

PROVIDENCE CITY PLANNING COMMISSION
September 26, 2012
Providence City Office Building
15 South Main, Providence, UT 84332

Attendance: Jeff Baldwin, Rowan Cecil, Sherm Sanders, Roy Sneddon, Garrett Walker
Excused: Gordon Allred

The Providence City Planning Commission will meet at 300 East and 300 South at 6:00 p.m. to consider a request by Steve Baugh to waive the infrastructure requirements or allow a modified road profile for a proposed 3-lot subdivision.

Steve Baugh and members of the Planning Commission met on-site at 300 East and 300 South. They measured the various right-of-way widths so they could understand the impacts to the property. They measured on 300 East and 300 South. Sheryl Eames, Ralph Call and Skarlet Bankhead were also present. Reducing the 99-foot right-of-way was discussed.

- S Baugh explained where the two lots would be located. He explained his request to reduce the right-of-way was to standardize things.

Public improvements were discussed.

- S Baugh explained he does not want to put sidewalks in because it doesn't tie to anything.
- S Baugh stated he would like to widen the road in lieu of a sidewalk. He felt if asphalt was extended it could permeate into the soil better than it does now.
- R Call felt curb and gutter went hand in hand with sidewalk.
- G Walker felt there were times you could have a sidewalk with a swale.
- Some Commission members felt the sidewalk could be serpentine to avoid the trees.
- R Sneddon expressed concern that exceptions could open Pandora's Box.
- S Baugh asked if the City would rather have a sidewalk by the road. It was explained there would be a park strip between the road and the sidewalk.

Motion the Planning Commission not recommend changing any requirements; don't vacate, don't change any requirements – G Walker, second - R Cecil.

- S Baugh asked what the motion meant. G Walker explained the status-quo stays the same for the right-of-way, 66 foot road profile with sidewalk curb and gutter, or a swale if it's ok.
- J Baldwin wanted to break the motion into two parts. He didn't see the need to keep the 99-foot right-of-way; it would make a difference on setback. He felt the sidewalk and at minimum a swale should be installed.
- The Commission decided to split the motion into two parts.

Motion to recommend to the City Council they not make any changes to the existing infrastructure requirements – G Walker, second – R Cecil;

Vote:

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon, G Walker

Nay: None

Excused: G Allred

Motion to recommend the City Council vacate the public right-of-way to the 66-foot standard to be standard with other roads with in the City on both 300 East and 300 South – J Baldwin, second – S Sanders,

Vote:

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon

Nay: G Walker

Excused: G Allred

Motion to recess to go back to the building – R Cecil, second – S Sanders,

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon, G Walker

Nay: None

Excused: G Allred

The Planning Commission reconvened the meeting at the Providence City Office at approximately 6:50 p.m.

Motion to reconvene the meeting – G Walker, second – Sherm Sanders

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon, G Walker

Nay: None

Excused: G Allred

APPROVAL OF THE MINUTES:

The Providence City Planning Commission will consider for approval the minutes of September 12, 2012.

Motion to approve the minutes – R Cecil, second – S Sanders

Corrections:

Pg 2 line 21 – change consequences to impact

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon, G Walker

Nay: None

Excused: G Allred

ACTION ITEMS:

Item No. 1: The Providence City Planning Commission will consider for recommendation to the City Council amending the Providence City Code Title 10, Chapter 1, Section 4 Definitions including but not limited to: Accessory Buildings, Main Building and Business Use General, Low Impact and Medium Impact.

Motion to approve the accessory building definition as given [A subordinate building, detached, and used for a purpose customarily incidental to the main structure on a lot, such as a private garage, offices, storage or repair facilities, etc.] and that the accessory building cannot be built prior to the main building – R Cecil, second – J Baldwin;

S Sanders expressed concerned about someone building a barn for animals on a residential lot.

Vote:

Yea: J Baldwin, R Cecil, R Sneddon

Nay: S Sanders, G Walker

Abstained: None

Excused: G Allred

Motion to approve the definition of the main building [The principal building upon a lot or the building which housed the principal use upon a lot, such as a residence, business, etc. A residential building must be the man building on a residential lot.] – J Baldwin, second – R Cecil;

Vote:

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon, G Walker

Nay: None

Abstained: None

Excused: G Allred

R Sneddon reported he changed the definition of business office low impact as follows:

LOW IMPACT USE:

- (1) *The following limitations on noise, particulates or noxious emissions, odor, or light emissions apply:*
 - a) *Noise - less than 60 dB (example AC)*
 - b) *Particulates and noxious emissions - AQI, Air Quality Index, less than 50 (Good)*
 - c) *Odor - None*
 - d) *Light emission – Does not exceed existing neighborhood ambient conditions.*
- (2) *The delimiting state (above) must exist without the use of any natural or man- made attempts at mitigation of the four (4) items listed.*
- (3) *Truck pickup or delivery is limited to single unit trucks having a gross vehicle weight of less than 33,000 lbs.*

- (4) *No outside storage of materials or refuse is permitted.*
- (5) *Parking incidental to the use is limited to 2 on-street cars.*
- (6) *The utility provider e.g. Rocky Mountain Power cannot provide 3-phase electrical power to any building.*

- J Baldwin felt “does not exceed existing neighborhood ambient conditions” works better than setting a decibel.
- G Walker liked having a measurable standard as much as possible.
- R Sneddon explained this is the noise created by the business, as opposed to use of a “weed wacker.”
- S Sanders felt if the noise was not greater than anyone else, they shouldn’t be penalized.
- R Sneddon explained the medium impact is required to mitigate to get to the low impact standard.
- G Walker felt listing some of the uses is beneficial or examples of uses that would not qualify.
- G Walker asked how we could prevent someone teaching pole dancing.
 - R Sneddon reported his philosophy was if it is not illegal and it doesn’t bother anyone we shouldn’t care.
 - D Calderwood didn’t know how to regulate morality.
 - S Sanders felt there would be some standard. G Walker felt there is a community standard that could be applied.
- G Walker felt it made sense to enumerate examples and consider impact.
- J Baldwin was ok with the direction of the impact. He just doesn’t want to make the business more restrictive than normal living.
- G Walker suggested the following: Permitted home business generally focusing on craft, skill or trade, such as: tailors/seamstresses, artists/authors/sculptors, artisans/craftsman, handicrafts, and related occupations or artistic work, carried on by members of the residing family; which use is clearly incidental and secondary to the use of the dwelling; no commercial display is permitted and must meet the criteria listed:
- R Sneddon suggested examples are, but not limited to, the following:
- G Walker asked if people can convert to 3-phase power; why would we want to limit Rocky Mountain Power.
 - J Baldwin explained the difference. If you’re converting, you only have 3-phase when your machine is running. If you have 3-phase power, you have a large amount of power all the time.
- R Sneddon suggested: A permitted home business is generally focused on but not limited to a craft, skill, or trade.
 - G Walker felt the “not limited to” opens the definition up too much. G Walker wanted to give the City more power make decisions.
- J Baldwin would like to add the low impact list to the existing low impact definition.

R Sneddon explained a single unit truck less than 33,000 lbs. similar to large UPS truck

Motion to recommend to the City Council, for approval, a revision to the business use – low impact A permitted home business generally focusing on a craft, skill, or trade such as: tailors/seamstresses, artists/authors/sculptors, artisans/craftsman, handicrafts, and related occupations for artistic work carried on by members of the residing family, which is clearly incidental to the use of the building; no commercial display is permitted. The office must meet the low impact use criteria as listed [LOW IMPACT USE:

1. The following limitations on noise, particulates or noxious emissions, odor, or light emissions apply:
 - a) Noise - less than 60 dB (example AC)
 - b) Particulates and noxious emissions - AQI, Air Quality Index, less than 50 (Good)
 - c) Odor - None
 - d) Light emission – Does not exceed existing neighborhood ambient conditions.

2. The delimiting state (above) must exist without the use of any natural or man- made attempts at mitigation of the four (4) items listed.
3. Truck pickup or delivery is limited to single unit trucks having a gross vehicle weight of less than 33,000 lbs.
4. No outside storage of materials or refuse is permitted.
5. Parking incidental to the use is limited to 2 on-street cars.
6. The utility provider e.g. Rocky Mountain Power cannot provide 3-phase electrical power to any building.] -- G Walker, second – R Cecil

Yea: R Cecil, S Sanders, R Sneddon, G Walker.

Nay: J Baldwin

Abstained: None

Excused: G Allred

R Sneddon suggested the following:

MEDIUM IMPACT USE:

- (1) *The following limitations on noise, particulates or noxious emissions, odor, or light emissions apply:*
 - (a) *Noise - less than 80 dB (example manual machine tools)*
 - (b) *Particulates and noxious emissions - AQI, Air Quality Index, less than 75 (Moderate)*
 - (c) *Odor = none*
 - (d) *Light emission - Does not exceed existing neighborhood ambient conditions.*
- (2) *The delimiting state of the four (4) items above may be achieved by use of natural or man-made methods of mitigation.*
- (3) *Pick up or delivery to the site by single unit trucks having a gross vehicle weight greater than 33,000 lbs. is permitted.*
- (4) *Outside storage of materials including gases and refuse must be done in a manner which (1) screens these items from public view and (2) prevents unauthorized entry into the storage area. Natural or man-made mitigation procedures may be used.*
- (5) *Parking incidental to the use must be provided by a screened, off-street parking area.*
- (6) *The utility provider e.g. Rocky Mountain Power cannot provide 3-phase electrical power to any building.*

- R Sneddon felt lighting could be mitigated.
- S Sanders asked about off-street parking.
- G Walker suggested on-street parking incidental to the business use and is limited to two cars.
- S Sanders felt no odor was impossible.
 - J Baldwin suggested neighborhood ambient conditions.
 - S Sanders felt medium impact implied there would be some odor.
 - J Baldwin and S Sanders did not want to be more restrictive than normal residential living.

Motion to recommend to the City Council approve the revised business use – medium impact: A conditional use home business, generally focusing on a craft, skill, or trade such as: tailors/seamstresses, artists/authors/sculptors, artisans/craftsman, handicrafts, and related occupations or artistic work; carried on principally by members of the residing family; the office must meet the medium use impact criteria
[MEDIUM IMPACT USE:

1. The following limitations on noise, particulates or noxious emissions, odor, or light emissions apply:
 - a. Noise - less than 80 dB (example manual machine tools)
 - b. Particulates and noxious emissions - AQI, Air Quality Index, less than 75 (Moderate)

- c. Oder = none
- d. Light emission - Does not exceed existing neighborhood ambient conditions.
- 2. The delimiting state of the four (4) items above may be achieved by use of natural or man-made methods of mitigation.
- 3. Pick up or delivery to the site by single unit trucks having a gross vehicle weight greater than 33,000 lbs. is permitted.
- 4. Outside storage of materials including gases and refuse must be done in a manner which (1) screens these items from public view and (2) prevents unauthorized entry into the storage area. Natural or man-made mitigation procedures may be used.
- 5. Parking incidental to the use must be provided by a screened, off-street parking area.
- 6. The utility provider e.g. Rocky Mountain Power cannot provide 3-phase electrical power to any building.]

with the amendment 1.c. odor does not exceed the neighborhood ambient conditions, 5. On-street parking incidental to the business use is limited to two on-street cars, any additional parking incidental to the use must be provided in a screened off-street parking area – G Walker, second – R Cecil,

Yea: R Cecil, S Sanders, R Sneddon, G Walker

Nay: J Baldwin

Abstained: None

Excused: G Allred

STUDY ITEMS:

Item No. 1: The Providence City Planning Commission will discuss amending Providence City Zoning Regulations to include defining and prohibiting short term rentals.

Motion to say short term rentals are not permitted – J Baldwin – no second.

- Various reasons for rentals were discussed. This discussion was regarding residential zones.
- The Commission felt that short term rentals would be 30 days or less.
- R Call suggested limiting how many times in a year.
- After discussion the Commission felt a property owner may only have two short term rentals per year for consideration.
- This would facilitate family reunion type examples. As a practical matter, this eliminates the business part, but still allows flexibility.
- D Calderwood reported the city council members received a letter from someone in California, wanting to rent a home for a family reunion. He felt Providence was a residential area and should be kept a residential area.

Motion to table to next meeting – R Cecil, second – G Walker,

Yea: J Baldwin, R Cecil, S Sanders, R Sneddon, G Walker

Nay: None

Abstained: None

Excused: G Allred