

PLANNING COMMISSION MINUTES

Wednesday, March 13th, 2024, 6:00 pm

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

To view the video recording of the meeting please visit the City's YouTube page found [HERE](#).

HR. MIN. SEC in green above items are timestamps of the YouTube video recording.

Call to Order: Michael Fortune

Chair Roll Call of Commission Members: Shelly Nazer, Robert Henke, Michael Fortune, Bob Washburn & Brian Marble (Via Zoom)

Members Absent: Joe Chambers

Staff in Attendance: City Manager Ryan Snow, Community Development Director Skarlet Bankhead and City Recorder Ty Cameron.

Pledge of Allegiance: Michael Fortune.

8 MIN. 30 SEC.

Approval of Minutes: The Planning Commission will consider approval of the minutes for February 28th, 2024. [\(MINUTES\)](#)

- Michael Fortune called for the approval of the minutes of February 28th, 2024.
- Bob Washburn brought up several clarifications that needed to be included to accurately reflect the discussions that took place during the last meeting. Key areas of concern involved details around discussions on retaining walls, with specifics on the elevation changes from the sidewalk to the driveway, grading to mitigate stormwater issues, and clarity on retaining wall heights and setbacks. The members collectively discussed the proposed changes or wording and what their intent was during that discussion.
- Staff indicated that a lot of what has been currently discussed has been included in the minutes per their meeting with Mr. Washburn. Planning Commission talked about pushing the approval of the minutes to the next meeting.

Motion to postpone the approval of February 28, 2024, minutes until the next meeting allowing time for the incorporation and review of the suggested stated changes to ensure the minutes accurately reflect the discussions that took place. – Bob Washburn. 2nd – Shelly Nazer.

Vote:

Yea- Shelly Nazer, Robert Henke, Michael Fortune, Bob Washburn & Brian Marble.

Ney-

Abstained-

Absent- Joe Chambers.

Motion passes, corrected minutes will be on the next agenda.

27 MIN. 55 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.

- Michael Fortune opened the floor for public comment.
- Loretta Buckley thanked everyone for all their hard work on these amendments and commented that she wished there was more public involvement.
- Staff indicated that no comments had come in via text or email.
- Michael Fortune closed the public comment portion of the meeting.

Public Hearings/Presentations: None

Legislative – Action Item(s): None

Administrative Action Item(s): None

Study Items(s):

29 MIN. 50 SEC.

- **Item No. 1 PCC Amendments Regarding the Use and Construction of Retaining Walls:** The Providence Planning Commission will review and discuss proposed changes to the city code that regulates the use and construction of retaining walls and make any recommended changes or suggestions. (Future public hearing to be held by the City Council.) [\(EXHIBIT\)](#)

- Michael Fortune called item 1, gave a brief introduction and asked Skarlet Bankhead if she would give a review of the changes that were made from the last meeting.
- Skarlet Bankhead reviewed with the Planning Commission the new proposed changes to the code that regulate the use and construction of retaining walls. Discussion included considerations for adjustments in retaining wall construction criteria to accommodate various topographic conditions. Specific measures are now included in the diagrams to illustrate setback areas and the orientation of retaining walls.
- Michael Fortune commented that the included requirement of engineering designs was a good idea.
- The Planning Commission asked when an applicant comes in who is going to do terraced wall, who will be responsible for reviewing that. Skarlet responded that staff would review it. Planning Commission commented on the engineering stamp requirements.
- Parties discussed what the maximum height would be for terraced retaining walls. Parties noted that it depends on how much property the applicant has to work with.
- Parties discussed the building permit requirements on walls that go beyond a certain height. Parties discussed putting fences on retaining walls, specifically safety rails and what height requirements those had to comply with.
- Loreeta Buckley asked for clarification on the building permit process and zoning clearance requirements that were based on retaining wall height. Mrs. Bankhead responded that the way the zoning clearance approval works, and it doesn't matter whether it's a retaining wall, a basketball court, a commercial building, or a residential building, as we contract with the County for building permits; but they don't feel like they're prepared to look at everybody's zoning code

and determine whether or not the placement of that structure meets the zoning ordinance for the individual. So, the cities that contract with the County have to do their own zoning review. So that's what we call the zoning clearance, so the city does their own zoning review; but once that is done the applicant can take that zoning approval from the city to the county to begin the building permit process.

- Parties discussed the retaining wall illustration regarding the horizontal being twice that of the vertical and when the building permit requirement comes into effect.
- Parties talked about the recording requirements and what can be recorded. Mrs. Bankhead responded that it can all be recorded so long as the first page meets the county's format criteria.
- Parties continued discussions of retaining walls for driveways and the need or requirement of a safety rail. Parties asked if there was a rail or fence height requirement based on the wall height. Mrs. Bankhead responded that she believed there was and would contact the County to get the specific measurements.

Motion to recommend to City Council that the approve the PCC amendments regarding the use and construction of retaining walls with the suggested additional changes and with the accompanying findings of facts, conclusions of law and conditions as found in the staff report. – Shelly Nazer. 2nd- Brian Marble.

Vote:

Yea- Shelly Nazer, Michael Fortune, Bob Washburn & Brian Marble.

Ney-

Abstained-

Absent- Joe Chambers, Robert Henke (left mtg. at 6:45)

Motion passes.

57 MIN. 20 SEC.

➤ **Item No. 2 PCC Amendments Regarding the Use and Construction of ADUs, IADUs & Structures:** The Providence Planning Commission will review and discuss proposed changes to the city code that regulates the use and construction of ADUs, IADUs & Structures and make any recommended changes or suggestions. **(EXHIBIT)**

- Michael Fortune called item 2, gave a brief introduction and asked Skarlet Bankhead to give an overview of the staff report.
- Skarlet Bankhead commented that the proposed amendment aims to guide growth in Providence while preserving natural scenery and providing more opportunities for residents to live, work, and recreate. Initiative number 6 of the city's moderate income housing plan aims to provide housing opportunities for residents of all ages, income levels, and family sizes, while supporting affordable housing resources and fair housing practices. The city code requires the general plan to include a moderate-income housing plan, with the goal of improving access to housing for low- and moderate-income residents, promoting fair housing practices, and ensuring affordable housing units. The amendment also aims to create or allow for and reduce regulations related to internal or detached accessory dwelling units in residential zones, eliminating impact fees for any non-internal accessory dwelling units. Mentioned that in previous meetings the Planning

Commission suggested combining the accessory dwelling unit code and internal dwelling apartment code to meet the objective of reducing regulations and streamlining the process. Noted that the current code does not allow an ADU to be in front of the primary residence, but it allows it to be part of a new detached building as long as the ADU itself maintains no more than 1200 square feet. This change was based on discussions with people who wanted to put ADUs on their property but felt they couldn't.

- Brian Marble and Bob Washburn led the discussion regarding the changes or amendments that have been made. Planning Commission focused on and discussed the definitions. Parties discussed living arrangements or requirements that help define ADUs and IADUs.
- The parties talked about rentals, occupancy requirements and business license. Staff indicated that short-term rentals would be discussed at a later date and would not be part of this code.
- Parties discussed the definitions of farm buildings and accessory structures. Parties talked about permanent and non-permanent structures.
- Parties discussed the chart found on page 9 of the exhibit and commented that the chart explains the concept of yards and setbacks in property planning. It explains that accessory buildings or structures can take up a certain amount of yard space, which includes the setback. The chart shows that the green line represents the property, the dotted bluish line represents a setback, and the red line represents the yards. The chart on the right shows an interior lot, with a front yard and a backyard. The setback is not the yard, as some people believe it is. The chart also explains that a street side yard extends the length of the street, with the front yard and the rear yard. The setback is smaller than the actual yard, but it is still considered part of the property. The chart also discusses the difference of opinion on whether a rear yard is available for accessory buildings, and how the ordinance changes affect the allocation of yard space.
- Parties reviewed the retaining wall graphic found on page 10 of the exhibit. Parties discussed numbering the illustrations to better reference which one is being talked about in the code.
- Parties discussed side yard required measurements as it correlates to the buildings height and percentage of the overall lot.
- Parties continued general discussion of structures, ADUs, IADUs and there differences and specific requirements.
- The Commission meticulously reviewed the amendments regarding accessory dwelling units (ADUs) and internal accessory dwelling units (IADUs), as well as related structures, aiming to balance privacy, utility, and regulatory concerns while adhering to the state code and general plan objectives. Notable discussions included considerations of structural height limits relative to primary residences.
- Considerations were discussed around maintaining a residential aesthetic congruent with existing dwellings without unduly restricting property rights. The Commission also considered regulations about the distance between structures, the usage of existing utilities, and how the physical characteristics surrounding the ADU should respect neighbors' privacy through appropriate landscape screening, fencing, and window and door placements. Michael Fortune recommended that the word 'maximum' be removed from section M of 10-12-4 as it seemed very restrictive.
- Parties reviewed the area regulations chart found on page 5 of the exhibit. Parties discussed setbacks as they relate to principal use and principal structure.

Motion to move item 2 PCC amendments regarding the use and construction of ADUs, IADUs & Structures to a public hearing with recommended changes that have been stated here tonight with the accompanying findings of fact, conclusions of law and conditions as found in the staff report. – Bob Washburn. 2nd Shelly Nazer.

Vote:

Yea- Shelly Nazer, Michael Fortune & Bob Washburn.

Ney-

Abstained-

Absent- Joe Chambers, Robert Henke (left mtg. at 6:45), Brian Marble (left mtg. At 7:36)

Motion passes. Item to be set for a public hearing with the recommended changes.

Motion to adjourn. – Shelly Nazer. 2nd- Bob Washburn.

Vote:

Yea- Shelly Nazer, Michael Fortune & Bob Washburn.

Ney-

Abstained-

Absent- Joe Chambers, Robert Henke (left mtg. at 6:45), Brian Marble (left mtg. At 7:36)

Motion passes, meeting adjourned.

Minutes approved by vote of Commission on _____ day of _____ 2024.

Michael Fortune, Chair

Ty Cameron, City Recorder