

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

2 **Wednesday, May 19, 2021 2:30 PM**

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

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

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

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

8 **Others in Attendance:** Ryan Snow, Jessica Williamson, Tyler Cameron, Diane Campbell, April Fredrickson,
9 Lindsay Cole, Steve Coppieters, Cary and Charlotte Green, and Dave Belnap

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 for a new home located at 260 E. 520 N., Providence, UT (Vineyard lot
14 68).

15
16 **Background Information:**

17 Complete Application was received May 10, 2021; application contained:

- 18 1. Providence City Conditional Use application and Residential Site Plan application
- 19 2. Payment of \$100 application fee
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on May 13, 2021.

21
22 **FINDINGS OF FACT:**

- 23 1. UCA 10-9a-507. Conditional Uses allows a municipality to adopt a land use ordinance that includes
24 conditional uses and provisions for conditional uses that require compliance with standards set for in an
25 applicable ordinance.
- 26 2. 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), Hazard Earthquake Primary Fault (HE), or
29 Hazard Wildfire (WF), shall be dealt with as a request for a conditional use permit under the provisions of
30 Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit
31 shall be issued.
- 32 3. 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
34 of 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. This parcel is in a Hazard Water Table 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. Included in the application packet was an elevation plan labeled Briarwood. This was not one of the
45 original plans submitted when the Vineyard development was approved. The Planning Commission is the
46 proper authority to consider new elevations.
- 47 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
48 conditions:

49
50 **CONDITIONS:**

- 51 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
52 codes, and ordinances.

- 53 2. The applicant will mitigate Hazard Water Table by:
54 a. See submitted mitigation letter and Window Well Drain Detail
55 3. This conditional use is for the residence only as shown on the site plan date stamped May 11, 2021. If an
56 elevation change is desired that is different from what was previously approved by the Planning
57 Commission, an application will need to be submitted to the Planning Commission.
58 4. Payment of fees listed on the Providence City Zoning Permit.
59 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
60 their agents from their responsibility to understand and conform to local, state, and federal laws.
61 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
62

63 **Comments:**

- 64 • S Bankhead read from Dallas Nichol's letter dated January 9, 2020.
- 65 • S Bankhead went over the packet and said there is the land drain there with several Visionary homes
66 associated with the land drain and that it is going well.
- 67 • It was clarified that these homes were in conditional use and had to follow the guidelines since the
68 location was in a hazard area.
- 69 • S Bankhead said they could approve the conditional use of the land drain but not the half pertaining to
70 elevations.

71
72 **Motion to approve the conditional use for a new home located at 260 E. 520 N. with the understanding that**
73 **what we are approving is the conditional use to use the land drain system in the hazard water table area.**
74 **Anything else would have to go before another body for approval. – M. Pierce, second – R. Stapley**

75 **Vote:**

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

77 **Nay: None**

78 **Abstained: None**

79 **Excused: None**

80
81 **Item No. 2 – Conditional Use – Pool:** The Providence City Administrative Land Use Authority will consider for
82 approval a request by JBM Pools for Greg and Lindsay Cole for a pool located at 740 Eagle View Dr., Providence,
83 UT.
84

85 **Background Information:**

86 Complete Application was received May 11, 2021, and contained:

- 87 1. Providence City Conditional Use application and Residential Site Plan Application
- 88 2. Payment of application \$100.
- 89 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 12, 2021.

90
91 **FINDINGS OF FACT:**

- 92 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
93 conditional uses and provisions for conditional uses that require compliance with standards set for in an
94 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, all
97 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
98 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
99 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
100 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
101 any permit shall be issued.
- 102 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
103 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of
104 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 a Landslide 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. Landslide mitigation was discussed with the City Engineer, Max Pierce, and it was decided that a landslide study would not be necessary for the construction of this pool.
3. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming pools.
4. This conditional use is for the pool only as shown on the site plan dated May 6, 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:

- The geo tech reports in the area were discussed.
- M Pierce brought up the stableness in the area in three different reports from the same day and did not feel the need for the applicant to get a report done.
- R Stapley questioned the efficiency depending on how far apart they were.
- L Cole asked if it mattered which end of the pool was the deep end since there was a slope in the backyard. A discussion followed.

Motion to approve the conditional use for a pool located at 740 Eagle View Dr. in Providence, based on the Findings of Fact, Conclusions of Law, and Conditions listed in the staff report: – R. Stapley, second – M. Pierce

Vote:

| | |
|-------------------|--|
| Yea: | S Bankhead, M Pierce, R Stapley |
| Nay: | None |
| Abstained: | None |
| Excused: | None |

Item No. 3 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Stone Gate Homes for Adam Paul for a new home located at 1249 Hidden View Dr., Providence, UT.

Background Information:

A complete application was received May 3, 2021 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 4, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 6, 2021.

FINDINGS OF FACT:

1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes

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

171
172 **CONCLUSIONS OF LAW:**

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

183
184 **CONDITIONS:**

- 185 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
186 codes, and ordinances.
- 187 2. The applicant will mitigate hazard areas by:
 - 188 a. See letter from Aaron Walker, Deputy Fire Marshall, dated May 6, 2021.
 - 189 b. See Geotechnical Investigation submitted May 4, 2021.
 - 190 c. See Mitigation Strategies dated May 1, 2021.
- 191 3. This conditional use is for the residence only as shown on the site plan date stamped May 4, 2021.
- 192 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
193 their agents from their responsibility to understand and conform to local, state, and federal laws.
194 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

195
196 **Comments:**

- 197 • S Bankhead went into depth with the conditions.
- 198 • S Bankhead went through Steve Coppieters' letter.
- 199 • S Bank head went over the GIS summary report.
- 200 • R Stapley reminded the contractor to maintain the integrity of the existing storm water pond.

201
202 **Motion to approve the request by Stone Gate Homes for Adam Paul located at 1249 Hidden View Drive in**
203 **Providence based on the Findings of Fact, Conclusions of Law, and Conditions listed in the staff report: – M.**
204 **Pierce, second – R. Stapley**

205 **Vote:**

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

207 **Nay: None**

208 **Abstained: None**

209 **Excused:** **None**

210

211 **Item No. 4 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
212 for approval a request by Stone Gate Homes for Cary and Charlotte Green for a new home located at 230 N. 850 E.,
213 Providence, UT.

214

215 **Background Information:**

216 A complete application was received May 1, 2021 and contained:

- 217 1. Providence City Conditional Use Application and Residential Site Plan application.
- 218 2. Payment of \$100 application fee
- 219 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 7, 2021.
- 220 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 10, 2021.

221

222 **FINDINGS OF FACT:**

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

238

239 **CONCLUSIONS OF LAW:**

- 240 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
241 conditional uses.
- 242 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire and Landslide areas.
- 243 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
244 detrimental effects of the proposed use.
- 245 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
246 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
247 accordance with the International Fire Code.
- 248 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
249 conditions:

250

251 **CONDITIONS:**

- 252 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
253 codes, and ordinances.
- 254 2. The applicant will mitigate hazard areas by:
 - 255 a. See letter from Aaron Walker, Deputy Fire Marshall, dated May 10, 2021.
 - 256 b. See Geotechnical Investigation submitted May 6, 2021.
 - 257 c. See 'Mitigation Strategies for Wildfire, Steep and Moderate Slopes' dated May 1, 2021
- 258 3. This conditional use is for the residence only as shown on the site plan date stamped May 6, 2021.
- 259 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
260 their agents from their responsibility to understand and conform to local, state, and federal laws.

261 Providence City’s approval is not intended to and cannot be construed to allow any laws to be violated.

262

263 **Comments:**

- 264 • S Bankhead reminded the applicant to make sure their property lines were in place.
- 265 • S Bankhead read from Aaron Walker’s letter.
- 266 • S Bankhead read from the GIS parcel summary report from Civil Solutions.
- 267 • S Bankhead also went over mitigation strategies.

268

269 **Motion to approve the request for Stone Gate Homes by Cary and Charlotte Green for a new home located at**
270 **230 N. 850 E. in Providence based on the findings of fact, conclusions of law, and conditions in the staff report: –**

271 **R. Stapley, second – M. Pierce**

272 **Vote:**

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

274 **Nay: None**

275 **Abstained: None**

276 **Excused: None**

277

278 **Item No. 5 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
279 for approval a request by Pillar Homes for Brett and Idena Ward for a new home located at 879 Grandview Dr.
280 Providence, UT.

281

282 **Background Information:**

283 Complete Application was received May 4, 2021; application contained:

- 284 1. Providence City Conditional Use Application, Residential Site Plan Application
- 285 2. Payment of \$100 application fee.
- 286 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on May 7, 2021.
- 287 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 6, 2021.

288

289 **FINDINGS OF FACT:**

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

305

306 **CONCLUSIONS OF LAW:**

- 307 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
308 conditional uses.
- 309 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire area.
- 310 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
311 detrimental effects of the proposed use.
- 312 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in

313 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
314 accordance with the International Fire Code.
315 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
316 conditions:
317

318 **CONDITIONS:**

- 319 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
320 codes, ordinances.
321 2. The applicant will mitigate Wildfire Area by: See letter from Aaron Walker dated May 6, 2021.
322 3. See email from applicant dated May 5, 2021.
323 4. This conditional use is for the residence only as shown on the site plan date stamped May 4, 2021.
324 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
325 their agents from their responsibility to understand and conform to local, state, and federal laws.
326 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
327

328 **Comments:**

- 329 • S Bankhead read from Aaron Walker's letter.
330 • The retaining wall was brought up and discussed. The retaining wall will be very close to the property line.
331 • D Belnap addressed the driveway access and the retaining wall.
332 • R Stapley discussed storm water.
333 • S Bankhead explained the contractor will have to work with the building official to make sure the retaining
334 wall meets building codes.
335 • S Bankhead reminded the applicant that property pins need to be in place so setbacks can be checked.
336 Also, if something comes up that wasn't addressed in the plan, the applicant needs to contact the City
337 before moving forward.
338

339 **Motion to approve the request by Pillar Homes for Brett and Idena Ward for a new home located at 879**
340 **Grandview Dr. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions listed in the staff**
341 **report: – M. Pierce, second – R. Stapley**

342 **Vote:**

343 **Yea: S Bankhead, M Pierce, R Stapley**
344 **Nay: None**
345 **Abstained: None**
346 **Excused: None**
347

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

349 **Vote:**

350 **Yea: S. Bankhead, M. Pierce, R. Stapley**
351 **Nay: None**
352 **Abstained: None**
353 **Excused: None**
354

355 Meeting adjourned at approximately 3:39 PM

356 Minutes prepared by Kris Hobbs Clemente
357
358

359 _____
360 Skarlet Bankhead, Chair
361
362