

1 **Providence City Planning Commission Meeting**  
2 **Providence City Office Building**  
3 **15 South Main, Providence UT 84332**  
4 **June 26, 2013 6:00 p.m.**  
5

6 **Commissioners: Kirk Allen, Gordon Allred, Jeff Baldwin, Rowan Cecil, Sherman Sanders, Garrett Walker**  
7 **Attendance: Rowan Cecil, Chairman**  
8 **Kirk Allen, Jeff Baldwin, Sherman Sanders, Garrett Walker**  
9 **Excused: Gordon Allred**

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11 **Approval of the Minutes:**

12 The Providence City Planning Commission will consider for approval the minutes of June 12, 2012.

13 **Motion to approve the minutes: S Sanders, second – J Baldwin**

14 **Vote: Yea: K Allen, J Baldwin, R Cecil, S Sanders, G Walker**

15 **Nay: None**

16 **Excused: G Allred**

17 **Abstained: None**

- 18 • R Cecil asked Skarlet about curb and gutter and what other cities have in their ordinances. Skarlet has not  
19 been able to obtain that information.
- 20 • K Allen asked about comments from our City Attorney regarding residential facilities for the  
21 elderly/handicapped. City Attorney, Craig Call, will address the issue later in the meeting.
- 22 • R Cecil also asked about mailed notices on public hearings.
- 23 • S Bankhead said she had talked to Craig Smith and it is our option to choose what will be done, but it must  
24 be written in the ordinances which option the City will choose. The City will opt to mail notices to adjacent  
25 property owners.

26 **Study Items:**

27 **Item No. 1:** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Chapter  
28 5 Overlay Zones addressing non-developable sensitive area, potentially developable sensitive area, hazard wildfire  
29 zones, and engineering geotechnical report.

- 30 • S Bankhead said the question on the overlay zone was about the urban wild land interface and the  
31 Commissioners were going to look at that and see what they wanted to include.
- 32 • J Baldwin thought the Commission was going to only reference certain parts of the code.
- 33 • S Bankhead said she didn't get a response from any of the Commissioners as to which parts would be  
34 included or referenced.
- 35 • R Cecil had a comment on page 4 10-5-7.5 on language and width of driveways.
- 36 • S Bankhead said driveways have to be wide enough to support fire truck turnarounds, if necessary.
- 37 • G Walker suggested keeping the wording as is.
- 38 • K Allen asked if we have a designated hazard/wild fire zone or potential earthquake or landslide zone.
- 39 • S Bankhead said we haven't done any mapping of the wild land urban interface, but we do have a zone  
40 showing the fault line.
- 41 • K Allen asked if we have a geotechnical engineering report to identify geologically unstable conditions or  
42 potential earthquake/landslide zones.
- 43 • S Bankhead said we've had developers submit them when they are developing in areas of concern.
- 44 • J Drew said Logan City fire headquarters has a map of the valley and there are areas in the valley  
45 identified as part of the interface area. It includes the City of Providence. It should be adopted by the  
46 Council.
- 47 • C Call said the City does not have the ability to completely eliminate the use of a piece of property  
48 without going through some kind of takings analysis. If it is shown that land cannot safely be used, there is  
49 no inherent right to use the property, such as an area that is already having geologic movement. It is not  
50 the City's intent to create a taking, but if land is deemed unsafe then the City has the right to impose legal  
51 requirements. An appeal can be made to the City Appeal Authority. The Appeal Authority has any ability  
52 the Court has when it is dealing with land use issues.

- 1 • J Baldwin said if the problem can be mitigated through design, then the City cannot take the property.
- 2 • C Call said there is no taking unless the entire property is deemed unsafe. The new ordinance could simply
- 3 reference State law.

4 **Item No. 2.** The Providence City Planning Commission will discuss amending Providence City Code Title 10 Zoning  
5 Regulations Chapter 1 General Provisions.

- 6 • The Commissioners discussed the building of an accessory building being built prior to the main building  
7 and the intent of this ordinance change. It was decided an accessory building could be built  
8 simultaneously with the main building.
- 9 • S Bankhead clarified the wording to say “an accessory building may be constructed simultaneously to, but  
10 not prior to, the main building.”
- 11 • R Cecil had a note on page 4, Business Use – Low Impact, involving customer traffic. It was suggested to  
12 say “2 at a time” rather than “2 or less a day”.
- 13 • J Baldwin said this was created for a situation that should have been dealt with through enforcement  
14 rather than through writing a new ordinance. Most of what we are trying to accomplish is covered in the  
15 section on business licenses and the Business Use Chart.
- 16 • R Cecil asked Skarlet’s opinion on the ordinances.
- 17 • S Bankhead said medium impact businesses have to tell us how they will mitigate any nuisance beyond  
18 low impact. This was written to give the City some way to enforce or at least have some baseline for the  
19 medium use impact in a residential area. This allows those artisan-type or craftsman-type home  
20 businesses that have more than a low impact to operate within the neighborhood. These are permitted  
21 use business licenses and if they grow into violation of the permitted use, or if they don’t mitigate the  
22 impact, they either have to come into compliance or move the business to a commercial zone.
- 23 • R Cecil asked if we took this entire page out, could the City still resolve issues.
- 24 • S Bankhead said she would have to defer to Craig Call, since he is the attorney that will have to defend the  
25 City if a case comes up.
- 26 • B Bissland said if a business doesn’t fit in the home, such as a welding artisan or craftsman, it would not  
27 be allowed under low impact. Medium impact invites businesses that otherwise should be in commercial  
28 zones.
- 29 • L Fisher said she would prefer medium impact businesses stay out of residential neighborhoods.  
30 Mitigation language in an ordinance doesn’t always mean the nuisance will be mitigated.
- 31 • K Allen brought up the issue of conflicting property rights. People should be able to run a business out of  
32 their home, but the integrity of the neighborhood should not be negatively impacted by that business.  
33 This medium impact use allows for both and gives the City the ability to enforce violations.
- 34 • L Fisher said this improved ordinance does not remedy the current situation when the current ordinance  
35 isn’t even enforced.
- 36 • J Drew commented that a home business wants to be successful. When it grows to the point it impacts  
37 the neighborhood, it should move to a commercial zone. That doesn’t always happen and then you have  
38 to enforce the ordinance, which could lead to disgruntled business owners and neighbors. He feels not  
39 adding medium use would help avoid that problem.
- 40 • D Ciebien said she is concerned about increasing the ambiguity and would like certainty. Low impact  
41 versus medium impact is vague. Manufacturing will impact. She doesn’t want medium impact use. Why is  
42 the current situation, which is impacting the neighborhood, not being enforced? Why are they allowed to  
43 operate without a business license?
- 44 • G Walker said this is a Planning Commission meeting and we don’t have the ability to enforce. The  
45 question is do we want to create more hoops if we are having issues enforcing the current ordinance. We  
46 don’t need low and medium impact sections. We just need to add a provision stating “no 3-phase power”  
47 to the current ordinance.
- 48 • J Baldwin asked if it would be better to take this ordinance out and put a new item under the business  
49 license section to address the problems.
- 50 • C Call said the best thing to do is to decide what you are willing to allow and not allow in a neighborhood.  
51 The easiest way is to address this as a conditional use permit process. This should be reviewed on a case-

1 by-case basis. If there is a clear idea on what is to be allowed or eliminated, it would be easier to decide  
2 how to operate. It needs to be written carefully to show the enforcement is rational and uniform.

- 3 • R Cecil asked C Call if he was suggesting this be handled in the business license provisions.
- 4 • C Call said that is a good way to control what businesses are allowed in certain neighborhoods. Business  
5 licenses are reviewed every year.
- 6 • B Bissland raised concerns about judging each issue in a conditional use permit as it comes along which  
7 becomes arbitrary. He feels like codified law is a better way to go.
- 8 • S Bankhead said even if 3 phase power is put in business license, we aren't taking the uses out of the  
9 zoning. The uses would still be in the zoning.
- 10 • G Walker we are just talking about going back to the original ordinance.
- 11 • R Cecil - Page 9, C needs to say 4 related or unrelated persons.
- 12 • R Cecil – Family Animal Keeping, rabbits need to be taken out.
- 13 • S Bankhead said the language should read “this includes animals such as rabbits, and fowls such as  
14 chickens, pheasants, turkeys, etc.”
- 15 • R Cecil, page 12, lodging house – recommendation from City Council is to have a manager in residence at  
16 a lodging house.
- 17 • S Bankhead clarified which zones allow a lodging house.
- 18 • Discussion on what identifies a lodging house, long-term and short-term rentals, renting to family  
19 members, home rentals and what would be allowed.
- 20 • G Walker said changing the definition for a lodging house would put everyone living in the town homes in  
21 violation.
- 22 • R Cecil asked if this should be left for the City Council to decide.
- 23 • C Call said the Planning Commission has to make the recommendation; then the City Council can amend it  
24 as they would like.
- 25 • Planning Commission felt like they should leave it as is.
- 26 • R Cecil, page 14, Residential Facilities for Elderly Persons – this needs to say it is allowed to operate as a  
27 business.
- 28 • C Call said this is protected by state law, but it is obsolete and out of date. It is problematic. He will look at  
29 this under state law and see specifically what that says.
- 30 • K Allen, page 10, Handicapped Person, he would like the definition to read person with disability.

31 **Item No. 3.** The Providence City Planning Commission will discuss amending Providence City Code Title 11  
32 Subdivision Regulations Chapter 2 Administration and Enforcement and Chapter 5 Public Improvements regarding  
33 exceptions to the Title; and Chapter 3 regarding sidewalk requirements.

- 34 • S Bankhead said to take Administrative Provisions out of 11-5-15 and move that into chapter 2,  
35 Administration and Enforcement if you decide to recommend this wording. This is really about exceptions  
36 to title.
- 37 • R Cecil asked if the City Council was the LUA?
- 38 • C Call said this is to determine that the City Council will be the LUA for zoning changes. LUA for  
39 subdivisions is Planning Commission. He drafted this and it is driven by Grace Baugh subdivision which  
40 was approved for exception last October. The issue of whether or not that exception was appropriate  
41 went to the Appeal Authority. The Appeal Authority overturned the approval of the Grace Baugh  
42 subdivision. The City Council would like to retain its ability to continue to grant exceptions. The City  
43 Council cannot act on this until the Planning Commission makes a recommendation. This addresses some  
44 of the issues the Appeal Authority raised. This is a general amendment to the ordinance and one of the  
45 things it addresses is what happens to the future of the Grace Baugh subdivision. He has no financial  
46 interest in this, but he disclosed that Grace Baugh is his cousin.
- 47 • G Walker suggested striking the current code 11-5-15, and adopting the State Code.
- 48 • The Commissioners agreed with this.

49 **Item No. 4.** The Providence City Planning Commission will discuss amending Providence City Code 11-4-3:J.  
50 Sidewalks, and the Downtown Street Cross-Sections.

- 1 • S Bankhead said if we want to change the ordinance for sidewalks in 11-3, then we need to address 11-4-
- 2 3:J. If we aren't going to require sidewalks with every subdivision, then we need to say they *may be*
- 3 required. Language needs to be changed.
- 4 • G Walker feels it makes sense to require sidewalk because in years to come, Providence will grow.
- 5 Grandfathering will be considered for older neighborhoods.
- 6 • S Sanders said not everyone in the City wants sidewalk.
- 7 • J Baldwin said that as the City grows, connectivity happens.
- 8 • S Sanders brought up the issue of single homes being built that don't require sidewalk.
- 9 • S Bankhead said if the homes aren't part of a subdivision, curb, gutter and sidewalk aren't required.
- 10 • C Call said if you have a Historic District the City may not want to require sidewalk, curb and gutter in
- 11 those areas.
- 12 • S Bankhead said if this City Council or Planning Commission decides that sidewalks aren't required on all
- 13 streets, then they need to state which sidewalks or areas they won't be required on. This is one case where it
- 14 is the preference of what the Council wants the City to look like based on recommendations from the Planning
- 15 Commission.

16 **Motion to continue items 5 and 6 to the next meeting: G Walker, second - J Baldwin**

17 **Vote: Yea: K Allen, J Baldwin, R Cecil, S Sanders, G Walker**  
 18 **Nay: None**  
 19 **Excused: G Allred**  
 20 **Abstained: None**

- 21 • S Bankhead asked if all previous items were okay to put on the agenda for public hearing and was
- 22 told she could.

23 **Item No. 5.** The Providence City Planning Commission will discuss amending Providence City Code 10-8- Cell tower

24 landscaping requirements.  
 25 **Item No. 6.** The Providence City Planning Commission will discuss amending Providence City Code Title 11-5-2 by

26 adding the following to the minimum improvement requirements: All curb, gutter and all utility trenches that lay

27 inside the roadway.  
 28 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

- 29 • S Bankhead had nothing to report.

30 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no

31 formal action will be taken.  
 32 • G Walker resigned as member of the Planning Commission with gratitude for the opportunity to serve the

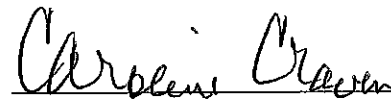
- 33 City of Providence.
- 34 • D Calderwood thanked him for his service and wished him success in his endeavors.

35 **Motion to adjourn: J Baldwin, second - G Walker**

36 **Vote: Yea: K Allen, J Baldwin, R Cecil, S Sanders, G Walker**  
 37 **Nay: None**  
 38 **Excused: G Allred**  
 39 **Abstained: None**

40 Meeting adjourned at 8:08  
 41 Minutes taken and prepared by C Craven.

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 47 Rowan Cecil, Chairman

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 47 Caroline Craven, Secretary



