

1 **Providence City Planning Commission Minutes**

2 **Providence City Office Building**

3 **15 South Main, Providence UT 84332**

4 **July 27, 2016 6:00 p.m.**

5
6 Chairman: Mike Harbin
7 Commissioners: Rowan Cecil, Andrea Diamond
8 Alternate: John Parker
9 Excused: Robert James, Wendy Simmons

10
11 **Selection of Vice Chair:**

12 The Providence City Planning Commission will select a vice chair.

13 **Motion to nominate Mike Harbin as vice chairman: R Cecil, second - J Parker**

14 **Vote: Yea: R Cecil, M Harbin, J Parker**
15 **Nay: None**
16 **Abstained: None**
17 **Excused: A Diamond, R James, W Simmons**

18 **Approval of the Minutes:**

19 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of July 13, 2016.

20 **Motion to approve the minutes of July 13, 2016 with the following corrections: R Cecil, second – J Parker**

21 Page 1, line 54: R Cecil in attendance, voted yea

22 **Vote: Yea: R Cecil, M Harbin, J Parker**
23 **Nay: None**
24 **Abstained: None**
25 **Excused: A Diamond, R James, W Simmons**

26 A Diamond arrived at 6:08 pm.

27 **Public Hearing (6:00 PM)**

28 Prior to making a recommendation on proposed amendments to Providence City Code Title 2 Chapters 1 and 4,
29 Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative
30 services director”, the Planning Commission is holding a public hearing. The purpose of the public hearing is to
31 provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning
32 Commission invites you to attend the hearing in order to offer your comments.

- 33 • No public hearing comments.

34 Andrea Diamond arrived at 6:08 pm.

35 **Action Items:**

36 **Item No. 1. Proposed Code Amendments:** The Providence City Planning Commission will consider for
37 recommendation proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15
38 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative services director”.

39 **Motion to recommend to City Council to adopt the proposed code amendments: J Parker, second – R Cecil**

40 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**
41 **Nay: None**
42 **Abstained: None**
43 **Excused: R James, W Simmons**

44 **Item No. 2. Amended Final Plat:** The Providence City Planning Commission will consider for approval an amended
45 plat of Lots 4 & 5 of Edgehill Drive Estates and Lot 34 of East Edgehill Estates Phase 2; eliminating Lot 5 and
46 absorbing a portion of the lot into Lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill
47 Drive Estates.

- 48 • Danny Macfarlane, civil engineer for this project, gave a brief overview.
- 49 • S Bankhead said there have been no comments from the public regrading this amended final plat.

50 **Motion to approve the amended final plat of Lots 4 & 5 of Edgehill Drive Estates and lot 34 of East Edgehill
51 Estates Phase 2: R Cecil, second – A Diamond**

52 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**
53 **Nay: None**
54 **Abstained: None**
55 **Excused: R James, W Simmons**

1 Item No. 3. Exception to 11-5-7:A. Warranty Bond: The Providence City Planning Commission will consider for
2 recommendation to City Council a request for an exception to Providence City Code 11-5-7:A. Warranty Bond,
3 requested by Stan Checketts.

- 4 • Stan Checketts addressed the Commission. He has lived here for 75 years and is well known. He is asking
5 for this exception to the warranty bond in order to begin building. He would like to put up the
6 performance bond and when that is paid down; then he will put the warranty bond in place.
- 7 • A Diamond asked what the risk is to the city by waiting for the warranty bond.
- 8 • S Checketts said the risk is that he wouldn't do the warranty bond, but he said that would not happen. He
9 will put the warranty bond in place as soon as he is done with construction.
- 10 • A Diamond asked if he had a business partner in case something happens to Stan that would prevent him
11 from completing the project.
- 12 • S Checketts has no other business partner in this venture.
- 13 • S Bankhead said executive staff has reviewed this exception request. She explained how performance
14 securities and warranty bonds work. Executive staff came to the decision that there are no specific
15 conditions that support granting the exception. If the city council decides to allow the warranty bond to
16 be submitted at a later date, then city code should be changed rather than allowing it as an exception.
17 However, executive staff is not in favor of changing the ordinance either. Infrastructure needs to be in
18 place before building can begin in a development. Safety is a concern and emergency vehicles need to be
19 able to access the development. If the warranty bond is not required until all infrastructure is in place,
20 there is a risk that the monies required for the warranty bond would have been depleted through change
21 orders. If, for whatever reason, the warranty bond could not be put in place at a later date, then building
22 permits are delayed. That is the risk to the city, and also to the people who have purchased the lots. That
23 is why both bonds are required at the time of recording. Once the performance bond is released, there
24 isn't a lot of incentive to get the warranty bond in place.
- 25 • R Cecil asked if planning commission can make a recommendation to city council to consider an
26 exception.
- 27 • S Bankhead said you can make a request to change the ordinance, or you can make a request to grant the
28 exception, but you must have compelling reasons.
- 29 • R Cecil asked about S Checketts giving two lots to the city in lieu of the bond.
- 30 • S Bankhead said if there isn't something unusual or unique about this, there is nothing to go by in granting
31 the exception. If you take lots in lieu of the warranty bond, the next developer may want to make the
32 same request.
- 33 • There was discussion regarding change orders.
- 34 • S Checketts said he has donated land and services to the city and so he is asking this favor from the city.
- 35 • Steve Jenson said there are some exceptions that need to be recognized. Stan has been willing to reroute
36 the Bonneville Shoreline Trail, has offered land for a well, land should be just as valuable as cash. City can
37 benefit from that holding. He is a great developer to work with. Other developers can be told that he has
38 worked for the city multiple times.
- 39 • A Diamond asked if there was any harm to the city in holding property for cash.
- 40 • S Bankhead said you can make recommendations to the city council, but you have to be aware that if
41 someone else comes in and they have also gone above and beyond; the criteria has to be something that
42 can be used again.
- 43 • There was further discussion about the bonds, escrow accounts.
- 44 • R Cecil said S Checketts is an outstanding individual who has been very generous with the city. He feels
45 Planning Commission should recommend the exception to the City Council.
- 46 • J Parker asked how difficult it would be to change the code to benefit Stan or any other developer.
- 47 • S Bankhead said it isn't difficult, but a process is involved. A public hearing would be required and it would
48 have to be approved by city council. If there are compelling reasons to grant the exception, that is how
49 this should be handled rather than changing the code. However, Executive Staff could not find a
50 compelling reason to grant this exception.
- 51 • A Diamond how other cities handle similar situations. Has the 110% ever been an issue?
- 52 • S Bankhead said the 110% hasn't been an issue, but there have been issues with no warranty bond in
53 place.

1 **Motion to recommend that City Council provide an exception to Providence City Code 11-5-7:A as requested by**
2 **S Checketts: R Cecil, second – J Parker**

3 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**

4 **Nay: None**

5 **Abstained: None**

6 **Excused: R James, W Simmons**

- 7 • S Bankhead said changing the ordinance is better than granting an exception. Very seldom is an exception
8 a good idea.
- 9 • A Diamond felt like trying to grant the exception was a better way to go rather than changing the
10 ordinance. She feels Stan Checketts is a good person who has benefited the city and should get the
11 exception.
- 12 • There was further discussion about warranty bonds and performance bonds.
- 13 • J Drew felt changing the ordinance was the correct way to go; but he felt as long as the city is covered and
14 there is enough money in escrow to cover the performance bond and the warranty bond, he has no
15 problem granting the exception as long as the money for the warranty bond is never drawn down.
- 16 • It was decided legal counsel will be consulted for options that may be available.

17 **Study Items:**

18 **Item No. 1. Proposed General Plan Amendments:** The Providence City Planning Commission will discuss a
19 plan/schedule to review the various elements and aspects of the Providence City general plan.

- 20 • R Cecil said the entire general plan needs to be reviewed. The chairman of the commission should make
21 assignments to commissioners.
- 22 • J Drew suggested the public be invited as specific sections are discussed. Descriptions for zones need to
23 be addressed.
- 24 • A Diamond asked S Bankhead to offer training on what the priorities are in addressing the general plan.
- 25 • S Bankhead said would facilitate discussion, but there are also consultants who can help with making a
26 plan.
- 27 • D Macfarlane said it is important to hire someone who is an expert that can guide the process, but the
28 planning commission will make the decisions.
- 29 • S Bankhead said state code will dictate what needs to be covered in the general plan. Planning
30 Commission is not writing ordinances. First we need to establish what needs to be covered, then we can
31 expand to additional items and elements in the plan.
- 32 • There was further discussion on how this process will unfold with the expertise of a consultant.
- 33 • D Macfarlane said there has been success in other communities in getting public involvement, public
34 hearings, etc.
- 35 • Moderate income housing will be discussed at next meeting.

36 **Item No. 2. Proposed Master Plan Sheet No 5-B Amendment:** The Providence City Planning Commission will discuss
37 amendments to the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the
38 plan for future rezoning of existing districts within the Providence City Corporate limits.

- 39 • R Cecil said at last meeting SFE was proposed to the city council and there was a complaint from a
40 resident at the city council meeting last night.
- 41 • S Bankhead said the council did approve the rezone of the Baker property to SFL. The map is inconsistent.
42 There should be no white zones when the map is done for future rezone. She suggested using the existing
43 zoning map and make changes from that map. That will make future zoning easier.
- 44 • It was suggested that a consultant come in and give professional advice.
- 45 • A Diamond asked what the objections are to SFE.
- 46 • D Macfarlane said Providence Hollows was zoned SFT but none of the lots are smaller than a third acre.
47 Market conditions dictated the size of the lots in that subdivision. Maintenance is a concern for a city.
48 Acre lots require same road maintenance, but you aren't generating more tax. Larger lots do not
49 necessarily guarantee nicer homes. Providence Hollows has very strict covenants. Only so many people
50 can afford large lots. The largest lots in Providence Hollows were purchased by Cache Valley residents.
51 Nobody from out of town purchased those lots. Banks are not giving loans on large lots; it's too much of a
52 risk. Developers are buying the lots because they have the capital/larger line of credit to do it. SFE is a no
53 growth mentality.

- 1 • A Diamond said relative to the rest of the city, SFE is a small section. An HOA can share in the road
- 2 maintenance costs.
- 3 • D Macfarlane said those costs eventually revert back to the city.
- 4 • Steve Jenson said there are only two places that are zoned SFE. Of those two places, only one home is not
- 5 kept up. He also feels zoning SFE gives the city leverage with developers.
- 6 • S Checketts said water is a concern for SFE. SFE requires a lot of water. He also felt the city should slow
- 7 down on making the north east end of town SFE and see if the SFE lots sell before making more zones SFE.
- 8 • A Diamond commented on ranchette properties.
- 9 • J Drew said he spoke with Nate Webb who is a Providence resident and works for a title company. Nate
- 10 has told him there is a lot of interest in Providence for estate lots.
- 11 • S Checketts said Providence doesn't have the land for ranchettes. There isn't that much property left in
- 12 Providence.
- 13 • D Macfarlane encouraged the commission to review Envision Cache Valley. About every 30 years Cache
- 14 Valley doubles. If chunks of land are sectioned off for SFE, Providence will run out of land very soon. SFE is
- 15 a direct contradiction to Envision Cache Valley.
- 16 • J Baldwin said zoning something SFT does not keep people from buying an extra lot or two if they want
- 17 larger lots.
- 18 • S Bankhead will provide a large zoning map with an overlay for the next meeting.

19 **Reports:**

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

- 21 • No staff reports.

22 Commission Reports: Items presented by the Commission Members will be presented as informational only; no

23 formal action will be taken.

- 24 • No Commission reports.

25 **Motion to adjourn: R Cecil, second – J Parker**

26 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**

27 **Nay: None**

28 **Abstained: None**

29 **Excused: R James, W Simmons**

30 Meeting adjourned at 7:40 pm.

31 Minutes recorded and prepared by C Craven.

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Michael Harbin, Chairman Pro Tem

Caroline Craven, Secretary