

**Providence City Planning Commission  
Providence City Office Building  
15 South Main, Providence  
Tuesday, June 21, 2005**

**Attendance:** Chair: Blaine Sorensen  
Commissioners: Jim Beazer, (Nick Bouwes – excused), Hank Howell,  
Mark Malmstrom  
City Council Members: Mayor Leonhardt, Ron Liechty, Vic Saunders  
City Recorder: Skarlet Bankhead

**The Providence City Planning Commission will hold a study meeting at 5:30 p.m. in the Council Chambers of the Providence City offices, located at 15 South Main Street, Providence. This is a public meeting; however, no public comment will be heard and no action will be taken on the agenda item(s).**

- Hank Howell was the only member in attendance.

**The Providence City Planning Commission will hold a public hearing/meeting on June 21, 2005 at 6:00 p.m. in the Council Chambers of the Providence City offices, located at 15 South Main Street, Providence, Utah. The item(s) listed below will be discussed, and anyone interested is invited to attend.**

- B Sorensen welcomed audience members to the meeting.

**Minutes:**

**Corrections:**

- Page 3 line 35 and 38 “second – Nick Bouwes”

**Discussion of past business:**

- J Beazer asked if the Council approved J Haccke. R Liechty reported the Council denied the request.
- B Sorensen reviewed a memo written by Vern Keeslar that concluded the veterinary clinic would be allowed to board animals. B Sorensen and J Beazer agreed with the memo. R Liechty felt, to comply with the zoning ordinance, the veterinary clinic should apply for a conditional use.

Motion to approve the minutes of April 19, 2005 – M Malmstrom, second – J Beazer

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: H Howell

Excused: N Bouwes

**Disclosure of any conflict of interest on any of the agenda items.**

- M Malmstrom reported he had done work for D McEvoy – commission felt no conflict.

**Disclosure of any ex parte communication on any of the agenda items.**

Bakers contacted J Beazer – Commission felt no conflict.

**ITEM 1. Darcy McEvoy is requesting a conditional use for a large animal located generally at 875 South 400 East.**

- A representative for D McEvoy did not attend the meeting.
- M Malmstrom reported the previous owner had horses on the property.

Motion to recommend to the City Council approval of Darcy McEvoy’s request for a conditional use for a large animal located generally at 875 South 400 East with the following findings of fact, conclusions of law, and conditions as stated in the staff report– J Beazer, second – H Howell,

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

**ITEM 2. Jack Nixon is requesting preliminary plat approval for Eagleview Estates Phase II Subdivision, a residential subdivision containing eight lots, located generally at Eagleview Drive and Sherwood Drive.**

Dan Turner represented the development.

- B Sorensen explained this item was discussed several months ago. The request was withdrawn prior to being considered by the City Council. The applicant has reapplied.
- The Planning Commission members expressed concern that homes were being placed under power lines. D Turner reported UP&L sent a letter approving the placement of the homes under the power lines.
- D Turner explained, with the advise of the Development Review Committee (DRC), Talon Court would be treated as a private lane, eliminating an intersection of two public roads. This would allow Eagleview Drive to be built at no greater than 14% grade. D Turner also explained the cul-de-sac has been reviewed and approved by Liz Hunsaker, Logan City Fire Department. Because Talon Court will be a private drive, the staff recommended no sidewalk. This also eliminates the need for ADA curb access.
- B Sorensen asked about the access for Lots 8 and 4. D Turner explained they will access Talon Court. The Planning Commission felt this should be added as a condition.
- B Sorensen asked to see the letter from UP&L, D Turner reported the City has a copy of the letter.
- R Liechty stated he would like the grade reduced to 12%. He felt that during DRC meeting, D Turner explained the road could be cut to 12%. D Turner stated that cuts could be made, but explained the DRC was willing to allow 14%. R Liechty explained he is not comfortable with 14%. D Turner explained the City Code will allow 18%; but 18% will not work for the fire truck.
- J Beazer felt the City needed to consider changing the City Code from 18%.
- M Malmstrom asked who would be responsible for maintenance on Talon Court. D Turner explained the property owners will be responsible for the maintenance. M Malmstrom suggested a condition be added that a note will be included on the final plat stating that the City will not maintain Talon Court.
- Gary Stauffer, 630 South 200 West, felt there was an ordinance that says that the owners on a private drive will sign a contract for maintenance.
- Clint Thompson, 390 East 200 North, explained these homes would be above 5,000 feet. He stated there are no water rights to the property. He did not feel building should be allowed without water.
- Mayor Leonhardt explained the second water source to Comb Flat Reservoir is scheduled for completion in July 2005. The Mayor explained the second water source is a state requirement. He also explained the water right transfer that is in the process will allow the City to build another well. The well will be built with impact fees. Mayor Leonhardt explained C Thompson disputes the amount of water remaining for culinary use.
- V Saunders explained the requiring of water rights happens at the time of annexation. This property was annexed into the City many years ago.
- C Thompson explained the high ditch was the dividing line.
- Nathan Ballstaedt explained there are water rights available for purchase.
- D Turner explained this issue goes back along time with the original agreement. He felt with review, the Commission would find the water issues have been resolved.
- J Beazer felt some of the agreements may not bind the current Commission and Council.
- D Turner explained this project has been several months in the making and there has been no mention of the water.

- C Thompson explained he sat on the committees that originally reviewed the issues. He felt over the years, the intent had been forgotten.
- B Sorensen explained because the second water source is not on line, he was hesitant to approve the project.
- J Beazer stated he needed proof, not just a statement from staff that the water is okay.
- D Turner did not feel this was different from additional development. He did not feel the development should be held up when the Commission knew the second source would be resolved this summer.
- Mayor Leonhardt felt B Sorensen's home is almost as high as these homes.
- M Malmstrom expressed concern that if this is allowed without the water agreements resolved, it may set a precedent for future development.
- D Turner explained this is the steepest part of the bench. D Turner explained the water system has been designed to provide 72 PSI.
- J Beazer explained the City was in the process of completing the water system to allow building as high as the deer fence. He just wanted to make sure the agreement to provide water was in place.
- H Howell was not comfortable with the power lines. J Beazer agreed but felt it depended on the UP&L letter. H Howell felt this opened the window for additional building under the power lines. M Malmstrom agreed it opened windows.
- B Sorensen felt the Commission needed to act with their feelings, with the understanding that the Council may not agree with the decision. J Beazer agreed. He felt the duty of the Commission is to provide help in planning; building under power lines is not good planning.
- D Turner explained the power pole placement has changed; but the plan has not. D Turner explained there is a difference between a utility right-of-way and a utility easement. D Turner explained it is disheartening to have the Commission consider denial when the DCR allowed the UP&L letter. The Planning Commission members explained they always opposed homes under the power lines.

Motion the Planning Commission not recommend approval to the City Council based on the findings of fact, conclusions of law, and conditions stated in the staff report which includes health and safety reasons – H Howell, second – M Malmstrom.

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

**ITEM 3. B. C. Development is requesting preliminary plat approval for North Town Phase I Subdivision, a residential subdivision containing 25 lots, located generally at 600-700 North 400 East.**

D Turner, Nathan Ballstaedt, and Jason Christensen represented the development.

J Beazer disclosed he does work for B.C. Development.

- D Turner explained this has been reviewed by DRC.
- The Planning Commission expressed concern there was only one access into the development. D Turner felt the second access issue dealt with recently annexed property. He also explained Max Pierce, City Engineer, explained the second access is to provide an alternate to Center Street. This development is not in the Center Street area. D Turner explained the developers understand the importance of traffic flow and are working to extend 650 East to 500 North. J Christensen explained a future phase will connect to Sherwood Dr.
- J Beazer did not feel the City would get a “magical” second access. He felt it would be built bit by bit as development occurs. N Ballstaedt explained Stan Checketts is working

with property owners to acquire access to 500 North. N Ballstaedt explained S Checketts has purchased water rights that will be dedicated to the City in the development process.

- R Liechty asked about the right-of-way necessary to extend 300 North. D Turner explained in talking with Michael Gleed, the wrong narrative was attached to the recorded document. The cover page gave permission to dedicate the parcel for a road, but the exhibit "A" contained the wrong legal description. He is working with the property owners and the County Recorder to correct the discrepancy.
- D Turner explained there are some severe limitations to improving the east side of 400 East. He explained the west half of the road was built. The right-of-way extends to the east. This will severely impact landscaping and some of the driveways into the homes on the east side because they have been placed and/or constructed in the City's right-of-way.
- J Beazer felt if owners put their landscape in a dedicated right-of-way, that was unfortunate, but the best interest of the City needed to be considered.
- D Turner suggested improving the road to meet fire department standards which is twenty feet of asphalt.
- J Beazer felt eventually the main thoroughfare would be 650 East. He did not feel 400 East would have a high volume of traffic. But he did not feel good about 20 feet of asphalt.
- D Turner felt the road could be improved to more than 20' of asphalt, but did not know for sure how far east it could extend without severe impact to the landscaping and driveways in the right-of-way. D Turner felt curb, gutter and sidewalk could be installed on the west side.
- C Thompson stated he lived in the neighborhood. He felt some of his neighbors were reluctant to voice their opinions. He also expressed concern about the water. C Thompson expressed concern about a road on the south side of town never coming to be. He felt this would be a similar situation. He did not think the property owners where 650 East would extend would agree to the road. He felt the roads should be built to the ordinance, even if it meant tearing up the neighboring property. He stated the ordinances should be followed.
- J Beazer explained he would like to see frontages staggered.
- D Turner explained the fire marshal said the intersection will work.
- R Liechty asked if the City has seen the water rights. J Christensen explained their attorney, Jim Alder, is working the transfer of water rights. They purchased a farm in the Lewiston/Richmond area which has rights that are transferable.
- B Sorensen and J Beazer explained the Commission is assuming staff is aware of the water transfer.
- J Beazer felt the road should be improved to at least 29 feet of asphalt. C Thompson felt the ordinance would provide the direction for the width of the road. C Thompson explained the right of way was dedicated in 1862.
- D Turner expressed concern that when the road is widened, the homes on the east may not be conforming to the 30-foot front setback

Motion to recommend to the City Council approval of B. C. Development's request for preliminary plat for North Town Phase I Subdivision located generally at 600-700 North 400 East with the following findings of fact, conclusions of law, and conditions as stated in the staff report– J Beazer, second – M Malmstrom,

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

**ITEM 4. Bruce Leishman is requesting preliminary plat approval for Orchard Hills Phase II Subdivision, a residential subdivision containing 29 lots, located generally at 1000 South 540 East.**

Dan Turner represented the development.

- D Turner explained Phase 1 has been built. The Developer is considering phasing this phase at the time of final plat.
- D Turner explained the storm water detention using the Baker property will not happen. There are two other options. The City Engineer has approved the storm drain pipe system shown on Sheet 2. J Beazer explained there is a pipe currently draining into the Baker property.
- D Turner also explained on the south end of 600 East, Lot 43 will not have access to 600 East. The buyer of Lot 43 will be combining the property with Lot 5 of Providence Highlands Phase 1. The Staff requested the improvement be built to the south boundary of the development, but the area can be barricaded.
- J Beazer reviewed condition No. 4. He felt “may choose” should be changed to “will”.

Motion to recommend to the City Council approval of Bruce Leishman’s request for preliminary plat for Orchard Hills Phase II Subdivision located generally at 1000 South 540 East with the following findings of fact, conclusions of law, and conditions as stated in the staff report with Condition No 4 changed to read “will complete” – Mark Malmstrom, second – H Howell,

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

**ITEM 5. Dan Hogan is requesting preliminary plat approval for The Cove Subdivision, a residential subdivision containing 28 lots, located generally at Canyon Road and Grandview Drive.**

Dan Turner represented the development.

- D Turner explained the City has a letter from Jeff Jacobsen allowing this development to cross the one-foot protection strip along Grandview Drive.
- Harry Ames, 661 Grandview Dr, explained in the past he also received approval to cross the protection strip.
- D Turner explained the development is showing Cove Street as a fully improved road from Canyon Road to Grandview Drive. The developer feels prior agreements to use the existing private driveway allows for access to Canyon Road.
- D Turner asked the Commission to consider the future width of Canyon Road. D Turner explained the extension of the road to Canyon Road will fit around the irrigation box. He also reported he, Dee Barnes, and Max Pierce went on site and discussed the placement of public improvements.
- J Beazer asked where Cove Street would enter Grandview. H Ames explained it would be on the flat, south of his fence line.
- D Turner explained he did a design speed of 25 and 30 mph for line of site to access Grandview. The proposed access falls within the parameters of both speed limits.
- Dennis Carlsen, 825 Foothill Dr, asked about the grade of the Cove Street. D Turner explained the property will be graded to accommodate intersection access at 4% for 100 feet, then transitioning to 8%.
- Larry Tanaka, 596 Canyon Rd, explained when he purchased his property, it was his understanding he owned the private driveway. He explained it is shown this way on the County Plat. His understanding was the neighboring owner has egress to cross, but did not feel that included subdivision access. He felt they had egress rights but not right of

way rights. H Ames agreed with L Tanaka. D Turner explained William Fletcher has an easement described on the Center line. L Tanaka explained the center line would involve the Draney property. D Turner felt the line was the center line of the travel line. He felt the legal description did not match the driveway. J Beazer did not see how a 20-foot egress easement would help for the 50 foot right of way.

- D Turner felt the Fletcher agreement predated the information on the County Plat. D Turner explained if the access can not be acquired, Cove Street can end in a cul-de-sac.
- It was felt a survey would answer some of the access questions. D Turner did not feel the survey was a requirement of preliminary plat. He felt it was at the time of final plat.
- J Beazer and B Sorensen felt Canyon Road should be developed to a 66 foot width. J Beazer felt the curbs should be flared at the 66 foot width.
- H Ames felt the solution to help the developer gain access would be to widen Canyon Road. He felt the City should consider the effects of widening Canyon Road on the current property owners. J Beazer explained the widening of Canyon Road has been discussed for years. J Beazer felt it was obvious that Canyon Road needed to be widened. This will give guidance to the developer on where to put the curb return; it is not widening Canyon Road.
- J Beazer explained a minimum of 50 feet is required for access into the subdivision.
- M Malmstrom asked if the Planning Commission should make recommendation for the width of Canyon Road. J Beazer felt the width of Canyon Road was a separate issue from the development of the subdivision. The developer is only interested in finding where to locate the curb returns.
- L Tanaka asked if the property was measured and the developer cannot cross his property what would happen. D Turner explained the development would design a cul-de-sac.
- The requirements of 11-3-2:2 were reviewed.
- J Beazer wanted it clear that he would not be in favor of one access entering Grandview, if the access through the Tanaka property is not acquired. J Beazer felt it was essential to have the access to Canyon Road.
- R Liechty explained the fire department was not in favor of the cul-de-sac design. D Turner felt while the fire department was not in favor, they would allow it.

Motion to recommend to the City Council approval of Dan Hogan's request for preliminary plat for The Cove Subdivision located generally at Canyon Road and Grandview Drive with the following findings of fact, conclusions of law, and conditions as stated in the staff report, with guidance that Canyon Road width be 60-feet – Hank Howell ,second – J Beazer,

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

**ITEM 6. Dan Hogan is requesting a rezone from Agricultural (AGR) to the Single Family Traditional (SFT) zone to property located generally at Canyon Road and Grandview Drive for The Cove Subdivision.**

- B Sorensen and J Beazer felt the developer needed to resolve the access issues before the Commission should consider the rezone.

Motion to continue the public hearing to the next planning commission meeting – J Beazer, second – H Howell,

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

**ITEM 7. The Providence City Planning Commission will discuss holding planning commission meetings on the first and third Tuesday of each month.**

- B Sorensen explained at one time the Planning Commission met every two weeks. With the advent of the City Manager the Commission met once per month.
- M Malmstrom stated he was in favor of meeting once per month.
- R Liechty explained two meetings will allow time for staff review and for the developer to submit corrected plats. This would also allow the approval process to proceed at a reasonable pace. The Commission did not feel it necessary to speed up the development approval process.
- V Saunders explained the City is to facilitate within the law. This is not speeding up the process for the purpose of speeding development along. It is to allow for corrections to be made and proceed in a reasonable timeframe.
- J Beazer felt if meeting twice per month was necessary, then he would agree. H Howell felt meeting twice per month would be okay if the meetings only lasted one to one and a half hours.
- B Sorensen felt the potential for absence was greater. M Malmstrom also expressed concern about increased absence.
- R Liechty explained a month was a long time to remember discussion from the previous meeting.
- B Sorensen explained the developer understands the window of opportunity. R Liechty explained meeting once a month can cause a developer to wait 45 days. R Liechty explained if the meeting is held twice per month, the conditions will be resolved before coming to Planning Commission.
- J Beazer felt the staff had done a very good job of keeping conditions to a minimum.
- H Howell felt the Planning Commission should only meet once per month. All Commission members agreed.
- Mayor Leonhardt also encouraged the Planning Commission to investigate the issues. J Beazer felt since the Planning Commission was appointed; the City Council could appoint people who agreed with their opinion. He also understood if he cannot talk to applicants he can't learn. R Liechty did not feel a decision could be made without Commission members doing some investigation on their own.
- J Beazer felt the disclosure of ex parte discussions should still be included. R Liechty explained the discussion can be reviewed and the Commission can decide if the discussion has created a conflict.
- C Thompson felt the commission should have the right to investigate and discuss issues with public.
- R Liechty explained it is possible to go to a site and not talk with the property owners.
- G Stauffer explained in his case, if the Commission has talked with him, they would have understood his position.
- H Howell disagreed with outside investigation. He felt the sides should be presented in a public forum. H Howell felt if J Beazer spoke with someone and he did not have the opportunity to talk with the person the decision could be slanted. M Malmstrom felt some people may be uncomfortable expressing their views in a public meeting. H Howell felt this was similar to a court situation, juries are secluded; therefore, the Commission members should not have discussions outside of the public meeting.
- C Thompson felt it was very important to have a clean preliminary plat. C Thompson explained in a previously approved development, the City Engineer's views were not presented. He felt it very important the approving signatures appear on the preliminary plat.

- Mayor Leonhardt explained the only thing that has ever contained all the signatures is the final plat.
- C Thompson felt each step should be signed.
- V Saunders explained the Planning Commission's responsibility was to interpret the laws as they exist. The more the Commission understands the Code the more confidence the Commission will have in making decisions.
- C Thompson felt the developers will hope that the Commission will commit to conditions rather than holding to the ordinance. He felt if the ordinances were upheld the chances of winning legal battles were good.
- C Thompson explained at one point he left the Planning Commission because of deviation from the ordinances. C Thompson explained many of the Bauer Avenue problems occurred prior to many of the ordinances.

Motion to adjourn – J Beazer, second – M Malmstrom.

Vote: Yea: J Beazer, H Howell, M Malmstrom, B Sorensen

Nay: None

Abstained: None

Excused: N Bouwes

Minutes taken and prepared by S Bankhead.

---

Blaine Sorensen, Chair

---

Skarlet Bankhead, City Recorder