

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

2 **Wednesday, May 5, 2021 2:30 PM**

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

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

5
6 **Call to Order:** Skarlet Bankhead, Chair

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

8 **Others in Attendance:** Ryan Snow, Tyler Cameron, Diane Campbell, Jessica Williamson, Cameron Widner,
9 Casey Owen, Stephanie Swan

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by Visionary Homes and Cameron Widner for a new home located at 96 N. 850 E.,
14 Providence, UT.

15
16 **Background Information:**

17 Complete Application was received March 31, 2021; application contained:

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

23
24 **FINDINGS OF FACT:**

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

40
41 **CONCLUSIONS OF LAW:**

- 42 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
43 conditional uses.
- 44 2. The Cache County GIS Parcel Summary indicates this parcel is in Wildfire Hazard, Hazard Slope, and
45 Hazard Earthquake Fault areas.
- 46 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
47 detrimental effects of the proposed use.
- 48 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
49 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
50 accordance with the International Fire Code.
- 51 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
52 conditions:

53
54 **CONDITIONS:**

- 55 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
56 codes, ordinances.
57 2. The applicant will mitigate Wildfire Area by:
58 a. See letter from Aaron Walker dated August 18, 2020.
59 b. See Mitigation strategies dated August 31, 2020.
60 3. This conditional use is for the residence only as shown on the site plan date stamped April 1, 2021.
61 4. The fault line was excavated during the subdivision development and was concluded to possibly be
62 further to the east. If it is found during excavation for the home, construction will be discontinued until
63 the issue can be resolved.
64 5. 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

68 **Comments:**

- 69 • This is the third time going over this project. The slope and rock wall were discussed again with concerns
70 and the details were talked about.
71 • J Williamson said she would bring in another plan with the signed engineer stamp on it.
72 • The grading, road plan, and retaining wall were discussed in length.
73

74 **Motion to approve the request by Visionary Homes and Cameron Widner for a new home located at 96 N. 850 E.**
75 **in Providence. The placement of the home is being approved as shown on the plan that is date stamped April 1,
76 **2021 and initialed by Diane Campbell. The rock wall grading, and placement is being approved on the plan that
77 **is Little Baldy, Lot 33, grading plan based on Alliance Engineering with the date of 4/20/2021 that will be
78 **submitted with a signed, stamped engineering plan: – M. Pierce, second – R. Stapley********

79 **Vote:**

80 **Yea: S Bankhead, M Pierce, R Stapley**

81 **Nay: None**

82 **Abstained: None**

83 **Excused: None**
84

85 **Item No. 2 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
86 for approval a request by Casey Owen for Wade and Stephanie Swan for a new home located at 693 E. Spring
87 Creek Parkway, Providence, UT.
88

89 **Background Information:**

90 A complete application was received April 19, 2021 and contained:

- 91 1. Providence City Conditional Use Application and Residential Site Plan application.
92 2. Payment of \$100 fee.
93 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure April 20, 2021.
94 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated April 22, 2021.
95

96 **FINDINGS OF FACT:**

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

105 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations
106 before any permit shall be issued.

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

112
113 **CONCLUSIONS OF LAW:**

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

121
122 **CONDITIONS:**

- 123 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
124 codes, and ordinances.
125 2. To address the Hazard Landslide Area, the applicant has submitted a Landslide & Fire Hazard Report dated
126 10-8-18.
127 3. This conditional use is for the home only as shown on the site plan date stamped April 19, 2021.
128 4. This home was approved with a single access onto Spring Creek Parkway until clarification can be
129 obtained from Craig Smith, council for the Appeal Authority, regarding the intent of the variance granting
130 access onto Spring Creek Parkway.
131 5. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
132 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
133 accordance with the International Fire Code.
134 6. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
135 their agents from their responsibility to understand and conform to local, state, and federal laws.
136 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

137
138 **Comments:**

- 139 • R Stapley stated that this was a double fronted lot and explained his concerns about the traffic.
140 • There was an in-depth discussion about a circle driveway and where access was granted to the property.
141 • S Bankhead read from the site plan and there was a discussion about whether they could have one or two
142 access points.
143 • It was stated that they would need to appeal the City's decision through the Appeal Authority if they did
144 not approve of the decision and it would take some time to go through.
145 • S Bankhead read from Aaron Walker's letter.
146 • S Swan brought up the safety factor of a circular drive and mentioned they did a traffic study.
147 • S Bankhead read from the formal Traffic Study dated August 4, of 2020 concerning access to the road.
148 • R Snow read from the Decision.
149 • S Swan argued the decision did not specify a number of accesses and says there is a no code or anything
150 on the variance to not be able to put two accesses in for a circular driveway. She said she will fight it.
151 • M Pierce said they must follow everything with diligence to make sure they are following what the appeal
152 authority has already approved.
153 • S Bankhead stated she cannot override the appeal authority and give two accesses where the appeal
154 authority and the traffic study both were based on AN access.
155 • R Stapley said they try to have as few accesses as possible and limit the sizes and distances to minimize

- 156 the traffic coming in and out of the quantity of accesses.
157 • S Bankhead cleared the problem with S Swan and said they have to follow what is legal.
158 • The members deliberated what the final decision would be.
159

160 **Rob Stapley made the Motion to approve the Swan conditional use permit permitting one single access to the**
161 **lot with the condition to revisit this to find out if two access ways will be permitted or not:** — R. Stapley, second

162 — M. Pierce

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

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

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

176 Meeting adjourned at approximately 3:25 PM
177 Minutes prepared by Kris Hobbs Clemente
178

179
180
181 _____
182 Skarlet Bankhead, Chair

