

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**
2 **Wednesday, December 9, 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, Rob Stapley, Max Pierce

9 **Others in Attendance:** Ryan Snow, Diane Campbell, April Fredrickson, Jessica Williamson, Jason Seamons, and
10 Steve Coppieters

11
12 **Item No. 1 - Conditional Use – New Homes:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by Visionary Homes for 4 new homes in the Vineyard Subdivision.

14 Lot 12 – 211 E 520 N, Providence, UT.

15 Lot 14 – 199 E 520 N, Providence, UT.

16 Lot 16 – 185 E 520 N, Providence, UT.

17 Lot 17 – 179 E 520 N, Providence, UT.
18

19 **Background Information:**

20 Complete Application was received December 3, 2020; application contained:

- 21 1. Providence City Conditional Use application and Residential Site Plan application
- 22 2. Payment of \$100 application fee
- 23 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on December 7,
24 2020.

25
26 **FINDINGS OF FACT:**

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

41
42 **CONCLUSIONS OF LAW:**

- 43 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
44 conditional uses.
- 45 2. This parcel is in a Hazard Water Table area.
- 46 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
47 detrimental effects of the proposed use.
- 48 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
49 conditions:

50
51 **CONDITIONS:**

- 52 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,

53 codes, and ordinances.

- 54 2. The applicant will mitigate Hazard Water Table by:
- 55 a. See submitted mitigation letter and Window Well Drain Detail
- 56 3. This conditional use is for the residence only as shown on the site plan date stamped December 3, 2020.
- 57 4. Payment of fees listed on the Providence City Zoning Permit.
- 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 stated for the record that on January 9, 2020 Dallas Nicols the Development Manager for
- 64 Visionary Homes and the Vineyard development sent a letter to her, which she read from.
- 65 • S Bankhead reminded J Williamson to make sure the property pins are in the correct place when getting
- 66 the initial foundation laid out so it does not encroach in the setbacks. That is the main caution.

67

68 **Motion to approve a grant conditional use requested by Visionary Homes for four new homes in the Vineyard**

69 **subdivision on the following: Lot 12 – 211 E 520 N, Lot 14 – 199 E 520 N, Lot 16 – 185 E 520 N, Lot 17 – 179 E 520**

70 **N in Providence based on the Findings of Fact, Conclusions of law and Conditions listed in the staff report and**

71 **stated in the meeting: — M. Pierce, second — R. Stapley**

72 **Vote:**

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

74 **Nay: None**

75 **Abstained: None**

76 **Excused: None**

77

78 **Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider

79 for approval a request by Aaron Bickers and SS Enterprises for a new home located at 65 N. Sherwood Dr.

80 Providence, UT.

81

82 **Background Information:**

- 83 1. Complete Application was received October 16, 2020; application contained:
- 84 2. Providence City Conditional Use Application, Residential Site Plan Application
- 85 3. Payment of \$100 application fee
- 86 4. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on October 19,
- 87 2020.
- 88 5. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 22, 2020.

89

90 **FINDINGS OF FACT:**

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

gatherings of people, or other causes.

CONCLUSIONS OF LAW:

1. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.
2. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire, Slope, and Landslide areas.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. 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.
5. The request meets the requirements of the Codes listed in the Findings of Fact with the following conditions:

CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The applicant will mitigate hazard areas by:
 - a. See letter from Aaron Walker dated October 22, 2020.
 - b. See emailed mitigation strategies dated October 12, 2020.
 - c. See Soil Resource Report dated December 3, 2020.
3. This conditional use is for the residence only as shown on the site plan updated and submitted on October 19, 2020.
4. 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:

- S Bankhead read from the October 12th proposed mitigation strategy that was submitted by Shelly Seamons.
- Contact with the Fire Marshall will be part of the strategy for any safety hazards needing to be implemented.

Motion to approve a conditional use requested by Austin Ball and Orchid homes for a brand new home located at 259 S. 300 E. in Providence based on the Findings of Fact, Conclusions of law and Conditions listed in the staff report: — R. Stapley, second — M. Pierce

Vote:

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

Nay: None

Abstained: None

Excused: None

Item No. 3 – Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Stone Gate Homes and John Roberts for a new home located at 171 N. 850 E. Providence, UT.

Background Information:

A complete application was received December 2, 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 December 4,

157 2020.

- 158 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated December 7, 2020.
159

160 **FINDINGS OF FACT:**

- 161 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
162 conditional uses and provisions for conditional uses that require compliance with standards set for in an
163 applicable ordinance.
164 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
165 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all
166 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
167 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
168 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
169 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
170 any permit shall be issued.
171 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
172 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of
173 persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
174 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
175 gatherings of people, or other causes.
176

177 **CONCLUSIONS OF LAW:**

- 178 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
179 conditional uses.
180 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire area.
181 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
182 detrimental effects of the proposed use.
183 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
184 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
185 accordance with the International Fire Code.
186 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
187 conditions:
188

189 **CONDITIONS:**

- 190 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
191 codes, and ordinances.
192 2. The applicant will mitigate hazard area by:
193 a. See letter from Aaron Walker, Deputy Fire Marshall, dated December 7, 2020.
194 b. See Mitigation Strategies submitted with application December 2, 2020.
195 3. This conditional use is for the residence only as shown on the site plan updated and submitted on
196 December 2, 2020.
197 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
198 their agents from their responsibility to understand and conform to local, state, and federal laws.
199 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
200

201 **Comments:**

- 202 • Aaron Walker's letter was discussed along with required fire water flows and fire water sprinklers.
203 • S Bankhead read from the letter received from Civil Solutions concerning their mitigation strategies, and a
204 discussion followed.
205 • S Bankhead reminded the applicant to have their corners well marked before they dig their foundation to
206 make sure it is in the correct place.
207 • S Bankhead asked about the distance between the two driveways and it was verified it was up to code.
208

209 Motion to approve the request for a conditional use by Stone Gate Homes and John Roberts for a new home
210 located at 171 N. 850 E. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions that
211 were established in the staff report and mitigation strategies that have been provided: — R. Stapley, second —
212 — M. Pierce

213 **Vote:**
214 **Yea:** S. Bankhead, M. Pierce, R. Stapley
215 **Nay:** None
216 **Abstained:** None
217 **Excused:** None

218
219 Motion to adjourn: — M. Pierce, second — R. Stapley

220 **Vote:**
221 **Yea:** S. Bankhead, M. Pierce, R. Stapley
222 **Nay:** None
223 **Abstained:** None
224 **Excused:** None

225
226 Meeting adjourned at approximately 3:05 PM
227 Minutes prepared by Kris Hobbs Clemente

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231 _____
232 Skarlet Bankhead, Chair