

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

7 Member attendance: Skarlet Bankhead, Max Pierce, Rob Stapley
8 Other attendance: Justin Bott, applicant
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10 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will
11 consider for approval a request by Justin Bott for a conditional use site plan for a single-family residence
12 located at 1083 S 540 E, Providence UT.
13

14 **Background Information:**

15 Complete Application was received Sept. 18, 2019; application contained:

- 16 1. Providence City Conditional Use application and Residential Site Plan application
- 17 2. Payment of \$100 fee, Sept 18, 2019
- 18 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on Sept
19 24, 2019
- 20 4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.
21

22 **FINDINGS OF FACT:**

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

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

- 49 5. The request meets the requirements of the Codes listed in the Findings of Fact with the
50 following conditions:
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52 **CONDITIONS:**

- 53 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
54 laws, codes, ordinances.
55 2. The applicant will mitigate Wildfire Area by:
56 a. S Bankhead read from the letter from Aaron Walker dated Sept. 30, 2019
57 3. The applicant will mitigate Hazard Slope areas by:
58 a. See statement by Proline Plastering LLC. (Retaining wall along back of property line to
59 retain dirt and runoff.)
60 4. This conditional use is for the residence only as shown on the site plan date stamped Sept 18,
61 2019.
62 5. Payment of fees listed on the Providence City Zoning Permit.
63 6. Approval by the City of any application submitted or paperwork does not alleviate the owners
64 and/or their agents from their responsibility to understand and conform to local, state, and
65 federal laws. Providence City's approval is not intended to and cannot be construed to allow any
66 laws to be violated.
67

68 **Comments:**

- 69 • S Bankhead said that Providence City Code 10-5-7 encourages property owners in Wildfire
70 Hazard Areas to: "Inspect your property regularly, clearing dead wood and dense vegetation
71 from at least 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will
72 be needed to protect your home. A fuel break should be maintained around all structures. Move
73 firewood away from the house or attachments like fences or decks."
74 • S Bankhead said that it may seem strange to call this a Wildfire Hazard Area when there are
75 subdivisions all around. However, fires, such as the Gun Range fire in the Bountiful area, have
76 been known to do unexpected things. The state designates Wildfire Hazard Areas, and we have
77 these meetings based on their designation.
78 • M Pierce asked if the applicant intends to put a retaining wall directly on the property line. J
79 Bott said that he will probably put it about a foot off of the line.
80 • M Pierce said that he thinks the home south of this property has a retaining wall that is further
81 off of the property line. J Bott said that he hasn't noticed that.
82 • S Bankhead said that we are very picky on our setbacks. This house is using every bit of area
83 possible. She cautioned the applicant to remember that window wells can only go into the side
84 setback 24 inches.
85 • J Bott said that there will probably not be any window wells on the north side.
86 • S Bankhead cautioned that the county has been told not to approve the footings and
87 foundations without being able to see the property stakes.
88 • S Bankhead said that if the owner wants to build something else on the property that requires a
89 building permit, they will need to come back through the conditional use process.
90 • M Pierce asked if the retaining wall requires a building permit.
91 • J Bott said that the wall will probably not come more than 4 ft above the ground. He believes
92 that 48 inches or less does not require a building permit. He said that the wall will be
93 engineered.
94

95 **Motion to approve the conditional use site plan for the residence at 1083 S 540 E based on the**
96 **findings of fact, conclusions of law, and conditions: — R Stapley, second — M Pierce**

97 **Vote:**

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

99 **Nay:**

100 **Abstained:**

101 **Excused:**

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

104 **Vote:**

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

106 **Nay:**

107 **Abstained:**

108 **Excused:**

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110 Meeting adjourned at approximately 1:45 PM

111 Minutes prepared by Jesse Bardsley

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Skarlet Bankhead, Chair

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