

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building, 164 North Gateway Drive, Providence UT 84332**
3 **March 27, 2019 6:00 p.m.**
4

5 **Call to Order:** Gary Sonntag, Chair
6 Attendance: Rowan Cecil, Bob Perry, Gary Sonntag, John Parker, Ruthann Holloway
7 Excused:
8 Voting Alternate:
9 Excused Alternate: Laura Banda
10

11 **Approval of the Minutes:**

12 **Item No. 1.** The Planning Commission will consider approval of the minutes for March 13, 2019.

13 **Motion to approve the minutes from March 13, 2019 – R Cecil, second – R Holloway**

14 **Vote:**

15 **Yea: R Cecil, B Perry, G Sonntag, J Parker, R Holloway**

16 **Nay:**

17 **Abstained:**

18 **Excused:**

19 **Excused Alternate:**

20 Corrections:

- 21 • Line 52 – General Plan

22
23 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues within
24 the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per
25 person. The total time allotted to public comment is 15 minutes.

- 26 • Dave Matthews explained that he is in the process of selling a 10 acre parcel (02-117-0022) and it is
27 shown on the future rezoning of existing districts map as CHD. He expressed his concern that the sale will
28 fall through because the proposed zone is different than the current zone. G Sonntag explained that the
29 map is just a draft and that the parcel still needs to be annexed in before a zone is assigned.
- 30 • G Sonntag felt that it is important to give applicants some inclination of what a zone may potentially be.
- 31 • G Sonntag asked the city staff and commission to reach out to Millville, USU and the county to see what
32 their future plans are for the surrounding area.

33
34 **Public Hearing(s):** None
35

36 **Action Item(s):**

37 **Item No. 1.** The Providence Planning Commission will consider for approval a final plat, for The Homes on Parkway
38 Subdivision, The amendment of Lot 1 Willow Place Subdivision Amended, 18- dwelling unit multi-family residential
39 subdivision located in the general area of 254 N Gateway Drive, Providence, UT; (Discussion time approximately
40 10 minutes)

41 **Motion to approve the final plat for The Homes on Parkway Subdivision with conditions as stated – R Cecil,**
42 **second – J Parker**

43 **Vote:**

44 **Yea:** R Cecil, B Perry, G Sonntag, J Parker, R Holloway

45 **Nay:** None

46 **Abstained:**

47 **Excused:**

48 **Excused Alternate:** L Banda
49

50 **FINDINGS OF FACT:**

- 51 1. ES used Providence City Code 10-8-9: Design Standards for Attached and Multi-Family Residential
52 Development to review the application and final plat.
- 53 2. ES used Providence City Code 11-3-3 Final Plat to review the application and final plat.
- 54 3. ES used the Providence City Corporation Department of Public Works Standards and Specifications Manual

to review the application and final plat.

CONCLUSIONS OF LAW:

1. ES determined that this type of development in the area where it is proposed is consistent with the principles in the Residential Development section of the General Plan.
2. The applicant provided a site plan, architectural plan, landscaping/irrigation plan, and parking plan that meet the standards listed in 10-8-9.
3. The infrastructure for Lot 1 of the Willow Subdivision was installed with the original development. A development agreement is not needed for this amendment.

CONDITIONS:

1. The Developer will continue to meet all applicable federal, state, county, and local codes, rules, laws, policies, etc.
2. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
3. The city engineer will verify legal description.
4. The surveyor's stamp needs a signature.
5. Applicant will submit water requirement calculations to compare with the original water dedication.
6. The construction drawings need to be approved by the City Engineer.

Item No. 2. Land use Training: The Planning Commission will discuss land use procedures with Executive Staff and the Ombudsman; (Discussion time approximately 90 minutes)

- Brent Bateman, Utah State Property Rights Ombudsman, discussed land use law and property rights issues.
- B Bateman explained that sometimes planning commissions need to make unpopular decisions. What's best for the community is not always what people want. He stated that this is happening everywhere and is not exclusive to Providence.
- B Bateman explained the difference between legislative and administrative decisions. Legislative decisions make laws. Administrative decisions apply the law. He explained that the planning commission has a legislative role in making decisions based on recommendations to the city council. The planning commission also has a role in administrative decisions by enforcing the laws of the city.
- B Bateman explained that the public does provide great input. He explained the importance of knowing and understanding if a legislative or administrative decision is being made because how the commission should handle the public is completely different in each scenario. A legislative decision is a policy decision. In this case he expressed the importance of the public's input. With an administrative decision, the commission is forbidden by law to consider public clamor. He explained that the only considerations for an administrative decision are whether it complies with the law.
- B Bateman explained to the commission the importance of not spending all their time making administrative decisions. The commission's main role is legislative action and making recommendations to the council.
- B Bateman explained that using plain language in the city code is extremely important. When the code is vague and there is unclear interpretation the judge will interpret it in the developer's favor and allow the use. He explained that the reason that this is fair is because the commission has the power to make the code better.
- Members of the executive staff introduced themselves and provided information on what role they play in land use applications.
- The executive staff includes, but is not limited to the following:
 - Skarlet Bankhead, Administrative Services Director
 - Mindi Petersen, Administrative Services Specialist for Land Use Applications/Zoning
 - Rob Stapley, Public Works Director
 - Tara Bankhead, Public Works Office Specialist
 - Aaron Walker, Logan City Fire Department Fire Inspector
 - Chad Woolley, City Attorney (Cowdell Woolley PC)

Max Pierce, City Engineer (CRS Engineers)
John Drew, Mayor
Roy Sneddon, Council Member
Brent Fresz, Council Member

- It was explained that before land use applications for subdivisions, mixed use development, or multi-family development are sent to the Planning Commission, they are reviewed by the city executive staff. The executive staff reviews plans for technical and general compliance with applicable federal, state, and local codes, ordinances, rules, specifications, standards, etc. Executive staff also prepares, reviews, and recommends city code amendments and general plan amendments for planning commission and city council action. Executive staff reviews and recommends capital project and facility master plans.

Study Items(s): None

Reports:

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

- None

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

- None

Motion to adjourn –R Cecil , second – J Parker

Vote:

Yea: R Cecil, J Parker, B Perry, G Sonntag, R Holloway

Nay: None

Abstained: None

Excused:

Excused Alternate: L Banda

The next meeting is Wednesday, April 10, 2019

Meeting adjourned approximately 9:15 PM

Minutes prepared by Mindi Petersen

Robert James, Chair

Skarlet Bankhead, City Recorder