

1 **Providence City**  
2 **Administrative Land Use Authority**  
3 **Minutes – Monday, September 23, 2019 3:00 PM**

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; Jeff Berrett, Immaculate Homes.  
9

10 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for  
11 approval a request by Garth Lindsey/Immaculate Homes for a conditional use site plan for a single-family residence  
12 located at 73 N Sherwood Dr. (800 E), Providence UT.  
13

14 **Background Information:**

- 15 1. Providence City Residential Site plan and Conditional Use Application and \$100 fee received on Sept 4, 2019
- 16 2. Fire Inspection letter received from Aaron Walker Sept 9, 2019
- 17 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on Sept 11, 2019.
- 18 4. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.  
19

20 **FINDINGS OF FACT:**

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

36 **CONCLUSIONS OF LAW:**

- 37 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
38 conditional uses.
- 39 2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area and Landslide  
40 Hazard area.
- 41 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated  
42 detrimental effects of the proposed use.
- 43 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire  
44 safety provisions and regulation as adopted by the State of Utah and in accordance with the International  
45 Fire Code.
- 46 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following  
47 conditions:  
48

**CONDITIONS:**

- 49 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
50 codes, ordinances.  
51 2. The applicant will mitigate Hazard Wildfire area by:  
52 a. See letter from Aaron Walker dated Sept. 9, 2019  
53 3. The applicant proposed to mitigate the Hazard Landslide area by:  
54 a. Using an earth berm during construction  
55 b. Engineered retaining wall along back property line  
56 4. This conditional use is for the residence only as shown on the site plan date stamped August 30, 2019.  
57 5. Payment of fees listed on the Providence City Zoning Permit.  
58 6. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or  
59 their agents from their responsibility to understand and conform to local, state, and federal laws.  
60 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.  
61

62 Comments:

- 63 • S Bankhead read from the letter from Aaron Walker.
- 64 • S Bankhead said that property owners are encouraged to implement the following [PCC 10-5-7]: Inspect  
65 your property regularly, clearing dead wood and dense vegetation from at least 30' around your house.  
66 Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break  
67 should be maintained around all structures. Move firewood away from the house or attachments like  
68 fences or decks.
- 69 • M Pierce asked if R Stapley tested the flow rate while both hydrants mentioned in A Walker's letter were  
70 being used simultaneously. R Stapley said that he did do a simultaneous flow test and got at least 2,000  
71 [GPM].
- 72 • Jeff Berrett of Immaculate Homes asked if the street name has been officially changed to Sherwood Drive.  
73 S Bankhead said that it has.
- 74 • S Bankhead said that the landslide hazard can be a long-term issue. Some homes settle.
- 75 • R Stapley said that Little Baldy area has some weird things going on. Water has shown up unexpectedly in  
76 the ground, etc.
- 77 • J Berrett explained his plans for a retaining wall.
- 78 • M Pierce asked if the property to the west has a retaining wall. J Berrett said that they have boulders and  
79 landscaping.
- 80 • S Bankhead brought up the 5 ft berm easement. M Pierce said that it was part of the subdivision design so  
81 that the water would be held within the area. If a retaining wall is going to be there, we would need to  
82 make sure that the water is still being held behind it.
- 83 • S Bankhead was concerned that the way this is designed, the water from other properties might end up  
84 puddling in the applicants' yard.
- 85 • M Pierce said that because they are raising the land up, it would not end up puddling in their yard. The  
86 water might end up going to the properties to the north or south.
- 87 • S Bankhead said that with landslide issues, it can be important to have a geotech person look at it. The  
88 neighbor to the north had trouble with their deck settling.
- 89 • J Berrett said that they have done an assessment, and they don't anticipate any unusual problems with  
90 settling or retention.
- 91 • M Pierce said that according to code, retaining walls can be right on the property line. S Bankhead  
92 cautioned the applicant to make sure they know where that property line is before installing the wall.
- 93 • S Bankhead said that we have told the county not to approve any footings or foundation placement until  
94 property pins are in place.
- 95 • M Pierce said that with the property to the west having an unengineered rock wall, and then this property  
96 putting a retaining wall on top of that, there is a lot of potential for something to occur.

- 97 • J Berrett said that the boulders on the western property are not really a wall. They are sporadic, large
- 98 boulders.
- 99 • S Bankhead said that the landslide potential has nothing to do with cut and fill and compaction. It was
- 100 designated by Cache County as a landslide potential area based on geotechnical reports, etc. It might not
- 101 be something that you can see by looking at the lot.
- 102 • J Berrett asked if the houses to the north and south had to have a geotechnical report. S Bankhead didn't
- 103 think so.
- 104 • M Pierce asked if we can mandate a geotech study. S Bankhead said that our ordinance says that if the
- 105 engineer feels like there needs to be a geotech study, we can require it.
- 106 • M Pierce said that we need to refine our process. It is hard to require this lot to do a study when we didn't
- 107 require a study for the lots next to it.
- 108 • S Bankhead thought that the properties to the north and south were not flagged as conditional use
- 109 because at that time, either the county's website that shows sensitive areas wasn't up yet, or we didn't
- 110 know about it. We were relying on the plat.
- 111 • M Pierce said that hopefully, if they go through the process of engineering the retaining wall, that
- 112 engineer will do their homework [about the landslide potential].
- 113 • S Bankhead said that we should add the condition that the applicant will notify the engineer that the
- 114 county shows a potential for landslides that needs further analysis. It would be good to have a statement
- 115 from the engineer that they have taken that into consideration.
- 116 • M Pierce asked about the concrete pad that is within the side setback. J Berrett said that it is for a side
- 117 entry. It will have no roof, etc.
- 118 • S Bankhead asked about the rear deck. Are there two sets of stairs? S Bankhead said that the applicant
- 119 should make sure that the stairs meet our setbacks. They should also make sure that the property owner
- 120 knows that they cannot cover the deck, because then it would not meet our setback requirement.

121  
122 **Motion to approve the site plan for a single family residence located at 73 N Sherwood Dr, based on the**  
123 **findings of facts, conclusions of law, and conditions, with the additional conditions that the engineer for the**  
124 **retaining wall needs to address landslide potential and the applicant needs to make sure that the location**  
125 **of the structure, particularly the deck, is placed so that all setbacks are met: — R Stapley, second — M**

126 **Pierce**

127 **Vote:**

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

129 **Nay:**

130 **Abstained:**

131 **Excused:**

132  
133 **Motion to adjourn the meeting: — M Pierce, second — R Stapley**

134 **Vote:**

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

136 **Nay:**

137 **Abstained:**

138 **Excused:**

139  
140 Meeting adjourned at approximately 3:38 PM

141 Minutes prepared by Jesse Bardsley

DRAFT