

1 **Providence City Planning Commission Minutes**  
2 **Providence City Office Building**  
3 **164 North Gateway Drive, Providence UT 84332**  
4 **September 11, 2019 6:00 p.m.**

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6 **Call to Order:** Gary Sonntag, Chair

7 **Roll Call of Commission Members:** Gary Sonntag

8 **Attendance:** Laura Banda, Rowan Cecil, Ruth Ann Holloway, Bob Perry, Gary Sonntag, Josh Paulsen (non-  
9 voting alternate), Kathleen Alder (non-voting alternate)

10 **Pledge of Allegiance:** Bob Perry

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12 **Approval of the Minutes:**

13 **Item No. 1.** The Planning Commission will consider approval of the minutes for August 28, 2019.

14 **Motion to approve the minutes: — B Perry, second — L Banda**

15 **Vote:**

16 **Yea: L Banda, R Cecil, B Perry, G Sonntag**

17 **Nay:**

18 **Abstained: R Holloway**

19 **Excused:**

20 **Corrections:**

- 21 • None

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23 **Public Comments:** Citizens may appear before the Planning Commission to express their views on issues within  
24 the City's jurisdiction. Comments will be addressed to the Commission. Remarks are limited to 3 minutes per  
25 person. The total time allotted to public comment is 21 minutes. Persons wishing to address the Commission  
26 during Public Comments should sign on the public comment sign-in sheet located at the entry to the meeting  
27 room.

- 28 • Shauna Beckett of Providence spoke about setbacks for ADUs. She would like to get approval for an ADU.  
29 In Providence, an accessory building can be 5 ft from the property line, but if it becomes a dwelling unit it  
30 needs to be 30 ft from the property line, which eats into the entire back yard. She had heard that the city  
31 is considering a 10 ft rear setback for ADUs. She would be in favor of that, or even of a 5 ft setback. She  
32 asked how long it would take to get a change approved. G Sonntag said that it would need to be put on  
33 the agenda in a future meeting as an action item. There would also need to be a public hearing, and then  
34 it would go to the city council.
- 35 • Michael Fortune said that he appreciates the opportunity to speak to the commission. He complimented  
36 the city staff. He spoke about ADUs and setbacks. He said that he serves on the Bear River Association of  
37 Governments Human Services board. He deals with low income housing, veterans, homelessness, etc.  
38 People have been thinking about what they can do to provide affordable housing for grandparents, adult  
39 children with disabilities, etc. He also said that he and his two sons build tiny houses. They had one at the  
40 Cache county fair. He said that there is more of a demand for ADUs for family support than for rental, but  
41 it could also help people to afford home ownership by renting the ADUs.
- 42 • M Fortune said that many people in Nibley and Providence that have approached him about building  
43 ADUs have trouble with the setbacks. He presented the commission with a copy of Salt Lake City's ADU  
44 policy. They have been successfully implementing a setback of 4 ft on the side and rear, with a 10 ft  
45 setback from any dwelling.

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47 **Public Hearing(s):** None

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49 **Action Item(s):**

50 **Action Item Note:** Should the Planning Commission not be able to make a decision or take exception to an Action  
51 Item(s), then that item will be tabled and revert back to a study category. The applicant will have 15 minutes to  
52 introduce and make a brief presentation.

54 **Item No 1. Final Plat – Jensen Farm Subdivision:** The Providence Planning Commission will consider for approval a  
55 final plat for the Jensen Farm Subdivision, a 5-lot residential subdivision in a single-family traditional district,  
56 located in the general area of 196 W 100 N, Providence UT.

- 57 • The applicant asked for this item to be removed from the agenda.

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59 **Item No 2. Final Plat – The Corner Lot 1 Amendment:** The Providence Planning Commission will consider for  
60 approval The Corner Lot 1 Amendment – Final Plat; a two-lot commercial subdivision located in the general area of  
61 506 West 100 South.

62 **Motion to approve the Final Plat for the Corner Lot 1 Amendment: — R Cecil, second — R Holloway**

63 **Yea: L Banda, R Cecil, R Holloway, B Perry, G Sonntag**

64 **Nay:**

65 **Abstained:**

66 **Excused:**

67 Discussion:

- 68 • Danny Macfarlane explained that the property in question is a commercial lot that is owned by himself  
69 and Daryl Arnell. They would like to split the lot into two so that they can build two separate office  
70 buildings with a shared parking lot.
- 71 • S Bankhead read from the findings of fact, conclusions of law, and conditions in the staff report included  
72 in the agenda packet. Separate water and sewer services will need to be installed for each lot. The  
73 applicant is working with the City Engineer and the Public Works Director to minimize the impact on the  
74 road that they will need to cut to install the utilities (100 South).
- 75 • G Sonntag asked about the easements that go through the middle of the lots.
- 76 • D Macfarlane explained that those are utility and access easements in favor of the opposing lot. These are  
77 for utilities to go through the parking lot and for use of the parking lot by the opposing lot.
- 78 • K Alder asked what the buildings will be. D Macfarlane said one of the buildings will be for his civil  
79 engineering firm, and one will be for Edward Jones.
- 80 • G Sonntag asked D Macfarlane about the Jensen Farm subdivision, which was taken off the agenda for  
81 today. The commission is concerned about a potential roundabout at the intersection of 100 North and  
82 200 W, and how that would affect lot 1 of the subdivision.
- 83 • D Macfarlane said that it is a county road, and so the city cannot currently build a roundabout. It might be  
84 in the city's best interest to acquire that road from the county.

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86 **Item No 3. General Plan and Maps:** The Planning Commission will discuss the proposed General Plan  
87 Comprehensive Revision and the Future Zoning Map, Parks and Open Space Map, and Transportation Classification  
88 Map.

89 **Motion to approve the general plan: — R Cecil, second — B Perry**

90 **Vote:**

91 **Yea: L Banda, R Cecil, R Holloway, B Perry, G Sonntag**

92 **Nay:**

93 **Abstained:**

94 **Excused:**

95 Discussion:

96 Future Rezone Map:

- 97 • The commission verified the changes that were made on the maps by the city engineer:
- 98 • SFL on the South Bench: Correct
- 99 • Champlin development shown as SFH: Correct
- 100 • Triangular parcel in the north of the city south of the Chugg property shown as SFH: Correct
- 101 • LCR on Chugg property:
- 102 • The commission discussed the coloration of the LCR zone on the map.
- 103 • S Bankhead said that she can have the engineers pick a color.
- 104 • G Sonntag said that we will leave it up to staff.

105 Parks and Open Space Map:

- 106 • G Sonntag brought up the 100 ft fire break on either side of the Providence corporate eastern boundary
- 107 that he asked to be on the map. J Paulsen asked what the standard distance for a fire break is. S Bankhead
- 108 said that it is 50 ft.
- 109 • G Sonntag said that he also would like a 50 ft fire break against undeveloped land within the city. S
- 110 Bankhead asked if he meant this to apply to farmer/feedstock growers as well. G Sonntag said that he did.
- 111 S Bankhead asked if we will compensate them for the lost crop space.
- 112 • K Alder spoke about her farm that borders the Blackhawk condos. She said that she would not be willing
- 113 to give up 50 feet along the side of her field. That is a big chunk of feed for the animals.
- 114 • G Sonntag said that he withdraws the specific numbers he suggested, but still thinks it is very important
- 115 for us to have a fire break at the edge of the city.
- 116 • R Holloway said that we should talk to people who have to deal with fires about how we should best
- 117 accomplish this. There might be things we can do with landscaping, type of vegetation, etc., that would
- 118 allow for a barrier while still respecting the rights of the homeowners.
- 119 • S Bankhead said that wildland fire area is a conditional use in Providence. Before a permit can be issued,
- 120 we bring in the applicants and we talk about fire related issues. The fire marshal addresses the type of
- 121 construction materials, the fire water flows required, covering vents with mesh, etc. In Providence City
- 122 Code, we strongly encourage people to rake their lawns regularly, make sure wood is not stacked next to
- 123 structures, etc.
- 124 • S Bankhead said that the onus of the fire break should be on the developer, not on the farmers. We
- 125 should better publicize to residents the fact that we do have fire concerns in Providence. They are not just
- 126 on the east bench. They come down and follow Dry Hollow and Von's Park.
- 127 • G Sonntag said that we should strike any reference to wildland fire management on the map.
- 128 • K Alder said that we should put a statement on the map that wildland fire management is encouraged. G
- 129 Sonntag agreed.
- 130 • R Holloway asked if there is any way for us to consistently educate homeowners on wildland fire
- 131 management. Even if someone comes in for a conditional use, they could sell the home and the next
- 132 owner might not know about it.
- 133 • S Bankhead said that we could include information about wildland fire prevention in the Welcome Packet
- 134 that we give to people who move into Providence.
- 135 • J Paulsen said that when a property is in a sensitive area such as a Wildfire Hazard Area, that fact ought to
- 136 be recorded on the plat. S Bankhead said that we already require notes on the plat identifying sensitive
- 137 areas.
- 138 • G Sonntag asked if we give people any guidance on planting trees.
- 139 • S Bankhead said that we do not recommend tree types except for within the park strips. She said that we
- 140 probably need to do more outreach as part of our wildland fire area commitment. We work with the
- 141 state, the county, and with Logan city in doing that outreach.
- 142 • G Sonntag said that we should inquire as to whether the extension agent has any resources about [types
- 143 of] planting and wildfire hazard.
- 144 • R Holloway asked if we have a fire pit zone ordinance. S Bankhead said that we have people contact the
- 145 fire department about where to place fire pits. It is difficult to write an ordinance about it because there
- 146 are a lot of things that affect the proper placement of a fire pit.
- 147 • K Alder asked if the insurance companies who insure the properties should be the ones responsible for
- 148 giving recommendations to the homeowners about fire mitigation.
- 149 • L Banda asked who designates the wildfire hazard areas. S Bankhead said that the state and the county
- 150 work together on that and give us the information.
- 151 • G Sonntag brought up fireworks. There is very little enforcement of our firework ordinance.
- 152 Transportation Map:
- 153 • J Paulsen asked that the color for the bicycle route on the Trails Map be changed to something easier to
- 154 see, like red.
- 155 • S Bankhead said that 100 South was taken off the map. It needs to be shown as dashed red.
- 156 Plan Language:
- 157 • R Cecil said that the word "Mormon" within the plan should be changed to "Latter-day Saint."
- 158 • S Bankhead said that perhaps we need to go with what was the historically accurate reference.

- 159 • J Paulsen said that there have been groups in the past that have been called things that they didn't want
- 160 to be called. Our society respects that they no longer want those names applied to them. It should be the
- 161 same in this case.
- 162 • R Holloway suggested putting one term in brackets.
- 163 • G Sonntag said that we will say "Early settlers of The Church of Jesus Christ of Latter-day Saints
- 164 (Mormons)"
- 165 • Page 2-3: Capitalize "Planning Commission"
- 166 • Chapter 4, Page 3, number 7.C: Remove "with" from first sentence
- 167 • Chapter 5, page 1. R Cecil noted that the date is wrong in the first sentence.
- 168 • G Sonntag said that we should take out the date. We should change it to say: "Providence City has a
- 169 transportation corridor plan. This plan is a map showing major traffic corridors within the current and
- 170 future planned areas of the city."
- 171 • Chapter 5, page 1: Remove "future bicycle routing" from the bullet point list. Add it to the Open Space
- 172 plan section.
- 173 • Chapter 5, page 2, 1<sup>st</sup> paragraph, second sentence: "that Providence residents desire"
- 174 • Chapter 8, page 1: Strike the 4<sup>th</sup> paragraph about Logan City implementing a new sewer system
- 175 • Chapter 9, page 2, number 3.D: Add "evaluate" at the beginning of the first sentence.
- 176 • Chapter 9, page 3: C-F should be moved to the left to match the formatting
- 177 • Chapter 5, page 2: Remove extra spaces
- 178 • Chapter 5, page 2: fix indentation in 1. C & D.
- 179 • Chapter 5, page 2: Put a line between C and D.

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181 **Study Items(s):**

182 **Item No. 1. PCC 10-1-5 [Zoning] Amendments, Changes:** Proposed amendment adds requirements for a rezone

183 application.

- 184 • G Sonntag read the proposed amendments from the agenda packet.
- 185 • L Banda asked if we can encourage the applicants to provide any plans or information about what they
- 186 plan to build. We can't require them to, but we could encourage it.
- 187 • J Paulsen said that with LCR, we were able to request some more information because the zone is
- 188 ambiguous. Rezoning to other zones is not the same, because the density and housing type is already
- 189 defined.
- 190 • J Bardsley, city staff, suggested language such as: "Applicants are encouraged, but not required, to
- 191 provide information about the type of housing, the layout of the development, etc., for the benefit of the
- 192 commission."
- 193 • R Holloway agreed.
- 194 • G Sonntag said that this will go to public hearing in the next meeting and be an action item, with the
- 195 addition of the statement above.

196 **Item No. 2. PCC 10-3-6 Annexation:** Proposed amendments include zoning assigned to a newly annexed area into

197 the City and adds to the information required with an annexation petition.

- 198 • Page 5: C.1.C: Add transportation/streets to the list of items required to be addressed by a feasibility
- 199 study.
- 200 • G Sonntag read from his suggestions for 10-3-6 A: Classification: New areas annexed to the City shall be
- 201 annexed into the City as an agricultural zone, or as an already defined zone per the city's map, "Future
- 202 Rezoning of Existing Districts and Annexed Areas of the City of Providence, Utah;" any other zoning
- 203 proposal shall be submitted to the Planning Commission for consideration and recommendation to the
- 204 City Council, unless otherwise approved by the City Council as provided in Utah Code Annotated as may
- 205 be amended.
- 206 • K Alder said that if it is zoned as agricultural, then there are very little taxes paid on it. If it is not actively
- 207 being farmed, we can't zone it agricultural.
- 208 • G Sonntag said that the wording about zoning a parcel agricultural if no zone is assigned was already in
- 209 the code.
- 210 • K Alder asked about the annexation process. G Sonntag said that usually a property owner makes a
- 211 request for annexation, and they request a specific zone. G Sonntag explained that recently, the Champlin

- 212 property owner requested annexation. The Planning Commission recommended that they annex it  
 213 according to the map, which shows that parcel as commercial. However, the City Council decided to go  
 214 with the property owner's request for Single Family High.
- 215 • J Paulsen said that he remembers that the Planning Commission did not make a formal recommendation  
 216 to the city council about that property. They were undecided. However, he agrees that we should put  
 217 something into the code that specifies that if the Planning Commission has made a recommendation for a  
 218 zone, the city council should follow that recommendation, or it should come back to the Planning  
 219 Commission for reconsideration. He feels that the division of power between Planning Commission and  
 220 the City Council is a good thing.
  - 221 • L Banda liked G Sonntag's suggested changes. She feels that they give more opportunity for the public to  
 222 be involved.
  - 223 • J Paulsen spoke about the new annexation defaulting to an agricultural zone if no zone is assigned. He  
 224 thinks that this may be specified in state code.
  - 225 • J Bardsley said that a new annexation will always come before the city council for a zone assignment.  
 226 Unless they failed to assign a zone, which would be unlikely, they will choose a zone.
  - 227 • G Sonntag said that the goal is to have the City Council be in concert with the Future Rezone Map  
 228 approved by the commission. If they do anything different than that, it should come back before the  
 229 commission.
  - 230 • J Paulsen said that even if this is not the way we do things currently, we can change the code and the City  
 231 Council would then have to abide by it. However, the Council would have to approve the code change  
 232 first.
  - 233 • G Sonntag said that this will be a public hearing and an action item at the next meeting.

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 235 **Item No. 3. PCC 10-6-1 Use Chart:** Proposed amendments add accessory apartment unit, amend accessory  
 236 dwelling unit and bed & breakfast.

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- 238 • J Paulsen asked if an Airbnb functions as a bed and breakfast.
- 239 • J Bardsley said that a bed and breakfast is defined in Providence City Code. It is five rooms or less, and the  
 240 owner has to be there. Many times with an Airbnb, the owner rents out the entire house, and is not there  
 241 to provide services. We define this as a short-term rental.
- 242 • J Paulsen asked if we know how many bed and breakfasts are in the city right now. He is not a huge fan of  
 243 the idea of letting everyone have a bed and breakfast because of parking issues, etc. However, there may  
 244 be so few that it is a non-issue. He also asked what kind of conditions are required for the conditional use  
 245 permit.
- 246 • J Bardsley said that he believes that parking is addressed as part of the conditional use process for  
 247 businesses.
- 248 • G Sonntag said that we will delay this item until the staff gives us more information about what the  
 249 conditions would be for a bed and breakfast, the parking effects, etc.
- 250 • R Holloway brought up the red P's on the proposed use chart changes for Accessory Dwelling Unit. J  
 251 Bardsley said that in 10-13-3, the code says that Accessory Dwelling Units are a permitted use in all  
 252 residential zones. S Bankhead probably added those Ps to bring the use chart into compliance with what  
 253 has already been passed.

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 255 **Item No. 4. PCC 10-8-1, 2, & 3 Set Backs:** Proposed amendments make changes to the setback requirements.

- 256 • G Sonntag said that he is concerned with the proposed 20 ft setback. He feels like it might need to be 30  
 257 ft.
- 258 • G Sonntag read from his comments: "A front yard setback of 20 ft comes across as short when you  
 259 consider the length of the driveway will be the same measurement. Wouldn't it be difficult to a full size  
 260 vehicle, particularly a pickup truck, to fit in that distance and not crowd the sidewalk, pedestrian traffic  
 261 and the garage door (walking around the front of the vehicle)? Roughly 18 months ago the commission  
 262 and other city officials visited a planned unit development in Smithfield. One of the observations was that  
 263 the front yard setback, as did the driveway length, appeared too short to do a decent job of  
 264 accommodating a vehicle. A 30 ft setback might be a better fit."
- 265 • K Alder asked who suggested the 20 ft setback.

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- J Bardsley said that it came from staff. Our current setback requirements also allow a 20 ft setback, but only if the rear setback is 30 ft. They require a combination of front and rear setback that equals 50 ft [with neither less than 20 ft]. There are already houses [in Providence] with a 20 ft front setback.
  - R Holloway read from her comments responding to G Sonntag’s comments above: “This is especially true if there is another row of homes directly on the opposite side of the street within the 20 ft setbacks. Backing into the street will be safer [with a 30 ft setback] for the public as it gives radius ease as well as time to properly react to situations for public safety: Tricycles, pedestrians, other vehicles etc. I believe the city will be better served with at least 30 ft. The neighborhood will appear [better] as well as be more functional overall as a whole.
  - R Holloway asked if the city could word the setback ordinance so that it depends on the development type. In some situations, a smaller setback might not be an issue because of the way that the layout of the homes is situated. In other situations, it might be an issue.
  - K Alder said that some roads are wider than others. On some roads, two people could back out at the same time and it would be fine.
  - G Sonntag said that the combined front and rear yard setback equaling 50 ft doesn’t make sense. The back and front yard are completely separate issues.
  - G Sonntag asked about the side yards. He felt that having some flexibility there would make sense. Where he used to live, the side yards had to total 18 ft with a minimum of 6 ft.
  - G Sonntag spoke about setbacks for Accessory Dwelling Units. He said that having a storage unit close to the property line is different than having a dwelling unit close to the property line. There are also fire issues. When something is that close, it may need to be built with fire-resistant construction. Drainage is another issue. You don’t want to be overhanging onto the neighbor’s property or draining onto their property.
  - J Bardsley said that one reason that staff suggested a rear setback of 10 ft is that accessory dwelling units are required to have the same setback as a house. A house can already be 10 ft from the side property line. In that case, two houses could be 20 ft apart. It would be the same for an accessory dwelling unit in the back. If there were accessory dwelling units on either side of the property line, they would be 20 ft apart. The idea was to make things consistent.
  - G Sonntag said that the [sides] of houses might not be as important as the rear for privacy, activities, etc.
  - J Paulsen said while these adjustments may be practical, they change the feel and look of the city. Whether it is practical is a separate question from whether it is what we want the city to look like.
  - G Sonntag said that each zone has its own character that it is trying to achieve.
  - J Paulsen said that applying the same setbacks to every zone makes it sound like every zone is intended to be the same as far as density, etc. He doesn’t think that the city should be set up that way. We have a zoning map to differentiate those areas.
  - R Cecil said that in the Single Family High [Champlin] development that was recently approved, the houses will be very close to each other.
  - R Holloway said that if it is too narrow [between houses] fires can jump that distance easily, especially if there are trees or shrubs. She said that we should consider the type of neighborhood that the setback is applying to. We don’t want a one-size-fits-all.
  - K Alder, J Paulsen, and G Sonntag agreed.
  - G Sonntag said that we should send this back to staff, asking that each zone have its own setback.
  - G Sonntag wondered if the intention behind the 10 ft rear setback was to allow accessory dwelling units across the board.
  - K Alder asked what kind of lot S Beckett (who commented earlier about ADUs) has. The commission thought it was SFL, at about .48 acres. They remembered that it was long and narrow.
  - J Paulsen said that there are many factors having to do with the shape of the lot that would determine whether an ADU could be built. S Beckett had said that the building would end up in the middle of her back yard.
  - J Bardsley said that people have come into the office asking about Accessory Dwelling Units. They have said that because of the current setback requirements, they have to put the ADU in the middle of the backyard. Most people would probably want to place the ADU in the back, with its front door facing the main house, and the [main bulk] of the yard in between the ADU and the main house.

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- J Paulsen said that some people have SFL lots for the express purpose that they want space between them and their neighbors. If there is an ADU [near the property line], it could fundamentally change that arrangement. He felt that the onus is on the person desiring to build the ADU to respect the rights of their neighbors.
  - K Alder said that a citizen who commented about the SFL zone in the highlands at a previous meeting told us that she bought SFL so that she would be further from her neighbors. If we allow ADUs close to the property line, we might be encroaching on people's space. Perhaps we should require neighbors to give permission before an ADU is allowed.
  - G Sonntag agreed.
  - R Holloway said that this may not be legal according to state land rights code.
  - G Sonntag said that we need some additional time to review these setbacks. We would like staff to research this.
  - G Sonntag brought up fences. He read from his comments: "When a four foot fence is placed in a front yard, consideration needs to be given to sight distance for vehicles backing out of driveways and passing pedestrian/bicycle traffic. A four foot fence should be non-view obscuring, allowing for not less than 50% of the fence to be open ... Whenever there is a side yard or rear yard fence that borders or fronts a street and there are any intersecting streets, alleys, driveways or gates, then the fence should be non-view obscuring within +/- fifty feet either side of the intersecting street, alley driveway, or gate. If this is not regulated, then it increases the risk greatly that there will be an accident injury due to an inability of either party to see ahead and avoid a conflict or collision."
  - G Sonntag said that he personally had an accident due to a fence that obscured the view of a street coming out of a mobile home park. He was on his bicycle and ended up breaking his collar bone because a car came out of the street suddenly.
  - J Bardsley said that we currently have a clear view ordinance that requires transparency next to driveways. R Cecil said that it also requires transparency at corners.
  - J Paulsen asked if the ordinance covers tree limbs, shrubbery, etc. J Bardsley said that he believes that it does.
  - R Cecil said that it does cover trees and shrubs, but that many trees are grandfathered in because they were there before the ordinance. He said that according to the ordinance, the fence needs to be 30 ft from the corner, measured from the center of the sidewalk in both directions. R Cecil said that Meadow Lane and Garden Drive on 300 South are examples of where this ordinance is being violated. The fences are built right up to the corner.
  - R Holloway said that her neighbor has a fence that does not meet the ordinance. She asked if the ordinance is retroactive.
  - J Bardsley said that there are a lot of illegal fences in the city because people put them up without getting approval.
  - G Sonntag said that fences in the front should be required to meet the front yard setback unless they are transparent. J Bardsley said that front yard fences are restricted to 4 ft in height.
  - The commission discussed whether side yards against a roadway count as front yards for purposes of fencing. G Sonntag said that a corner lot should definitely have two front yards. J Bardsley said that he will ask S Bankhead.
  - K Alder asked who enforces these laws. J Bardsley said that we do not have a code enforcement officer in the city, so we usually respond when someone submits a complaint form about a code violation.
  - J Paulsen noted that some people are hesitant to submit a complaint form because it is not anonymous.
  - G Sonntag brought up a lot in Providence that had a pine tree that obstructed vision around a corner. R Cecil thought that it was at about 500 South and Garden Drive. G Sonntag said that on corner lots, fences, vegetation, and topography, including retaining walls, should be prohibited from obstructing sight distance. He said that we should draw a line from the corner of the lot 40 ft back on both sides, and within that triangle, nothing should be allowed to be higher than the street right of way. R Cecil said that our ordinance requires 30 ft.
  - K Alder felt that we should get some public input on this issue.
  - R Holloway asked if these ordinances can be retroactive, giving non-complying homeowners a time frame to comply.

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- R Cecil said that you are grandfathered in [if your fence was existing before the ordinance]. G Sonntag agreed. As long as the homeowner maintains the fence the way that it was originally installed, then it can be there forever.
  - J Bardsley said that he is pretty sure that G Sonntag is correct.

377 **Item No. 5. PCC 10-12 Accessory Apartment Units:** Proposed amendments allow for accessory apartment units.

- 378
- Discussion postponed
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380 **Item No. 6. PCC 10-13 Accessory Dwelling Units:** The Commission will review the current code.

- 381
- Discussion postponed.
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383 **Item No. 7. Proposed Rezone:** Pioneer Builders Company Inc. is requesting a rezone for the north portion (approximately 18,000 sq. ft.) of Parcel 02-048-0010, located at 52 E Center, Providence UT. The property is currently zoned Commercial General District (CGD); applicant is requesting Multi-Family Residential (MFR).

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- G Sonntag said that the applicant was trying to accomplish two things: Make a unit available for an on-site manager, and allow the other units to be bed and breakfast.
  - K Alder said that our fear about zoning it multi family was that they would tear the home down and build an apartment building.
  - B Perry asked if the applicant could redraw the property line, and put the southern portion of the property into the same parcel as the Old Rock Church. This would prevent them from building anything larger than the house that is currently on that parcel.
  - B Perry said that we are doing spot zoning on this property, which is not ideal. Could we just leave it commercial district, and have them apply for a conditional use permit for a bed and breakfast with the caretaker living there?
  - J Bardsley said that the problem isn't the bed and breakfast. The problem is someone living there full time. The property is already approved in a commercial district as a bed and breakfast, but not for a residence.
  - B Perry said that we should give them a conditional use permit to have the resident live there. R Holloway agreed. It is a big enough property that no one will know if someone is living there.
  - K Alder said that the owner can't run that business successfully unless we allow him to have an on-site manager.
  - J Bardsley asked if B Perry is suggesting adding residential use as a conditional use in the commercial zone. J Bardsley explained that S Bankhead was concerned that if we did that, we would have residential treatment centers in our commercial zones.
  - L Banda said that this would open [the commercial zone] up to a lot of possibilities in a lot of areas.
  - B Perry said that if we spot zone it, others will ask for spot zoning.
  - K Alder asked if the applicant can do bed and breakfast in a Single Family Traditional zone. J Paulsen liked the idea. There is Single Family Traditional already around there.
  - J Paulsen also liked the idea of adjusting the property line that B Perry brought up earlier.
  - B Perry asked about the number of rooms that are allowed.
  - J Bardsley said that 5 guest rooms are allowed. However, seeing as these are more like separate dwelling units than rooms, he said he will have to check with S Bankhead about whether this would work in a Single Family Traditional zone.
  - J Paulsen said that the parcel may not meet the setbacks of a Single Family Traditional zone. R Holloway asked if the setbacks will be grandfathered in.
  - K Alder said that we should be in the business of helping people see what is possible rather than just saying no.
  - B Perry said that we should ask S Bankhead about splitting the lot as well.
  - K Alder said that if the applicant wants to change the SFT section back to commercial at some point, he can always petition for a rezone.
  - B Perry asked about "bird cages" and "dog houses" in 10-3-7 A, "Utility and Communications facility – above ground, major." He wondered if these are industry terms.
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426 **Reports:**  
427 **Staff Reports:** Any items presented by Providence City Staff will be presented as informational only.  
428 • No staff reports  
429  
430 **Commission Reports:** Items presented by the Commission Members will be presented as informational only; no  
431 formal action will be taken.  
432 • No commission reports  
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434 **Motion to close the meeting:** — R Cecil, second — L Banda

435 Vote:

436 Yea: L Banda, R Cecil, R Holloway, B Perry, G Sonntag

437 Nay:

438 Abstained:

439 Excused:

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441 Meeting adjourned at approximately 9:07 PM

442 Minutes prepared by Jesse Bardsley

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Gary Sonntag, Chair

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Skarlet Bankhead, City Recorder