

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

2 **Wednesday, August 11, 2021 2:35 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, Tyler Cameron, Diane Campbell, April Fredrickson, Jessica Williamson, Rob  
9 Summers, Josh Miller, Zach Spenst, and Todd Wurthen

10 **Excused:** None

11  
12 **Item No. 1 - Conditional Use – Pavilion:** The Providence City Administrative Land Use Authority will consider for  
13 approval a request by North Ridge Ent., LLC for Bryan Wrigley for a pavilion located at 250 S. Sherwood Dr.,  
14 Providence, UT. [EXHIBIT](#)

15  
16 **Background Information:**

17 Complete Application was received August 5, 2021, and contained:

- 18 1. Providence City Conditional Use application and Residential Site Plan Application
- 19 2. Payment of application fee: \$100.
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 9, 2021.

21  
22 **FINDINGS OF FACT:**

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

38  
39 **CONCLUSIONS OF LAW:**

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

47  
48 **CONDITIONS:**

- 49 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
50 codes, and ordinances.
- 51 2. The applicant has mitigated slopes with construction of a retaining wall.
- 52 3. The applicant will mitigate Wildfire Hazard Area by complying with requirements set forth by Aaron

Walker, Deputy Fire Marshall – See review letter dated August 9, 2021.

4. This conditional use is for the pavilion only as shown on the site plan dated August 4, 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:**

- S Bankhead read from Aaron Walker's letter.
- S Bankhead stated that they will enforce what is on the site plan. The setbacks must meet the inspector's and A Fredrickson's approval. If things are changed on the site plans, the City needs to know about it.

**Motion to approve the request by North Ridge Ent., LLC for Bryan Wrigley for a pavilion located at 250 S. Sherwood Dr. based on the Findings of Fact, Conclusions of Law, and Conditions included in the staff report: —**

**M. Pierce, second — R. Stapley**

**Vote:**

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

**Nay: None**

**Abstained: None**

**Excused: None**

**Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a new home located at 124 E. 520 N., Providence, UT (Vineyard Lot 80). [EXHIBIT](#)

**Background Information:**

Complete Application was received August 6, 2021; application 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 on August 9, 2021.

**FINDINGS OF FACT:**

\*The Findings of Fact are the same except for #2 The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis does not apply to this one.

**CONCLUSIONS OF LAW:**

\*The Conclusions of Law are the same as above except for:

1. This parcel is in a Hazard Water Table area.

**CONDITIONS:**

\*The Conditions are the same as above except for:

2. The applicant will mitigate Hazard Water Table by: See submitted mitigation letter and Window Well Drain Detail.

**Comments:**

- S Bankhead read from the Geotech study that was done. They did find ground water that meets the water hazard definition. The engineering firm recommended a land drain as an acceptable mitigation strategy. Vineyard has been using that strategy since they started their construction.

**Motion to approve the request by Visionary Homes for a new home located at 124 E. 520 N. Providence, Utah in Vineyard Lot 80, based on the Findings of Fact, Conclusions of Law, and Conditions listed in the staff report: —**

**R. Stapley, second — M. Pierce**

105 **Vote:**  
106 **Yea:** S. Bankhead, M. Pierce, R. Stapley  
107 **Nay:** None  
108 **Abstained:** None  
109 **Excused:** None  
110

111 **Item No. 3 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
112 for approval a request by J&M Builders for Austin Terry for a new home located at 222 N 850 E., Providence, UT.  
113 [EXHIBIT](#)

114  
115 **Background Information:**

116 A complete application was received July 13, 2021, and contained:

- 117 1. Providence City Conditional Use Application and Residential Site Plan application.
- 118 2. Payment of \$100 application fee
- 119 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure July 16, 2021.
- 120 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated July 25, 2021.

121  
122 **FINDINGS OF FACT:**

123 \*These are the same as above.  
124

125 **CONCLUSIONS OF LAW:**

126 \*The Conclusions of Law are the same as above except for:

- 127 1. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire, Fault Line, Slope and  
128 Landslide areas.

129  
130 **CONDITIONS:**

- 131 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
132 codes, and ordinances.
- 133 2. The applicant will mitigate hazard areas by:
  - 134 a. See letter from Aaron Walker, Deputy Fire Marshall, dated July 25, 2021.
  - 135 b. See Landslide Report dated July 9, 2021.
  - 136 c. The fault line was excavated during the subdivision development and was concluded to  
137 possibly be further to the east. If it is found during excavation for the home, construction will  
138 be discontinued until the issue can be resolved.
  - 139 d. Steep slopes are outside of the building area and will not be disturbed.
- 140 3. This conditional use is for the residence only as shown on the revised site plan that was submitted during  
141 the Administrative Land Use meeting with the addition of the building envelope included, and on approval  
142 by staff.
- 143 4. 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.  
146

147 **Comments:**

- 148 • S Bankhead read from Aaron Walker's letter.
- 149 • S Bankhead said that they will need the percent and grade plan on the site plan for the turn around to be  
150 included.
- 151 • S Bankhead explained the applicant needs to submit a revised site plan that shows the recorded building  
152 envelope. A Walker will need to review the revised site plan.
- 153 • S Bankhead also read from the Civil Solutions landslide report prepared by Michael Taylor.
- 154 • Z Spenst said that they would revise the site plan and once they started the work and would see what  
155 needs to be addressed, excavated, or approved by the City. They want to do the foundation at the same  
156 time.

- 157 • Z Spenst sent a plan for the turnabout which was not big enough.
- 158 • Z Spenst emailed a revised site plan during the meeting; however, it did not show the building envelope.
- 159 It did show the change to the driveway and turnaround.
- 160 • R Stapley discussed the water meter and service lines in relationship to landscaping needs. He cautioned
- 161 that, as the lot increases in elevation, the landscaping company would need to design the sprinkler system
- 162 to work with the reduction of water pressure.
- 163 • Z Spenst reported they are considering a 1½ -inch service line but keeping a 1-inch meter.

164  
 165 **Administrative Land Use Authority will Conditionally approve the request by J&M Builders for Austin Terry**  
 166 **regarding a home located at 222 N. 850 E. based on the Findings of Fact, Conclusions of Law, and Conditions**  
 167 **listed in the staff report. We are looking to change a couple of things on the staff report. We are looking at**  
 168 **using the subdivision site plan that was emailed to us during the meeting today with the billing on it and need to**  
 169 **have it verified by Diane and April. My motion would be to approve with the additional condition that the new**  
 170 **site plan that came in today be amended to show the building envelope and that April and Diane verify the**  
 171 **building envelope and then the approval would stand. If they can verify that, then we can use that site plan**  
 172 **with Rob and Max's approval as well: — R. Stapley, second — M. Pierce**

173 **Vote:**  
 174 **Yea:** S. Bankhead, M. Pierce, R. Stapley  
 175 **Nay:** None  
 176 **Abstained:** None  
 177 **Excused:** None

178  
 179 **Item No. 4 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
 180 for approval a request by Summers Construction for Josh and Melissa Miller for a new home located at 116 N. 850  
 181 E., Providence, UT. [EXHIBIT](#)

182  
 183 **Background Information:**  
 184 Complete Application was received July 20, 2021; application contained:  
 185 1. Providence City Conditional Use Application, Residential Site Plan Application  
 186 2. Payment of \$100 fee, July 21, 2021  
 187 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on July 21, 2021.  
 188 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 4, 2021.

189  
 190 **FINDINGS OF FACT:**  
 191 \*These are the same as above.

192  
 193 **CONCLUSIONS OF LAW:**  
 194 \*These are the same as well except for:  
 195 1. The Cache County GIS Parcel Summary indicates this parcel is in Wildfire Hazard, Hazard Slope, and  
 196 Hazard Earthquake Fault areas.

197  
 198 **CONDITIONS:**  
 199 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
 200 codes, ordinances.  
 201 2. The applicant will mitigate Wildfire Area by:  
 202 a. See letter from Aaron Walker dated August 4, 2021.  
 203 b. Steep slopes are outside of the building area and will not be disturbed.  
 204 c. The fault line was excavated during the subdivision development and was concluded to possibly  
 205 be further to the east. If it is found during excavation for the home, construction will be  
 206 discontinued until the issue can be resolved.  
 207 3. This conditional use is for the residence only as shown on the revised site plan submitted during the  
 208 Administrative Land Use meeting, which includes changes required by Aaron Walker, Deputy Fire

209 Marshall.  
210 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or  
211 their agents from their responsibility to understand and conform to local, state, and federal laws.  
212 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.  
213

214 **Comments:**

- 215 • S Bankhead read from Aaron Walker's letter.
- 216 • There was a discussion concerning the fire hydrants and the safety precautions that would be taken if a  
217 fire did occur and how the trucks would get in.
- 218 • The possibility of a future side dwelling unit was brought up.
- 219 • R Stapley covered his concerns on storm water and compacting the trenches so if it rains how to maintain  
220 those.
- 221 • There was also a discussion about having two meters, one being a landscaping meter.

222  
223 **Motion to approve the Summers' request for Josh and Melissa Miller for a new home located at 116 N. 850 E. in**  
224 **Providence based on the Findings of Fact, Conclusions of Law, and Conditions in the staff report that were**  
225 **presented; with a change to that, we are not using the July 20,2021 site plan. We are using the site plan that**  
226 **was given to us during this meeting: — M. Pierce, second — R. Stapley**

227 **Vote:**

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

229 **Nay: None**

230 **Abstained: None**

231 **Excused: None**

- 232
- 233 • S Bankhead explained it is time to look at the application fee. She asked that those involved with  
234 reviewing the plans and preparing for the meetings to note the time it takes. This will provide a basis for  
235 an adequate application fee.

236  
237 **Motion to adjourn: — M. Pierce, second — R. Stapley**

238 **Vote:**

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

240 **Nay: None**

241 **Abstained: None**

242 **Excused: None**

243  
244 Meeting adjourned at approximately 3:42 PM  
245 Minutes prepared by Kris Hobbs Clemente  
246  
247

248  
249 \_\_\_\_\_  
250 Skarlet Bankhead, Chair