

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

2 **Wednesday, October 13, 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**

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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, Jennifer Bettencourt,
9 Nathan Ballstaedt

10 **Excused:**

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12 **Item No. 1 - Conditional Use – Addition:** The Providence City Administrative Land Use Authority will consider for
13 approval a request by Nate Webb for an addition to the home located at 600 Hillsborough Dr., Providence, UT.

14 [EXHIBIT](#)

15
16 **Background Information:**

17 A complete application was received September 3, 2021 and 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 September 10,
21 2021.
- 22 4. Aaron Walker, Fire Inspector, reviewed site; see letter dated September 28, 2021.

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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 or 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 of
37 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.

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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 a Wildfire Hazard area.
- 45 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
46 detrimental effects of the proposed use.
- 47 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
48 conditions:

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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 fire hazard by: See letter from Aaron Walker dated September 28, 2021.

3. This conditional use is only for the addition to the home as shown on the site plan date stamped Sept. 7, 2021. An updated site plan was received Oct. 13, 2021, that was received by Aaron Walker on September 21, 2021.
4. Payment of fees listed on the Providence City Zoning Permit.
5. Approval by the City of any application or paperwork submitted 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:

- D Campbell read from the Staff Report.
- S Bankhead brought up setbacks and went over the updated regulations regarding those for this project.
- R Stapley brought up the neighbors and making sure everything is functioning well and according to each property code.
- S Bankhead went over Aaron Walker's letter.

Motion to approve the request for a Conditional Use for an addition to the home located at 600 Hillsborough Drive in Providence based on the Findings of Fact, Conclusions of Law, and the Conditions listed in the staff report:

report: — R. Stapley, second — M. Pierce

Vote:

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

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 Titensor Construction for Kurt and Catherine Sorensen for a new home located at 445 S. Edgehill Dr., Providence, UT. [EXHIBIT](#)

Background Information:

A complete application was received September 28, 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 September 29, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 7, 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.

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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. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire and Steep Slope 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:

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 areas by:
3. See letter from Aaron Walker, Deputy Fire Marshall, dated October 7, 2021.
4. See Mitigation Strategies dated September 28, 2021.
5. The applicant will provide documentation that a sewer easement has been recorded for the lots west of the subject property.
6. This conditional use is for the residence only as shown on the updated site plan date stamped October 25, 2021.
7. 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:

- D Campbell read from the Staff Report.
- S Bankhead brought up the mitigation plan and the berm that would be set up. A discussion followed.
- S Bankhead read from Aaron Walker’s letter.
- M Pierce brought up the land strip on the west side of the property and said he thought that was city owned. It was stated that for Parks and Recreation they are looking to build a trail there eventually.
- N Ballstaedt brought up the sewer. They talked about having it between the two lots.
- S Bankhead said that there should be an added condition for an updated site plan that April and Diane can look at to make sure everything needed is there.
- S Bankhead added a condition that there needs to be a dedicated easement for the sewer service extension through plot one if that is where the lines are already and if not then in between plot one and two. More research needs to be done.

Motion to continue in order to allow time to get the additional information asked for: — M. Pierce, second —

– R. Stapley

Vote:

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

Nay: None

Abstained: None

Excused: None

Item No. 3 – Conditional Use – Retaining Wall and Carriage House: The Providence City Administrative Land Use Authority will consider for approval a request by Jennifer and Shea Bettencourt for a retaining wall and carriage house located at 540 Hillsborough Dr., Providence, UT. [EXHIBIT](#)

158 **Background Information:**

159 A complete application was received October 8, 2021, containing:

- 160 1. Providence City Conditional Use and Residential Site Plan Application
161 2. Payment of \$100 application fee.
162 3. Rob Stapley, Providence City Public Works Director, signed inspection on October 11, 2021.

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164 **FINDINGS OF FACT:**

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

180
181 **CONCLUSIONS OF LAW:**

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

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190 **CONDITIONS:**

- 191 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
192 codes, and ordinances.
193 2. This conditional use is for the retaining wall and previously approved carriage house only as shown on the
194 plan dated October 11, 2021.
195 3. If the plans for the carriage house change, they will resubmit plans for approval.
196 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
197 their agents from their responsibility to understand and conform to local, state, and federal laws.
198 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

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200 **Comments:**

- 201 • D Campbell read from the Staff Report.
202 • S Bankhead said what they are looking at now aside from the extension are the retaining walls. A
203 discussion followed that if there were any changes to the setbacks, then they would have to come back to
204 get it approved.

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206 **Motion to approve the conditional use request by Jennifer and Shea Bettencourt for a retaining wall and**
207 **extending the time frame for the previously approved carriage house, located at 540 Hillsborough Dr.: — R.**

208 **Stapley, second — M. Pierce**

209 **Vote:**

210 **Yea:** **S. Bankhead, R. Stapley, M. Pierce**
211 **Nay:** **None**
212 **Abstained:** **None**
213 **Excused:** **None**

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

216 **Vote:**
217 **Yea:** **S. Bankhead, R. Stapley, M. Pierce**
218 **Nay:** **None**
219 **Abstained:** **None**
220 **Excused:** **None**

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223 Meeting adjourned at approximately 3:22 PM
224 Minutes prepared by Kris Hobbs Clemente

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227 _____
228 Skarlet Bankhead, Chair
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DRAFT