

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

2 **Wednesday, April 7, 2021 2:41 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**

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

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

9 **Others in Attendance:** Ryan Snow, Diane Campbell, John Sismondi, Jessica Williamson

10 **Excused:** April Fredrickson

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12 ***Item No. 6 was covered first while waiting for an applicant for the first items. Item No. 5 was covered secondly.**

13 ***Items 1-4 were covered together because they are basically the same.**

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15 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
16 for approval a request by Visionary Homes for a new home located at 247 E 520 N, Providence, UT (Vineyard Lot
17 56).

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19 **Item No. 2 – Conditional Use - New Home:** The Providence City Administrative Land Use Authority will consider
20 for approval a request by Visionary Homes for a new home located at 536 N 275 E, Providence, UT (Vineyard Lot
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23 **Item No. 3 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
24 for approval a request by Visionary Homes for a new home located at 244 E 520 N, Providence, UT (Vineyard Lot
25 69).

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27 **Item No. 4 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
28 for approval a request by Visionary Homes for a new home located at 228 E 520 N, Providence, UT (Vineyard Lot
29 70).

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31 **Background Information:**

32 Complete Application was received March 24, 2021; application contained:

- 33 1. Providence City Conditional Use application and Residential Site Plan application
34 2. Payment of \$100 application fee
35 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on March 26,
36 2021.

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38 **FINDINGS OF FACT:**

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

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CONCLUSIONS OF LAW:

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

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 Hazard Water Table by:
 - a. See submitted mitigation letter and Window Well Drain Detail
- 3. This conditional use is for the residence only as shown on the site plan date stamped March 25, 2021.
- 4. Payment of fees listed on the Providence City Zoning Permit.
- 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:

- S Bankhead confirmed the letter that Dallas Nichols had sent January 2020 concerning the land drain for this development and that it has been installed and is working properly.

Motion to approve items one through four on our agenda, conditional use for a new home located at 247 E. 520 N., 536 N. 275 E., 244 E. 520 N., 228 E. 520 N. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions that were listed in the staff report and reviewed in the meeting: — R. Stapley, second — M. Pierce

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

Item No. 5 – Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes and Cameron Widner for a new home located at 96 N 850 E, Providence, UT.

Background Information:

- Complete Application was received March 31, 2021; application contained:
- 1. Providence City Conditional Use Application, Residential Site Plan Application
 - 2. Payment of \$100 fee.
 - 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on July 29, 2020.
 - 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 18, 2020, and email confirmation on March 31, 2021.

FINDINGS OF FACT:

- 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set for in an applicable ordinance.
- 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.

- 105 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all
106 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
107 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
108 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
109 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
110 any permit shall be issued.
- 111 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
112 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare
113 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
114 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
115 gatherings of people, or other causes.

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117 **CONCLUSIONS OF LAW:**

- 118 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
119 conditional uses.
- 120 2. The Cache County GIS Parcel Summary indicates this parcel is in Wildfire Hazard, Hazard Slope, and
121 Hazard Earthquake Fault areas.
- 122 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
123 detrimental effects of the proposed use.
- 124 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
125 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
126 accordance with the International Fire Code.
- 127 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
128 conditions:

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130 **CONDITIONS:**

- 131 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
132 codes, ordinances.
- 133 2. The applicant will mitigate Wildfire Area by:
134 a. See letter from Aaron Walker dated August 18, 2020.
135 b. See Mitigation strategies dated August 31, 2020.
- 136 3. This conditional use is for the residence only as shown on the site plan date stamped April 1, 2021.
- 137 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
138 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
139 accordance with the International Fire Code.
- 140 5. The fault line was excavated during the subdivision development and was concluded to possibly be
141 further to the east. If it is found during excavation for the home, construction will be discontinued until
142 the issue can be resolved.
- 143 6. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
144 their agents from their responsibility to understand and conform to local, state, and federal laws.
145 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

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147 **Comments:**

- 148 • S Bankhead stated for the record that she would read from the agenda item but then move to table it
149 until someone could be there to represent it.
- 150 • S Bankhead also stated that they had already done a conditional use on this item in August or September
151 of 2020 but the Widners decided they wanted to move the location of their home. They had to send in an
152 Amended Plat.
- 153 • S Bankhead read from an email from C Widner regarding the retaining wall and changes that were made.
- 154 • R Stapley and M Pierce discussed the retaining wall and their concerns with the plan for compaction for
155 the restoration of the city's property.

- S Bankhead reassured the others by reading from letters between A Walker and C Widner saying that the new plan would suffice and that no new changes will be made.
- J Williamson clarified the concerns that R Stapley had about the boulders being built on the slope and the wall system. A discussion with M Pierce followed.

M Pierce made a motion that this item be continued until they can get more information and data on the grading and the retaining walls and material that is getting in there to be compacted: second: ----- R. Stapley

Vote:

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

Nay: None

Abstained: None

Excused: None

Item No. 6 – Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by John Sismondi for a new home located at 281 N. 850 E., Providence, UT.

Background Information:

Complete Application was received February 15, 2021; application contained:

1. Providence City Conditional Use Application, Residential Site Plan Application
2. Payment of \$100 fee, February 22, 2021.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on February 25, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated March 30, 2021.

FINDINGS OF FACT:

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

CONCLUSIONS OF LAW:

1. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.
2. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire and Landslide areas.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
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. The request meets the requirements of the Codes listed in the Findings of Fact with the following conditions:

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CONDITIONS:

1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, ordinances.
2. The applicant will mitigate Wildfire Area by: See letter from Aaron Walker dated March 30, 2021.
3. For Hazard Landslide area mitigation, the applicant has submitted a Landslide Study dated 02-09-2021.
4. This conditional use is for the residence only as shown on the site plan date stamped March 22, 2021.
5. Approval by the City of any submitted application 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:

- There was a discussion about the landslide and fire hazard areas. Michael Taylor from Civil Solutions looked at this. The risks are very low and would not deter from anything being built on the property.
- Basement windows with window wells were addressed along with placement and setbacks.
- S Bankhead brought up that driveways need to be 15 feet apart from each other. If there is a change or expansion it would need to be looked at.
- S Bankhead read from Aaron Walker's letter dated March 30, 2021. She cautioned that the hazard areas just be kept in check and watched for safety.

Motion to approve the conditional use for a home requested by John Sismondi located at 281 N. 850 E. based on the Findings of Fact, Conclusions of Law, and Conditions in the staff report and the letter from Aaron Walker: —

— M. Pierce, second — R. Stapley

Vote:

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

Nay: None

Abstained: None

Excused: None

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

Vote:

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

Nay: None

Abstained: None

Excused: None

Meeting adjourned at approximately 3:42 PM

Minutes prepared by Kris Hobbs Clemente

Skarlet Bankhead, Chair