

1 **Providence City Planning Commission Meeting**  
2 **164 N. Gateway Drive, Providence, UT 84332**

3  
4 **July 12, 2017 6:00 p.m.**  
5  
6

7 **Attendance**

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8 Chair: R James, Chairman  
9 Commissioners: Brent Fresz, John Parker, Ruth Ann Holloway, Gary Sonntag  
10 Excused: None  
11 Absent: Ruth Ann Holloway  
12

13 **Approval of the Minutes:**

14 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of June 28, 2017.  
15

16 **Revisions**

- 17 • Pg. 1, Note section – revise to “include working with the Planning Commission and City Council...”.  
18 Remove “serving on”.
- 19 • Pg. 2, line 13, revise to “if turnaround can be maintained **without** salt, then a hard gravel surface will be  
20 allowed. If it cannot be maintained without salt, then it will have to be an asphalt surface.
- 21 • Pg. 2 line 36 and 36 - Review minutes for conditions stated and include conditions in motion made.
- 22 • Review minutes for comments made by Ruth Ann Holloway about the Millville easement.

23 **Motion made to table the minutes of June 28, 2017 until revisions are made and reviewed.-by B Fresz, seconded**  
24 **by J Parker.**

25 **Vote: Yea: R James, B Fresz, J Parker, G Sonntag**  
26 **Nay: None**  
27 **Abstained: R Cecil**  
28 **Excused: R Holloway**  
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30

31 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues within  
32 the City’s jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per  
33 person. The total time allotted to public comment is 15 minutes.  
34

- 35 • Meeting opened for public comments.
- 36 • No public comments made at this time.
- 37 • Public comments session closed.  
38

39 **Action Item(s):**

40 **Item No. 1. Final Plat:** The Providence Planning Commission will consider for approval the final plat for Providence  
41 Heights Subdivision Phase 1, a 13-lot phase of a residential subdivision, located at approximately 900 South 400  
42 East. (Discussion time approximately 10 minutes)  
43

- 44 • R James opened discussion to consider the approval of the final plat for Providence Heights Subdivision  
45 Phase 1 and asked Skarlet Bankhead to provide a brief background and summary of the Executive Staff  
46 Review.  
47

48 **FINDINGS OF FACT:**

- 49 1. ES used PCC 11-3-3 Final Plat and other applicable chapters and sections of Title 11 Subdivision  
50 regulations to review the application and Final plat.
- 51 2. ES used PCC 10-8-1 Area Requirements and other applicable chapters and sections of Title 10  
52 Zoning Regulations.
- 53 3. ES used the Providence City Corporation Department of Public Works Standards and  
54 Specifications Manual to review the application and final plat.
- 55 4. ES used the Providence City Master Plan 2000 as revised to review the application and final plat.

1           **CONCLUSIONS OF LAW:**

- 2           1. ES feels the final plat meets the requirements of Providence City Code 11-3-3 with the following  
3           conditions:

4  
5           **CONDITIONS:**

- 6           1. The agreement with the water company needs to be submitted. This agreement will be attached  
7           as an addendum with the development agreement.  
8           2. Deeding parcel A to the City.  
9           3. City engineer will verify the legal description.  
10          4. Dimensions need to be shown on the turnarounds.  
11          5. Change Questar Gas to Dominion Energy in the signature block.  
12          6. Show lot addresses provided by the City Engineer.  
13          7. Add a note explaining what the "R" shown on some of the lots represents.  
14          8. Construction drawings approved and signed by City Engineer.  
15          9. Development Agreement will need to be approved by City Engineer.  
16          10. Cost Estimates will need to be approved. The applicant shall continue to meet all applicable city,  
17          state and federal laws, codes, rules.

18  
19          **RECOMMENDATION:**

20          The executive staff has reviewed the request, and recommends that the Planning Commission approves  
21          the final plat for Providence Heights Subdivision according to the Findings of Facts, Conditions of Law, and  
22          Conclusions listed above, that the conditions are fully understood by the developer.

- 23  
24          • S Bankhead provided additional background information on the above conditions.  
25              ○ Accepting water shares from the property owner was problematic for the City. The City did not  
26              want to accept water shares on this property and opted for a fee in lieu instead, however just  
27              because the City did not accept those shares does not mean that the issue with end of the line  
28              water went away. There will be some perpetual tail water because when the last user on that  
29              line shuts the head gate down, the irrigation company estimates that there will be anywhere  
30              from 15 minutes to 45 minutes' worth of water that will continue to flow depending stream  
31              level. The developer and the irrigation company will have a written agreement to determine how  
32              the irrigation company is going to resolve the problem of the tail water issue. The agreement will  
33              be included as an addendum in the development agreement. The developer has agreed to  
34              increase the size of the retention pond to accommodate possible tail water increases. In the  
35              event that someone does not shut off the head gate like they should and to allow this first  
36              development phase to get started before the irrigation company can install the piping to resolve  
37              situations like that, the developer has stated that they will be able to accept that water in their  
38              undeveloped portion of property to avoid flooding any homes that are going to be built. This is  
39              in the agreement. The final plans show a drainage easement to be dedicated to the City but after  
40              discussion with the developer, Matt Nielson of Sierra Homes feels that they would rather  
41              dedicate the entire parcel (Parcel A) to the City rather than just an easement.  
42              ○ The City Engineer will verify the legal description of the parcel and the dimensions of the  
43              turnarounds need to be mapped in order for the City to know where they can legally drive.  
44              ○ A note explaining what "R" shown on some of the lots represents needs to be added. The "R"  
45              identifies restricted lots but in addition to just placing an "R", a note should be included to "see  
46              legend" in order to ensure clarity. These are lots with limited access to 1000 South and 400 East.  
47          • J Parker asked how many shares of Spring Creek Water were involved?  
48              ○ S Bankhead believes that they were going to dedicate 16 or 17 shares, but they paid the fee in  
49              lieu instead.  
50              ○ J Parker confirmed that they are not going to dedicate the water.  
51              ○ S Bankhead responded that that is correct. The City accepted a fee in lieu instead. If the City  
52              could move that block of shares out of this lateral so there was no potential for Providence City  
53              to have flooding issues or if the shares could have been used differently, the City may have been

- 1 able to consider it. Since this could not be worked out, the city decided it would be better to  
2 accept a fee in lieu instead.
- 3 ○ R James commented that this is on the Bullock lateral where he lives and has on the Bullock  
4 lateral and watched houses being built below that area flood twice this summer from the  
5 overflow from the ditch. He completely agree with the City's point of view of not wanting to take  
6 responsibility for it but is quite concerned with these houses. Just giving up responsibility or not  
7 taking responsibility on the part of the City does not mean the homeowners are protected.
  - 8 ○ S Bankhead commented that this is what the agreement between Spring Creek Water Company  
9 and the developer will do. It outlines a plan that will be put into place before they can do any  
10 further development.
  - 11 ○ R James asked who would approve that plan.
  - 12 ○ S Bankhead responded that the City Engineer would approve the plan.
  - 13 ● G Sonntag asked which direction the irrigation water was coming from right now.
    - 14 ○ S Bankhead - it comes from the east then flows to the west It comes from the northeast and  
15 flows to the southwest according to the fall of the property. Traditionally, this southwest corner  
16 is a hole. It is lower than anything else and has acted as a quasi detention pond but it hasn't had  
17 to have all of these homes and driveways and everything added to it as well so they are  
18 developing what has historically been a catch basin what will legitimately be a storm drainage  
19 area and it is designed to compensate for that little bit of irrigation water when used properly  
20 but it is certainly not designed to compensate for all the water if someone fails to change the  
21 head gate.
    - 22 ○ G Sonntag - Is the new route for the water going to just come down the gutter.
    - 23 ○ S Bankhead yes, there is some piping. Providence City is going to do a sump pump on the east  
24 side of lot 13 that little ally way that is right there that belongs to Providence City we are going  
25 to improve our sump right there and then the developer will install a line for stormwater that is  
26 separate from the irrigation so we can keep the two separate.
    - 27 ○ B Fresz was there any discussion on Lot 13 being a restricted lot?
    - 28 ○ S Bankhead - no because that little ally way is not improved in any way. We actually had a  
29 development that has two lots restricted in it right now. They can either wait on those two lots  
30 on 470 East until another phase comes through and they are able to connect 500 East with 470  
31 East or they need to improve the ally way. At this point they are opting to wait rather than  
32 improve so there is not a reasonable access to lot 13 off the ally way.
  - 33 ● R James have we had the City Attorney review our liability?
    - 34 ○ S Bankhead we talked with the City Attorney and we will have them review the agreement as  
35 well. The City Engineer has also reviewed it. And then Mr. Nielson is here if you have any  
36 questions for the developer.
  - 37 ● R Cecil expressed concern about the number of driveways accessing 1000 South.
    - 38 ○ R James explained he does not believe it was discussed during the original zone change request.  
39 It was discussed during the preliminary plat; but at that point we had approved it. We don't have  
40 any ordinances that restrict access onto 1000 South.
  - 41 ● R James asked if there were any questions for the developer.
    - 42 ○ No further questions.
  - 43 ● R James explained he lives in the area. The ditch runs down through his property; and the area where  
44 houses are being built had water twice or three times this summer coming out of the ditch. He is quite  
45 concerned for those folks knowing how much water has historically ended up in this southwest corner.
    - 46 ○ Matt Nielson and R James reviewed the map for exact location of the area and discussed.
  - 47 ○ G Sontag asked if the ditch is going to be realigned to come down through that Providence City easement  
48 on the eastside then come down the gutter in the street.
    - 49 ○ Matt Neilson explained where and how this would happen showed on the map. So we will stop  
50 the water so we have that under control. Your question is that we have an open ditch right now  
51 that will flow over right now until we put the head gate and that will be done on the 18th when  
52 we get approval. That is what the letter basically states. When they (Spring Creek Water Co.) is  
53 ready to put the head gate in, it will solve those problems.
    - 54 ○ R James expressed concern that someone may not change the head gate.

- 1           ○ M Neilson explained the users have to be responsible people otherwise it is going to come down  
2           the gutter fill this up and someone needs to be aware of it.
- 3           ○ R James asked about contingencies in place if someone does not because his experience has  
4           been that no one turns it off.
- 5           ○ M Neilson explained Brent Speth is working on a letter. It is in the agreement that the Water  
6           Company is going to make these people responsible. If they turn it on then they are responsible  
7           for turning it off. That will help solve all these problems surrounding flooding. The intent is to  
8           take it down 10 South.
- 9           ○ G Sonntag asked where the water goes if it does spill.
- 10          ○ M Neilson - historically it will flood onto the property.
- 11      • R James suggested a condition that there will be a provision made to ensure water runoff that would  
12      therefore affect Lots 1, 2 and 3 gets taken to parcel A to be used as a drainage retention or detention  
13      whichever one it ends up being.
- 14          ○ J Baldwin, Councilman, commented that it seemed to him this is big list with many things that are  
15          at loose ends; maybe that list needs to be substantially smaller before it is approved.
- 16          ○ R James agreed; condition 1 is an unknown agreement; condition 8, condition 10 and some of  
17          these are significant conditions that must be resolved first.
- 18          ○ G Sonntag felt the number of conditions still remaining to be done ought to be accomplished and  
19          presented to the Planning Commission so they feel comfortable; otherwise it places a burden on  
20          staff to chase this down.
- 21          ○ B Fresz expressed concerns with four conditions: 1, 8, 9, and 10. He lives in the area and has  
22          driven through that water and sometimes when it rains, that thing almost overflows the street.
- 23      • B Fresz felt more time was needed to resolve the conditions.
- 24          ○ M Neilson felt the development had already been delayed on this too long. He will go down the  
25          road because he has been at the table too long. You have approved the preliminary plat with all  
26          those conditions and I have taken care of every condition that Skarlet has wanted. He taken care  
27          of the irrigation company. He got a letter from them that was presented earlier today that you  
28          are welcomed to read that will cover those need. He thinks that between now and the City  
29          Council, I think we can address all those issues that you are approving tonight. I think every that  
30          is on here has been taken care of and to table it for two weeks then another two weeks we  
31          would be losing time and I don't want to put it on hold any longer than it has been
- 32          ○ S Bankhead explained was the developer's choice to wait until the street cross-sections were  
33          decided. They could have proceeded at anytime with the ordinances that were in place in  
34          September at the time the preliminary plat was approved. They could have moved forward then  
35          but they chose to wait. While I understand that it is summer and they want to get moving, I don't  
36          want it to reflect that it was the City that held that up the whole time. They could have moved  
37          forward under the ordinances in place at the time the preliminary plat was approved.
- 38      • J Parker agreed with B Fresz.
- 39      • R James read the letter from Spring Creek Water Company (see letter attached dated July 12, 2017); and asked  
40      if City Engineering has looked at this.
- 41          ○ R Stapley commented that we have all had some discuss regarding these issues. It is a very temporary  
42          solution that kind of works, but it has drawbacks. A long term solution is what we are really wishing  
43          we could get closer to feeling more comfortable with; an agreement that would protect everyone  
44          involved. This si an attempt to get something that would allow the developer to move forward.
- 45          ○ J Drew, Councilman, felt it was physically impossible to use all that water on that lateral. This may  
46          sound like an idea that might work. Number one it is not fail safe. Neighbors that go on vacation.  
47          What we are saying is that we are going to rely everybody on that lateral to remember when they  
48          should be doing something or when they should not be doing something. At the end of the day, the  
49          question when it does not work is: who has the liability. When the residents of that property have a  
50          flood, they will be calling the City.
- 51          ○ R James commented on his experience in renting water shares.
- 52          ○ J Parker asked who the water master was there.
- 53          ○ S Bankhead replied it was Ralph Daniel.

- 1 ○ B Fresz the real issue is with Lots 2, 3, 4 and 5. He has no issues with lot 1, 6, 7 all the way through lot
- 2 13. For those 4 lots, without an agreement there is concern. Everything in that letter is great, but it is
- 3 not an agreement.
- 4 ● R Cecil asked M Hansen if he could have that agreement completed by next week.
- 5 ● Matt replied that he thought he could. However, the City Council Meeting is on the 18th and the
- 6 Planning Commission Meeting is on the 19<sup>th</sup>; they would miss the deadline.
- 7 ● R James asked how would approve the agreement.
- 8 ○ S Bankhead the City Attorney, Craig Smith would need to review it. I cannot speak for the
- 9 attorney so I can not say whether he would approve it or not.
- 10 ○ R James so we need to make sure then that an additional condition is added that the City
- 11 Attorney will need to approve the agreement.
- 12 ○ R James suggested Condition 1 should include a requirement that the City Attorney and City
- 13 Engineer review and approve the agreement. Number 9 should change to City Council shall
- 14 approve and then add a condition that the developer will mitigate any tail flow in the
- 15 undeveloped area so that it does not reach any lots in Phase 1 and is diverted to the
- 16 drainage easement. Those two changes and one addition to the condition.
- 17 ● S Bankhead stated that she may not be able to get the documents needed to present to City Council.
- 18 ● G Sonntag felt it was unfair to the City and to this commission to have to deal with things that are
- 19 unfinished and need to be received in a timely fashion; so we can conduct this in a fair and equitable
- 20 way. He felt things are trying to be accomplished that are a burden to the City and its staff.
- 21 ● R James reminded the Commission goal is to protect our citizens both current and future.

22 Motion to approve the final plat for Providence Heights Phase 1 with an amendment to condition #1 that the  
 23 water agreement between the developer and the water company is reviewed and approved by the City Engineer  
 24 and the City Attorney, that condition 9 be changed from City Engineer to City Council and add condition 11 that  
 25 the developer will mitigate any tail flow down to the undeveloped area to ensure it does not get into any lots in  
 26 Phase 1 and that it is diverted to parcel A. by B Fresz, seconded by R Cecil.

- 27 1. A written agreement between the developer and the water company will be submitted and
- 28 reviewed (not signed by) by both the City Attorney and the City Engineer. The agreement will be
- 29 included as an addendum to the development agreement.
- 30 2. The developer will dedicate and deed Parcel A to Providence City.
- 31 3. The City Engineer will verify the legal description on Parcel A
- 32 4. Dimensions need to be shown on the turnarounds.
- 33 5. Change the name of Questar Gas to Dominion Energy in the signature block.
- 34 6. Add the lot addresses provided by the City Engineer.
- 35 7. On restricted lot identified with an "R" add note: "see legend" for explanation to clarify
- 36 restriction.
- 37 8. Construction drawings must be approved by City Engineer.
- 38 9. Development Agreement must be approved by City Council.
- 39 10. Cost estimates will need to be approved.
- 40 11. The applicant shall continue to meet all applicable city, state and federal laws, codes and rules.
- 41 12. Developer will mitigate any tail flow on undeveloped area to ensure water does not reach any
- 42 lots and is diverted to Parcel A.
- 43 ● J Baldwin, Council Member, felt the Commission was jumping through hoops to help the developer.
- 44 He felt we should work together with him. J Baldwin also felt that with that many items on the list the
- 45 developer has really not presented you as the Planning Commission with proper preparation for you
- 46 to go ahead and approve this. By making these conditions, it places unreasonable demands on City
- 47 Staff to make sure everything gets done. He felt, in consideration of the comments during the
- 48 discussion, including the water being a major issue in that area, there needs to be more
- 49 preparation. It has not be adequately prepared for.

50 R James called for a vote on the motion:

51 Vote: Yea: None  
 52 Nay: R Cecil, B Fresz, R James, J Parker, G Sonntag  
 53 Abstained: None  
 54 Excused: R Holloway

1 Motion to table the approval of the final Plat for Providence Heights Subdivision with the required changes to  
2 conditions 1 and 9 including adding condition 11 as stated by Brent Fresz in the previous motion - R Cecil, second -  
3 B Fresz.

4 Vote: Yea: R Cecil, B Fresz, R James, J Parker, G Sonntag

5 Nay: None

6 Abstained: None

7 Excused: R Holloway

8  
9 **Item No. 2. Final Plat:** The Providence Planning Commission will consider for approval the final plat for Providence  
10 Estates Subdivision, a 26-lot residential subdivision, located at approximately 1180 South 400 East. (Discussion  
11 time approximately 10 minutes)

- 12 • S Bankhead reported Sierra Homes is handling this development as well. It is located approximately two  
13 blocks to the south of Providence Heights Subdivision. The preliminary plot was approved in February or  
14 March 2017. When you look at the timeline the preliminary plat application was received on August 2,  
15 2016. Changes were made in the ordinances and the developer chose to wait. The following findings of  
16 fact, conclusions of law, and conditions were reviewed:

17 **FINDINGS OF FACT:**

- 18 1. ES used PCC 11-3-3 Final Plat and other applicable chapters and sections of Title 11 Subdivision  
19 regulations to review the application and Final plat.
- 20 2. ES used PCC 10-8-1 Area Requirements and other applicable chapters and sections of Title 10 Zoning  
21 Regulations.
- 22 3. ES used the Providence City Corporation Department of Public Works Standards and Specifications  
23 Manual to review the application and final plat.
- 24 4. ES used the Providence City Master Plan 2000 as revised to review the application and final plat.

25  
26 **CONCLUSIONS OF LAW:**

- 27 1. ES feels the final plat meets the requirements of Providence City Code 11-3-3 with the following  
28 conditions:

29  
30 **CONDITIONS:**

- 31 1. The easement to the pond needs to be labeled as a “utility, access and maintenance easement”.
- 32 2. Change Questar Gas to Dominion Energy in the signature block.
- 33 3. Correct the legend for the restricted lot, the “R” is missing. On the lots involved, add a note to see the  
34 legend.
- 35 4. Construction drawings approved and signed by City Engineer.
- 36 5. Development Agreement will need to be approved by City Council.
- 37 6. Add note that the HOA will maintain all open space.
- 38 7. The applicant shall continue to meet all applicable city, state and federal laws, codes, rules.

39  
40 **RECOMMENDATION:**

41 The executive staff has reviewed the request, and recommends that the Planning Commission approves  
42 the final plat for Providence Estates Subdivision according to the Findings of Facts, Conclusions of Law,  
43 and Conditions listed above, that the conditions are fully understood by the developer.

- 44  
45 • R James suggested adding to Condition 6 that an HOA must be created.

46 Motion to approve the final plat with the addition to the conditions as discussed – R Cecil, second – J Parker

47 Vote: Yea: R Cecil, B Fresz, R James, J Parker, G Sonntag

48 Nay: None

49 Abstained: None

50 Excused: R Holloway

51 **Study Items(s):**

52 **Item No. 1 Multi-family and Mixed Residential Uses:** The Providence Planning Commission will discuss zoning  
53 districts, as described in Providence City Code Title 10 Zoning Regulations, Chapter 4 Establishment of Districts, and

1 uses within the districts, as described in Providence City Code Title 10 Zoning Regulations, Chapter 6 Use  
2 Regulations; focusing on multi-family and mixed use. (Discussion time approximately 30 minutes.)  
3 S Bankhead explained the Planning Commission is looking at various housing concepts. Ironwood Development has  
4 an example plan that could be presented as a starting point.

- 5 • Jeff Jackson and Craig Winder reviewed their plans for 40 acres of property located between River  
6 Heights and Providence. The property is currently in the County.
- 7 • This discussion is not to push high density. It is to get input and feedback on mixed housing types.
- 8 • They showed a plan of 108 lots in a traditional subdivision plan. However, they would like to  
9 incorporate more open space, keeping views open.
- 10 • A mixed use concept was also reviewed.
- 11 • The Planning Commission was receptive to the ideas presented. The city code will need to be  
12 reviewed and probably amended.
- 13 • The Commission will continue to study mixed use concepts.

14 **Reports:**

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

- 16 • S Bankhead explained the workshop that will follow is intended to get input on considering amending the  
17 City's annexation policy plan.

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

- 20 • None presented

21  
22 Motion to close the meeting – R Cecil, second – G Sonntag

23 Vote: Yea: R Cecil, B Fresz, R James, J Parker, G Sonntag

24 Nay: None

25 Abstained: None

26 Excused: R Holloway

27

28

29 Minutes prepared by S Bankhead.

30

31 **APPROVED 08/23/2017**

32

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34 \_\_\_\_\_  
Robert James, Chairman

35

36 \_\_\_\_\_  
Kristine Merrill, Office Specialist