

PLANNING COMMISSION MINUTES

Wednesday, October 11th, 2023, 6:00 pm

Providence City Office Building, 164 North Gateway Dr., Providence Ut

To view the video record of the meeting please visit the city's YouTube Channel found [HERE](#).

HR. MIN. & SEC. in green are timestamps of the YouTube recorded meeting.

Call to Order: Michael Fortune

Chair Roll Call of Commission Members: Robert Henke, Brian Marble Michael Fortune, Bob Washburn & Joe Chambers.

Members Absent: Shelly Nazer

City Staff in Attendance: Ryan Snow (City Manager), Skarlet Bankhead (Community Development Director) & Ty Cameron (City Recorder)

Pledge of Allegiance: Joe Chambers

- Michale Fortune noted that Tyler Riggs has permanently stepped away from the Planning Commission and would no longer be a member. Bob Washburn, who is a designated alternate, will no be a full-time voting member.

2 MIN. 40 SEC.

Approval of Minutes: The Planning Commission will consider approval of the minutes for September 27th, 2023. [\(MINUTES\)](#)

- Michael Fortune called for the approval of the minutes of September 27th.
- Bob Washburn commented that he had emailed some corrections and staff confirmed that those corrections have been fixed. Mr. Washburn commented that on line 57 the phrase should be changed to 'talked with' and on line 122 the word 'retention' should be added to describe what type of pond it will be.

Motion to approve the minutes of September 27th, 2023, with the corrected changes. – Brian Marble. 2nd Robert Henke.

Vote:

Yea- Robert Henke, Brian Marble, Michael Fortune, Bob Washburn & Joe Chambers.

Nay-

Abstained-

Absent- Shelly Nazer

Motion passes, minutes approved.

6 MIN. 50 SEC.

Public Comments: Citizens may express their views on issues within the Planning Commission's jurisdiction. The Commission accepts comments: in-person, by email providencecityutah@gmail.com , and by text 435-752-9441. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

- 47 • Michael Fortune opened the floor of public comment and asked staff if any comments had come in via
48 text or email. Staff responded that no texts or emails had come in.
- 49 • Loretta Buckley, resident, asked about the changes to subdivision amendments in Providence City and
50 the need for citizens or city to have something in place to notify residents of when developments are put
51 in, how the developments are being monitored or checked for compliance with the preliminary or
52 construction design documents. This information is crucial so that citizens have an informed approach to
53 development.
- 54 • The Planning Commission commented on the plat and subdivision construction process and how the city
55 and Planning Commission review plats and developments in their meetings via agendas which have the
56 developers applications, plans, staff reviews etc.
- 57 • Parties discussed how to best access information and the permitting process. Addressed the city's
58 responsibility and the County's as it relates to building code or building structures. The Planning
59 Commission noted that the city has specific requirements that developers must submit or complete to
60 ensure they meet city standards. Once the plat is approved, the developer must build the property to city
61 standards, including ensuring the sewer line connection, roads, curb and gutter etc. as the city is mostly
62 concerned with the right of ways and what the city will be responsible for. Inspections by city staff are
63 conducted to ensure these minimum improvements are achieved. A letter will be issued to the developer
64 at the end of the completion of the minimum improvements, indicating that the minimum improvements
65 have been achieved and that they can move on.
- 66 • The county handles the building inspection and enforcement. There are various inspections set based on
67 different parts being completed or phases; and until those phases are satisfactory to the city the
68 developer cannot move on to the next step or phase.
- 69 • Mrs. Buckley cited the current issues on Sherwood Drive and that parts or sides of the road are
70 collapsing.
- 71 • Ryan Snow indicated that the developers still own the road until final acceptance and then the road is
72 given over to the city to maintain, if it's a public road. After the initial inspection, a final inspection is
73 conducted after asphalt has been applied or the road has been fully completed, and a final inspection
74 letter is given. If fixes are needed, a bond is often put in place, and once the final inspection letter is
75 approved, the road is accepted as a city road for the city to maintain.
- 76 • The Planning Commission stated that Providence is committed to doing the best job for the city and
77 individuals involved in projects. Developers, engineers, and bond holders are responsible for specific
78 aspects of the process. The process is designed to protect the city by ensuring developers meet code
79 standards and live by them. Engineers are responsible for ensuring the land is properly surveyed and laid
80 out according to the plan. They are responsible for ensuring the project is completed correctly one step
81 at a time.
- 82 • The Planning Commission outlined the permit process and that permits are issued based on minimum
83 improvements and a letter of acceptance. However, there may not be documentation in between. For
84 example, building permits are issued based on inspection and review, but they are not guaranteed.
85 Citizens should be aware of potential issues and take necessary steps to ensure the project meets city
86 standards.
- 87 • The parties detailed the differences of private and public infrastructure, state law and cities being
88 protected from private issues or development failures.
- 89 • The Planning Commission commented on city and county responsibilities and building code standards
90 and what documents should be available to the public.

- Parties discussed the inspection process. Planning Commission commented that the contractors have a personal responsibility to ensure the project is done right, and they have a staff of people working to ensure the project is done right, just as the city has a staff to make sure the developer is following code. Parties talked about day-to-day reports and that the city does not have day to day reports but has previously discussed doing inspections as the development goes along, and as mentioned if the developer is not in compliance then the city does not allow them to move forward until all issues are fixed.
- Kendall Pace, resident, asked about the code review and timeline. The Planning Commission responded that this is just the first step and that once they have gone through it and cleaned it up a bit it will be presented to the public at a public hearing.
- Clair Hibbard, resident, commented on his property and the property next to his that is owned by the city and the possibility of doing a lot line adjustment as the shed he uses is on his and the city's property. The city responded that the property was purchased to help with a future roundabout in that area.
- The Planning Commission commented that they don't believe they have jurisdiction for such a matter and that Mr. Hibbard may want to talk to the City Council.
- No further comments or questions were posed. Michael Fortune closed the public comment portion of the meeting.

Study Items(s):

46 MIN. 10 SEC.

- **Item No. 1 Accessory Dwelling Unit Ordinance Revisions:** The Providence City Planning Commission will review & discuss revisions to the City's ADU Code **(CODE REVIEW)**

- Michael Fortune called item 1, gave a brief introduction and update of the code review. Clarified the formatting and coloring of the code review.
- Parties talked about outlining the definitions of these ADUs and similar structures and what will help define them such as self-contained dwelling units within a single-family dwelling unit with a separate entrance, separate housekeeping units that maintain independent living facilities for one or more persons that include permit provisions for living, sleeping, cooking, and sanitation.
- Bob Washburn commented on the issue of rental status for structures like these and whether we need to designate rental wording and rental length in the code.
- The parties discussed owner occupancy requirements, Airbnb's status and designating what is considered a short-term rental. Parties talked about conditional use and business license process.
- Loretta Buckley, resident, commented on Airbnb's and the owner occupancy requirements.
- The Planning Commission discussed clarifying ADU's, IADU's etc. and what the code currently reads and the additional types of structures they need to address or define. One issue that has been raised is the issue of short-term rentals, such as townhouses being used strictly as Airbnb's. The owner occupancy restriction is not used, and the townhouses are used as rental units.
- Parties discussed short term rentals and how they would go about enforcing this code and the issues of reporting.

- 132 • Loretta Buckley, resident, gave an example of going to the County to report that her parents
133 house in Logan was turned into a duplex with multiple residents illegally using it and the process
134 it took to report it to the County.
- 135 • Brian Marble commented on the purpose of the changes and moral issues neighbors would have
136 with each other if they turned in one another for having illegal rentals or ADUs. The city
137 enforces ordinances for renting houses as Airbnb's, but only when reported by the person who is
138 not related or not trying to cover it up. The key to enforcement is to find out about the issue and
139 find out about it from those who reported it or see it as an issue. Encouraging neighbors to squeal
140 on each other is a moral responsibility, but creating laws that encourage citizens to squeal on
141 each other is not the solution. Neighborhood watch programs are used to monitor complaints and
142 respond to them.
- 143 • The alternative to enforcing ordinances is to inspect and randomly select each house to determine
144 compliance, which would be very difficult. The Planning Commission commented that if
145 enforcement is not possible, there should be no penalties. Parties discussed the need to control
146 something and the need to refine zoning laws over time.
- 147 • Joe Chambers commented on the need to start somewhere and have something in place and that
148 over time they can amend and fix the issues that arise. Codes are not perfect, but they are a
149 starting point for controlling something. The way zoning laws work, if there is no exclusion, it is
150 deemed allowed. However, if enforcement is not possible, it is important to consider the
151 potential consequences of not enforcing ordinances. Discussed the importance of zoning laws
152 and the process of incorporating new regulations into existing codes. Mentioned that Airbnb
153 units may be grandfather in due to pre-existing codes. Commented that he did not like that the
154 code referenced the international residency code or IRC. Parties commented on state code and
155 building codes.
- 156 • Ryan Snow indicated that they could approve dated standards but risk the issues of their code
157 being frozen in time and what issues could arise by not updating it as the state updates or
158 international code updates. Mentioned that many cities have adopted the current building code to
159 avoid the need to adopt new codes every time they release and change. Emphasized the
160 importance of ensuring that new regulations are properly implemented and updated.
- 161 • Joe Chambers gave an example of an LLC, from North Logan, buying a house and renting it out
162 while a member of the LLC lived in the ADU above the garage and how it was allowed even
163 though their Planning Commission disapproved.
- 164 • Michale Fortune commented on keeping it simple and making sure they are complying with
165 State code.
- 166 • Parties discussed the State requirements. State code requires a general plan to include a
167 moderate-income housing plan, aiming to improve access to housing opportunities for low and
168 moderate-income residents. The State code requires encouraging such practices and looking for
169 alternatives, but the ordinance needs to be defined for the benefit of the community.
- 170 • Parties conveyed the goals of this amendment. The goal of the proposal is to maintain the
171 aesthetic qualities of current Providence residents by allowing detached apartments to
172 complement the existing houses or area. Provide options for detached apartments while
173 maintaining the aesthetic qualities of the neighborhood. The proposal aims to maintain the
174 aesthetics of the neighborhood while allowing the development of new apartments or places for
175 people to live.

- The parties discussed the issues of not complying with State requirements. If cities don't make progress, the State could take over and decide what ordinances and codes will be allowed and how they will be completed or enforced.
- Parties talked about landlord license and business licenses and the process that would be required if they enforced or included it in the code. Discussed the issue of landlord licenses for businesses or rentals, both internal and external, and the impact of these licenses on property taxation and the owners. Parties also acknowledged that people may be less likely to follow rules and report issues if they feel burdened or threatened by increased property taxes or possible penalties.
- Bob Wahburn commented on the issue of rent as part of the definition. Parties discussed defining ADU's IADU's etc. and issues of penalties and legalizations. Parties commented on past housing busts or overdevelopment and the issues that it caused the city or economy. The parties talked about self-reporting.
- The Planning Commission cited the overall goal and trying to find where the ADU's are in the city and being able to report those numbers to the State and making sure the residents who have ADU's are not in trouble and that they are helping the city out.
- Skarlet Bankhead commented on the subdivision code and the need to have that reviewed and approved before February 1st of next year.
- The Planning Commission discussed how to move forward with this item and review. Parties talked about putting together a subcommittee to work at refining the code review.
- Parties talked about instituting reporting incentives to residents who report their ADU's. Parties discussed State fines and penalties by not complying with State requirements.
- Brian Marble and Bob Washburn will participate in a subcommittee with city staff to work on this code review and bring it back to the Commission when its ready.
- Parties discussed open meeting law and what is and isn't allowed.

➤ **Item No. 2 Subdivision Amendments:** The Providence City Planning Commission will review & discuss revisions to the City's Subdivision Code. [\(CODE REVIEW\)](#)

- Item No. 2 was not called.

Motion to adjourn meeting – Robert Henke. 2nd – Bob Washburn.

Vote:

Yea- Robert Henke, Brian Marble Michael Fortune, Bob Washburn & Joe Chambers.

Nay-

Abstained-

Absent- Shelly Nazer

Motion passes, meeting adjourned.

Minutes approved by vote of Planning Commission on ____ day of _____ 2023.

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Michael Fortune, Chair

Ty Cameron, City Recorder.