

Providence City Planning Commission Agenda
Amended
Providence City Office Building, 164 North Gateway Drive, Providence UT 84332
September 9, 2020 6:00 p.m.

Members of the Planning Commission may be attending this meeting electronically.

This meeting will live stream on Providence City's YouTube Channel.

Persons wishing to comment on agenda items may email their comments to providencacityutah@gmail.com or text comments to 435-752-9441.

Call to Order: Kathleen Alder, Chair

Roll Call of Commission Members:

Pledge of Allegiance:

Approval of the Minutes:

Item No. 1. The Planning Commission will consider approval of the minutes for August 26, 2020.

Public Comments: Persons wishing to express their views on issues within the Commission's jurisdiction may email their comments to providencacityutah@gmail.com or text comments to 435-752-9441. By law, email comments are considered public record and will be shared with all parties involved, including the Planning Commission and the applicant.

Administrative Action Item(s):

Item No. 1: The Planning Commission will consider for approval a request to amend the final plat for Providence Hollow Subdivision Phase 3 by relocating the irrigation easement on Lot 2 (parcel 02-295-0302), located at 575 East Spring Creek Parkway. (agenda item added 09/08/2020)

Study Items(s):

Item No. 1. The Planning Commission will review an application submitted by Visionary Homes for a proposed rezone of Parcel 02-096-0054, located in the general area of 50 North Gateway Dr. The property is currently zoned Commercial General District (CGD); the applicant is requesting Multi-family Medium (MFM).

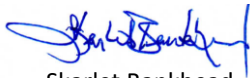
Item No. 2. The Planning Commission will review the Planning Commission Bylaws for possible changes, including but not limited to Section 3.2 by allowing the chair to serve consecutive terms.

Item No. 3. The Planning Commission will review setback and safety conflicts when retrofitting existing homes.

Legislative – Action Item(s): None

Agenda posted by S Bankhead on September 4, 2020

Amended agenda posted on September 8, 2020.



Skarlet Bankhead
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Public meetings will be held electronically in accordance with Utah Code Ann. §§ 52-4-207 et. seq., Open and Public Meetings Act. The Providence City Office Building, 164 N. Gateway Dr. is the anchor location; unless otherwise determined by the Chair, in accordance with UCA 52-4-207(4), an electronic meeting will be held without an anchor location.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

Amended Final Plat and Irrigation Easement Relocation for Providence Hollow Subdivision Phase 3 Lot #2 September 8, 2020		
Applicant: Richard & Makenna Davis	Property Owner: Sarah Street LLC	Parcel: 02-295-0302
Property Address: 575 East Spring Creek Parkway	Irrigation Co: Spring Creek Water Company	Agent for Irrigation Co: Brent Speth
Prepared by: S Bankhead	Request: That the final plat for Providence Hollow Subdivision Phase 3 be amended to relocate the irrigation easement on Lot 2.	
Background Information:		
<ol style="list-style-type: none"> 1. As part of the subdivision process for the Providence Hollow Subdivision Phase 3, Spring Creek Water Company required an easement for irrigation. The recorded plat shows a portion of the easement is located on Lot 2. 2. The applicants would like to relocate a portion of the easement. They have worked with Spring Creek Water Company and have received their approval for relocation. The relocation of the irrigation easement will remain on Lot 2. Drawings showing the proposed easement were included with the application. 3. Notice of the Planning Commission meeting and proposed amendment was posted on the property. 		

Findings of Fact:

1. Utah Code 10-9a-609 gives the land use authority to approve a plat amendment if the land use authority finds that: there is good cause for the amendment, and no public street or municipal utility easement has been vacated or amended.
2. Utah Code 10-9a-103 defines a municipal utility easement and specified public utility as follows:
(40) "Municipal utility easement" means an easement that: (a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use; (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27; (c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; (d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement; (e) (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and (ii) is located in a utility easement granted for public use; or (f) is described in Section 10-9a-529 and is used by a specified public utility.
(62) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
3. Providence City Code 2-4-1 established the Planning Commission as the Land Use Authority for all subdivisions.

Conclusions:

1. The Planning Commission is the land use authority for all subdivisions in Providence City.
2. The irrigation easement is not considered a municipal utility easement.

Conditions:

1. The Applicant will continue to meet all applicable federal, state, county, and local codes, rules, laws, policies, etc.
2. Approval by the City of any application or paperwork submitted does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
3. Prior to approving the amended plat and irrigation easement relocation, the Planning Commission should identify the good cause for the amendment.
4. If the request is approved, the applicant shall prepare an amended final plat for recording.