

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**

2 **Wednesday, September 16, 2020 2:30 PM**

3 Providence City Office Building 164 North Gateway Drive, Providence UT 84332

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5 **Call to Order:** Skarlet Bankhead, Chair

6 **Members in Attendance:** Skarlet Bankhead, Max Pierce, Rob Stapley

7 **Others in Attendance:** Ryan Snow, Diane Campbell, April Fredrickson, and Lawryn Birkeland

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9 **Item No. 1 - Conditional Use – Townhomes:** The Providence City Administrative Land Use Authority will consider
10 for approval a request by Visionary Homes for a townhome building located at 180 E. 570 N., Providence, UT.

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12 **Background Information:**

13 Complete Application was received September 3, 2020; application contained:

- 14 1. Providence City Conditional Use application and Residential Site Plan application
- 15 2. Payment of \$100 fee, September 3, 2020
- 16 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on September 4,
17 2020.

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19 **FINDINGS OF FACT:**

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

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35 **CONCLUSIONS OF LAW:**

- 36 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
37 conditional uses.
- 38 2. This parcel is in a Hazard Water Table area.
- 39 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
40 detrimental effects of the proposed use.
- 41 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
42 conditions:

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44 **CONDITIONS:**

- 45 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
46 codes, and ordinances.
- 47 2. The applicant will mitigate Hazard Water Table by:
48 a. See High Water Mitigating Strategies.
- 49 3. This conditional use is for the townhomes only as shown on the site plan date stamped Sept. 3, 2020.
- 50 4. Payment of fees listed on the Providence City Zoning Permit.
- 51 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
52 their agents from their responsibility to understand and conform to local, state, and federal laws.

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

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55 **Comments:**

- 56 • S Bankhead stated that the meeting was held live in the Providence City building instead of via Zoom.
- 57 • D Campbell read the background information, findings of fact, conclusions of law, and conditions.
- 58 • S Bankhead read the letter explaining the High Water Mitigating Strategies. A discussion followed.

59
60 **Motion to approve the request by Visionary Homes for building #5 located at 180 E. and 186 E. at 570 N. in**
61 **Providence. Motion includes the conditions discussed above: — M. Pierce, second — R. Stapley**

62 **Vote:**

63 **Yea: S. Bankhead, M. Pierce, R. Stapley**

64 **Nay: None**

65 **Abstained: None**

66 **Excused: None**

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69 **Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
70 for approval a request by Visionary Homes for a new home located 206 E. 520 N., Providence, UT.

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72 **Background Information:**

73 Complete Application was received September 4, 2020; application contained:

- 74 1. Providence City Conditional Use application and Residential Site Plan application
- 75 2. Payment of \$100 fee
- 76 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on September
77 14, 2020.

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79 **CONDITIONS:**

- 80 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
81 codes, and ordinances.
- 82 2. The applicant will mitigate Hazard Water Table by:
 - 83 a. See submitted mitigation letter and Window Well Drain Detail
- 84 3. This conditional use is for the residence only as shown on the site plan date stamped September 4, 2020.
- 85 4. Payment of fees listed on the Providence City Zoning Permit.
- 86 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
87 their agents from their responsibility to understand and conform to local, state, and federal laws.
88 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

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90 **Comments:**

- 91 • D Campbell stated that the Findings of Fact and Conclusions of Law were the same as in item one.
- 92 • S Bankhead said the approval of the overall site plan and land-drain mitigation strategy for the entire
93 development was approved as part of the Life Cycle Residential (LCR) zoning process.
- 94 • S Bankhead read from a letter submitted by Dallas Nicoll, [Vineyard Development Manager] dated January
95 9, 2020 describing the land drain mitigation strategy.

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97 **Motion to approve the request for a new home at 206 E. 520 N. in Providence based on the findings of fact,**
98 **conclusions of law, and conditions that were discussed in the staff report: — R. Stapley, second — M. Pierce**

99 **Vote:**

100 **Yea: S. Bankhead, M. Pierce, R. Stapley**

101 **Nay: None**

102 **Abstained: None**

103 **Excused: None**

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Comments:

- R. Stapley brought up design plans and follow through. There was a discussion afterwards on how to go about making sure that was happening.

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

Vote:

Yea: S. Bankhead, M. Pierce, R. Stapley

Nay: None

Abstained: None

Excused: None

Meeting adjourned at approximately 2:50 PM

Minutes prepared by Kris Hobbs Clemente

Skarlet Bankhead, Chair

DRAFT