

1 **Providence City**

2 **Administrative Land Use Authority**

3 **Minutes – January 7, 2020 10:00 am**

4 Providence City Office Building

5 164 North Gateway Drive, Providence UT 84332

6
7 Member attendance: Max Pierce, Skarlet Bankhead, Rob Stapley

8 Other: Diane Campbell, zoning staff; Ryan Snow, city manager; Riley Duke and Cade Lewis, contractors.

9
10 **Conditional Use – Site Plan:** The Providence City Administrative Land Use Authority will consider for approval a
11 request by Duke Building Co (Mike and Tanya Ford) for a conditional use site plan for a single-family residence
12 located at 61 N Sherwood Dr., Providence UT.

13
14 **Background Information:**

15 Complete Application was received December 17, 2019; application contained:

- 16 1. Providence City Conditional Use application and Residential Site Plan application
- 17 2. Payment of \$100 fee, December 17, 2019
- 18 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on December 18,
19 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 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.

38
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 Landslide 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. The request meets the requirements of the Codes listed in the Findings of Fact with the following
46 conditions:

47
48 **CONDITIONS:**

- 49 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
50 codes, ordinances.
- 51 2. The applicant will mitigate Landslide Area by:
52 a. See site plan.
- 53 3. This conditional use is for the residence only as shown on the site plan date stamped December 17, 2019.

- 54 4. Payment of fees listed on the Providence City Zoning Permit.
55 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
56 their agents from their responsibility to understand and conform to local, state, and federal laws.
57 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
58

59 Comments:

- 60 • S Bankhead said that the information in the Cache County Parcel Viewer is not guaranteed to be accurate.
61 She asked the applicant to describe the slope on the west side of the property.
- 62 • R Duke said that the property slopes from the east to the west and from the north to the south. The
63 southwest corner is the lowest point on the property. The northeast corner is the highest point.
- 64 • R Duke said that the proposed house is laid out so that the driveway is on the high side of the property,
65 and the back left side of the house is on the low side. There will be an 8 ft engineered retaining wall along
66 the property line in the low area.
- 67 • S Bankhead asked how much of the 8 ft retaining wall is above ground. R Duke said 6 ft.
- 68 • S Bankhead asked if the applicant will put a fence on top of the wall. R Duke said that he has not discussed
69 any plans for a fence with the applicant. There is a note on the plat that says: ["8' THK board form
70 concrete retaining wall w/fence above as required."]
- 71 • S Bankhead said that if there is a fence on top of the wall, it will probably not meet our fence ordinance.
72 The maximum height for a normal residential fence is 6 ft including the retaining wall (measured from the
73 high side of the ground). We allow an 8 ft game fence, but the last two feet need to be semi-transparent.
- 74 • M Pierce said that the wall appears to not be on the property line, probably due to the footings. R Duke
75 said that it is about 1.5 ft from the property line. The edge of the footing would be close to the property
76 line.
- 77 • R Duke said that the homeowner has hired an excavation contractor to prepare the lot. The contractor
78 excavated part of the land, removed some stockpiled dirt, and created a berm along the back side so that
79 rocks don't roll down into the neighbor's property.
- 80 • R Stapley said that the plan calls for a berm for storm water purposes. The berm that is there could be
81 used for that as long as it is done correctly. Sometimes berms create a funnel effect where one property
82 gets all the water. During his inspection, R Stapley noticed a low spot in the berm. The berm will need to
83 be improved when the lot is graded.
- 84 • R Duke said that the slope on the property is compensated for by the retaining walls.
- 85 • S Bankhead asked what strategies the applicant is using to mitigate the landslide potential.
- 86 • R Duke said that the Cache County parcel summary [showing the landslide hazard area] was given to the
87 engineer. [The landslide potential] is the main reason that the retaining wall was put there. The
88 homeowner also didn't want to grade their property with a steep slope.
- 89 • S Bankhead asked who the engineer was. R Duke said it was Ryan Alder.
- 90 • S Bankhead asked if we can get a memo from the engineer stating that he has looked at [the sensitive
91 area] and that [the retaining walls] are his recommendation. R Duke said that we could. R Duke said that
92 he will also send the city plans with the engineer's stamp on them.
- 93 • S Bankhead brought up the side setback on the north. The proposed home is right on the 10 ft setback
94 line. She advised the applicant to read the city code to make sure that no projections exceed the limits
95 listed there.
- 96 • S Bankhead said that we have asked the county inspectors not to do an inspection for the footings until
97 the property corners are marked. R Duke said that there are property pins on the site.
- 98 • R Stapley said that based on his inspection, it looks like the water meter will be located within the
99 driveway. We do not allow this, so it will need to be relocated.
- 100 • M Pierce asked if there is a basement. R Duke said that there is not.

101
102 **Motion to approve the conditional use and zoning approval for a residential site plan for a home located at 61 N**
103 **Sherwood Drive in Providence based on the findings of fact, conclusions of law, and conditions, with the**
104 **expanded condition for No. 2 that we will get a memo from the engineer explaining his mitigation strategy. — R**
105 **Stapley, second — M Pierce**

106 **Vote:**
107 **Yea: S Bankhead, M Pierce, R Stapley**
108 **Nay:**
109 **Abstained:**
110 **Excused:**
111
112 **Motion to adjourn: M Pierce, second — R Stapley**
113 **Vote:**
114 **Yea: S Bankhead, M Pierce, R Stapley**
115 **Nay:**
116 **Abstained:**
117 **Excused:**

118
119 Meeting adjourned at approximately 10:22 AM
120 Minutes prepared by Jesse Bardsley

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123 _____
124 Skarlet Bankhead, Chair
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DRAFT