

1 **Providence City**
2 **Administrative Land Use Authority**
3 **Minutes – October 10, 2019 8:00 AM**
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: Eric Watterson, representing the applicant; Matt Cook, contractor; Diane Campbell, Zoning Staff
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10 **Item No. 1. Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for
11 approval a request by Eric Watterson/Cook Homes for a conditional use site plan for a single-family residence
12 located at 574 N 520 E, Providence UT.
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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 30, 2019
- 19 4. Letter from Aaron Walker, Fire Inspector, dated Oct 3, 2019
- 20 5. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.
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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
35 of 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.
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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 a Moderate Wildfire Hazard area.
- 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. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire
46 safety provisions and regulations as adopted by the State of Utah and in accordance with the
47 International Fire Code.
- 48 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
49 conditions:
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51 **CONDITIONS:**

- 52 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
53 codes, ordinances.

- 54 2. The applicant will mitigate Wildfire Area by:
- 55 a. S Bankhead read from the letter from Aaron Walker dated Oct. 3, 2019
- 56 3. This conditional use is for the residence only as shown on the site plan date stamped Sept 18, 2019.
- 57 4. Payment of fees listed on the Providence City Zoning Permit.
- 58 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
- 59 their agents from their responsibility to understand and conform to local, state, and federal laws.
- 60 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

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63 Comments:

- 64 • S Bankhead explained that the site plan we have here is a bit different than what is shown on the plat. On
- 65 Tuesday, the City Council approved an ordinance to vacate and relocate the public utility easement, and
- 66 on Wednesday, the Planning Commission approved the amended final plat with the adjusted lot line. The
- 67 plat hasn't been recorded yet, and the applicant will need to get that signed so that they can get their
- 68 survey pins staked, etc. S Bankhead said that he should contact Steve Earl to prepare a mylar of the final
- 69 plat adjustment.
- 70 • Eric Watterson, representing the applicant, asked who would need to sign the mylar. S Bankhead said that
- 71 he needs to get the signatures of the property owner and of the utility companies. The City will get the
- 72 other signatures.
- 73 • S Bankhead explained that Providence City Code 10-5-7 encourages homeowners in Wildfire Hazard Areas
- 74 to: "Inspect your property regularly, clearing dead wood and dense vegetation from at least 30' around
- 75 your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A
- 76 fuel break should be maintained around all structures. Move firewood away from the house or
- 77 attachments like fences or decks."
- 78 • S Bankhead asked about a box that is on the site plan. E Watterson said that it is not a structure. S
- 79 Bankhead said that if the applicant builds any other structures that are not shown on this site plan, they
- 80 need to come back for another conditional use.
- 81 • S Bankhead cautioned the applicant that window wells can only protrude a short distance into the
- 82 setback. Also, we require the property corners to be staked before the inspection of the
- 83 footings/foundation.
- 84 • M Pierce spoke about fire flow water pressure. He said that if the applicant builds another building on the
- 85 lot in the future to the east of the home (uphill), they will have less water pressure.
- 86 • S Bankhead cautioned the applicant to make sure that the landscapers who install the sprinkler system
- 87 know about the water pressure.
- 88 • Matt Cook asked if the Wildfire Hazard Area covers the entire lot. S Bankhead said that it does.
- 89 • E Watterson asked about the statement in Aaron Walker's letter that driveways should be wide enough
- 90 for fire equipment to maneuver.
- 91 • S Bankhead said that in this case, the house isn't set back far enough that the fire apparatus would have
- 92 to go up the driveway. If the driveway were 150 ft long or more, then the width would matter. Providence
- 93 City sets a maximum driveway width of 35 ft [at the sidewalk cut].
- 94 • E Watterson asked if he could make his driveway less than 20 ft wide.
- 95 • M Pierce said that it is not clear from the drawing whether A Walker intended to use the driveway or not.
- 96 If he does intend to use it, it would need to be at least 20 ft wide.
- 97 • E Watterson said that he can speak with A Walker about this for clarification. In the letter, it says that
- 98 having adequate driveway width is a recommendation but not a requirement.
- 99 • S Bankhead said that E Watterson should check with A Walker before making any changes to the
- 100 driveway.
- 101 • M Pierce said that A Walker may be planning to pull into the driveway just a little bit in order to
- 102 adequately reach the back of the home.
- 103 • E Watterson asked about fees. He already paid some last year. S Bankhead said that if they have already
- 104 been paid last year, then the only fee we needed this year was the conditional use fee, which has been
- 105 paid.

106 Motion to approve the site plan requested by Eric Watterson and Cook Homes for a single family residence
107 located at 574 North 520 East, based on the findings of fact, conclusions of law, and conditions, with the
108 additional condition that the applicant check with A Walker on the driveway width, and if any changes are made
109 it will need to be approved by A Walker: — R Stapley, second — M Pierce

110 **Vote:**

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

112 **Nay:**

113 **Abstained:**

114 **Excused:**

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116 Motion to adjourn: — R Stapley, second — M Pierce

117 **Vote**

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

119 **Nay:**

120 **Abstained:**

121 **Excused:**

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123 Meeting adjourned at approximately 8:31 AM

124 Minutes prepared by Jesse Bardsley

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Skarlet Bankhead, Chair

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