

1 **Providence City Planning Commission**

2 Providence City Office Building

3 Providence City Council Chambers

4 15 South Main, Providence, UT

5 April 4, 2006

6 Present: Blaine Sorenson, Chair

7 Commission: Bill Bagley, Lance Campbell, Jon Mock, Kristina Eborn

8 Mayor: Randy Simmons

9 Excused: Jim Beazer

10 City Administrator: Skarlet Bankhead

11 Secretary: Rebecca Billings

12
13 **STUDY SESSION**

- 14 • Rand Henderson, attorney for a resident of Providence, passed out an objection to the
15 fifth agenda item added Monday, April 3, claiming that sufficient notice was not given.
16 It also objected to the study meeting being held (a copy of the objection is filed with the
17 original minutes for the April 4, 2006 meeting).
- 18 • B Sorenson explained that a study meeting is not a time for the Planning Commission to
19 take action on anything. It is merely a time to discuss items that may be on the agenda.
20 It is not a time for public comment. The public hearing will start at 6:00 p.m. for the
21 agenda items.
- 22 • J Mock said he was not aware that there were any items on the study session. The ad in
23 the paper said the meeting began at 6:00 p.m.
- 24 • B Bagley felt the Planning Commission should only deal with agenda items that were
25 printed in the paper. He felt that the public should know what will be talked about in the
26 public meetings.
- 27 • S Bankhead passed out a staff report concerning the added item 5.
- 28 • B Bagley said that neither Planning Commission nor the public knew anything about an
29 added item.
- 30 • S Bankhead said that after Jon Mock and Bill Bagley spoke Friday afternoon at a training
31 session, it was apparent that the Planning Commission needed to make some
32 recommendations and needed to discuss appeals. Bankhead explained that she, Jon Mock
33 and Bill Bagley attended the Utah Local Governments Trust Citizen Planner Seminar on
34 Friday. She explained that the added item is not discussing a proposed ordinance—it is
35 to begin discussions of what will be a proposed ordinance. There has to be some
36 discussions that take place before drafting an ordinance to appoint appeal and land use
37 authorities. It is to see what the Planning Commission's recommendations are. A public
38 hearing will be held after an ordinance is drafted. The outcome of that draft will then be
39 passed on to the City Council. The mayor spoke with B Sorenson, who, as the chairman
40 of the Planning Commission, has the control of the agenda items—so the mayor spoke
41 with him about adding the item. Becky Billings was not in the office yesterday morning,
42 so S Bankhead added item 5, and the paper responded that they got the notice. She also
43 posted it in three public places. The Planning Commissioners were not notified of the
44 added item.
- 45 • B Sorenson wondered if B Bagley was of the opinion that the item shouldn't be on the
46 agenda because he didn't know that it was not on the agenda.
- 47 • B Bagley said he felt it was fine to discuss it. He just wanted clarification about the
48 timeline for notification.
- 49 • B Bagley and J Mock were willing to discuss the item.

- 1 • Bagley explained that there can be more than one appeal authority, but the members of
2 the boards must divorce themselves from the separation of powers. There must be an
3 ordinance authorizing a Board of Appeals (which is not the same as the Variance
4 committee.) If the City denies a request, an applicant could take the decision to the
5 Board of Appeals. It is his responsibility to appeal it—not the City’s.
- 6 • B Bagley said that an applicant can appeal a Planning Commission decision or a
7 legislative Council decision. The applicant can appeal to the Board of Appeals or could
8 take it to the municipal council, and then a higher court. Providence City ordinances,
9 right now, do not address appeals. It is very important that the City appoint an Appeal
10 Authority.
- 11 • Rand Henderson, attorney for a resident of Providence, said there have been four or five
12 appeals filed with the City, and there’s a hole in the ordinance, which creates uncertainty.
13 He explained that the City could choose the Board of Adjustment as the Appeal
14 Authority. Many citizens who file appeals are losing their rights to have their appeals
15 heard because they were filed after ten days. The Authority needs to be created quickly,
16 but with public comment. He explained that the Planning Commission has it within their
17 power to allow all of the appeals to be heard. At one time the City said 30 days, another
18 time they said 10 days. The Board of Adjustment stopped a hearing from going forward
19 because they said there was a ten day period for Mr. Tanaka. He advised the Planning
20 Commission to allow for the period between now and April 15, to allow all appeals to
21 have a 90-day period. It would give citizens a chance to be heard locally, rather than at
22 district court.
- 23 • S Bankhead felt the Planning Commission should take direction from the City’s counsel
24 instead of Mr. Henderson.
- 25 • R Henderson encouraged the Planning Commission to speak with Mr. Jorgenson. He
26 said that if they decided on a hearing officer, they would be deciding on a person with no
27 connection to the community and maybe no understanding of the situation. Many citizens
28 request that you not do that. Another land use authority could be constituted. You can
29 present a lot of legal information—there is another view of this law. He pleaded for time
30 to present.

31
32 No corrections for the March 21, 2006 Planning Commission meeting.

33
34 Motion by K Eborn to approve the minutes of the March 21, 2006 Planning Commission meeting.
35 Second by Jon Mock. All in favor.

36
37 Disclosure of any conflicts of interest: None.

38
39 Disclosure of ex parte communication: Jon Mock talked with Bryan Palmer about the existing

40
41 **ITEM ONE**

42 Public hearing—Susan Williams is requesting amended final plat approval for the Rinderknecht
43 Minor Subdivision located generally at 330 North 300 East.

44 **RECOMMENDATION:**

- 45 1. That the Planning Commission recommend approval of the Rinderknecht Amended Final
46 Plat and the Boundary Line Adjustment for Clair Hibbard with the findings of fact and
47 conclusions of law stated in the staff report. Staff will recommend that the City not accept
48 the dedication of the 350 North until development of the land is requested.

49 **FINDINGS OF FACT:**

- 50 1. a. Dedication of 350 North as a 50-foot right of way is being proposed to the City.

1 b. Staff feels it unwise to accept the dedication of 350 North street until development is
2 requested.

3 2. a. Providence City Code 11-3-3 *Final Plat* lists the requirements for final plat requests.

4 b. Providence City Code 11-3-4 *Two Lot Subdivisions* lists the requirements for two-lot
5 subdivision requests.

6 c. Utah Code 10-9a-608 *Vacating or Changing a Subdivision Plat* lists the requirements
7 for changing a subdivision plat.

8 3. Utah Code 10-9a-609 *Land use authority consideration of petition to vacate or change a*
9 *plat--Criteria for vacating or changing a Plat--Recording the vacation or change* lists the
10 approval and recording process for vacating or changing a plat.

11 **10-9a-609:**

12 (2) If the land use authority is satisfied that neither the public interest nor any person will be
13 materially injured by the proposed vacation, alteration, or amendment, and that there is good
14 cause for the vacation, alteration, or amendment, the land use authority may vacate, alter, or
15 amend the plat, any portion of the plat, or any street or lot.

16 (3) The land use authority may approve the vacation, alteration, or amendment by resolution,
17 amended plat, administrative order, or deed containing a stamp or mark indicating approval
18 by the land use authority.

19 **CONCLUSIONS OF LAW:**

20 1. The applicant meets the requirements of Providence City Code 11-3-3, 4 and Utah Code
21 10-9a-608, 609.

22 **CONDITIONS:**

23 1. None.

24
25 **Members of the Development Review Committee present for the recommendation:**

26 Max Pierce, Randy Eck, Dee Barnes, Skarlet Bankhead,

27 Mayor Randy Simmons (not a deciding member of the Committee)

28 Fire Marshall Liz Hunsaker

29 Tara Bankhead (not a deciding member of the Committee)

30 Council Representative Kathy Baker (not a deciding member of the Committee)

31 Becky Billings (not a deciding member of the Committee)

32

- 33 • Susan Williams and Jay Rinderknecht represented the development.
- 34 • J Rinderknecht explained they would like to change the boundaries of an existing
35 subdivision to give their cousin and nephew additional property. He explained they
36 would like to dedicate some to the City and adjust the boundary lines. He reported they
37 originally subdivided the property to give their niece a building lot. He reported that the
38 LLC owns lot 2.
- 39 • B Bagley asked if the 50 feet was part of the City's transportation plan. J Rinderknecht
40 stated they did not think this was in the plan. Their thought is that when they develop in
41 the future, they would have a dedicated access.
- 42 • K Eborn wanted to know why staff has decided not to take the dedication of the road.
- 43 • S Bankhead explained that Staff felt it unwise to give the Rinderknechts a false sense of
44 security about the width of the road. A future council could require 60-foot road. Also,
45 if the road becomes the City's property, then there are maintenance concerns. It would
46 probably be cleaner to wait until the applicants dedicate at the time of development than
47 to create perhaps a false illusion.

- 1 • B Sorenson explained the City could still amend the plat and adjust the boundary line and
2 just not accept the dedication.
- 3 • J Rinderknecht said if the City won't take the dedication then they will withdraw the
4 request. He was under the assumption that they could get by with 50 feet.
- 5 • K Eborn thought it was a good idea to wait until development came to the City for
6 approval. She felt the City should look at the big picture of planning.
- 7 • B Sorenson said part of the big picture is, at some point, this road could be one way off
8 the bench.
- 9 • B Bagley said that the transportation corridor is about where it goes down 300 East and
10 (according to the master plan) would be one way off the bench.
- 11 • J Rinderknecht said right now they don't have any plans for a subdivision—they know
12 what they'd like to do, but they don't want to do it right now. They just want to make an
13 adjustment on the boundaries for Clair Hibbard.
- 14 • B Sorenson said the 50 feet is tied with that adjustment.
- 15 • Sorenson opened the public hearing.
- 16 • Clair Hibbard wondered if it would be feasible to have a 60-foot collector road that Ts
17 (350 N Ts with 400 E).
- 18 • B Bagley said 350 North drops off on to 300 East. The collector road would be 300 East.
- 19 • C Hibbard said his house is 15 feet from the road now, but with the boundary adjustment
20 it's 35 feet.
- 21 • B Sorenson said that although the City knows there's an issue with transportation coming
22 off the east bench, but there have been no proposals about how it would come off (just
23 discussion). The City must deal with this particular one with the information it has
24 currently.
- 25 • K Eborn felt the City should accept the amended final plat and the boundary adjustment,
26 but not accept the dedication until development comes.
- 27 • R Liechty wondered if anything that says the road must be accepted as a 50-foot road.
28 The Rinderknechts want to offer the City 50 feet of property.
- 29 • J Rinderknecht it poses a problem if the City wanted to change back to a 60-foot road
30 because the property will have been dedicated to C Hibbard and the Ponds.
- 31 • R Liechty said you may want to have the dedication worded so it states that the City is
32 committed to the 50 feet.
- 33 • K Eborn wondered why Staff chose to not accept the dedication.
- 34 • S Bankhead said 350 North street is an access in to their property; if the City takes it,
35 there will have to be some kind of agreement that the owners would be able to use the
36 road to get on to their property. There are ramifications on an unimproved road—it
37 seemed to get complicated. The Rinderknechts are willing to sign a dev agreement that
38 lot two will complete the public improvements in this section. As Staff analyzed the
39 acceptance of the dedication, they were concerned about the liability of accepting it right
40 now. If the City chooses to accept the dedication, the City will need to work really hard
41 to make sure a good agreement is drafted. Normally it would come in when the property
42 is developed.
- 43 • K Eborn asked the Rinderknechts why they wanted to dedicate the road now instead of
44 later.
- 45 • J Rinderknecht said they want to make sure they have the property tied in for the road
46 while still giving Kim Pond and Clair Hibbard some property.
- 47 • K Eborn said if the City accepts the boundary line adjustment, there's still only 50 feet,
48 whenever they come to us for development.
- 49 • S Bankhead said that 50-feet is adequate for most subdivisions.

- 1 • K Eborn wondered why the City would possibly ask for 60 in the future.
- 2 • S Bankhead said that whether the City accepts the dedication or not, there will still only
- 3 be 50 feet once these property lines are adjusted. The City will have to work with
- 4 property owners if they want 60 feet. As Staff, we felt like it would be quite an involved
- 5 agreement during the time property is undeveloped, and we didn't want to lock anyone in
- 6 to anything.
- 7 • L Campbell wondered if the City would make agreements about who would take care of
- 8 the 50-foot right of way road, if they chose to accept the dedication.
- 9 • S Bankhead said both parties would be protected about how the 50 feet would be used
- 10 until it's developed.
- 11 • J Rinderknecht said if the road went in, the Rinderknechts would be responsible to put the
- 12 utilities and black top.
- 13 • K Eborn said if the City takes the dedication now, the road could be a cul de sac or a
- 14 through road—it could be anything if the City takes the dedication. We don't know.
- 15 • L Campbell said he can see both sides: covering City's back, and them wanting access to
- 16 their property.
- 17 • J Mock wants to know what's going on with surrounding properties.
- 18 • B Sorenson said we can't wait until what happens on north bench to decide what to do.
- 19 • B Bagley was still unclear about the dedication part.
- 20 • C Hibbard said that, basically, he doesn't want a 60-foot freeway going around his house.
- 21 • L Campbell said if the City accepts the 50-foot dedication, then down the road the City
- 22 Council could require more.
- 23 • B Bagley said that in the transportation general plan, there are ways of getting off the
- 24 bench. Everyone can't continue to go down Center Street. There has to be some way of
- 25 getting those people off the bench.
- 26 • MOTION by Bill Bagley that the Planning Commission recommend to the City Council
- 27 approval of the Rinderknecht Amended Final Plat and the Boundary Line Adjustment for
- 28 Clair Hibbard with the findings of fact and conclusions of law stated in the staff report.
- 29 The Planning Commission recommends that the City not accept the dedication of the 350
- 30 North until development of the land is requested. SECOND by Jon Mock. All in favor.
- 31 Abstained: Lance Campbell. B Sorenson: Nay.

32 **ITEM TWO**

33 Public hearing—Bryan Palmer is requesting final plat approval for the Bryan Palmer Subdivision
 34 located generally at 100 West 200 South.

35 **RECOMMENDATION:**

- 36 1. That the Planning Commission recommend to the City Council approval Bryan Palmer's
- 37 request for final plat approval for the Bryan Palmer Subdivision located generally at 100
- 38 West 200 South with the findings of fact, conclusions of law, and conditions stated in the
- 39 staff report.

40 **FINDINGS OF FACT:**

- 41 1. Providence City Code 11-3-3 *Final Plat* lists the requirements for preliminary plat
- 42 requests.
- 43 2. The Development Review Committee (DRC) has reviewed the final plat for compliance
- 44 to the Providence City Code and has recommended approval.

45 **CONCLUSIONS OF LAW:**

- 46 1. The subdivision design complies with the requirements of the Single Family Traditional
- 47 zone.
- 48 2. The Brian Palmer Subdivision complies with Providence City Code 11-3-3 *Final Plat*
- 49

1 with the following conditions:

2 **CONDITIONS:**

- 3 1. Dedicate one water share to the city (1.02 acres of total land [see PCC 11-5-9 Water
- 4 Stock Transfer])
- 5 2. Remove setback lines
- 6 3. 11-3-3-m. Add a note: All expenses will be paid by the developer
- 7 4. Owner's dedication on the mylar plat must have names of who will be signing the plat.
- 8 5. Submit Construction Drawings

9 **Members of the Development Review Committee present for the recommendation:**

10 Max Pierce, Randy Eck, Dee Barnes, Skarlet Bankhead

11 Mayor Randy Simmons (not a deciding member of the Committee)

12 Fire Marshall Liz Hunsaker

13 Tara Bankhead (not a deciding member of the Committee)

14 Council Representative Kathy Baker (not a deciding member of the Committee)

15 Becky Billings (not a deciding member of the Committee)

- 16
- 17 • Ron Christenson represented Bryan Palmer. He was curious about the request to remove
- 18 setback lines (condition2).
- 19 • S Bankhead said the City has run in to conflict with people putting setback lines on the
- 20 plats, and the ordinances changing consequently to setback lines. For a long time, front
- 21 yard was 30 feet, and recently the City changed the ordinance to combined setback of
- 22 fifty feet between front and rear yards. Staff felt like putting setback lines on plats could
- 23 cause homeowners to think they know the setback, when really the ordinance has
- 24 changed, and they have to adhere to the current setback requirement rather than the plat.
- 25 It's not the Public utility easement lines. It's just DRC recommending that the setback
- 26 lines not be on the recorded final plat.
- 27 • R Christenson felt like lot 1 should keep its setback lines, but lot 2 and 3 could remove.
- 28 • B Sorenson felt that if you remove one, you remove all. He understands that lot 1 is an
- 29 existing house, but he feels the developer should remove all setback lines on the plat.
- 30 • B Bagley wondered if the developer knew he was to remove sheds.
- 31 • R Christenson said tearing down the sheds was not a conflict (all sheds have been
- 32 removed but one—and it is scheduled to be removed). He agreed to all of the other
- 33 conditions.
- 34 • S Bankhead explained that it is important to have the owners' actual names printed on the
- 35 mylar plat for purposes of writing the development agreement and having everything
- 36 prepared to be signed—that it is clear who will be signing.
- 37 • R Christenson said that the developer will submit a cross section of the sidewalk. He also
- 38 told the Planning Commission that the owner would like to put the sidewalk in along lot
- 39 one, since it's existing, and not do lot two until after buyer has built their home so the
- 40 sidewalk is not destroyed.
- 41 • S Bankhead explained that the City prefers a cleaner plat that does not show all of the
- 42 services—hence, construction drawings. Also, this is a three-lot subdivision, so all of the
- 43 requirements of a large subdivision apply.
- 44 • J Mock wondered if there were thoughts about trying to maintain the architectural feel of
- 45 the historic district.
- 46 • R Christenson said that one lot is somewhat under negotiation of being sold, and the other
- 47 lot is not. No standard of architecture is being put in the agreement.
- 48 • B Bagley felt it was important to get the historic district in place.
- 49 • B Sorenson opened the meeting for public comment.

- 1 • K Eborn didn't like so many conditions she felt these conditions could have been fixed
- 2 ahead of time.
- 3 • R Christensen said these conditions didn't come to the owners' awareness until after final
- 4 plat was submitted.
- 5 • S Bankhead said that the water shares take place at the time of the development
- 6 agreement—staff just keeps it on the report because there has been a disagreement; this
- 7 just makes it cleaner. This condition is taken care of just before recording.
- 8 • MOTION by K Eborn That the Planning Commission recommend to the City Council
- 9 approval Bryan Palmer's request for final plat approval for the Bryan Palmer
- 10 Subdivision located generally at 100 West 200 South with the findings of fact,
- 11 conclusions of law, and conditions stated in the staff report. SECOND by Jon Mock. All
- 12 in favor.

13
14 **ITEM THREE**

15 Bruce Leishman is requesting final plat approval for the Orchard Hills Phase II
16 Subdivision located generally at 540 East 1000 South.

17 **RECOMMENDATION:**

- 18 1. That the Planning Commission recommend approval of Bruce Leishman's request for
- 19 final plat approval for the Orchard Hills Phase II Subdivision located generally at 540
- 20 East 1000 South, with findings of fact, conclusions of law and conditions as stated in the
- 21 Development Review Committee Report.

22 **FINDINGS OF FACT:**

- 23 1. Providence City Code 11-3-3 *Final Plat* lists the requirements for final plat requests.
- 24 2. The Development Review Committee (DRC) has reviewed the final plat for compliance
- 25 to the Providence City Code and has recommended approval.

26 **CONCLUSIONS OF LAW:**

- 27 1. The applicant's request complies with the Providence City General Plan.
- 28 2. The applicant meets the requirements of Providence City Code 11-3-3 *Final Plat* with the
- 29 following conditions:

30 **CONDITIONS:**

- 31 1. The Development Review Committee recommends removing the bulb and extending the
- 32 property lines. (A minimum of 20 feet must be maintained from the street side to the
- 33 setback line at which point they must meet the required frontage.)

34
35 • D Turner said this final plat was completed six months ago but staff wanted the developer to
36 change the storm water and a couple of other comments that have been addressed. Nothing
37 regarding the plat has changed. The only thing that changed was the construction drawings on
38 storm water. He explained that Staff wanted the developer to remove the bulb in front of lots 19,
39 20, and 21, but it was strictly a desire. He thought their main concerns were snow removal and
40 maintenance. Removing this bulb would turn lot 20 in to a flag lot, and Bruce Leishman didn't
41 want to do that. It would create a problem with frontage. It would have to have a 20-foot
42 approach to get back there. This would also cause 19, 20, and 21 to share a massive front yard. It
43 would also add the addition of a manhole and additional construction.

44 • B Bagley wondered what type of landscaping would go along 540 East.

45 • B Sorenson wondered if the developer would consider an island where the road would go
46 around—some type of physical barrier.

47 • D Turner said that if it were private, it would be feasible; but if it was public, it would create a
48 nightmare with snow removal. He's seen it done other places, and it could be a doable thing for
49 the future. The only thing holding this development up was the storm water system. It has been
50 before the DRC for a long time.

- 1 • B Sorenson wondered what kind of snow removal it would be.
- 2 • S Bankhead said it would be similar to a cul de sac—the plow would have to go in and clean it
- 3 off; however, a cul de sac has the advantage of having a place to put the snow. These bulbs don't
- 4 have a "middle" to put the snow in.
- 5 • B Sorenson wondered how that would be different from Eagle's Nest.
- 6 • D Turner said this is an eyebrow—Eagle's nest was at the end of the cul de sac and had a 20-
- 7 foot easement on each side of the prop line for snow.
- 8 • J Mock wanted to know how storm water was addressed.
- 9 • D Turner said it was addressed with staff. The City engineer signed the construction drawings.
- 10 • B Bagley wondered if the subdivision fit in with surrounding areas.
- 11 • D Turner said the average lot size was 12,921. Orchard Hills phase 1 is close, and Providence
- 12 Highlands is to the east.
- 13 • B Bagley was concerned that the temporary turnaround didn't meet fire code. D Turner
- 14 explained that it is 120 feet—not required by the fire department, but added anyway.
- 15 • B Bagley wondered how lot 22 would get to 600 East.
- 16 • J Mock said it would work when the next phase came in.
- 17 • B Bagley was concerned about fire truck access—getting people out and fire trucks in to the
- 18 subdivision.
- 19 • D Turner said there is a temporary turnaround at the end of 1080 South also.
- 20 • K Eborn said getting fire trucks in and people out would be no different than any cul de sac.
- 21 • Sorenson: same situation with any road. Two fire trucks aren't going down the road side by
- 22 side.
- 23 • J Mock explained that the future phase 600 will connect to south. D Turner said a temporary
- 24 turnaround would be stubbed to the south.
- 25 • B Sorenson opened the public hearing.
- 26 • Marilyn Bell wanted to hear a discussion about water. She wondered if the developer paid in
- 27 lieu or gave water shares.
- 28 • S Bankhead explained that the developer gave water shares to an adjacent property owner in
- 29 order to acquire the property necessary to complete 1000 South; the City agreed with his
- 30 proposal.
- 31 • Cheryl Eames said that no water has come to the City for these 60 houses.
- 32 • S Bankhead said it would be appropriate for Mrs. Baker to answer these questions.
- 33 • Kathy Baker said she and her husband received 7 shares of water from Bruce in return for
- 34 donating a triangle of ground to bend 1000 South. She said the water shares didn't determine
- 35 how many houses Bruce would get. That's just how many the Bakers wanted in exchange for the
- 36 triangle.
- 37 • There were 5.77 acres. The Bakers received 7 shares of water. The normal transfer is one
- 38 water share per acre.
- 39 • S Bankhead said the City got the road. They did not get water shares with these homes. They
- 40 got to finish the road. She said that the developer paid for the road—long way around it is they
- 41 paid fee in lieu.
- 42 • B Bagley wondered if there was a study about how many hook ups the City can make. He
- 43 wondered what the reservoir's capacity was.
- 44 • S Bankhead explained that the documentation the City has provided for worst case scenario. It
- 45 was given out about 18 months ago. She explained the City is looking at the water carefully. She
- 46 explained that, the way she was told the study was done, was that this property was already
- 47 counted as knowing it needed to have water. They included all of these phases, and there was
- 48 enough. She said that she saw the documentation, and a rough figure would be that the City
- 49 started out with 350 ERCs.

- 1 • K Baker said she asked Max Pierce if he knew for certain if bench properties were computed in
2 the base amount. He said Vern Keeslar did it, and he is uncertain about some of them.
- 3 • Roland Jeppson said it's important to know, not only the availability of water, but if the present
4 pressure system is capable or if there would need to be additional booster pumps or lines in order
5 to meet fire code and daily demands. When you get up higher, you reduce pressure. There
6 should be a thorough analysis about flow rates and pressure.
- 7 • Laura Fisher said that some people, such as C Thompson, believe that faulty information was
8 used about how much water was available at that time. She doesn't know if it's true, but she
9 knows it hasn't been investigated.
- 10 • B Bagley didn't comfortable about approving the subdivision until the figures are in concrete.
- 11 • B Sorenson asked for a non-partial study. He didn't want to rely on what some individuals say
12 is the situation out there. He said there's water that runs off through the canal system. The
13 argument is it's always passed on from the next guy. People always say the water is used, but
14 from his own farming experience, the water is not always used. He said if the runoff could be
15 captured, we could keep from wasting a lot of water. He'd like to have someone look at that.
- 16 • Richard Eames said he'd like to see the study of the water in writing: what there is, where it is,
17 do we have it or not. The City can't always plan on 8 or 10 feet from Spring Creek to service the
18 people. He'd like to see it in black and white. If you can allow a subdivision here by paying so
19 much money, there are people who would pay so much without water.
- 20 • K Eborn felt a study on water would make the Planning Commission look more educated, but
21 she remembers that Sorenson, Beazer, and herself looked at the study from Vern, and what they
22 showed us led us to believe we're okay. Until someone shows her different, that's what she's
23 going to remember.
- 24 • J Mock wondered if the domestic water system has enough pressure.
- 25 • S Bankhead said that Liz Hunsaker, Logan Fire Marshall, verifies pressures. Staff has had
26 developers put additional lines and pumps in; if the development needs it, we require it of them.
27 She hasn't made additional requests on this particular development.
- 28 • B Sorenson said he would like to see something that deals with water but doesn't want to rely
29 on heresy. If water is a problem, then the City needs to deal with it—but if it's a white ghost to
30 stop development, then he's opposed to that.
- 31 • S Bankhead said she would find out if it's feasible. She will find out the time that's involved.
- 32 • Roland Jeppson said there are two issues that should be dealt with: one is the availability of
33 water; two is the capability of the distribution system to deliver pressure for water lines. Pipe
34 network analysis can be done for part two. It takes effort to make sure the system is well-
35 documented and entered in to the computer. An analysis can be entered in for various things. He
36 said that the student sent here 8 years ago was unable to get information about what's going on
37 with water. Jeppson volunteered to let Providence use software he developed for these kind of
38 analyses. He is willing to make his time available, too.
- 39 • MOTION by K Eborn that the Planning Commission recommend approval of Bruce
40 Leishman's request for final plat approval for the Orchard Hills Phase II Subdivision located
41 generally at 540 East 1000 South, with findings of fact, conclusions of law and conditions as
42 stated in the Development Review Committee Report. SECOND by Lance Campbell. All in
43 favor except Bill Bagley: Nay. Jon Mock: abstained.

44

45 **ITEM FOUR**

46 Wes Van Dyke from Young Electric Signs will be answering Planning Commission questions
47 regarding the brightness and lighting of Commercial signs.

48

- 49 • The Planning Commission expressed their concern about the brightness of Discount Tire's sign
50 said that Van Dyke: not familiar with discount tire's sign.

- 1 • Wes Van Dyke said that he's not familiar with that sign, but he will take a look at it. He
2 explained that he forwarded an email to Becky about how a lot of people measure light by net
3 ratings (a copy of this email is provided with these minutes). He said that full color are more
4 difficult to measure—it depends on how intense they are; blue is less intense than white or red.
5 The signs are set for daytime and nighttime intensities. They also change by units: red, green,
6 amber and full color. Most manufacturers have the ability to control intensity. We have the
7 ability to dim our units out at night. In full sunlight, intensity generally increases. If it's flashing,
8 it will look more intense than dissolving.
- 9 • B Sorenson said that Providence wants soft, appealing, non-threatening, non-distracting
10 illumination.
- 11 • W Van Dyke said it's difficult to put light intensity into effect on a variety of signs. Several
12 issues: fluorescent tubing, indirect lighting, the thickness of lens, coating on the lens. Changing
13 letters and cabinets will be much more difficult. Some people have set up codes for people to
14 turn off signs at a certain time. Electronics is what most people focus their energy on, and
15 regulating MIT levels is best way of controlling that. The City of Mesa requires a certificate
16 signed by manufacturer and owner that it won't exceed certain limits, and the sign must be
17 designed so the owner can't change it. There is some language that can be put in to code,
18 dimming controls can be discussed. The success of a business depends on advertising, and signs
19 are a huge portion of that. McDonalds have a number of units that have changed their sign, and
20 their finding a 5-10% increase in sales.
- 21 • B Bagley wondered if electronic signs support dark sky.
- 22 • W Van Dyke said it's very directional. Signage would be difficult. Flagstaff put a regulation
23 that signs must have ivory color instead of white on their electronic signs. LEDs are very
24 directional. Rob Wardle, over Young Electric Signs' electronics dept, said that the diodes on an
25 LED are 20% up and down. They help the dark sky because they're directional, but he can't say
26 they benefit dark sky. W Van Dyke gave the Planning Commission a DVD—*Signs for Success*—
27 that talks about language for transitions to reduce the impact of the sign (dissolving transitions
28 can be required instead of flashing transitions).
- 29 • J Mock wondered if there were signs programmed to deal with sunlight.
- 30 • W Van Dyke said most units run at about 70% in the day and 30% at night. Problems in the
31 intensity can be taken care of on-site.
- 32 • B Bagley wondered if other cities had similar controls for sign lighting. W Van Dyke said some
33 cities require times when the sign is shut off—the requirements should be universal, not
34 subjective. There needs to be a scientific way for deciding.
- 35 • Bob Bissland thanked Wes Van Dyke for coming to the meeting. He asked if 100% intensity
36 was dangerous to look into. He felt 70% may not be as much of a concession as it sounds. He
37 reported he was not knocking Discount Tire; he is one of their customers. He asked if the City
38 could put new regulations on existing signs. He suggested hoods that do not obscure during the
39 day, but reduce the impact at night. W VanDyke said that louvers can be put on the display to
40 help with the glare. There is an ability to dim by timing or a light sensor. W VanDyke did not
41 know if existing signs could be held to the new rules.
- 42 • B Sorensen asked for clarification on the size of the recent electronic sign. B Bissland reported
43 the Council approved a larger sign.
- 44 • B Bissland felt one 15 sq ft sign could have serviced 9 businesses.
- 45 • K Eborn argued that they didn't know what tenants were coming in.
- 46 • B Bissland wondered what the minimum of a sign is.
- 47 • B Bagley said if all 9 businesses don't go for the 32 sq foot sign, then we're stuck with 40.
48 This is one situation that sets a precedent.
- 49 • K Eborn said she didn't want to see electronic signs on every business. This particular sign is
50 not facing the road.

- 1 • B Bissland keeps wondering why every business would have an electronic sign if the City
2 would have held that the line was 15 square feet. Then the City would have had control. If
3 Discount Tire's sign was smaller, it would still be bright, but there's also square footage involved.
- 4 • W Van Dyke said that one square meter is not going to change brightness or intensity. It will
5 appear bigger, but the same intensity is coming out. The challenge from a business owner's point
6 of view is that 15 square feet is not as effective advertising. McDonald's units are only 3x6 feet.
7 It's up to you guys to come up with a balance of this.
- 8 • B Sorenson said that, as commercial development occurs, it will be more than just Macey's.
- 9 • J Mock said people along that sidewalk will be blared out.
- 10 • W Van Dyke pointed out to the Commission on page 6 of Mesa's code analysis. Electronic
11 displays, intensity levels for LEDs. He gave the Commission a pamphlet and DVD—*Signs of*
12 *Success*. UDOT only allows a transition every 5 seconds. Dividing costs between tenants. How
13 they do that is I guess what you want to control.
- 14 • B Sorenson asked the Planning Commission to review the DVD between now and the next
15 meeting.
- 16 • K Eborn and B Bagley felt that maybe the City should watch this (and the Design Review
17 document) at the workshop on the 21st and 22nd of April.
- 18 • W Van Dyke said that Kurt in their Salt Lake office (who writes codes) could help the City
19 write codes and provide supporting documents. It's a subjective style—hard to enforce legally.
- 20 • B Bissland thinks it's excellent that a City this size is considering looking at this. It's the right
21 move. It's good business for Young Electric to keep towns happy.

22 23 **ITEM FIVE**

24 Discussion – The Planning Commission will discuss modifying Providence City Code
25 Title 10 Zoning and Title 11 Subdivision Regulations to better define the appeal process
26 (amended April 3, 2006 10:30 a.m.)
27

- 28 • B Sorenson felt that perhaps the Commission ought to put this item on the next meeting. It is
29 simply a discussion, but it might be better to wait. The City doesn't want to create any illusion
30 that they have any closed meetings.
- 31 • Mayor Simmons said that there will have to be a public hearing held on this topic. In thinking
32 of the Planning Commission scheduling, it might be smart to have a meeting where the
33 Commission discusses, then hold the public hearing. The law requires that that we become
34 compliant with LUDMA, and LUDMA says land use issues start with the Planning Commission.
- 35 • The Planning Commission will look at April 18, 2006 at the 5:30 meeting to have a discussion,
36 and then May 2 hold the public hearing.

37
38 Meeting adjourned at 8:15 p.m.
39

40 **STUDY MEETING re-convened**

- 41
- 42 • The Planning Commission discussed meeting on April 21-22 for the combined Planning
43 Commission/City Council workshop/retreat. They decided they would like to have April 21 as a
44 day for presentations from qualified individuals, and the next day for drafting ordinances. The
45 Mayor would also like the City to be thinking of access management, open space (integration of
46 trails/open space), and the idea of clustering.