

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

2 **Wednesday, September 30, 2020 2:40 PM**

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

4
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, Jessica Williamson, Madison Caballero
8 from Lifestyle Homes, Doug Ramsey, Rob Summers with Summers Construction

9
10 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
11 for approval a request by Tammy and Jason Benson and Lifestyle Homes for a new home located at 1012 S. 600 E.,
12 Providence, UT.

13
14 **Background Information:**

15 A complete application was received June 23, 2020 (revised Sept. 25, 2020) and contained:

- 16 1. Providence City Conditional Use Application and Residential Site Plan application.
- 17 2. Payment of \$100 fee, June 24, 2020
- 18 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure June 26, 2020.
- 19 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated July 13, 2020.

20
21 **FINDINGS OF FACT:**

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

37
38 **CONCLUSIONS OF LAW:**

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

49
50 **CONDITIONS:**

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

2. The applicant will mitigate Wildfire Area by working with Fire Marshal to meet fire mitigation requirements.
 - a. See mitigation statement; email dated July 7, 2020.
 - b. See letter from Aaron Walker, Deputy Fire Marshall, dated July 13, 2020.
3. This conditional use is for the home only as shown on the site plan date stamped September 25, 2020.
4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- The driveway was on the wrong side of the property in the beginning but that change has been made.
- The site plan was discussed.
- S Bankhead reminded M Caballero to have the property lines marked.

Motion to approve a conditional use and zoning approval for the revised site plan to be located at 1012 S. 600 E. in Providence. — M. Pierce, second — R. Stapley

Vote:

Yea:	S. Bankhead, M. Pierce, R. Stapley
Nay:	None
Abstained:	None
Excused:	None

Item No. 2 - Conditional Use – Accessory Building: The Providence City Administrative Land Use Authority will consider for approval a request by Doug Ramsey for an accessory building located at 575 Edgewood Dr., Providence, UT.

Background Information:

A complete application was received September 4, 2020 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure September 16, 2020.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated September 23, 2020.

FINDINGS OF FACT: Same as above in 1st item.

CONCLUSIONS OF LAW: Same as above in 1st item.

CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The applicant will mitigate Wildfire Area by:
 - a. See letter from Aaron Walker dated September 23, 2020.
 - b. See Mitigation Strategies dated September 25, 2020.
3. This conditional use is for the accessory building only as shown on the site plans date stamped August 24, 2020.
4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- S Bankhead read from Aaron Walker's letter.

- It was agreed that this building would not be a dwelling unit.
- Mitigations were discussed.

Motion to approve the conditional use for the request by Doug Ramsey for an accessory building located at 575 Edgewood Drive in Providence based on the Findings of Fact, Conclusions of Law, and Conditions that were presented: — R. Stapley, second — M. Pierce

Vote:

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

Nay: None

Abstained: None

Excused: None

Item No. 3 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Mark and Pat Jensen and Summers Construction for a new home located at 570 Sarah Street, Providence, UT.

Background Information:

A complete application was received September 21, 2020 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Completed payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure September 23, 2020.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated September 28, 2020.

FINDINGS OF FACT: Same as in the 1st item.

CONCLUSIONS OF LAW: Same as above except:

1. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Landslide area.

CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The applicant will mitigate Landslide Area by:
 - a. See Civil Solutions Landslide and Fire Hazard Report and retaining wall drawing on site plan.
 - b. See retaining wall detail.
3. This conditional use is for the home only as shown on the site plan date stamped September 21, 2020.
4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in the interest of the fire safety provisions and regulations as adopted by the State of Utah and in accordance with the International Fire Code.
5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their agents from their responsibility to understand and conform to local, state, and federal laws. Providence City’s approval is not intended to and cannot be construed to allow any laws to be violated.

Comments:

- The driveway length and width were brought up. R Summers covered this.
- S Bankhead read a summary from the Civil Solutions Hazard Report.
- Retaining walls were also discussed.
- R Stapley reminded R Summers that the “Hammerhead” which is a temporary turnaround needs to be kept clear for snow plows, garbage trucks, and fire engines.
- S Bankhead reminded the applicant to mark the property lines and that as a disclaimer, we can’t control Mother Nature but it is good to put up all of these precautions.

157 **Motion to approve the conditional use requested by Mark and Pat Jensen and Summers Construction for a new**
158 **home located at 570 Sarah Street in Providence based on the Findings of Fact, Conclusions of Law, and**
159 **Conditions that were reviewed during the meeting and on the staff report: — M. Pierce, second — R. Stapley**

160 **Vote:**

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

162 **Nay:** None

163 **Abstained:** None

164 **Excused:** None

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166
167 **Item No. 4 and Item No. 5 - Conditional Use – New Homes:** The Providence City Administrative Land Use
168 Authority will consider for approval a request by Visionary Homes for new homes located at 194 E. 520 N. and 202
169 E. 520 N. Providence, UT.

170
171 **Background Information:**

172 Complete Application was received September 22, 2020; application contained:

- 173 1. Providence City Conditional Use application and Residential Site Plan application
- 174 2. Payment of \$100 application fee
- 175 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on September
176 24, 2020.

177
178 **FINDINGS OF FACT:**

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

193
194 **CONCLUSIONS OF LAW:**

- 195 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
196 conditional uses.
- 197 2. This parcel is in a Hazard Water Table area.
- 198 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
199 detrimental effects of the proposed use.
- 200 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
201 conditions:

202
203 **CONDITIONS:**

- 204 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
205 codes, and ordinances.
- 206 2. The applicant will mitigate Hazard Water Table by:
207 a. See submitted mitigation letter and Window Well Drain Detail
- 208 3. This conditional use is for the residence only as shown on the site plan date stamped September 22, 2020.

- 209 4. Payment of fees listed on the Providence City Zoning Permit.
210 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
211 their agents from their responsibility to understand and conform to local, state, and federal laws.
212 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
213

214 **Comments:**

- 215 • The background information and Findings of Fact, Conclusions of Law, and Conditions are the same for both
216 items for Providence City.
217 • S Bankhead read from the letter received January 9, 2020 from Dallas Nicoll who is the development
218 manager for the project. It was discussed in depth for the Vineyard subdivision. The water tables of this
219 area are relatively shallow which qualifies it as a hazard area for Providence. A land drain was suggested
220 and installed for any homes with basements.
221

222 **Motion to approve the conditional use and zoning approval for a residential site plan for a home at 194 E. 520 N.**
223 **and a home at 202 E. 520 N. based on the Findings of Fact, Conclusions of Law, and Conditions listed in the staff**
224 **reports: — R. Stapley, second — M. Pierce**

225 **Vote:**

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

227 **Nay: None**

228 **Abstained: None**

229 **Excused: None**
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- 231 • There were some comments discussed that S Bankhead brought up due to Aaron Walker's concern about
232 people jumping the gun and digging before being given permission.
233

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

235 **Vote:**

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

237 **Nay: None**

238 **Abstained: None**

239 **Excused: None**
240

241 Meeting adjourned at approximately 3:17 PM

242 Minutes prepared by Kris Hobbs Clemente
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246 _____
247 Skarlet Bankhead, Chair
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