

1 Providence City Planning Commission  
2 Providence City Office Building  
3 Providence City Council Chambers  
4 15 South Main, Providence, UT  
5 December 21, 2004  
6

7 Present: Chairman: Blaine Sorenson  
8 Commission: Mark Malmstrom, Hank Howell, Kristina Lamborn, Jim Beazer  
9 Excused: Nick Bouwes  
10 City Manager: Vern Keeslar  
11 Secretary: Rebecca Billings  
12

13 **AGENDA ITEMS**

14 Blaine Sorenson called the meeting to order. He invited visitors to sign in the register.  
15

16 **APPROVAL OF MINUTES**

17 Sorenson opened up time for discussion of minutes.

18 It was discovered that the June 2004 Planning Commission minutes were signed but were  
19 not approved. Hank Howell, Kristina Lamborn, and Blaine Sorenson were present at the  
20 June meeting and were present at this meeting, so the minutes can be approved.  
21

22 **MOTION** by Kristina Lamborn to approve the minutes of June 15, 2004. **SECOND** by  
23 Hank Howell. All in favor.  
24 Excused: Nick Bouwes  
25

26 Blaine Sorenson asked the Planning Commission if they had any corrections for the  
27 minutes of the November 2004 Planning Commission meeting.  
28

29 Mark Malmstrom mentioned that “zeroscaping” should be changed to “xeriscaping” on  
30 page 2, line 34, and throughout the document.  
31

32 The correction was noted and changed.  
33

34 **MOTION** by Mark Malmstrom to approve the minutes of November 16, 2004 with the  
35 changes suggested. **SECOND** by Hank Howell. All in favor.  
36

37 **Disclosure of any conflicts of interest on any of the agenda items: None.**  
38

39 **Disclosure of any ex parte communication: None.**  
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1 **ITEM ONE:** Colette Yates is requesting a code amendment to Providence City Code 10-  
2 6-2-E, Professional Services, to allow for colon hydrotherapy as a conditional use in the  
3 Single Family Traditional (SFT) zone.

- 4 • Vern Keeslar stated that he had reviewed this item with the Staff Review  
5 Committee, and they had had some concerns.
- 6 • The following FINDINGS OF FACT were presented:
  - 7 ○ The current code does not list colon hydrotherapy as a land use in  
8 Providence City Code 10-6-2-E, Professional Services, in the Single  
9 Family Traditional (SFT) zone.
  - 10 ○ The proposed code amendment would allow for colon hydrotherapy as a  
11 conditional use in the Single Family Traditional (SFT) zone.
  - 12 ○ The Staff Review Committee (SRC) has recommended against the code  
13 amendment, believing that the colon hydrotherapy use should be in  
14 commercial zones and not in residential zones.
- 15 • Keeslar said that the current code doesn't allow this type of business in a home,  
16 which is why Collette Yates has requested it.
- 17 • The following CONCLUSIONS OF LAW were presented:
  - 18 ○ The proposed code amendment to allow for colon hydrotherapy as a  
19 conditional use in the Single Family Traditional (SFT) zone would be  
20 inconsistent with current and traditional uses associated with residential  
21 zones.
  - 22 ○ The proposed code amendment is better suited for a commercial zone  
23 where access is easier and emergency response time is shorter.
- 24 • The following CONDITIONS were presented:
  - 25 ○ None.
- 26 • Keeslar explained that the Staff Review Committee is made up of the City  
27 Planner, the Public Works Director, the City Engineer, and the Mayor.
- 28 • Keeslar said that the Staff Review Committee thought that operating a business  
29 such as colon hydrotherapy would be above and beyond operations that should be  
30 allowed in a residential area.
- 31 • Keeslar explained that Collette Yates dropped off a video and a booklet at the  
32 City, and that all 5 Planning Commission members at this meeting had looked at  
33 the book. He explained that Collette Yates was present at the Planning  
34 Commission meeting and is here to present her request.
- 35 • Blaine Sorenson turned the time over to Collette Yates.
- 36 • Collette Yates stated that the reason she provided the binder for the Planning  
37 Commission was so that they could become familiar with the modality of colon  
38 hydrotherapy. She stated that massage therapy and dermatology-type procedures  
39 are happening in homes in Providence, and that this procedure is safe. She stated  
40 that she's qualified, and she has the training and background. She said that this is  
41 a needed modality.
- 42 • Yates stated that she has 1 person coming to her home every couple of hours for  
43 the procedure. She said that this would not be a traffic issue. She stated that she  
44 sees babysitting businesses and beauticians that have a lot more traffic in their  
45 neighborhoods. Hers is a low-key business.

- 1 • Yates stated that she tried to be as up-front and lawful as she could about what  
2 she's doing. She said that she could have just not asked for a business license.  
3 She explained that she has taken the necessary steps to make sure that her training  
4 is accurate.
- 5 • She informed the Commission that she has a lot of support from chiropractors,  
6 and that her home is conducive to this type of procedure.
- 7 • She said that if she were to move into a commercial zone, her prices would have  
8 to increase. She explained that insurance does not cover this modality, and  
9 having it in a commercial zone would make it more difficult for people to be able  
10 to afford the procedure because there's no coverage.
- 11 • Yates stated that she didn't want to do anything that she shouldn't be doing, but  
12 that she doesn't think that what she's doing is any more dangerous than doing  
13 nails. She said that what she's doing is not harmful but helpful. She said that  
14 cosmetic tattooing is more dangerous than colon hydrotherapy.
- 15 • Yates said that she's able to help very sick people that doctors can't help. She  
16 explained that colon hydrotherapy helped her fibromyalgia.
- 17 • She asked the Planning Commission to give her a chance. She said that she's not  
18 doing anything that's harmful or requires a commercial zone. The majority of  
19 people who practice colon hydrotherapy are not practicing it in doctors' offices—  
20 they're doing it in homes and massage therapy offices. She said that it's a very  
21 simple procedure.
- 22 • Lamborn asked Yates if she knew the cost of doing the procedure in the home  
23 compared to the cost of doing the procedure in a commercial district.
- 24 • Yates said that she charges \$40 a session, and she figures that if she brings her  
25 business to a doctor's office, the cost would be at least double that.
- 26 • Lamborn asked when the state of Utah was going to start licensing for colon  
27 hydrotherapy.
- 28 • Yates said that she wishes they would. She explained that she was trained in  
29 Florida, and if she lived in Florida, she would be licensed. She explained that  
30 Utah does not recognize colon hydrotherapy as a licensable occupation.
- 31 • Lamborn asked Yates how often her patients have to come to her.
- 32 • Yates said that her patients come to 3 sessions, 3 days in a row for water therapy.  
33 She explained that a lot of therapists tie people to the bed, but she doesn't do that.  
34 Yates said that she likes to teach her patients how the procedure works.
- 35 • She said that, after the initial 3 sessions, the patient then comes 1 week out, 2  
36 weeks out, and 1 month out, and then Yates provides a follow-up visit to talk  
37 about diet and to generally consult with the patient. For example, she may have a  
38 patient come back in to talk about problems with medications they're taking,  
39 etcetera.
- 40 • Yates said that she never asks her patients not to talk with their doctors. She said  
41 that it's important that patients follow what their doctors tell them to do. She said  
42 that she likes to work hand-in-hand with doctors.
- 43 • Jim Beazer clarified that a patient would have 3 visits, and perhaps 3 more.
- 44 • Yates stated that that was correct. She explained that, at that point, the colon has  
45 been cleansed and the body heals itself.

- 1 • Beazer told Yates that he went through the binder she had prepared and watched  
2 the video she brought in and wanted her to know that she was the most prepared  
3 of anyone he's seen in years.
- 4 • Beazer asked how the waste was plumbed out of the house.
- 5 • Yates said that it was plumbed through the sewer line.
- 6 • Michael Yates, Collette Yates's husband (in the audience), asked permission to  
7 speak. He said that he is a heating and ventilation specialist, and that they (the  
8 Yates) have a P-trap, so all of the waste is plumbed properly. He said that the  
9 way it works is DoTolo gives their guidelines and asks the machine operators to  
10 follow the codes of the area. He said this has been done.
- 11 • Hank Howell asked if the Yates have insurance—in case of an accident.
- 12 • C. Yates said that they have professional liability insurance: 1 million for each  
13 claim, 3 million aggregate.
- 14 • Beazer mentioned again that he had watched the video and then asked Collette  
15 Yates how much a person can take before there's a rupture or perforation.
- 16 • Yates said that people ask that a lot. She said that she watches the psi (units of  
17 pressure) levels. The gage goes up to 2 psi. She said that it's a gentle process.  
18 She does not press the body or force things. She works very gently. She repeated  
19 that she watches the psi, and that she also carefully monitors the water  
20 temperature so that it stays between 90 & 100 degrees.
- 21 • Beazer asked about what would happen if someone wasn't paying attention.
- 22 • Michael Yates said that the machine would not allow the psi to get to a dangerous  
23 level, that it cuts everything off.
- 24 • Collette Yates said that the machine is FDA approved, and that it has an  
25 international mark, too.
- 26 • C. Yates said that if the temperature of the machine gets over 102 degrees, it shuts  
27 off. It has safety valves. The machine won't allow water to be backed up in to a  
28 patient. She explained that she takes huge precautions. She said that no  
29 pesticides are introduced into the patient. The machine also uses a hydro filter  
30 and purified water.
- 31 • C. Yates explained that as she fills, she resets the gage and watches the psi. She  
32 said that the body would never let it get to the point where anything would rupture  
33 because the patient would be in too much pain. She said that she's constantly  
34 talking with the patient and making sure that the psi is where it should be. Other  
35 colon hydro therapists will tell their patients to hang on, but Yates explained that  
36 she's very careful and thoughtful and takes no chances. She said that she doesn't  
37 perform the procedure on minors or pregnant women. She refers them to doctors.
- 38 • Blaine Sorenson asked if all her clientele was made up of referrals.
- 39 • C. Yates explained that she talked to chiropractors about it and that her patients  
40 came for their own health. Right now her clientele is totally word-of-mouth. She  
41 explained that, before her patients have the procedure, she has them watch a  
42 video.
- 43 • Sorenson asked if she had had any medical referrals yet.

- 1 • C. Yates said that she hadn't had any yet, but added that a Dr. Strebble, a doctor  
2 at the Huntsman Center, and a lot of gastroenterologists are getting colon hydro  
3 therapists.
- 4 • Michael Yates explained that Collette was trained about what psi not to exceed (2  
5 psi). He said that he and Collette are not specialists at knowing how much a body  
6 can handle before blowing up, but that there's never been one documented case of  
7 that happening in the world.
- 8 • Blaine Sorenson opened up the meeting to the audience for comments.
- 9 • Mary Hubbard, a citizen of Providence present in the audience, expressed her  
10 opinion. She wondered how many businesses the City was going to allow in  
11 Single Family Residential neighborhoods before the neighborhoods are no longer  
12 Single Family Residential areas. She stated that there are 6 home businesses in  
13 her neighborhood. She explained that she works in a lab, and sometimes she has  
14 to work with bodily wastes. She asked if any of the waste the Yates's deal with is  
15 toxic. She asked how many home businesses can go into a neighborhood before  
16 she no longer has a house in a Single Family Residential area. She explained that,  
17 in her neighborhood, there is a sign business, a daycare, a computer business, and  
18 a beauty shop, and then there will be colon hydrotherapy, if it passes.
- 19 • C. Yates expressed her opinion that these businesses present a traffic issue. She  
20 explained that she does two sessions a day, maybe. She said she felt that her  
21 business shouldn't be an issue because she doesn't have excess traffic.
- 22 • Hubbard said that it is fine to help peoples' health, but that's what commercial  
23 zones are for. She stated that there's zoning for a reason. She said that she comes  
24 to more and more of these meetings, and people want to put in more and more  
25 home businesses. She asked, "Where does it stop?"
- 26 • Sorenson asked if all of these things were theory or if these are things that have  
27 happened.
- 28 • Hubbard stated that they all exist.
- 29 • Sorenson asked if there were any other comments from the audience.
- 30 • C. Yates stated that if what she puts in the sewer is biological waste, then the City  
31 shouldn't allow diapers.
- 32 • Denise Strong asked if the Yates's have to dispose the waste in a special way so  
33 that dogs can't get into the garbage.
- 34 • Michael Yates said that the garbage is kept in their garage.
- 35 • Sorenson closed the issue to the audience and turned the time over to the Planning  
36 Commission for discussion.
- 37 • Sorenson stated that he thinks the issue is not anything to do with what the service  
38 is being proposed, but that the issue is determining if a neighborhood is the  
39 appropriate place to have this type of business or if it should be in a commercial  
40 zone.
- 41 • Mark Malmstrom said that he looked through the book, and complimented  
42 Collette Yates on how extremely well-prepared and well-educated she is. He said  
43 that he doesn't have a big problem with it. He stated that he thinks it's the only  
44 colon hydrotherapy they'll see in Providence or Cache Valley.
- 45 • Michael Yates indicated that that wasn't so.

- 1 • Malmstrom said, “But there aren’t too many.”
- 2 • C. Yates agreed.
- 3 • Beazer said that he didn’t have a problem, but like Mary Hubbard said, it’s
- 4 precedent. He stated that Collette Yates is excellently prepared, but that the next
- 5 person might not be.
- 6 • Malmstrom pointed out that that’s why it’s a conditional use.
- 7 • Beazer expressed concern that, if this conditional use was granted, the next person
- 8 who comes in to the City for a business license for a medical procedure could cite
- 9 this case and complain that the City already allowed a medical business from
- 10 home.
- 11 • Beazer said that, in Providence City, the closest licensed business to this type of
- 12 business is tattooing.
- 13 • Vern Keeslar stated that there is a licensed massage therapist in the City
- 14 practicing from home.
- 15 • Beazer said that colon hydrotherapy is a business that perhaps belongs in a
- 16 chiropractic office. He said that Single Family Traditional home owners have a
- 17 problem with accessory dwelling units. He said that traffic is just one of a myriad
- 18 of issues. Collette Yates’s business won’t demand traffic.
- 19 • Beazer was concerned about opening the door for accessory dwelling units.
- 20 Opening to a beautiful place like Cobblestone and Deer Creek is okay because
- 21 they’re nice, but it could have been a disaster.
- 22 • Beazer said that that’s what he worries about—precedence, more than anything.
- 23 He thinks this belongs intermingled with a chiropractor or other business like that
- 24 in that zoned area.
- 25 • Kristina said she feels same way. She said that she’s been asking about this
- 26 procedure, and she hasn’t found any negative comments about it, but she feels
- 27 that it should be in a commercial zone.
- 28 • Blaine Sorenson opened the time for a motion.
- 29 • **MOTION** by Jim Beazer that the Planning Commission recommend to the City
- 30 Council **denial** of Colette Yates’s request for a code amendment to Providence
- 31 City Code 10-6-2-E, Professional Services, to allow for colon hydrotherapy as a
- 32 conditional use in the Single Family Traditional (SFT) zone with the findings of
- 33 fact, conclusions of law, and conditions as stated in the staff report. **SECOND** by
- 34 Kristina Lamborn.
- 35 Blaine Sorenson: “All in favor of the as-stated recommendation:”
- 36 Yea: Kristina Lamborn, Blaine Sorenson, Jim Beazer
- 37 Nay: Hank Howell, Mark Malmstrom
- 38 Excused: Nick Bouwes
- 39 • Vern Keeslar stated that the issue now goes before the City Council. Collette
- 40 Yates will need to be in attendance at the Council meeting.
- 41 • Blaine Sorenson said he would like to compliment Collette Yates. He hasn’t seen
- 42 anything this well presented to the Planning Commission, and he commends her
- 43 for that.
- 44
- 45
- 46

1 **ITEM TWO:** Mark Cohen, agent for Imagine Development, is requesting preliminary  
2 plat approval for Providence Highlands Subdivision Phase One located generally at 1100  
3 South Grandview Drive.

- 4 • The following RECOMMENDATION was in the staff report:
  - 5 ○ That the Planning Commission recommend to the City Council approval
  - 6 of Mark Cohen’s request for preliminary plat for Providence Highlands
  - 7 Subdivision Phase One located generally at 1100 South Grandview Drive
  - 8 with the following findings of fact, conclusions of law, and conditions as
  - 9 stated in the staff report.
- 10 • The following FINDINGS OF FACT were present in the staff report:
  - 11 ○ Providence City Code 11-3-2 Preliminary Plat lists the requirements for
  - 12 preliminary plat requests.
- 13 • The following CONCLUSIONS OF LAW were present in the staff report:
  - 14 ○ The applicant’s request complies with the Providence City General Plan.
  - 15 ○ The applicant will meet the requirements of Providence City Code 11-3-2
  - 16 Preliminary Plat with the following conditions.
- 17 • The following CONDITIONS were present in the staff report:
  - 18 ○ Continue to comply with Providence City Code 11-3-2 Preliminary Plat.
  - 19 ○ Show well located just west of proposed subdivision.
  - 20 ○ Show Providence City Corporate Limit line on south edge of subdivision
  - 21 plat.
  - 22 ○ Show all existing irrigation ditches.
  - 23 ○ Show five foot sidewalk on road cross section instead of four foot
  - 24 sidewalk.
  - 25 ○ A fire hydrant is required on the corner of 1000 South and Forgotten Drive
  - 26 and Grandview.
- 27 • Vern Keeslar explained to the Commission that this subdivision contains 70 lots,
- 28 and that the request is within the density requirements of the City Code 11-3-2,
- 29 and that the request complies with the Providence City general plan. He stated
- 30 that Imagine Development has submitted a rezone application, and that it will be
- 31 concurrently reviewed with the Providence Highlands Subdivision final plat
- 32 submission.
- 33 • Keeslar said that the Staff Review Committee had reviewed this on a number of
- 34 occasions and Providence Highlands made a number of revisions to get to the
- 35 point where they are ready.
- 36 • Keeslar stated that a fire hydrant is required on the corner of 1000 South and
- 37 Forgotten Drive and Grand View.
- 38 • Keeslar stated that the Staff Review Committee is recommending approval for
- 39 this subdivision.
- 40 • Keeslar stated that there are 3 accesses into the subdivision: one is a platted road
- 41 west of Grandview Drive; another is the required connection to 1250 South,
- 42 which is Hillsborough Drive; and the last is the street that will be stubbed on
- 43 Grandview Drive as it continues southward.
- 44 • Keeslar explained that Imagine Development and the City had received new
- 45 information that day on the setback requirements for power lines. He stated that
- 46 the setback is 25 feet—22 or 25. If the Planning Commission is inclined to

1 approve the new setback requirements, this power line setback requirement will  
2 need to be included. Keeslar explained that lots backing on to open space “A” (on  
3 the plat—east of lots 20 - 35) would require at least a 22- or maybe a 25-foot  
4 setback.

- 5 • Sorenson inquired about where Hillsborough was and clarified that it is not a road  
6 at this time.
- 7 • Mark Cohen said that that was right.
- 8 • Keeslar explained that, in regards to the connection to 1000 South, the Developers  
9 have proposed and contacted the neighboring property owner there. They  
10 proposed full curb and gutter along the 1000 South corridor.
- 11 • Jim Beazer was concerned about the connection between Hillsborough and the  
12 end of Providence Highlands Subdivision.
- 13 • Keeslar said that the City would be working with this.
- 14 • Sorenson asked if there was a general, uniform size for these lots.
- 15 • Keeslar said that these lots are in accordance with the Providence City Code.
- 16 • Mark Cohen said that Imagine Development has had this subdivision designed to  
17 meet some of the discussion points on the Planning Commission agenda that  
18 night: larger parkways and a variety of setbacks—both front and rear. He  
19 explained that they would like to see some front yards maybe only 20 feet off the  
20 public right of way, and the back yards, 30, etcetera. Imagine Development  
21 thinks it would be very interesting. They love the planting strip idea. They think  
22 it would give a unique characteristic to the county that normally isn’t seen.
- 23 • Cohen reiterated that they had contacted Utah Power about the transmission lines,  
24 and they had informed Imagine about the electric safety codes. They had told  
25 Imagine that the lines have to be 17 feet away, so Imagine sent in their  
26 application. But Utah Power would like Imagine to be 25 feet from the center line  
27 of the post, so no building would be closer than 21 ½ feet back, and no front yard  
28 would be closer than 20 feet. That’s how they worked the 50-foot row. Utah  
29 Power is very happy about that.
- 30 • Beazer clarified that the owners will not be able to build out building sheds.
- 31 • Cohen said that that was right—they prefer the owners not do that.
- 32 • Cohen said that they are encouraging 3-car garages.
- 33 • Malmstrom clarified that everyone who lives along there will have very adequate  
34 notice that they can’t throw in a shed.
- 35 • Cohen said that it will be in a restrictive covenant.
- 36 • Blaine Sorenson asked if they would be working with the approved trees list.
- 37 • Cohen said that they would be working very closely with the list.
- 38 • Cohen said that they would perhaps like to use the same tree per street. They  
39 would like a similar canopy of trees. He said that Imagine has no problems with  
40 any of the conditions that the Staff Review Committee recommended
- 41 • Sorenson asked if there were other questions from the Commission.
- 42 • Mark Malmstrom mentioned to Vern Keeslar that the name Forgotten Drive is  
43 listed on the plat. He stated that he thought the City decided on numbers instead  
44 of names.

- 1 • Keeslar said that signs still have to have the numbers, even if they have names, so
- 2 the name would be on the street sign with the number underneath it.
- 3 • Sorenson asked why they added the name rather than the number.
- 4 • Vic Saunders said that the rest of the state does that.
- 5 • Beazer said that the Planning Commission has been denying names for streets
- 6 when people have come to them about it.
- 7 • Saunders said that the City hasn't been denying it.
- 8 • Malmstrom asked about Marion Street.
- 9 • Saunders said that the City did allow it.
- 10 • Malmstrom said that the City had said no, but guesses that had been changed.
- 11 • Keeslar said that the county and the entire state of Utah was set up in numbers,
- 12 but many have the name of the street with the number coordinate underneath it.
- 13 • Malmstrom said that he didn't have a problem with names, but with the
- 14 inconsistency.
- 15 • Keeslar said that there hasn't been any inconsistency, that City Council had
- 16 approved names for streets.
- 17 • Sorenson asked if there were any other questions.
- 18 • Malmstrom asked what the status of 1000 South was. He wondered if there were
- 19 plans to have it asphalted and deeded to the City and in place before construction
- 20 on the subdivision begins. He is concerned about having land owners and things
- 21 locked up with construction. He asked Cohen if he planned on having it in good
- 22 shape before they build.
- 23 • Cohen said that they didn't plan on having it completed before building. He said
- 24 that it would be done concurrently—not prior. Underground utilities are going to
- 25 be done during.
- 26 • Cohen stated that they need to upgrade the entire area east of 400 East with 3-
- 27 phase power. He said that they also need 3-phase power up to the new pump by
- 28 the reservoir at the mouth of Providence Canyon. He said that it will all be
- 29 underground. On the construction site, they'll be doing the same kinds of utilities.
- 30 They estimate that it will take them until late spring or early summer to do these
- 31 things, and then the next fall, they'll finish the road.
- 32 • Cohen told the Commission that Bruce Leishman is going to dedicate the right of
- 33 way. He's been very supportive. They're preparing the dedication for the one
- 34 half of the road. He stated that Imagine would like the City to strongly consider
- 35 working with the other land owner (Dorin Baker) on the other half of the road.
- 36 • Sorenson asked members of the audience to be as clear and concise as possible
- 37 and to identify themselves when they ask for a turn to speak in the meeting.
- 38 • Mayor Alma Leonhardt commented that the road from 1000 South to 400 East is
- 39 half of a road also. He indicated that it is not a small road.
- 40 • Malmstrom stated that, even if there are issues, the plan may be fairly adequate
- 41 for a time.
- 42 • Jaqueline Henney, who lives on the southern most part of Grandview Drive, is
- 43 concerned about the power lines. She indicated that it was mentioned that there
- 44 will be a setback. She stated that there are underground power lines to her
- 45 development that were installed in the 1980s. She asked Mark Cohen if he was

1 talking about the existing Utah power lines or if he's talking about what will be  
2 put in for their development.

- 3 • Cohen stated that it will be the existing power lines.
- 4 • Henney said there has been a drought for six years, going on 7. She wondered if,  
5 with this new development there would be adequate water for the area.
- 6 • Keeslar told her that Providence City told Imagine Development that if they  
7 wanted to develop in Providence, they had to bring water in to do so. He said that  
8 Imagine has purchased 932 acre feet of water, and half of that is going to be  
9 deeded to Providence City. This would be enough for 500 units. Keeslar said that  
10 the water agreement has been drafted, and that the City Council has seen a draft.  
11 He stated that the agreement is currently being reviewed by an attorney and will  
12 be heard by the City Council on January 11th. He told Henney that there will not  
13 be a shortage in water.
- 14 • Henney wondered if, with more people, everyone in the area is going to be  
15 directed to be more water wise and use less. She stated that there are several  
16 water-needy trees on the street where Imagine is developing. She said that she  
17 hoped that Imagine was going to be conscious of that.
- 18 • Cohen said that Imagine is very anxious to work with Staff on the tree issue.
- 19 • Henney said that many of the people in the area are trying to cut back on water.  
20 She said that more people need to work together to be more thrifty with water use.
- 21 • Jeff Strong, in the audience, asked if Keeslar could show a diagram of the  
22 connections to the roads in the area being discussed.
- 23 • Keeslar showed the audience and the Planning Commission where the CELCO  
24 property was that was annexed into Providence. He said that they anticipate a  
25 connection south of Grandview Drive, and he mentioned 2 other accesses. He  
26 said that there are other phases planned in the upper portion of the land. He said  
27 that the development all stays west of the current property line.
- 28 • Denise Strong, in the audience, asked where most of the traffic would be  
29 anticipated.
- 30 • Keeslar said that they anticipated most traffic on 1000 South because that's where  
31 the 2 accesses are.
- 32 • Cohen stated that Imagine is looking at developing alternative routes farther  
33 north.
- 34 • Cohen said that Imagine would improve as much of the property as they can. He  
35 said that the north side may not have curb and gutter, and that after 400 East, it  
36 becomes a real road.
- 37 • Beazer asked if Imagine was going to complete the road all the way through to  
38 Orchard Hills.
- 39 • Cohen said that he was. He said they would do a reimbursement agreement. He  
40 considers it their (Imagine's) problem, even though it's not.
- 41 • Jim Adams, in the audience, had a question about the setbacks that Cohen is  
42 talking about. He said that Cohen had mentioned that they need this item 4 now  
43 to get this approved. He has concerns about the existing property setbacks. He  
44 asked the City if they planned to change the code to address this issue—just for  
45 this issue. He said that he lives in a subdivision that, when the developers brought  
46 the plat to the city, they agreed on a certain footage. Then they changed the

- 1 footage so the City could put up two additional buildings. It affects all of  
2 Providence City, not just this particular plot.
- 3 • Sorenson explained that the City was not doing this simply to accommodate this  
4 subdivision.
  - 5 • Beazer said that they're trying to stagger the setback so the houses aren't all lined  
6 at 30 feet or 20 feet.
  - 7 • Jim Adams asked why they wanted to tunnel.
  - 8 • Beazer explained that when you stagger fronts, you have a better looking  
9 subdivision, but not the speeding problems.
  - 10 • Adams said the speeds have to do with the width of the roads—not the staggering.
  - 11 • Beazer said that item 2 and item 4 on the meeting's agenda are not related to each  
12 other.
  - 13 • Adams said that right now Imagine doesn't have the option for item 4, so they do  
14 tie hand-in-hand.
  - 15 • Sorenson said that the City is not doing item 4 to accommodate item 2.
  - 16 • Beazer explained that the City has been looking at this for months.
  - 17 • Adams said that the City still hadn't addressed the problem on 200 West. He said  
18 that the City agreed in a public meeting for a certain plat, and then when the  
19 development went in, the changes were not brought back to the public.
  - 20 • Greg McDonough said that Providence Highlands development is just south of his  
21 property. He asked if this is just the first phase and then are they going to work up  
22 and around. He wondered when and what they are going to do with that area east  
23 of the upper section of Grandview.
  - 24 • Cohen said he didn't know if he wanted to talk about things that weren't on the  
25 agenda.
  - 26 • Cohen said, in response to Mr. McDonough's question, that Imagine has some  
27 ideas: larger lots, bigger homes. He stated that they certainly hadn't presented  
28 ideas to this body. He said that he'd love to visit with the public and share ideas.
  - 29 • Jeff Strong said that excavation has started already in the area they're talking  
30 about.
  - 31 • Cohen guaranteed that it is not a commercial pit for gravel—the hole is now too  
32 big.
  - 33 • Cohen said 1000 South should continue up—everything under the hillside—  
34 streets are best to run across the hill.
  - 35 • Dennis Carlson said that he realizes that there has to be growth, but that this issue  
36 is not just ingress or egress—they're discussing 400 homes. Carlson wonders  
37 how the developers are going to get all of those people out of the subdivision. He  
38 thinks somebody will be killed. He doesn't think the road can handle all those  
39 people. He feels that the City should get a 4-lane highway to get the people in  
40 and out.
  - 41 • Denise Strong feels that many people (many present at this meeting) will all be  
42 seriously affected by this development. The power connected to the water is in  
43 front of the Strong's home, and she doesn't want it to be noisy. She also had  
44 some questions about the gravel pit: the amount that will be excavated, the hours  
45 the trucks will run, truck safety, etcetera. She said that this concerns both areas:

- 1 planned and unplanned. She asked if it was too late to consider lower density  
2 homes. She had thought that's what they would be. She also wondered if the  
3 City was going to apply the xeriscaping ordinance to everyone in Providence or if  
4 there could be a reward for doing xeriscaping. She stated that there is no current  
5 incentive to do this.
- 6 • Paul Holden expressed concern that there is very little consideration for the lot  
7 sizes of existing subdivisions. He wondered if there was any way to try and  
8 change the plan a little to get some of the larger lots to conform with the way  
9 Grandview is, so that there's not a night and day difference driving up and down  
10 Grandview Drive. He said that there appears to be very little interest on the part  
11 of the developer in matching what is already there. There should be a way to  
12 feather these things instead of having the sharp contrast. He wondered about  
13 scheduling, too. He commented that the construction for this development is  
14 going to affect people. He wondered if one of the access streets could be a  
15 construction access and if the developers would consider not putting through the  
16 Grandview street until the very last minute. He asked the Planning Commission if  
17 they could require the developer to schedule things or create a right of way for all  
18 of the construction to use, and not connect the road until the building portion is  
19 completed.
  - 20 • Sorenson closed the item to public comment and opened it up for the Planning  
21 Commission to comment.
  - 22 • Lamborn said that a lot of her questions were addressed in last month's study  
23 meeting where Imagine presented their idea for the subdivision. She said that she  
24 understands the concerns about the 70 lots growing into 400. She reminded  
25 everyone that what's in front of the Planning Commission is the first phase, just  
26 the 70 lots.
  - 27 • Dennis Carlson stated that the Planning Commission's concern is, or should be,  
28 the several phases that Imagine is planning to have. He told them that they've got  
29 to have access to get people out of the subdivision. He asked the Planning  
30 Commission to just plan and to look a long ways ahead, to remember that  
31 tonight's phase is one of several.
  - 32 • Keeslar reminded the citizens that there are accesses to this subdivision, and there  
33 will probably be more access roads put in. He stated that 1000 S. will carry about  
34 12,000 trips per day easily.
  - 35 • Keeslar said it's a general or master plan issue. He said that the general plan is up  
36 for its 5-year update, and the City would love citizen input.
  - 37 • Malmstrom commented that the subdivision land is currently zoned agricultural.  
38 He asked when they could anticipate the rezone.
  - 39 • Keeslar said that it will be turned in with the final plat. He said that he had asked  
40 Imagine to hold off on the rezone because the City and Imagine are trying to work  
41 on the water issue. He felt that it was better for City not to deal with both at once.
  - 42 • Beazer said that Mr. Carlson has a point that the access off of 1250 doesn't help  
43 this subdivision. They all hit the same 4-way stop at 1000 South. Right now, the  
44 majority will have to come up Grandview. He asked Cohen how he will address  
45 the construction traffic issue.

- 1 • Cohen said that he'll work with Staff on this. He said they they've already talked  
2 to Staff and have been talking about getting the heavy equipment in. They  
3 already plan on having a large wash area where the large trucks will have a  
4 specific path.
- 5 • Beazer said he noticed that they had bigger lots and a neighborhood that is not cut  
6 up. He said that this appears to be planned. He said he can see the problem Mr.  
7 Carlson was talking about and that it would be nice to feather. He said that the  
8 Planning Commission understands Imagine's rights to do with their property what  
9 they want, but he also understands that the citizens have their rights. He said that  
10 most citizens have half an acre, and quite a few have 2.
- 11 • Cohen said that, as Keeslar pointed out, Grandview is very nice place to live. It  
12 was an older subdivision designed a long time ago. He admitted that Providence  
13 Highlands will look very different. He said that they could not make Grandview  
14 under the current ordinances the City has today. He said that Providence  
15 Highlands has to have its own identity. He said that the quality of homes will be  
16 every bit as nice. He stated that they're offering 25 acres of a park trail—grand  
17 open spaces that everyone participates in rather than huge acres. It will be  
18 community space. He said that they do have lots that are more than half an acre,  
19 but they've placed them over hillsides and views that demanded the larger lots.
- 20 • Beazer asked if they had some topography that demands a larger lot.
- 21 • Denise Strong said that, the way things are right now, if Imagine moves to other  
22 phases, there is no through road. She said that if they move to a phase on the east  
23 and northeast, all the traffic will have to go down 1000 South because they have  
24 the lots. She told the Planning Commission that the City needs to look at the big  
25 picture. She wondered if they didn't want roads that access through. She asked  
26 them to look at the big picture because it is so important. She said that right now  
27 the Commission was just looking at one small pie.
- 28 • Beazer wondered where it would put the Strong family—how it would affect  
29 them.
- 30 • Strong said that the way it is right now, it would push all the people on the south  
31 and north side down on one instead of at least distributing.
- 32 • Beazer told her that the main corridor is 1000 South—not the other accesses.  
33 Beazer said that, as Keeslar stated, 1000 South will handle that and more.
- 34 • Strong said that there was only one ingress for fire.
- 35 • Beazer said that Grandview was on the other end.
- 36 • Cohen said that they are working with Millville. They already want to expand.  
37 Imagine would like to buy additional ground from them. He said that they're  
38 going to come to the point where, if it's ugly, people won't buy more homes.  
39 They are concerned about making it a viable option.
- 40 • Beazer said that that's what people need to understand. He said that he hates  
41 growth as much as anyone, but that's what it is. It would be a huge disaster for  
42 Millville if they had to annex. The City can't promise that there will be a  
43 Millville access, but Millville would be insane not to have one. He said that the  
44 City has what it needs in order to provide egress and access to this property.

- 1 • Donough said that this was the first time he's seen this map and he doesn't feel  
2 comfortable being pushed about this. He asked how wide the road would be that  
3 would go into Millville.
- 4 • Beazer said that it feeds back in to 1000 South.
- 5 • Donough asked if the section that exists currently could be a secondary corridor  
6 equal to 1000 South.
- 7 • Keeslar stated that 400 East extends south into 1000 South and the elevation  
8 drops. He said that it's advantageous. He said that they own property that fronts  
9 400 South that wraps around.
- 10 • Beazer wondered how wide Hillsborough Road is.
- 11 • Keeslar said that he couldn't recall, but he said that they'd like to make a  
12 connection point to evenly distribute traffic. They'd like a 66 foot right of way.  
13 He said that Providence just isn't used to seeing that traffic. The City's highest  
14 traveled road is 100 North. It exceeds about 12,000 trips per day. He suspects  
15 that there are at least 3 other accesses on 400 East besides the three that were  
16 previously mentioned.
- 17 • Paul Holden wanted to know if the land between the CELCO property and Bruce  
18 Leishman's is CELCO's land.
- 19 • Cohen said that it is Bruce Leishman's.
- 20 • Holden asked if they had looked at Grandview. He said that Grandview was  
21 originally part of the county. He said that Grandview and Foothill are very  
22 narrow roads. He said that if 1000 South is built up, there's no place to build  
23 once you get up into Grandview. He said that if the City is going to improve this,  
24 another way out is to swing a road in to 1000 South instead of the other  
25 connection. He said that if they didn't consider it now, it would never happen.
- 26 • Cohen said that the City has a pretty good staff, and that the staff has been tough  
27 on them and looked at a variety of things. He said that what Keeslar had  
28 recommended was better. He said that they tied Hillsborough in and Bruce  
29 Leishman's road (that runs perpendicular) will come all the way and go north and  
30 south, and that will be a 60-foot right of way.
- 31 • Keeslar directed his comments to the chair of the Planning Commission, Blaine  
32 Sorenson. He stated that all the requirements of the subdivision ordinance had  
33 been met. He said that, while this may be the first time that residents have seen  
34 this, it is probably the seventh or eighth draft to get to the point where they fulfill  
35 all the requirements of the city code and master plan. This is the first of another  
36 four meetings. There's a preliminary plat hearing in this meeting (Planning  
37 Commission), a preliminary plat in City Council, a final plat in Planning  
38 Commission, and a final plat in City Council. Keeslar stated that he'd be happy  
39 to meet one-on-one with any citizen about this issue.
- 40 • Sorenson asked someone on the Planning Commission to entertain a motion.
- 41 • **MOTION** by Kristina Lamborn that the Planning Commission recommend to the  
42 City Council approval of Mark Cohen's request for preliminary plat for  
43 Providence Highlands Subdivision Phase One located generally at 1100 South  
44 Grandview Drive with the following findings of fact, conclusions of law, and  
45 conditions as stated in the staff report, including item 6 under CONDITIONS that

1 a fire hydrant be placed on the corner of 1000 South and Forgotten Drive and  
2 Grandview. **SECOND** by Mark Malmstrom.

- 3 • All in favor: All.
- 4 • Excused: Nick Bouwes.
- 5 • There was a 5 minute break and then the meeting was called back to order.

6 **ITEM THREE:** Providence City is requesting a code amendment to Providence City  
7 Code 10-9, Supplemental Regulations Within All Districts, to regulate parkways within  
8 the City right-of-way.

- 9 • Keeslar explained that this code is one that is not in the city ordinances right now  
10 (a code governing parkways, or “park strips”). Right now there is diverse  
11 landscaping around the City. The definition of a parkway is the area between the  
12 curb and gutter and the sidewalk, and they vary in width. The City has created an  
13 ordinance which has been brought before the Planning Commission in two or  
14 three study sessions. Keeslar said that he received help from the Planning  
15 Commission to write the ordinance. He stated that the City doesn’t want to see  
16 non-permeable surfaces in the parkway. Providence doesn’t have storm water  
17 underground, they have developed detention and retention basins, neighborly  
18 located to handle the storm water. The City wants to create as few impermeable  
19 surfaces as possible. The recommended code amendment parkway area provides  
20 area for drainage. The code governs 4-foot parkways.

- 21 • Keeslar presented the following FINDINGS OF FACT:

- 22 1. The current code does not regulate landscaping in parkways.

- 23 2. The proposed code would read as follows:

24 10-9-8 PARKWAYS. All parkways shall be landscaped in conformance with the  
25 provisions of this section.

- 26 A. Definition. Parkway – the strip of land next to a road which is between the  
27 curb or future location of a curb and the sidewalk or property line.

- 28 B. Parkway less than four (4) feet in width shall be landscaped with turf  
29 grass, annuals, perennials, ground cover, bark, wood chips, or decorative  
30 rock at least two (2) inches in diameter.

- 31 C. Parkway four (4) feet in width, but less than six (6) feet in width shall be  
32 landscaped with turf grass, annuals, perennials, ground cover, bark, wood  
33 chips, or decorative rock at least two (2) inches in diameter, and include  
34 trees. Such trees shall be spaced no less than twenty five (25) feet apart  
35 and no greater than thirty (30) feet apart. Each tree shall have a minimum  
36 caliper size of two (2) inches. (See Providence City for a complete list of  
37 approved trees and recommended ground cover.)

- 38 D. Parkway six (6) feet in width or greater shall be landscaped with turf  
39 grass, annuals, perennials, ground cover, bark, or wood chips, and include  
40 trees. Such trees shall be spaced no less than twenty five (25) feet apart  
41 and no greater than thirty (30) feet apart. Each tree shall have a minimum  
42 caliper size of two (2) inches. (See Providence City for a complete list of  
43 approved trees and recommended ground cover.)

- 44 E. Parkway may not be landscaped with gravel, vegetable garden plants,  
45 thorn-bearing plant species, non-approved trees, asphalt, brick pavers,  
46 concrete pavers, concrete, or any other non-permeable material. Except for

1 trees, all vegetation or other objects shall not exceed two (2) feet in height  
2 in the parkway.

3 F. Where a parkway has been installed, the abutting property owner shall  
4 provide landscaping as provided in this section and shall continue to  
5 maintain the landscaping in a healthy, safe, attractive, and nuisance-free  
6 condition. This shall include taking appropriate measures to water and  
7 trim plant materials, and to keep the parkway weed-free.

8 G. Vegetation which causes a public safety problem may be removed by the  
9 City.

10 H. It shall be unlawful for any person to remove from a parkway any  
11 landscaping required by the provisions of this section. This provision shall  
12 not apply to routine parkway maintenance.

13 I. Occupancy permits for new commercial buildings shall not be issued  
14 unless the abutting parkway landscaping has been installed or a bond  
15 provided to guarantee installation.

16 J. In all new subdivisions and developments requiring street improvements  
17 (curb, gutter, and sidewalk) the developer shall, as a part of the  
18 development, install trees in the parkway as defined by this section.

19 1. The developer shall, as a part of the development, install the  
20 concrete work around the parkway, along with sleeves underneath  
21 or through the sidewalk to accommodate eventual sprinkling  
22 systems to the parkway.

- 23 • Keeslar pointed out the Parkway trees list, and Nick Bouwes provided a list of  
24 shrubs (copies handed out). Keeslar commented that the trees on this list are  
25 native vegetation so they require much less water.
- 26 • Keeslar stated that a lot of people think that 6 feet shouldn't be landscaped in  
27 rock. Many feel that 6 feet should be related to turf grass. Keeslar said that he  
28 would rather see less discretion in a 6-foot or greater parkways and see more  
29 emphasis on planting.
- 30 • Keeslar presented the following CONCLUSIONS OF LAW:
  - 31 ○ The proposed code amendment will allow for consistent standards for  
32 landscaping parkways.
  - 33 ○ The proposed code amendment will promote safety in and around  
34 parkways.
  - 35 ○ The proposed code amendment will promote landscaping beautification  
36 along the street rights-of-way.
- 37 • Keeslar presented the following CONDITIONS:
  - 38 ○ None.
- 39 • Sorenson asked Keeslar if, under the 6-foot wide parkway, there could be  
40 concrete.
- 41 • Keeslar said that it could not be concrete, but it could be decorative rock. Keeslar  
42 feels that the Commission should come together and recommend something to the  
43 Council. Keeslar said that a 6-foot or wider strip probably shouldn't have  
44 decorative rock. Even a 4-foot with decorative rock isn't very attractive. The  
45 Planning Commission may want to consider that.
- 46 • Sorenson said that, on this list of trees and plants, there are clean trees and messy

- 1 trees; clean plants and messy plants. Sorenson commented that the leaves clog  
2 drain covers—they're a nuisance in that regard. Sorenson said that the Planning  
3 Commission wants to make sure that the kind of trees that are in the park strips  
4 are the clean kind.
- 5 • Lamborn said that that argument would come up no matter what.
  - 6 • Malmstrom said that his company has cut down almost any kind of tree because  
7 people have problems with it. All trees drop leaves; many drop seeds. The  
8 benefits outweigh the downsides, and hopefully the City will get the best  
9 situation.
  - 10 • Lamborn said that the City will just have to plan in advance.
  - 11 • Keeslar said that the City has a truck. He felt that the advantages of the street  
12 trees far outweigh the maintenance.
  - 13 • Malmstrom noted that Willows and Crabapples are not on the list, and they're  
14 extra messy.
  - 15 • Saunders asked if resistance to wildlife was considered in the choosing of these  
16 trees.
  - 17 • Malmstrom said that a number of the native trees on the list are fairly resistant to  
18 wildlife, but said that they hadn't particularly considered it. He didn't feel that it  
19 would present a huge problem.
  - 20 • Saunders wondered if the City would give the owners the trees or if the developer  
21 would plant the trees.
  - 22 • Keeslar said that the developer would plant the trees.
  - 23 • Malmstrom commented that hopefully it would be a trained person working for  
24 the developer.
  - 25 • Malmstrom noted that if there's a good developer with good people, then it's a  
26 pretty good situation.
  - 27 • Keeslar said that, when developing, this will be part of the bonding, just like  
28 everything else.
  - 29 • Hank Howell wondered about if a home owner doesn't know how to take care of  
30 the trees. He wondered if the City has any provisions. He wondered if the home  
31 owners would be given flyers or something of the sort.
  - 32 • Keeslar suggested that the developers could maybe provide a move-in letter.
  - 33 • Malmstrom said that all it would take is a well-written handout.
  - 34 • Malmstrom asked about someone with a park strip who lays a weed barrier down,  
35 and they plant, and pretty soon they have half weed barrier and rocks, so the weed  
36 barrier shows, and the wood chips disappear. He wondered if the proposed  
37 amendment has something that satisfies this concern.
  - 38 • Keeslar asked if "F" under the FINDINGS OF FACT in the staff report satisfies  
39 that.
  - 40 • Lamborn asked how the City could enforce that.
  - 41 • Keeslar said that the City is more concerned about other code compliance issues.
  - 42 • Lamborn asked if the City can let people know about this when they come in for  
43 building permits. She feels that a lot of people are unaware. She mentioned  
44 perhaps putting it in the newsletter or some other means so they are educated  
45 about this.

- 1 • Malmstrom item C: minimum caliper size of 2 inches; perfect for commercial, but  
2 for residential, I'd like to see a little more leeway—maybe allow residential a  
3 little smaller caliper size.
- 4 • Keeslar said that if the City is requiring the developer to do it, the developer will  
5 get a good deal on the trees—they'll go in and negotiate the appropriate price.  
6 They won't pay full price.
- 7 • Cohen said that if the City is going to demand from developers, they should  
8 demand things that will withstand, that will uphold.
- 9 • Robert Fargas, in the audience, wondered if there is a grandfather clause that  
10 applies to old residential areas or pastures.
- 11 • Keeslar said that when pasture is developed, the City will enforce the amendment.  
12 He said that what the City doesn't want is those areas in town that don't have  
13 sidewalk, curb, and gutter. The City doesn't want obstructions of the right of  
14 way.
- 15 • Malmstrom likes the no rock and 6 feet or greater park strip.
- 16 • Howell asked about what if a person has both rock and grass. He asked about  
17 what the City would do if a person has 10 feet and wants to divide. Howell  
18 suggested maybe limiting how much rock a person can have.
- 19 • Keeslar asked if that would work in the small size of park strip.
- 20 • Lamborn asked if someone could apply for a variance if this situation occurred.
- 21 • Keeslar said no. It would be a use variance.
- 22 • Malmstrom noted that the shrubs that Nick Bouwes put on the list are great, but  
23 most of them will exceed 2 feet height requirement for shrubs and perennials.
- 24 • Keeslar asked if the owner could keep them trimmed and the plant still survive.
- 25 • Malmstrom said maybe, but it's ugly and high maintenance.
- 26 • Saunders said that shrubs should be on a person's own property line.
- 27 • Lamborn mentioned that Nick Bouwes wanted more xeriscaping.
- 28 • Malmstrom suggested that the City call them ground covers rather than shrubs.
- 29 • Saunders commented that, for every 1 guy who will manicure his park strip, there  
30 are 20 guys who want something they can mow and leave. He said that if the City  
31 puts too many restrictions or makes the park strips too wide, the City opens up a  
32 worse problem than the current one. He said that he understood that watering  
33 park strips is hard and that the water waste is high, but the City may just need to  
34 keep it as simple as they can.
- 35 • Sorenson said that he agrees, but if the City doesn't provide a certain number of  
36 guidelines, then people are ignorant about what will work.
- 37 • Lamborn wondered if they could just say no shrubs.
- 38 • Malmstrom said to just call it a ground cover.
- 39 • Lamborn thought that they should take out shrubs and the rock in the 6-foot park  
40 strip.
- 41 • Malmstrom wishes that item J, 1 had been put in 20 years ago. He said that a  
42 PVC sleeve costs about \$2; he would love to see this put in and enforced.
- 43 • Lamborn asked if they needed to include perennials because they can be as big as  
44 shrubs.
- 45 • Malmstrom reminded her that they must stay under 2 feet.

- 1 • Malmstrom said he'd prefer perennials stay in the amendment, if there's a list that
- 2 isn't big.
- 3 • Lamborn said that then the City runs into the same problem.
- 4 • Malmstrom said that if people follow the plants on list, the plants won't grow as
- 5 big.
- 6 • Saunders said that the council supports this and it's a great thing.
- 7 • MOTION by Hank Howell that the Planning Commission recommend to the City
- 8 Council approval of Providence City's request for a code amendment to
- 9 Providence City Code 10-9, Supplemental Regulations Within All Districts, to
- 10 regulate parkways within the City right-of-way with the following findings of
- 11 fact, conclusions of law, and conditions as stated in the staff report, with the
- 12 added condition that Staff remove "2 inch decorative rock" from the ordinance
- 13 and replace the word "shrubs" with "ground cover." **SECOND by Mark**
- 14 **Malmstrom**
- 15 • All in favor: All.
- 16 • Excused: Nick Bouwes
- 17 • Jim Adams stated that the City has allowed a developer in Providence to dump
- 18 excess dirt on state property. He wondered how the City was going to address
- 19 this issue. He said he understood that it's another issue, but that it's something
- 20 that needs to be addressed when the developers are developing property.
- 21 (Concerns with Dan Hogan's subdivision.)
- 22 • Sorenson said that what Adams is talking about is not park strips, which is what
- 23 the Commission was discussing.
- 24 • Adams said that it is an issue. He wondered why the Planning Commission
- 25 agreed with what took place.
- 26 • Keeslar told Adams that Dan Hogan went against the submitted construction
- 27 drawings, so the City is in negotiations with him. Keeslar also said that Hogan
- 28 has no bond because he submitted a fictitious bond.
- 29 • Adams wondered if this was the Planning Commission's responsibility.
- 30 • Keeslar said that it was a City administrative responsibility.
- 31 • Adams felt that it still needed to be addressed in a public meeting to let the public
- 32 know that certain requirements have been asked of certain developers. He stated
- 33 that it was the Planning Commission's job to make sure the developer does this.
- 34 • Keeslar said that it was not the Planning Commission's job. The Planning
- 35 Commission's job is just to make sure that the plans meet city code, and Hogan's
- 36 plans did. But Hogan did not follow the plans, so it becomes a City
- 37 administrative issue.

38

39 **ITEM FOUR:** Providence City is requesting a code amendment to Providence City Code

40 10-8-1, Area Regulations, to allow principle uses a combination front and rear yard

41 setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet in

42 the Single Family Estate (SFE), Single Family Traditional (SFT), and Single Family

43 Residential (SFR) zones.

- 44 • The following FINDINGS OF FACT were present in the staff report:
- 45 ○ The current code requires a 30 foot front yard and 20 foot rear yard

- 1 setback in the Single Family Estate (SFE), Single Family Traditional  
2 (SFT), and Single Family Residential (SFR) zones.
- 3 ○ The current zone does not allow for flexible minimum setbacks in the  
4 front and rear yards.
  - 5 ● The following CONCLUSIONS OF LAW were present in the staff report:
    - 6 ○ The proposed code amendment will allow flexibility for the property  
7 owner in home design.
    - 8 ○ The proposed code amendment will allow flexibility for the property  
9 owner to determine the size of the front and rear yards.
    - 10 ○ The proposed code amendment will promote flexible streetscape by  
11 allowing different front yard setbacks of 20, 25, and 30 feet.
  - 12 ● The following CONDITIONS were present in the staff report:
    - 13 ○ None.
  - 14 ● Keeslar explained that the City is requesting flexibility in the setback standards in  
15 3 of the 7 residential zones in the City. He said that if there's a wider park strip  
16 landscaped with trees, it gives homes flexibility. He said that there have been  
17 studies done that have revealed that when homes are brought closer to the  
18 sidewalk, a City can expect a 5-7 mile an hour reduction in speed. This  
19 amendment would allow flexibility. A person could choose to put in 25 feet in  
20 the rear and 25 feet in the front or 30 feet in the front and 20 feet in the back,  
21 etcetera. Keeslar said that he's talking minimum standards only. A person can't  
22 go less than the 20 foot setback.
  - 23 ● Sorenson said there could be no 10-foot setback or 40-foot setback, etcetera.
  - 24 ● Malmstrom noted that the total footage is not changed at all.
  - 25 ● Keeslar said that it benefits the City.
  - 26 ● Cohen wondered if, as long as a person meets the 20 feet, they could have  
27 anything in between. He wondered if a person could have 22, perhaps.
  - 28 ● Keeslar said that the ordinance would not pin down to 20, 25, etcetera, but it  
29 would require no less than 20 feet.
  - 30 ● Saunders said that the basic premise of this ordinance is to let people use their  
31 yards. It gives them the flexibility to use that space. A person should have the  
32 flexibility to use his yard.
  - 33 ● Howell wondered if, in the case where a developer is building a bunch of homes,  
34 the City would **require** varied setbacks for the homes.
  - 35 ● Keeslar said that when a person comes in for a building permit, the first thing he  
36 does is look for setbacks. Keeslar said that, as long as the person meets the  
37 requirements of the ordinance, it's not the City's job to require them to vary, but  
38 to inform them that they have the option.
  - 39 ● Cohen wondered if this was addressed only in the 60 foot right of way.
  - 40 ● Keeslar said that it's a pilot project and that the City Council will have to make  
41 the final determination. He said that it doesn't relate to this particular issue, that  
42 it's not done by right of way, but by zone.
  - 43 ● Cohen said that with 60 foot streets, it will feel like there's more room—even  
44 with a 20-foot setback.
  - 45 ● Keeslar said that it's just a pilot project—that the City hasn't officially gone to  
46 that yet.

- 1 • **MOTION** by Mark Malmstrom that the Planning Commission recommend to the  
2 City Council approval of Providence City’s request for a code amendment to  
3 Providence City Code 10-8-1, Area Regulations, to allow principle uses a  
4 combination front and rear yard setback totaling at least 50 feet, with a minimum  
5 front or rear yard setback of 20 feet in the Single Family Estate (SFE), Single  
6 Family Traditional (SFT), and Single Family Residential (SFR) zones with the  
7 following findings of fact, conclusions of law, and conditions as stated in the staff  
8 report. **SECOND** by Hank Howell.
- 9 • All in favor. All.

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11 The Meeting was adjourned at 9:00 p.m.  
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38 Meeting Minutes Approved  
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41 Blaine Sorenson \_\_\_\_\_ Date \_\_\_\_\_  
42 *Acting Chairman*

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44 Rebecca Billings \_\_\_\_\_ Date \_\_\_\_\_  
45 *Secretary*  
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