

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**
 2 **May 9, 2007, 6:00 p.m.**
 3 **Providence City Office Building**
 4 **15 South Main, Providence, UT 84332**
 5

6 **ATTENDANCE:** **Chair:** Jim Beazer
 7 **Commissioners:** Harry Ames, Bill Bagley, Lance Campbell,
 8 Jon Mock, John Russell

9 **ACTION ITEMS:**

10 **Approval of the Minutes for April 25, 2007.**

- 11 • Page 2 of 18, line 49, should say more than a residential road, although it could be an arterial.
- 12 • Page 3 of 18, line 1 should say classifies their road as a residential street.
- 13 • Page 3 of 18, line 7 should say from State Road 238 or Providence 200 West.
- 14 • Page 3 of 18, line 20 should say it may not follow under the 1800 car—the road is much more arterial
 15 in nature.
- 16 • Page 4 of 18, line 35 should say the first zoning application requires a public hearing.
- 17 • Page 5 of 18, line 4 should say the process would be too far along.
- 18 • Page 6 of 18, line 49, should say B Bagley said water share values may decrease in dry years.
- 19 • Page 6 of 18, line 51, should say H Ames feels that whatever water ordinance there is, it should error
 20 on the side of the City in being able to control development based upon high confidence that the
 21 water will be there. He would like the ordinance to be structured in such a way that the language is
 22 reasonably fair to the developer and still protects from over stripping tappable water. He looks at it as
 23 a budgeting process. The reserve water tank should always be at least 75 percent full with virtual
 24 pipes going to the City when the house is built and hooked up.
- 25 • Page 7 of 18, line 11, should say plan is required by a licensed water engineer.
- 26 • Page 7 of 18, line 51, should say Jim Beazer said rights are transferred in.
- 27 • Page 7 of 18, line 50, should say R Henderson said the pending ordinance doesn't stop us.
- 28 • Page 8 of 18, line 11, should say he does believe the City should say, "Show me the path and the
 29 margin of the source you will hook up to." He would like to see it tapped in any line. The developer
 30 should say, "I am getting the water this way, and I have signatures saying the water is available, and I
 31 am submitting it with my final plat.
- 32 • Page 10 of 18, line 10, should say if a subdivision has put in the water infrastructure and the City is
 33 servicing it, even though a lot stays vacant, the owner should pay their share of the infrastructure.
- 34 • Page 10 of 18, line 31, should say appreciated, not accelerated.
- 35 • Page 11 of 18, line 22, should say not a good idea.
- 36 • Page 12 of 18, line 16, should say the citizens should be aware that an appeal process is involved.
- 37 • Page 13 of 18, line 52, should say at least instead of only out of date.
- 38 • Page 13 of 18, line 30 should say LUDMA.
- 39 • Page 18 of 18, line 11, should say no smaller than what is allowed now.
- 40 • Convert S Eames name in the minutes.

41 **Motion to approve the minutes of the Providence City Planning Commission, dated April 25, 2007, with**
 42 **all of the changes noted – J Mock, Second – B Bagley.**

43 **Vote:** **Yea:** H Ames, B Bagley, J Beazer, L Campbell, J Mock
 44 **Nay:** None
 45 **Abstained:** None
 46 **Excused:** None

47
 48 **Conflict of Interest.** None
 49

50 **STUDY ITEMS:**

51 **Item No. 1. The Providence City Planning Commission will discuss with Mark Teuscher proposed**
 52 **changes to Providence City Codes.**

- This item will be continued to the next meeting.
- S Bankhead suggested calling Craig Smith to see if he is available.

Item No. 2. The Providence City Planning Commission will study a request from Curtis L. Jacobs requesting approval to alter the Creekside Subdivision Final Plat and the Creekside Townhomes Plat D by creating the Parkway Medical Plaza Subdivision, a three lot, commercial subdivision located generally at the intersection of Spring Creek Parkway and 280 North.

- Curtis Jacobs explained that he would like to extend his land for parking. He is subdividing three lots for commercial businesses. The townhomes are to the east of the property.
- Laura Fisher asked if he is adding a separate piece for commercial use in an existing residential subdivision. She was answered no.
- H Ames asked if he is proposing three more commercial pieces. C Jacobs said yes. He is asking to subdivide the property to allow each doctor to have their own building. The name has been changed to Parkway Medical Plaza.
- H Ames asked what the elevations will be for the buildings. He would like the Planning Commission to see the plans before it is approved.
- S Bankhead explained that this is an amended final plat and will go through a different process required by the State Code.
- H Ames wondered if anything new should be considered. He questioned why the Planning Commission hasn't seen this request recently.
- L Fisher felt the City ordinances should be amended to comply with the State Code instead of using it as a default.
- S Bankhead expressed that Section 11-33 of the City Code explains the process. The Planning Commission is the Land Use Authority, and this request is to amend a final plat. The Planning Commission is the approving authority. It will not go to the City Council.
- H Ames stated that the DRC has looked at everything with this plat to make sure it meets Providence City's code.
- S Bankhead said notices were sent to the neighbors as is required by the State Code.
- B Bagley questioned the architectural design of the offices.
- C Jacobs explained that a colonial look will not be used, but the buildings will look nice.
- H Ames asked if there were any water issues. He was answered no.
- J Beazer said a public hearing will be held in two weeks.

Item No. 3. The Providence City Planning Commission will study a request by Brad Bearson for Concept Plan approval of a two-lot residential subdivision located generally at 80 North Satsuma, Parcel #s 02-08-0026 and 02-08-0035.

- H Ames noted that the existing home on Lot 1 remains on a septic tank.
- B Bagley wondered why B Bearson never hooked up to the sewer.
- S Bankhead said in speaking with Scott Wyatt, he said this is the City's opportunity to make sure Lot 2 is hooked up to the sewer. Lot 1 is an existing home and is another issue. B Bearson is within three hundred feet of the sewer. One of the developer standards is to design the sewer so that all lots can be hooked up to the sewer unless it is absolutely impossible. The City's opinion is that if a sewer did not have a gravity flow and the home is not in a source protection area, the City would not make the homeowner hook up to the sewer until gravity flow is available. A few homes are still on septic systems because the sewer main has not been extended to them or the City feels the gravity flow is problematic. There is no sewer stub on 550 East. Both lots would pump to the east. The City made a conscious decision when they installed the sewer to allow development to go north. It was planned to go in front of B Bearson's home, but due to economics, the decision was changed. The sewer is within the three hundred feet of his property, but he cannot gravity flow to it.
- H Ames asked if the gravity flow is okay on the other lot.
- S Bankhead said no, he will have to pump, but the home must be put on sewer. When Jack Nixon developed the property, he put services in to ensure that the road would not be torn up.

- 1 • H Ames asked if the existing Lot 1 home had a larger chunk of property. S Bankhead said B
2 Bearnson would like to spin it off.
- 3 • B Bagley asked if B Bearnson could be forced to use the sewer system.
- 4 • S Bankhead said he probably could, but it will not affect this part of the change. S Wyatt said it is
5 two separate issues. The City cannot hold Lot 2 hostage for Lot 1 to hook up. When the property to
6 the north is developed, the City will tell B Bearnson to go east with his sewer line. The EPA becomes
7 involved with drinking water quality. If B Bearnson is in a source protection area, the City must
8 make him hook onto the sewer and to use a pump.
- 9 • J Mock asked why one home has no sidewalk, and if all new buildings require them.
- 10 • B Bagley said there is a sidewalk.
- 11 • S Bankhead said this subject was discussed at length, and if the City feels an unsafe situation will be
12 created by installing a sidewalk, it will not be installed. It was discussed where the sidewalk should
13 be added on 600 East. It was felt that it should be placed at the top of the hill to be visible. This will
14 not go through a preliminary plat process.
- 15 • J Beazer said a public hearing will be held in two weeks.

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17 **Item No. 4. The Providence City Planning Commission will study a code amendment repealing**
18 **Providence City Code 10-9-8 Parkways and creating 7-1-8 Park strips.**

- 19 • S Bankhead explained that a parking strip would be a more appropriate term. This portion of the code
20 was taken out of the zoning section and put into Title 7 – Public Ways and Property. This makes it
21 possible to go through the appeal authority and allows the Sheriff’s Office to deal with enforcement.
22 The Planning Commission will regulate the right-of-ways and zoning issues.
- 23 • B Bagley asked if the verbiage is going to stay the same.
- 24 • S Bankhead said yes. The patch of lawn between the sidewalk and the road is considered a park strip.
- 25 • H Ames said the City Code allows a case-by-case basis adaptation of a park strip. He asked if park
26 strips would be all through a new development.
- 27 • S Bankhead said the Planning Commission will decide. They also decide what the road
28 classifications are. They will check to see if the code requires all new residential developments to
29 have park strips. There is an exception that allows the Land Use Authority to move park strips.
- 30 • H Ames asked who is legally responsible to take care of the park strip. S Bankhead said the adjacent
31 property owner is responsible.
- 32 • B Bagley read the requirements for the park strips from the code book.
- 33 • H Ames asked what the rationale is for a park strip. S Bankhead said they are a buffer and are very
34 important.
- 35 • B Bagley said this will come in two weeks for a public hearing.

36

37 Break at 7:12

38

39 **ITEMS FOR RECOMMENDATION:**

40 **Item No. 1. The Providence City Planning Commission will continue to consider for**
41 **recommendation a proposed water ordinance modification repealing Providence City Code 11-5-8**
42 **Water Stock Transfer and replacing it with 11-5-8 Water Availability Requirements.**

- 43 • H Ames likes the ordinance. He is concerned, though, that he didn’t see a connection between
44 the ordinance and the Master Water Plan. He felt the Master Water Plan should be referenced.
- 45 • J Mock felt that “permits contingent upon verification that water physically exists” should be
46 clarified to say that it is based on water studies.
- 47 • R Henderson said the “whereas” are not part of the ordinance. The Master Water Plan isn’t
48 referenced specifically by name to allow flexibility. It is referenced on page 3 in subsection C.
- 49 • J Mock felt the foundation of the document is set up. The Master Water Plan should be updated
50 every five years.
- 51 • J Beazer referred to the fifth “whereas” and questioned its meaning.

- 1 • R Henderson explained that it will not be in the code book. If the ordinance is challenged in
- 2 Court, the Court will say, “The Council and Planning Commission were concerned about these
- 3 issues,” but as far as applying the ordinance, the only thing that applies is the actual change of the
- 4 ordinance.
- 5 • B Bagley wondered if “surplus capacity” indicates more water is available than needed.
- 6 • R Henderson felt the word should be left in.
- 7 • S Bankhead advised the Commission to be careful because if it is indicated that the City has
- 8 surplus water, they can’t require the developers to bring water.
- 9 • J Beazer is concerned with “physical availability.” He wondered if there was another way to state
- 10 it that doesn’t give the connotation of a pocket of water. He read Section C and D to the
- 11 Commission.
- 12 • R Henderson felt that if the word “physical” was struck, it would change the ordinance and put
- 13 the City in a position to have “paper water.”
- 14 • J Beazer felt the word “physical” indicates that water is there.
- 15 • H Ames felt the word “physical” in the Commitment of Service Letter means water is available.
- 16 • R Henderson said “physical” modifies the word “available”.
- 17 • J Beazer felt the word “physical” could be used in a lawsuit against the City, because it implies
- 18 that water is in place.
- 19 • R Henderson felt if the word “physical” was taken out, there would be no need to adopt the
- 20 ordinance. By using the word “physical”, it means the Master Plan must say there is water, and
- 21 there must be a Commitment of Service letter. If a big development exceeds the capacity of the
- 22 available water and brings in other sources, there is a chance that in ten years the City will not be
- 23 able to acquire that water.
- 24 • K Allsop stated that the “Show Me” or “proof” is in the Water Master Plan. R Henderson said
- 25 the ordinance states that water is based on the report.
- 26 • J Beazer asked if a provision is in place to add, “May include but is not limited to,” in Section D.
- 27 • K Allsop said the wording leaves flexibility.
- 28 • J Beazer asked R Henderson to include “not limited to” in Section D.
- 29 • L Fisher said it must be one way or the other.
- 30 • B Bagley asked if there is a difference between municipal use and culinary use in Section D.
- 31 • R Henderson explained that municipal use water could be used in a secondary situation. Culinary
- 32 use means it is drinkable.
- 33 • H Ames suggested striking “water rights without a written opinion.”
- 34 • B Bagley suggested saying “shall be issued” in the last paragraph.
- 35 • H Ames felt it was fine, except for the “and.” It will not change the meaning.
- 36 • J Mock said he had a hard time understanding the latter part of Section E.
- 37 • R Henderson said this section was requested by the DRC to allow the opportunity to get
- 38 applications processed quicker.
- 39 • J Beazer asked what a reasonable time is.
- 40 • R Henderson explained that it is a fail safe process. It allows the City to take action if there is too
- 41 much stress on the system.
- 42 • L Fisher read a sentence that could be inserted in Section D, No. 3. It said, “No Commitment of
- 43 Service Letter shall be issued based upon a transfer of water rights without a written opinion from
- 44 the City Engineer that the water rights transferred or proposed to be transferred are available, and
- 45 in the written opinion of the City Attorney, the rights are legally available for use in the City’s
- 46 municipal water system or in a secondary water system the City owns and operates.” She had
- 47 added “In a secondary water system.”
- 48 • B Bagley noted that some of the ordinance comes from Summit County, and he asked if it has
- 49 been challenged
- 50 • R Henderson said yes. Hyrum is thinking of adopting a similar ordinance. The case was very
- 51 clear, and the structure has been upheld in court.

- 1 • J Beazer felt Craig Smith, the City’s Water Attorney, doesn’t see a need to change the ordinance.
2 No phone call to him is necessary because the Planning Commission is in agreement. He asked S
3 Bankhead if the City will be able to work with it.
- 4 • B Bissland said it has been taken to the DRC, and everything has been changed that was asked of
5 them.

6 Motion that the Providence City Planning Commission recommendation to the Council to approve a
7 water ordinance modification repealing Providence City Code 11-5-8 Water Stock Transfer and replacing
8 it with 11-5-8 Water Availability Requirements as is documented in the Providence City Planning
9 Commission meeting on May 9, 2007, and as amended by discussions between the applicant and the
10 Planning Commission on that date – H Ames, Second – J Mock.

11 Vote: Yea: H Ames, B Bagley, J Beazer, L Campbell, J Mock
12 Nay: None
13 Abstained: None
14 Excused: None
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16 Meeting adjourned at 7:45.
17 Minutes taken and prepared by Becky Turley.
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21 _____
22 Jim Beazer, Chairman

Becky Turley, Office Specialist