

1 **Providence City**
2 **Administrative Land Use Authority**
3 **Minutes – November 5, 2019 9 AM**
4 Providence City Office Building
5 164 North Gateway Drive, Providence UT 84332
6

7 Member Attendance: Skarlet Bankhead, Rob Stapley, Nate Wright (acting City Engineer)
8 Other attendance: Diane Campbell, Zoning Staff; Jacob Checketts and Lance Zollinger; Shea Bettencourt; Braden
9 Reeder.

10
11 **Item No. 1. Conditional Use Site Plan:** The Providence City Administrative Land Use Authority will consider for
12 approval a request by Sandra Checketts for a conditional use site plan for a remodel of shop located at 920 Canyon
13 Rd., Providence UT.
14

15 **Background Information:**

- 16 1. Complete Application was received October 24, 2019; application contained:
- 17 2. Providence City Conditional Use Application
- 18 3. Payment of \$100 fee, October 24, 2019
- 19 4. A complete Residential Site Plan Application received Oct 16, 2019
- 20 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on Oct. 28, 2019.
- 21 6. Aaron Walker, Fire Inspector, inspection dated Oct. 29, 2019 is included.
- 22 7. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

23
24 **FINDINGS OF FACT:**

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

41 **CONCLUSIONS OF LAW:**

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

52 **CONDITIONS:**

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

54 codes, and ordinances.

55 2. The applicant will mitigate Wildfire Area by:

56 a. S Bankhead read from the letter from Aaron Walker dated Oct. 29, 2019

57 3. This conditional use is for the residence only as shown on the site plan date stamped Oct. 16, 2019.

58 4. Payment of fees listed on the Providence City Zoning Permit.

59 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or

60 their agents from their responsibility to understand and conform to local, state, and federal laws.

61 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

62 **Comments:**

- 63 • S Bankhead said that Providence City code 10-5-7 encourages those in the wildfire area to: "Inspect your
64 property regularly, clearing dead wood and dense vegetation from at least 30' around your house. Rake
65 piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should
66 be maintained around all structures. Move firewood away from the house or attachments like fences or
67 decks."
- 68 • S Bankhead said that since this is an existing building, we are only concerned about the Wildfire Hazard
69 Area, not the Hazard Slopes, etc.

70
71 **Motion to approve the conditional use for a residential site plan at 920 Canyon Road: — R Stapley, second — N**
72 **Wright**

73 **Vote:**

74 **Yea: S Bankhead, R Stapley, N Wright**

75 **Nay:**

76 **Abstained:**

77 **Excused: M Pierce**

78
79 **Item No 2. Conditional Use Site Plan:** The Providence City Administrative Land Use Authority will consider for
80 approval a request by Shea and Jennifer Bettencourt for an addition to the residence located at 540 Hillsborough
81 Dr. Providence UT.

82
83 **Background Information:**

- 84 1. Complete Application was received October 15, 2019; application contained:
- 85 2. Providence City Conditional Use Application
- 86 3. Payment of \$100 fee, October 15, 2019
- 87 4. A complete Residential Site Plan Application
- 88 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on October 21,
89 2019.
- 90 6. Aaron Walker, Fire Inspector, inspection dated Oct. 24, 2019 is included.
- 91 7. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

92
93 **FINDINGS OF FACT:**

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

106 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
107 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
108 gatherings of people, or other causes.
109

110 **CONCLUSIONS OF LAW:**

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

121 **CONDITIONS:**

- 122 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
123 codes, and ordinances.
- 124 2. The applicant will mitigate Wildfire Area by:
125 a. S Bankhead read from the letter from Aaron Walker dated October 24, 2019
- 126 3. This conditional use is for the addition and carriage house only as shown on the site plan dated Oct. 15,
127 2019.
- 128 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
129 their agents from their responsibility to understand and conform to local, state, and federal laws.
130 Providence City’s approval is not intended to and cannot be construed to allow any laws to be violated.
131

132 **Comments:**

- 133 • S Bankhead said that [Providence City code 10-5-7] encourages those in the wildfire area to: “Inspect your
134 property regularly, clearing dead wood and dense vegetation from at least 30’ around your house. Rake
135 piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should
136 be maintained around all structures. Move firewood away from the house or attachments like fences or
137 decks.”
- 138 • S Bettencourt asked if he would need to come to the Administrative Land Use Authority again if he
139 decided to change the size of the carriage house. S Bankhead said that if it does not get bigger, it probably
140 wouldn’t be a problem. It still needs to meet the conditions we have talked about.
- 141 • R Stapley expressed concern that if it got bigger, it might not meet the fire flow conditions in A Walker’s
142 letter.
- 143 • S Bankhead said that we probably will not need another meeting, but we will need to make sure that A
144 Walker and Cache County are aware of any changes.
- 145 • S Bankhead said that even when the subdivision gets built out, it may still be in danger for wildland fires.
146 That area of the city will probably be at risk for a long time. We sometimes do have fires on that side of
147 the mountain.
- 148 • S Bankhead asked the applicant if they are planning on upsizing the water meter. If they are, they will
149 need to pay the difference between the impact and meter fee for the current size and the impact and
150 meter fee for the new size.
151

152 **Motion to approve the conditional use for a residential site plan for an addition to the residence and the**
153 **carriage house at 540 Hillsborough Drive in Providence: — N Wright, second — R Stapley**

154 **Vote:**

155 **Yea: S Bankhead, R Stapley, N Wright**

156 **Nay:**
157 **Abstained:**
158 **Excused: M Pierce**
159

160 **Item No 3. Conditional Use Site Plan:** The Providence City Administrative Land Use Authority will consider for
161 approval a request by David and Lacie Knight for a conditional use site plan for a new home with detached garage
162 located at 725 Grandview Dr., Providence, UT.
163

164 **Background Information:**

- 165 1. Providence City Residential Site plan application and \$50 fee received on 8/2/19
- 166 2. Conditional Use Application received August 9, 2019 and \$50 fee paid on 8/13/19
- 167 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on 8/5/2019
- 168 4. Diane Campbell, Admin. Services Specialist, reviewed and signed the Zoning Permit.

169
170 **FINDINGS OF FACT:**

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

186
187 **CONCLUSIONS OF LAW:**

- 188 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
189 conditional uses.
- 190 2. The Cache County GIS Parcel Summary indicates this parcel is in a Moderate Wildfire Hazard area and in
191 an area with moderate to steep slopes.
- 192 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
193 detrimental effects of the proposed use.
- 194 4. Aaron Walker, Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire
195 safety provisions and regulation as adopted by the State of Utah and in accordance with the International
196 Fire Code.
- 197 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
198 conditions:

199 **CONDITIONS:**

- 200 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
201 codes, and ordinances.
- 202 2. The applicant will mitigate Moderate and Steep slopes by:
 - 203 a. Creating a berm around the perimeter to prevent run-off and soil erosion.
 - 204 b. Place silt fencing on the steeper downhill grade. (See attached statement)
- 205 3. This conditional use is for the residence only as shown on the site plan date stamped 10/30/2019.
- 206 4. Payment of fees listed on the Providence City Zoning Permit.

- 207 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
208 their agents from their responsibility to understand and conform to local, state, and federal laws.
209 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
210

211 Comments:

- 212 • S Bankhead asked the applicant if the silt fence is temporary. B Reeder said that it is to prevent loose soils
213 from going downhill during construction.
- 214 • S Bankhead asked if the berm is permanent. Braden Reeder said that the berms will probably be higher
215 during construction, but that many of the berms will be permanent after being adjusted for landscaping.
- 216 • S Bankhead said that we will need the applicant to inform us where the permanent features need to be
217 after the landscaping is done.
- 218 • B Reeder said that they will also do other preventative measures, such as French drains, to prevent the
219 water from running off the surface and into neighboring lots.
- 220 • S Bankhead said that on the grading map, there is a slope greater than 30% which is closer to the house
221 than we usually allow. However, David Knight has explained to us that this slope was not native. It was
222 caused by bringing in fill dirt.
- 223 • B Reeder explained that David Knight has owned the lot for several years. Over the years, he has filled in
224 an empty section of his lot with dirt from the surrounding construction. He placed the dirt out of the way
225 of where the footings will be. He wanted to use the dirt to build his yard.
- 226 • S Bankhead cautioned the applicant that as they do their landscaping, they should avoid turning the lot
227 into a non-conforming lot by having a steep slope too close to the house. Also, they should beware of
228 erosion problems with uncompacted dirt.
- 229 • R Stapley said that with French drains and berms in uncompacted dirt, there could be landslide issues.
- 230 • S Bankhead said that M Pierce and our city attorney are comfortable that this does not violate the steep
231 slope ordinance because it will be regraded in order to meet the code.
- 232 • B Reeder said that this is correct.
- 233 • S Bankhead said that property corners need to be staked. We have told Cache County not to approve the
234 footings or foundations without the property corners being staked.
- 235 • R Stapley warned that we cannot have the water meter barrel encased in concrete [within the driveway].
236

237 **Motion to approve the request by David and Lacie Knight for a new home with a detached garage located at 725**
238 **Grandview Drive based on our review of the findings of fact, conclusions of law, and conditions, with the**
239 **additional conditions that we receive a document about the permanent part of the berm, and that as the**
240 **landscaping is done, care will be taken that the 30% slope rule is not violated and that compaction rules are**
241 **followed: — R Stapley, second — N Wright**

242 **Vote:**

243 **Yea: S Bankhead, N Wright, R Stapley**

244 **Nay:**

245 **Abstained**

246 **Excused:**

247

248 **Motion to adjourn: N Wright, R Stapley**

249 **Vote:**

250 **Yea: S Bankhead, N Wright, R Stapley**

251 **Nay:**

252 **Abstained**

253 **Excused:**

254

255 Meeting adjourned at approximately 9:45 AM

256 Minutes prepared by Jesse Bardsley

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261
262
263

Skarlet Bankhead, Chair

DRAFT