

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

2 **Wednesday, February 24, 2021 2:36 PM**

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

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

5 **This meeting was live streamed on Providence City's YouTube Channel**

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

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

9 **Others in Attendance:** Ryan Snow, Diane Campbell, April Fredrickson, Kirk Ochoa

10
11 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
12 for approval a request by Hoth Boys Construction for Jo Marie and Kirk Ochoa for a new home, located at 231 N
13 850 E, Providence, UT.

14
15 **Background Information:**

16 A complete application was received February 11, 2021 and contained:

- 17 1. Providence City Conditional Use Application and Residential Site Plan application.
- 18 2. Payment of \$100 application fee
- 19 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure February 24,
20 2021.
- 21 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated February 19, 2021.

22
23 **FINDINGS OF FACT:**

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

- 53 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
 54 codes, and ordinances.
 55 2. The applicant will mitigate hazard areas by:
 56 a. See letter from Aaron Walker, Deputy Fire Marshall, dated February 19, 2021.
 57 b. Landslide Study dated 2-9-2021 was submitted with application.
 58 3. This conditional use is for the residence only as shown on the site plan updated and submitted on
 59 February 24, 2021.
 60 4. The homeowner and the contractor will make sure they are within the setbacks in accordance with City
 61 Code to ensure no encroachment into the setback areas.
 62 5. As discussed with the homeowner, the City does not have view protection; therefore, approval of this site
 63 plan does not guarantee view protection.
 64 6. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
 65 their agents from their responsibility to understand and conform to local, state, and federal laws.
 66 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

67 **Comments:**

- 68 • S Bankhead read from Aaron Walker's letter dated February 19, 2021.
- 69 • S Bankhead covered the Urban Wildland Interface. She said to be sure to inspect the area to
 70 make sure it is safe once in a while.
- 71 • S Bankhead went over the Civil Solutions report regarding the landslide potential as well. It is
 72 from the past so she cautioned to just keep an eye on it.
- 73 • The site plan, guidelines, setbacks, and codes were discussed in length.
- 74 • R Stapley explained that the water meter would need to be moved because it was in the
 75 driveway, which is against code.
- 76 • S Bankhead reminded the applicant that there is no view protect fee and approval does not
 77 mean there will be view protection.
- 78 • Every precaution was covered so there was an understanding of everything needed to be done
 79 and followed.
- 80 • R Stapley discussed the strip drain in front of the home and with the cautions provided K Ochoa
 81 said he would have the contractor look at it.

82
 83 **Motion to approve the conditional use request for a new home located at 231 N. 850 E. based on the Findings of**
 84 **Fact, Conclusions of Law, and Conditions that were on the staff report and the two conditions that were added**
 85 **during the discussion: — M. Pierce, second — R. Stapley**

86 **Vote:**
 87 **Yea: S. Bankhead, M. Pierce, R. Stapley**
 88 **Nay: None**
 89 **Abstained: None**
 90 **Excused: None**

91
 92 **Motion to adjourn: — R. Stapley, second — M. Pierce**

93 **Vote:**
 94 **Yea: S. Bankhead, M. Pierce, R. Stapley**
 95 **Nay: None**
 96 **Abstained: None**
 97 **Excused: None**

98
 99 Meeting adjourned at approximately 3:14 PM
 100 Minutes prepared by Kris Hobbs Clemente

101
 102
 103
 104 _____
 Skarlet Bankhead, Chair