

1 **Providence City**  
2 **Administrative Land Use Authority**  
3 **Minutes – Monday, June 24, 2019 10:00 AM**  
4 Providence City Office Building  
5 164 North Gateway Drive, Providence UT 84332  
6

7 Member Attendance: Rob Stapley, Skarlet Bankhead, Max Pierce  
8 Others: Diane Campbell, Office Specialist; Angie Housley, Curtis Griffiths, Tyson Coleman, Jason Ellis  
9

10  
11 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will  
12 consider for approval a request by Jason and Nicole Ellis for a conditional use site plan for a single-family  
13 residence located at 542 N 520 E, Providence UT.  
14

15 **Background Information:**

- 16 1. Complete Application was received June 10, 2019; application contained:
- 17 2. Providence City Conditional Use Application
- 18 3. Payment of \$100 fee, June 10, 2019
- 19 4. A complete Zoning Permit Application
- 20 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on  
21 06/14/2019
- 22 6. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.  
23

24 **FINDINGS OF FACT:**

- 25 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that  
26 includes conditional uses and provisions for conditional uses that require compliance with  
27 standards set for in an applicable ordinance.
- 28 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
- 29 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states,  
30 all requests for permits involving a lot, parcel or site located wholly or partially within an area  
31 subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard  
32 Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request  
33 for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications  
34 shall comply with the following regulations before any permit shall be issued.
- 35 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate  
36 the reasonably anticipated detrimental effects of the proposed use on the health, safety, or  
37 general welfare of persons residing, working, or conducting business in the vicinity; to mitigate  
38 injury to property in the vicinity; to mitigate any risk to safety of persons or property because of  
39 vehicular traffic or parking, large gatherings of people, or other causes.  
40

41 **CONCLUSIONS OF LAW:**

- 42 1. Providence City has adopted land use ordinances that include conditional uses and provisions  
43 for conditional uses.
- 44 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard  
45 area.
- 46 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably  
47 anticipated detrimental effects of the proposed use.
- 48 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest

49 of the fire safety provisions and regulations as adopted by the State of Utah and in accordance  
50 with the International Fire Code.

- 51  
52 5. The request meets the requirements of the Codes listed in the Findings of Fact with the  
53 following conditions:

54 **CONDITIONS:**

- 55  
56 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
57 laws, codes, ordinances.  
58 2. The applicant will mitigate Wildfire Area by:  
59 a. S Bankhead read from the letter from Aaron Walker dated 06/17/2019  
60 3. This conditional use is for the residence only as shown on the site plan date stamped  
61 06/10/2019.  
62 4. Payment of fees listed on the Providence City Zoning Permit.  
63 5. Approval by the City of any application submitted or paperwork does not alleviate the owners  
64 and/or their agents from their responsibility to understand and conform to local, state, and  
65 federal laws. Providence City's approval is not intended to and cannot be construed to allow any  
66 laws to be violated.

67  
68 Discussion:

- 69 • M Pierce asked R Stapley if we have the flow rates for the fire hydrants mentioned in A  
70 Walker's letter. R Stapley said that he thought he sent them to A Walker. However, based  
71 on the area, he is confident that the fire flows will be sufficient.  
72 • S Bankhead said that Providence City Code cautions homeowners in wildfire hazard areas to  
73 inspect their property regularly and clear dead wood and dense vegetation, maintain a fuel  
74 break around structures, and to keep fire wood away from fences or structures.  
75 • We had an incorrect parcel number for this project. S Bankhead noted the correct parcel  
76 number: 02-286-0023.  
77 • S Bankhead spoke about the setbacks. She cautioned the applicant to be mindful of the 10 ft  
78 side setback on the north of the house. Certain architectural features can project into it, but  
79 others cannot. [Window wells can only project 24", which is less than the typical window  
80 well size].  
81 • M Pierce asked about the broken cement in R Stapley's report. R Stapley said that there was  
82 some broken sidewalk, but it is in the area that will be turned into a driveway approach  
83 anyway. He told the applicants to be aware that Providence City requires thicker sidewalks  
84 on driveway approaches. The cement must be a minimum of 6" thick across the entire  
85 driveway approach.  
86 • R Stapley said that the city does not allow water meter barrels to be surrounded by  
87 concrete.  
88 • M Pierce asked about the driveway. J Ellis said that the driveway will come straight in from  
89 the west.  
90 • S Bankhead reminded the applicant that they will need to have their lot surveyed so that the  
91 city and the county can find the pins indicating the property lines.

92  
93 **Motion to approve the conditional use on the findings of facts, conclusions of law, and conditions, and**  
94 **with the corrected parcel ID number** – R. Stapley, second – M Pierce

95 **Vote: Yea: S Bankhead, M Pierce, R Stapley**

96            **Nay:**            **None**  
97            **Abstained:**      **None**  
98            **Excused:**        **None**

100  
101 **Item No 2. Commercial Site Plan:** The Providence City Administrative Land Use Authority will consider  
102 for approval a request by Angie Housley for a commercial site plan for a drive up drink/cookie shop  
103 (FoFizzle) located at 1670 S Hwy 165, Providence UT.

104  
105 **Background Information:**

- 106        1. Application was received June 5, 2019; application contained:  
107        2. Providence City Application  
108        3. Payment of \$25 fee  
109        4. A drawing describing the request

110  
111 **FINDINGS OF FACT:**

112        The following Providence City Code (PCC) list regulations and requirements to be considered.

- 113        1. 10-8-5 Commercial Zoned Districts; Site Development  
114        2. Official Zoning Map Revised Jan. 2019

115 **CONCLUSIONS OF LAW:**

- 116        6. The property is located in a CGD zone.  
117        7. The applicant meets the requirements of 10-8-5 with the following conditions.

118 **CONDITIONS:**

- 119        6. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
120        laws, codes, ordinances.  
121        7. The applicant has met the parking and landscaping requirements. Once the construction  
122        drawings are reviewed and approved, if any changes to the construction drawings are made, the  
123        parking and landscaping will need to be reviewed to make sure it still meets Providence City  
124        standards.  
125        8. Approval by the City of any application submitted or paperwork does not alleviate the owners  
126        and/or their agents from their responsibility to understand and conform to local, state, and  
127        federal laws. Providence City's approval is not intended to and cannot be construed to allow any  
128        laws to be violated.

129  
130 **Comments:**

- 131        • S Bankhead said that they will need to have some survey points so that the building officials  
132        have something to measure from.  
133        • S Bankhead asked if the applicant will create a new asphalt or concrete drive through.  
134        • Angie Housley said that they will use what is already there.  
135        • Tyson Coleman clarified that the lines that are shown on the drawing are for lines that will be  
136        painted onto the existing asphalt.  
137        • M Pierce was concerned that they may encroach on the retention pond, and that they may lose  
138        some parking stalls.  
139        • M Pierce was concerned about the traffic flow.  
140        • T Coleman said that the only problem he sees is with the area near Zion's bank.  
141        • M Pierce was concerned about the traffic entering the drive through. Cars could be going in  
142        three directions at that spot. M Pierce said that it looks like there could be about two cars lined

- 143 up at the part of the drive through near the drink stand, and 4 along the island.
- 144 • S Bankhead said that this could be confusing for cars coming up from the bank.
- 145 • A Housley said that they will put a menu board at the island. Cars will then pick up their order at
- 146 the building. This should help with the traffic.
- 147 • S Bankhead spoke about the north of the building. A Housley said that they don't own the area
- 148 up there.
- 149 • M Pierce asked if there is room for three-way traffic in the area of the waiting line [two ways for
- 150 unrelated traffic and one way for waiting for the drink stand]
- 151 • A Housley thought that there was.
- 152 • M Pierce said that they would need 24 ft for the two through lanes.
- 153 • T Coleman asked about the previous drive through plans for the Edwards Building.
- 154 • S Bankhead said that the applicants didn't get that far in the process.
- 155 • S Bankhead said that the best thing to do would be to continue this item and have the
- 156 applicants come back with a traffic flow plan. We want the drink stand to be successful, and
- 157 getting the access right will help with that. We should also be careful that we do not do anything
- 158 that frustrates UDOT because of the proximity to highway 165.
- 159 • M Pierce asked the applicants to consider their drainage, as well.
- 160 • R Stapley spoke about the utilities. A Housley said that there will be an employee bathroom.
- 161 • R Stapley said that the sewer and water will most likely not overtax the services that are
- 162 currently connected to the Edwards Furniture building.
- 163 • T Coleman said that they will share a utilities account with the Edwards building. For electricity,
- 164 they will put in a separate meter.
- 165 • M Pierce asked if there will be outdoor seating. A Housley said that there will be.
- 166 • S Bankhead said that the applicants will still need to get a building permit from Cache County
- 167 even though they are using a shipping container for the building.
- 168

169 **Motion to continue the item so that the applicant can return with the required additional**

170 **information, including the traffic flow plan:** — M Pierce, second — R Stapley

171 Vote:

172 Yea: M Pierce, R Stapley, S Bankhead

173 Nay:

174 Excused:

175

176 **Item No 3. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will

177 consider for approval a request by Shawn Bindrup for a conditional use site plan for a deck added to the

178 home at 940 Canyon Rd. Providence, UT.

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180 **Background Information:**

- 181 1. Providence City Conditional Use Application
- 182 2. Payment of \$100 fee, June 7, 2019
- 183 3. A complete Zoning Permit Application
- 184 4. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure
- 185 06/10/2019
- 186 5. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.
- 187

188 **FINDINGS OF FACT:**

- 189 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that

190 includes conditional uses and provisions for conditional uses that require compliance with  
191 standards set for in an applicable ordinance.

- 192 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
- 193 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states,  
194 all requests for permits involving a lot, parcel or site located wholly or partially within an area  
195 subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard  
196 Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request  
197 for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications  
198 shall comply with the following regulations before any permit shall be issued.
- 199 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate  
200 the reasonably anticipated detrimental effects of the proposed use on the health, safety, or  
201 general welfare of persons residing, working, or conducting business in the vicinity; to mitigate  
202 injury to property in the vicinity; to mitigate any risk to safety of persons or property because of  
203 vehicular traffic or parking, large gatherings of people, or other causes.
- 204 5. No grade exceeds the 20% slope within 50 feet maximum
- 205 6. Official Zoning Map Revised January 2019

206 **CONCLUSIONS OF LAW:**

- 207 8. Providence City has adopted land use ordinances that include conditional uses and provisions  
208 for conditional uses.
- 209 9. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard  
210 area.
- 211 10. Providence City has the authority to impose reasonable conditions to mitigate the reasonably  
212 anticipated detrimental effects of the proposed use.
- 213 11. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest  
214 of the fire safety provisions and regulations as adopted by the State of Utah and in accordance  
215 with the International Fire Code.
- 216 12. The request meets the requirements of the Codes listed in the Findings of Fact with the  
217 following conditions:

218 **CONDITIONS:**

- 219 9. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
220 laws, codes, ordinances.
- 221 10. The applicant will mitigate Wildfire Area by:
  - 222 a. S Bankhead read from the letter from Aaron Walker dated June 18, 2019.
  - 223 b. The contractor (Curtis Griffiths) will speak with Aaron Walker about material used for  
224 the decking.
- 225 11. This conditional use is for the deck only as shown on the site plan date stamped 06/07/2019
- 226 12. Payment of fees listed on the Providence City Zoning Permit.
- 227 13. Approval by the City of any application submitted or paperwork does not alleviate the owners  
228 and/or their agents from their responsibility to understand and conform to local, state, and  
229 federal laws. Providence City's approval is not intended to and cannot be construed to allow any  
230 laws to be violated.

231 **Comments:**

- 232 • S Bankhead said that the deck is considered to be an extension of the primary structure as far as  
233 setbacks are concerned. The applicant meets the setback requirements.
- 234 • S Bankhead reminded the applicants that Providence City Code 10-5-7 C encourages  
235 homeowners in wildfire hazard areas to inspect their property regularly, clearing dense  
236 vegetation and dead wood from at least 30 feet around the house, and to rake piles of leaves  
237 and twigs. If a home is on a hill, more space will be needed to protect the home. A fuel break

- 238 should be maintained around all structures. Move firewood away from the house and away  
239 from structures like fences or decks.
- 240 • Curtis Griffiths, general contractor, asked about the decking material. He is thinking of using  
241 Trex decking, which is only a fire class C. The structure will be a wood frame.
  - 242 • S Bankhead said that C Griffiths should check with A Walker about that.
- 243

244 **Motion to approve the conditional use on the findings of facts, conclusions of law, and conditions**  
245 **with the additional condition that the applicant check with A Walker about the decking material** — R.  
246 **Stapley, second — M. Pierce**

247 **Vote:**

248 **Yea:** S. Bankhead, M. Pierce, R. Stapley

249 **Nay:** None

250 **Abstained:** None

251 **Excused:** None

252

253 **Motion to adjourn:** — R Stapley, second — M Pierce

254 **Vote:**

255 **Yea:** S. Bankhead, M. Pierce, R. Stapley

256 **Nay:**

257 **Abstained:**

258 **Excused:**

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260 Meeting adjourned at approximately 11:00 AM

261 Minutes prepared by Jesse Bardsley

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265 Skarlet Bankhead, Chair

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