

1 **PLANNING COMMISSION MEETING MINUTES**

2 Wednesday, November 8th, 2023, 6:00 pm

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

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

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8 **Call to Order:** Michael Fortune

9 **Chair Roll Call of Commission Members:** Shelly Nazer, Robert Henke, Brian Marble, Michael Fortune, Bob
10 Washburn & Joe Chambers

11 **Members Absent:**

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

14 **Pledge of Allegiance:** Shelly Nazer

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17 **Approval of Minutes:** The Planning Commission will consider approval of the minutes for October 25th, 2023.
18 **(MINUTES)**

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- Michael Fortune called for the approval of the minutes.
 - Bob Washburn made the following corrections: Line 219 the word 'her' should be 'here'. On line 72 replace the word 'will' with 'may'. On line 105 to include 'if they desire'. On line 133 should include the words 'may' and 'accessible'. On line 182 'their' should be 'they're' and on line 192 'Brian' should be 'Brian'.
 - Michael Fortune indicated that he would abstain from voting as he was not present for the last meeting.
- 26

27 **Motion to approve the minutes of October 25th with the stated corrections – Joe Chambers. 2nd – Bob**
28 **Washburn.**

29 **Vote:**

30 **Yea – Shelly Nazer, Brian Marble, Bob Washburn, and Joe Chambers.**

31 **Nay-**

32 **Abstained- Michael Fortune.**

33 **Absent-**

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35 **Motion passes, minutes approved.**

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

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- Michael Fortune opened the floor for public comment.
 - No comments were made. Staff reported that no comments had come in via text or email.
 - Michael Fortune closed the public comment section of the meeting.
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47 **Public Hearings/Presentations:**

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49 ➤ **Item No. 1 Subdivision Amendments:** The Providence City Planning Commission will take
50 comments and questions regarding proposed revisions to the City's Subdivision Codes.

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 - The Planning Commission motioned to open the floor to public comments and questions
 - 53 regarding the proposed amendments to the city's subdivision code.
 - 54 • No comments or questions were made.
 - 55 • Staff reported that no comments had come in via text or email.
 - 56 • The Planning Commission motioned to close the public hearing portion of the amendment
 - 57 proposals.

58

59 **Motion to call item 3 before the Planning Commission discusses the amendments to the subdivision codes**
60 **as the applicants are present and ready to go. – Joe Chambers. 2nd – Shelly Nazer.**

61 **Vote:**

62 **Yea – Shelly Nazer, Brian Marble, Michael Fortune, Bob Washburn, and Joe Chambers.**

63 **Nay-**

64 **Abstained-**

65 **Absent-**

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67 **Motion passes. Planning Commission called item 3.**

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70 **Legislative – Action Item(s):**

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72 ➤ **Item No. 2 Subdivision Amendments:** The Providence City Planning Commission will review,
73 discuss, and may make a recommendation to the City Council regarding proposed revisions to the City's
74 Subdivision Code. **(CODE REVIEW)**

- 75
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 - Michael Fortune called item 2, gave a brief introduction, and indicated that a resident had a
 - 77 comment that she would like heard.
 - 78 • Mary Hubbard asked if the Planning Commission could make clear some of the major changes
 - 79 that are being proposed as there is a lot to this amendment.
 - 80 • Skarlet Bankhead indicated that a lot of these changes were coming from the State and
 - 81 commented that one of the major changes was that concepts plans were no longer being required.
 - 82 Reported that a lot of the review process was changing. Commented that the City Council would
 - 83 not have part of the process, which is what they city has been implementing for some time.
 - 84 Reported that final plats would be reviewed and approved by city staff now. She commented on
 - 85 the importance of having the zoning code read how they want it to read.
 - 86 • Mrs. Bankhead reviewed the layout of the amendment and indicated that she tried to make it
 - 87 more user friendly.
 - 88 • Parties discussed the public hearing process and the administrative process. Mrs. Bankhead
 - 89 indicated that for example development agreements are now seen as a land use item and would
 - 90 now be a part of the administrative process.

- Mrs. Bankhead commented that these changes from the state have a ripple affect which is why they are seeing a few areas of the city code being changed. The parties discussed the codification process and whether a Planning Commission member could sit on the ALUA board.
- Parties discussed the final plat process and new shortened timelines. Parties discussed the cities current projects and effective date of this new ordinance.
- The Planning Commission discussed how best to review and comment on these amendments. Agreed to go page by page and motion at the end for any corrections.
- Parties discussed road connections and road standards. Parties discussed right of way regulations and the section in the code that exempts a few streets in town and suggest that it be stricken. Mrs. Bankhead comments on the roads downtown and them not being required for a curb and gutter.
- Bob Washburn comments on adding something in the code regarding T-section roads that are on hills and finding a way to make them safer. Parties discussed issue and options. Mrs. Bankhead advised that they would have to be careful with the wording.
- Parties discussed the amendments regarding road lighting and spacing of streetlights.
- Parties discussed development agreements and the application process. Parties discussed what happens if developers fail to complete their projects in a timely manner.
- The Planning Commission comment on the essential minimum improvement requirements. Parties discussed the warranty period and extensions. Parties discussed suspect soil and compaction issues and requirements.
- Parties discussed the concept plan changes and the effect that might have.
- The Planning Commission review their suggested changes which includes striking section 11-4-3(6). In section 11-5-3(C) strike 'Etc,' and replace it with 'or similar act beyond developers control (Force Majeure). Replace Land Use Authority as referenced with Administrative Land Use.
- Parties agree that those are good changes to have and that in the future they can make other amendments based on some of the issues they brought up tonight.

Motion to recommend that the city council adopt these subdivision code amendments with the following additional changes: striking section 11-4-3(6). In section 11-5-3(C) strike 'Etc,' and replace it with 'or similar act beyond developers control (Force Majeure). Replace Land Use Authority as referenced in the amendments with Administrative Land Use Authority. – Bob Washburn. 2nd- Shelly Nazer.

Vote:

Yea- Shelly Nazer, Robert Henke, Biran Marble, Bob Washburn & Joe Chambers.

Nay-

Abstained-

Absent- Michael Fortune (Left part way through the discussion)

Motion Passes, amendments will be presented to the City Council with the suggested changes.

Administrative Action Item(s):

- **Item No. 3 Copper Heights Preliminary Plat:** The Planning Commission will review, discuss, and may take action on a preliminary plat for Copper Heights. [\(ANALYSIS\)](#)

- 137 • Michael Fortune called item 3, gave a brief introduction and asked Skarlet Bankhead to give an
138 over of the application.
- 139 • Mrs. Bankhead indicated that in reviewing this application staff looked at state code and city
140 code that relate to subdivision as well as the city's general plan master plans, water rights,
141 wastewater, storm water, and culinary water plans. She commented on park access, trails and
142 roadways in regard to this subdivision. She noted that The Framework Map does not include this
143 area. The Rezoning of Existing Districts & Annexed Areas recommended this area as Mixed Use
144 (MXD). However, on 05/17/2023, the Providence City Council annexed Parcel 02-117-0022 and
145 designated the zone as R-1-12. She states the developer is required to extend main lines and
146 install services for the culinary water system during the construction phase.
- 147 • Mrs. Bankhead referenced the conclusion of law in the staff report and that the developers
148 needed to Correct the subdivision name in the Owner's Permission block, make sure the legal
149 description is certified by a licensed land surveyor and address the location of all wells,
150 proposed, active and abandoned, springs, and all reservoirs within the tract and to a distance of at
151 least one hundred feet (100') beyond the development boundaries. She also noted that the
152 developers need to show that 700 south will be a partial street and show street cross section, they
153 will also need to Add a note that the area final grading of the detention pond cannot be changed,
154 and that the owner of Lot 19 will be responsible for maintenance.
- 155 • Mrs. Bankhead concluded by referencing the conditions the developers needed to meet which
156 included addressing the comments in red in the conclusions section and on the preliminary plat.
157 Address the comments in Aaron Walker's letter dated 10/16/2023. Address the comments from
158 the planning commission and other staff members and that the applicant will continue to meet all
159 relevant federal, state, county, and Providence City rules, laws, codes, ordinances.
- 160 • Parties discussed the retention pond. Mrs. Bankhead commented that the developers may
161 dedicate ponds to the city, but developers typically keep them within a lot to provide the
162 necessary square footage. This creates an easement, allowing the owner to build a buildable
163 envelope on their property. However, the entire yard may not be used, but it still qualifies the lot
164 as a standard lot. Maintenance for stormwater ponds is typically an easement on a private lot,
165 with the maintenance being up to the owner. Developers maintain records of the maintenance,
166 ensuring that potential buyers have a clear understanding of their requirements.
- 167 • Parties discussed park access for this Subdivision.
- 168 • Dallas Nickle and Josh Marble introduce themselves as the applicants for this project. They
169 discussed the property's design, including the irrigation ditch at the north end. They were curious
170 about the possibility of water running down the ditch, which is a major design element. They
171 need to consult with the irrigation company to determine if the ditch is still in use or abandoned.
172 If it is, they will need to pipe and daylight it. The ditch runs along the East line and turns and
173 comes down. The lot sizes are approved at 12,000 square feet, with roadways being the 66
174 standard city roads. The pond on the lot is placed on a building lot instead of its own parcel to
175 avoid having an HOA for maintenance. The pond will be part of the design and will be part of
176 the overall design.
- 177 • Parties discussed CC&R requirements and HOAs. Parties discussed how the development would
178 be landscaped and if zero scaping would be implemented.
- 179 • Parties discussed the housing market and affordable housing options. Developers indicated that
180 the homeowners will have some options when it comes to constructing the home.

- Parties comment on parks and park options for this development. Developers indicated that parks constructed by the developers are more typical in areas with mixed use housing with townhomes and apartments.
- Parties discussed power or utility options and possible future developments to include more access.
- The Planning Commission expressed that it looked like a good subdivision and that they didn't see any issues with it.

Motion to approve the Copper Heights Preliminary Plat subject to the findings of fact, conclusions of law and conditions as found in the staff report. – Brian Marble. 2nd – Bob Washburn.

Vote:

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

Nay-

Abstained-

Absent-

Motion passes, preliminary plat approved.

Motion to adjourn meeting - Joe Chambers 2nd- Robert Henke

Vote:

Yea- Shelly Nazer, Robert Henke, Brian Marble, Bob Washburn & Joe Chambers

Nay-

Abstained-

Absent- Michael Fortune.

Motion passes, meeting adjourned.

Minutes approved by Planning Commission on ____ day of _____

Michale Fortune, Chair

Ty Cameron, City Recorder