

Administrative Land Use Authority (ALUA)

Minutes –October 14th, 2026 – 1:30 pm

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

Call to Order: Skarlet Bankhead, Chair

ALUA Members: Skarlet Bankhead, Rob Stapley and Steven Wood

Staff in Attendance: City Manager Ryan Snow, Stormwater and Land Use Specialist Colton Love and City Recorder Ty Cameron

Approval of the Minutes: The Administrative Land Use Authority will approve the minutes of the last meeting, which was held on October 7th, 2026. [\(MINUTES\)](#)

- ALUA considered the minutes of the October 7, 2026, meeting. Chair Bankhead had no changes and asked whether Mr. Wood did. Mr. Wood noted that lines 104 and 105 could be read to mean AmSource had added parking behind the Dollar Tree store. His recollection was that AmSource discussed and evaluated parking there but did not build it, because it would have interfered with truck movement and the staging needed for the facility's operations. He asked that the minutes be corrected to reflect this. Mr. Stapley indicated he supported the change and had no others.

Motion to approve the minutes with the previously stated correction. – Steven Wood. 2nd- Rob Stapley.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood

Nay-

Abstained-

Absent-

Motion passes, minutes approved with correction.

Items:

- **Item No. 1 Blackstone Ballard Spring Crossing Floodplain Application:** ALUA will review, discuss and may take action on a floodplain application for the Blackstone Ballard Spring Crossing.
 - Chair Bankhead explained that Providence City participates in the National Flood Insurance Program (NFIP) and therefore works with FEMA and the State on floodplain regulation under the applicable federal rule, which Mr. Love confirmed. She stated that the area where the applicant proposes to cross is in a Zone A floodplain, which is designated as a flood zone but has no determined base flood elevation. She then turned the item over to Mr. Love.
 - **Staff report:** Mr. Love reported that the applicant was requesting a floodplain development permit for a bridge near the Blackstone headquarters. The affected parcels were primarily 03-002-0003 and possibly 02-090-0010, the neighboring parcel to the north. The northern parcel is zoned R-M-18 if any portion of the bridge falls within it, and the parcel containing the Blackstone headquarters is zoned Commercial General. The application, which included a floodplain design report and a floodplain application, was received October 6, 2026.
 - The staff report cited the following as governing requirements:
 - FEMA regulations under federal code.
 - Utah Code Title 10, Chapter 20, on land use development.
 - Providence City Code 10-16, the floodplain management regulations.

- Providence City Code 10-16-3(C), which requires a floodplain development permit to ensure conformance with the chapter.
 - Providence City Code 10-16-4, which designates the ALUA as the floodplain administrator.
- Staff's conclusions of law were that the City has an active ordinance requiring a floodplain development permit and that the proposed permit is consistent with the general plan and surrounding development, subject to the listed conditions. The applicant must continue to meet all federal, state, county, and City requirements. City approval does not relieve the owner or its agents of responsibility to understand and comply with applicable laws, and it cannot be construed to allow any law to be violated.
- **Applicant discussion:** The Chair invited applicant representatives Russ Maughn and Colby Gill to the table and asked Mr. Wood to start off the review.
- Mr. Wood confirmed that the sewer is outside the scope of the bridge and does not need to be altered. He noted that the City waterline runs beneath the bridge footprint, that the plans called for it to be sleeved and lowered, and that this work had already been completed under the oversight of the Public Works Director. He asked that the plans be revised to show the as-built condition of the waterline for record-keeping purposes, since they currently say only to sleeve the line.
- Mr. Wood then raised concerns about the bridge cross section and the no-rise certification:
- The bottom of the footing was labeled at elevation 84.01 and the canal bottom at 86, which leaves roughly two feet of cover. Local frost depth is 30 to 36 inches.
- The base flood elevation of 86.9 would put less than one foot of water above the canal bottom. He was concerned the footings could be at risk of frost upheaval.
- The bottom of the deck was listed at 88.83, which is acceptable against the 86.9 no-rise elevation. The cross-section drawing, however, showed the water surface at 88.5, which would leave insufficient freeboard and is inconsistent with the certification.
- Mr. Gill responded that the bridge spans 30 feet but that, under the agreement with the engineers, the existing channel width would not be altered. The footings would sit nearly 10 feet back from the water, with at least three feet of cover on both sides, and only roughly 6 to 8 feet in the center would carry flow. Mr. Wood asked that the drawings be updated to show this, since they currently depict the entire span carrying water over the footings.
- Mr. Gill said he believed the engineers' grades were somewhat inaccurate. A benchmark had been set the previous week on a sewer manhole, and the contractor's own shots showed less depth than the drawings. He said he would re-shoot grades, send them to the engineer, and update the drawings. Mr. Wood asked that the 86.9 base flood elevation be confirmed on the same vertical datum as the other elevations so there would be no confusion about the bridge being inundated. Mr. Gill agreed and said he would shoot new elevations when setting up to dig the footings. Mr. Wood asked whether this could be done before digging began, and Mr. Gill said it could.
- Mr. Wood emphasized that, as the certified floodplain manager, Providence has national responsibilities, and that construction without proper permitting and updated documentation puts the City at risk. He asked that the drawings be corrected before any additional work on the bridge. Mr. Gill agreed. Mr. Stapley confirmed his comments on the waterline had been addressed. Mr. Love added that compliance with the NFIP keeps flood insurance rates lower for Providence residents. Mr. Gill said he had no further questions.

Motion to approve the floodplain permit as proposed, with the conditions that the elevations and cross-sectional drawings be updated, that the as-built conditions of the waterline be documented, and that all of this be completed before any additional work on site, was made by Steven Wood and seconded by Rob Stapley

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood

Nay-

Abstained-

Absent-

Motion passes, application approved per conditions.

- **Item No. 2 AmSource Flex Building:** ALUA will discuss and may take action regarding access to the Amsource Flex Building per applicants revised information. This item was continued from the last meeting to allow parties to gather more information regarding the potential plan for the parcel.
- Chair Bankhead explained that the item was continued from the last meeting so the parties could gather more information about the plan for the parcel. Kevin Hawkins and Kendall Hawkins, representing AmSource, joined at the table.
 - **Chair's summary of open issues:** The Chair recapped where the item stood.
 - *Landscape buffer.* City code requires a 10-foot strip around buildings, of which up to 5 feet may be sidewalk and the remainder must be landscaped. The code excepts areas where loading docks, ramps, and similar features are located. It also allows the ALUA to grant an exception if soil type makes irrigation near the building inadvisable, in which case the required landscaping must be provided elsewhere on the property. The initial geotechnical report indicated the soils were not suitable for landscaping. However, the west side of the building will be excavated and replaced with imported fill that could support landscaping. The Chair had confirmed her interpretation with the City Attorney.
 - *Walking path.* The previous proposal showed a path along the west and south sides of the building with stairs. The applicant's engineer, Thomas Hunt, had indicated that the fill and grading could be arranged so the path follows the contour without stairs. The City also wanted a written agreement allowing a future trail connection westward to the highway, subject to City Council funding, grants, or other resources.
 - Mr. Wood noted that a revised plan set submitted earlier that day addressed ADA-compliant grades on the sidewalk, and he deferred to the applicant to present.
 - **Applicant presentation:** Mr. Hawkins introduced himself as the developer of the shopping center 20 years earlier and recalled the history of the property and his relationship with the City. He the addressed the issues:
 - *Landscaping.* He stated that the steel building package, valued at about \$900,000, had already been purchased and delivered and could not be made larger or smaller. He acknowledged the situation was a mistake on the developer's part. He said discharging water next to building footings is poor practice even in engineered fill, because water percolation causes settlement. The applicant had obtained the geotechnical letter the City requested and now felt the City was declining to apply it fully. He reported that the engineer could shift the drive aisle to provide 9 feet instead of 10 feet along about 70 percent of the west frontage but could not achieve it along the full frontage. He asked the City to work with the applicant on this.

- 141 • *Sidewalk.* He said that after 48 years as a shopping center developer he questioned the
142 practicality of the connection to Tractor Supply. He cited the steep drop-off, cattails, apparent
143 wetlands, and Tractor Supply's use of the area for pallets and picnic tables, and noted that few
144 people walk to that store. He said only one person had spoken at the public hearing in favor of a
145 sidewalk. He acknowledged the ADA requirements could physically be met, but at significant
146 cost.
- 147 • *Parking.* Regarding the earlier minutes correction, he stated that the center's CC&Rs provide
148 cross-parking and that AmSource intends to add parking behind the Dollar Tree when needed.
149 Using an aerial image, he showed the area and said AmSource had discussed with the tenant a
150 drawing for a turnaround area for deliveries.
- 151 • **Discussion of the landscape exception:** Chair Bankhead explained that the ALUA is an
152 administrative body that applies rules adopted by the City Council and does not make them. She
153 read the code language and stated that soil type was the only basis on which the ALUA could
154 modify the requirement. Mr. Hawkins responded that AmSource had submitted the letter
155 requested and that the ALUA could choose to accept it. He offered to add landscaping elsewhere
156 on the center's property.
- 157 • Mr. Wood explained his interpretation of the code. The exception was written for sites that are
158 truly soil-locked, where percolation and vegetation sustainability make landscaping a problem
159 regardless of building footprint or lot size, and it was not intended as a tool to fit a building onto
160 a small lot. He noted the letter had not accompanied the original soils package or the additional
161 geotechnical report but arrived afterward. That timing gave the appearance that it was obtained
162 to make the building fit. He also noted that the west side involves significant removal and
163 replacement of grade, that the code allows xeriscape with minimal or no irrigation, and that the
164 10-foot buffer would remain even where the surface treatment changed.
- 165 • The Chair added that the City was honoring the letter on the east side, where there is minimal
166 fill, and was not requiring landscaping on the north and south sides, where loading docks and
167 ramps are located. The difficulty was on the west side, where suitable soil would be brought in.
168 Mr. Hawkins said that if the City declined, it would be cheaper to add bay doors on the west side,
169 which would trigger the loading dock exception, than to replace the steel package. He asked
170 what process was available for a variance.
- 171 • The Chair explained that the City contracts with Seth Tait, an attorney with Olson & Hoggan, as
172 the administrative appeals hearing officer. This single decision-maker hears both appeals of land
173 use decisions and variance requests, applying the standards in state code. A variance carries a
174 high bar. Appeal applications are filed through the City Recorder. She asked that the walkway
175 discussion be completed before turning to those options.
- 176 • **Walkability conditions per previous approvals:** The Chair stated that the February 18, 2026
177 rezone of the entire parcel to Commercial General was approved with a condition that
178 walkability be improved. Her review of the recording indicated the motion referenced
179 improvement in the driveway area through the wetlands, which differs from the written
180 ordinance. Mr. Hawkins stated that the Army Corps of Engineers delineation allowed no work in
181 the wetlands. AmSource could not authorize such work and would provide a letter of cooperation
182 as landowner, provided it was at no expense to AmSource. The Chair explained the City was
183 asking for owner cooperation because the City would need the owner involved in any request to
184 the Corps to alter wetlands. She described a written commitment to cooperate on future
185 improvements, such as a boardwalk extending west to the highway if the Corps allowed it, as
186 meeting the spirit of the condition.

- 187 • City staff read the motion language from the rezone recording, which referenced walkability
188 improvement in the driveway. Mr. Hawkins stated that this suggested improvement along the
189 drive aisle rather than the route shown on the engineered plan. The Chair noted that the drive
190 aisle had previously been proposed and rejected by the applicant.
- 191 • Mr. Wood explained that his concern was connectivity between the commercial area to the north
192 and the residential areas to the south, because the existing road is unsafe for pedestrians, with
193 blind corners and curb and gutter but no sidewalk. The group reviewed parcel ownership on the
194 map and confirmed that the credit union, and Tractor Supply are not owned by Amsource. The
195 Chair noted that the City had approved a Chick-fil-A site plan with landscaping and a drive-
196 through that might limit adjustments on that side of the road. Mr. Wood stated that the route
197 currently proposed, which aligns with the concrete frontage at the rear of the Macy's area and
198 Tractor Supply, appeared to be the better solution. He reiterated that the City Council's motion
199 was clear on walkability.
- 200 • **Public comment:** At Mr. Wood's suggestion, and with the Chair's agreement, public comment
201 was opened with the requirement that speakers be recognized and use the microphone. Darcy
202 Rees, a Providence resident, stated that she regularly walks the road between Macy's and the
203 credit union and that it is unsafe. She had walked it with a City Council member before the
204 rezone. She said the Council discussed the issue for about an hour, and two other council
205 members had also walked the area and agreed it was unsafe. She stated that the Council had
206 acknowledged it could not impose requirements on other parcels. She preferred a sidewalk on the
207 west side of the road, starting near the Quick Quack car wash and continuing through the parcel
208 toward the credit union. She also suggested a future boardwalk through the wetlands, as is used
209 at other wetland sites in the region, and asked about the sidewalk and access connection from the
210 east.
- 211 • **Access easement:** The Chair asked whether the access easement from the east side had been
212 recorded. The discussion established that the existing road runs from Gateway Drive west across
213 the neighboring property and that public utility easements run beneath it. The City sought to add
214 an access right to the easement and did not seek a public right-of-way. The neighboring owner
215 had previously declined a request that was interpreted as a 66-foot city right-of-way. Mr.
216 Hawkins stated that he could not compel the neighbor but would contact the owner and make a
217 good-faith effort.
- 218 • **Sidewalk route:** Mr. Hawkins proposed a sidewalk beginning at the grass area on Amsource
219 property on the west side of the drive aisle, with a striped crosswalk. He acknowledged
220 Amsource could not require the credit union or others to participate. Ms. Rees stated she found
221 this more practical. The Chair explained that the City's original thinking was a connection from
222 the sidewalk fronting the buildings, but she did not object to the western alignment. Mr. Stapley
223 saw merit in both routes. He favored the Tractor Supply connection for continuity unless the
224 neighboring owners would cooperate, and said he would accept either. Mr. Hawkins stated
225 Amsource would build either.
- 226 • Mr. Stapley asked about the sewer issue raised earlier and previously discussed. Mr. Hawkins
227 confirmed it had been resolved. The original plans showed a tie-in to an existing sewer line and
228 manhole that did not exist. The engineer field-located the actual infrastructure and corrected it.
- 229 • Mr. Hawkins also stated that the county's third-party reviewer had commented that the project
230 would need to meet a code the City had adopted in July, though the project was submitted in
231 April. The Chair and Mr. Wood clarified that the City had not changed its structural building
232 codes. The City had adopted wildland-urban interface provisions and had adopted APWA
233 standards and specifications for infrastructure earlier in 2026, and neither affected architectural

or structural matters. Mr. Hawkins agreed this was likely a misunderstanding and would follow up.

- **Further discussion of the geotechnical letter:** Mr. Hawkins stated that he would build the sidewalk where it was most practical, provide the wetlands cooperation letter, and add landscaping elsewhere on the 30 acres at a 2 to 1 ratio if the ALUA accepted the letter for both the east and west sides. The Chair stated the ALUA could not negotiate and must decide based on the code. Mr. Stapley questioned whether the report accurately reflected site conditions, because it was based on native soils rather than the fill to be placed. Mr. Wood noted that other commercial applicants had faced the same 10-foot buffer issue, including one some six months earlier on a narrow site where the soils could accept moisture. He said the ALUA needed a legitimate basis to approve an exception because the issue is a recurring topic. The Chair recessed briefly to retrieve a copy of the letter.
- Upon return, Mr. Wood read the letter from Gordon Geotechnical Engineering Inc., referencing a geotechnical study dated August 12, 2026. The letter stated that clay soils that can be expansive with increased moisture were encountered, and recommended that no sprinklers be installed within 10 feet of the structure to reduce the risk of movement of the structure and surrounding concrete or asphalt. Mr. Hawkins observed that the letter made no distinction between east and west sides.
- Mr. Wood summarized his analysis. The east-side recommendation was fully justified because excavation would leave native soil adjacent to the foundation, which could trap moisture. On the west side, replacement fill would reduce that concern, and either conclusion was defensible. However, geotechnical reports are generally written for the worst-case condition on a site and do not typically evaluate regions within a site. Treating the letter as a full-site condition was therefore within the ALUA's discretion. An engineered solution for west-side landscaping might exist and could be done.
- The Chair stated that if the buffer landscaping was relocated, it needed to be provided elsewhere so the area looked intentionally landscaped and not merely like a building and parking lot. She noted that tree requirements for parking lots still applied. Mr. Hawkins agreed that spending on landscaping should be functional and suggested benches or similar features to allow the public to enjoy the wetland views. Mr. Wood noted that the wetland easement line and the delineation line differ, with the delineation beginning some 20 to 30 feet farther west. Mr. Hawkins believed the restrictions applied at the easement line. The Chair asked that any area outside the Corps-regulated limits be landscaped, whether naturally or with xeriscape, and Mr. Hawkins committed to enhance any areas where AmSource was permitted to do so. The Chair stated this commitment satisfied the final sentence of the code provision requiring the landscaping to be provided elsewhere. She also asked the City Recorder to capture the high points of the rationale for accepting the letter in the minutes. The parties confirmed the two pedestrian connections, one to Tractor Supply and one on the west side of the drive aisle, and AmSource agreed to provide a letter of support if the Corps later changed its position.

Mr. Wood motioned to approve the application with conditions summarized below:

- **A sidewalk at least 5 feet wide will be built on Amsource property on the west side of the road connecting the area identified in the motion as from the Quick Quack parcel to the credit union.**
- **A walking path will connect to the Tractor Supply area as shown in the site plan submitted that day, and it will be ADA accessible.**
- **The ALUA accepts the exception to the 10-foot landscaped buffer based on the geotechnical letter from Gordon Geotechnical Engineering Inc., treating the site as a single design**

parameter. The required landscaped area will be relocated elsewhere on the AmSource property, consistent with Providence City Code.

- A legally binding agreement will be established with the AmSource property owner. If Providence City pursues beautification and improvement of the wetlands, the City will have authority to do so on Amsource property, at the City's expense and so long as Amsource's use of its property is not negatively affected. Amsource will not be required to fund the improvements.
- AmSource will make a good-faith effort to secure a legal right of access to the adjoining road to the east, which need not be a private or public right-of-way but must provide connectivity for fire and EMS services. The applicant will build to its property line as if connecting to infrastructure on the east side, so that connectivity can be formalized when the adjacent property develops.
- Pending Engineering review items that need to be addressed will be addressed.

Motion was seconded by Rob Stapley.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood

Nay-

Abstained-

Absent-

Motion passes, application approved per conditions.

- The Chair confirmed that these items covered the landscape, pathway, wetlands, east access, and engineering issues.
- Mr. Wood also noted that an engineering report addressing items such as valve selection would be provided with the final construction drawings.

Motion to close the meeting was made by Steven Wood and seconded by Rob Stapley.

Vote:

Yea- Skarlet Bankhead, Rob Stapley and Steven Wood

Nay-

Abstained-

Absent-

Motion passes, meeting adjourned.

Minutes approved by vote of ALUA on 21st day of October 2026.

I swear these minutes are true and correct to the best of my knowledge.



Ty Cameron, City Recorder.