

## 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 now 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 27<sup>th</sup>.
- 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 27<sup>th</sup>, 2023, with the corrected changes. – Brian Marble. 2<sup>nd</sup> 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](mailto: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 way 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 of the side 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. Developers are responsible for ensuring the project is completed correctly one  
81 step 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 • The parties detailed the differences of private and public infrastructure, state law and cities being  
86 protected from private issues or development failures.
- 87 • The Planning Commission commented on city and county responsibilities and building code standards  
88 and what documents should be available to the public.
- 89 • Parties discussed the inspection process. Planning Commission commented that the developers have a  
90 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 they city does not have day to day reports but has previously discussed does do 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 he code review and timeline. The Planning Commission responded that this is just the first step and that once they have gone though 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 in 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)**

- Micheal 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 permanent provisions for living, sleeping, cooking, and sanitation.
- Bob Washburn commented on the issue of rental status for structures like these and weather 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 and reporting violations.
- 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.
- Loretta Buckley, resident, gave an example of going to the County to report that her parents house in Logan was turned into a duplex with multiple residents illegally using it and the process it took to report it to the County.

- 134 • Brian Marble commented on the purpose of the changes and moral issues neighbors would have  
135 with each other if they turned in one another for having illegal rentals or ADUs. The city  
136 enforces ordinances for renting houses as Airbnb's, but only when reported by the person who is  
137 not related or not trying to cover it up. The key to enforcement is to find out about the issue and  
138 find out about it from those who reported it or see it as an issue. Encouraging neighbors to squeal  
139 on each other is a moral responsibility, but creating laws that encourage citizens to squeal on  
140 each other is not the solution. Neighborhood watch programs are used to monitor complaints and  
141 respond to them.
- 142 • The alternative to enforcing ordinances is to inspect and randomly select each house to determine  
143 compliance, which would be very difficult. The Planning Commission commented that if  
144 enforcement is not possible, there should be no penalties. Parties discussed the need to control  
145 something and the need to refine zoning laws over time.
- 146 • Joe Chambers commented on the need to start somewhere and have something in place and that  
147 over time they can amend and fix the issues that arise. Codes are not perfect, but they are a  
148 starting point for controlling something. The way zoning laws work, if there is no exclusion, it is  
149 deemed allowed. However, if enforcement is not possible, it is important to consider the  
150 potential consequences of not enforcing ordinances. Discussed the importance of zoning laws  
151 and the process of incorporating new regulations into existing codes. Mentioned that Airbnb  
152 units may be grandfathered in due to pre-existing codes. Commented that he did not like that the  
153 code referenced the international residency code or IRC. Parties commented on state code and  
154 building codes.
- 155 • Ryan Snow indicated that they could approve dated standards but risk the issues of their code  
156 being frozen in time and what issues could arise by not updating it as the state updates or  
157 international code updates. Mentioned that many cities have adopted the current IRC building  
158 code to avoid the need to adopt new codes every time the IRC release amendments or make  
159 changes. Emphasized the importance of ensuring that new regulations are properly implemented  
160 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.
- 173 • The parties discussed the issues of not complying with State requirements. If cities don't make  
174 progress, the State could take over and decide what ordinances and codes will be allowed and  
175 how they will be completed or enforced.
- 176 • Parties talked about landlord license and business licenses and the process that would be required  
177 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 1<sup>st</sup> 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. 2<sup>nd</sup> – Bob Washburn.**

**Vote:**

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

**Nay-**

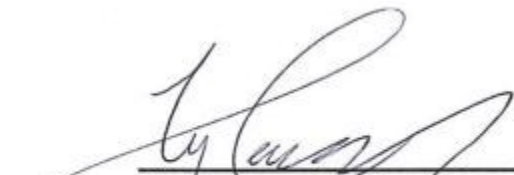
**Abstained-**

**Absent- Shelly Nazer**

**Motion passes, meeting adjourned.**

**Minutes approved by vote of Planning Commission on 25th day of October 2023.**

  
Michael Fortune, Chair

  
Ty Cameron, City Recorder