

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building, 164 North Gateway Drive, Providence UT 84332**
3 **May 22, 2019 6:00 p.m.**
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6 **Call to Order:** Gary Sonntag, Chair

7 Swearing in of Sharon Johnson as a planning commission alternate: S Bankhead

8 Attendance: Gary Sonntag, Ruthann Holloway, Bob Perry, Rowan Cecil, Joshua Paulsen, Sharon Johnson

9 Excused: John Parker, Laura Banda
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11 **Item No. 1. Recognition.** Commission Chair, Gary Sonntag will recognize John Parker for the service and
12 commitment he has given during his term on the Planning Commission.

- 13 • G Sonntag read a letter from the planning commission in appreciation to John Parker for his service.

14 **New Commission Member Welcome.** Commission Chair, Gary Sonntag will welcome the new members of the
15 Planning Commission.

- 16 • G Sonntag welcomed Sharon Johnson and Josh Paulsen to the planning commission.
17

18 **Approval of the Minutes:**

19 **Item No. 1.** The Planning Commission will consider approval of the minutes for May 8, 2019.

20 **Motion to approve the minutes of May 8, 2019 — R Cecil, second — J Paulsen**

21 **Vote:**

22 **Yea: J Paulsen, G Sonntag, R Holloway, R Cecil, B Perry**

23 **Nay:**

24 **Excused: J Parker, L Banda**
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26 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues
27 within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3
28 minutes per person. The total time allotted to public comment is 15 minutes.

- 29 • Mayor Drew said that he went to a workshop put on by the Utah League of Cities and Towns and the Land
30 Use Institute. Craig Call hosted it. Senate bill 34 was passed this year by the state legislature, and it
31 amended the state code relative to moderate income housing. Jake Anderegg, chair of the Commission on
32 Housing Affordability was there. Mayor Drew asked Sen. Anderegg about the commission's duties. Only
33 one of their listed duties addresses housing affordability. Mayor Drew was disappointed that everything
34 seemed to be about subsidies, tax credits, limits on rent prices, etc. He felt that they have not addressed
35 the middle of the market. Sen. Anderegg said that in the future, they will address the middle of the
36 market. The commission is a five-year project. Mayor Drew reported on the rent that is charged at the
37 Falls. It has gone up dramatically in 3 years.
- 38 • Mayor Drew spoke about the Life Cycle Zone. The city engaged an outside planning firm several years ago
39 to help with the general plan. They did open houses to receive public input. During those sessions, people
40 asked the city to develop a general plan that allowed for different types of housing. It wasn't about low or
41 moderate income housing. At that time, nobody was concerned about making sure that these other types
42 of housing were kept down by the highway. Many of those asking for these changes were long-term
43 residents. Mayor Drew suggested that the commission draft the language for another zone that is focused
44 on transit corridors, rather than making LCR about transit corridors. He feels that this would make it
45 easier for the commission.
- 46 • G Sonntag said that maybe it could be called a highway residential zone.
- 47 • The moderate income housing plan that is required by the state was discussed. B Perry asked if we could
48 implement our own affordable housing strategies. If we did, would the state just make us change it to fit
49 their plans when a new bill passes the legislature?
- 50 • J Paulsen said that the state sometimes focuses more on mechanisms than on outcomes. Therefore, even
51 if we had good outcomes, we might be required to follow their plan.
- 52 • Mayor Drew said that if we do something that gets good outcomes and the state still says we need to
53 follow their plan, he will go to the state and present our case to the lawmakers.
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55 **Public Hearing(s):** None

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57 **Action Item(s):**

58 **Item No. 1. : Providence Planning Commission Bylaws:** The Commission will consider for recommendation to
59 the City Council amendments to the Providence Planning Commission Bylaws.

60 **Motion to table the review and intended action on the bylaws: —R Cecil, second — B Perry**

61 **Vote:**

62 **Yea: J Paulsen, G Sonntag, R Holloway, R Cecil, B Perry**

63 **Nay:**

64 **Excused: J Parker, L Banda**

- 65 • R Cecil suggested that we have an election for a chairman instead of an immediate succession of a vice
- 66 chair upon resignation of the chair (Section 3.2).
- 67 • G Sonntag said that he included R Cecil’s suggestion in his draft. It seems that the city staff or attorney
- 68 removed it.
- 69 • S Bankhead said that she wasn’t aware that this change was in the draft. She will run it past the city
- 70 attorney, but she thinks that it is fine.
- 71 • G Sonntag brought up section 2.2 C. He added language to the effect that the removal of commission
- 72 members will be first recommended by the mayor, then voted on by the city council.
- 73 • G Sonntag brought up section 2.3. He proposed that the process for resignation be changed to say that
- 74 the member will give notice of intent to the Mayor and the Director of Administrative Services.
- 75 • G Sonntag spoke about the requirement to have the recorded consent of the chair for absences (Section
- 76 2.3). He would like to take out the word “consent.” The chair only needs to be notified of the absence. He
- 77 would also like to add language that says that they may notify the chair and/or Director of Administrative
- 78 Services.
- 79 • S Bankhead said that it would be best if they notified both herself and the chair.
- 80 • G Sonntag brought up section 2.5. He changed the last sentence about removal of commission members
- 81 to say that they may be removed when recommended by the mayor and approved by the city council.
- 82 Also, standing members may be appointed to serve an additional term “when recommended by the
- 83 mayor and approved by the city council.”
- 84 • G Sonntag spoke about section 2.6 Orientation and Training.
- 85 • R Cecil suggested that we make a training packet to hand out to new commission members.
- 86 • S Bankhead asked if we could do that electronically unless a member requests a hard copy.
- 87 • The commission agreed.
- 88 • G Sonntag asked that the current commission members receive the packet as well.
- 89 • Section 3.3: ~~members~~ commission
- 90 • G Sonntag suggested the following change to section 3.3: Robert’s Rules of Order ~~shall~~ may be used.
- 91 • J Paulsen said that the rules of order for the Planning Commission are not clear. Our bylaws say that we
- 92 sometimes use Robert’s Rules of Order, but it is not clear that we always do. This could create problems if
- 93 members need to interject, to make a motion to consider something else, or to make a motion to
- 94 postpone consideration of an item.
- 95 • B Perry said that we generally use Robert’s Rules, but that we sometimes deviate. If we were strict on the
- 96 rules, someone who knew them could bring the meeting to a halt.
- 97 • R Holloway said that the rules of order need to be an orientation/training item.
- 98 • G Sonntag said that he is not too concerned about rules of when to make a motion. He doesn’t feel like
- 99 that will be a problem. However, the bylaws that we are making, and the schedules that we commit
- 100 ourselves to, do provide important order to our meetings. Our bylaws are ultimately guidelines, and do
- 101 not have the force of law, but they do give us a sense of order.
- 102 • S Bankhead said that interjecting may be a concern. How should we indicate that we want to make an
- 103 interjection?
- 104 • B Perry said that saying “point of order” is one way to interject. J Paulsen said that this is used for rule
- 105 violations, not questions.
- 106 • G Sonntag said that there are no rule violations, because we only have guidelines. He said that if we want
- 107 his attention, we should say “chair.”

- 108 • G Sonntag said that we need to work on staying on task and not getting off track. Sometimes we go on
109 tangents, and sometimes the audience gets us off track. It has been hard for us to get through the
110 agenda.
- 111 • R Holloway said that on the State Board of Licensing, they raised their hands. She would say “Ruth Ann
112 addresses the Chair, or “Ruth Ann addresses the commission.” Then the chair would acknowledge the
113 speaker.
- 114 • The commission decided to leave the word “may” regarding Robert’s Rules.
- 115 • G Sonntag spoke about the next paragraph in Section 3.3 about removal of disorderly persons. He said
116 that he added language to say that the chair may request assistance from the Cache County Sheriff,
117 instead of saying that the chair will always remove disorderly persons in that manner.
- 118 • J Paulsen said that the original language means that the chair has the option to call the sheriff, but it is
119 understood that the chair will first ask the person to leave. He felt that changing the language was
120 unnecessary.
- 121 • R Holloway asked if the chair can adjourn a meeting if things are getting too contentious or dangerous.
122 She suggested adding language to say that the chair may close the meeting.
- 123 • J Paulsen thought that it would be a good idea for the chair to have that power. He suggested adding the
124 language “may suspend the meeting, and/or may order removal of disorderly or disruptive persons.”
- 125 • J Paulsen said that we could strike the sentence starting with “in the event of an emergency.” G Sonntag
126 agreed. G Sonntag said that he would not feel the need to ask the commission for a vote before asking
127 someone to leave.
- 128 • R Holloway brought up section 3.4. She would like to replace “disability” with “inability.” The commission
129 agreed.
- 130 • G Sonntag brought up section 3.6.
- 131 • R Cecil asked if minutes are taken when the commission takes tours that are also considered public
132 meetings.
- 133 • S Bankhead said that minutes are taken. S Bankhead reminded the commission that they still need to
134 avoid trespassing when they go on city assignments or tours.
- 135 • G Sonntag changed the word inspection to observation. Inspection has a very specific meaning. The
136 commission agreed.
- 137 • G Sonntag brought up Section 3.10. He added the Administrative Director to the City recorder in the last
138 sentence, and added agendas to notices in that same sentence. He also added “related tasks” to the list at
139 the end of the sentence.
- 140 • G Sonntag brought up section 4.2. He added language to the effect that purchasing everyday items and
141 services from an applicant does not constitute a conflict of interest. He asked S Bankhead to ask the city
142 attorney if this language is appropriate.
- 143 • J Paulsen said that we could contact the state ombudsman to ask about conflicts of interest.
- 144 • G Sonntag brought up section 4.3.
- 145 • B Perry asked if we need the definition of “ex parte.”
- 146 • R Holloway suggested incorporating some of the definition starting with “communication.”
- 147 • G Sonntag brought up section 4.5. He added language specifying that electronic attendance by
148 commission members at meetings shall be set up at least one business day prior to the meeting.
- 149 • G Sonntag brought up Article V. He asked the commission about the language that was added to the
150 introduction of Article V.
- 151 • R Holloway said that we should include language to the effect that people who will be doing a
152 multimedia/lengthy presentation should notify the commission in advance.
- 153 • S Bankhead said that there is a difference between a public hearing and a public meeting. A public
154 meeting can accept public comment, but is not required to do so. A public hearing must accept comment.
- 155 • R Holloway suggested changing the language in the intro to Article V to say “meetings” instead of
156 “hearing/meeting” so as to avoid the confusion between the different legal requirements of a meeting vs
157 a public hearing. We should also end the introduction after the words “reasonably possible.”
- 158 • G Sonntag said we should take out “hearings” from the heading of Article V.
- 159 • G Sonntag brought up Section 5.1. He added the words “and overflow rooms” to “City council rooms.” He
160 replaced the word “location” with “arrangements.”

- 161 • G Sonntag brought up Section 5.2 He added “special meetings” to “regularly scheduled meetings” and
- 162 changed “or as are deemed” to “or as deemed.” He added “date” to “time and place.”
- 163 • G Sonntag brought up Section 5.3. He added “date” to “time and place” where it occurred. He changed
- 164 “thereof” to “given.”
- 165 • S Bankhead said that there is procedure for special meetings outlined in Utah Code. It might be a good
- 166 thing to add language that says that we will follow Utah Code in regards to notification.
- 167 • J Paulsen said that sometimes state code changes. It would save us from having to change the bylaws if
- 168 we could simply reference state code and keep everything else general.
- 169 • R Holloway suggested putting the last paragraph first. That way, it will reference state code from the
- 170 beginning.
- 171 • The commission decided to eliminate the middle paragraph which starts with “Call of a special.”
- 172 • G Sonntag brought up Section 5.4. He added “date” to “time and place.”
- 173 • G Sonntag brought up Section 5.5. He added “regular or special” before “hearing/meeting.” He added
- 174 “administrative director” to “chair.” The last sentence can be removed.
- 175 • G Sonntag brought up Section 5.6. He added the following language at the end: “Otherwise, it will be
- 176 tabled for lack of a unanimous vote.”
- 177 • S Bankhead asked about section 5.5 and cancelling meetings. She suggested that we add language to the
- 178 effect that if at any time during a meeting the membership falls below a quorum, the meeting shall be
- 179 canceled.
- 180 • J Paulsen asked what happens if the chair and vice chair are not present, but there is still a quorum.
- 181 • G Sonntag said that there is a vote of the commission members present to elect a temporary chair.
- 182 • R Holloway asked about 5.6 that states that a three-member quorum must vote unanimously. What if one
- 183 of the members has a conflict of interest?
- 184 • J Paulsen said that we could fix the issue by specifying that a quorum exists only if there are three voting
- 185 members.
- 186 • Members of the commission asked about why a three-member quorum needs to vote unanimously to
- 187 pass a motion. S Bankhead said that it is because if there are less than three members voting on
- 188 something, that is not a majority of the commission.
- 189 • J Paulsen said that we should change the language to say “positive or negative vote” instead of just
- 190 “positive.”
- 191 • Referring to G Sonntag’s earlier comment, J Paulsen said that the language should say “lack of a majority
- 192 vote” rather than “lack of a unanimous vote.”
- 193 • G Sonntag brought up Section 5.9. He said that it would be difficult to ensure that both sides get equal
- 194 time to speak. It would require someone to operate a timer.
- 195 • R Holloway suggested grammatical changes: “Those speaking in support, or those speaking in opposition,
- 196 should have...”
- 197 • G Sonntag brought up Section 5.10 (C). He changed “on or before noon the day of the meeting” to “at
- 198 least one business day before the hearing or meeting...”
- 199 • G Sonntag brought up section 6.1. G Sonntag asked how we will display the public hearing procedure.
- 200 • S Bankhead said that we could display a paper, or we could have a plaque made with the rules. We could
- 201 put a handout by the sign in sheet.
- 202 • J Paulsen asked if we could put it on the monitors.
- 203 • G Sonntag brought up Section 6.2 (C). He added “information, evidence, comment” before “testimony.”
- 204 • G Sonntag considered deleting Section 6.2 (D) and (E). J Paulsen agreed.
- 205 • G Sonntag brought up Section 6.2 (F). He changed all references to “public comment” to “public hearing.”
- 206 He replaced “rebuttal provided” with “questions.”
- 207 • G Sonntag felt that the commission would not need to ask city staff questions about items after the public
- 208 hearing concluded. This paragraph may not be necessary. He asked if there is anywhere that says that we
- 209 cannot ask questions during the public hearing.
- 210 • S Bankhead said that there is not. It can be good to ask questions to clarify. However, the public hearing is
- 211 not the time for the commission to make decisions about the item, or where the developer will present
- 212 his case. It is mostly a time to listen to the public.

- 213 • R Holloway said that sometimes the study items are on the same subject as the public hearing. Sometimes
214 we have allowed the public to participate in the study items as well.
- 215 • B Perry said that we should try to get as much of the comments done during the public comment portion
216 as possible. He asked if the commission members are required to respond to questions from the public.
- 217 • S Bankhead said that there is no requirement to have a public comment period except when public
218 hearings are required by law. She said that she would be cautious about discussing agenda items during
219 the public comment period. This is because part of the reason for the agenda is so that people can get an
220 idea of the timeframe of the discussion of the agenda items. If it is discussed during the public comment
221 portion, then people who come later may have missed important parts of the discussion. There is no rule
222 that prevents the commission from taking comments during business or study items. It is the job of the
223 chair to make sure that both sides get an equal opportunity to comment.
- 224 • J Paulsen said that in the highly contentious hearings, many people in the audience have questions as well
225 as opinions to present. We are only facilitating them telling us something. How can we answer the
226 public’s fundamental questions? Answering their questions would release a lot of the tension and
227 establish a common foundation to base the discussion upon. We could have a question sheet that people
228 could fill out as they come in.
- 229 • R Cecil said that he likes the public comment portion to be for things that are not on the agenda. If the
230 public has comments about agenda items, they can offer them at the time that the item is discussed.
- 231 • B Perry suggested that when we have a public hearing we eliminate public comment at the beginning of
232 the meeting.
233

234 **Item No. 2. General Plan Map – Future Re-Zone of Existing Districts and Annexation Areas:** The Commission
235 will finalize the proposed changes to the Map of Future Re-Zone of Existing Districts and Annexation Areas.

236 **Motion to approve a recommendation on the final draft of the Future Re-Zone of Existing Districts and**
237 **Annexation Areas map: — R Cecil, second — B Perry**

238 **Vote:**

239 **Yea: R Cecil, R Holloway, B Perry, G Sonntag**

240 **Nay: J Paulsen**

241 **Excused: J Parker, L Banda**
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- 243 • G Sonntag said that the general plan revision has been in process for some time now. This commission
244 needs to finalize it.
- 245 • S Bankhead said that revisions have been made to the General Plan over the years, but it has not gone
246 through a comprehensive re-write since 2000.
- 247 • G Sonntag asked if the plan should be re-written every five years. S Bankhead said that that is the
248 standard. However, some aspects of the plan, such as transportation and other infrastructure, should be
249 planned much further into the future than five years. They should not be changed every five years. It is
250 important, however, to revise the plan to match growth trends. This probably should be done at least
251 every five years.
- 252 • S Bankhead clarified that the language of the motion should not be to “approve” the map. The motion
253 should be to move it forward to a public hearing, so that it can eventually be approved by the council. S
254 Bankhead needs to send the map to a consultant, who will prepare it for the public hearing.
- 255 • G Sonntag expressed concern that J Paulsen and S Johnson are new to the commission and have not
256 participated in the general plan revision process that has gone on so far. They will now have to vote on
257 that plan.
- 258 • J Paulsen said that he has read the plan. He would vote to move it forward to a public hearing even
259 though he does not agree with every word of it.
260

261 **Item No. 3. General Plan Map – Transportation Classification:** The Commission will finalize the proposed
262 changes to the Transportation Classification Map.

263 **Motion to approve a recommendation for the final draft of the Providence City Transportation Classification**

264 **Map:—J Paulsen, second — R Cecil**

265 **Vote:**

266 **Yea: J Paulsen, G Sonntag, R Holloway, R Cecil, B Perry**

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Nay:

Excused: J Parker, L Banda

- G Sonntag explained that he has made adjustments to the map based on his experience with transportation issues. We did not have an engineering firm look over this. For this stage, it is more important that we use our first-hand understanding of how traffic flows in the city.
- G Sonntag said that there needs to be a loop around the city with two ways in, and two ways out. This plan reflects that. There will also eventually be a loop connecting Little Baldy and the Grandview area.
- G Sonntag explained some of the suggested changes that he had penciled on to the map. He feels that Gateway Drive from 100 North to 300 South should be a major collector. South of that would still be a minor collector.
- R Cecil felt that the extension of that road down to Millville will be a major collector once it develops. The road was designed to be wider with that in mind. People will use it to access the high school. G Sonntag felt that it is not so clear how things will develop.
- The commission discussed the major arterial running north along 200 west, then east along 100 north, then north along 300 east. G Sonntag mentioned the bike routes that follow most of that route. R Cecil said that many people like to get to Utah State University by taking 100 West north through River Heights. However, taking Gateway Drive is faster.
- The roundabout that G Sonntag proposed for the intersection of Center Street and 300 East was discussed. J Paulsen was concerned about the sight distances for the roundabout. G Sonntag said that if the plan is implemented, the city may buy some surrounding right-of-way. Those details will be handled later.
- The roundabout that G Sonntag proposed at the intersection of 300 South and 480 West was discussed. R Cecil felt that it was a good idea.
- J Paulsen said that we have irregular traffic patterns at 100 North and 200 West. The left-hand turn has gotten very backed up.
- R Cecil said that this has been talked about for some time. One of the issues is that it is a county road.
- G Sonntag explained that he changed the portion of Center Street from Main Street to 200 West from minor collector to local road. He added 300 East from Center Street to 100 North as a minor collector road. He added 100 West from 100 North into River Heights as a minor collector road. He changed 300 East from Canyon Road to 1000 S to a local road, and 400 East from Canyon Road to 1000 S to a minor collector.

Item No. 4. General Plan Map – Parks, Open Space, and Trails: The Commission will finalize the proposed changes to the Parks, Open Space, and Trails Map.

Motion to approve a recommendation for the final draft of the Providence City Parks, Open Space and Trails Map: — R Cecil, second —R Holloway

Yea: J Paulsen, G Sonntag, R Holloway, R Cecil, B Perry

Nay:

Excused: J Parker, L Banda

- G Sonntag suggested changing the label of the yellow line from “wheel chair accessible” to “ADA accessible.”
- G Sonntag explained that he removed the bicycle route in the top left of the map because it goes on very busy roads, and added a new one that goes north on 100 west from 100 North to River Heights.
- B Perry said that the 100 West route is already signed as a bicycle route.
- G Sonntag said that he also added a bike route going north on 300 east from 100 North into River Heights. He also removed the bicycle route on 100 North east of 300 East which also turns south, then east. He said that the road is not wide enough.
- G Sonntag talked about future trails that run along waterways. He said that we should also designate these areas as open space. Some of them fall under flood insurance FEMA maps. He marked Spring Creek all the way to the canyon, and feels that we should mark it all the way down to where it connects with Logan River. He also marked an area of spring creek in the southeast portion of the map as a wildlife area.
- G Sonntag said that there should be a note on the map about flood plains.
- S Bankhead clarified that G Sonntag only wants a note and not for the flood plains to be shown on the map. G Sonntag said yes, and that the note should have a list of the waterways affected.

321 • R Cecil pointed out that Hampshire Park is missing on the map.
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324 **Study Items(s):**

325 **Item No. 1. General Plan revision review:** The Commission will review and discuss the draft chapters for the
326 general plan revision.

- 327 • G Sonntag asked if we have made a motion on the General Plan. S Bankhead said that only the Annexation
328 Policy Plan has been approved. She has sent the plan to the consultants so that they can look at it, but
329 they are waiting on approval from the commission.
- 330 • G Sonntag asked the commission to refresh their memories of the general plan in preparation for the next
331 meeting.
- 332 • S Bankhead said that we will have to change the Moderate Income Housing plan to meet some new
333 requirements in state code. This will take some time. We should move forward with the General Plan the
334 way it is, and then revisit the Moderate Income Housing plan portion of it when the changes are finished.

335 **Item No. 2. Ordinance and Design Standards for Life Cycle Residential Zone, LCR:** The Commission will review
336 and discuss the proposed changes for Title 10 Chapter 4, LCR Zone.

- 337 • This item was not discussed. It will be retained as a study item.
338

339 **Reports:**

340 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.

- 341 • S Bankhead said that there may be some plat approvals on the agenda for the next commission meeting.
342 One is The Corner subdivision by the roundabout on 100 south. They want to split that lot in two. The
343 second is Sunrise Acres Phase 3. They have shifted the road out of the contested area; therefore, they
344 have made changes to their final plat. There is also a small subdivision on Center Street and 200 East that
345 will probably come before the commission for preliminary plat approval. They are breaking off the north
346 half of a parcel. That parcel has one existing home.
- 347 • S Bankhead said that city staff is working on updating Title 10 Chapter 8 regarding setbacks. Bigger homes
348 and newer architectural features are causing trouble with our current setback ordinance.
349

350 **Commission Reports:** Items presented by the Commission Members will be presented as informational only;
351 no formal action will be taken.

- 352 • No commission reports
353

354 **Motion to adjourn: — R Cecil, second — J Paulsen**

355 **Vote:**

356 **Yea: J Paulsen, G Sonntag, R Holloway, R Cecil, B Perry**

357 **Nay:**

358 **Excused: J Parker, L Banda**
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360 Meeting adjourned at approximately 9:10 PM

361 Minutes prepared by Jesse Bardsley

362 Minutes approved by vote of the commission on June 12, 2019
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365 _____
366 Gary Sonntag, Chair
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_____ Skarlet Bankhead, City Recorder