specialist