

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

2 **Wednesday, October 7, 2020 2:35 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, Steve Coppieters

- 8
9
 - The council decided to review this item first:

10
11 **Item No. 2 - Conditional Use – Pavilion:** The Providence City Administrative Land Use Authority will consider for
12 approval a request by Stone Gate Homes for a pavilion located 247 N. 850 E., Providence, UT.

13
14 **Background Information:**

15 Complete Application was received September 30, 2020, and contained:

- 16
 1. Providence City Conditional Use application and Residential Site Plan Application
 - 17 2. Payment of \$100 application fee.
 - 18 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure October 2, 2020.
 - 19 4. Aaron Walker, Fire Inspector, reviewed CU application. See letter dated October 5, 2020.

20
21 **FINDINGS OF FACT:**

- 22
 - 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 of
35 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 **CONCLUSIONS OF LAW:**

- 39
 - 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 Wildfire, Slope, and Landslide Hazard
43 areas.
 - 44 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
45 detrimental effects of the proposed use.
 - 46 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
47 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
48 accordance with the International Fire Code.
 - 49 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
50 conditions:

51 **CONDITIONS:**

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

- 53 codes, and ordinances.
- 54 2. The applicant will mitigate the hazard wildfire, slope, and landslide areas by:
- 55 a. See mitigation statement dated 9-29-20.
- 56 b. See geotechnical investigation of Little Baldy lot 14 included with application.
- 57 3. This conditional use is for the pavilion only as shown on the site plan dated September 30, 2020.
- 58 4. 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.

61

62 **Comments:**

- 63 • D Campbell clarified that the zoning had been revised since February 2020.
- 64 • D Campbell read from the mitigation statement included with the application dated September 29, 2020.
- 65 • S Bankhead read from Aaron Walker's letter.
- 66 • R Stapley inquired about removing vegetation before landscaping. A discussion about the fire hazard
- 67 followed.
- 68 • D Campbell went over the summary of findings sent on September 30, 2020 describing the landslide. The
- 69 Geo Tech was also reviewed.

70

71 **Motion to approve the conditional use for a pavilion located at 247 N. 850 E. in Providence based on the**

72 **Findings of Fact, Conclusions of Law, and Conditions presented in the staff report and during the meeting. —**

73 **R. Stapley, second — M. Pierce**

74 **Vote:**

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

76 **Nay: None**

77 **Abstained: None**

78 **Excused: None**

79

80 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider

81 for approval a request by Visionary Homes and Brent and Diana Miller for a new home located at 254 N. 850 E.,

82 Providence, UT.

83

84 **Background Information:**

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

- 86 1. Providence City Conditional Use Application, Residential Site Plan Application
- 87 2. Payment of \$100 application fee
- 88 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on September
- 89 24, 2020.
- 90 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated September 30, 2020.

91

92 **FINDINGS OF FACT:**

93 -Same as in item 2 above.

94 **CONCLUSIONS OF LAW:**

95 -The only difference from above is:

- 96 1. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire, Slope, Landslide, and
- 97 Earthquake Fault areas.

98

99 **CONDITIONS:**

- 100 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
- 101 codes, and ordinances.
- 102 2. The applicant will mitigate hazard areas by:
- 103 a. See letter from Aaron Walker dated September 30, 2020.
- 104 b. See emailed mitigation Strategies dated September 22, 2020.

- 105 3. This conditional use is for the residence only as shown on the site plan updated and submitted on October
106 6, 2020.
107 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
108 their agents from their responsibility to understand and conform to local, state, and federal laws.
109 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
110

111 **Comments:**

- 112 • J Williamson explained the final site plan and the changes of the house position due to the driveway.
- 113 • S Bankhead mentioned then read Aaron Walker's letter, which led to the plans for a turnaround or snake
114 driveway and the decision made to put in the fire sprinkler system. This was discussed in length.
- 115 • The precautions required in a fire hazard area were discussed as well.
- 116 • J Williamson covered the mitigation strategies and updated changes.
- 117 • S Bankhead reminded everyone about the difference of the road easement and the deer fence trail. The
118 trail might be relocated in the future so the road just needs to be maintained where it is a fire hazard.
119

120 **Motion to approve the conditional use requested by Visionary Homes and Brent and Diana Miller for a new**
121 **home located at 254 N. 850 E. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions**
122 **that were on the staff report, in Aaron's letter, and that we've discussed, with the additional condition because**
123 **we just received the drawing on the rock wall and based on the information from this meeting, the walls cannot**
124 **be over four feet above the ground.** — M. Pierce, second — R. Stapley

125 **Vote:**

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

127 **Nay:** None

128 **Abstained:** None

129 **Excused:** None
130

131 **Item No. 3 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
132 for approval a request by Visionary Homes for a new home located at 188 E. 520 N., Providence, UT
133

134 **Background Information:**

135 Complete Application was received October 1, 2020; application contained:

- 136 1. Providence City Conditional Use application and Residential Site Plan application
- 137 2. Payment of \$100 application fee
- 138 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on October 7,
139 2020.
140

141 **FINDINGS OF FACT:**

142 -Same as in item 2 above.

143 **CONCLUSIONS OF LAW:**

144 -The only difference from above is:

- 145 1. This parcel is in a Hazard Water Table area.
146

147 **CONDITIONS:**

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

157 **Comments:**
158 • S Bankhead brought up the high water table and said that the land drain will be utilized. The land drain
159 has been approved during the subdivision process as a mitigation standard and it is being continued to be
160 honored through the conditional use process.
161

162 **Motion for approval of the conditional use request by Visionary Homes for a new home located at 188 E. 520 N.**
163 **in Providence.** — R. Stapley, second — M. Pierce

164 **Vote:**
165 **Yea:** **S. Bankhead, M. Pierce, R. Stapley**
166 **Nay:** **None**
167 **Abstained:** **None**
168 **Excused:** **None**
169

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

171 **Vote:**
172 **Yea:** **S. Bankhead, M. Pierce, R. Stapley**
173 **Nay:** **None**
174 **Abstained:** **None**
175 **Excused:** **None**
176

177 Meeting adjourned at approximately 3:36 PM
178 Minutes prepared by Kris Hobbs Clemente
179

180
181
182
183 _____
184 Skarlet Bankhead, Chair