

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

2 **Wednesday, August 12, 2020 2:47 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 **Called to Order:** Skarlet Bankhead, Chair

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

9 **Others in Attendance:** Diane Campbell, April Fredrickson, Matthew Payne, Bayler Gunnell, Quinton Hall, and
10 Chris Williams

11
12 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by John and Julee Sanchez and Orchid Homes for a new home located at 681 Spring Creek
14 Pkwy., Providence, UT.

15
16 **Background Information:**

17 A complete application was received July 22, 2020 and contained:

- 18 1. Providence City Conditional Use Application and Residential Site Plan application.
- 19 2. Payment of \$100 fee, July 22, 2020
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure July 29, 2020.
- 21 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated July 29, 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 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
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 Hazard Landslide 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. The request meets the requirements of the codes listed in the Findings of Fact with the following
47 conditions:

48
49 **CONDITIONS:**

- 50 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
51 codes, and ordinances.
- 52 2. The applicant will mitigate Landslide Area by: See mitigation statement date stamped July 28, 2020, and

- 53 drawing on site plan.
- 54 3. This conditional use is for the home only as shown on the site plan date stamped July 28, 2020.
- 55 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
- 56 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
- 57 accordance with the International Fire Code.
- 58 5. 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 states all of the Finding of Facts are the same for all three items.
- 64 • Rules applying to a retaining wall were covered and discussed in length. It can be no higher than
- 65 three feet tall.
- 66 • S Bankhead reminded the applicant to put up stakes or pins on the property for the setbacks to show
- 67 the building department for approval.

68
69 **Motion to approve the conditional use and zoning for a home located at 681 Spring Creek Parkway – M Pierce,**

70 **second – R Stapley**

71 **Vote:**

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

73 **Nay: None**

74 **Abstained: None**

75 **Excused: None**

76
77
78 **Item No. 2 - Conditional Use – Basement Finish:** The Providence City Administrative Land Use Authority will

79 consider for approval a request by Graham and Andrea Mearns and Chris Funk Construction for a basement finish

80 in the home located at 1156 Forgotten Lane, Providence, UT.

81
82 **Background Information:**

- 83 A complete application was received August 12, 2020 and contained:
- 84 1. Providence City Conditional Use Application and Residential Site Plan application.
 - 85 2. Payment of \$100 fee, July 29, 2020
 - 86 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 3, 2020.
 - 87 4. Aaron Walker, Fire Inspector, reviewed site; see email dated August 5, 2020.

88
89 **FINDINGS OF FACT:**

90 -They are the same as the first item.

91
92 **CONCLUSIONS OF LAW:**

- 93 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
- 94 conditional uses.
- 95 2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area.
- 96 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
- 97 detrimental effects of the proposed use.
- 98 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
- 99 conditions:

100
101 **CONDITIONS:**

- 102 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
- 103 codes, and ordinances.
- 104 2. The applicant will mitigate fire hazard by: See email dated Aug. 10, 2020.

- 105 3. This conditional use is for the basement finish only as shown on the site plan date stamped August 3,
106 2020.
107 4. Payment of fees listed on the Providence City Zoning Permit.
108 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
109 their agents from their responsibility to understand and conform to local, state, and federal laws.
110 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

111 **Comments:**

- 112 • S Bankhead stated that the Conclusions were basically the same as well as the Findings of Fact in the
113 first item, except within the Conclusions this was a Wildfire Hazard area and not a Landslide Hazard
114 area.
115

116
117 **Motion to approve the conditional use and zoning approval for a basement finish for the home of Graham and**
118 **Andrea Mearns located at 1156 Forgotten Lane. – R Stapley, second – M Pierce**

119 **Vote:**

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

121 **Nay:** None

122 **Abstained:** None

123 **Excused:** None
124
125

126 **Item No. 3 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
127 for approval a request by Ascentive Homes for a new home located at 677 E. 525 N., Providence, UT.
128

129 **Background Information:**

130 A complete application was received July 28, 2020 and contained:

- 131 1. Providence City Conditional Use Application and Residential Site Plan application.
132 2. Payment of \$100 fee, July 22, 2020
133 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 3, 2020.
134 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 4, 2020.
135

136 **FINDINGS OF FACT:**

137 - Matches the first item.
138

139 **CONCLUSIONS OF LAW:**

- 140 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
141 conditional uses.
142 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Landslide area.
143 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
144 detrimental effects of the proposed use.
145 4. The request meets the requirements of the codes listed in the Findings of Fact with the following
146 conditions:
147
148

149 **CONDITIONS:**

- 150 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
151 codes, and ordinances.
152 2. The applicant will mitigate Landslide Area by: See mitigation statement date stamped August 4, 2020, and
153 drawing on site plan.
154 3. This conditional use is for the home only as shown on the site plan date stamped July 28, 2020.
155 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
156 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in

- 157 accordance with the International Fire Code.
158
159 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
160 their agents from their responsibility to understand and conform to local, state, and federal laws.
161 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
162
163 6. The applicant will consult with a geotechnical engineer to see what is needed for a landslide area.

163 **Comments:**

- 164 • S Bankhead stated that the Findings of Fact were the same and that the Conclusions were back to the
165 landslide hazard area.
- 166 • S Bankhead reminded the applicant that the foot marks need to be checked by a Geo tech engineer
167 to provide the correct specifications for the foundation and that the building official will require that.
- 168 • R Stapley covered Landslide potentials and why the County has these codes set up.

169
170 **Motion to approve the conditional use and zoning of a new home located at 677 E. 525 N. on the findings of**
171 **facts, conclusions of law, and conditions adding into the conditions that the applicant have a Geo tech engineer**
172 **check exactly what is needed to do diligence to the land slide area.** – M Pierce, second – R Stapley

173 **Vote:**

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

175 **Nay:** None

176 **Abstained:** None

177 **Excused:** None

178
179 **Motion to adjourn:** — R Stapley, second — M Pierce

180 **Vote:**

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

182 **Nay:** None

183 **Abstained:** None

184 **Excused:** None

185
186 Meeting adjourned at approximately 3:12 PM

187 Minutes prepared by Kris Hobbs Clemente

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191 _____
192 Skarlet Bankhead, Chair