

1 **PROVIDENCE CITY PLANNING COMMISSION**

2 Providence City Office Building, 164 North Gateway Drive, Providence UT 84332

3 August 23, 2017 6:00 p.m.

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6 **ATTENDANCE**

7 **Chair:** Robert James, Chairman

8 **Commissioners:** John Parker, Rowan Cecil, Brent Fresz

9 **Alternates:** Robert Perry, Gary Sonntag

10 **Absent:** R Holloway

11  
12 Gary Sonntag voted on action items because Ruth Ann Holloway was absent.

13  
14 **Approval of the Minutes:**

15 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of July 12, 2017.

16  
17 **Motion to approve the minutes of July 12, 2017 made by R Cecil, seconded by J Parker.**

18  
19 **Vote**

20 **Yea: J Parker, R Cecil, B Fresz, G Sonntag, R James**

21 **Nay: None**

22  
23 J Parker asked about the attachment that was submitted to the Planning Commission concerning the water agreement between the City and the developer.

24 R James stated that the water agreement that was submitted to the Planning Commission was also submitted to staff and was rejected as a viable plan. The developer has not submitted another plan yet.

25 The conditions the Planning Commission recommended for that document are listed on page 5 of the minutes of July 12, 2017.

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30 **Item No. 2.** The Providence City Planning Commission will consider for approval the minutes of July 26, 2017.

31  
32 **Motion to table approval of the July 26, 2017 minutes made by R Cecil, seconded by J Parker.**

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34 **Vote**

35 **Yea: R James, J Parker, R Cecil, B Fresz, G Sonntag**

36 **Nay: None**

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38 **Item No. 3.** The Providence City Planning Commission will consider for approval the minutes for the Joint Workshop/Field Trip held on August 2, 2017.

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41 Addition made by Robert Perry, he was in attendance and is not listed.

42  
43 Motion to approve the minutes of August 2, 2017 Joint Workshop/Field Trip, with the exception of adding Robert Perry to the roster, made by B Fresz, seconded by R Cecil.

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46 **Vote**

47 **Yea: R James, J Parker, R Cecil, B Fresz, G Sonntag**

48 **Nay: None**

49  
50 G Sonntag asked if R Holloway was expected to be at the meeting that night. R James stated that she was not, meaning that he is a voting member of the Commission.

51  
52  
53 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues within the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes.

1 **Ramona Rukavina:** She lives at the southeast corner of 1000 S 400 E. She is concerned about proper drainage from  
2 the proposed subdivision; because of the high water table will the homes be allowed to have basements? She is  
3 also concerned about the storm water retention basin, and who will be maintaining it and the noxious weeds that  
4 will grow in the retention basin.

5 R James informed Ramona that the storm water problems are a major concern, and they are working to find a  
6 solution to the problem. He asked S Bankhead who would be maintaining the water retention basin.

7 S Bankhead responded that it has not been decided who will be responsible for maintaining the basin. It depends  
8 on where the pond is located, as to who will maintain it.

9 It was discussed at the City Council meeting the night before about the concern of allowing basements in that  
10 neighborhood, it has not been determined yet if basements will be allowed or not.

11  
12 **John Drew:** He reported that the City Council meeting the night before, the Council discussed a possible rezone of  
13 approximately 2 acres at the corner of 100 N and 200 West. The requested rezone was to change the current zone  
14 of Single Family Traditional (SFT) to Single Family High Density (SFH). The council did not approve the rezone, and  
15 discussed the need for better design standards for what will be allowed in an SFH zone. Having minimum standards  
16 for development would help the City control what would be allowed to be built there and what would not be  
17 allowed to be built there, because people are concerned about the visual aspect of having high density housing  
18 built on that property and other properties.

19 S Bankhead stated that Sherrie was working on some drafts of design standards and the mixed use zone.

20  
21 **Jeff Baldwin:** He felt that as the Planning Commission is working on the master plan that higher density housing  
22 units intermingled with single family lots could benefit the community. He discussed when Landmark Homes  
23 brought drawings for the City to review, the drawings included single family units as well as multi-family dwellings  
24 and he felt that it would be a good idea and that the drawings looked fantastic. He felt that having these kinds of  
25 neighborhoods with single family and multi-family dwellings, placed throughout the city, not just on the north side  
26 of Providence, would be a good idea. He felt that multi-family dwellings when planned correctly, that people won't  
27 have to be concerned when they are built in their neighborhood. He felt like a house being turned into apartments  
28 would pose a greater risk for nuisances than the multi-family units. He also emphasized the importance of having  
29 design standards.

30  
31 **Ryan Frandsen:** He is concerned about the retaining pond that will be located in the subdivision across the street  
32 from his property. He asked if a fence will be put around the retaining pond. He has noticed that children play in  
33 another retaining pond (although empty most of the time, he has seen water and ice in the bottom of it) on 400  
34 East and would like to see a fence or something to keep children from playing in the retaining pond area.

35 R James responded that so far no decision has been made.

36 Ryan also asked if 400 East would be widened with the addition of all the homes.

37 R James responded that the section of road on 400 East where the subdivision will be located, will be widened.

38 Shanelle (Ryan's wife) asked if sidewalks will be put in.

39 S Bankhead responded that the sidewalks will match Hillcrest's sidewalks.

40 Someone stated that there is a retention pond in Cobblestone with a fence around it and the gate is always locked.

41 Shanelle responded that she is concerned because children are always curious about water and where the land is  
42 lower and with the tall weeds, when parents call their children, the children can't hear them.

43  
44 Public Comments are closed.

45  
46 **Public Hearing(s):** None

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48 **Action Item(s):**

49 **Item No. 1. Final Plat:** The Providence Planning Commission will consider for approval the final plat for Providence  
50 Heights Subdivision Phase 1, a 13-lot phase of a residential subdivision, located at approximately 900 South 400  
51 East. (Discussion time approximately 10 minutes)

52  
53 S Bankhead reviewed the Findings of Fact, Conclusions of Law and went over all the Conditions. She elaborated on  
54 Condition 12, concerning tail water. George Daines, the developer, feels that what has been proposed is a  
55 permanent solution for the tail water, which means that a head-gate will have to be switched and the water will run  
56 down the Edgewood Lateral. Rob Stapley (Public Works Director) and the City Engineer is concerned that the

1 solution won't work like they intend it to. For their solution to work, everything would have to line up perfectly and  
2 would take some coordination for it to work perfectly. The developer and water company feel that the solution will  
3 work, and although Providence City's attorney disagrees, the City can't stop the developer. The City Attorney is  
4 drafting a statement to add to the final plat, as well as preparing a statement to be included in the development  
5 agreement and a letter to the irrigation company. So that if problems do arise the City is not held accountable for  
6 damages. During the group meeting with the developer, water company, and city staff, a question was asked that if  
7 the retention pond is filled with water, who's water is it, is it storm water or irrigation water? City staff came up  
8 with an idea to deal with the problem, it was discussed that during phase 1 the retention pond be sized to be the  
9 storm water pond, and during phase 2 a retention pond be sized for tail water.

10  
11 **Matt Neilson (Developer for Providence Heights Subdivision)** He stated that he and the construction company  
12 they will be using, inspected the property that day. They found that tail water does run through that property but  
13 runs right into a ditch and is maintained. Phase 1 of the subdivision won't affect the tail water in anyway.

14 J Drew discussed his experience with that property and surrounding properties concerning the amount of water  
15 that is located in that area. The share holders can't use all the water because there is too much for them to  
16 physically use it all. He discussed the need for a better solution than is being discussed.

17  
18 R James asked Gary Sonntag, from his point of view as a City Engineer, what is his opinion. Gary asked if a Soil  
19 Report has been completed on this property, that would show seepage. Matt responded that he wasn't sure, they  
20 did dig test holes that day, and it was clay all the way throughout the property. Gary asked if there was any water  
21 seepage. Matt responded that there wasn't any except in the area they were just discussing. Gary asked about the  
22 moisture of the soil, Matt responded that there was no moisture because the tail water had been shut off. Gary  
23 responded that the soil samples will help them understand how much water the ground can retain and what the  
24 footings of homes will need to be like depending on the soil.

25 It was discussed that there is an underground stream in that area, they just don't know where.

26 Jeff Baldwin stated that a building inspector will require a soil test if it's not the right soil, because they can't  
27 guarantee the pounds per square foot will be met for the building, so that soil test is done during the permit  
28 process. A discussion ensued concerning where water is coming from, whether it is storm water or ground water.  
29 Gary discussed the need for detention pond to be determined by a 100 year flood, so that water doesn't overflow  
30 the system downstream.

31 R James stated that the Planning Commission's duty is to protect the City, the Developer and the future  
32 homeowners.

33 Gary responded that if the irrigation system is functioning and there hasn't been any flooding problems, then it  
34 should be fine.

35 R James responded that the pond does fill and the water sits.

36 Matt Neilson responded by saying that the land there is a low point so water gathers there but it has been  
37 designed so that the water goes across the road and drains, so water shouldn't be sitting there for very long.

38 Gary asked if anyone has any idea how much water is flowing down that ditch. They need to know how much water  
39 they are dealing with, so that they can do something about it.

40 R James asked Brent Fresz what his thoughts were.

41 B Fresz responded that he thinks the water company needs to measure the amount of water coming through the  
42 channel, he felt that knowing the amount would help mitigate the risk. He also had the idea for French connected  
43 drains, or any kind of drainage tile, at the front and back of each property that would drain water towards Parcel A.  
44 Ultimately he feels that there is too much water running through the channel, and the irrigation company needs to  
45 be talked to.

46 G Sonntag discussed the need for a report that records the historical surface and sub-surface water that occurs in  
47 the area and which water is attributed to storm water and irrigation water. The solution will be accomplished  
48 through the development of this property that will prevent those waters to harm the property that is developed.

49 Gary discussed that ideally when there is a problem like this water issue, that the developer would notify the City  
50 of the problem and then take care of it.

51 S Bankhead responded that she agreed, but in this case, who is responsible for fixing the problem, it's not the City's  
52 responsibility to fix the problem, it's either the developer or the water company, but the City needs to make sure  
53 that the problem will get fixed before it becomes a problem for homeowners. She also discussed that the City  
54 Attorney is drafting a letter and statements to be put on the final plat and development agreement that the City  
55 will not be held responsible for problems with water, the developer and/or water company will be held  
56 accountable.

1 B Fresz stated that French drains could be a possible solution for this problem as long as it is done correctly.  
2 R James reviewed again that there are many ways an engineer could design to accomplish what needs to be done,  
3 the Planning Commission isn't going to solve the problem.  
4 J Parker asked S Bankhead if Spring Creek Irrigation Company owns any laterals.  
5 S Bankhead stated that the irrigation company does own some of the laterals, but not all of them. She thinks that  
6 the lateral they are dealing with is owned by the irrigation company.  
7 J Parker asked who would be responsible if someone's basement got flooded by irrigation water because someone  
8 forgot to use their water. Would the irrigation water company, the person before them, the person that got their  
9 basement flooded or the City be responsible.  
10 R James responded that the only person that can answer that question is the City Attorney.  
11 It was discussed that as long as there is relief for that retention pond, and drains put in place, then the problem  
12 should be fixed.  
13 Someone asked how they can plan for a certain amount of water, when they haven't done any measurements of  
14 water.  
15 B Fresz stated that measurements would have to be done to be able to prepare for a certain amount of water, or to  
16 make the system so large that it could handle any amount of water.  
17 S Bankhead discussed the need to change condition 12 to reflect not only tail water, but ground water,  
18 underground and storm water.  
19 Discussion ensued concerning the wording of conditions 1 & 12 as well as adding 13<sup>th</sup> condition of having the  
20 attorney add his statement to the final plat and development agreement.  
21 B Fresz proposed for Condition 12: "The developer will develop and implement a flood mitigation plan to be  
22 approved by the City Engineer addressing storm, irrigation and ground water, prior to minimum improvements."  
23 Someone asked if the Planning Commission would want to see the mitigation plan and construction documents  
24 submitted by the developer.  
25 Revised Condition 12: The developer will develop a flood mitigation plan to be approved by the city engineer as  
26 part of the construction documents. Addressing storm, irrigation and ground water and shall be implemented  
27 during the minimum improvements.  
28 Add Condition 13: Wording provided by the City Attorney notifying future home owners of the flood potential shall  
29 be included on the final plat.  
30 G Sonntag asked why the city is getting involved in the irrigation companies operation. If they choose not to be  
31 responsible for potential risks, why does the City have to step in and oversee the irrigation company.  
32 R James responded that he feels like the City needs to indemnify themselves, or to show that they took all possible  
33 precautions when the potential future lawsuit occurs.  
34 It was discussed if Condition 1 needed to be included, S Bankhead thought she remembered the City Attorney  
35 recommending that the developer and water company come to an agreement and to have it included with the  
36 development agreement. The reason for having all these stimulations is to protect the future home owners in the  
37 City.  
38 J Drew discussed how irrigation companies function, they have very minimal insurance and are operated by  
39 volunteers, even if they signed the water agreement they may not be able to stand behind it. To keep the City out  
40 of court, it would be best to take action now to prevent possible lawsuits and to protect the City.

41  
42 **Motion to approve the Final Plat for parcel # 02-115-0014 with the conditions stated, with the exception of #12:**  
43 **"The developer will develop a flood mitigation plan to be approved by the city engineer as part of the**  
44 **construction documents, addressing storm, irrigation and ground water, and shall be implemented during**  
45 **minimum improvements." With addition to #13: "Wording provided by the city attorney notifying future home**  
46 **owners of the flood potential shall be included on the final plat." Motion made by B Fresz, seconded by R Cecil**  
47

48

49 **Vote**  
50 **Yea: R James, J Parker, R Cecil, B Fresz, G Sonntag**  
51 **Nay: None**  
52

53 **Item No. 2. General Plan Amendment:** The Providence Planning Commission will consider for recommendation  
54 proposed amendments to the Transportation Corridors element of the Providence City General Plan and Master  
55 Plan Sheet No. 1 Transportation Corridor Plan. (Discussion time approximately 15 minutes.)  
56

1 **Motion made to move Item No. 2 General Plan Amendment from an Action Item to a Study Item, made by R**  
2 **Cecil, seconded by J Parker.**

3  
4 **Vote**

5 **Yea: R James, J Parker, R Cecil, B Fresz, G Sonntag**

6 **Nay: None**

7  
8 S Bankhead stated that the only part that has been approved by the Council is the part concerning 600 East.  
9 Concerning the map the commissioners have, the red are master plan roads, the purple roads are roads that are  
10 currently under construction, the map includes removing a section of road by Hillsborough and removing 600 East  
11 as a main traffic corridor. It was discussed of adding a dotted line to show a road coming into Millville from  
12 Providence.

13  
14 **Study Item(s):**

15 **Item No.1 Private Lanes:** The Providence Planning Commission will discuss options for private lanes. (Discussion  
16 time approximately 15 minutes.)

17  
18 S Bankhead reviewed the situation as to why the private land ordinance is being reviewed. The city ordinance only  
19 allows a private drive to access two homes. Within the Little Baldy Subdivision there is a situation that it would  
20 benefit these three homes and the city to have a private drive instead of extending 850 East. If the road was  
21 changed to a private drive the city wouldn't have to worry about garbage services and plowing snow both of which  
22 would be difficult because of the grades/slope. The reason the ordinance was changed a few years ago, was  
23 because the city was working with PUD's (Planned Unit Development) such as Cobblestone and Mountain View  
24 Retirement, and once the professionals were done and the residents took over the HOA they realized how much  
25 work goes into maintaining the streets, so they tried to get the city to take over maintenance for their roads. But  
26 the city wouldn't because those roads were held to a completely different standard than the rest of the city, so the  
27 City had to say no. After that the City decided it would be best just to allow two homes on a private road, to  
28 prevent that from happening again.

29 Someone asked if for this situation would a variance be appropriate.

30 It was discussed that because of some of the wording in the variance ordinance this situation may not qualify for a  
31 variance.

32 It was also discussed of having a home owner agreement. The City isn't sure they want to be involved in a home  
33 owner agreement. Someone discussed the snow removal situation within Cobblestone and stated that if the City  
34 could not be responsible to maintain another road, then having a private driveway might be the way to go. It was  
35 discussed that private lanes aren't uncommon, but Providence City has required that people have to build private  
36 roads to the city's standards.

37 Multiple commissioners were in favor of having a home owner agreement to protect the City. Commissioners  
38 asked if they could get copies of other cities ordinances concerning private roads, as well as sample PUD  
39 ordinances.

40 S Bankhead reviewed a situation from 10 years ago, where a family wanted to build some townhomes, but they  
41 wanted them to look like estate homes. They had the idea of having a mixture of lot sizes within the subdivision. S  
42 Bankhead asked the commission members if they would be interested in looking at multi-family units that look like  
43 estate homes, when they look at design standards, because that could be included in the design standards.

44  
45 **Motion to close meeting of August 23, 2017 made by R Cecil, seconded by J Parker.**

46  
47 **Vote**

48 **Yea: R James, J Parker, R Cecil, B Fresz, G Sonntag**

49 **Nay: None**

50  
51 Prepared by K Soelberg.