

**PLANNING COMMISSION MINUTES**

Wednesday, October 25th, 2023, 6:00 pm

Providence City Office Building, 164 North Gateway Dr., Providence Ut

To view the video recording of the meeting please visit the City's YouTube page found [HERE.](#)

**HR. MIN. SEC.** in green are timestamps of the YouTube recording.

**Call to Order:** Bob Washburn

**Chair Roll Call of Commission Members:** Shelly Nazer, Bob Washburn, Joe Chambers, Brian Marble (Via Zoom; entered meeting around 6:30)

**Members Absent:** Michael Fortune & Robert Henke

**Staff in Attendance:** Ryan Snow (City Manager), Skarlet Bankhead (Community Development Director) & Ty Cameron (City Recorder)

**Pledge of Allegiance:** Joe Chambers

**Motion to appoint Bob Washburn as temporary chairman to conduct the meeting as Brian Marble has yet to be able to appear via zoom – Joe Chambers. 2<sup>nd</sup> – Shelly Nazer**

**Vote:**

**Yea- Shelly Nazer, Bob Washburn & Joe Chambers.**

**Ney-**

**Abstained-**

**Absent-**

**Motion passes. Bob Washburn will chair the meeting.**

**1 MIN 55 SEC.**

**Approval of Minutes:** The Planning Commission will consider approval of the minutes for October 11th, 2023.  
**(MINUTES)**

- Bob Washburn called for the approval of the minutes of October 11<sup>th</sup>, 2023.
- Bob Washburn commented that there were a few issues with the minutes. He made the following corrections: lines 118 the word 'no' needed to be 'now', 62 the phrase should be 'right of way', 69 the word 'or' should be 'of', 80 should include the word 'developers' and 85 be stricken or made simpler, 96 'incomplaine' should be 'in compliance', 120 the word should be 'include' and not 'permit', 153 'grandfather' should be 'grandfathered', 159 phrase should be 'release new changes' and lines 170-175 be stricken.

**Motion to approve the minutes of October 11<sup>th</sup>, 2023, with stated corrections – Shelly Nazer. 2<sup>nd</sup> – Bob Washburn.**

**Vote:**

**Yea- Shelly Nazer, Bob Washburn & Joe Chambers.**

**Ney-**

**Abstained-**

**Absent-**

**Motion passes, minutes approved.**

**Public Comments:** Citizens may express their views on issues within the Planning Commission's jurisdiction. The Commission accepts comments: in-person, by email [providencecityutah@gmail.com](mailto:providencecityutah@gmail.com) , and by text 435-752-9441. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

- Bob Washburn opened the floor for public comment.
- No comments were made. Staff confirmed that no comments had come in via text or email.
- Bob Washburn closed the public comment portion of the meeting.

**Administrative Action Item(s):**

**18 MIN 40 SEC.**

➤ **Item No. 1 Providence Escape Preliminary Plat:** The Providence City Planning Commission will review, discuss, and may take action on a preliminary plat for Providence Escape. [\(ANALYSIS\)](#).

- Bob Washburn called item 1, gave a brief introduction and asked Skarlet Bankhead to give an overview of the plat.
- Skarlet Bankhead stated to the Commission that the subdivision faced a key issue of providing an access other than 1000 South due to fire suppression requirements. The developers have worked for years to find a resolution and have provided one with this plat which will be a south-facing access that will become a future road into Millville City. In the meantime, the developers will dedicate the access easement to the city to use. The improved access or road will be a 24-foot-wide asphalt road that will be used by all, connecting 8th East down to Grandview Drive.
- The staff has reviewed this plat in conjunction with the city's transportation plan, 40-year water right plan, 2020 wastewater master plan, 2019 stormwater master plan, the trails and parks master plan and the 2022 culinary water system master plan.
- Mrs. Bankhead commented on the water availability requirements and that the developers have brought enough water for the build out. She discussed the agreement the city had in the past with the developers regarding the water usage for the area.
- Mrs. Bankhead noted which city and state codes were used to insure that the developers are in compliance. She commented that the framework map suggests this area as a possible area for a conservation zone, but there currently is nothing there that would trigger any unusual wildlife or issues, so continuing with the residential plan for that area still goes along with the overall master plan. Shelly Nazer asked about the reason for the conservation zone designation for this area. Mrs. Bankhead responded that the city is always looking for open space and that when the plan was written this area was shown as a possible conservation zone but that it didn't restrict development or was considered official.
- Mrs. Bankhead continued that the city has considered acquiring property for open space and parks to add to the park plan for this southeast area but that this development went along with or complied with the city's future plans for development or growth. She commented that the

developer has a spot for a trailhead and that they are also showing an access road in the northeast corner of their development that will allow bush trucks to get along the fence and put out wildland fires.

- Parties discussed the proposed trailhead and its feasibility.
- Mrs. Bankhead reviewed the topography of the area and development layout. Discussed the utility easement that can be used when or if there are wildfires.
- Mrs. Bankhead continued that the transportation plan shows 1000 South as a major collector road with limited access, which is an issue, as previously mentioned, but is being addressed or resolved with this development. The developers will contribute to the 40-year water right plan and wastewater master plan. They will pay impact fees as homes are built and contribute to the stormwater plan. Contributions or connections to the culinary water will include infrastructure and impact fees at the time of zoning clearance for the primary structures. The developer has yet to provide water availability requirements, but they will need to provide it before moving forward. The title on the map shows Providence Escape, but the owner's permission block or title lists Providence Highland LLC as part of the subdivision. The name of the subdivision as is being presented is Providence Escape but parties may discuss and change the name if the desire. The developers will address any permanent buildings and structures that need to be shown on the plat that may be missing. The development will also address runoff from the mountain face and natural journey channels that are East of the development.
- Mrs. Bankhead commented on the legal description of a development, including the need for signatures and stamps. Noted that the proposed names for streets must be consistent with the addressing system. The natural drainage was discussed as well as the phasing of the development. The Planning Commission and other designated land use authorities must ensure the final plat complies with all codes and ordinances. The developer understands the water requirement and is working on getting that completed.
- Mrs. Bankhead referenced Aaron Walker's (Deputy Fire Marshall) letter as well as information and statement from the Spring Creek Water Company. Commented that the conditions for the development include addressing comments in red in the conclusion section of the staff report, as well as meeting all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
- Mrs. Bankhead and the developers reiterated that 1000 South is a limited access road, but the design of the development allows for an alternative road or access point.
- Mrs. Bankhead noted that the developer, Jerney Jensen, and the engineer, Adam Machelpray are both here in the audience tonight. The Commission invited them up to discuss and answer any questions the Commission has regarding their preliminary plat.
- The parties discussed trail access and bush truck access.
- Parties clarified the road that goes into Millville and who owns or will own the property and road. Parties noted that the developers own the property but that it is within Millville city limits.
- Parties discussed and resolved any confusion regarding the temporary access, easements, right of way, road ownership and future plans for the area in Providence and the area in Millville.
- Parties review the plat map to clarify what areas are being used or built, the phases of development and easement rights of the city for the road.
- Parties talked about what type of road will be built, its length and the standards it will have to meet. Confirm that the road will be accessed by all. The parties talked about who would oversee

134 maintenance for the road. Parties noted that cities have different road standards so there could be  
 135 a difference between Providence and Millville.

- 136 • The Commission discussed the history of this area and issues they had with Millville and limited  
 137 access or potential roadblocks. Developers and Staff indicated the need for a second access point  
 138 and how this plan will achieve that. Parties discussed the current connections or access points  
 139 and future connections and access points for the development or houses on the bench.
- 140 • Brian Marble commented on the name of the subdivision and advised that it should be changed.  
 141 Developers commented on the name and that it will most likely be changed back to Providence  
 142 Highlands.
- 143 • Jeremy and Adam (applicants) commented on the connections and roads noting that the goal is to  
 144 have all roads designed and connected as they phase the development. In the future, the upper  
 145 roads will loop down and connect, while the far east road will loop all the way down and tie in.
- 146 • Applicants presented the history of this area or development and that it has been in the works  
 147 since 2005. Discussed past issues with both cities and that they feel they have reached a working  
 148 solution with this easement and second access point. Applicants review the plat or development  
 149 map and point out the different phases.
- 150 • Applicants discussed their plans with Millville and noted that at the moment Millville has no  
 151 connections or infrastructure in that area so the property on Millville's side will not be developed  
 152 until much later on.
- 153 • The Commission asked if there are any amenities in the area. Jeremy Jensen indicated that there  
 154 is a park with a soccer field and basketball courts and that as the development progress their will  
 155 be a trail.
- 156 • The Commission brought up some of the red lined comments in the staff report. Mrs. Bankhead  
 157 reminded the Commission that some of the red lines will have to be addressed as part of the  
 158 construction drawings. Parties discussed the water availability issues and requirements.
- 159 • Shelly Nazer expressed her concern with approving the plat and whether they could approve it  
 160 based on PCC 11-3-2:E where it stats that no preliminary plat shall be approved by the Planning  
 161 Commission, the City Council, or any other designated Land Use Authority unless it complies  
 162 with or can be shown that a final plat will be likely to comply with all the provisions set forth in  
 163 the Providence City Ordinances. No preliminary or final plat shall be approved if a commitment-  
 164 of-service letter has not been filed and a preliminary plat is not considered approved until all  
 165 conditions have been satisfied and the plat has been signed by the City Engineer, Land Use  
 166 Authority, and the Developer. Mrs. Nazer commented on the conservation zone designation, lack  
 167 of park space and issues the Deputy Fire Marshall addressed in his letter.
- 168 • Mrs. Bankhead responded that it is a conditional approval at this point and that nothing will be  
 169 final until they have addressed the issues and resolved them.
- 170 • Parties discussed the phasing of the project, definition of easements and right of way and  
 171 clarified that the road will be a permanent easement accessible to all.
- 172 • The Planning Commission discussed and clarified Mrs. Nazer's concerns and commented on the  
 173 road that will connect Providence and Millville.
- 174 • Ryan Snow commented on the two different types of roads, their structure and construction or  
 175 material, and their vertical versus horizontal rights and maintenance as they relate to the owners  
 176 or cities. Discussed road standards and cross sections.

- The parties talked about road accessibility and future access points. Developers commented that there is currently one access point, and that this project will bring in a second access point with the possibility of a third one in the future.
- Commission and Staff discussed the final plat process, construction drawing requirements, easements, and dedications. The parties discussed pinch points and fire hazards and the need for second access in order for their to be more houses.
- The parties discussed the plat map and clarified what is being presented. Applicants apologized for the map being so small and noted that if they can zoom in, they can see greater detail.
- The Commission summarizes the issues that have been raised and clarifies what this development brings to Providence City. Reiterated the easement for a road that will be accessible to all.
- Shelly Nazer expressed concern with safety and additional traffic for this area and making sure all the standards are met.
- Joe Chambers commented that it looked like the developer is complying with city and state requirements and would be comfortable approving this application.
- Bob Washburn and Biran Marble concur with Mr. Chambers statement.
- The parties discussed road ownership and the layout of the road and connections. Parties discussed if they see any potential issues with Millville. Parties talked about Aaron Walkers letter and confirmed that all issues will need to be resolved before final approval.
- Parties commented on annexations and concluded that this plat seemed to resolve some of the issues they had in the past.

**Motion to approve item one, currently titled the Providence Escape Preliminary Plat, subject to possible name change, motion to give conditional approval to the preliminary plat, subject to the findings of fact, conclusions of law and conditions set forth in the staff report. – Joe Chambers. 2<sup>nd</sup> Brian Marble.**

**Vote:**

**Yea- Bob Washburn, Brian Marble & Joe Chambers.**

**Ney- Shelly Nazer**

**Abstained-**

**Absent-**

**Motion passes, preliminary plat approved.**

**1 HR. 48 MIN. 00 SEC.**

- **Item No. 2 Homes at 291 Final Plat:** The Providence City Planning Commission will review, discuss, and may take action on a final plat for Homes at 291. [\(ANALYSIS\)](#).

- Bob Washburn called item 2, gave a brief introduction and asked Skarlet Bankhead to give an overview of the final plat.
- Skarlet Bankhead commented that this plat or property was owned by Danny McFarlane who sold it to Jed Willets who is hear tonight. She noted that even though its under new ownership everything previously approved still stands.

- Mrs. Bankhead reviewed that this plot consists of a three-lot subdivision with an existing home, mobile home, and detached garage. The existing home will remain, while the mobile home and garage will be removed. She noted that the city code defines an inner block as a residential development within existing blocks and streets and the area or plat does not meet this definition, so a special review was not required for this development.
- Mrs. Bankhead discussed the final plat as it relates to the city's master plans and general plan and water availability and dedication. Mrs. Bankhead continued stating that the general plan for the area is consistent with the surrounding area, with the preferred scenario for this parcel being neighborhood residential. The area is within a half mile of local parks, neighborhood parks, and regional parks, providing access to several parks. The transportation plan shows 100 East as a local road with limited access. The 40-year water plan is discussed, and the water master plan, storm water master plan, and culinary water master plan are reviewed. The lot has two existing water meters and two existing sewers which will be able to be taken advantage of for two of the lots, resulting in only one lot paying impact fees for water and sewer. The public works department verified all these details, and the final decision was made to proceed with the project.
- Mrs. Bankhead commented that the final plat lacks a summary of the owner's dedication, which is needed and can be added before final approval or signature. She reviewed the conditions the applicant needs to meet as well as the Fire Marshalls requirements.
- Mrs. Bankhead ends by stating that the applicant must adhere to all relevant federal, state, county, Providence City laws and ordinances and that the city engineer provided addresses for the design engineer to add and prepare for the recording of the final plat.
- Jed Willets, applicant, commented on what all was needed that that he will make sure those are completed.
- Parties discussed the historical status of the home that is currently on the lot. Mrs. Bankhead commented that she believed it meets the criteria but that it currently isn't designated as such.
- Commission indicated that they saw no issues or concerns with this plat.

**Motion to approve the Final Plat for Homes at 291, subject to the findings of fact, conclusions of law and conditions as set forth in the staff report. – Shelly Nazer. 2<sup>nd</sup> - Brian Marble.**

**Vote:**

**Yea- Shelly Nazer, Bob Washburn, Brian Marble & Joe Chambers.**

**Ney-**

**Abstained-**

**Absent-**

**Motion passes, Final Plat approved.**

### **Study Items(s):**

**2 HR. 01 MIN 30 SEC.**

- **Item No. 3 Subdivision Amendments:** The Providence City Planning Commission will review & discuss revisions to the City's Subdivision Code. [\(CODE REVIEW\)](#)

- Bob Washburn called item 3 and gave a brief introduction.
- Joe Chambers commented on the amendments being required by new State Law and would motion to move this item to a public hearing since there is a certain time it needs to be submitted by and because some Planning Commission members were not present here tonight.

**Motion to set this item for a public hearing. – Joe Chambers. 2<sup>nd</sup> – Shelly Nazer.**

**Vote:**

**Yea- Shelly Nazer, Bob Washburn & Joe Chambers.**

**Ney-**

**Abstained-**

**Absent-**

**Motion passes, subdivision amendments will be set for a public hearing for November 8<sup>th</sup>, 2023.**

- The Commission discussed ADU amendment updates and plans moving forward. Bob Washburn and Brian Marble commented that they have met with staff and have a second meeting in the coming days to discuss some of the amendments.
- Staff and Commission discussed their coming scheduled meetings and indicated that most likely they would not be holding Planning Commission the Wednesday before Thanksgiving or the Wednesday after Christmas.

**Motion to adjourn meeting. – Shelly Nazer. 2<sup>nd</sup> – Joe Chambers.**

**Vote:**

**Yea- Shelly Nazer, Bob Washburn & Joe Chambers.**

**Ney-**

**Abstained-**

**Absent-**

**Motion passes, meeting adjourned.**

**Next meeting scheduled for November 8<sup>th</sup>, 2023.**

**Minutes approve by vote of Commission on \_\_\_\_\_ of \_\_\_\_\_ 2023.**

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Michael Fortune, Chair

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Ty Cameron, City Recorder.