

1 **Providence City**  
2 **Administrative Land Use Authority**  
3 **Minutes – Thursday, September 19, 2019, at 1:30 pm**  
4 Providence City Office Building  
5 164 North Gateway Drive, Providence UT 84332  
6

7 Member Attendance: Skarlet Bankhead, Nate Wright (substituting for Max Pierce), Rob Stapley  
8 Other attendance: Diane Campbell, zoning staff; Kevin Johnson, Cobalt Canyon Homes; Lucas Maughan, Kylee Ann  
9 Studios; Sean Hokanson, Sean Hokanson Construction; David Rupp, Contractor.

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12 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for  
13 approval a request by Kylee Maughan for a conditional use permit for a home-based photo studio located at 860 S  
14 560 E, Providence UT.

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16 **Background Information:**

17 A complete application was received September 13, 2019; application contained:

- 18 1. Providence City Conditional Use Application
- 19 2. Payment of \$100 fee, Sept 13, 2019
- 20 3. Site plan and description of business (see page 1 of CU application).
- 21 4. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

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23 **FINDINGS OF FACT:**

24 The following Providence City Code (PCC) list regulation and requirements to be considered.

- 25 1. 3-4-5 Home Business: Site development
- 26 2. 10-6-1 Use Regulations
- 27 3. Official Zoning Map revised January 2019
- 28 4. Business Plan stating conditions of use.

29 **CONCLUSIONS OF LAW:**

- 30 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
31 conditional uses.
- 32 2. The property is located in a SFT zone.
- 33 3. The applicant meets the requirements of 3-4-5 with the following conditions.

34 **CONDITIONS:**

- 35 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
36 codes, ordinances related to the operation of a photo studio as a home business.
- 37 2. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or  
38 their agents from their responsibility to understand and conform to local, state, and federal laws.  
39 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- 40 3. The applicant will adhere to all condition as stated in the submitted description of business.

41  
42 **Comments:**

- 43 • S Bankhead asked L Maughan about the lot line adjustment that they were considering. He said that they  
44 worked with the title company to reverse it.
- 45 • S Bankhead said that she talked with the city attorney. We do allow lot line adjustments, but there is a  
46 process. If the applicant would have gone through the process, we would have caught the problem.  
47 Because they didn't go through the process, the lot line adjustment would not count as far as the city is  
48 concerned.
- 49 • S Bankhead explained that the zone is actually SFE, but in this particular case the subdivision was given  
50 prior approval to be built like an SFT zone.
- 51 • S Bankhead asked the applicant about parking. The applicant will be providing an extra driveway for  
52 additional parking. S Bankhead said that sometimes customers don't want to park in someone's driveway,

53 but that the applicants should make sure that the customers know that that is where they are supposed  
54 to park. The road is narrow there, and large vehicles such as delivery trucks, buses or snow plows may  
55 struggle if cars are parked on the side of the road.

- 56 • S Bankhead said that this conditional use is only for the photo studio. Our ordinances do not allow the  
57 applicant to rent the space to outside businesses.

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59 **Motion to approve the conditional use for a photo studio: — R Stapley, second — N Wright**

60 **Vote:**

61 **Yea: S Bankhead, R Stapley, N Wright**

62 **Nay:**

63 **Abstained:**

64 **Excused:**

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66 **Item No 2. Conditional Use - Site Plan:** The Providence City Administrative Land Use Authority will consider for  
67 approval a request by Kevin and Annette Johnson/Cobalt Canyon Homes for a conditional use site plan for a single-  
68 family residence located at 407 Sarah St., Providence, UT.

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70 **Background Information:**

- 71 1. A complete Conditional Use Application and \$100 fee received on Sept. 12, 2019
- 72 2. Fire Inspection letter received from Aaron Walker on Sept. 12, 2019
- 73 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on Sept, 13, 2019
- 74 4. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

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76 **FINDINGS OF FACT:**

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

92  
93 **CONCLUSIONS OF LAW:**

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

104  
105 **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. See letter from Aaron Walker dated Sept. 12, 2019.
3. This conditional use is for the residence only as shown on the site plan date stamped Sept. 12, 2019.
4. Payment of fees listed on the Providence City Zoning Permit.
5. 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 it is the applicant's responsibility to make sure that their property lines are staked so that when the building inspectors come to verify the setbacks they can measure off of property lines. Neighbors watch the setbacks, and it is very important to keep them.
- S Bankhead read from the letter from Aaron Walker.
- S Bankhead said that Providence City Code [10-5-7] encourages those in Wildfire Hazard Areas 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.

**Motion to approve the conditional use site plan for a single family residence located at 407 Sarah Street based on the findings of fact, conclusions of law and conditions: — R Stapley, second — N Wright**

**Vote:**

**Yea: S Bankhead, R Stapley, N Wright**

**Nay:**

**Abstained:**

**Excused:**

**Item No 3. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for approval a request by Forrest Fackrell/ Dave Rupp for a conditional use site plan for a single-family residence located at 719 Eagle View Dr., Providence UT.

**Background Information:**

A complete application was received on Sept. 11, 2019 and contained:

1. Providence City Conditional Use Application and payment of \$100
2. A complete Residential Site Plan application
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 9/13/2019.
4. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

**FINDINGS OF FACT:**

1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set for in an applicable ordinance.
2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before

any permit shall be issued.

4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes.

**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 Moderate and Steep Slope 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. 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 Landslide area by:
  - a. See Landslide Mitigation Efforts dated Sept. 12, 2019.
3. This conditional use is for the residence only as shown on the site plan date stamped Sept. 11, 2019.
4. Payment of fees listed on the Providence City Zoning Permit.
5. 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 asked the applicants to have their property corners marked so that when the building officials come to check setbacks they have something to go off of. The neighbors are watching to make sure people put their homes in the correct place.
- S Bankhead read from the mitigation strategies.
- S Bankhead said that the steep slope hazard area may not apply to this lot, because the greater than 30% slope does not extend for a distance of greater than 50 ft.
- R Stapley said that there have been some strange issues in that subdivision with water surfacing from the ground. There have also been issues with retaining walls funneling water into neighboring properties. He said that the applicants should keep this in mind as they are landscaping.
- R Stapley said that the water meter will have to be dug up. It was buried 6-8 inches.

**Motion to approve the request for a conditional use site plan for a single family residence located at 719 Eagle View Drive, based on the findings of fact, conclusions of law and conditions: — N Wright, second — R Stapley**

**Vote:**

**Yea: S Bankhead, R Stapley, N Wright**

**Nay:**

**Abstained:**

**Excused:**

**Motion to adjourn: — R Stapley, second — N Wright**

**Vote:**

**Yea: S Bankhead, R Stapley, N Wright**

**Nay:**

209 **Abstained:**  
210 **Excused:**  
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212 Meeting adjourned at approximately 2 PM  
213 Minutes prepared by Jesse Bardsley  
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218 Skarlet Bankhead, Chair  
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