

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building, 15 South Main, Providence UT 84332**
3 **July 10, 2013**

4
5 **Attendance:** Acting Chair: Rowan Cecil
6 Members: Kirk Allen, Gordon Allred, Jeff Baldwin, Sherman Sanders
7

8 **Approval of the Minutes:**

9 The Providence City Planning Commission will consider for approval the minutes of June 26, 2012.

10 **Motion to accept: G Allred, second – J Baldwin**

11 **Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders**

12 **Nay: None**

13 **Excused: None**

14 **Abstained: None**

15
16 Agenda was changed to discuss Study Item No. 1 first.

17 **Study Item No. 1.** The Providence City Planning Commission will discuss amending Providence City Code 10-8- Cell
18 tower landscaping requirements.

- 19 • Wayne Southwick has concerns about the City's paving and parking requirements in regards to the cell
20 tower compound. He asked the Planning Commission to reconsider requirements for paved roads and
21 parking since there is minimal development for the compound. He has reviewed the city code with either
22 Skarlet or one of the engineers and feels like the requirement is too much for a cell tower compound
23 where there is no daily or even monthly business. He is willing to comply with some landscaping
24 requirements for the property, such as xeri scape, but feels like the required paving and parking is
25 excessive.
- 26 • R Cecil asked where the road requirement is.
- 27 • S Bankhead clarified that 10-8-8.C which is the cell tower ordinance, refers to 10-3-5 and 10-8-5,
28 Landscaping for Commercial Development. 10-8-6 (paved parking) also comes into play. 10-8-5 requires a
29 10' landscape strip around each structure. According to the ordinance, landscaping will be required
30 around each building within the compound. She previously discussed with Mr. Southwick that perhaps in
31 the cell tower ordinance the weed barrier and xeriscaping could be done around each building within the
32 compound to keep the weeds down, and the landscaped area could be around the perimeter of the
33 property.
- 34 • W Southwick said each of the carriers will have to apply for their own building permits. He is just trying to
35 get a permit to build a tower which he feels will be a benefit to the community.
- 36 • G Allred asked where the access point to the property will be.
- 37 • W Southwick said from the east. He wants to have a gravel access road there.
- 38 • S Bankhead clarified the access will be on the west side of the private access road, east side of the
39 property.
- 40 • At R Cecil's request, DRC will put together an exception to the ordinance requiring only a gravel road and
41 get it to the Planning Commission by the next meeting.

42
43 **Public Hearings:**

44 **Item No. 1 6:20 pm.** The purpose of the public hearing is to provide an opportunity for anyone interested to
45 comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in
46 order to offer your comments on the following proposed code amendments:

47 **Amending Providence City Code Title 10 Zoning Regulations:**

48 **Chapter 1 General Provisions:** including but not limited to changes in definitions for the following:
49 accessory building, building-main, business use-general, business use-low, business use-medium, family,
50 family animal keeping, light manufacturing, residential facility for persons with disability.

- 51 • S Bankhead explained that one of the things the Council had the Planning Commission work on
52 was rental, residential short term. The Council sent it back knowing the Planning Commission

1 was working on other things. The definition for residential short term was overlooked and went
2 through the public hearing process. At that time the recommendation from the Planning
3 Commission was short term rental be 30 days or less. We aren't asking to change the use chart at
4 this time; we are just asking to put the rental, short term in. Also under dwelling, we added Bed
5 & Breakfast to the language. Once we get the definitions in place the Commission can come back
6 and work on the use chart.

- 7 • Sandra Checketts said it looks like you are cutting out a lot of home business use general, low
8 and medium. You're keeping the office general, low and medium, so is the goal that it's either a
9 home business office setting or a light manufacturing setting? All the section on home business is
10 crossed out?
- 11 • R Cecil said it was left in because we felt like it was already covered elsewhere.
- 12 • S Checketts said so you left in home business office with all its definitions and then left in light
13 manufacturing?
- 14 • K Allen said we felt like it was redundant, saying the same thing twice.

15
16 **Chapter 5 Overlay Zones** addressing non-developable sensitive area, potentially developable
17 sensitive area, hazard wildfire zones, and engineering geotechnical report.

18
19 **Item No. 2 6:15 pm.** The purpose of the public hearing is to provide an opportunity for anyone interested to
20 comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in
21 order to offer your comments on the following proposed code amendments:

22 **Amending Providence City Code Title 11 Subdivision Regulations:**

23 **Chapter 1 General Provisions:** including but not limited to changes to the definitions of collector street,
24 cul-de-sac, feeder street, sustained street grade, variance committee.

- 25 • S Bankhead said as we have built out certain areas, sometimes there are large pockets left, such
26 as 10 or so acres, where there is development surrounding these pockets, but these pockets are
27 not developed (not inter-block development). We have a requirement in 11.4 Design Standards
28 that says streets shall not exceed 950 feet in length between intersections. We didn't want a long
29 street with no cross street so that if we had to evacuate or if we were doing road work, people
30 could still get where they needed to go in case an intersection or street was blocked for some
31 reason. However, in some of these pocket developments or in hill areas, 950' is a little bit short.
32 We are suggesting 1,200' length street, but then it has to have a cross street intersection, not a
33 cul-de-sac. If we have a 1,200' road, it would need to be 66' or wider.
- 34 • S Sanders asked if a street that long blocks access from other properties.
- 35 • S Bankhead said the point is to try and open up land-locked properties. 1,200 feet is about 24 –
36 28 homes total, including both sides of the road. We allow 16 homes on a cul-de-sac, but we are
37 talking about straight through streets, not cul-de-sacs.

38 **Chapter 2 Administration and Enforcement:** adding Administrative Provisions currently listed in Chapter
39 5 and amending paragraph D. Exceptions to Title.

40 **Chapter 3 Plat Procedures and Requirements:** addressing the approval time frame for dependent
41 subdivisions and a criteria test for the installation of curb, gutter, and sidewalk.

42 **Chapter 4 Design Standards:** Section 3 Streets and Street Improvements: amending Paragraph J.
43 Sidewalks, by changing the requirements for sidewalks.

- 44 • D Calderwood asked about proposed changes for sidewalks.
- 45 • R Cecil said if you look at 11.4.3.J it says sidewalks shall be provided on both sides.
- 46 • J Baldwin said he would like to add, "In areas where there are either no sidewalks or sidewalk on
47 one side only, new development will require sidewalk installation as part of the development
48 regardless of development size." Then J would be in compliance with the sidewalk eventually
49 being on both sides of the street.
- 50 • G Allred asked about vacant lots.
- 51 • C Call said there could be the rare occasion where someone illegally subdivides a lot, and then
52 when someone comes in to legalize the lot, sidewalk would be required. That's how this would
53 apply to a single or vacant lot.

- 1 • S Bankhead said when someone comes in to do that, we require both lots to come into
- 2 compliance.
- 3 • G Thompson said you need to be careful about wording because if sidewalk is required on both
- 4 sides of the street, but a developer only wants to develop just his side of the street, is he
- 5 responsible for putting sidewalk in on both sides of the street or just on his side of the street?
- 6 • J Baldwin said he is only suggesting sidewalk on the side the developer is developing. If he needs
- 7 to reword it he will.
- 8 • G Allred asked how this impacts the areas of the City where sidewalk isn't required.
- 9 • S Bankhead said the only areas she's aware of that don't require sidewalk are the west side of 4th
- 10 East and portions of Canyon Road.
- 11 • S Sanders asked if that needs to be noted then?
- 12 • S Bankhead said according to our attorney, yes.
- 13 • J Baldwin asked if there are places the city engineers would not require sidewalk because of
- 14 slope?
- 15 • S Bankhead said in new development we don't let them get to a grade that is too steep to
- 16 require sidewalk.
- 17 • S Sanders are there other recommendations from the Mayor or City Council?
- 18 • S Bankhead said once they get the ordinance they may make changes.
- 19 • K Allen said he doesn't feel like sidewalk is appropriate for every area in the City. He feels there is
- 20 or should be flexibility in the code for this.
- 21 • There was discussion between Commissioners and City Attorney about the ordinance, exceptions
- 22 and variances and the Appeal Authority.
- 23 • S Eames said since she made the appeal she would like to make a public statement as to why she
- 24 filed the appeal. She felt like the City Council did not follow the ordinance in granting the
- 25 variance. She would like to see specific areas identified where sidewalks are not required listed in
- 26 the ordinance. That way there are no arbitrary variances or exceptions.
- 27 • C Call said the City Council can make a variance from the city ordinance. The case that Ms. Eames
- 28 just spoke of was for an exception not a variance. Both of these exist in the ordinance now.
- 29 • There was discussion as to whether or not identifying streets requiring or not requiring sidewalks
- 30 would be cost effective.
- 31 • K Allen read code from Nibley, Smithfield and North Logan regarding curb and gutter. He
- 32 wonders why Providence cannot have a similar code.
- 33 • J Baldwin said the inherent problem allows for a lot of capriciousness. G Allred agreed. He felt
- 34 like an engineering analysis would be more effective.
- 35 • S Sanders said some people just don't want curb, gutter and sidewalk. They want a rural
- 36 neighborhood.
- 37 • S Bankhead said the other issue is non-connecting sidewalk. You wouldn't want partial sidewalks
- 38 all over the City. That is the scenario the Council was looking at. The Council was looking at other
- 39 issues besides just topography; but along with topography, the Council didn't feel, in Mr. Baugh's
- 40 case, that having only a portion of sidewalk was reasonable or useful.
- 41 • B Olsen feels like the ordinance is a bit of a mish-mash. Either the downtown area needs to
- 42 require curb and gutter or it doesn't. There needs to be an overall master plan.
- 43 • R Cecil said we have developments that are waiting for a decision on this.
- 44 • S Eames said it worries me when government rushes things through. Will sidewalks going to
- 45 nowhere be at the discretion of the City Council or without ordinance change?
- 46 • S Bankhead said this conversation has been going on for over 8 months, but even state code
- 47 requires these issues be resolved in a six month period. If there are places where we don't want
- 48 sidewalk, we need to identify that. At this point it is costing the developer to install curb, gutter
- 49 and sidewalk, not the City and the taxpayers. If the City continues to allow 200 feet to be built at
- 50 a time and eventually they connect, that doesn't cost the taxpayers, it costs the developers. That
- 51 is why the City doesn't go around filling in the gaps. As development occurs, sidewalk, curb and
- 52 gutter are installed by the developer.

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- S Eames expressed concern about the City Council passing an ordinance changing the requirements without a public hearing.
- C Call said state law provides that you cannot change an ordinance without a public hearing, but the City Council can change what is suggested or recommended by the Planning Commission. If the City Council brings a completely new idea it should, in his opinion, come back to the Planning Commission. However, after this discussion tonight, the City Council can add policy because this is a public hearing.
- J Baldwin asked as a City do we want to gradually improve infrastructure or not? We need a general consensus of whether or not we want curb, gutter and sidewalk.
- G Allred said he supports what Jeff has said, but is also in favor of clarifying the language.
- J Baldwin said we need to define areas where we feel it would be foolish to require sidewalks so we don't have to keep going through this process. He would like to see a poll of the citizens to know if they would like curb, gutter and sidewalk or not.
- K Allen said he would still like to see a code written that gives options so different ideas could be entertained. That would enhance the rural feel of the community.
- R Cecil closed the public hearing.

Chapter 5 Public Improvements: adding the following to the minimum improvement requirements: All curb, gutter, and all utility trenches that lay inside the roadway; and by moving Section 15 Administrative Provisions to Title 11 Subdivision Regulations, Chapter 2 Administration and Enforcement.

Action Items:

Item No. 1. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 10 Chapter 5 Overlay Zones addressing non-developable sensitive area, potentially developable sensitive area, hazard wildfire zones, and engineering geotechnical report.

Action Item No. 2 was not discussed at this point.

Item No. 3. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 11 Subdivision Regulations Chapter 1 General Provisions including but not limited to changes to the definitions of collector street, cul-de-sac, feeder street, sustained street grade, variance committee.

Motion to recommend to City Council for approval, 11.1 through 11.4: G Allred, second – J Baldwin

Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders
Nay: None
Excused: None
Abstained: None

Item No. 4. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 11 Subdivision Regulations Chapter 2 Administration and Enforcement by adding Administrative Provisions currently listed in Chapter 5 and amending paragraph D. Exceptions to title.

Motion to recommend to City Council for approval: K Allen, second – S Sanders

Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders
Nay: None
Excused: None
Abstained: None

Item No. 5. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 11 Subdivision Regulations Chapter 3 Plat Procedures and Requirements addressing timeframes for approval of a dependent subdivision and a criteria test for curb, gutter, and sidewalk.

- S Bankhead said this suggests that we can approve up through preliminary plat but not approve the final plat of a subdivision until a prior phase of the subdivision is complete. Sometimes, for various reasons, we do not even want to approve the concept plan of a subsequent subdivision until the prior phase is complete.
- J Baldwin said there are too many finishing points. Which of the items need to be completed?
- S Bankhead said this includes all items listed. If you want to shorten it you could say "first phase or subdivision is complete including the items listed on the substantial completion punch list". The point is that the first phase has to be completed before the second phase is started. We want to reserve the right to stop and wait for the first development to be finished. But there are times when it would be appropriate to go ahead with the second part of the development.
- J Baldwin would like it to say the dependent subdivision couldn't begin until the independent subdivision is completed in its entirety, including punch list items.
- S Bankhead said we want it very clear that we want to this to include everything.
- Discussion about language.
- C Call said if this language is adopted, the City can determine if it is inappropriate for a given dependent subdivision to proceed. This gives some flexibility to go ahead and approve subsequent plans under certain circumstances.
- S Sanders asked who the "City" is in this case.
- S Bankhead said it could say the City Engineer or City Council.
- J Baldwin said this is specifically in a code that provides an exception.
- C Call we could just say the LUA although that is a little awkward in Providence because there is more than one LUA. You could say the LUA in charge of subdivisions.

Motion to recommend to City Council as amended for approval: J Baldwin, second - K Allen

Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders
Nay: None
Excused: None
Abstained: None

Item No. 6. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 11 Subdivision Regulations Chapter 4 Design Standards Section 3 Streets and Street Improvements by changing the requirements for sidewalks.

- G Allred would like 11-4-2.A to read "with a functioning cross street (not a cul-de-sac).
- R Cecil asked if the Planning Commission wanted to add J Baldwin's paragraph suggestion in J.
- J Baldwin said the paragraph addition would be "In areas where there are either no sidewalks or sidewalk on one side only, new development will require sidewalk installation as part of the development regardless of the development size."
- G Allred asked if older areas that are not already in compliance are affected by the addition in item J which is about design standards for the future.
- C Call said this clarifies new development. This also clarifies that it will be done on the property owner's side of the street.
- Discussion about 4' versus 5' sidewalks.

Motion to recommend to City Council, as amended with change to Item J: J Baldwin, second - G Allred

Vote: Yea: R Cecil, G Allred, J Baldwin, S Sanders
Nay: K Allen
Excused: None
Abstained: None

Item No. 7. The Providence City Planning Commission will consider recommending the Providence City Council approve amendments to Providence City Code Title 11 Subdivision Regulations Chapter 5 Public Improvements adding the following to the minimum improvement requirements: All curb, gutter, and all utility trenches that lay inside the roadway; and by moving Section 15 Administrative Provisions to Title 11 Subdivision Regulations, Chapter 2 Administration and Enforcement.

1 **Motion to recommend to City Council the accepted changes in Title 11-5-15: K Allen, second – S Sanders**

2 **Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders**

3 **Nay: None**

4 **Excused: None**

5 **Abstained: None**

6
7 **Motion to stop meeting in order to restructure Planning Commission: J Baldwin, Second – S Sanders**

8 **Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders**

9 **Nay: None**

10 **Excused: None**

11 **Abstained: None**

- 12
13 • S Bankhead brought up the fact that some of the zoning study items have been in discussion for over 6
14 months and, therefore, anyone who makes a request to the City regarding zoning would have to comply
15 with the current zoning ordinance and not the proposed zoning ordinance. The City cannot hold up a
16 request at this point.
17 • C Call concurred.

18
19 **Motion to revisit Action Item No. 2: J Baldwin, second - K Allen**

20 **Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders**

21 **Nay: None**

22 **Excused: None**

23 **Abstained: None**

24
25 **Study Item No. 2.** The Providence City Planning Commission will consider recommending the Providence City
26 Council approve amendments to Providence City Code Title 10 Zoning Regulations Chapter 1 General Provisions
27 including but not limited to changes in definitions for the following: accessory building, building-main, business
28 use-general, business use-low, business use-medium, family, family animal keeping, light manufacturing,
29 residential facility for persons with disability.

- 30 • S Bankhead reminded the Planning Commission to include short-term rental. Skarlet also clarified that a
31 home can be converted to 3 phase power, but it cannot be delivered directly to a home.
32 • J Baldwin would like 3 phase power language moved to business license ordinance.
33 • G Thompson asked why the City is excluding 3 phase power in residential zones.
34 • J Baldwin said 3 phase power enables home based businesses to exceed allowed impact in a zoned
35 residential area.

36 **Motion to recommend to City Council as amended: J Baldwin, second – S Sanders**

- 37 • K Allen had a question on Page 14 of 19 before the vote was taken. He would like the definition to say
38 "Residential Facility for Individuals with Disability" rather than "Residential Facility for Persons with
39 Disability".

40 **Vote: Yea: R Cecil, K Allen, J Baldwin, S Sanders**

41 **Nay: G Allred**

42 **Excused: None**

43 **Abstained: None**

44
45 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.
46 No staff reports.

47
48 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no
49 formal action will be taken.
50 No Commission reports.

51
52 Next meeting August 14, 2013

53
54 **Election:** The Providence City Planning Commission will elect a chair and vice-chair.

1 **Motion to restructure Planning Commission: J Baldwin, second - S Sanders**

2 **Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders**

3 **Nay: None**

4 **Excused: None**

5 **Abstained: None**

- 6 • R Cecil according to the bylaws we have to elect a new Chairman in July. My tenure will be over in
- 7 February 2014. Mr. Baldwin is running for City Council. Mr. Allred's term will end next July 2014.
- 8 • S Sanders nominated G Allred as Chairman.
- 9 • G Allred declined.
- 10 • R Cecil said he could continue as Chairman until February.

11 The Commissioners voted unanimously to retain Rowan Cecil as Chairman.

12 The Commissioners voted unanimously to retain Gordon Allred as Vice-Chairman.

13
14 **Motion to close: G Allred, second -J Baldwin**

15 **Vote: Yea: R Cecil, K Allen, G Allred, J Baldwin, S Sanders**

16 **Nay: None**

17 **Excused: None**

18 **Abstained: None**

19 Meeting adjourned at 8:15 pm

20 Minutes taken and prepared by C Craven.

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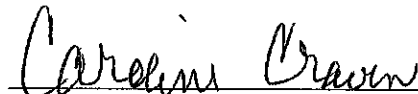
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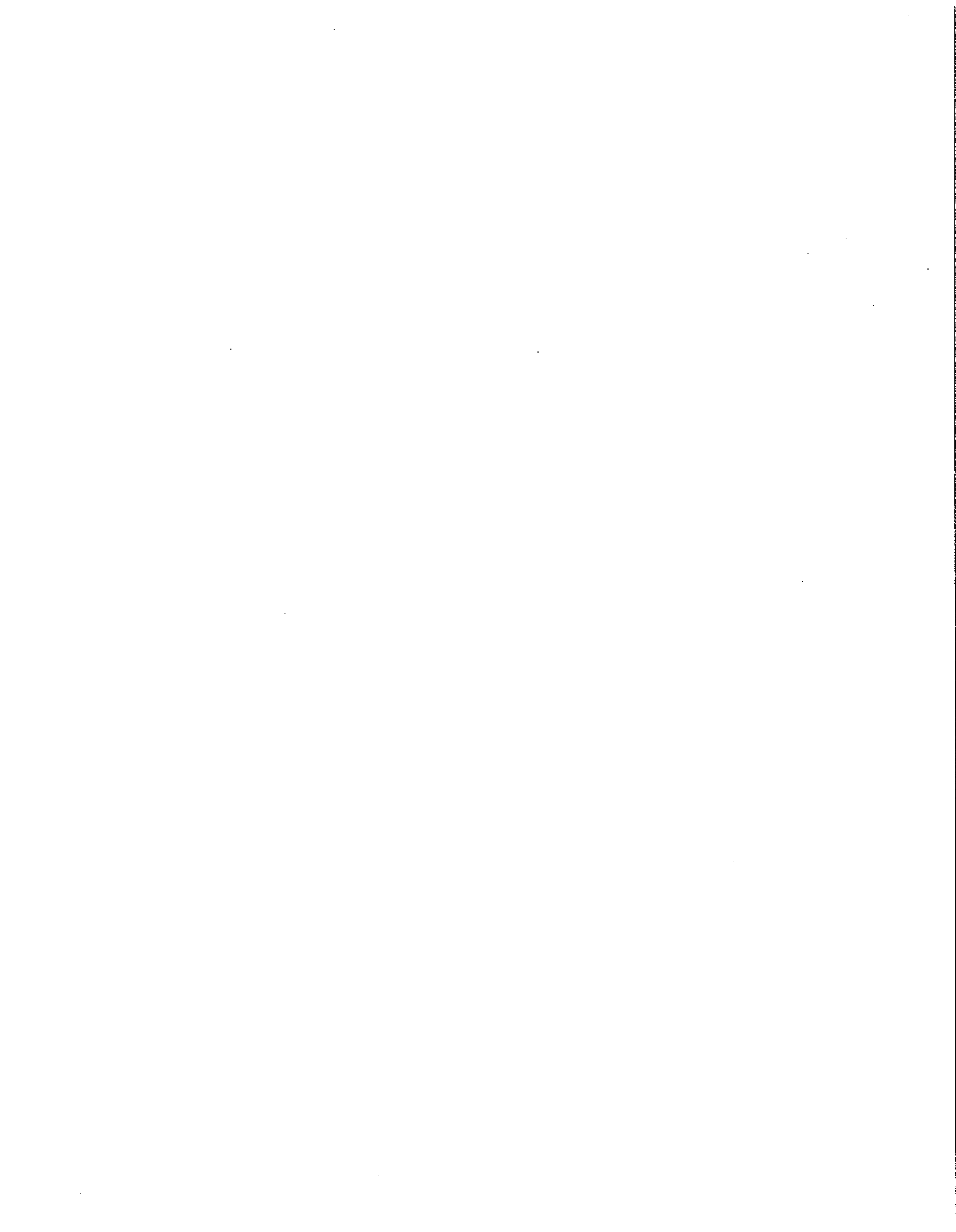
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Rowan Cecil, Chairman



Caroline Craven, Secretary



Planning Commission Meeting

July 10, 2013

Please Sign In

Name

City of Residence

Sandra Checketts

Wayne Southwick

Sharely Eames

[Signature]

Glenn Thompson

John Russell

Chet Major

John Major

Don Corderwood

PROV.

West Jordan

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