

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

2 **Wednesday, June 2, 2021 2:40 PM**

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

4 **This meeting was live streamed on Providence City's YouTube Channel**

5
6 **Call to Order:** Skarlet Bankhead, Chair

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

8 **Others in Attendance:** Ty Cameron, April Fredrickson, Diane Campbell, Robert Bissland, Jessica Williamson,
9 Brent Miller, Laura Fisher

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – Greenhouse:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by Robert Bissland for a greenhouse located at 1590 Canyon Rd., Providence, UT.

14
15 **Background Information:**

16 Complete Application was received May 20, 2021, and contained:

- 17 1. Providence City Conditional Use application and Residential Site Plan Application
- 18 2. Payment of application \$100.
- 19 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure June 1, 2021.
- 20 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 25, 2021.

21
22 **FINDINGS OF FACT:**

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

38
39 **CONCLUSIONS OF LAW:**

- 40 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
41 conditional uses.
- 42 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire area.
- 43 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
44 detrimental effects of the proposed use.
- 45 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
46 conditions:

47
48 **CONDITIONS:**

- 49 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
50 codes, and ordinances.
- 51 2. The applicant will mitigate Wildfire Area by: See review letter from Aaron Walker, Deputy Fire Marshall,
52 dated May 25, 2021.

- 53 3. This conditional use is for the greenhouse and shed only as shown on the site plan dated June 2, 2021.
54 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
55 their agents from their responsibility to understand and conform to local, state, and federal laws.
56 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
57

58 **Comments:**

- 59 • S Bankhead read from Aaron Walker's letter; he talked about accesses and hydrants, etc.
60 • R Bissland said he would submit his paperwork for the green house to the county and get everything
61 necessary submitted. He explained in detail the structure of the green house.
62

63 **Motion to approve the request by Robert Bissland for a greenhouse located at 1590 Canyon Rd in Providence**
64 **based on the Findings of Fact, Conclusions of Law, and Conditions represented in the staff report: – M. Pierce,**
65 **second – R. Stapley**

66 **Vote:**

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

68 **Nay:** None

69 **Abstained:** None

70 **Excused:** None
71

72 **Item No. 2 – Conditional Use – Retaining Wall:** The Providence City Administrative Land Use Authority will
73 consider for approval a request by Brent Miller for a retaining wall located at 254 N. 850 E., Providence, UT.
74

75 **Background Information:**

76 A complete application was received May 25, 2021, containing:

- 77 1. Providence City Conditional Use and Residential Site Plan Application
78 2. Payment of \$100 application fee.
79 3. Rob Stapley, Providence City Public Works Director, signed inspection on June 1, 2021.
80

81 **FINDINGS OF FACT:**

82 *Same as the previous in the previous item.
83

84 **CONCLUSIONS OF LAW:**

- 85 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
86 conditional uses.
87 2. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire, Landslide, and Slope
88 areas.
89 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
90 detrimental effects of the proposed use.
91 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
92 conditions:
93

94 **CONDITIONS:**

- 95 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
96 codes, and ordinances.
97 2. The applicant will mitigate Landslide and Slope Areas by: See General Structural Notes submitted with
98 application.
99 3. This conditional use is for the retaining wall only as shown on the plan dated May 26, 2021.
100 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
101 their agents from their responsibility to understand and conform to local, state, and federal laws.
102 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
103

104 **Comments:**

- B Miller explained in detail the area and why they are adding a retaining wall.
- There was a discussion about the waterfall that will keep circulating on the exterior wall.
- M Pierce asked about the intent of a guard rail. He also reminded B Miller they would need another permit for the future swimming pool.

Motion to approve a conditional use requested by Brent Miller for a retaining wall located at 254 N. 850 E. in

Providence: – M. Pierce, second – R. Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay: None

Abstained: None

Excused: None

***Items 3,4, & 5 were read together as they were all requests by Visionary Homes.**

Item No. 3 - Conditional Use – Townhomes: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a townhome building located at 548-528 N. 100 E., Providence, UT (Vineyard Bldg. 13).

Background Information:

Complete Application was received March 24, 2021; application 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 on June 1, 2020.

FINDINGS OF FACT are the same for items 3,4,5:

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. 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.
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 are the same for items 3,4,5:

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: See High Water Mitigating Strategies.
3. This conditional use is for the townhomes only as shown on the site plan date stamped March 25, 2021.
4. Payment of fees listed on the Providence City Zoning Permit.
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.

Item No. 4 - Conditional Use – Condominiums: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a condominium building located at 139 E. 550 N., Providence, UT (Vineyard Bldg. B)

Background Information:

Complete Application was received March 24, 2020; application contained:

1. Providence City Conditional Use application and Multi-Family Design Application
2. Payment of \$100 application fee.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on June 1, 2021

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: See High Water Mitigating Strategies.
3. This conditional use is for the condominium building only as shown on the grading plan and plat map date stamped Jan. 14, 2021.
4. Payment of fees listed on the Providence City Zoning Permit.
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.

Item No. 5 - Conditional Use - Condominiums: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a condominium building located at 537 N. 130 E., Providence, UT (Vineyard Bldg. D).

Background Information:

Complete Application was received Jan. 14, 2020; application contained:

1. Providence City Conditional Use application and Multi-Family Design Application
2. Payment of \$100 application fee.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on June 1, 2021

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: See High Water Mitigating Strategies.
3. This conditional use is for the condominium building only as shown on the grading plan and plat map date stamped Jan. 14, 2021.
4. Payment of fees listed on the Providence City Zoning Permit.
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:

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- S Bankhead states that as Land Administrative Authority they only have say over the conditional use not whether they are using the right stone or product.
 - A discussion of the architectural part of the projects were discussed in length.
 - R Stapley mentioned that if the plans weren't changed from the originals turned in, then it would be okay to go forward.

215 **The motion that is proposed is to address the last three items on the agenda, since all three items are on slab to**

216 **the grate for our approval. I make the motion to approve the request for conditional use for a town home**

217 **located at 548-528 N. 100 E., the condominium building located at 139 E. 550 N., and a condominium building**

218 **located at 537 N. 130 E. in the Vineyard development based on the Findings of Fact, Conclusions of Law, and**

219 **Conditions presented in the staff report: — R. Stapley, second — M. Pierce**

220 **Vote:**

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

222 **Nay:** None

223 **Abstained:** None

224 **Excused:** None

225

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

227 **Vote:**

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

229 **Nay:** None

230 **Abstained:** None

231 **Excused:** None

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233 Meeting adjourned at approximately 3:28 PM

234 Minutes prepared by Kris Hobbs Clemente

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238 Skarlet Bankhead, Chair

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