

1 **Providence City**
2 **Administrative Land Use Authority**
3 **Minutes – Wednesday September 11, 2019 11:00 AM**

4 Providence City Office Building
5 164 North Gateway Drive, Providence, UT 84332
6

7 Member attendance: Skarlet Bankhead, Max Pierce, Rob Stapley
8 Other attendance: Diane Campbell, zoning staff; Brad Winward; Mike Burton, Sierra Homes; Nic Hyer, Sierra
9 Homes; Wayne Ruud, River Bottom Construction.
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11 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for
12 approval a request by Cheri Murdock/River Bottom Construction for a conditional use site plan for a greenhouse
13 located at 1090 S 300 E, Providence UT.
14

15 **Background Information:**

- 16 1. Providence City Conditional Use Application
- 17 2. Payment of \$100 fee, August 26, 2019
- 18 3. A complete Zoning Permit Application
- 19 4. Fire inspection approval – see email from Aaron Walker dated Sept 4, 2019
- 20 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure 08/26/2019
- 21 6. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.
22

23 **FINDINGS OF FACT:**

- 24 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
25 conditional uses and provisions for conditional uses that require compliance with standards set for in an
26 applicable ordinance.
- 27 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
- 28 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all
29 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
30 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
31 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
32 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
33 any permit shall be issued.
- 34 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
35 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of
36 persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
37 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
38 gatherings of people, or other causes.
- 39 5. Official Zoning Map Revised January 2019
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40 **CONCLUSIONS OF LAW:**

- 41 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
42 conditional uses.
- 43 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard area and
44 Moderate and Steep Slope Hazard area.
- 45 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
46 detrimental effects of the proposed use.
- 47 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
48 conditions:
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49 **CONDITIONS:**

- 50 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
51 codes, ordinances.
52 2. This conditional use is for the greenhouse only as shown on the site plan submitted August 29, 2019.
53 3. The applicant will mitigate Wildfire Area by:
54 a. See emailed letter from Aaron Walker dated June 18, 2019.
55 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
56 their agents from their responsibility to understand and conform to local, state, and federal laws.
57 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
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59 **Comments:**

- 60 • S Bankhead explained that the last condition means that the applicant needs to contact the city if any of
61 the conditions on the ground do not meet any law or ordinance. The city may approve something based
62 on faulty maps, etc., but ultimately it is the applicant's responsibility to make sure that what is actually
63 happening on the lot is conforming to the law.
64
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66 **Motion to approve the conditional use site plan for a greenhouse located at 1090 S 300 E: — R Stapley, second**
67 **— M Pierce**

68 **Vote:**

69 **Yea: S Bankhead, M Pierce, R Stapley**

70 **Nay:**

71 **Abstained:**

72 **Excused:**
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75 **Item No 2. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for
76 approval a request by Joseph Jenkins/Sierra Homes for a conditional use site plan for a single-family residence
77 located at 691 E 525 N Providence UT.
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79 **Background Information:**

- 80 1. Providence City Residential Site plan application and \$50 fee received on 8/6/19
81 2. Conditional Use Application and \$50 fee on 8/27/19
82 3. Fire Inspection letter received from Aaron Walker 8/28/2019
83 4. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 8/27/2019
84 5. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.
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86 **FINDINGS OF FACT:**

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

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CONCLUSIONS OF LAW:

1. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.
2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area and Landslide Hazard area.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire safety provisions and regulation as adopted by the State of Utah and in accordance with the International Fire Code.
5. The request meets the requirements of the Codes listed in the Findings of Fact with the following conditions:

CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, ordinances.
2. The applicant will mitigate Hazard Wildfire area by:
 - a. S Bankhead read from the letter from Aaron Walker dated 8/28/2019.
3. The applicant will mitigate Hazard Landslide area by:
 - a. Creating a berm around the perimeter to prevent run-off and soil erosion.
 - b. Placing silt fencing on steeper downhill grade. (See notes on site plan.)
4. This conditional use is for the residence only as shown on the site plan date stamped 8/27/2019.
5. Payment of fees listed on the Providence City Zoning Permit.
6. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- S Bankhead said that Providence City Code 10-5-7 cautions applicants to: Inspect your property regularly, clearing dead wood and dense vegetation from at least 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained around all structures. Move firewood away from the house or attachments like fences or decks.
- S Bankhead said that the Gun Range fire in Bountiful missed houses that were further up and came down a draw and got some houses that were more in the middle. It is wise to remember fire safety in our open areas even as they are developing.
- S Bankhead cautioned the applicants to make sure that the survey pins are in the corners of the lot so that when the county comes to check the footings and foundations they can measure off of them.
- Mike Burton of Sierra Homes asked if the berm will be noted as a BMP in the Storm Water Prevention Plan. They are required to do a berm for storm water purposes. S Bankhead said that this is a separate issue due to the landslide potential.
- M Burton asked if they can choose between the berm and the silt fence. S Bankhead said that if the engineer has recommended both of those mitigation strategies, then they will have to do both.
- M Burton asked if his engineer or the city's engineer determines the placement of the berm and the silt fence. S Bankhead said that his engineer will determine it if he or she is the one that came up with the mitigations strategies.
- M Burton asked about what A Walker mentioned in his letter: that the driveway is required to be wide enough for fire equipment. S Bankhead said that because the driveway is less than 150 ft in length, there won't be a problem. That condition comes into effect for long driveways.
- R Stapley said that the applicant may be able to help the city keep the turnaround at the end of the road that the house is on clear of debris. A similar development had a hammerhead turnaround, and the construction crews dumped things there and made it unusable.

152 **Motion to approve the conditional use for a residential site plan for 691 E 525 N based on the findings of fact,**
153 **conclusions of law and conditions: — M Pierce, second — R Stapley**

154 **Vote:**

155 **Yea: S Bankhead, M Pierce, R Stapley**

156 **Nay:**

157 **Abstained:**

158 **Excused:**

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160 **Item No 3. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for
161 approval a request by Brad and Janelle Winward for a conditional use site plan for single-family residence located
162 at 384 N Sarah Street, Providence UT.

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164 **Background Information:**

- 165 1. A complete Conditional Use Application and \$100 fee received on 8/28/19
- 166 2. Fire Inspection letter received from Aaron Walker 9/4/2019
- 167 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 9/3/2019.
- 168 4. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

169 **FINDINGS OF FACT:**

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

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186 **CONCLUSIONS OF LAW:**

- 187 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
188 conditional uses.
- 189 2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area.
- 190 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
191 detrimental effects of the proposed use.
- 192 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire
193 safety provisions and regulation as adopted by the State of Utah and in accordance with the International
194 Fire Code.
- 195 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
196 conditions:

197

198 **CONDITIONS:**

- 199 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
200 codes, ordinances.
- 201 2. The applicant will mitigate Hazard Wildfire area by:
202 a. S Bankhead read from the letter from Aaron Walker dated 9/4/2019.

- 203 3. This conditional use is for the residence only as shown on the site plan date stamped 8/28/2019.
204 4. Payment of fees listed on the Providence City Zoning Permit.
205 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
206 their agents from their responsibility to understand and conform to local, state, and federal laws.
207 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
208

209 Comments:

- 210 • S Bankhead said that Providence City Code 10-5-7 cautions applicants to: Inspect your property regularly,
211 clearing dead wood and dense vegetation from at least 30' around your house. Rake piles of leaves and
212 twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained
213 around all structures. Move firewood away from the house or attachments like fences or decks.
- 214 • S Bankhead cautioned the applicants to make sure that the property pin markers are in place before the
215 county comes to approve the setbacks for the footings and foundations. Also, they should make sure that
216 they build their home as it is shown on the site plan.
- 217 • R Stapley reminded the applicants that the sidewalk where the driveway is going to be needs to be
218 redone at 6" thick. He also said that builders and contractors on corner lots often use the ADA ramps to
219 access the lots. It is much more cost effective if they drive over the sidewalk, because sidewalks are much
220 cheaper to replace than the ADA ramps. He suggested using boulders or signs to prevent contractors from
221 driving on the ADA ramps and breaking them.
- 222 • R Stapley asked about the water meter. There have been problems with meters being up against the
223 driveway.
- 224 • Brad Winward asked why this needed to be a conditional use when it is in a subdivision.
- 225 • S Bankhead said that fires can spread very quickly. This area was set as a wildland fire area by the state.
226 This lot will be against an open field for some time, so it makes sense to be careful.
227

228 **Motion to approve the conditional use site plan for the single family residence located at 384 N Sarah Street,**
229 **with the findings of fact, conclusions of law, and conditions: — R Stapley, second — M Pierce**

230 **Vote:**

231 **Yea: S Bankhead, M Pierce, R Stapley**

232 **Nay:**

233 **Excused:**

234 **Abstained:**

235
236 **Motion to adjourn: — M Pierce, second — R Stapley**

237 **Yea: S Bankhead, M Pierce, R Stapley**

238 **Nay:**

239 **Abstained:**

240 **Excused:**

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242 Meeting adjourned at approximately 11:40 AM.

243 Minutes prepared by Jesse Bardsley

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247 Skarlet Bankhead, City Recorder