

1 **Providence City**
2 **Administrative Land Use Authority**
3 **Thursday, April 25, 2019 10:35 AM**
4 Providence City Office Building
5 164 North Gateway Drive, Providence UT 84332
6

7 Attendance: Skarlet Bankhead, Max Pierce, Rob Stapley
8

9 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for
10 approval a request by Adam Sorenson for approval of a conditional use site plan for a single-family residence
11 located at 379 N Sarah Street, Providence UT.

12 Adam Sorenson attended the meeting.

13 S Bankhead reviewed the following:

14 **Background Information:**

- 15 1. Complete Application was received April 02, 2019; application contained:
- 16 2. Providence City Conditional Use Application
- 17 3. Payment of \$100 fee, 04/02/2019
- 18 4. A complete Zoning Permit Application
- 19 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 04/08/2019
- 20 6. Mindi Petersen, Office Specialist, reviewed and signed the Zoning Permit.

21 **FINDINGS OF FACT:**

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

37 **CONCLUSIONS OF LAW:**

- 38 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
39 conditional uses.
- 40 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard area.
- 41 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
42 detrimental effects of the proposed use.
- 43 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire
44 safety provisions and regulations as adopted by the State of Utah and in accordance with the
45 International Fire Code.
- 46 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
47 conditions:

48 **CONDITIONS:**

- 49 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
50 codes, ordinances.
- 51 2. The applicant will mitigate Wildfire Area by:
52 a. S Bankhead read from letter from Aaron Walker dated 04/18/2019
- 53 3. This conditional use is for the residence only as shown on the site plan date stamped 04/03/2019.

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:

- R Stapley said that one page of the plans showed the water meter setter in the concrete driveway, which we do not allow. Another page showed it in a correct location.
- S Bankhead warned the applicant to be careful on the setbacks.

Motion to approve the conditional use on the findings of facts, conclusions of law, and conditions M Pierce–, second – R Stapley ;

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

Item No. 2. Conditional Use – Site Plan: The Providence City Administrative Land Use Authority will consider for approval a request by Nathan and Sannette Webb for approval of a conditional use site plan for a pool located at 600 Hillsborough Drive, Providence UT.

Nathan Webb and Nathan Ballstaedt attended the meeting.

S Bankhead reviewed the following:

Background Information:

1. Complete Application was received April 22, 2019; application contained:
2. Providence City Conditional Use Application
3. Payment of \$100 fee, 04/22/2019
4. A complete Zoning Permit Application
5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 04/19/2019
6. Mindi Petersen, Office Specialist, reviewed and signed the Zoning Permit.

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 Moderate Wildfire Hazard 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, 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

1 International Fire Code.

- 2 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
3 conditions:

4 **CONDITIONS:**

- 5 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
6 codes, ordinances.
- 7 2. The applicant will mitigate Wildfire Area by:
8 a. S Bankhead read from email from Aaron Walker dated 04/23/2019
- 9 3. This conditional use is for the pool only as shown on the site plan date stamped 04/11/2019.
- 10 4. Payment of fees listed on the Providence City Zoning Permit.
- 11 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
12 their agents from their responsibility to understand and conform to local, state, and federal laws.
13 Providence City’s approval is not intended to and cannot be construed to allow any laws to be violated.
- 14 6. The structure will have to be placed the appropriate distance from the hazard slope according to
15 instructions from the Cache County Building Official.

16 **Comments:**

- 17 • N Webb asked what kind of restrictions he might have that other people would not have from being in a
18 Wildfire Hazard Area.
- 19 • S Bankhead explained that there are requirements for building such as mesh on openings and special
20 roofing shingles.
- 21 • The slopes on the property were discussed. In the building code, a house must be a certain distance from
22 a steep slope. The plan for the pool calls for retaining walls. The county building inspector will determine
23 how the retaining walls will affect the placement of the pool.
- 24 • N Ballstaedt spoke about the fence placement. S Bankhead said that as long as the fence encloses the
25 pool area, the placement shouldn’t matter. N Ballstaedt asked if the retaining wall could act as the fence.
- 26 • S Bankhead said that the retaining wall can count as the fence.
- 27 • S Bankhead said that if they plan to put any fence on top of the retaining wall, they would need to get a
28 building permit, because the retaining wall is 6ft. Any fence above 6ft requires a building permit.
- 29 • M Pierce wondered if it would be a safety concern if someone could get on top of the retaining wall and
30 drop down to access the pool area.
- 31 • N Ballstaedt said that the building code does not require a fence. It requires a safety cover. Providence
32 City requires the fence.
- 33 • S Bankhead said that Providence City counts the retaining wall as a fence. However, there may be
34 concerns with homeowner’s insurance.

35
36 **Motion to approve the conditional use on the findings of facts, conclusions of law, and conditions –R Stapley,**
37 **second –M Pierce ;**

38 **Vote: Yea: S Bankhead, M Pierce, R Stapley**
 39 **Nay: None**
 40 **Abstained: None**
 41 **Excused: None**
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44 **Motion to Adjourn — M Pierce, second — R Stapley**

45 **Vote: Yea: S Bankhead, M Pierce, R Stapley**
 46 **Nay: None**
 47 **Abstained: None**
 48 **Excused: None**
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50 Meeting adjourned at approximately 11:10 AM

51 Minutes prepared by Jesse Bardsley

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Skarlet Bankhead, Chair

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