

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

2 **Wednesday, October 21, 2020 2:30 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, Rob Stapley, Max Pierce

7 **Others in Attendance:** Diane Campbell, Ryan Snow, Jessica Williamson, Dee Chugg, Melanie Child, Steve and  
8 Tammy Short, Todd Horman, and Shaun Young

9 **Excused:** April Fredrickson

10  
11 **Item No. 1 - Conditional Use – Accessory Building:** The Providence City Administrative Land Use Authority will  
12 consider for approval a request by Dee Chugg for an accessory building located at 285 N. 300 E., Providence, UT.

13  
14 **Background Information:**

15 A complete application was received October 14, 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 19,  
19 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 that this parcel is in a Hazard Flood 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. The request meets the requirements of the Codes listed in the Findings of Fact with the following  
45 conditions:

46  
47 **CONDITIONS:**

- 48 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
49 codes, and ordinances.
- 50 2. This conditional use is for the accessory building only as shown on the site plans date stamped October  
51 16, 2020.
- 52 3. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or

53 their agents from their responsibility to understand and conform to local, state, and federal laws.  
54 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

55  
56 **Comments:**

- 57 • S Bankhead read over the GIS Parcel Summary.
- 58 • D Chugg explained they were re-building the shed due to the most recent storm. The size will be  
59 increased and the foundation re-built due to damage and reconstruction.
- 60 • S Bankhead addressed concerns with building in a Hazard Flood area. A discussion followed.
- 61 • City codes were discussed in depth to see if this item could be approved. Advice was given on what else  
62 was required and how to find it.

63  
64 **Motion to continue this item:** — M. Pierce, second — R. Stapley

65 **Vote:**

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

67 **Nay:** None

68 **Abstained:** None

69 **Excused:** None

70  
71 **Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
72 for approval a request by Visionary Homes for a new home located 212 E. 520 N., Providence, UT.

73  
74 **Background Information:**

75 Complete Application was received October 15, 2020; application contained:

- 76 1. Providence City Conditional Use application and Residential Site Plan application
- 77 2. Payment of \$100 application fee
- 78 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on October 19,  
79 2020.

80  
81 **FINDINGS OF FACT:**

- 82 - Same as above.

83 **CONCLUSIONS OF LAW:**

- 84 - The only difference from above is:  
85 1. This parcel is in a Hazard Water Table area.

86 **CONDITIONS:**

- 87 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
88 codes, and ordinances.
- 89 2. The applicant will mitigate Hazard Water Table by:  
90 a. See submitted mitigation letter and Window Well Drain Detail
- 91 3. This conditional use is for the residence only as shown on the site plan date stamped October 15, 2020.
- 92 4. Payment of fees listed on the Providence City Zoning Permit.
- 93 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or  
94 their agents from their responsibility to understand and conform to local, state, and federal laws.  
95 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

96  
97 **Comments:**

- 98 • S Bankhead stated for the record a mitigation strategy was received January 9, signed by Dallas Nicol,  
99 which she read from.

100  
101 **Motion to approve:** — R. Stapley, second — M. Pierce

102 **Vote:**

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

104 **Nay:** None

105            **Abstained:        None**  
106            **Excused:            None**

107  
108 **Item No. 3 – Commercial Site Plan:** The Providence City Administrative Land Use Authority will consider for  
109 approval a request by Amsource Providence for a commercial building located at 74 S Highway 165, Providence, UT  
110

111 **Background Information:**

112 A complete application was received Sept. 24, 2020; application contained:

- 113 1. Commercial Site Plan Application and required submittals.
- 114 2. Payment of \$50 application fee.
- 115 3. This application was held until the subdivision was approved by the Planning Commission on October 14,  
116 2020.
- 117 4. Rob Stapley, Public Works director, inspected the current infrastructure on October 19, 2020.
- 118 5. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 2, 2020.

119  
120 **FINDINGS OF FACT:**

121 The following Providence City Code (PCC) list regulations and requirements to be considered.

- 122 1. 10-8-5 Commercial Zoned Districts; Site Development
- 123 2. Official Zoning Map Revised July 2019

124  
125 **CONCLUSIONS OF LAW:**

- 126 1. The property is located in a CGD zone.
- 127 2. The applicant meets the requirements of 10-8-5 with the following conditions.

128  
129 **CONDITIONS:**

- 130 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
131 codes, ordinances.
- 132 2. The applicant has met the parking requirements. Once the construction drawings are reviewed and  
133 approved, if any changes to the construction drawings are made, the parking will need to be reviewed to  
134 make sure it still meets Providence City standards.
- 135 3. The applicant will supply a new cost estimate for site improvements separate from public improvements.
- 136 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or their  
137 agents from their responsibility to understand and conform to local, state, and federal laws. Providence  
138 City's approval is not intended to and cannot be construed to allow any laws to be violated.

139  
140 **Comments:**

- 141 • The plat and construction notes were discussed.
- 142 • S Bankhead asked M Child about the parking infrastructure, which led to S Young and S Bankhead  
143 discussing the plan and the costs for the site plan project compared to the subdivision. Condition added,  
144 landscaping bond. We don't need the landscaping for the site bond right now, we do need the bond for  
145 public improvements in the park strip. The engineer's estimate is needed.

146  
147 **Motion to approve with the conditions that we have the landscaping bond listed as one of the conditions just as**  
148 **a reminder. Even if we didn't list it, you have to have it done because it is part of the code to keep it in the**  
149 **forefront.** — M. Pierce, second — R. Stapley

150 **Vote:**

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

152 **Nay:                    None**

153 **Abstained:            None**

154 **Excused:              None**

156 **Item No. 4 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
157 for approval a request by Steve and Tammy Short for a new home located 286 N. 850 E., Providence, UT.  
158

159 **Background Information:**

160 Complete Application was received October 7, 2020; application contained:

- 161 1. Providence City Conditional Use Application, Residential Site Plan Application
- 162 2. Payment of \$100 application fee
- 163 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on April 20, 2020.
- 164 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 5, 2020.

165  
166 **FINDINGS OF FACT:**

- 167 - Same as the first item.

168 **CONCLUSIONS OF LAW:**

- 169 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
170 conditional uses.
- 171 2. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire, Slope, Landslide, and  
172 Earthquake Fault areas.
- 173 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated  
174 detrimental effects of the proposed use.
- 175 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in  
176 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in  
177 accordance with the International Fire Code.
- 178 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following  
179 conditions:

180  
181 **CONDITIONS:**

- 182 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
183 codes, and ordinances.
- 184 2. The applicant will mitigate hazard areas by:  
185 a. See letter from Aaron Walker dated October 5, 2020.  
186 b. See emailed mitigation strategies dated October 15, 2020.
- 187 3. This conditional use is for the residence only as shown on the site plan updated and submitted on October  
188 7, 2020.
- 189 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or  
190 their agents from their responsibility to understand and conform to local, state, and federal laws.  
191 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

192  
193 **Comments:**

- 194 • T Horman said that the original engineers looked at the earthquake fault line and it wasn't an issue.
- 195 • S Bankhead made the disclaimer that they do their best to be prepared but can't control mother nature.
- 196 • R Stapley brought up the power line easement. He was concerned about the home being built too close  
197 to the wires. S Bankhead said to contact Rocky Mountain Power and connect her in the emails to make  
198 sure they are in the range they are supposed to be without being too close to the power lines.
- 199 • Being cautious when it comes to sensitive areas like a landslide area was brought up and discussed.
- 200 • R Stapley went over sprinkler systems and water pressure.
- 201 • S Bankhead said that the landslide area needed further analysis. She added the condition that the  
202 engineer will have to address the potential landslide.

203  
204 **Motion that in addition to the conditions that were listed in the staff report we will receive something from the**  
205 **design engineer that addresses the landslide and mitigation strategies for that and also are included on emails**  
206 **to the Rocky Mountain Power representatives so that we make sure that the home is placed in accordance with**  
207 **their easement as well. The motion would be to approve this with those two conditions. If for some reason you**

208 **have to make some adjustments to the site plan, then we would have to come back and look at those**  
209 **adjustments. We hope everything is done the way it is supposed to and we are just being overly cautious right**  
210 **now so you won't have to make any changes. Get verification from both of these places and we will be good to**  
211 **go.** — R. Stapley, second — M. Pierce

212 **Vote:**  
213 **Yea:** S. Bankhead, M. Pierce, R. Stapley  
214 **Nay:** None  
215 **Abstained:** None  
216 **Excused:** None

217  
218 **Motion to adjourn:** — M. Pierce, second — R. Stapley

219 **Vote:**  
220 **Yea:** S. Bankhead, M. Pierce, R. Stapley  
221 **Nay:** None  
222 **Abstained:** None  
223 **Excused:** None

224  
225 Meeting adjourned at approximately 4:10 PM  
226 Minutes prepared by Kris Hobbs Clemente

227  
228  
229  
230 \_\_\_\_\_  
231 Skarlet Bankhead, Chair  
232

DRAFT