

1 **Providence City**
2 **Administrative Land Use Authority**
3 **Minutes – Tuesday, August 20, 2019 2:30 PM**
4 Providence City Office Building
5 164 North Gateway Drive, Providence UT 84332
6

7 **Item No 3. Conditional Use — Site Plan:** The Providence City Administrative Land Use Authority will
8 consider for approval a request by Tony and Kelly Smith/J and J Pools for a conditional use site plan for a
9 pool located at the home at 448 E 1180 S, Providence, UT.

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11 **Background Information:**

- 12 1. Complete application was received on August 9, 2019. Application contained:
- 13 2. Providence City Conditional Use Application
- 14 3. A complete Zoning Permit Application
- 15 4. \$100 fee paid on August 12, 2019
- 16 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure
17 8/15/2019
- 18 6. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

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20 **FINDINGS OF FACT:**

- 21 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that
22 includes conditional uses and provisions for conditional uses that require compliance with
23 standards set for in an applicable ordinance.
- 24 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
- 25 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required
26 states, all requests for permits involving a lot, parcel or site located wholly or partially within an
27 area subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard
28 Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request
29 for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications
30 shall comply with the following regulations before any permit shall be issued.
- 31 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate
32 the reasonably anticipated detrimental effects of the proposed use on the health, safety, or
33 general welfare of persons residing, working, or conducting business in the vicinity; to mitigate
34 injury to property in the vicinity; to mitigate any risk to safety of persons or property because of
35 vehicular traffic or parking, large gatherings of people, or other causes.
- 36 5. Official Zoning Map Revised October 2018

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38 **CONCLUSIONS OF LAW:**

- 39 1. Providence City has adopted land use ordinances that include conditional uses and provisions
40 for conditional uses.
- 41 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard
42 area.
- 43 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably
44 anticipated detrimental effects of the proposed use.

45 4. The request meets the requirements of the Codes listed in the Findings of Fact with the
46 following conditions:

47 **CONDITIONS:**

- 48 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
49 laws, codes, ordinance.
- 50 2. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming
51 pools.
- 52 3. This conditional use is for the pool only as shown on the site plan submitted August 9, 2019.
- 53 4. Approval by the City of any application submitted or paperwork does not alleviate the owners
54 and/or their agents from their responsibility to understand and conform to local, state, and
55 federal laws. Providence City's approval is not intended to and cannot be construed to allow any
56 laws to be violated.

57 **Comments:**

- 58 • S Bankhead explained that when a property is in a sensitive area, we cannot issue any type of
59 permit until the applicant goes through the conditional use process.
- 60 • S Bankhead said that [Providence City Code recommends] measures such as being safe with the
61 way wood is stacked, being safe with landscaping so that there is enough area for a fire break,
62 etc.
- 63 • S Bankhead said that the face of the mountain in Millville gets hit with lightning every few years.
64 The fire danger is real.
- 65 • R Stapley said that the parcel number on the staff report is incorrect. S Bankhead said that the
66 correct parcel number is 02-292-0002. The address is correct on the staff report.
- 67 • S Bankhead said that the applicant will need to make sure that they still have the surveyor's pins
68 on the property corners. The county will want to measure from the pins when they inspect it.
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70 **Motion to approve the conditional use for a site plan for a pool located at 448 E 1180 S:**

71 — R Stapley, second — M Pierce

72 **Vote:**

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

74 **Nay:**

75 **Abstained:**

76 **Excused:**
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78 **Item No. 1. Conditional Use — Site Plan:** The Providence City Administrative Land Use Authority will
79 consider for approval a request by Marley and Eric Wahlstrom/Visionary Homes for a conditional use
80 site plan for a single-family residence located 468 W 1180 S, Providence UT.
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82 **Background Information:**

- 83 1. Complete Application was received August 8, 2019; application contained:
- 84 2. Providence City Residential Site plan application and \$50 fee on 8/7/19
- 85 3. Conditional Use Application and \$50 fee on 8/8/19
- 86 4. A complete Zoning Permit Application
- 87 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on
88 8/14/2019

89 6. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.
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91 **FINDINGS OF FACT:**

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

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108 **CONCLUSIONS OF LAW:**

- 109 1. Providence City has adopted land use ordinances that include conditional uses and provisions
110 for conditional uses.
- 111 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard
112 area.
- 113 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably
114 anticipated detrimental effects of the proposed use.
- 115 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest
116 of the fire safety provisions and regulation as adopted by the State of Utah and in accordance
117 with the International Fire Code.
- 118 5. The request meets the requirements of the Codes listed in the Findings of Fact with the
119 following conditions:

120 **CONDITIONS:**

- 121 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
122 laws, codes, ordinances.
- 123 2. The applicant will mitigate Moderate Wildfire area by:
124 a. S Bankhead read from the letter from Aaron Walker dated 8/14/2019.
- 125 3. This conditional use is for the residence only as shown on the site plan date stamped 8/13/2019.
- 126 4. Payment of fees listed on the Providence City Zoning Permit.
- 127 5. Approval by the City of any application submitted or paperwork does not alleviate the owners
128 and/or their agents from their responsibility to understand and conform to local, state, and
129 federal laws. Providence City’s approval is not intended to and cannot be construed to allow any
130 laws to be violated.

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132 Comments:

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- S Bankhead explained that in addition to any measures required by A Walker in his letter, Providence City Code 10-5-7(C) encourages residents in Wildfire Hazard areas to implement the following: “Inspect your property regularly, clearing dead wood and dense vegetation from at least 30’ around your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained around all structures. Move firewood away from the house or attachments like fences or decks...Driveways should be wide enough for firefighting equipment to maneuver.”
 - S Bankhead asked the applicants to make sure that the property corners are marked before the building inspector comes out to check the footings and foundation.

143 **Motion to approve the conditional use on the findings of facts, conclusions of law, and conditions: —**

144 **M Pierce, second — R Stapley**

145 **Vote:**

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

147 **Nay:**

148 **Abstained:**

149 **Excused:**

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151 **Item No 2. Conditional Use — Site Plan:** The Providence City Administrative Land Use Authority will
152 consider for approval a request by David and Lacie Knight for a conditional use site plan for a single-
153 family residence located at 725 Grandview, Providence UT.

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155 **Background Information:**

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1. Complete Application was received August 13, 2019; application contained:
 2. Providence City Residential Site plan application and \$50 fee on 8/2/19
 3. Conditional Use Application and \$50 fee on 8/13/19
 4. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 8/5/2019
 5. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

163 **FINDINGS OF FACT:**

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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

178 vehicular traffic or parking, large gatherings of people, or other causes.
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180 **CONCLUSIONS OF LAW:**

- 181 1. Providence City has adopted land use ordinances that include conditional uses and provisions
182 for conditional uses.
- 183 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate and Steep Slope
184 Area.
- 185 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably
186 anticipated detrimental effects of the proposed use.
- 187 4. The request meets the requirements of the Codes listed in the Findings of Fact with the
188 following conditions:

189 **CONDITIONS:**

- 190 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
191 laws, codes, ordinances.
- 192 2. The applicant will mitigate the steep slopes by:
 - 193 a. Creating berm around the perimeter to prevent runoff and soil erosion
 - 194 b. Place silt fencing on the steeper downhill grade (see attached statement).
- 195 3. This conditional use is for the residence only as shown on the site plan date stamped 8/2/2019.
- 196 4. Payment of fees listed on the Providence City Zoning Permit.
- 197 5. Approval by the City of any application submitted or paperwork does not alleviate the owners
198 and/or their agents from their responsibility to understand and conform to local, state, and
199 federal laws. Providence City's approval is not intended to and cannot be construed to allow any
200 laws to be violated.

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202 **Comments:**

- 203 • S Bankhead said that we need to make sure that the architect is aware that the home needs to
204 be 30 ft from the [steep] slope, not just 30 ft from the property line.
- 205 • S Bankhead said that she is especially concerned about the part of the slope that follows the
206 northwest side of the property, and sometimes extends eastward into the lot. The structures
207 must be 30 ft from the steep slopes marked in red (slopes 30% or greater).
- 208 • S Bankhead said that before we can approve this, we will need to know the measurement from
209 the corner of the deck to the steep slope.
- 210 • M Pierce said that we need to have the steep slopes shown on the site plan. S Bankhead said
211 that Civil Solutions Group, who did the topography map, should make a new map that shows the
212 house and the slopes, and the location of the slopes that are 30% or greater.
- 213 • R Stapley said that the water meter barrel location does not match what is shown on the site
214 plan. He believes that the actual location is within the proposed driveway. We do not allow
215 water meters to be within the driveway.
- 216 • R Stapley said that the location of the sewer connection shown on the site plan is also not
217 accurate.
- 218 • R Stapley asked if they are planning on doing sidewalks.
- 219 • Lacie Knight said that although she wishes there were sidewalks in the neighborhood, doing only
220 her house's sidewalk would not do much good.
- 221 • L Knight asked if digging the foundation could change where the 30% slope hits.
- 222 • M Pierce said that according to the code, you cannot do any grading in that [30%+] area. You

- 223 cannot put the foundation in that area.
- 224 • David Knight asked why other homes in that area have not followed the 30 ft rule.
- 225 • S Bankhead said that that rule has been there for a long time. She said that some homes actually
- 226 created 30% slopes with their landscaping.
- 227

228 **Motion to continue the item until the new map showing the setbacks from the 30% slope areas is**
229 **provided: — M Pierce, second — R Stapley**

230 **Vote:**

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

232 **Nay:**

233 **Abstained:**

234 **Excused:**

235

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

237 **Vote:**

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

239 **Nay:**

240 **Abstained:**

241 **Excused:**

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243 Meeting adjourned at approximately 3:10 PM

244 Minutes prepared by Jesse Bardsley

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Skarlet Bankhead, Chair