

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

2 **Wednesday, February 17, 2021 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**

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

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

9 **Others in Attendance:** Ryan Snow, Diane Campbell, April Fredrickson, Trent Christensen, Shireece Christensen,
10 Brandon Broadstone, Matthew Daines

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12 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by Shireece and Trent Christensen for a new home, located at 649 E 525 N, Providence, UT.

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15 **Background Information:**

16 A complete application was received February 8, 2021 and contained:

- 17 1. Providence City Conditional Use Application and Residential Site Plan application.
- 18 2. Payment of \$100 fee, Feb. 8, 2021
- 19 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure February 16,
20 2021.
- 21 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated February 11, 2021.

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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:

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49 **CONDITIONS:**

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

2. The applicant submitted a Landslide and Fire Hazard Report date 10-8-18.
3. This conditional use is for the home only as shown on the site plan date stamped February 9, 2021.
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. Approval by the City of any submitted application 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 Aaron Walker’s letter dated February 11, 2021. She also read from the developer’s executive summary of the hazard report from October 8, 2018.
- R Stapley asked about retaining walls and the driveway. A discussion followed including the lot location.
- S Bankhead reminded the applicants to have their pins in place so that when the inspector comes out they can see the setbacks are in the right place for the home.

Motion to approve the request for a conditional use for a new home located at 649 E. 525 N. based on the Findings of Fact, Conclusions of Law, and Conditions presented during the staff report: — M. Pierce, second —

– R. Stapley

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

Item No. 2 – Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Amy and Adam Anderson located at 815 E Canyon Rd. Providence, UT.

Background Information:

A complete application was received January 20, 2021 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 fee, January 20, 2021
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure January 21, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated February 11, 2021.

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

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 a Hazard Wildfire area.
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 Wildfire Area by working with Aaron Walker, Fire Inspector, to meet fire mitigation requirements.
 - a. See letter from Aaron Walker, Deputy Fire Marshall, dated February 11, 2021.
3. This conditional use is for the home only as shown on the site plan date stamped January 27, 2021.
4. Approval by the City of any submitted application 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 asked about the subdivision of the driveway and its location leading to the private road versus the main road. A discussion followed.
- R Stapley brought up sensitive areas in the location of the project and this was discussed as well.
- The setting of the driveway and the archway of it was also brought up again just to make sure it didn't hit the water meter or if the water meter should be moved depending on the owner's preference.
- S Bankhead read from Aaron Walker's letter dated February 11, 2021.
- Fire walls were brought up and that if any changes were made in the future to keep Aaron Walker in mind because he would need to be contacted with a new mitigation plan.
- S Bankhead reminded the applicants to mark their property lines so the inspectors can see the setbacks; particularly important in this case with sensitive areas and being within the building envelope.

Motion to approve the conditional use request for a new home located at 815 E. Canyon Road based on the Findings of Fact, Conclusions of Law, and the Conditions that were in the staff report: — M. Pierce, second —

R. Stapley

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

Meeting adjourned at approximately 3:05 PM

154 Minutes prepared by Kris Hobbs Clemente
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159 Skarlet Bankhead, Chair

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