

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building, 15 South Main, Providence UT 84332**
3 **March 13, 2013**
4
5

6 Chairman: R Sneddon
7 Commissioners: K Allen, G Allred, J Baldwin, R Cecil, S Sanders, G Walker, S Sanders
8 Attendance: R Sneddon, K Allen, G Allred, G Walker
9 Excused: J Baldwin, R Cecil

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11 **Approval of the Minutes:**

12 The Providence City Planning Commission will consider for approval the minutes of February 13, 2012.

13 **Motion to approve the minutes: G Allred, second – G Walker**

14 **Vote: Yea: R Sneddon, K Allen, G Allred, G Walker**
15 **Nay: None**
16 **Abstain: None**
17 **Excused: R Cecil, J Baldwin, S Sanders**
18

19 **Action Items:**

20 **Item No. 1:** The Providence City Planning Commission will consider for approval a preliminary plat for the Grace
21 Baugh Subdivision, a 3-lot residential subdivision located at 300 East and 300 South.

- 22 • R Sneddon – in the minutes line 13, page 3 – motion to deny the preliminary plat approval for Grace
- 23 Baugh subdivision that was discussed last time, is there anything different than last meeting?
- 24 • S Bankhead – same plat but last time we didn't know if the City Council was going to make a change and
- 25 require curb and gutter. During the DRC meeting the staff became aware of a potential problem with
- 26 directing water to the retention pond that will be built on the property. That decision couldn't be made
- 27 until the City Council was able to meet and discuss if any changes (i.e. curb and gutter) were necessary to
- 28 direct water into the retention pond. The City Council felt like the extended asphalt was sufficient and
- 29 would convey the water to where it needed to be and therefore, did not make any changes.
- 30 • K Allen – I was under the assumption that the plat given us at the time was not approved because we felt
- 31 the City Council needed to look at it again and see if there were any major changes if the code was
- 32 changed and then we were going to vote.
- 33 • R Sneddon – there was not a change in the code, just an exception.
- 34 • L Fischer- apparently City Council is at liberty to ignore recommendations of the Planning Commission.
- 35 Could you please explain that to me?
- 36 • S Bankhead - the Planning Commission has the authority to approve a subdivision without going to the
- 37 City Council if the developer follows the ordinances. However, they don't have the authority to grant an
- 38 exception to the subdivision title. Exceptions to the subdivision title are under the authority of the
- 39 Council. The City Council does not have to follow the recommendations of the Planning Commission, they
- 40 have to hear it, but they are not obligated to follow it.
- 41 • R Sneddon – asked G Walker his opinion of what the logistics are of the Planning Commission's approval
- 42 or disapproval of the proposition as it now comes back from the City Council.
- 43 • G Walker – my opinion is that I have not done extensive research on the State and City Codes, so I am not
- 44 giving legal counsel, but I have a couple of questions for Skarlet. According to the City Attorney, with
- 45 respect to the exception, the City Council has authority to do it? Technically they were required to insert
- 46 the reasons for granting the exception, but they didn't. According to the City Attorney, the exception can
- 47 happen but the Council hasn't necessarily complied with the legal standards required by the State of
- 48 Utah?
- 49 • S Bankhead – they didn't articulate all the reasons as they were required to do by State statute.
- 50 • G Walker – I have no problem kicking this back to the City Council until they formally articulate and
- 51 comply with State statute.
- 52 • G Allred – the Council needs to explain why they changed it, not the Planning Commission.

- S Baugh – two reasons why the exception was granted. First, canal companies do not allow storm water management to go into ditches, so we are going to handle storm water on site rather than having it go nowhere. Same with the sidewalk, it would go nowhere and would run within about 12 feet of the neighbor’s front door. Secondly, it also is not a sustainable plan. The City would have a tremendous expense to maintain the sidewalk, with stairs and guard rails. That is why the exception to this particular site is feasible and just extending the asphalt is reasonable.
- G Walker – I’m not saying there aren’t good reasons, but those reasons need to be articulated by the Council for political accountability as well as for public knowledge and understanding for the exception. Denial would be appropriate in order for the Council to state those reason.

Motion to deny for now and reconsider after City Council has met to clarify reasons for exception: G Walker, second – K Allen

- R Sneddon - those reasons given should be able to stand so others who have a similar case will have guidelines for the exception. Without reasons for the exception anyone will contest not getting exceptions.
- G Walker – I agree. That will also protect the City from future cases where a citizen will want to know why S Baugh got an exception and they don’t get one.
- S Baugh – Planning Commission has always been an advisory group. Such advice is weighed by Council members and then an action has been taken. What have you not heard in any past discussion that further discussion will clarify?
- G Walker – in the course of a meeting many ideas, thoughts and opinions are put out there, but those comments don’t necessarily tell anyone looking back on the record what the grounds were for the decisions made. The vote does not necessarily reflect the discussion that went into the decision that was made. The reasons for approval of the exception need to be clarified.
- G Allred – when exceptions are made there needs to be reasons stated for such exceptions. Otherwise, there is no precedence set for future requests.
- R Sneddon – the precedence of exceptions ought to have clear reasons why they were made, without those clear reasons, there is no basis to deny or accept any other requests.

Vote: **Yea:** **R Sneddon, K Allen, G Allred, G Walker**
 Nay: **None**
 Abstain: **None**
 Excused: **R Cecil, J Baldwin, S Sanders**

Item No. 2: The Providence City Planning Commission will consider for recommendation to the City Council amending Providence City Code Title 10, Chapter 1, Section 4 Definitions including but not limited to Accessory Buildings, Main Buildings and Business Use General, Low Impact and Medium Impact.

- R Sneddon – we worked on a supplement which gave objective criteria to determine low and medium impact. That is missing.

Motion to continue: G Walker, second – G Allred

Vote: **Yea:** **R Sneddon, K Allen, G Allred, G Walker**
 Nay: **None**
 Abstain: **None**
 Excused: **R Cecil, J Baldwin, S Sanders**

Study Items:

Study Items 1 and 2 were discussed together.

Item No. 1: The Providence City Planning Commission will discuss amending Providence City Code Title 11 including but not limited to Concept Plan and road grades.

Item No. 2: The Providence City Planning Commission will discuss amending Providence City Code Title 10 Chapter 5 Overlay Zones addressing non-developable sensitive area, potentially developable sensitive area, hazard wildfire zones, and engineering geotechnical report.

- R Sneddon – read the proposed changes to code, 11-3-1a.

- 1 • G Allred – what is the concern that included this addition?
- 2 • S Bankhead – there are areas in the City that have slopes that are not desirable to build on, however,
- 3 some areas can be accommodated by developers. There is nothing in our current code that accepts the
- 4 aspects of hazard areas. We want to be consistent with Cache County Code. These changes will address
- 5 these hazard areas. Zoning and subdivision chapters need to tie together to show non-developable areas
- 6 and potential developable areas.
- 7 • G Allred had questions about the wording of potentially developable sensitive areas, definition of steep
- 8 slopes.
- 9 • S Bankhead - it should read "Where the rise or fall of the land is between 20% - 30% over a horizontal
- 10 distance of fifty feet or greater."
- 11 • G Walker – do all five of the criteria need to be met or any one of the criteria?
- 12 • S Bankhead – any one.
- 13 • G Walker – does not this make almost the entire City fit those criteria? We need definite criteria rather
- 14 than arbitrary criteria.
- 15 • G Knighton – most of these changes were made in order to prevent future developers from building
- 16 streets too small to accommodate the number of homes being built in a certain area.
- 17 • G Walker - How would we feel about critical wildlife habitat areas as, "identified by the State Division of
- 18 Wildlife Resources *and* approved by the Providence City Council." Is there a State Code provision that says
- 19 anything about this?
- 20 • S Bankhead - we have no discretion over state mandates. We can expand, but not diminish the state
- 21 mandates.
- 22 • R Sneddon - can we add verbiage to follow state mandates, but also include local concerns?
- 23 • K Allen – expanding on the state wildlife mandates would be based on what expertise by the City of
- 24 Providence?
- 25 • G Knighton – there is one other typo under engineering report, it says it needs to be done by a licensed
- 26 geotechnical engineer and licensed geologist. It should say and/or.
- 27 • G Walker – what about fire hazard areas? The designation of a wildfire zone is a concern.
- 28 • G Allred – the fire marshal designates what is a wildfire hazard area.
- 29 • R Sneddon – what are the hazard wildfire areas in Providence?
- 30 • L Fischer – the bench areas.
- 31 • G Knighton - if you designate a hazardous fire zone, you commit the City to a liability.
- 32 • K Allen - I suggest we strike all of C. It shouldn't be part of the code. That information could be sent in the
- 33 newsletter every fire season.
- 34 • S Bankhead – Utah is a very developer friendly state so we need to be very careful about what restrictions
- 35 we write in our Code.

36 **Motion to Continue C and F as study items: G Walker, second – K Allen**

37 **Vote:**

Yea:	R Sneddon, K Allen, G Allred, G Walker
Nay:	None
Abstain:	None
Excused:	R Cecil, J Baldwin, S Sanders

- 41 • Discussion on feeder streets and collector streets.
- 42 • G Allred – do we designate what are feeder streets and collector streets, or do we define them as
- 43 feeder/collector streets after the fact?
- 44 • S Bankhead – we live with what we have; the proposed changes apply to new developments that are
- 45 coming in, and retrofits of current streets.
- 46 • G Walker – my understanding is that this change is brought about by developers trying to build
- 47 insufficient roads. Do these changes address the problem?
- 48 • G Knighton – that is why this is added in there, to try and mitigate potential problems.

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

- 1 • S Bankhead – City Council capital project meeting on the February 21st focused on Grace Baugh
2 subdivision and priorities for the City for the 2013 fiscal year. There will be future workshops to discuss
3 current capital issues so I would encourage you to come to those meetings, not as Planning Commission
4 members, but as concerned citizens.
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6 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no
7 formal action will be taken.
8

9 No Commission Reports

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11 **Motion to adjourn: K Allen, second - G walker**

12 **Vote: Yea: R Sneddon, K Allen, G Allred, G Walker**

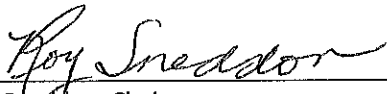
13 **Nay: None**

14 **Abstain: None**


15 **Excused: R Cecil, J Baldwin, S Sanders**
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17 Meeting adjourned.
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19 Minutes taken and prepared by Caroline Craven
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23 _____

24 Roy Sneddon, Chairman



Caroline Craven, Secretary