

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

2 **Wednesday, June 16, 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:** Ryan Snow, Tyler Cameron, Diane Campbell, April Fredrickson, Lev Siporih, Jessica
9 Williamson

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – Pool and Retaining Wall:** The Providence City Administrative Land Use Authority
13 will consider for approval a request by 1, LLC for Bryan Wrigley for a pool and retaining wall located at 250 S.
14 Sherwood Dr., Providence, UT.

15
16 **Background Information:**

17 Complete Application was received June 10, 2021, and contained:

- 18 1. Providence City Conditional Use application and Residential Site Plan Application
- 19 2. Payment of application \$100.
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure June 15, 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 Steep Slope and Wildfire Hazard areas.
- 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 slopes with construction of retaining wall. Current slope measured 16%. No
52 wildfire review from Aaron Walker, Deputy Fire Inspector, is required for these projects – see email dated

53 June 9, 2021.

- 54 3. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming pools.
- 55 4. This conditional use is for the pool, detached spa, and retaining wall only as shown on the site plan dated
- 56 June 10, 2021.
- 57 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
- 58 their agents from their responsibility to understand and conform to local, state, and federal laws.
- 59 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- 60

61 **Comments:**

- 62 • S Bankhead asked for clarification on the swimming pool and spa if they were connected etc. The
- 63 applicant said they were not attached.
- 64 • There was a discussion about the property lines, perimeters, and dimensions to make sure they added up.
- 65 • S Bankhead double checked the zoning for the project to make sure they were all on the same page.
- 66 • Aaron Walker, the Fire Marshall only inspected for a swimming pool and retaining wall not the spa and so
- 67 S Bankhead said that the applicant should contact A Walker to find out what needs to be done.
- 68

69 **Motion to approve the request for a retaining wall, a pool, and a spa based on the site plan submitted and date**

70 **stamped with the pool not being attached to the spa, based on the Findings of Fact, Conclusions of Law, and**

71 **Conditions that were in the staff report: — R. Stapley, second — M. Pierce**

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 – Townhomes:** The Providence City Administrative Land Use Authority will consider

79 for approval a request by Visionary Homes for a townhome building located at 533-549 N. 100 E., Providence, UT

80 (Vineyard Bldg. 11).

81

82 **Background Information:**

83 Complete Application was received June 11, 2021; application contained:

- 84 1. Providence City Conditional Use application and Residential Site Plan application
- 85 2. Payment of \$100 application fee.
- 86 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on June 15, 2021.
- 87

88 **FINDINGS OF FACT are the same for items 2,3,4:**

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

104 **CONCLUSIONS OF LAW:**

- 105 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
106 conditional uses.
107 2. This parcel is in a Hazard Water Table area.
108 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
109 detrimental effects of the proposed use.
110 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
111 conditions:
112

113 **CONDITIONS:**

- 114 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
115 codes, and ordinances.
116 2. The applicant will mitigate Hazard Water Table by: See High Water Mitigating Strategies.
117 3. This conditional use is for the townhomes only as shown on the site plan date stamped June 14, 2021.
118 4. Payment of fees listed on the Providence City Zoning Permit.
119 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
120 their agents from their responsibility to understand and conform to local, state, and federal laws.
121 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
122

123 **Item No. 3 - Conditional Use – Condominiums:** The Providence City Administrative Land Use Authority will
124 consider for approval a request by Visionary Homes for a condominium building located at 115 E. 550 N.,
125 Providence, UT (Vineyard Bldg. C)
126

127 **Background Information:**

128 Complete Application was received June 11, 2021; application contained:

- 129 1. Providence City Conditional Use application.
130 2. Payment of \$100 application fee.
131 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on June 15, 2021.
132

133 **CONCLUSIONS OF LAW:**

- 134 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
135 conditional uses.
136 2. This parcel is in a Hazard Water Table area.
137 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
138 detrimental effects of the proposed use.
139 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
140 conditions:
141

142 **CONDITIONS:**

- 143 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
144 codes, ordinances.
145 2. The applicant will mitigate Hazard Water Table by: See High Water Table Mitigating Strategies.
146 3. This conditional use is for the condominium building only as shown on the site plan date stamped June 10,
147 2021.
148 4. Payment of fees listed on the Providence City Zoning Permit.
149 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
150 their agents from their responsibility to understand and conform to local, state, and federal laws.
151 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
152

153 **Item No. 4 - Conditional Use - Condominiums:** The Providence City Administrative Land Use Authority will
154 consider for approval a request by Visionary Homes for a condominium building located at 536 N. 130 E.,
155 Providence, UT (Vineyard Bldg. E).
156

157 **Background Information:**
158 Complete Application was received June 4, 2021; application contained:
159 1. A complete Providence City Conditional Use application.
160 2. Payment of \$100 application fee.
161 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on June 15, 2021
162

163 **CONCLUSIONS OF LAW:**
164 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
165 conditional uses.
166 2. This parcel is in a Hazard Water Table area.
167 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
168 detrimental effects of the proposed use.
169 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
170 conditions:
171

172 **CONDITIONS:**
173 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
174 codes, ordinances.
175 2. The applicant will mitigate Hazard Water Table by: See High Water Table Mitigating Strategies.
176 3. This conditional use is for the condominium building only as shown on the plat map date stamped June 4,
177 2021.
178 4. Payment of fees listed on the Providence City Zoning Permit.
179 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
180 their agents from their responsibility to understand and conform to local, state, and federal laws.
181 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
182

183 **Comments:**
184 • S Bankhead tries to figure out which building style Visionary Homes is wanting to use because the plans
185 look different from 2019.
186 • S Bankhead stated that the angular styles came into play in the third phase. There is a difference from the
187 original application. S Bankhead said that everything needed to be in chronological order and the
188 applications need to show which building type will be used.
189

190 **Motion to approve Visionary's request for items 2,3, & 4. Number 2 is the town home located at 533-549 N. 100**
191 **E. (Vineyard Bldg 11.) Item 3 would be the condominium located at 115 E. 550 N. (Vineyard Bldg C.) Number 4**
192 **would be the condominium located at 536 N. 130 E. (Vineyard Bldg E.) based on the Findings of Fact, Conclusions**
193 **of Law, and Conditions in the staff report: — M. Pierce, second — R. Stapley**

194 **Vote:**
195 **Yea: S. Bankhead, M. Pierce, R. Stapley**
196 **Nay: None**
197 **Abstained: None**
198 **Excused: None**
199

200 **Motion to adjourn: — R. Stapley, second — M. Pierce**
201 **Vote:**
202 **Yea: S. Bankhead, M. Pierce, R. Stapley**
203 **Nay: None**
204 **Abstained: None**
205 **Excused: None**
206

207 Meeting adjourned at approximately 3:21 PM
208 Minutes prepared by Kris Hobbs Clemente

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210
211
212
213

Skarlet Bankhead, Chair

DRAFT