

1 **Providence City**
2 **Administrative Land Use Authority (ALUA)**
3 **Minutes – September 2, 2020 – 2:30 PM**

4 Providence City Office Building
5 164 North Gateway Drive
6 Providence, UT 84332
7

8 Member attendance: Skarlet Bankhead, Max Pierce, Rob Stapley

9 Other Attendance: Diane Campbell, Zoning Staff; Ryan Snow, City Manager; Randy Gnehm, Rod Blossom, & Steve
10 Earl, applicants; Jessie Williamson, Visionary Homes, applicant; Jason Ellis & Richard Crosbie, applicants; Eric
11 Broadbent, applicant.
12

13 **Item No. 1 – Commercial Site Plan:** The Providence City Administrative Land Use Authority will consider for
14 approval a request by Randy Gnehm for a commercial building located at 550 W 465 N, Providence, UT.
15

16 **Background Information:**

17 A complete application was received August 24, 2020; application contained:

- 18 1. Commercial Site Plan Application.
- 19 2. Payment of \$50 fee.
- 20 3. Rob Stapley, Public Works director, inspected the current infrastructure on August 26, 2020.
21

22 **FINDINGS OF FACT:**

23 The following Providence City Code (PCC) list regulations and requirements to be considered.

- 24 1. 10-8-5 Commercial Zoned Districts; Site Development
- 25 2. Official Zoning Map Revised July 2019
26

27 **CONCLUSIONS OF LAW:**

- 28 1. The property is located in a CGD zone.
- 29 2. The applicant meets the requirements of 10-8-5 with the following conditions.
30

31 **CONDITIONS:**

- 32 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
33 codes, ordinances.
- 34 2. The applicant has met the parking requirements. Once the construction drawings are reviewed and
35 approved, if any changes to the construction drawings are made, the parking will need to be reviewed to
36 make sure it still meets Providence City standards.
- 37 3. 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

41 **Comments:**

- 42 • S Bankhead clarified that we are only considering approval of the site plan. The building will be approved
43 by the Cache County Building Department.
- 44 • Diane Campbell, Zoning Staff, said that she had reviewed the site plan for compliance with the code
45 relative to parking, landscaping, etc.
- 46 • R Stapley and R Gnehm discussed the thickness of driveway concrete on parts of the site. The depth of the
47 concrete should be 8 inches.
- 48 • S Bankhead asked if they are only doing the shell of the building. R Gnehm said that currently the shell is
49 all that they are doing. Within a few weeks they will seek a permit for the inside of the building.

50
51 **Motion to approve the commercial site plan for Cobblestone Commercial Building 5, based on the findings of**
52 **fact, conclusions of law, and conditions that were discussed or that were written on the staff report: — M**
53 **Pierce, second — R Stapley**
54 **Vote:**
55 **Yea: S Bankhead, M Pierce, R Stapley**
56 **Nay:**
57 **Abstained:**
58 **Excused:**

59
60 **Item No. 2 – Conditional Use — New Home:** The Providence City Administrative Land Use Authority will consider
61 for approval a request by Cameron and Casey Widner and Visionary Homes for a new home located 96 N 850 E,
62 Providence, UT.

63
64 **Background Information:**

- 65 Complete Application was received July 17, 2020; application contained:
- 66 1. Providence City Conditional Use Application, Residential Site Plan Application
 - 67 2. Payment of \$100 fee, July 17, 2020
 - 68 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on July 29,
69 2020.
 - 70 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 18, 2020.

71
72 **FINDINGS OF FACT:**

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

87
88 **CONCLUSIONS OF LAW:**

- 89 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
90 conditional uses.
- 91 2. The Cache County GIS Parcel Summary indicates this parcel is in Wildfire Hazard, Hazard Slope, and
92 Hazard Earthquake Fault areas.
- 93 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
94 detrimental effects of the proposed use.
- 95 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
96 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in accordance with
97 the International Fire Code.

98 5. 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, ordinances.
- 104 2. The applicant will mitigate Wildfire Area by:
105 a. See letter from Aaron Walker dated August 18, 2020.
106 b. See Mitigation strategies dated August 31, 2020.
- 107 3. This conditional use is for the residence only as shown on the site plan date stamped August 31,
108 2020.
- 109 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel
110 in the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
111 accordance with the International Fire Code.
- 112 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
113 their agents from their responsibility to understand and conform to local, state, and federal laws.
114 Providence City’s approval is not intended to and cannot be construed to allow any laws to be
115 violated.
116

117 **Comments:**

- 118 • S Bankhead asked D Campbell to add steep slopes to the conclusions of law section about hazard areas.
119 • S Bankhead read from the mitigation strategies/requirements.
120 • Compaction tests and the fault zone were discussed. S Bankhead said that if a fault line is found during
121 the construction process, we will have to rethink things.
122 • R Stapley asked if the homeowner is planning on installing a fire suppression system. J Williamson said
123 that they are not planning on it. Instead of going that route, they provided a fire turnaround.

124 ***Motion to approve a conditional use and zoning for the residential site plan for a home at 986 N 850 E based on***
125 ***the findings of fact, conclusions of law and conditions on the staff report: — R Stapley, second — M Pierce***

126 *Vote:*

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

128 *Nay:*

129 *Abstained:*

130 *Excused:*
131

132 **Item No. 3 – Conditional Use – Accessory Building:** The Providence City Administrative Land Use Authority will
133 consider for approval a request by Richard Crosbie and Ellis Builders Company for an accessory building located at
134 463 Vons Way, Providence, UT.
135

136 **Background Information:**

137 A complete application was received August 25, 2020 and contained:

- 138 1. Providence City Conditional Use Application and Residential Site Plan application.
139 2. Payment of \$100 fee, August 26, 2020
140 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 28, 2020.
141 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 26, 2020.
142

143 **FINDINGS OF FACT:**

144 Same as for Item No. 2

145 **CONCLUSIONS OF LAW:**

- 146 1. Providence City has adopted land use ordinances that include conditional uses and provisions
147 for conditional uses.
148 2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area.
149 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably
150 anticipated detrimental effects of the proposed use.
151 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the
152 parcel in the interest of the fire safety provisions and regulations as adopted by the State of
153 Utah and in accordance with the International Fire Code.
154 5. The request meets the requirements of the Codes listed in the Findings of Fact with the
155 following conditions:
156

157 **CONDITIONS:**

- 158 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
159 laws, codes, and ordinances.
160 2. The applicant will mitigate Wildfire Area by:
161 a. See letter from Aaron Walker dated August 26, 2020.
162 b. See statement from Jason Ellis dated August 27, 2020.
163 3. This conditional use is for the accessory building only as shown on the site plan date stamped
164 August 17, 2020.
165 4. Approval by the City of any application submitted or paperwork does not alleviate the owners
166 and/or their agents from their responsibility to understand and conform to local, state, and
167 federal laws. Providence City’s approval is not intended to and cannot be construed to allow any
168 laws to be violated.
169

170 **Comments:**

- 171 • S Bankhead reminded the applicant that this building cannot be used as a dwelling unit under the current
172 access situation.
173 • The access easement coming off of Satsuma Drive was discussed.
174 • S Bankhead asked D Campbell to make sure that the record of decision states “accessory building” and
175 not “accessory dwelling unit.”
176

177 ***Motion to approve the conditional use and zoning approval for an accessory building located at 463 Von’s Way***
178 ***based on the findings of fact, conclusions of law, and conditions that are on the staff report, included in the***
179 ***letters, and in the discussion: — M Pierce, second — R Stapley***

180 *Vote:*

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

182 *Nay:*

183 *Abstained:*

184 *Excused:*

185

186 **Item No. 4 – Conditional Use – Accessory Building:** The Providence City Administrative Land Use Authority will
187 consider for approval a request by Eric and Marci Broadbent for an accessory building located at 330 E Center St.,
188 Providence, UT.
189

190 **Background Information:**

- 191 A complete application was received August 25, 2020 and contained:
192 1. Providence City Conditional Use Application and Residential Site Plan application.
193 2. Payment of \$100 fee, August 26, 2020
194 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August
195 28, 2020.
196 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 25,
197 2020.

198
199 **FINDINGS OF FACT:**

200 Same as Item No. 3

201 **CONCLUSIONS OF LAW:**

202 Same as Item No. 3

203 **CONDITIONS:**

- 204 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
205 laws, codes, and ordinances.
206 2. The applicant will mitigate Wildfire Area by:
207 a. See letter from Aaron Walker dated August 25, 2020.
208 b. See letter from Eric and Marci Broadbent dated August 25, 2020.
209 3. This conditional use is for the accessory buildings only as shown on the site plan date stamped
210 August 25, 2020. The existing building on west side of property is an electrical upgrade, and
211 building on east side is new. Neither building is to be used as a dwelling unit.
212 4. Approval by the City of any application submitted or paperwork does not alleviate the owners
213 and/or their agents from their responsibility to understand and conform to local, state, and
214 federal laws. Providence City's approval is not intended to and cannot be construed to allow any
215 laws to be violated.

216
217 **Comments:**

- 218
219 • The potential for turning the west accessory building into a dwelling unit was discussed. E Broadbent
220 explained that his plan is to connect this building to the main house.
221 • S Bankhead read from A Walker's letter.
222 • Floodplain issues were discussed. S Bankhead reviewed the items that the Land Use Authority must
223 consider in regards to the flood plain.
224 • The fact that the west building is in front of the front plane of the main house was discussed. This is a
225 zoning violation for an Accessory Dwelling Unit. E Broadbent agreed that he would wait to install the
226 kitchenette until he connects this building to the main house, thus solving the zoning violation.
227 • The third driveway accessing the proposed building on the east was discussed.
228 • Installation of electrical outlets necessary to a kitchen, and whether this would be allowable, was
229 discussed.
230 • S Bankhead asked Diane Campbell, Zoning Staff, to make sure that the record of decision is very clear that
231 this building is not intended to be a dwelling unit. It is only getting an electrical upgrade.
232 • E Broadbent asked about grandfathering the existing east access. R Snow asked if there is any way to
233 show that the gate has been used for vehicular traffic continuously without a gap of more than one year.

234 R Snow suggested having people who know that the access has been used write a statement affirming the
235 same and to keep it on file in case it is ever needed.
236 • S Bankhead warned the applicant that if anything is discovered that overrules this approval, such as FEMA
237 regulations, building code, etc., we will have to rethink things.
238

239 **Motion to approve a conditional use and zoning approval for an accessory building on the east, and then for an**
240 **electrical upgrade to an accessory building on the west, neither building to be used as a dwelling unit under this**
241 **approval, based on the findings of fact, conclusions of law, and conditions, with the additional statement that**
242 **we are not granting or denying a third access, but we are only saying that it is historical: — R Stapley, second —**
243 **M Pierce**

244 *Vote:*

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

246 *Nay:*

247 *Abstained:*

248 *Excused:*

249

250

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

252 *Vote:*

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

254 *Nay:*

255 *Abstained:*

256 *Excused:*

257

258 Meeting adjourned at approximately 3:00 PM

259 Minutes prepared by Jesse Bardsley

260

261

262

263

264

265 _____
Skarlet Bankhead, Chair