

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**

2 **Wednesday, May 27, 2020 2:30 PM**

3 Providence City Office Building 164 North Gateway Drive, Providence UT 84332

4 **Members of the ALUA attended this meeting electronically.**

5 **This meeting was live streamed on Providence City's YouTube Channel.**

6
7 **Call to Order:** Skarlet Bankhead, Chair

8 **Members in Attendance:** Skarlet Bankhead, Max Pierce, and Rob Stapley

9 **Others in Attendance:** Ryan Snow, Diane Campbell, Shawn Bindrup, Tiffany Bindrup, Jeff Barrett, and Mike
10 Montgomery

11
12 **Item No. 1 Conditional Use – Deck:** The Providence City Administrative Land Use Authority will consider for
13 approval a request by Shawn Bindrup, for a deck attached to the home located at 940 E. Canyon Rd, Providence,
14 UT.

15
16 **Background Information:**

17 A complete application was received May 15, 2020 and contained:

- 18 1. Providence City Conditional Use Application and Residential Site Plan application.
- 19 2. Payment of \$100 fee, May 15, 2020
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 21, 2020.
- 21 4. Aaron Walker, Fire Inspector, reviewed site; see letter dated May 20, 2020.

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
33 before 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
36 of 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
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 Wildfire Hazard area.
- 44 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
45 detrimental effects of the proposed use.
- 46 4. Aaron Walker, Fire Inspector –Logan City Fire Department, reviewed the parcel in the interest of the fire
47 safety provisions and regulations as adopted by the State of Utah and in accordance with the
48 International Fire Code.
- 49 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
50 conditions:

52 **CONDITIONS:**

- 53 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
54 codes, and ordinances.
- 55 2. The applicant will mitigate Wildfire Area by:
56 a. See letter from Aaron Walker dated May 20, 2020.
57 b. The contractor (Ryan Hoth) spoke with Aaron Walker about material used for the decking. See
58 conditions listed on letter.
- 59 3. This conditional use is for the deck only as shown on the site plan date stamped May 15, 2020.
- 60 4. Payment of fees listed on the Providence City Zoning Permit.
- 61 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
62 their agents from their responsibility to understand and conform to local, state, and federal laws.
63 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
64

65 **Comments:**

- 66 • S Bankhead read from Aaron Walker's letter.
67 • S Bindrup pointed out that this application had been applied last year but they didn't make the timeline so
68 now it is being reapplied for.
69 • M Pierce covered the distance, the slope of the land, and the retaining wall with the required setbacks in
70 the building code and how it applies to the Wildfire Hazard.
71 • R Stapley brought up the irrigation ditch and the accompanying easement.
72 • S Bindrup said we should void the 2019 Site Plan and use the 2020 Site Plan due to change in dimensions.
73 • The change in the lot lines between this site plan and the previous site plan was discussed.
74

75 **Motion to approve the conditional use for the attached deck at the home of Shawn Bindrup at 940 E. Canyon Rd,**
76 **Providence, UT based on the findings of fact, conclusions of law and conditions that were discussed coming off**
77 **the meeting. S Bankhead added that the site plan dated June 7, 2019 is no longer correct and the correct site**
78 **plan that will be used is the site plan dated May 15, 2020. ----M Pierce, second---- R Stapley**

79 **Vote:**

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

81 **Nay:**

82 **Abstained:**

83 **Excused:**
84
85

86 **Item No. 2 Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider for
87 approval a request by Immaculate Homes (Mike Montgomery), for a residence located at 672 E. 525 N.,
88 Providence, UT.
89

90 **Background Information:**

91 A complete application was received May 20, 2020 and contained:

- 92 1. Providence City Conditional Use Application and Residential Site Plan application.
93 2. Payment of \$100 fee, May 20, 2020
94 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 21, 2020.
95 4. Aaron Walker, Fire Inspector, reviewed site; see letter dated May 20, 2020.
96

97 **CONCLUSIONS OF LAW:**

- 98 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
99 conditional uses.
100 2. The Cache County GIS Parcel summary indicates this parcel is in a Landslide Area.
101 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
102 detrimental effects of the proposed use.

- 103 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
104 conditions:
105

106 **CONDITIONS:**

- 107 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
108 codes, and ordinances.
109 2. The applicant will mitigate Landslide Area by:
110 a. See mitigation plans dated May 20, 2020
111 3. This conditional use is for the residence only as shown on the site plan date stamped May 20, 2020.
112 4. Payment of fees listed on the Providence City Zoning Permit.
113 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
114 their agents from their responsibility to understand and conform to local, state, and federal laws.
115 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
116

117 **Comments:**

- 118 • The Findings of Fact are the same as in item 1 but the Conclusions of Law are different.
119 • It is amended that new plans were turned in May 26, 2020 stamped by the engineer showing the
120 retaining wall and footings.
121 • S Bankhead cautioned the applicant to have their property corners marked.
122 • R Stapley brought up the possibility that the water meter might end up in the driveway, which is
123 a violation of code and may end up needing to be relocated.
124

125 **Motion to approve the conditional use for the residential site plan for a home at 672 E. 525 N., Providence, UT**
126 **based on the findings of fact, the conclusions of law and conditions; as well as changing the conditional use for**
127 **the residence only as shown on the site plan that was received by email May 26, 2020 ----R Stapley, second---- M**

128 **Pierce**

129 **Vote:**

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

131 **Nay:**

132 **Abstained:**

133 **Excused:**
134

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

136 **Vote:**

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

138 **Nay:**

139 **Abstained:**

140 **Excused:**
141

142 Meeting adjourned at approximately 3:08 PM

143 Minutes prepared by Kris Hobbs
144

145 _____
146 Skarlet Bankhead

147 Chair
148