

1 **Providence City**  
2 **Administrative Land Use Authority**  
3 **Minutes– Thursday, June 27, 2019 4:00 PM**

4 Providence City Office Building  
5 164 North Gateway Drive, Providence UT 84332

6  
7 Members in attendance: Skarlet Bankhead, Max Pierce, Rob Stapley  
8 Others in attendance: Diane Campbell, zoning staff; Rob Summers, representing the Dahles; Gene  
9 Spaulding.

- 10  
11 • S Bankhead explained that the Administrative Land Use Authority has no legislative power. All  
12 that they can do is decide whether a land use complies with the law. They work with the  
13 applicants until they get to a point where their project can be approved.

14  
15 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will  
16 consider for approval a request by Roger and Mary Jo Dahle for a conditional use site plan for an  
17 addition to the residence located at 745 E Canyon Rd, Providence UT.

18 **Background Information:**

- 19 1. Complete Application was received May 21, 2019; application contained:  
20 2. Providence City Conditional Use Application  
21 3. Payment of \$100 fee, May 21, 2019  
22 4. A complete Zoning Permit Application  
23 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on  
24 05/28/2019  
25 6. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

26  
27 **FINDINGS OF FACT:**

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

43  
44 **CONCLUSIONS OF LAW:**

- 45 1. Providence City has adopted land use ordinances that include conditional uses and provisions  
46 for conditional uses.  
47 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard  
48 area, and has moderate and steep slopes.

- 49 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably  
50 anticipated detrimental effects of the proposed use.  
51 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest  
52 of the fire safety provisions and regulations as adopted by the State of Utah and in accordance  
53 with the International Fire Code.  
54 5. The request meets the requirements of the Codes listed in the Findings of Fact with the  
55 following conditions:

56 **CONDITIONS:**

- 57 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
58 laws, codes, ordinances.  
59 2. The applicant will mitigate Wildfire Area by:  
60 a. S Bankhead read from the letter from Aaron Walker dated 06/20/2019.  
61 3. This conditional use is for the addition to the residence only as shown on the site plan date  
62 stamped 05/21/2019.  
63 4. Payment of fees listed on the Providence City Zoning Permit.  
64 5. Approval by the City of any application submitted or paperwork does not alleviate the owners  
65 and/or their agents from their responsibility to understand and conform to local, state, and  
66 federal laws. Providence City's approval is not intended to and cannot be construed to allow any  
67 laws to be violated.  
68

69 **Comments:**

- 70 • R Stapley said that the fire hydrant number in A Walker's letter, 702, is a typo. It is number 207  
71 on our maps.  
72 • R Summers clarified that the 9,982 square feet includes the existing house and the addition.  
73 • S Bankhead asked how long the fire resistant treatment for the roof that is mentioned in A  
74 Walker's letter will last.  
75 • R Summers said that some treatments need to be redone about every 10 years. The shakes for  
76 the addition will come pre-treated, and the existing house will be treated.  
77 • In addition to what we have already covered, S Bankhead said that Providence City Code 10-5-7  
78 encourages homeowners to implement the following:  
79 • Inspect your property regularly, clearing dead wood and dense vegetation from at least  
80 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will be  
81 needed to protect your home. A fuel break should be maintained around all structures.  
82 • Move firewood away from the house or attachments like fences or decks.  
83 • S Bankhead spoke about the slopes that are shown on the map from CRS Engineers. The orange  
84 shaded areas are 30%+ grade. S Bankhead asked if there are any of the orange shaded areas  
85 that are greater than 50 feet in length [perpendicular to the slope lines which would make them  
86 unbuildable per Providence City Code]. There was one area where M Pierce could not tell for  
87 sure. S Bankhead said that R Summers will have to work with the county building official to  
88 make sure that appropriate setbacks are maintained from those areas.  
89 • M Pierce said that there are retaining walls proposed that should mitigate the slopes.  
90 • S Bankhead noted that the applicant will need to follow the site notes on the site plan that was  
91 submitted, including establishing construction stakes and/or horizontal and vertical control prior  
92 to beginning construction, and coordinating the elevation of the footing and foundation with  
93 benchmark control and utility [sewer] invert elevation.  
94 • M Pierce asked about the purple line that represents the easement for the power line. He asked  
95 how the power company is allowing them to build there.

- 96 • R Summers said that Rocky Mountain Power told him that they can build within the easement as  
97 long as it is not under the power line itself. The easement has a setback for insurance reasons.  
98 • S Bankhead asked R Summers to contact a representative from Rocky Mountain Power and have  
99 them give us something in writing stating that they can build there.  
100 • S Bankhead asked if the property line is represented on this map. R Summers said that the  
101 dotted black line represents the buildable area, not the property line.  
102 • S Bankhead cautioned the applicant to make sure that when the building inspectors come out to  
103 inspect the foundation location, that he shows them where the property lines are so that they  
104 can measure from them.  
105 • R Summers said he will have survey markers nearby where they can pull measurements from.  
106 • S Bankhead said that we have had several projects in the last year in which the building  
107 inspectors have been given incorrect information.  
108 • S Bankhead asked Diane Campbell, zoning staff, to check the site plan, which shows the  
109 property line, to assure setback compliance.  
110 • S Bankhead said that ultimately, the contractor/owner is responsible to put the building in the  
111 right place. The projects that have gone wrong have looked good on the site plan, but at the  
112 actual site, they measured from a point that they thought was the property line, but it was not  
113 the property line. Having a surveyor come and mark the property is very important.  
114

115 **Motion to approve the conditional use with the additional conditions that the applicant provide a site**  
116 **plan that has the dimensions and setbacks, that the applicant understands that they need to stake the**  
117 **property lines prior to having the building inspectors come to look at the footings, and that the applicant**  
118 **get something in writing from Rocky Mountain Power approving the project within the easement: — M**

119 **Pierce, second — R Stapley**

120 **Vote:**

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

122 **Nay**

123 **Abstained**

124 **Excused:**

125  
126 **Item No. 2 Condition Use – Site Plan:** The Providence City Administrative Land Use Authority will  
127 consider for approval a request by Gene and Cree Spaulding for a conditional use site plan for a  
128 residence located at 837 E Spring Creek Pkwy, Providence, UT  
129

130 **Background Information:**

- 131 1. Complete Application was received May 23, 2019; application contained:  
132 2. Providence City Conditional Use Application  
133 3. Payment of \$100 fee, May 24, 2019  
134 4. A complete Zoning Permit Application  
135 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on  
136 06/11/2019  
137 6. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.  
138

139 **FINDINGS OF FACT:**

- 140 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that  
141 includes conditional uses and provisions for conditional uses that require compliance with  
142 standards set for in an applicable ordinance.

- 143 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.  
144 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states,  
145 all requests for permits involving a lot, parcel or site located wholly or partially within an area  
146 subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard  
147 Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request  
148 for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications  
149 shall comply with the following regulations before any permit shall be issued.  
150 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate  
151 the reasonably anticipated detrimental effects of the proposed use on the health, safety, or  
152 general welfare of persons residing, working, or conducting business in the vicinity; to mitigate  
153 injury to property in the vicinity; to mitigate any risk to safety of persons or property because of  
154 vehicular traffic or parking, large gatherings of people, or other causes.

155  
156 **CONCLUSIONS OF LAW:**

- 157 1. Providence City has adopted land use ordinances that include conditional uses and provisions  
158 for conditional uses.  
159 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard  
160 area.  
161 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably  
162 anticipated detrimental effects of the proposed use.  
163 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest  
164 of the fire safety provisions and regulations as adopted by the State of Utah and in accordance  
165 with the International Fire Code.  
166 5. The request meets the requirements of the Codes listed in the Findings of Fact with the  
167 following conditions:

168 **CONDITIONS:**

- 169  
170 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
171 laws, codes, ordinances.  
172 2. The applicant will mitigate Wildfire Area by:  
173 a. S Bankhead read from the letter from Aaron Walker dated 06/25/2019  
174 3. This conditional use is for the residence only as shown on the site plan date stamped  
175 06/24/2019.  
176 4. Payment of fees listed on the Providence City Zoning Permit.  
177 5. Approval by the City of any application submitted or paperwork does not alleviate the owners  
178 and/or their agents from their responsibility to understand and conform to local, state, and  
179 federal laws. Providence City’s approval is not intended to and cannot be construed to allow any  
180 laws to be violated.

181 **Comments:**

- 182  
183 • R Stapley said that the hydrant mentioned in A Walker’s letter is not yet installed. He asked the  
184 applicant if they plan to install a hydrant next to the driveway entrance. Gene Spaulding said  
185 that this is correct.  
186 • S Bankhead asked if we need to have that fire hydrant installed before we can issue a permit  
187 because it is a life safety issue.  
188 • M Pierce said that normally, they would need to have the hydrant installed before they build  
189 anything combustible. They can do excavation and concrete work before it is put in.  
190 • G Spaulding said that the excavators will be putting in the hydrant while they are there.

- 191 • S Bankhead said that the actual plans were not available to A Walker. The applicant will need to
- 192 stay within the approximately 7743 square feet that is being approved for fire flow calculations.
- 193 • G Spaulding said that A Walker had plans, he just didn't have the final engineered plans.
- 194 • S Bankhead said that the final engineered plans will need to be representative of the plans that
- 195 A Walker saw. If changes are made, A Walker will need to reevaluate.
- 196 • In A Walker's letter, S Bankhead read a section stating that G Spaulding agrees to mitigate the
- 197 insufficient fire flow by installing an approved sprinkler system or changing the type and size of
- 198 construction. M Pierce asked who verifies that the mitigation took place.
- 199 • G Spaulding said that once he decides how he will mitigate the situation, he will let the city
- 200 know.
- 201 • S Bankhead recommended that G Spaulding follow the guidelines in Providence City Code 10-5-
- 202 7, as discussed for the Dahle property.
- 203 • M Pierce asked about the location of the proposed hydrant. Will it reach the garage?
- 204 • G Spaulding reported that A Walker said that it will.
- 205 • S Bankhead said that we need to change condition number three to say that the conditional use
- 206 is for the residence and the proposed outbuilding located in the northeast corner as shown on
- 207 the plans date stamped by Providence City on June 24, 2019.
- 208 • R Stapley asked if the shop needs to be a separate conditional use.
- 209 • G Spaulding said that the shop has been on the plans since the beginning of when A Walker
- 210 started to review this application. A Walker is aware of it.
- 211 • S Bankhead said that the fire code treats outbuildings differently than residences. G Spaulding
- 212 said that he is not required to put sprinklers in the outbuilding, but that he will build it out of the
- 213 same [fire resistant] materials as the residence.
- 214 • G Spaulding said that his shop is set back 20 feet from the property line. He asked if Providence
- 215 City Code allows for a smaller setback for an outbuilding. If possible, he would like to move the
- 216 shop closer to the north property line.
- 217 • S Bankhead said that the shop is currently placed within the setbacks for a primary structure.
- 218 Setback requirements are different for outbuildings. However, there may be some reason that
- 219 the engineer placed it there.
- 220 • G Spaulding thought that it was probably a miscommunication between him and his engineer. S
- 221 Bankhead said that if G Spaulding changes the location of the shop, he will need to provide the
- 222 city with an updated site plan.
- 223 • S Bankhead warned the applicant to have the property lines surveyed so that the building
- 224 officials can measure from the property lines.
- 225 • M Pierce said that there may be a steepness setback on the east because of steep slopes beyond
- 226 the property line.
- 227 • S Bankhead asked the applicant make sure the property lines are staked, to get us a corrected
- 228 site plan, and to report on his decision about a fire flow mitigation strategy.
- 229 • G Spaulding asked about adding a swimming pool on the west side of the house.
- 230 • S Bankhead said that G Spaulding would have to come back with a separate application for the
- 231 pool.
- 232 • M Pierce suggested continuing the current application until the pool can be added to a site plan.
- 233 • It was decided that the Land Use Authority could potentially meet next Tuesday after 2 p.m. S
- 234 Bankhead said that due to posting requirements, G Spaulding would need to bring in the new
- 235 site plan by tomorrow at 2 p.m. M Pierce said that G Spaulding would also need to have A
- 236 Walker look over it again.

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- 243
- S Bankhead read the voluntary fire protection measures, which G Spaulding agreed to, that are listed on the site plan. She noted that covering the vents is actually required, even though it is listed here as voluntary.
  - S Bankhead read from the site notes on the site plan. Prior to beginning construction, the contractor shall contact engineer to establish construction stakes and/or horizontal and vertical control for the site.

244 **Motion to continue the item: — M Pierce, second — R Stapley**

245 **Vote:**

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

247 **Nay:**

248 **Abstained:**

249 **Excused:**

250

251 **Motion to adjourn: — R Stapley, — M Pierce**

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

253 **Nay:**

254 **Abstained:**

255 **Excused:**

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257 Meeting adjourned at approximately 5:00 PM

258 Minutes prepared by Jesse Bardsley

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262 Skarlet Bankhead, Chair

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