

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

2 **Wednesday, November 10, 2020 2:30 PM**

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

4
5 **Call to Order:** Skarlet Bankhead

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

7 **Others in Attendance:** Diane Campbell, April Fredrickson, Ryan Snow, Dee Chugg, Howard Christensen, Jessica
8 Williamson, and Christopher Brown

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10 **Item No. 1 - Conditional Use – Townhomes:** The Providence City Administrative Land Use Authority will consider
11 for approval a request Visionary Homes for 4 townhome buildings located at approx. 557 N 225 E, 556 N 225 E, 561
12 N 245 E, and 214 E 550 N, Providence, UT.

13
14 **Background Information:**

15 Complete Application was received November 3, 2020; application contained:

- 16 1. Providence City Conditional Use application and Residential Site Plan application
- 17 2. Payment of \$100 fee, November 3, 2020
- 18 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on November 5,
19 2020.

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21 **FINDINGS OF FACT:**

- 22 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
23 conditional uses and provisions for conditional uses that require compliance with standards set for in an
24 applicable ordinance.
- 25 2. 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), Hazard Earthquake Primary Fault (HE), or
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 3. 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
33 of 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.

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37 **CONCLUSIONS OF LAW:**

- 38 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
39 conditional uses.
- 40 2. This parcel is in a Hazard Water Table 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. The request meets the requirements of the Codes listed in the Findings of Fact with the following
44 conditions:

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46 **CONDITIONS:**

- 47 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
48 codes, and ordinances.
- 49 2. The applicant will mitigate Hazard Water Table by utilization of land drain, and townhomes will be slab on
50 grade, no basements. - See High Water Mitigating Strategies.
- 51 3. This conditional use is for the townhomes only as shown on the site plan emailed November 9, 2020.
- 52 4. Payment of fees listed on the Providence City Zoning Permits.

- 53 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
54 their agents from their responsibility to understand and conform to local, state, and federal laws.
55 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
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57 **Comments:**

- 58 • None
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60 **Motion to approve the conditional use request from Visionary Homes located at 557 N. 225 E., 556 N. 225 E., 561**
61 **N. 245 E., and 214 E. 550 N., Providence, UT based on the Findings of Fact, Conclusions of Law, and Conditions**
62 **reviewed in the staff report : — M. Pierce, second — R. Stapley**

63 **Vote:**

64 **Yea:** S. Bankhead, M. Pierce, R. Stapley

65 **Nay:** None

66 **Abstained:** None

67 **Excused:** None
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69 **Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
70 for approval a request by Christopher Brown, for an accessory building located at 552 N Sarah St., Providence, UT.
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72 **Background Information:**

73 A completed application was received November 2, 2020 and contained:

- 74 1. Providence City Conditional Use Application and Residential Site Plan application.
75 2. The application fee of \$100 fee was received October 26, 2020
76 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure October 26,
77 2020.
78 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated November 6, 2020.
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80 **FINDINGS OF FACT:**

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

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CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The applicant submitted Landslide & Fire Hazard Report for Providence Hollow Phase 3 subdivision dated 10-8-18.
3. The applicant will be installing a 4 ft. retaining wall in backyard as shown on the site plan.
4. This conditional use is for the home only as shown on the site plan date stamped October 29, 2020.
5. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire safety provisions and regulations as adopted by the State of Utah and in accordance with the International Fire Code.
6. 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:

- M Pierce brought up the retaining wall and if it was a mitigation situation or not. A discussion followed.
- D Campbell read the executive summary.
- R Stapley clarified the location of the slopes.

Motion to approve a request for a conditional use by Christopher Brown for a new home located at 552 N. Sarah Street in Providence: — R. Stapley, second — M. Pierce

Vote:
Yea: S. Bankhead, M. Pierce, R. Stapley
Nay: None
Abstained: None
Excused: None

Item No. 3 - Conditional Use – Accessory Building: The Providence City Administrative Land Use Authority will consider for approval a request by Dee Chugg for an accessory building located at 285 N. 300 E., Providence, UT.

Background Information:

A complete application was received October 14, 2020 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure October 19, 2020.

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

157 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
158 gatherings of people, or other causes.

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160 **CONCLUSIONS OF LAW:**

- 161 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
162 conditional uses.
- 163 2. The Cache County GIS Parcel Summary indicates that this parcel is in a Hazard Flood area (FEMA Flood
164 Zone).
- 165 3. PCC 10-5-3 Hazard Flood Area states: Under no circumstance shall any structure be permitted or
166 constructed within thirty feet (30') of the top inside edge of the bank of any natural or manmade
167 waterway that is located in a Hazard Flood Area (HF).
- 168 4. PCC 10-16-5 Permit Required states: A permit shall be reviewed to determine whether proposed building
169 sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new
170 construction and substantial improvements shall:
 - 171 a) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral
172 movement of the structure resulting from hydrodynamic and hydrostatic loads, including the
173 effects of buoyancy.
 - 174 b) Be constructed with materials resistant to flood damage.
 - 175 c) Be constructed by methods and practices that minimize flood damages, and
 - 176 d) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment
177 and other service facilities that are designed and/or located so as to prevent water from
178 entering or accumulating within the components during conditions of flooding.
- 179 5. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
180 detrimental effects of the proposed use.
- 181 6. The request meets the requirements of the Codes listed in the Findings of Fact with the following
182 conditions:

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184 **CONDITIONS:**

- 185 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
186 codes, and ordinances.
- 187 2. This conditional use is for the accessory building only as shown on the site plans date stamped November
188 9, 2020.
- 189 3. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
190 their agents from their responsibility to understand and conform to local, state, and federal laws.
191 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

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193 **Comments:**

- 194 • D Chugg said he'd contacted FEMA about the potential flood area. He went over the report findings.
- 195 • S Bankhead read through the conditions.

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197 **Motion to approve the conditional use request by Dee Chugg for an accessory building located at 285 N. 300 E.**
198 **in Providence based on the Findings of Fact, Conclusions of Law, and Conditions in the staff report, the**
199 **conditions read today, and conclusions from the previous meeting that we held: — M. Pierce, second — R.**
200 **Stapley**

201 **Vote:**
202 **Yea:** S. Bankhead, M. Pierce, R. Stapley
203 **Nay:** None
204 **Abstained:** None
205 **Excused:** None
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207 **Motion to adjourn:** — M. Pierce, second — R. Stapley
208 **Vote:**
209 **Yea:** S. Bankhead, M. Pierce, R. Stapley
210 **Nay:** None
211 **Abstained:** None
212 **Excused:** None

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214 Meeting adjourned at approximately 2:51 PM
215 Minutes prepared by Kris Hobbs Clemente
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220 Skarlet Bankhead, Chair
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