

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**  
2 **Wednesday, March 10, 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, Jessica Williamson

10  
11 **\*Items 1,2, and 3 were combined as one in the meeting for Visionary Homes.**

12  
13 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
14 for approval a request by Visionary Homes for a new home, located at 535 N 275 E, Providence, UT (Vineyard Lot  
15 57).

16  
17 **Background Information:**

18 Complete Application was received February 26, 2021; application contained:

- 19 1. Providence City Conditional Use application and Residential Site Plan application
- 20 2. Payment of \$100 application fee
- 21 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on March 1,  
22 2021.

23  
24 **Item No. 2 – Conditional Use - New Home:** The Providence City Administrative Land Use Authority will consider  
25 for approval a request by Visionary Homes for a new home, located at 556 N 275 E, Providence, UT (Vineyard Lot  
26 64).

27  
28 **Background Information:**

29 Complete Application was received February 26, 2021; application contained:

- 30 1. Providence City Conditional Use application and Residential Site Plan application
- 31 2. Payment of \$100 application fee
- 32 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on March 1,  
33 2021.

34  
35 **Item No. 3 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
36 for approval a request by Visionary Homes for a new home, located at 546 N 275 E, Providence, UT (Vineyard Lot  
37 65).

38  
39 **Background Information:**

40 Complete Application was received February 26, 2021; application contained:

- 41 1. Providence City Conditional Use application and Residential Site Plan application
- 42 2. Payment of \$100 application fee
- 43 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on March 5,  
44 2021.

45  
46 **FINDINGS OF FACT:**

- 47 1. UCA 10-9a-507. Conditional Uses allows a municipality to adopt a land use ordinance that includes  
48 conditional uses and provisions for conditional uses that require compliance with standards set for in an  
49 applicable ordinance.
- 50 2. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional Use Permit Required states, all  
51 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the  
52 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW), Hazard Earthquake Primary Fault (HE), or

Hazard Wildfire (WF), 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.

3. 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. This parcel is in a Hazard Water Table area.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. 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 Water Table by:
  - a. See submitted mitigation letter and Window Well Drain Detail
3. This conditional use is for the residence only as shown on the site plan date stamped February 26, 2021.
4. Payment of fees listed on the Providence City Zoning Permit.
5. 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 clarified that the letter Diane mentioned was dated January 9, 2020 from Dallas Nichols who was the development manager of Visionary Homes. They had a geotechnical report prepared by a Cache Corp on June 12, 2019 that addressed the high water table that said a land drain would be an acceptable mitigation strategy to allow the construction of homes with basements. S Bankhead read from the letter.
- S Bankhead reminded J Williamson to have the property corners staked so when the footings are inspected they can make sure they are in the right spot and the setbacks are honored.

**Motion to approve the conditional use requested by Visionary Homes located at 535 N. 275 E. which is Vineyard lot 57, the approval of a conditional use for a new home located at 556 N. 275 E. which is Vineyard lot 64 and the approval of a conditional use for a new home located at 546 N. 275 E. which is Vineyard lot 65 based on the Findings of Fact, Conclusions of Law, and Conditions submitted on the staff report: — M. Pierce, second — R. Stapley**

**Vote:**

<b>Yea:</b>	<b>S. Bankhead, M. Pierce, R. Stapley</b>
<b>Nay:</b>	<b>None</b>
<b>Abstained:</b>	<b>None</b>
<b>Excused:</b>	<b>None</b>

**Item No. 4 – Conditional Use – Dew Tank:** The Providence City Administrative Land Use Authority will consider for approval a request by Providence City for a 1.5 MG water storage tank, located at 400 S 850 E, Providence, UT.

105 **Background Information:**  
106 A complete Application was received February 26, 2021; application contained a Providence City Conditional Use  
107 application and site plan.

- 109 **FINDINGS OF FACT:**
- 110 1. UCA 10-9a-507. Conditional Uses allows a municipality to adopt a land use ordinance that includes  
111 conditional uses and provisions for conditional uses that require compliance with standards set for in an  
112 applicable ordinance.
  - 113 2. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional Use Permit Required states, all  
114 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the  
115 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW), Hazard Earthquake Primary Fault (HE), or  
116 Hazard Wildfire (WF), shall be dealt with as a request for a conditional use permit under the provisions of  
117 Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit  
118 shall be issued.
  - 119 3. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the  
120 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare  
121 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the  
122 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large  
123 gatherings of people, or other causes.

- 125 **CONCLUSIONS OF LAW:**
- 126 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
127 conditional uses.
  - 128 2. This parcel is in a Hazard Wildfire area.
  - 129 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated  
130 detrimental effects of the proposed use.
  - 131 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following  
132 conditions:

- 134 **CONDITIONS:**
- 135 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
136 codes, and ordinances.
  - 137 2. This conditional use is for the residence only as shown on the site plan date stamped March 4, 2021.
  - 138 3. Payment of fees listed on the Providence City Zoning Permit.
  - 139 4. Approval by the City of any application submitted, or paperwork does not alleviate the owners and/or  
140 their agents from their responsibility to understand and conform to local, state, and federal laws.  
141 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

- 143 **Comments:**
- 144 • It was clarified that this item was being covered because of the wildfire hazard and no other.
  - 145 • R Snow represented the applicant in this scenario. He said it would be a good project for the city  
146 and the citizens.
  - 147 • M Pierce asked about maintenance of the area, a discussion followed.

148  
149 **Motion to approve the request by Providence City for a conditional use for a 1.5-million-gallon water storage**  
150 **tank located at approximately 400 S. 850 E. in Providence based on the Findings of Fact, Conclusions of Law, and**  
151 **Conditions that Diane read to us from the staff report: — R. Stapley, second — M. Pierce**

152 **Vote:**  
153 **Yea:** S. Bankhead, M. Pierce, R. Stapley  
154 **Nay:** None  
155 **Abstained:** None  
156 **Excused:** None

157  
158 **Motion to adjourn:** — M. Pierce, second — R. Stapley  
159 **Vote:**  
160 **Yea:** S. Bankhead, M. Pierce, R. Stapley  
161 **Nay:** None  
162 **Abstained:** None  
163 **Excused:** None

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165 Meeting adjourned at approximately 2:49 PM  
166 Minutes prepared by Kris Hobbs Clemente

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171 Skarlet Bankhead, Chair