

1 **PLANNING COMMISSION MINUTES**

2 Wednesday, August 9th, 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 page found [HERE](#).

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

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9 **Call to Order:** Michael Fortune

10 **Chair Roll Call of Commission Members:** Shelly Nazer, Robert Henke, Brian Marble, Michael Fortune, Tyler
11 Riggs, and Bob Washburn.

12 **Members Absent:** Joe Chambers.

13 **Staff Present:** Ryan Snow (City Manager), Skarlet Bankhead (Community Development Director) and Ty
14 Cameron (City Recorder).

15 **Pledge of Allegiance:** Tyler Riggs

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17 **55 SEC.**

18 **Approval of Minutes:** The Planning Commission will consider approval of the minutes for July 26th, 2023.
19 **(MINUTES)**

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 - Michael Fortune called for the approval of the minutes of July 26th, 2023.
 - The Commission found no issues or corrections needed.

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24 **Motion to approve the minutes of July 26th, 2023 – Tyler Riggs. 2nd- Bob Washburn.**

25 **Vote:**

26 **Yea- Shelly Nazer, Brian Marble, Michael Fortune, Tyler Riggs, and Bob Washburn.**

27 **Ney-**

28 **Abstained-**

29 **Absent- Joe Chambers**

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31 **Motion passes, minutes approved.**

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

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 - Michael Fortune opened the floor for public comment and asked staff if any comments had come in via text or email.
 - Staff responded that no comments had come in via text or email.
 - No comments were made by the public.
 - Michael Fortune closed the public comment section of the meeting.
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Administrative Action Items:

3 MIN. 10 SEC.

- **Item No. 1 Pleasant View Lane Preliminary Plat:** The Planning Commission will review, discuss, and may take action on a request to approve the preliminary plat for the Pleasant View Lane Subdivision, a 3-lot subdivision located in the general area of 417 N 300 E. [\(ANALYSIS\)](#)
- Michael Fortune called item 1, gave a brief introduction and asked Skarlet Bankhead to give an overview of the request and staff report.
 - Ms. Bankhead described the properties location, the zone it was in and that the three proposed lots were within the zone limits. Reported to the Commission what the staff reviewed as they evaluated the application, which included looking at what impacts this application would have on the City's general plan and master plans, which were the city's Transportation Plans, 40-Year Water Rights, Wastewater Master Plan, Storm Water Master Plan, and the Culinary Water Master Plan. She also indicated what city codes were referenced to make sure this application complied with what was required such as the water availability requirements and the preliminary plat requirements.
 - Ms. Bankhead reviewed with the Commission the conditions the applicant has completed and still needs to complete. Such as including on the plat the permanent buildings and structures that were within 100 ft of the development.
 - Shelly Nazer asked about parking on private drives. Ms. Bankhead responded that no parking is allowed on private drives, on street parking would be restricted. Parties discussed the current curb and gutter in the area and what curb and gutter would be developed. Ms. Bankhead mentioned the new flood plain changes that could affect the area.
 - The parties talked about the easements and snow plowing on private roads.
 - Chris Rosenthal, applicant, talked about his plans and reason for the development. Conveyed that the structures on the property would be removed and asked if they still need to be shown on the plans. Ms. Bankhead responded that they did and that the engineer could put a note stating that they would be removed.
 - Parties discussed flag lots and irrigation access. Mr. Rosenthal replied that there was a ditch on the property and that he does have access to Spring Creek water shares but is not using them.
 - John Hubbard, resident, reported to Commission that he has land in the area and worried that the detention pond of the development would not be enough, and worried about possible flooding for his area. Expressed concern regarding tail water and general concerns regarding private lanes.
 - Parties discussed what is allowed and required regarding private and public roads and the differences. Parties clarified retention and detention ponds and indicated that this would be a retention pond. The parties discussed possible issues with future developments and the need for a second out if this was to remain a private road.
 - Brian Bindrup, resident, indicated that he also owns property in the area and discussed future development issues and wants to make sure he is not losing or giving more than what is necessary. Reported that at the moment they have no plans to develop the land but understand wanting to make sure this doesn't cause issues if or when they do want to develop.

- Parties talked about the potential of the private road becoming a public road. Parties stated road width requirements and possible benefits for a public road for future development in the area, such as easier utility access.
- Bob Washburn asked if a private road could become a public road in the future. Staff responded that yes it could, but that it rarely does. Indicated that the private roads need to meet certain standards of maintenance and in most cases the road has to be redone before it can become a public road. Reported that all property owners would have to agree as well.
- The Commission asked Mr. Bindrup and Mr. Hubbard if they have plans to develop their land. Mr. Hubbard and Mr. Bindrup responded that at the moment they really haven't thought about it but might now consider their options.
- Skarlet Bankhead warned the parties and Commission that changing the private road to a public road was not a simple task. She instructed that the applicant would need to start over with their preliminary plat as many changes would have to go into it.
- Michael Fortune asked the Commission if they had any comments regarding the request.
- Tyler Riggs commented that he was inclined to approve the request as it complies with all requirements and is not in any conflict with any of the city plans. Bob Washburn commented that he agreed and that at the moment the public road wouldn't connect with anything.
- Brian Marble commented on flag lot issues or inner block issues that he has seen in the past and private roads like these that seem to cause more problems.
- Robert Henke commented that it seems that the applicant is within their rights or laws to move forward.
- Shelly Nazer stated that it looked like a reasonable plan and that it would be great to have a public road but understands that the applicant has met their requirements.
- The Commission asked if approving this would help with the new State requirements. Staff responded that this request is creating more housing but that its very insignificant to what is being required by the State.
- Brian Marble reiterated the issues with flag lots and what he has seen happen with other developments like these in the city.
- Chris Rosenthal commented on his reason for subdividing.

Motion to approve the Pleasant View Preliminary Plat, a 3-lot subdivision located at 417 N 300 E subject to the findings of fact, conclusions of law and conditions as found in the staff report – Tyler Riggs. 2nd- Bob Washburn.

Vote:

Yea- Shelly Nazer, Michael Fortune, Tyler Riggs, and Bob Washburn.

Ney- Brian Marble.

Abstained-

Absent- Joe Chambers

Motion passes, preliminary plat approved.

1 HR. 06 MIN. 05 SEC.

➤ **Item No. 2 Hillcrest Subdivision Lot Line Adjustment:** The Planning Commission will review, discuss, and may take action on a request for a lot line adjustment combining Lots 15 & 17 in the Hillcrest Subdivision. (ANALYSIS)

- Michael Fortune called item 2, gave a brief introduction and asked Skarlet Bankhead to give an overview of the request and staff report.
- Ms. Bankhead reported that the applicants owned both parcels and that they were requesting to combine them into one lot. Ms. Bankhead gave a history of the subdivision and its zoning designation and past issues. Discussed with the Commission the State and City codes that were used to make sure this application complied with the laws and requirements as well as the area regulations which are included in the staff report. Reported that the request meets the requirements necessary and that there are no violations.
- The Planning Commission asked about the pros and cons of allowing lot line adjustments. Parties discussed how it could change the look of the development a bit, it would allow more open space if approved, non-collected fees and tax-based differences. Staff indicated that lot line adjustments are legal.
- Brian Marble commented on finding good cause to approve the application by showing or stating how this would benefit the community, he mentioned recent lot line adjustments that have been approved and some of the issues they have seen with accessory dwelling units.
- Shally Nazer asked about CCNRs and who's responsible. Staff reported that they do not have authority to enforce CCNRs. The parties indicated that tonight's purpose for this item is the lot line adjustment and not what could be built in the future.
- The Commission referenced the accessory dwelling unit code and the possible need to reevaluate it in a future meeting.
- Skarlet Bankhead clarified lot line adjustment requirements or laws and that the Commission does not need to find good cause to approve the adjustment.
- Parties discussed the different rights and conditions that will change with approving the adjustment. Parties talked about accessory dwelling procedures and that by combining the lots the owners would not be able to build a house on the lot but could, if approved, build an ADU.
- Robert Henke, commented that it seems that the property owners are within their rights and have met all the necessary requirements. Parties discussed the implications of approving the adjustment and denying the adjustment.
- Tyler Riggs commented that that State law indicated that if the owners are not in violation, then the Planning Commission should approve the lot line adjustment. Parties discussed property owner rights. Bob Washburn clarified that if owners in the future wanted to build a home, then they would have to apply to do so. The staff responded that that is correct, the owners would have to subdivide.
- Noman Gillespie, the applicant, commented on the history of his two lots and that he plans on putting in a garage on that other lot. Parties discussed the fencing in the area. Christie Gillespie commented on the fence and that it would stay up. The parties discussed the tax consequences of changing the lots.
- Parties commented on and referenced other garages and ADUs in the area.

- The parties discussed the Utah code that governs lot line adjustments. Staff commented that Utah Code is left to their interpretation. Shelly Nazer commented on looking into the city code regarding ADUs and possibly changing it if need be.

Motion to approve the lot line adjustment request combining lot 15 and lot 17 parcels 02-219-0015 and 02-219-0017 subject to the findings of fact, conclusions of law and conditions as found in the staff report. – Brian Marble. 2nd- Tyler Riggs

Vote:

Yea- Shelly Nazer, Brian Marble, Michael Fortune, Tyler Riggs, and Bob Washburn.

Ney-

Abstained-

Absent- Joe Chambers

Motion passes, lot line adjustment request granted.

1 HR. 53 MIN. 20 SEC.

- **Item No. 3 Providence Springs Cluster Development Final Plat:** The Planning Commission will review, discuss, and may take action on approving the final plat for the Providence Springs Cluster Development. [\(ANALYSIS\)](#)

- Michael Fortune called item 3, gave a brief introduction and asked Skarlet Bankhead to give an overview of the application and staff report.
- Skarlet Bankhead gave an overview of what the developer was asking for and that staff looked through code that regulates amended subdivisions and reported that this request, in general, changes the dimension of the subdivision a little bit. Reported that all parties involved with the development have agreed to the changes. Ms. Bankhead discussed the effects of this development on the general plan and master plans and the public and municipal utility easements. Commented that setbacks were not being changed. Reported that the Commission would on this item or request need to find good cause to approve the request.
- Ms. Bankhead commented on the coming changes to the procedures of final plats per the new State Code. Reported that this request still keeps subdivision consistent with the general plans and meets all the necessary requirements.
- The Commission asked about the easements, private roads, and retention pond. Jody Robins, developer, responded that lot 31 will be where the retention pond is located.
- Jody Robins discussed with Commission the good causes to allow this final plat to be approved which included having land deeded to them without cost to help structure the area better, fixing some of the lots that seemed to be too shallow and allowing the future residents to have the designs they require or want, which is beneficial to the whole community. Reported that there would be zero changes to the curb and gutter, utility easements or roads. Indicated that they did change the names of the streets and made them simpler. Reiterated that allowing these changes would give the residents what they want and that in general these changes would benefit the neighboring property owners.

- Commission discussed the layout and changes. Commented that in general there seem to be very minor changes and that everyone was on board with the changes. Brian Marble commented that the plans show character and appreciated the detail of it all.

Motion to approve the final plat of the Providence Springs Cluster Development in accordance with the findings of fact, conclusions of law, conditions found in the staff report and with good cause being shown that allowing these changes benefits the residents and has zero impact on any of the surrounding developments. – Tyler Riggs. 2nd - Shelly Nazer

Vote:

Yea- Shelly Nazer, Brian Marble, Michael Fortune, Tyler Riggs, and Bob Washburn.

Ney-

Abstained-

Absent- Joe Chambers

Motion passes, final plat approved.

- Michael Fortune reminded everyone of the upcoming city celebrations that will begin next week on Monday August 14th.

Motion to adjourn – Shelly Nazer. 2nd- Brian Mable.

Vote:

Yea- Shelly Nazer, Brian Marble, Michael Fortune, Tyler Riggs, and Bob Washburn.

Ney-

Abstained-

Absent- Joe Chambers

Motion passes, meeting adjourned.

Minutes approved by vote of Commission on ____ day of _____ 2023.

Michael Fortune, Chair

Ty Cameron, City Recorder