

1 **Providence City Planning Commission Minutes**

2 **Providence City Office Building**

3 **15 South Main, Providence UT 84332**

4 **May 27, 2015 6:00 pm**

5
6 Chairman: Larry Raymond
7 Attendance: Kirk Allen, Robert James, Wendy Simmons
8 Alternate: Heather Hansen
9 Excused: Sherman Sanders

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11 **Approval of the Minutes:**

12 Item No. 1. The Providence City Planning Commission will consider for approval the minutes of May 13, 2015.

13 **Motion to approve the minutes with the following correction: K Allen, second – W Simmons**

14 Page 2, line 35 – Clarify S Bankhead’s comments

15 **Vote: Yea: K Allen, R James, L Raymond, W Simmons**

16 **Nay: None**

17 **Abstained: H Hansen**

18 **Excused: S Sanders**

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20 Item No. 5. Amended Final Plat: The Providence City Planning Commission will consider for approval an amended
21 final plat for Eagleview Estates Phase 2 amending the east boundary line.

- 22
- 23 • This item was discussed first.
 - 24 • S Bankhead said Gary Knighton had a concern about the Rocky Mountain Power easement. The updated
25 plat just came in this afternoon and has not been reviewed by staff. However, it has all the corrections
26 staff has required and shows the adjustment that addresses Gary Knighton’s concern.
 - 27 • Jack Nixon, Developer, addressed the commission. Rocky Mt. Power, Lex Baer (property owner), and J
28 Nixon have had extensive discussions about the power line. RMP has agreed to allow homes on the lots as
29 long as they stay 35’ below the wires. Paragraph 3 – the ground easement has been removed and
30 replaced with an aerial easement. All parties have agreed to this easement. As per Gary’s request, the plat
31 has been changed to show the easement.
 - 32 • S Bankhead said this can be approved by the commission with the condition that Gary Knighton approves
33 the plat that has been presented with the power line easements.
 - 34 • K Allen asked where the poles are. J Nixon said there are no poles on his property, just a long span of
35 lines. The poles are on Stan Checketts’ property.

36 **Motion to approve the Eagleview Estates Phase 2 plat pending Gary Knighton’s signature: H Hansen, second – R James**

37 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

38 **Nay: None**

39 **Abstained: None**

40 **Excused: S Sanders**

41 **Public Hearing(s):** Prior to making a recommendation on the following items, the Planning Commission is holding a
42 public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment
43 on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer
44 your comments.

45 Item No. 1. 6:15 p.m. Public Hearing: The Providence City Planning Commission will receive comment on a
46 proposed rezone of 1.198 acres of property from Agricultural (AGR) to Single-Family Traditional (SFT). The property
47 is located at approximately 240 South 325 West, Providence.

- 48
- 49 • Public hearing on this item opened by L Raymond at 6:20 pm.
 - 50 • No comments from the public.
 - 51 • S Bankhead said the purpose of this rezone is to allow two building lots and some road dedication.
 - 52 • H Hansen asked if this was the end of the subdivision.
 - 53 • R Gustaveson said there is possibly more.
 - 54 • R James said the areas surrounding this area are all SFT.
 - L Raymond closed hearing on this item at 6:27 pm.

1 Item No. 2. 6:30 p.m. Public Hearing: The Providence City Planning Commission will receive comment on proposed
2 code amendments to Providence City Code Title 10 Zoning Regulations, Chapter 5 Overlay Zones regarding Hazard
3 slope zones, engineering geotechnical report, and disclosures of other natural hazards.

- 4 • L Raymond opened public hearing for this item at 6:30.
- 5 • No public comments.
- 6 • L Raymond said he would like to see “original rise and flow of the land is equal to or exceeds 30%” added
7 to 10-5-2, under steep slopes. Once it’s graded, you cannot see the original contours and he would like
8 original contours specified.
- 9 • R James said this is under non-developable sensitive areas, so by law cannot adjust contours.
- 10 • S Bankhead said if someone did disturb grades, then come in for approvals it would no longer be non-
11 developable and the ordinance wouldn’t apply. She supports L Raymond’s suggestion to specify original
12 rise and flow of the land.
- 13 • H Hansen thought maybe the before and after contours should be included.
- 14 • R James said adding “after” may open the door and encourage grading when it really shouldn’t be done.
- 15 • S Bankhead said the preliminary plat has to show the topography.
- 16 • K Allen asked about a situation where someone may bulldoze a slope and then later come into the city
17 and want to develop the land. What happens in that situation?
- 18 • S Bankhead said there is a land disturbance ordinance that will be coming before the commission at a
19 later time in an effort to stop this kind of practice. Anyone who desires to move significant amounts of
20 dirt on their property will be required to notify the city.
- 21 • H Hansen asked about overlay zones and if the commission was supposed to address the entire city at
22 once or as development comes.
- 23 • S Bankhead said all areas that are potential slope hazards need to be identified in the general plan. Then
24 when development comes in, these areas will be surveyed.
- 25 • R James asked how past land disturbances will be identified or addressed.
- 26 • S Bankhead said soils tests will determine land disturbances. This is somewhat of a retroactive ordinance.
27 A past land disturbance will be addressed when a current land owner wants to build on a property.
- 28 • H Hansen said the ordinance allows for development of previously disturbed land based upon expert
29 evaluation. (Potentially developable sensitive areas).
- 30 • L Raymond said as soon as 10-5-4.a goes into effect, the Highlands will not be in compliance.
- 31 • S Bankhead said the city will work with the developers to help them come into compliance.
- 32 • H Hansen asked if adding “original slope” to this section wouldn’t be a good idea.
- 33 • R James felt natural slope might be better wording.
- 34 • S Bankhead said original and natural can be added in the definitions.
- 35 • This item will be held over to another meeting so verbiage and definitions can be addressed.
- 36 • Public hearing on this item is closed at 6:52.

37 Item No. 3. 6:30 p.m. Public Hearing: The Providence City Planning Commission will receive comment on proposed
38 code amendments to Providence City Code Title 10 Zoning Regulations, Chapter 8 Area Regulations and Parking
39 Regulations, Section 1 Area Regulations and Section 3 Setbacks allowing attached uncovered decks to extend into
40 the rear setback.

- 41 • Public hearing for this item opened at 6:54 pm.
- 42 • Karl Nieman, 570 Aspen Ridge Lane, addressed the commission. He said the previous owner of the home
43 had already poured footings for a deck but building the deck would extend into the setback. He has a very
44 narrow back yard. He feels the ordinance was written to prevent people from building a covered deck as
45 an extension of a home. His deck is uncovered.
- 46 • Public hearing on this item closed at 6:56.

47 **Action Items:**

48 Item No. 1. Proposed Code Amendment: The Providence City Planning Commission will consider for
49 recommendation to the City Council, a proposed rezone of 1.198 acres of property from Agricultural (AGR) to
50 Single-Family Traditional (SFT). The property is located at approximately 240 South 325 West, Providence.

51 **Motion to recommend to the City Council the proposed rezone from AGR to SFT at 240 South 325 West: R**
52 **James, second – H Hansen**

53 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**
54 **Nay: None**
55 **Abstained: None**

1 **Excused: S Sanders**

2 Item No. 2. Proposed Code Amendment: The Providence City Planning Commission will consider for
3 recommendation to the City Council, proposed code amendments to Providence City Code Title 10 Zoning
4 Regulations, Chapter 5 Overlay Zones regarding Hazard slope zones, engineering geotechnical report, and
5 disclosures of other natural hazards.

6 **Motion to continue: W Simmons, second – R James**

7 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

8 **Nay: None**

9 **Abstained: None**

10 **Excused: S Sanders**

11 Item No. 3. Proposed Code Amendment: The Providence City Planning Commission will consider for
12 recommendation to the City Council, proposed code amendments to Providence City Code Title 10 Zoning
13 Regulations, Chapter 8 Area Regulations and Parking Regulations, Section 1 Area Regulations and Section 3
14 Setbacks allowing attached uncovered decks to extend into the rear setback.

15 **Motion to recommend the proposed code amendments to the City Council: K Allen, second – R James**

16 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

17 **Nay: None**

18 **Abstained: None**

19 **Excused: S Sanders**

20 Item No. 4. Proposed Code Amendment: The Providence City Planning Commission will consider for
21 recommendation to the City Council, proposed amendments to Providence City Code 10-8-5: Commercial Zoned
22 Districts; Site Development and 10-8-6: Parking Regulations.

- 23 • S Bankhead said she has corrected grammatical errors and added other recommendations from the
24 Commission. The definition for xeriscape is on page 4. Landscape buffer definition has been added.
- 25 • H Hansen asked for clarification on 10 and 12. 10 is the overall site and 12 is the buffer zone. She also
26 asked if the city was going to require landscaping be maintained after installation. S Bankhead said
27 maintenance is required.
- 28 • R James said this could be a problem if someone uses buffer trees as both buffer and landscape trees. If
29 they are going to be required in both landscaping and in the buffer zone, then it needs to be clarified.
- 30 • S Bankhead said wording under 10 can say “Trees in portable planters shall not qualify to meet the tree
31 requirements”, and “Trees in the landscape buffer do not qualify to meet the requirements for trees in
32 the overall landscaping.”
- 33 • K Allen, page 3, would like verbiage changed from handicap to individuals with disabilities.
- 34 • H Hansen asked about entrances onto state roads versus city roads.
- 35 • S Bankhead said there are different requirements.

36 **Motion to recommend to City Council for approval the proposed amendments to 10-8-5 and 10-8-6 with the**
37 **above mentioned changes regarding trees in buffer zone and overall landscaping, and change wording from**
38 **“handicap” to “individuals with disabilities”: H Hansen, second – R James**

39 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

40 **Nay: None**

41 **Abstained: None**

42 **Excused: S Sanders**

43 **Study Items:**

44 Item No. 1. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible
45 amendments for the zoning element of the Providence City general plan; including the zoning districts for future
46 annexation and future rezone of existing districts.

- 47 • H Hansen would like maps of Logan, Millville and River Heights with actual city boundaries.
- 48 • S Bankhead said the current zoning map should have the correct boundaries on it. It does not show their
49 annexation policies though. Annexation maps for Logan, River Heights and Millville will be provided to the
50 Commission.
- 51 • L Raymond asked if the Commission wanted to discuss property east of the deer fence.
- 52 • K Allen said Stan Checketts’ property extends beyond the deer fence. There are a couple of other places
53 that extend beyond the deer fence.
- 54 • S Bankhead said the only property that will be impacted by future annexation is Jack Nixon’s property.
- 55 • L Raymond felt it should be addressed by the Commission.

- 1 • R James recommends defining summaries first; then defining the uses.
- 2 • S Bankhead said more could be written about each district summary as long as it is in harmony with
- 3 10.8.6.
- 4 • H Hansen likes mixed use districts, but would like to see adjoining areas with more established
- 5 populations. She would like the city to avoid transient neighborhoods.
- 6 • K Allen said high density residential is appropriate in multiple family residential zones. Something like that
- 7 might also be nice in SFL zones. He would like to see parks and walking paths in some of the high density
- 8 areas. That could be done in overlay zones.
- 9 • S Bankhead said percentages of high density could be interspersed throughout SFT zones. That would
- 10 allow multi-family units without affecting the number of dwelling units in a zone. Zones would have to be
- 11 created to allow that.
- 12 • H Hansen asked about ensuring nice building materials be used in multi-family zones to avoid cheap
- 13 looking homes.
- 14 • S Bankhead said the Fair Housing Act prevents the city from being too specific about what types of
- 15 materials can be used. It could be addressed through covenants.
- 16 • R James said mixed use is pretty well defined as commercial/residential. He asked how multi-family mixed
- 17 use could be addressed.
- 18 • S Bankhead said it could be done by conditional use.
- 19 • R James suggested using online information to define zones, rather than creating these definitions and
- 20 zones from scratch.
- 21 • S Bankhead said there is a planned district section already written. However developers didn't like it
- 22 because it required a lot of upfront expense without a guarantee it wouldn't be approved. That could be
- 23 used as a template and changing the approval process to make it more inviting.
- 24 • H Hansen asked for suggestions on what areas the commission wanted to study for next meeting.
- 25 • L Raymond suggested looking at other community plans to see what has already been done so the
- 26 commission doesn't have to rewrite the plan.
- 27 • R James said 10-4-3 has a good description written and thought following that format would be a good
- 28 idea for a mixed use residential district. He suggested the intent of the districts should be written for each
- 29 zone as a first step.
- 30 • H Hansen suggested starting with the three commercial districts; descriptions and intents. After that,
- 31 Heather will research single family districts.
- 32 • L Raymond suggested looking at what Park City has done for high density zones.
- 33 • S Bankhead suggested looking at the Historic District and deciding how that will be addressed. Property
- 34 rights will have to be taken into consideration. She suggested a joint workshop with the Historic
- 35 Preservation Commission when the Planning Commission is ready to discuss that part of town. The longer
- 36 this is delayed, the less there will be to preserve. She felt it should be dealt with as its own separate zone
- 37 rather than an overlay.

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

- 39 • No staff reports.

40 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no

41 formal action will be taken.

- 42 • No commission reports.

43 **Motion to adjourn: R James, second – H Hansen**

44 **Vote: Yea: K Allen, H Hansen, R James, L Raymond, W Simmons**

45 **Nay: None**

46 **Abstained: None**

47 **Excused: S Sanders**

48 Meeting adjourned at 8:00 pm.

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Larry Raymond, Chairman

Caroline Craven, Secretary