

1 **PROVIDENCE CITY PLANNING COMMISSION MINUTES**

2 **July 25, 2007, 6:00 p.m.**

3 **Providence City Office Building**

4 **15 South Main, Providence, UT 84332**

5  
6 **ATTENDANCE:**       **Chair:**                   Jon Mock  
7                           **Commissioners:**       Harry Ames, Bill Bagley, John Russell, Wendy Wimmer  
8                           **Alternate:**               None  
9                           **Excused:**                Lance Campbell

10  
11  
12 **ACTION ITEMS:**

13 **Approval of the Minutes for July 11, 2007.**

14 Motion to open the minutes for July 11, 2007 – H Ames, Second B Bagley.

15 Vote:   Yea:               H Ames, B Bagley, J Mock, J Russell, W Wimmer

16               Nay:               None

17               Abstained:       None

18               Excused:           L Campbell

19 Corrections:

- 20 • Page 4 of 8, strike line 18. Add to line 26, “However, there may be consequences in doing so.”  
21 • Page 5 of 8, line 12, there was no commercial use in the “residential” P district.  
22 • H Ames suggested that a section be added to the minutes that states assigned action items. S Bankhead  
23 suggesting calling it an assignment list.

24 J Mock announced that L Campbell will be late in attending the meeting.

25 Motion to approve the minutes as corrected – W Wimmer, Second – H Ames.

26 Vote:       Yea:               H Ames, B Bagley, J Mock, J Russell, W Wimmer

27               Nay:               None

28               Abstained:       None

29               Excused:           L Campbell

30  
31 **Conflict of Interest.** None

32  
33 **STUDY ITEMS:**

34 **Item No. 1. The Providence City Planning Commission will discuss a request from Dan Hogan for final**  
35 **plat approval of The Cove Subdivision, located generally at 691 Grandview Drive.**

- 36 • H Ames questioned the developer on what will be done with the concrete ditch he uses to irrigate.  
37 • Dan Hogan doesn’t know where the line was surveyed. H Ames said the ditch comes down the middle of  
38 the property line. He heard the plan was to cover it up or to pipe it.  
39 • D Hogan explained that if the ditch was covered, it would be in a pipe that would be on a grade that would  
40 make it possible for all users of the ditch to utilize it. The pipe would be on his side of the property and  
41 would be fed back through a head gate.  
42 • H Ames felt this detail would be good for all those involved to know.  
43 • D Hogan pointed out that it is listed on the construction drawings.  
44 • R Henderson said it is to be discussed with the irrigation company. Ordinances require the preliminary plat  
45 approval to outline these things.  
46 • S Bankhead explained that this type of issue is listed on the construction drawings. The developer submits  
47 the final plat and the construction drawings. The City goes through the construction drawing based on the  
48 final plat.  
49 • H Ames asked if ditch access will be covered.  
50 • S Bankhead said the Public Works Director and the City Engineer sign the construction drawings. It goes  
51 along with the development agreement that talks about bonding requirements and City responsibilities.

- 1 • B Bagley asked if the Planning Commission could look at the construction drawings to see the elevations.
- 2 He doesn't have a letter from the engineer stating what the elevations are. He asked if there is a reason why
- 3 the Commission can't see the construction plans.
- 4 • S Bankhead replied that no previous Planning Commission has requested them.
- 5 • J Mock affirmed that elevations have been reviewed during previous meetings. He reminded the
- 6 Commission that Dan Turner said he would have the slope leveled out.
- 7 • B Bagley asked why they didn't have two accesses.
- 8 • S Bankhead explained that the ordinance isn't in the code yet. Even if the ordinance was adopted, there are
- 9 less than 30 lots, so a second access is not required.
- 10 • B Bagley asked why the Highlands had to have two accesses.
- 11 • S Bankhead said the Highlands Subdivision has more than 30 homes, and they knew the access on 1000
- 12 South was critical.
- 13 • W Wimmer said in Driggs, ID, new subdivisions are required to provide public open space. She doesn't see
- 14 any open space in this subdivision. She felt the subdivision wasn't appealing. She believes that it isn't the
- 15 big subdivisions that cause problems; it is the little ones that pop up that do not have cohesiveness with the
- 16 neighboring subdivision.
- 17 • H Ames believes the City is somewhat tied because of the ordinances.
- 18 • W Wimmer believes a park would go well on Lot 22.
- 19 • D Hogan said he gave land to the City for a park, and the City hasn't improved it.
- 20 • W Wimmer doesn't believe that one park given in 1973 "cuts it."
- 21 • D Hogan felt the City must decide who will maintain them, and if it wants little parks or one large one.
- 22 • W Wimmer explained that the new developments in Idaho were configured differently so they weren't as
- 23 visible.
- 24 • D Hogan said places like that sell for \$2 million to \$3 million, and young people cannot afford them.
- 25 • W Wimmer felt the City would benefit from having rich people living in the community.
- 26 • R Henderson believes that specific drawings should give the required information, and the Planning
- 27 Commission should get that information. If a road does not comply with the ordinances, it would be a good
- 28 reason to disapprove the plat. The letter he gave the Commission detailed his thoughts.
- 29 • J Russell asked D Hogan if this is the first plat he has submitted.
- 30 • D Hogan voiced that it is about the tenth plat.
- 31 • B Bagley asked what information was submitted on the preliminary plat.
- 32 • R Henderson declared that he brought a letter with complaints on the grade, and he was told by Max Pierce
- 33 (the City Engineer) to wait until the final plat comes before the Planning Commission. R Henderson said
- 34 that he has information detailing why the subdivision shouldn't be approved. He went to the Public Works
- 35 department and was told that his copy of the grade drawing is not current. He was then refused a current
- 36 one. He presented a graph of the grading. He felt the 4 percent grade is technically not in compliance
- 37 because there should not be 100 feet over a 4 percent grade and 3 percent at the junction. He said his
- 38 constituent, Mike Dudley, a mechanical engineer who is graduating from law school, looked at the grade.
- 39 The vertical curves proposed in the Cove subdivision do not comply with the ordinance because they are too
- 40 short and the transitions are bad. He felt the problem could be solved by doing away with four lots to
- 41 eliminate the 625 South Street. He then explained the different grades proposed in the subdivision to the
- 42 Commission. At one point, the road goes to an 18 percent grade for about 50 feet. Dan Turner said it is 22
- 43 feet.
- 44 • Dan Turner referred to Section 11-3-3 of the Providence City Code.
- 45 • R Henderson told the Commission that it is a legal misconception that a preliminary plat cannot be denied in
- 46 relation to anything that is not on the plat. He referred to Section 11-3-2 of the ordinance which is to be
- 47 used as a basis to deny a preliminary plat. He believes it would breach public trust to approve a plat when
- 48 the road has that issue, and it can be fixed. The proposed road is currently unsafe and could be fixed by
- 49 getting rid of three lots, putting in a through street, or by being excavated. Last year, 180 people signed the
- 50 petition saying this subdivision is a bad thing because of the way it is configured. He referred to Section 11-
- 51 4-3 of the Code. He suggested that the Commission tell the developer to solve the problem and then come

1 back to the Commission for approval. The Board of Adjustments reversed the first application and it is  
2 listed in the lawsuit for the land to be rezoned to agricultural. He hasn't heard that a hearing date has been  
3 set, and felt an answer on the lawsuit could come very quickly. He admonished the Commission to not rush  
4 a decision; the developer is not entitled to a positive decision.

- 5 • D Hogan told the Commission the slope can be excavated lower. He also said the land has been rezoned  
6 twice.
- 7 • R Henderson explains that the lawsuit involves a petition for referendum and public meeting violations. The  
8 City rezoned this property again for separate reasons.
- 9 • D Turner said he also met with M Pierce, and he asked the Commission to refer to M Pierce if they have any  
10 questions.
- 11 • B Bagley asked if the subdivision could be redesigned if there was a conservation easement issue.
- 12 • D Turner said it can be redesigned, but either medium lot size or density is being met.
- 13 • R Henderson felt that if they started over with the application, they could start with new rules.
- 14 • D Turner said the subdivision is legal and meets all of the ordinances.
- 15 • B Bagley felt the design was very uncreative.
- 16 • J Mock explained that this subdivision would not be included in a P zone because it is too small. He also  
17 mentioned that it will come back as a recommendation item at the next meeting, and at that time the  
18 Planning Commission would be acting as the Land Use Authority.
- 19 • Bob Bissland sat through Mr. Hogan and Turner's previous presentations and felt in the future it may be  
20 appropriate to let the other side give their presentation before others could interrupt.
- 21 • H Ames said the developer would re-grade the slope to put it into compliance.
- 22 • D Turner said it is something to consider.
- 23 • H Ames would like to see a drawing in order understand the construction drawings relative to his source of  
24 irrigation.
- 25 • H Ames felt this Planning Commission wanted a much more attractive space, but has been told that it meets  
26 the codes under which it is vested, and it would be difficult for the City to deny this.
- 27 • R Henderson said it is not difficult if it is not in compliance.
- 28 • Denise Strong commented on the Millville-Blacksmith Fork fire. She felt it would be a hazard to get in and  
29 out of the area if there were a fire on the hillside. She asked if any fire breaks or any other kind of fire  
30 planning have been implemented in the development for fire trucks. She also asked D Hogan if he would  
31 consider additional mitigation factors within the landscaping and in the design.
- 32 • D Hogan said Grandview is a fire break. Liz Hunsaker is the Fire Marshal who sits on the DRC board, and  
33 she approved it.
- 34 • J Mock asked what became of the second access.
- 35 • R Henderson voiced that an emergency exit was required on the submitted initial plat. The developer did  
36 not have enough space, and the access encroached on Larry Tanaka's property.
- 37 • D Turner said, "We were not allowed to run public utilities on Larry Tanaka's land."
- 38 • R Henderson stated that Larry Tanaka's land will not be used for a fire truck or to get people out in case of  
39 emergencies.
- 40 • H Ames asked if there is a removable fence.
- 41 • R Henderson said a no trespassing sign has been hung. People fleeing on foot can get out on the west as  
42 easily as they can get through there.
- 43 • Linda Goetze asked if two accesses could be made if there were fewer homes. The Planning Commission  
44 answered no.
- 45 • J Mock said it was unfortunate the subdivision to the west was not stubbed out of this development.
- 46 • H Ames would like to get copies of construction drawings.
- 47 • D Turner declared that the Commission must ask the City if they can see them.
- 48 • R Henderson disagreed.
- 49 • S Bankhead explained that the Commission would need to have the large copies, and they can be reviewed  
50 at R Eck's office. The DRC has requested that corrections be made on them.
- 51 • R Henderson asked if they could be here in two weeks.

- 1 • S Bankhead said yes.
- 2 • J Mock asked if M Pierce should be invited to attend in two weeks.
- 3 • S Bankhead said it would be prudent to have the person who is to explain them to be here.
- 4 • B Bagley felt Canyon Road was still a big concern. He said that previously, Blaine Sorensen was looking
- 5 into the problem.
- 6 • S Bankhead commented that the City doesn't have plans to acquire property along Canyon Road for
- 7 expansion, but they are working with property owners to put sidewalks on the north side to get foot traffic
- 8 off the road.
- 9 • S Wyatt reminded the Commission that the engineer has said the road is wide enough. Wider roads bring
- 10 more speed.
- 11 • S Bankhead added that on Canyon Road, people own to the middle of the road.
- 12 • B Bagley asked if it is like 400 East.
- 13 • S Bankhead answered yes; there is an implied right-of-way from the distance away from the asphalt, but the
- 14 City would capitalize on what it can.
- 15 • Linda Goetze felt Canyon Road should not be widened. She also believes the Highlands subdivision has a
- 16 huge impact on 100 East, which is part of Canyon Road. She felt it would be extremely expensive to build a
- 17 sidewalk on 100 East and that the hazard map shows a 30 percent grade and a blind hill. Because it does not
- 18 meet the line-slope ordinance, there is no way to build a sidewalk. She is frustrated because she feels the
- 19 more important issues, such as livability standards and the tree ordinance are never on the agenda.
- 20 • J Mock explained that the City is waiting to hear from the County to discuss transportation. He also noted
- 21 that not much of a tree ordinance is in place to protect trees.
- 22 • S Bankhead stressed that agenda items come from the Planning Commission, from Staff, or from things
- 23 DRC works over for the Planning Commission. She also stated that different widths of streets are
- 24 considered.
- 25 • S Wyatt emphasized that this is the Commission's meeting, and it is their prerogative to decide what should
- 26 be on the agenda.
- 27 • J Mock recommended that L Goetze get with the City to see what should be on the agenda.
- 28 • S Bankhead said the census numbers did not give accurate counts of population in Cache County. She will
- 29 get with Jeff Gilbert and will also get a copy of the livability standards.
- 30 • L Goetze asked that the City Engineer look at water issues from a safety perspective. She also asked that
- 31 the City Engineer see if it is safe to have more cars on 100 East, especially where there are spots where
- 32 pedestrians can't be seen.
- 33 • S Bankhead said the Horrocks study will be out soon, and she will get with M Pierce to discuss 100 East.
- 34 • H Ames determined that two perspectives, scientific and reality, should be addressed. He believes Canyon
- 35 Road is dangerous. He would hate to say, "Canyon Road can handle the traffic because... It is an entirely
- 36 different issue when you drive that road." He hopes the City would have the latitude to say, "We don't care
- 37 about the legalese, let's look at it and make a decision on a subjective concern." He asked S Wyatt if that
- 38 approach would be legal.
- 39 • S Wyatt said yes, but the engineer should be the one to say it.
- 40 • B Bagley asked if the livability standard should be on the agenda before transportation.
- 41 • S Bankhead said M Teuscher spoke with the Planning Commission on road-labeling issues.
- 42 • J Mock felt he didn't answer specific questions.
- 43 • L Goetze felt that grade, water, and pedestrian traffic should be the first decisions made.
- 44 • H Ames felt the Commission should study the livability issue with M Pierce present.
- 45 • S Wyatt felt that standards could be made that include livability standards. One of the goals of law is to
- 46 make things subjective, and that is what is lacking. There are no studies that say the road is unsafe. He
- 47 believes the road was more unsafe when he was young than it is today.
- 48 • H Ames felt more people and cars would be more of a probability of accidents. He suggested listing
- 49 livability standards as a study item.
- 50

1 **Item No. 2. The Providence City Planning Commission will discuss street front and side yard fences in**  
2 **Commercial Districts 10-8-1 Space Requirement Chart.**

- 3 • J Mock found one spelling error on page 4 of 4; and he felt the document was changing “shall” to “may.”
- 4 • The Planning Commission asked that it come back with the proposed change. In Section 5-5-8-A, J Mock
- 5 didn’t understand if it should be from the “street” or from the “feet.”
- 6 • S Bankhead said it should be “feet.”
- 7 • B Bagley said on page 2 of 8, garbage is spelled wrong.
- 8 • S Bankhead said once the spelling errors are corrected, this ordinance change recommendation will go to a
- 9 public hearing. The regulatory ordinance will be in Title 5 of the City Code. It is not required to go through
- 10 a public hearing process the way the land use ordinances are.
- 11 • H Ames suggested holding a public hearing.
- 12 • S Bankhead informed him that Planning Commission asked to see this ordinance again.
- 13 • J Mock said it will be listed on the August 8 agenda.

14  
15 **ITEMS FOR RECOMMENDATION:**

16 **Item No. 1. The Providence City Planning Commission will consider for recommendation a rezone**  
17 **request from Rick Arnold in behalf of Providence Highlands, Dallas Elder, Boyd Campbell, and Robert**  
18 **Harris for the rezone of approximately 105.05 acres east of Grandview Drive from Agricultural (AG) to**  
19 **Single Family Large (SFL).**

20 Motion to open Item No. 1 – H Ames, Second – J Russell.

21 Vote: Yea: H Ames, B Bagley, J Mock, J Russell, W Wimmer

22 Nay: None

23 Abstained: None

24 Excused: L Campbell

- 25 • H Ames is upset that in 2005, the City Council and the Mayor signed a contract that bound the hands of the
- 26 Planning Commission and the City with this development.
- 27 • B Bagley read definitions from the Utah Code, Title 10-17 which gives information on zoning. It cautioned
- 28 against prematurely zoning districts in long range planning projections. Premature zoning can create
- 29 unfilled expectations and property values and should plan for growth.
- 30 • H Ames asked for an approximate number of homes on the 105-acres if it is included with the current
- 31 Highlands.
- 32 • B Bagley implied that it would be approximately 252 homes.
- 33 • J Mock said 28 acres can hold 72 homes.
- 34 • H Ames felt the Commission needs to settle issues such as transportation systems, schools, livability
- 35 standards, and infrastructure before approving a rezone. He believes that to approve a rezone request for
- 36 that many acres at once would be another mistake. It has nothing to do with the legal issues of the contracts.
- 37 He doesn’t believe the contract specifies when the rezone should take place, but it does say the risk to the
- 38 City having to pick up the water shares at a higher price goes up. He believes that rezoning at this point will
- 39 set precedent for the developer and could be more damaging to the City. He hopes the developer would
- 40 understand this concern and consider reapplying for a rezone of the 105 acres in increments because the City
- 41 does not know what the impact will be on the streets. He believes the City has already seen negative
- 42 impacts on livability and the subjective issues. He believes the developer should show flexibility, and if the
- 43 developer would look at rezoning the land over a number of years, he would support it. He would vote
- 44 against this rezone tonight for legitimate reasons.
- 45 • J Mock wondered if there are financial obligations to the developer. He also questioned why it is before the
- 46 Planning Commission instead of the City Council.
- 47 • S Wyatt explained that financial issues go to the City Council, but the Planning Commission must make the
- 48 recommendation.
- 49 • J Mock is leaning against the approval of the rezone because of traffic and the number of homes for sale.
- 50 He hopes the developer will get the first phase completely filled and then submit an application for this at a
- 51 later time.

- 1 • H Ames would consider a rezone earlier if it was done in identifiable blocks stretched over a period of time.
- 2 B Bagley said he felt the General Plan could change with the updates being made. The water transfer may
- 3 or may not happen. Transportation and the impact on the roads should be taken into consideration first. He
- 4 also questioned the impact on the City and the ecology of the slopes, and he wondered if the Commission
- 5 would be putting lives in jeopardy. He would like to see these, as well as other issues pursued. He said that
- 6 churches can build anywhere they want. He also would like to see the current phase built out before
- 7 approving more rezone requests.
- 8 • W Wimmer believes the Highlands has been progressive in developing and has done what they said they
- 9 would do. She likes the “increment” idea, but feels the developer is on track with what should happen in
- 10 Providence.
- 11 • S Wyatt surmised that the Commission could grant rezones in part. He suggested that the Commission
- 12 recommend to the City Council how many acres should be brought in.
- 13 • H Ames suggested having the developer look at the 25-acre request over not less than eight years of time.
- 14 • H Ames asked if the Commission could vote and recommend a rezone that is structured differently.
- 15 • S Wyatt advised to recommend that it be approved only so far as it rezones 25 percent of the land requested
- 16 so that it can be incrementally done.
- 17 • H Ames would like to see a time limit set.
- 18 • B Bagley asked if they had two years to begin the subdivision.
- 19 • S Bankhead said not in a rezone.
- 20 • B Bagley asked what would happen if the water transfer is overturned.
- 21 • S Wyatt stated that no development plan would be approved.
- 22 • B Bagley asked if it would nullify that part of the contract.
- 23 • S Wyatt said the developer conveyed the water; if the City cannot use it, the City is still obligated to
- 24 compensate them.
- 25 • W Wimmer asked if it will change the rezone.
- 26 • S Wyatt said no, but it can be rezoned back.
- 27 • R Henderson said once it has been rezoned, they have the right to the rezone. He disagrees with S Wyatt.
- 28 He doesn't believe the courts will address the issue the way it is being presented.
- 29 • H Ames recommended voting against the rezone and to attach the following statement: “We will entertain a
- 30 rezone request one year from now of a 25-acre parcel; two years later, another twenty five acres, until it is
- 31 complete.” He doesn't see any rezone denial for the developer.
- 32 • B Bagley agreed that a rezone application not be made for one year, but felt timelines of two years should
- 33 not be made.
- 34 • H Ames asked if a letter should be given to the City Council explaining why it was denied by the Planning
- 35 Commission.
- 36 • S Wyatt felt it was a good suggestion, and he advised them to state the reasons in the motion and have it
- 37 placed in the minutes.
- 38 • S Bankhead explained that the minutes will be included in the packet, and when the Commission makes
- 39 findings, it should be stated what the conclusions are to be added in the minutes.
- 40 • R Henderson wondered how the minutes could be in the Council's packet when they aren't approved until
- 41 two weeks after the meeting.
- 42 • S Bankhead explained that staff waits until the minutes are approved.
- 43 • H Ames suggested that J Mock write a letter to the mayor regarding this item to make sure it is clear.
- 44 • B Bagley, W Wimmer, and J Mock agreed.
- 45 • W Wimmer asked if it will be voted on as it stands now, and then revote to recommend the changes agreed
- 46 upon by the Planning Commission.
- 47 • H Ames said the Commission would decline it the way it is written now, but then would provide an
- 48 alternative that is negotiable.
- 49 • S Bankhead suggested making a motion to deny the request for the following conclusions; the water and
- 50 traffic issues have not been resolved.

- 1 • S Wyatt suggested wording it so the developer can file a request at any time, and the Commission can turn it  
2 down. He advised them to say, "It would be our preference that it comes in increments."  
3

4 W Wimmer wrote on the board:

- 5 1. General Plan Revision:  
6 2. Water issues  
7 Litigation  
8 5 year Water Master Plan  
9 Water availability ordinance  
10 3. Transportation  
11 CMPO County wide study  
12 Canyon Road and 100 East  
13 4. Ecology issues, bench studies  
14 Slopes  
15 5. Safety  
16 Fire suppression and response  
17 Fire substation  
18

- 19 • S Wyatt advised the Commission to not deny a proposal because a plan or trails have not been created; it  
20 doesn't have anything to do with the issues, and then it can be added to next meeting's agenda.  
21 • H Ames felt it would be foolish to consider the 105-acre rezone again. He recommended that the request  
22 come back in one year, and that it come back in no more than 25 percent increments.

23 Motion to deny the rezone request on Item No.1 on items of recommendation, based upon, and if that vote  
24 results on a negative vote on that rezone, the Planning Commission would recommend that the request for a  
25 rezone does not appear before the Planning Commission for a period of one year from this date, and when it  
26 reappears, it would be favorable for the developer to present the rezone of not more than 25 acres on this item  
27 for the following reasons: concern about the General Plan revision, concern about the water issues, litigation,  
28 getting the Water Master Plan completed, resolution of the water ordinance, resolution of the CMPO county  
29 wide transportation study, and impacts on Canyon Road and on 100 East and 400 South, ecology issues, slopes,  
30 and safety issues associated with the further expansion of access to fire services without the development of a  
31 fire substation closer to the bench areas of Providence, and, additionally, should this be a negative vote, the  
32 chairman, Jon Mock, in cooperation with the other Planning Commission members, will write a letter regarding  
33 this recommendation to the mayor to assure clarification before the City Council should vote on accepting the  
34 recommendation on this item – H Ames, Second – B Bagley.

35 Vote: Yea: H Ames, B Bagley, J Mock, J Russell, W Wimmer  
36 Nay: None  
37 Abstained: None  
38 Excused: L Campbell  
39

- 40 • H Ames requested that J Mock draft it and then e-mail it to the Planning Commission members.  
41 • R Henderson advised to be careful that it doesn't become a public meeting.  
42

43 **Item No. 2. The Providence City Planning Commission will consider for recommendation a code**  
44 **amendment changing Providence City Code Title 11 Subdivision Regulations, Chapter 3 Plat Procedures**  
45 **and Requirements and Chapter 5 Public Improvements to provide consistency with the Land Use**  
46 **Authority ordinances and recent changes to the Providence City Department of Public Works Standards**  
47 **and Specifications Manual.**

48 Motion to open Item No. 2 – J Russell, Second – B Bagley.

49 Vote: Yea: H Ames, B Bagley, J Mock, J Russell, W Wimmer  
50 Nay: None  
51 Abstained: None  
52 Excused: L Campbell

- 1 • S Bankhead explained that she was asked to red line the changes in Chapter 3. The packet includes those  
2 changes; Chapter 5 was redlined in the last packet. The changes in the Plat Procedures and Requirements  
3 section included changing Staff Review Committee to Development Review Committee, and preliminary  
4 plat shall be prepared in accordance with all the requirements of the City and “shall” include all proposed  
5 phases. It was felt that staff must see what the developer intended from start to finish.
- 6 • The City is asking that the proposed name, the section, and the range of the subdivision be included in the  
7 title block. The City is more interested in the information that goes in the title block than where it is located  
8 on the page.
- 9 • B Bagley asked for an updated code book.
- 10 • S Bankhead and the staff felt, after speaking with the surveyors and engineers regarding the location of the  
11 nearest benchmark and monument, it would be more prudent to ask for the legal description of the total  
12 acreage of the proposed development certified by a licensed land surveyor. This change is asking for a  
13 certified boundary at the preliminary plat stage. In the past, the City has not had a certified boundary until  
14 the final plat stage, which negated B. The new “B” is more consistent with other features throughout the  
15 code. Where it said existing streets were to be 200 feet was changed to 100 feet. The grades were taken out  
16 on the water and sewer mains because, at the preliminary plat stage, the grades work into the construction  
17 drawings. “Exact” location was changed to say “accurate” location because it is a given 2-3 percent margin  
18 for error.
- 19 • H Ames felt the term “accurate,” may be too indeterminate.
- 20 • J Mock asked if M Pierce, the City engineer, could help with this. S Bankhead will check into it.
- 21 • S Bankhead went on to say that it was added that, regarding ditches, canals, open waterways, etc., a letter  
22 from responsible parties acknowledging the plans must be submitted to the City. The service laterals on  
23 irrigation ditches are not the responsibility of the irrigation companies; they are the responsibility of the  
24 ditch users. The people responsible would say they saw the plans and acknowledge they are being  
25 submitted to the City.
- 26 • H Ames asked if the letter comes from the responsible parties. He asked for clarification.
- 27 • S Bankhead felt by saying “they are directly affected by,” someone can feel they are directly affected by an  
28 irrigation ditch they technically have no ownership of. B Bagley said it depends on whether you are talking  
29 about lateral users or water users.
- 30 • S Bankhead said people who live in a subdivision that doesn’t have any water shares may have an open  
31 ditch going through, and they may say they want the ditch to be piped. The users downstream could say,  
32 “No, we want it open in order to use dams.” The people who don’t have a share in the ditch will be  
33 dictating the use.
- 34 • H Ames recommended that a letter be written by the effective users of the water acknowledging the  
35 submitted plans. He felt a person can acknowledge the plan and can still disagree. He asked S Bankhead if  
36 she is recommending a letter saying a negotiation has taken place between the affected users of the water  
37 and the developer. It will not be an acknowledgement of the plan, but a letter from the affected users of the  
38 water indicating the plans are acceptable and are to be submitted to the City. He felt “acceptable” should be  
39 included. A surveyor should be able to tell what his definition of “accurate” is.
- 40 • B Bissland felt “active” is the proper word because it relays intent. “Accurate” relays the intent that it will  
41 work, whereas “specific” may not make any sense.
- 42 • J Mock felt in measurement, “accurate” may mean one thing, but in something else, it may not be feasible.
- 43 • H Ames felt the location should be accurately stated “within your knowledge.” He recommended chatting  
44 with a professional surveyor to find out what they recommend.
- 45 • S Bankhead explained that “the high water levels of our water source “and” should be indicated on the same  
46 day of chlorination” was taken out because if someone tested in dry years, they will say the high water is  
47 different than what is normally there. The City feels it needs some responsibility.
- 48 • H Ames questioned if this would give the City the ability to determine if there is water, rather than using the  
49 developer’s word.
- 50 • S Bankhead referred to changes in the schematics. The vicinity map shows how subdivisions are situated in  
51 surrounding neighborhoods of a minimum of two blocks or more outward from the boundary of the  
52 subdivision. A block is generally 660 ft, and this would be changed to say 1,300 ft.



- 1 • H Ames asked the difference between the vicinity map versus schematic drawing. S Bankhead doesn't
- 2 know. She said it was a suggestion from M Pierce.
- 3 • H Ames felt it was important that the City looks more than two blocks outward.
- 4 • S Bankhead explained that the next section recommended for change is the under the proposed revision.
- 5 The first part deals with "existing," and the next part deals with what is going to happen. The plan was
- 6 changed to say, "The location of the culinary water through waste water in the storm drainage and street
- 7 lamps." "Waste water, storm drain, and street lights for all lots proposed within a subdivision" was added
- 8 because a storm water utility has been added, and because of Federal requirements. This is being
- 9 incorporated throughout the ordinances to make it more prominent. The City wanted "street lights" noted
- 10 because it is a line item in the development agreement, and it was included on the construction drawings,
- 11 but it was not in the ordinance. "And square footage" was added to the layout numbers and dimensions on
- 12 all lots for consistency. In the last change, the City would like parcels of land intended, dedicated, or
- 13 temporarily reserved for public use set aside for property owners in the development. The word "including
- 14 but not limited to," was taken out because staff felt like that statement in and of itself gives enough
- 15 parameters.
- 16 • In order to achieve a non-cookie cutter look, the Planning Commission recommended, and was passed by
- 17 the City Council, an ordinance giving variable front and rear yard setbacks as long as the setbacks total a
- 18 minimum of 50 feet combined and each setback is at least 20 feet. If they are shown on the plat, then the
- 19 plat must dictate, and flexibility and some design standards are lost. A written statement was added
- 20 verifying that all adequate lots have an adequate, buildable envelope with regards to hazards, slope,
- 21 building, water, zoning setbacks, etc.
- 22 • B Bagley asked if the City needs a written statement from the developer's engineer.
- 23 • S Bankhead said yes.
- 24 • H Ames asked who defines the adequate envelope.
- 25 • S Bankhead explained that instead of showing on a plat a dashed line that says front yard setback, and
- 26 another in the back saying rear yard setback, the builder will say enough space is available for a house
- 27 within the envelope of a combined total of 50 ft, of which neither setback is less than 20 ft. If they show 20
- 28 and 30, and it recorded on a plat, and the plat is more recent than the ordinance, the plat governs.
- 29 • H Ames asked what remedy the City has.
- 30 • S Bankhead explains that it occurs frequently when a house is too big for a lot. It isn't that the lot is too
- 31 small to be built on.
- 32 • H Ames asked if this is to give the City some level of competence.
- 33 • S Bankhead explained that every building permit that comes in must submit a site plan that goes through a
- 34 review of the zoning requirements. Staff didn't know how to allow pleasing aesthetics on variable type
- 35 conditions any other way.
- 36 • Laura Fisher believes the various setbacks on Grandview Drive have ruined the view for several people.
- 37 She believes that if the setback had been specified, more residents would have been happy. The only way to
- 38 stop that is to change the ordinance that says variable.
- 39 • J Mock indicated that there is a range of setbacks, but the builders must adhere to the minimum.
- 40 • S Bankhead explained that various setbacks will block a certain amount of view. The only way to stop it is
- 41 to change the ordinance. The Commission must decide which look they want.
- 42 • H Ames felt the City could say, "This is how we are going to be flexible.
- 43 • S Wyatt stated that garages, height, etc. can have impacts.
- 44 • S Bankhead said if you set your home back further, you risk the chance of having someone blocking your
- 45 view.
- 46 • L Fisher believes people will try to create ways increase their view.
- 47 • S Bankhead explained that the City is trying to incorporate the desires of the Planning Commission to obtain
- 48 a more flexible look. Staff is proposing that the Commission make sure every lot being proposed has a
- 49 buildable size area on it, and staff will leave the 20-30 ft. discretion to the builder and homeowner. People
- 50 want to build as big a house as they can fit, which maximizes the envelope.
- 51 • J Mock asked if the City has control over the footprint.
- 52 • S Bankhead noted that nothing is in place in the ordinance for sight preservation or anything like it.

- 1 • W Wimmer asked if the City has power to go after the builder once the foundation is in place.
- 2 • S Bankhead explained that they shouldn't have poured their foundation because they needed approval for
- 3 the building permit before they started.
- 4 • J Mock asked if the home L Fisher mentioned was an oversight.
- 5 • S Bankhead said no, it was because of the tools being used to maximize the lot.
- 6 • H Ames suggested that a written statement be made with the idea of preserving flexibility, and that all lots
- 7 have an accurate building envelope in regards to the slope, building, water, setbacks, and aesthetics.
- 8 • J Mock felt it was too arbitrary.
- 9 • H Ames felt it would stop someone from effectively ruining their neighbor's view.
- 10 • S Bankhead explained that just because someone doesn't like something doesn't mean someone else doesn't
- 11 like it, either.
- 12 • H Ames feels that developers establish covenants that restrict options.
- 13 • S Bankhead explained that view ordinances in place cover obstruction of corner lots and driveways.
- 14 • W Wimmer felt covenants would be hard to enforce.
- 15 • S Bankhead explained that the City is trying to get setbacks off the plat because they are contrary to the
- 16 flexibility in the ordinance.
- 17 • H Ames asked if there are remedies for the developers.
- 18 • S Bankhead said yes, guidelines are used for every building permit that comes in.
- 19 • S Bankhead said there are different setbacks in different zones. High density zones have a 5 ft. side yard on
- 20 one side, and a 10 ft. side yard setback on the other. Combined between the two homes must be 15 ft. She
- 21 told the Commission that if they can think of a better way for the City to enforce flexibility and to get what
- 22 is needed with something other than a written statement, the City would like to hear it. The way the
- 23 ordinance is set up at this time, Staff says whether builders can put the building on the plot or not.
- 24 • S Bankhead then went on to discuss the easements for water, sewer, drainage, utility lines, and other
- 25 utilities. "The purposes as required by the Planning Commission or any utility company" was taken out
- 26 because utility companies must sign off in a later step of the process.
- 27 • There are differences between typical streets and cross sections. Preliminary street grades are required.
- 28 Copies of any agreements with adjacent property owners will come with the proposed development.
- 29 • H Ames questioned what would happen with someone who sold their property.
- 30 • S Bankhead explained that the new owner would deal with previous property owner agreements. The City
- 31 asks for copies of the agreement so they can be lumped together.
- 32 • Zones are used for sites for multi-family dwellings, shopping centers, community centers, industry, or any
- 33 uses exclusive of the single family dwelling; as a result, the mixed resident section was taken out. A
- 34 different set of rules govern a P district. Staff is recommending to take that statement completely out.
- 35 • The scale of drawings was taken out because it is repetitive. The dimension of the pages for submitted
- 36 drawings is being changed. At preliminary plat stage, staff didn't care if the borders were there, so it was
- 37 scratched out. Under professionally prepared plans, if staff can't read the plan, they will be told to fix it, so
- 38 a statement was taken out. The signature block providing for the certifications or approvals prior to City
- 39 review (an affidavit or certificate of clear title) was discussed. Staff is asking that the submitter give a title
- 40 report before it is reviewed.
- 41 • Staff also feels that four copies, rather than seven, are sufficient for DRC. Previous commissions did not
- 42 want large copies; they wanted smaller versions, and staff can reproduce 11 x 17 copies. They would be
- 43 submitted to the City for review a minimum of seven days prior to the initial City review. The City will
- 44 complete the first review within 30 days. Timeframes caused staff to rush plans. The ordinance is being
- 45 changed to allow 30 days for each review, and each subsequent review is subject to an additional 30 day
- 46 review. If all of the information is not included in the packet, the City has the right to refuse the package.
- 47 Upon review, the Development Review Committee shall provide written comments for provisions and
- 48 recommendations to the Land Use Authority because the Commission is acting as the Land Use Authority in
- 49 subdivisions. The term is more harmonious the State code. The line saying "after 60 days" was taken out
- 50 because it was deemed approved.

- 1 • On the final, Staff is suggesting the wording be changed to say, “The following information and a complete  
2 set of construction drawings shall be submitted for review.” This will be required at the final plat stage.  
3 The final plat shall be prepared by a land surveyor licensed by the State. At this point in time, Staff doesn’t  
4 care about the black India ink. Staff would like, though, the top of the plat to be north or to the east. The  
5 word “subdivision” was changed to “development” because it may be a phase of the entire subdivision.  
6 Planning Commission was also changed to say Land Use Authority because the Commission will be acting  
7 as the land use approving body.
- 8 • True angles to the nearest U.S. state, city, county, or city monuments shall be accurately described in the  
9 plat shown by the appropriate symbols. All boundaries, lots, and other geography bearing distances curved  
10 at etc. on the final plats pose accuracy not less than 1 part in 5,000. Surveyor markers shall be set on all lot  
11 corners and shown or noted on the plat.
- 12 • Storm water was included to the public works improvements section. Changes to the street monuments  
13 were made asking for accurate outlines and dimensions of any areas to be dedicated or reserved for public  
14 use, and any area to be preserved by deed or covenants for the common use of any property owners. This is  
15 listed on the preliminary plat, but the City would like to have it on the final plat as well. The City wants it  
16 clear who will take care of what when the final plat is recorded. Then, a statement that all expenses for  
17 necessary improvements or extension for culinary water systems, sanitary, sewer, gas, electrical telephone  
18 cable, grading, landscaping, storm water systems, curbs, gutters, fire hydrants, pavement, sidewalks, street  
19 light, and other systems shall be paid for by the developer. Staff requests that the exact statement be on the  
20 plat.
- 21 • Staff would like standard forms for the following: a registered land surveyor’s certificate of survey as  
22 applicable under law, the owners signature of dedication, a notary public acknowledgement, City Engineer  
23 certificate of approval, the City authority for culinary water and sanitary sewer systems signature (which is  
24 from State Code and will be added onto the plat), and the Planning and Zoning should be replaced with  
25 Land Use Authority signature of approval. It is still required to be signed by the Mayor and have the City  
26 Attorney’s certificate of approval. The City would like the signed statement from the utility companies  
27 saying they have reviewed the plat, approved the plat, and are in agreement in placing all the utilities  
28 underground. Staff would like the recorded plat for proof and the County recorder’s stamp of approval.
- 29 • H Ames asked if she would like to change the third sentence from the bottom saying that “Any restrictions  
30 will be imposed.” He asked if all developments will have underground utilities.
- 31 • S Bankhead said yes.
- 32 • S Bankhead then said a statement was added saying, “The final approved plat for recording shall be  
33 prepared on mylar.” This is to be done at the end of the process.
- 34 • The development agreement states, “The developer shall enter into and sign an agreement with the City.”  
35 The City does not want him to do this after the proponent’s security of performance has been posted,  
36 because until the agreement has been worked through to see what the City will do, Staff doesn’t know what  
37 the performance bond should be. Therefore, it was taken out. Bonding is not being taken out. It is covered  
38 in a completely different section in 11-5. The development agreement will indicate the timetable for  
39 completion of the final improvements. The agreement will be submitted to the City Council for approval  
40 because they have authority over the budget and must approve the development agreement. The dimensions  
41 of the paper were gone over again. The packets must be submitted seven days prior to the initial review.  
42 The City has the right to refuse it if it isn’t complete. Upon review, the City staff may provide written  
43 comments and recommendations to the Land Use Authority.
- 44 • B Bagley wanted the word “shall” to be used.
- 45 • S Bankhead then explained that in the approval section, it was changed to say, “The final plat shall be  
46 approved by the Land Use Authority.” The \_\_\_\_\_ shall be approved by the City staff, and the  
47 development agreement shall be approved by the City Council. Prior to submitting the final plat, it shall  
48 either be signed by the utility companies, or they will submit a letter with the final plat from the utility  
49 companies. If they so choose to submit a letter, and for some reason they want to have a bigger statement  
50 than will fit in the box, staff will record it.
- 51 • W Wimmer asked that plurals in the wording of the document be consistent.

- 1 • S Bankhead explained that all security bonds must be in place. The development agreement shall be signed
- 2 by the developer. The City does not consider the final plat to be approved until the construction drawings
- 3 and the development agreement has been signed, and all signatures are on the final plat. At this point, the
- 4 developer shall submit an electronic copy, which is a new thing the City is asking for, of the approved final
- 5 plat and approved construction drawings so the City can update inventories, etc. The City mimicked the
- 6 changes discussed in previous discussion in two-lot subdivisions.
- 7 • H Ames questioned the debated water ordinance; he didn't see a reference saying the developer will deal
- 8 with the water according to the water ordinance.
- 9 • S Bankhead explained that the water plan is discussed in the preliminary plat.
- 10 • H Ames felt the water infrastructure should reference the City ordinances. He believes that since the
- 11 developer has letters indicating that everything has been done the right way, he could submit a statement
- 12 indicating that he has met the intent of water availability. He read Section E of the City Code.
- 13 • J Mock explained that page 5 of 8 indicates that water is first in a detail of all expenses on improvements.
- 14 • S Bankhead explained that the City, not the developer, says if the property can be serviced or not. It places
- 15 the burden on the City to make sure the City has enough water.
- 16 • H Ames felt the developer should provide this information at the preliminary plat level as well. He felt it
- 17 should be tied to a water ordinance.
- 18 • S Bankhead explained that when the City sign as the authority of the culinary water and sanitary sewer
- 19 system, the City is saying they looked at the developer's plans and that this development can be serviced.
- 20 The City would still require them to bring water rights or shares. No matter which ordinance is used, if that
- 21 developer, under the City's ordinances, meets their water requirements once they have been annexed, they
- 22 are bringing in rights or shares, if available.
- 23 • H Ames wondered if he is hearing that the City culinary water issue is worked with before it is at
- 24 preliminary plat.
- 25 • S Bankhead said modeling for pressure and things like that must be done first.
- 26 • H Ames would like to see a statement saying the developer has jumped through the hoops to get water to the
- 27 City.
- 28 • S Bankhead said the City does not want the developer to be the one to say there is enough water.
- 29 • H Ames wants a letter from the developer saying water will be available before the plat goes to the Land
- 30 Use Authority.
- 31 • S Bankhead said it is in the development agreement that is recorded with the plat.
- 32 • S Bankhead will correct spelling errors. She asked if they would like to see it again before it goes to the
- 33 City Council.

34 Motion to continue Item No. 2 with the corrections made for next meeting – J Russell, Second – B Bagley.

35 Vote: Yea: B Bagley, J Mock, J Russell, W Wimmer  
 36 Nay: H Ames  
 37 Abstained: None  
 38 Excused: L Campbell  
 39

40 Motion to adjourn – W Wimmer, Second – J Russell.

41 Vote: Yea: H Ames, B Bagley, J Mock, J Russell, W Wimmer  
 42 Nay: None  
 43 Abstained: None  
 44 Excused: L Campbell  
 45

46 Meeting adjourned at 9:20 p.m.  
 47 Minutes taken and prepared by Becky Turley.  
 48  
 49  
 50

51 \_\_\_\_\_  
 52 Jon Mock, Chairman

\_\_\_\_\_  
 Becky Turley, Office Specialist