

1 **PROVIDENCE CITY PLANNING COMMISSION MEETING**

2 **Providence City Office Building**

3 **15 South Main, Providence, UT**

4 **September 19, 2006 5:30 p.m.**

5 **Attendance:** Chair: Blaine Sorensen

6 Members: Bill Bagley, Jim Beazer, Lance Campbell, Jon Mock

7
8 **The Providence City Planning Commission will hold a public meeting to discuss the items**
9 **listed below. Anyone interested is invited to attend.**

10
11 **Study Items:** The Providence City Planning Commission will study the 60-day approval process
12 listed in Title 11 Chapter 3 concerning plat procedures and requirements.

13 B Sorensen reminded the Commission of the 60-day approval. B Bagley read Providence City
14 Code 11-3-2.

15 **Motion to reconsider the action taken on the Cove Subdivision taken on September 12 – B**
16 **Bagley, second – J Beazer,**

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

18 **Nay: None**

19 **Abstained: None**

20 **Excused: None**

21 J Beazer felt the 60 days should be sufficient time to act. B Bagley felt continuing was action. B
22 Sorensen and S Bankhead reported that Scott Wyatt informed them that continuing was not an
23 action; action is approval, approval with conditions, or denial.

24
25 The Commission felt it was appropriate to discuss the recent Utah League of Cities and Towns
26 Conference.

- 27 • B Sorensen felt this was a very good conference; he felt the discussion on zoning
28 enforcement in small jurisdictions was very informative. The presenter was the Code
29 Enforcement Officer for St. George.
- 30 • B Bagley reported in St. George if you have three or more rentals, a business license is
31 required. They also require an owner or an agent that can be notified of problems for vacant
32 homes or rental units.
- 33 • B Sorensen stated that it is a fact that people from out-of-state are purchasing property in
34 Cache County as an investment.
- 35 • L Campbell felt the discussion on LUDMA was very helpful. He felt the entire day was a
36 good opportunity for learning.
- 37 • B Bagley reported that conditions should be simple and not something that cannot be
38 enforced. State Code cannot be overridden by municipal codes.
- 39 • B Sorensen asked about the proposal for the appeal process. B Sorensen asked for a draft by
40 October 3. B Bagley's thought was that the City Council should have approved the ideas
41 before sending them to the attorney for action. J Beazer felt going to the attorney was
42 appropriate.

43 **Action Items:**

44 Minutes

45 **Motion to approve the minutes of September 12, 2006 with the corrections as noted – J Mock,**
46 **second – L Campbell,**

47 **Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock**

48 **Nay: None**

49 **Abstained: None**

50 **Excused: None**

1
2 **Disclosure of any conflict of interest on any of the agenda items.**

- 3 • No conflict of interest noted.

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

- 5 • B Sorensen reported he received an anonymous letter in the mail. “Mr. Sorensen why in the
6 hell don’t you go back to California . . .” This is the first letter of this type he has received.
7 • B Sorensen reported he received a letter from Mr. Henderson. He requested that submissions
8 be delivered to the City Office for inclusion in a packet.
9 • Mr. Henderson reported the previous communication was because they were monitoring
10 DCR meetings and missed the July 25 meeting. R Henderson felt the ordinance meant the
11 packets should be delivered 23 days in advance. He apologized for the late notice.
12 • B Sorensen explained in terms of who he looks to for their real source is Design Review
13 Members and the City Attorney. J Beazer and L Campbell agreed.
14 • Mr. Henderson explained the DRC meetings are not open, at the instruction of the City
15 Attorney, to the public so the first notice they receive is in the newspaper.
16 • J Beazer disagreed with the policy.
17 • R Henderson explained they have always thought the DRC meetings were not public
18 meetings. What would help them is if the City decided to have a longer posting time for
19 agenda notice requirements.
20 • J Beazer felt the Commission had an obligation for due diligence but felt additional time
21 would only affect the first time. J Mock agreed. He recommended the agenda be laid out a
22 week to 10 days in advance.
23 • J Beazer explained they are also not here to help Mr. Henderson represent clients. Mr.
24 Henderson felt his clients were citizens.
25 • S Bankhead suggested rather than ten days in advance, the commission discuss the item at the
26 first meeting; then public comment at a following meeting. This would give the public a
27 chance to comment on the previous planning commission discussion. Mr. Henderson agreed.

28 **Public Hearings:**

29 No public hearings will be conducted.
30

31 **Items for Recommendation:**

32 **Item No. 1. The Providence City Planning Commission will consider for approval a request**
33 **from America First Credit Union for a site plan on lot 108 in the Alder Square Commercial**
34 **Subdivision located at 544 West 100 North.**

- 35 • B Sorensen reported that the DRC is recommending on the findings of fact, conclusions of
36 law and conditions.
37 • S Bankhead explained this is a site plan approval; a recorded final plat was included in the
38 public as information. Michael Sanders explained that the 100 North access east of the pad is
39 an exit only.
40 • J Mock and J Beazer expressed concern about traffic flow. L Campbell did not think many
41 people would use the truck access. M Sanders explained that they use signs and teller access
42 to control the movement of the traffic. He also reported that they are paving the adjacent pad,
43 until it is developed, to help with access.
44 • B Sorensen understood J Mock’s concern; however, he explained, there is a similar situation
45 in Logan on 100 North. He felt people would still make a driving choice no matter how
46 many signs are installed.
47 • B Sorensen asked if everything would be sent into the teller stations inside the Macey’s store.
48 M Saunders explained that this is the longest tube plan they have used.
49 • L Campbell asked if a car could go east between Macey’s and the site to turn into the teller
50 stations. M Saunders reported that they can.

- 1 • M Sanders explained they will be using a monument sign.
- 2 • J Beazer asked about the C2 legend. M Sanders explained this is for the construction period.
- 3 Motion to approve America First request for site plan approval with the findings of fact,
- 4 conclusions of law, and conditions listed in the staff report – J Beazer, second – J Mock,
- 5 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock
- 6 Nay: None
- 7 Abstained: None
- 8 Excused: None
- 9

10 **Item No 2. The Providence City Planning Commission will consider for recommendation a**

11 **code amendment to allow the use of electronic connections in City Code Title 2 Chapter 1.**

- 12 • B Sorensen explained that at the last meeting, J Beazer was ill but was willing to attend by
- 13 telephone. After talking with S Wyatt, the Planning Commission did not have a policy for an
- 14 electronic meeting; therefore, J Beazer could not attend by phone.
- 15 • J Beazer felt it may be useful for people with disabilities to attend by electronic means.
- 16 • The notice on the agenda was discussed. S Bankhead explained the staff will make sure they
- 17 meet the noticing requirements.
- 18 • J Beazer felt the electronic connection should be defined. B Bagley read from the state code
- 19 3.b.ii.
- 20 • B Sorensen did not feel the City had the ability to display text messaging. He felt the City
- 21 was looking at the phone.
- 22 • B Bagley requested that the staff investigate what other cities are doing.
- 23 • J Beazer felt that with the current City equipment, the electronic meeting would be by
- 24 speaker phone.

25 Motion to add to the code that the planning commission can attend by speaker phone. – J

26 Beazer, second – J Mock.

- 27 Vote: Yea: B Bagley, J Beazer, L Campbell, J Mock
- 28 Nay: None
- 29 Abstained: None
- 30 Excused: None
- 31

32 **Item No. 3. The Providence City Planning Commission will consider for recommendation**

33 **revisions to the Providence City Bylaws.**

- 34 • R Henderson noted that if he wanted to comment on the items discussed tonight, he would
- 35 put a GRAMA request in tomorrow.
- 36 • R Henderson felt that draft minutes should be open to the public. He apologized to the
- 37 Commission for the tone of his voice at times. He commended the Commission for their
- 38 actions; stating it “warmed his heart” the way the Commission was dealing with the issues.
- 39 He felt the letter sent to Mr. Sorensen was uncalled for.
- 40 • B Sorensen read the yellow statement.
- 41 • R Henderson felt an argument could be made that a commission member receiving written
- 42 comment violated the ex parte conversation.
- 43 • Mayor Simmons felt this should be discussed with the City Attorney.
- 44 Two minute recess.
- 45 • B Sorensen asked that copies be made available to the public and receive input from S Wyatt.
- 46 • J Beazer explained that the previous city manager hung his hat on the yellow highlighted
- 47 statement (Article IV – Conduct of Commission Members, Staff) which states, “Commission
- 48 members may seek information from other Commission members, Counsel to the
- 49 Commission, staff serving the Commission, or the staff or other departments or agencies

1 advising the Commission, but no member shall discuss the case with any other parties thereto
2 prior to the public hearing/meeting, or express any bias, prejudice, or individual opinion on
3 proper judgment of the case prior to its hearing and determination. Violation of this rule shall
4 be deemed to constitute malfeasance and be grounds for dismissal from the Commission.” J
5 Beazer commented that he has always had a problem with this article.

- 6 • Mayor Simmons explained that the Council Members have concerns as well. He reported
7 that Ron Liechty, for example, felt site visits were important.
- 8 • R Henderson felt there is a way S Wyatt could write the procedure.

9 Motion to continue discussion on the Planning Commission Bylaws to the next scheduled
10 meeting and that the staff make the proposed changes available to the public in the City Office – J
11 Mock, second - B Bagley

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

13 Nay: None

14 Abstained: None

15 Excused: None

- 16
- 17 • B Sorensen read from the August Herald Journal article stating the City had received 457 acre
18 feet of water.
 - 19 • R Henderson explained that a motion for reconsideration has been filed.
 - 20 • Mayor Simmons reported that several citizens have asked about landscaping in the parking
21 strips. In February 2005, the City Council passed an ordinance that gravel, rock, concrete,
22 etc, are not allowed in the park strip. Mayor Simmons explained that the Utah Rivers
23 Council has a program called “Rip the Strip”; gravel is one way – Salt Lake County requires
24 30% ground cover in the strip, but it is also a very complex ordinance.
 - 25 • B Bagley asked about code enforcement.
 - 26 • Mayor Simmons explained that the City uses the Fire Department and the County Sheriff. For
27 things like landscaping violations, the staff identifies issues, and then compliance comes
28 through the health department

29
30 Meeting adjourned at 7:30 p.m.

31 Minutes taken by Skarlet Bankhead and prepared by Becky Turley.

32
33
34
35
36 _____
Blaine Sorensen, Chair

Skarlet Bankhead, City Administrator