

1 D Astle said that the letter of credit, paragraph 5, was concerning. He was concerned about why the customer
2 could reduce the expenditures in the Letter of Credit.
3 R Blossom said the City releases money as they finish sections. There is a warranty bond that is 10% also.
4 D Astle would feel more comfortable if paragraph 5 was deleted all together.
5 D Hogan said the code doesn't spell out what needs to be in the letter of credit. He felt if there were more
6 guidelines it would be easier for developers to give the City what they want.
7 R Blossom said they only release the amount on the estimates.
8 B Bagley asked what the warranty means. He understood it was sort of an insurance policy.
9 S Bankhead said they will not move forward until the appropriate letter of credit is in place. The warranty
10 bond is put in place for 3 years.
11 L Campbell asked about if there was any discussion about leaving an opening in the south-west corner for a
12 future access to the south.
13 D McFarlene said it wouldn't be a very good place to put a road from a planning perspective.
14 S Bankhead said the road proposed to go north to south is 500 East.
15 B Bagley asked about the Development Review Committee notes from May. He asked if those things have
16 been corrected.
17 S Bankhead said those were preliminary notes for the construction drawings.
18 L Campbell asked when the things on the Staff Report will happen.
19 S Bankhead said that it will be after it is approved by the Commission and before it is recorded at the County
20 Recorder's Office.
21 H Ames asked if it says anywhere something about the commitment D Hogan made about the irrigation
22 canal.
23 S Bankhead said if someone on the service line gives a written statement, then the City will watch for it. She
24 said if H Ames would like to give the City a letter then they will put it with the construction drawings.
25 L Campbell asked if H Ames was stating a conflict of interest.
26 H Ames said he wasn't sure if it was a conflict of interest. He just wanted to inform them about the
27 conversations with D Hogan.
28 L Campbell said he was asking if there was a conflict of interest because H Ames borders the subdivision.
29 H Ames said if someone wants to challenge if he can vote, then they can.
30 Motion that the Planning Commission approve Dan Hogan's request for final plat approval with the findings
31 of facts, conclusions of law, and conditions met- L Campbell Second- W Wimmer
32 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
33 Nay: None.
34 Abstained: None.
35 Excused: None.
36 **Conflict of Interest: None.**
37
38 **PUBLIC HEARING:**
39 **6:30pm Item No. 1. Hampshire Estates: The Providence City Planning Commission will receive public**
40 **comment on a request from B&J Custom Building for preliminary plat approval of approximately 4.38 acres**
41 **of property, Parcel ID #s 02-117-0012 and 02-117-0013, located generally at 285 West Street (Johnson**
42 **Drive) and 575 South.**
43 **Motion to open the public hearing- H Ames Second- L Campbell**
44 **Vote: Yea: unanimous**
45 **Nay: None.**
46 **Abstained: None.**
47 **Excused: None.**
48 B Bagley asked if the park that will be in the subdivision is cut and dry. He wanted to know about the
49 secondary water system as well.
50 J Mock said he understood the secondary system will be maintained by the City.
51 B Bagley asked if all the subdivision will be on secondary water.
52 Jay, from B&J Custom Building, said they will put the pipes in and the City will maintain the system.
53 B Bagley said if anyone from Weiser wants to hook up they will be able to as well.

1 Motion to close the public hearing- L Campbell Second- W Wimmer
2 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
3 Nay: None.
4 Abstained: None.
5 Excused: None.
6

7 Motion that Hampshire Estates be on the agenda as an Item for Approval as soon as the Commitment of
8 Service Letter is complete- H Ames Second- L Campbell
9 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
10 Nay: None.
11 Abstained: None.
12 Excused: None.
13

14 **ITEM FOR RECOMMENDATION:**

15 **Item No. 1.** The Providence City Planning Commission will discuss a request from Kim and Sherry Riding
16 for rezone approval of approximately 2.0 (+/-) acres of property, a portion of Parcel ID 02-115-0020, located
17 at approximately 1090 South 400 East, from Agricultural (AG) to Single Family Estate (SFE).

18 Motion to recommend for approval by the Planning Commission for rezone approval of approximately 2.0
19 (+/-) acres of property, a portion of Parcel ID 02-115-0020, located at approximately 1090 South 400 East,
20 from Agricultural (AG) to Single Family Estate (SFE)- W Wimmer Second- H Ames

21 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
22 Nay: None.
23 Abstained: None.
24 Excused: None.
25

26 **PUBLIC HEARING:**

27 **6:45pm Item No. 2. Everton Minor Subdivision Amendment #1 Phase 1:** The Providence City Planning
28 Commission will receive public comment on a request from Stephen Harrison for preliminary plat approval
29 of an amendment of approximately 3.68 acres of Everton Minor Subdivision, Parcel ID # 02-115-0045,
30 located generally at 400 East and 800 South.

31 Motion to open the public hearing- H Ames Second- W Wimmer

32 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
33 Nay: None.
34 Abstained: None.
35 Excused: None.

36 R Blossom recapped what will happen from the original subdivision to make the new amendment. There will
37 be curb, gutter, and sidewalk on 400 East. He said it was a pretty simple subdivision.

38 B Bagley asked if the sewer on Lot 3 and 4 would pump up for sewer to 400 East.

39 R Blossom said they will use gravity flow and go to 300 East.

40 J Mock asked if the fire turnaround would go all the way through.

41 R Blossom said it will be privately maintained as an access for the homes only.

42 B Bagley asked about a barn on the west side of the property.

43 R Blossom said the only lot affected by the barn would be on Everton's property. This subdivision will not
44 be affected.

45 Motion to close the public hearing on Item No. 2- L Campbell Second- B Bagley

46 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
47 Nay: None.
48 Abstained: None.
49 Excused: None.

50 Motion that Item No. 2 comes before the Planning Commission for approval on the preliminary plat with the
51 letter if applicable- L Campbell Second- H Ames

52 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
53 Nay: None.

1 Abstained: None.

2 Excused: None.

3
4 **ITEM FOR RECOMMENDATION:**

5 **Item No. 2.** The Providence City Planning Commission will discuss a request by Redstone Development
6 LLC for rezone approval of approximately 44 acres of property, Parcel ID #s 02-114-005, 02-114-0030, and
7 02-114-0037, located generally north and east of 755 Canyon Road, from Agricultural (AG) to Single Family
8 Traditional (SFT).

9 Motion to open Item No. 2 as described by the Chairman- H Ames Second- W Wimmer

10 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer

11 Nay: None.

12 Abstained: None.

13 Excused: None.

14 H Ames said they can make it a recommendation on the record that they would like it to be rezoned as SFL.

15 L Campbell said the Development Review Committee found that SFT will be better than SFL.

16 S Bankhead said the way the property is configured they will have some large lots anyway.

17 H Ames said he really likes SFL better for this property.

18 J Mock said SFT have more lots per acre.

19 S Bankhead said a flatter piece of property would be affected more by a change from SFT to SFL.

20 H Ames said he has spent the last 2 weeks reading the 192 pages of SB60, which is LUDMA. He said he dug
21 up the 50 page summary of it as well. He was looking for the LUDMA 2005 language that says that Planning
22 Commission's must rezone. He said Planning Commission's can recommend that it not be rezoned. He said
23 there was some wordage saying that it isn't arbitrary. He said there isn't obligation or compelling state law to
24 make a Planning Commission rezone. He said the City stands on good ground to deny the rezone. He wanted
25 to read 10-9a-102 from the State Code for the record. He quoted from findlaw.com. There is a case where
26 courts defend cities denying rezones. He said he was saying it not specifically for this property but just as an
27 overall view of rezone law. He does not think the City is doing appropriate notification. He thinks residents
28 abutting or adjoining land owners are affected entities and must be notified by mail. He wanted to know why
29 affected parties are not notified by mail.

30 S Bankhead asked K McDermott if the City is mailing them for rezones. K McDermott let the Planning
31 Commission know that they do send letters out. Letters were sent for this rezone request.

32 B Bagley said SB60 was ratified in 2005. There have been 2 major amendments since then.

33 H Ames said he is not lobbying for this particular item to not be rezoned. He thinks they need to wait for the
34 boundary line to be determined.

35 J Mock said he didn't know if it is pertinent to the rezone.

36 H Ames asked if it has been worked out.

37 J Gull said they have not heard from Roger Dahle about the results of his survey. He said it may be months
38 for some engineers to complete a survey.

39 B Bagley asked about the water.

40 J Gull said they had a hearing in early November. Someone asked for 30 days for the record to be open. He
41 said after that the wheels turn at the State Engineer's office, and they will give a decision when they are
42 ready.

43 J Gull said getting water is a concurrent track but not necessarily one you do "one after the other".

44 B Bagley asked if there are appeals.

45 J Gull said they will have to decide whether or not to appeal after the decision is made by the State Water
46 Engineer.

47 L Campbell asked about larger lots using more water.

48 S Bankhead said that in SFT if they want to make large lots based on topography that is allowed. There isn't
49 a maximum lot size.

50 B Bagley said that he really likes the fact that J Gull made the bubble diagram and is willing to work with the
51 Planning Commission. He asked if he was still willing to be creative.

52 J Gull said they are open to dialogue in any form and will try to apply the suggestions. He said with the
53 topography there will probably be a few cul-de-sacs. He said usually more creative approaches require more

1 density. Larger lots make it more difficult to be creative. He said once they know the “guard rails” they will
2 take suggestions within the guard rails. He said it would be a process of figuring it out together. He feels like
3 they will get a product everyone will be more agreeable with.
4 B Bagley said the fact that they will only have one access still bothers him.
5 J Gull said they only border one road at one point. Eventually it will tie into Dan Hogan’s property.
6 S Bankhead said the Fire Marshal will have the right to require more accesses.
7 J Gull said most cities do it that way. He said it is hard to make an ordinance for accesses since there are so
8 many zones. That is why the Fire Marshal looks at developments one at a time.
9 K Baker asked if they have spoken with Stan Checketts about acquiring land for a road if R Dahle’s survey is
10 right.
11 J Gull said they have spoken with S Checketts and that he wants some of their land. They would be able to
12 give and take. He thinks even if R Dahle’s property survey is right they will have enough width.
13 H Ames said the property is exceptional to access because of Dahle’s house, the terrain, etc. He isn’t sure
14 that the City has anything like it. He asked S Bankhead if there is anything like it as far as slope and grade.
15 S Bankhead said that there is a very long cul-de-sac where the developer pretty much re-built the land. She
16 said it’s amazing what developers can do when they choose to do it.
17 H Ames said public safety is left hanging if they recommend rezone. He wanted to know how they make
18 exceptions.
19 S Bankhead said there are slope ordinances. There are also grade ordinances. She said they have tried
20 through the ordinances and construction specifications to have developers build the safest roads and
21 infrastructure possible. She thinks Redstone can do it.
22 H Ames asked what leverage the City has.
23 S Bankhead said they can require above and beyond what the ordinance calls for but the City will have to
24 participate. She said the Fire Department’s standards can be more stringent than the City’s.
25 H Ames asked about protection for adjoining residents, like R Dahle.
26 S Bankhead said if someone causes an accident the construction company or driver is liable.
27 H Ames said attorneys will go after everyone. He thought the City should make extra diligence.
28 S Bankhead said they do the same diligence with every piece of property with slope on the bench.
29 J Gull said it is maybe not standard, but he doesn’t feel it is exceptional. He said the same type of work has
30 been done all over. He said it requires care, good standards, and good engineers. He said if they walk the
31 little road on the property it is a pretty gentle slope. He said it is not as scary as it looks. He said in
32 comparison to other areas that have been developed, it is very gentle.
33 H Ames said he thinks R Dahle’s home is the exception.
34 J Gull said his family lives in the last home in the 1st phase of a subdivision. They are now putting in the 2nd
35 phase. He has had mud in his yard. That happens with development. He said they are very concerned about
36 safety just like H Ames.
37 J Mock asked when road discussions will happen.
38 S Bankhead said that they are looking at a 66’ road.
39 Motion that the Planning Commission recommend to rezone to SFL the Redstone Development of Item No.
40 2 with findings of fact, conclusions of law, and conditions met- L Campbell Second- W Wimmer
41 Vote: Yea: H Ames, B Bagley, L Campbell, J Mock, and W Wimmer
42 Nay: None.
43 Abstained: None.
44 Excused: None.
45 H Ames thinks it is a rezone worthy of a letter to the City Council telling them to pay very close attention.
46 L Campbell asked if the City Council will receive what they received in the packet. He said he will definitely
47 be present when it is discussed.
48 S Bankhead said there will be all that information, the proposed rezoning ordinance, and the Planning
49 Commission minutes discussing this subdivision.
50 Ken Bradshaw, attorney for Redstone, doesn’t want to be perceived as trying to mislead anyone. He said he
51 was responding to H Ames’ frustration with developers coming in with expectations. He said if you look at
52 where we were before LUDMA it is very different.

1 H Ames wanted to put on the record that his affirmative vote is because he perceives a user friendly
2 presentation by the applicants. He feels it is better than any they have seen in the last year he has been on the
3 Commission. He appreciates J Gull's words and looks forward to his actions.
4

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

6 S Bankhead said the City Council discussed sexually oriented businesses. The Development Review
7 Committee will bring it back to the Planning Commission to make the Manufacturing Zone.

8 J Mock asked if there has to be actual area. He asked if they have to rezone a vacant lot.

9 W Wimmer said she understood they have to rezone an area, set it aside, and if someone takes it up then they
10 don't have to add more space.

11 S Bankhead said they have had requests about procedures and ways to have ordinances changed. She said the
12 Staff do the research and homework. She said it is an expensive role and they want to make sure they work
13 on items that will actually go somewhere. They put together a policy. She didn't want the Planning
14 Commission to feel left out. She said Staff will now not have to be "advocates" for proposals. She explained
15 the procedure that they are thinking of adopting.
16

17 **Commission Reports or Discussions: Items presented by the Commission members will be presented as
18 informational only; no formal action will be taken.**

19 J Mock said that Providence now has a Historic District.

20 S Bankhead said it is a designation through the National Parks.

21 J Mock asked if it would allow T Theurer's situation to differ.

22 S Bankhead said they can write ordinances specific to zones. She said they would have to designate a
23 Historic District Zone and set up the ordinances for that zone.

24 J Russell wants to bring a Historic District Zone to Planning and Zoning when he gets on City Council.

25 J Mock asked if there is any chance that one meeting a month could be a planning meeting and one would be
26 a meeting to take care of business.

27 J Russell said he thinks the process is slow. If someone comes in with an application and has to wait that
28 would be his concern.

29 S Bankhead said that when they had meetings once a month, there was a City Manager who handled a lot of
30 things himself, and the Planning Commission didn't get to get very involved.

31 L Campbell asked if they could schedule an extra meeting when there is a 5th Wednesday. He also thought if
32 they have extra time until 9:00pm then they can designate that time for planning.

33 J Mock said he thinks it is up to them to update the zoning map.

34 S Bankhead said the updated Transportation Plan should come to them in January.

35 J Mock asked if there are people to facilitate getting homes on the Historic Registry.

36 S Bankhead said they are researching it right now. Brenda Nelson is getting contact information for people.

37 S Bankhead suggested having a joint workshop with the Historic Preservation Commission.

38 K Baker asked J Mock about his home and how old it is. She said she will put it on the brochure for her
39 walking tour.
40

41 **Motion to adjourn- H Ames Second- W Wimmer**

42 **Vote: Yea: unanimous**

43 **Nay: None.**

44 **Abstained: None.**

45 **Excused: None.**
46
47

48 _____
Jon Mock, Chairman

48 _____
Katie McDermott, Office Specialist

49
50 Meeting adjourned at 8:09pm.

51 Minutes taken and prepared by Katie McDermott.