

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

2 **Wednesday, December 2, 2020 2:30 PM**

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

4 **Members of the ALUA attended this meeting electronically.**

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

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

8 **Others in Attendance:** Ryan Snow, Diane Campbell, April Fredrickson, Jeff Barrett, Matthew Payne and Austin  
9 Ball

10  
11 **Item No. 1 - Conditional Use – Pool:** The Providence City Administrative Land Use Authority will consider for  
12 approval a request by Doug Adams and Immaculate Construction for a pool located at 736 Grandview Dr.,  
13 Providence, UT.

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15 **Background Information:**

16 Complete Application was received November 18, 2020, and contained:

- 17 1. Providence City Conditional Use application and Residential Site Plan Application
- 18 2. Payment of application \$100 fee Nov. 18, 2020
- 19 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure November 23,  
20 2020.
- 21 4. Aaron Walker, Fire Inspector, reviewed CU application. See email dated November 19, 2020.

22  
23 **FINDINGS OF FACT:**

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

39  
40 **CONCLUSIONS OF LAW:**

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

- 50 5. The request meets the requirements of the Codes listed in the Findings of Fact with the  
51 following conditions:  
52

53 **CONDITIONS:**

- 54 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
55 laws, codes, and ordinances.  
56 2. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming  
57 pools.  
58 3. This conditional use is for the pool only as shown on the site plan dated November 18, 2020.  
59 4. Approval by the City of any application submitted or paperwork does not alleviate the owners  
60 and/or their agents from their responsibility to understand and conform to local, state, and  
61 federal laws. Providence City’s approval is not intended to and cannot be construed to allow any  
62 laws to be violated.  
63

64 **Comments:**

- 65 • S Bankhead mentioned that in Aaron’s letter he stated that since it was just a pool there wasn’t a need for  
66 a fire review but if there was a pool house then he would need to further review it. If they do decide to  
67 add anything it would need to be reconsidered.  
68 • J Barrett confirmed it is just a pool and client is not planning on building anything over it.  
69

70 **Motion to approve the conditional use by Doug Adams and Immaculate Construction for a pool located at 736**  
71 **Grandview Drive in Providence based on the Findings of Fact, Conclusions of Law, and Conditions in the staff**  
72 **report: — M. Pierce, second — R. Stapley**

73 **Vote:**

74 **Yea: S. Bankhead, M. Pierce, R. Stapley**  
75 **Nay: None**  
76 **Abstained: None**  
77 **Excused: None**  
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79

80 **Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
81 for approval a request by Austin Ball and Orchid Homes, for a new home located at 259 S. 300 E., Providence, UT.  
82

83 **Background Information:**

84 A complete application was received November 19, 2020 and contained:

- 85 1. Providence City Conditional Use Application and Residential Site Plan application.  
86 2. The application fee of \$100.  
87 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure November 23,  
88 2020.  
89 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated November 24, 2020.  
90

91 **FINDINGS OF FACT:**

- 92 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that  
93 includes conditional uses and provisions for conditional uses that require compliance with  
94 standards set for in an applicable ordinance.  
95 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.  
96 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states,  
97 all requests for permits involving a lot, parcel or site located wholly or partially within an area  
98 subject to the Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard  
99 Earthquake Primary Fault (HE), Hazard Wildfire (WF) regulations, shall be dealt with as a request

100 for a conditional use permit under the provisions of Section 10-3-5 of this Title. All applications  
101 shall comply with the following regulations before any permit shall be issued.

- 102 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate  
103 the reasonably anticipated detrimental effects of the proposed use on the health, safety, or  
104 general welfare of persons residing, working, or conducting business in the vicinity; to mitigate  
105 injury to property in the vicinity; to mitigate any risk to safety of persons or property because of  
106 vehicular traffic or parking, large gatherings of people, or other causes.

107  
108 **CONCLUSIONS OF LAW:**

- 109 1. Providence City has adopted land use ordinances that include conditional uses and provisions  
110 for conditional uses.  
111 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire area.  
112 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably  
113 anticipated detrimental effects of the proposed use.  
114 4. The request meets the requirements of the codes listed in the Findings of Fact with the  
115 following conditions:  
116

117 **CONDITIONS:**

- 118 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,  
119 laws, codes, and ordinances.  
120 2. The applicant will mitigate Hazard Wildfire by:  
121 a. See Aaron Walker review letter dated November 24, 2020.  
122 b. See mitigation statement submitted by applicant.  
123 3. This conditional use is for the home only as shown on the site plan date stamped November 19,  
124 2020.  
125 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the  
126 parcel in the interest of the fire safety provisions and regulations as adopted by the State of  
127 Utah and in accordance with the International Fire Code.  
128 5. Approval by the City of any application submitted or paperwork does not alleviate the owners  
129 and/or their agents from their responsibility to understand and conform to local, state, and  
130 federal laws. Providence City’s approval is not intended to and cannot be construed to allow any  
131 laws to be violated.  
132

133 **Comments:**

- 134 • D Campbell said the only difference was that there is a fire hazard area.  
135 • R Stapley brought up that there were two driveways.  
136 • M Payne explained the back road led to the two back plots and the main one leads to the lot in front.  
137 • Fire Code was discussed briefly. The fire code is adequate.  
138

139 **Motion to approve a conditional use requested by Austin Ball and Orchid homes for a brand new home located**  
140 **at 259 S. 300 E. in Providence based on the Findings of Fact, Conclusions of law and Conditions listed in the staff**  
141 **report: — R. Stapley, second — M. Pierce**

142 **Vote:**

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

144 **Nay:** None

145 **Abstained:** None

146 **Excused:** None  
147

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

149           **Vote:**  
150           **Yea:**           **S. Bankhead, M. Pierce, R. Stapley**  
151           **Nay:**           **None**  
152           **Abstained:**   **None**  
153           **Excused:**     **None**  
154

155 Meeting adjourned at approximately 2:43 PM  
156 Minutes prepared by Kris Hobbs Clemente  
157

158  
159 \_\_\_\_\_  
160 Skarlet Bankhead, Chair

DRAFT