

1 **Providence City Planning Commission Meeting**

2 **15 South Main, Providence UT 84332**

3 **September 28, 2016 6:00 p.m.**

4
5 Attendance

6 Chairman: Robert James

7 Commissioners: Rowan Cecil, Andrea Diamond (Alternate), Mike Harbin, John Parker, Wendy Simmons

8
9 Excused: None

10 Absent: None

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12 Skarlet Bankhead, Administrative Services Director

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14 **Robert James called the meeting to order at 6:00 PM.**

15
16 **Approval of the Minutes:**

17 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of September 14,
18 2016.

19 No corrections

20 **Motion made to approve the minutes of September 14, 2016 – R Cecil, second- J Parker.**

21 **Vote: Yea: R Cecil, M Harbin, R James, J Parker, W Simmons**

22 **Nay: None**

23 **Abstained: None**

24 **Excused: None**

25
26 **Public Hearing(s):**

27 **Item No. 1. Providence City Code Amendment:** The Planning Commission is holding a public hearing. The purpose
28 of the public hearing is to provide an opportunity for anyone interested to comment on amending Providence City
29 Code Title 10 Zoning Regulations, Chapter 1 Section 4 Definitions by adding a definition for Accessory Building
30 (small) and Chapter 8 Section Area Regulations by adding Accessory building (small) to the Space Requirement
31 Chart before action is taken. The Planning Commission invites you to attend the hearing in order to offer your
32 comments.

33
34 No public comments

35
36 **Item No. 2. Rezone:** The Planning Commission is holding a public hearing. The purpose of the public hearing is to
37 provide an opportunity for anyone interested to comment on the rezone request to change the zone of parcel no.
38 02-005-0005, a 77.5 acre parcel located in the northeast corner of the City at approximately 500 North 600 East,
39 from Agricultural (AGR) to Single-Family Traditional (SFT) before action is taken. The Planning Commission invites
40 you to attend the hearing in order to offer your comments.

- 41
42
- 43 • James Brackner, Mayor of River Height, submitted a letter regarding the rezone. River Heights is
44 concerned about the increased traffic resulting from the rezone that will be inevitable on 600 South
45 where River Heights Elementary is located. He asked to have this concern communicated at the public
46 hearing on September 28, 2016. Letter read at meeting by R James.
 - 47 • Danny McFarland, Providence, I have my own opinions about it. The last time I shared the information
48 that the larger lots verses the single family traditional and the tax revenue and smaller lots use more
49 water per acre than larger lots which means that the larger lots are going to resolve the loss of revenue
50 so there are two revenue streams that are going to be reduced. We also talked about the fact that there
51 are only so many people that can afford the larger lots making this a no growth mentality. Just from a
52 practical stand point, it is un-American to dictate to this level what someone does with their property. I
53 think they should be given the flexibility to do what they want with their property and as the market
54 dictates.
 - 55 • A Diamond read and reviewed the overall purpose of fundamental land use regulations according to Utah
56 state law which is to provide for the health, safety and welfare and promote the prosperity, improve the
57 moral peace, and good order, comfort and convenience and esthetics of each municipality for its present
and future inhabitants and businesses. Further identifying purpose as the greater good of the whole and

1 the sometimes contradictory and conflicting interests that arise. There is a real need to work together for
2 the general peace, health, safety and prosperity of our community while we make decisions on changes in
3 zoning particularly large areas like this.

- 4 • Ned Miller, Providence, 40 N 400 E, commented that he was concerned with the rate of change on this
5 zoning request which is of course the first step in development. He lives in the area and this can be very
6 disrupting. I would like to see more information on the plans for development in the area. It is one of the
7 more pristine places left in Providence and he is concerned with the impact the development will have on
8 the area.

9
10 Public comments session closed.

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12 **Action Items:**

13 **Item No. 1. Rezone Request:** The Providence City Planning Commission will consider for recommendation to City
14 Council a rezone request to change the zone of parcel no. 02-005-0005, a 77.5 acre parcel located in the
15 northeast corner of the City at approximately 500 North 600 East, from Agricultural (AGR) to Single-Family
16 Traditional (SFT).

17
18 **Motion made approval proposal to City Counsel to rezone request to change the zone of parcel no. 02-005-005,**
19 **a 77.5 acre parcel located in the northeast corner of the City at approximately 500 North 600 East, from**
20 **Agricultural (AGR) to Single-Family Traditional (SFT).- W Simmons, second- J Parker.**

21
22 **Vote: Yea: R Cecil, M Harbin, R James, J Parker, W Simmons**
23 **Nay: None**
24 **Abstained: None**
25 **Excused: None**

26
27 Discussion prior to motion

- 28 • R James commented on the review process and consideration of Single-Family Large and Single-Family
29 Estate although the future zoning maps currently showed this parcel as Single-Family Traditional (SFT).
- 30 • R Cecil commented that he had talked to a number of people, particularly those that lived in the older
31 sections of town who all wanted SFT. They did not want large or estate. We have plenty of water and all
32 that is needed is another storage tank.
- 33 • Danny McFarland said Stan Checketts offered to dedicate the land for the storage tank. The tank would be
34 installed with impact fees.
- 35 • Don Calderwood asked Rob Stapley to review the water situation in zone 2 because it does present some
36 difficulties.
- 37 • R Stapley commented that a zone 2 does require more water capacity and reviewed the options including
38 the pro and cons regarding the location. Sewer wise we are doing fantastic, the water lines will always
39 need to be updated and demand maintenance but with the expansion of storage capacity these will be
40 resolved. Ultimately a new reservoir will need to be constructed which will take a year or so. There are
41 some concerns about storm water concerns. All we can do is look at each area as it is developed o see
42 what the impact will be.
- 43 • Mayor commented that it is not a well situation; it is a reservoir situation. We have the ability to pump
44 water we do not have the ability to store water so we are looking for the best location to do this
- 45 • Dan McFarland commented on the various options available and that there are multiple ways to get water
46 to the land.
- 47 • Mayor stated that we can supply Little Baldy with water without water storage.
- 48 • R Cecil commented about Baker property changing from SFT to SFL.
- 49 • A Diamond commented on possible water issues with this development asked about safeguards the city
50 has in place if necessary.
- 51 • R James said since this is a rezoning request and all we control is the minimum and average size of the
52 map.
- 53 • W Simmons asked about updating the zoning maps.
- 54 • R James responded that they will be updated.
- 55 • R James asked Rob Stapley about how we are looking at traffic loads in the area.

- R Stapley replied that yes, and eventually Spring Creek Parkway will become a through way road. The rezone does not affect the traffic at this point. He also explained how the Executive Staff monitors each development in relation to traffic loads.
- Danny McFarland added comments on how provide an example
- Brad Skinner wanted to address concerns from Mayor James Brackner and commented that if Spring Creek Road were extended it would take a lot of traffic flow off that area by the elementary school that Mayor Bracken is concerned about.
- R James commented on what the traditional use and purpose of single-family large and single-family traditional zonings were according to city code.
- A Diamond reviewed R2 zoning. These are affected by lifestyle changes in that we may no longer be using the area for agriculture but that the need for greenspace now needs to be taken into account and the breathability of the city to incorporate nature and reserves to protect the value and integrity of rural and residential neighborhoods.
- J Drew commented about greenspace and how to create green space here in Providence. What this really should be are ranches or family farms. How do we create greenspace when most of the land will no longer be used for agriculture?
- W Simmons responded that one way would be to incorporate more parks.
- J Drew responded that citizen involvement is an important aspect of making that happen by getting people involved and opening doors to let this happen.
- Stan Logan, Providence commented that they had been trying to do just that but it just has not happened.
- Danny McFarlane commented about working with others in partnerships on developing areas.

Item No. 2. Preliminary Plat: The Providence City Planning Commission will consider for approval a preliminary plat for the Providence Heights Subdivision, a 30-lot residential subdivision located at approximately 900 South 400 East.

Motion to approve preliminary plat for the Providence Heights Subdivision, a 30-lot residential subdivision located at approximately 900 South 400 East with the condition that the applicate will meet all applicable city, state, and federal laws, codes, and rules. – R Cecil, second- J Parker.

Vote: Yea: R Cecil, M Harbin, R James, J Parker, W Simmons
Nay: None
Abstained: None
Excused: None

Discussion prior to motion

- R James commented that this is an almost unbuildable lot without extensive ground water mitigation because it is full of water most of the year.
- Matt Hansen, representing Sierra Homes, reviewed the plans for the retention wall and also addressed what the green space for this area would look like. There will be a retention pond in the subdivision there will be no fish but there be a fence around it and it will be built to code.
- R James asked if a traffic study was required and completed.
- Matt responded that no they did not because the traffic flow would not increase enough to warrant it.
- W Simmons asked if this was open access or private.
- Matt responded that it is a city right of way that is not privately owned.
- J Drew asked about the southeast corner of the property in which large amounts of Spring Creek irrigation water is seeping into the ground. How will the flow be mitigated because it is a termination point for that lateral?
- Rob Stapley responded that there are issues there, and many options are currently being evaluated. We think this is the perfect subdivision to work on as a secondary water supply. We are evaluating partnerships on water rights. This subdivision is unlike many we have seen because it is at the tail end of the water company's ditch system. Water has always dispersed in this area. It is not just the irrigation company that will need to address it. The water users above the subdivision will need to water differently. Water management will need to be more diligent and the water company will need to lead the resolve.
- Sharell Eames commented on the water issue. The policy of Spring Creek Water Company is that are that when it is your turn you are responsible for that water. Unfortunately that water has been allowed to run

- 1 without any supervision and that is where the problem is coming from. It is very easy to shut water off
 2 from a lateral to prevent that kind of thing. Spring Creek Water can address this.
- 3 • A Diamond asked if what the other issues are on this that we need to address and review.
 - 4 • Matt Hansen commented that they did run into problems due to the single-family large zoning. Many
 5 aspects had to be changed. We would have more flexibility with smaller lots and configuration of the
 6 roads in which concessions had to be made for larger lots.
 - 7 • W Simmons commented on the review of the executive staff review to approve the plans.
 - 8 • Matt added that various concepts were reviewed. We are responsible for 33 ½ ft. of road improvement
 9 and they met all the requirements and recommendation from the executive staff review.
 - 10 • R James reviewed specifications and code requirements for the lot size and setbacks comparing plans to
 11 executive staff review and discussed size variations on the lots.
 - 12 • R Cecil discussed issue about the water and suggested that we table the issue.
 - 13 • A Diamond commented on working with the developer on park space and possibly tabling the request and
 14 if changes could be made on preliminary plans.
 - 15 • Matt Hansen commented that they did meet all recommendations from executive staff.
 - 16 • J Drew commented that the water issue must be dealt with and resolved.
 - 17 • Rob Stapley commented several aspects will be dealt with as the development moves forward.
 - 18 • Matt added they employee very competent engineers who are working with the city and he has no doubt
 19 that they can resolve the water issues.
 - 20 • John Parker commented that the water companies are responsible for taking care of their water. It is not
 21 the property owner’s liability. To delay it because the water company may have been irresponsible is not
 22 the fault of the land owners and they should not be penalized.
 - 23 • Mayor added that he wanted to stress that it was a storm water issue not an irrigation issue. When this is
 24 built most of the storm water will be contained. I recommend you approve the preliminary plans.

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 26
 27 **Item No. 3. Code Amendment:** The Providence City Planning Commission will consider for recommendation to
 28 City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations Chapter 1 General
 29 Provisions Section 4 Definitions by adding a definition for an “Accessory Building (Small)” and Providence City
 30 Code Title 10 Zoning Regulations Chapter 8 Area Regulations and Parking Requirements Section 1 Area
 31 Regulations, Space Requirement Chart by adding setback and height requirements for “Detached Accessory
 32 Building (Small)”.

33
 34 **Motion to recommend to City Council the proposed code changes to Title 10, Section 4 by adding a definition for**
 35 **accessory building and the change to Title 10, chapter 8, Section 1 area regulation space requirement. – J Parker,**
 36 **second – R Cecil.**

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 38 **Vote: Yea: R Cecil, M Harbin, R James, J Parker, W Simmons**
 39 **Nay: None**
 40 **Abstained: None**
 41 **Excused: None**

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 43 **Discussion**

- 44 • R James commented that this addresses a secondary definition to the code for small accessory buildings.
- 45 • A Diamond asked about grandfathering sheds build prior to 1991.
- 46 • Mayor confirmed that those built prior to this date the ordinances were change would be grandfathered.

47
 48 **Study Items:**

49 **Item No. 1. Discussion:** The Providence City Planning Commission will report on their assigned sections and/or
 50 elements of the General Plan and other items of concern.

- 51 • R James requested that the study item be tabled until the next meeting.
- 52 • A Diamond commented that sections of the plan and which area each would focus on were identified.
- 53 • R James invited Todd Hendrickson to come forward to discuss new information and research on what he
 54 felt may justify a review and possible change to ordinance.

- 1 • R James reviewed that although the previous proposal did not qualify as an exception and was not
2 approved as such, the possibility of an ordinance change will be reviewed in response to new information
3 being presented.
- 4 • Todd Hendrickson presented his research findings that identified new information on street
5 classifications. He emailed these findings to all members of the planning commission which included
6 proposed ordinance changes. Questions, answers and discussion ensued.
- 7 • A Diamond identified that Providence requires a minimum 5 ft. sidewalk.
- 8 • R James concluded that further discussion will be on considering this new information and whether an
9 ordinance change is justified. He would like to make this a study item at the next meeting.

10
11 **Reports:**

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

- 13 • No current updates

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

16
17 Agenda posted by Skarlet Bankhead on September 23, 2016.

18
19 **Motion to adjourn Planning Commission Meeting of September 28, 2016. -J Parker, second – R Cecil.**

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21 **Vote:**

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

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28 Meeting adjourned at 8:31 p.m.

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30 Minutes recorded and prepared by K Merrill.

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Robert James, Chairman

Kristine Merrill, Office Specialist