

1 **Providence City**

2 **Administrative Land Use Authority**

3 **Agenda – January 16, 2020 9:00 am**

4 Providence City Office Building

5 164 North Gateway Drive, Providence UT 84332

7 Member Attendance: Skarlet Bankhead, Max Pierce, Rob Stapley

8 Other Attendance: Jessica Williamson, Visionary Homes; Chris Williams, Western Trades; Diane Campbell, Zoning;
9 Ryan Snow, City Manager.

11 **Item No. 1 - Conditional Use Site Plan:** The Providence City Administrative Land Use Authority will consider for
12 approval a request by Visionary Homes (Shane and Shannon McEwan) for a conditional use site plan for a single-
13 family residence located at 579 E 1080 S, Providence UT.

15 **Background Information:**

16 Complete Application was received December 9 2019; application contained:

- 17 1. Providence City Conditional Use application and Residential Site Plan application
- 18 2. Payment of \$100 fee, December 9, 2019.
- 19 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on January 13,
20 2020
- 21 4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

23 **FINDINGS OF FACT:**

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

40 **CONCLUSIONS OF LAW:**

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

49 **CONDITIONS:**

- 50 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
51 codes, ordinances.
- 52 2. The applicant will mitigate Hazard Wildfire area by:
53 a. S Bankhead read from Aaron Walker inspection letter dated December 12, 2019.

3. This conditional use is for the residence only as shown on the site plan date stamped December 9, 2019.
4. Payment of fees listed on the Providence City Zoning Permit.
5. Approval by the City of any application submitted 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:

- R Stapley said that as for the minimum improvements for the subdivision, we need to verify that the pond is complete.
- S Bankhead said that Providence City Code 10-5-7 (C)2 encourages property owners in wildfire hazard areas to: "Inspect your property regularly, clearing dead wood and dense vegetation from at least 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained around all structures. Move firewood away from the house or attachments like fences or decks."
- S Bankhead asked J Williamson of Visionary Homes to pass these items related to fire safety on to the client.
- S Bankhead said that we have asked the building inspectors not to approve [the footings and foundations] unless the property is staked, because our setbacks go off of the property line.
- S Bankhead noted that the house has ample room on the setbacks. She cautioned the applicant not to use that as a reason to shift the house's location. J Williamson said that they are pretty good about keeping the house where it is intended to be.

Motion to approve the site plan for the single family residence located at 579 E 1080 S based on the findings of fact, conclusions of law, and conditions in the staff report: — M Pierce, second — R Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 2 – Conditional Use Site Plan: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a conditional use site plan for a single-family residence located at 193 E 520 N, Providence UT.

Background Information:

Complete Application was received January 8, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 fee, January 8, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on January 13, 2020.
4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

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.

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

111
112 **CONCLUSIONS OF LAW:**

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

120
121 **CONDITIONS:**

- 122 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
123 codes, ordinances.
124 2. The applicant will mitigate Hazard Water Table by:
125 a. S Bankhead read from the mitigation letter submitted by Dallas Nicoll dated January 9, 2020.
126 3. This conditional use is for the residence only as shown on the site plan date stamped January 8, 2020.
127 4. Payment of fees listed on the Providence City Zoning Permit.
128 5. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
129 their agents from their responsibility to understand and conform to local, state, and federal laws.
130 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

131 **Comments:**

- 132 • S Bankhead noted that the home is right up against the setbacks. She cautioned the applicant that
133 window wells can only project so far. She also noted that the eventual homeowner cannot cover the
134 patio in the backyard due to our setback ordinance. She asked J Williamson to let the homeowners
135 know.
136 • R Stapley said that it appears that the water meter barrel will end up in the driveway. Our
137 specifications do not allow this. We may have to relocate it.
138 • S Bankhead asked M Pierce if the mitigation strategies in Dallas Nicoll's letter are adequate. M Pierce
139 said that they are. He would like to see the detail of the land drains when it comes in.
140 • J Williamson said that she can include the land drain details in future permit applications.
141 • S Bankhead spoke about condition No. 3. If the applicant knows that an additional building will be
142 built on the lot, they can put it onto the site plan and have the home and the additional building
143 approved during a single meeting.
144 • J Williamson asked how long the conditional use for an additional building would be active. S
145 Bankhead thought it would give the homeowner one year [for construction to begin].
146 • S Bankhead cautioned the applicant to have the corners of the property staked before inspections
147 occur.

148
149 **Motion to approve the conditional use site plan for a single family residence located at 193 E 520 N in**
150 **Providence based on the findings of fact, conclusions of law, and conditions in the staff report and those**
151 **discussed in the meeting: — R Stapley, second — M Pierce**

152 **Vote:**

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

154 **Nay:**

155 **Abstained:**

156 **Excused:**

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Item No. 3 – Conditional Use Site Plan: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a conditional use site plan for a single-family residence located at 173 E 520 N, Providence UT.

Background Information:

Complete Application was received January 8, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 fee, January 8, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on January 13, 2020
4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

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.

CONCLUSIONS OF LAW:

1. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.
2. This parcel is in a Hazard Water Table 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, ordinances.
2. The applicant will mitigate Hazard Water Table by:
 - a. See mitigation letter submitted by Dallas Nicoll dated January 9, 2020
3. This conditional use is for the residence only as shown on the site plan date stamped January 23, 2020.
4. Payment of fees listed on the Providence City Zoning Permit.
5. Approval by the City of any application submitted 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 noted that the home is right up against every setback.
- M Pierce was concerned that the site plan does not have the dimensions of the house.

- J Williamson said that she can get a new site plan to D Campbell with more dimensions on it.
- M Pierce said that the site plan shows the front property line as being on the sidewalk. This is inconsistent with the previous plan even though it is on the same street. The sidewalks are also shown as a different width on this plan.
- S Bankhead asked J Williamson to let the eventual owners know that they cannot cover any part of the patio due to our zoning regulations. She also cautioned the applicant to make sure that any doors, etc., coming out of the house do not have any covering that will violate the setback.
- R Stapley noted that the water barrel looks like it will be in the driveway. [We do not allow this]. If we end up having to move all the barrels in this subdivision, it will not be a good situation because we will have to put pipe under the driveway that is not buried very deep and is susceptible to freezing. He said that Visionary Homes reassured him that the homes would have smaller driveways, but these [two we have seen today] have wide driveways that will require the meter to be relocated. If this is going to be a consistent issue, we should deal with it now before asphalt is laid on the road.
- J Williamson said that she will pass this information on so that the person in charge of this subdivision can start working on a solution.
- J Williamson said that she will bring a new site plan that has the corrected sidewalk width and the dimensions and setback measurements.
- M Pierce asked for side elevations. J Williamson said that she will send them, along with the land drain details.

Motion to continue this item until we have corrected paperwork: — R Stapley, second — M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 4 – Conditional Use Site Plan: The Providence City Administrative Land Use Authority will consider for approval a request by Western Trades Construction (Ascentive Homes – Chris Williams) for a conditional use site plan for a single-family residence located at 537 N Sarah St, Providence UT.

Background Information:

Complete Application was received January 2, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 fee, January 2, 2020.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on January 13, 2020
4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

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.

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 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, ordinances.
2. The applicant will mitigate Hazard Wildfire area by:
 - a. S Bankhead read from the Aaron Walker inspection letter dated January 14, 2020.
3. This conditional use is for the residence only as shown on the site plan date stamped January 21, 2020.
4. Payment of fees listed on the Providence City Zoning Permit.
5. Approval by the City of any application submitted 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 said that Providence City Code 10-5-7 (C)2 encourages property owners in wildfire hazard areas to: "Inspect your property regularly, clearing dead wood and dense vegetation from at least 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained around all structures. Move firewood away from the house or attachments like fences or decks."
- S Bankhead asked the applicant if he is building this home for someone else. C Williams said that it is a spec home for Ascentive Homes. S Bankhead asked C Williams to pass the wildfire related information on to the eventual homeowner.
- S Bankhead asked what the shaded area in the southwest corner of the home represents. C Williams said that it is an uncovered deck.
- M Pierce asked if the home has a walk-out basement. C Williams said that it does.
- M Pierce said that the frontage of the lot has a curve in it that is not shown on this drawing. It is hard to determine if the setback is correct on this drawing.
- C Williams said that it curves away from the house. The corners are pinned accurately.
- M Pierce said that there is also a curve at one of the corners. This makes it difficult to tell what the straight lines on the drawing mean.
- S Bankhead said that we will also need some detail on the deck. If it is larger than 120 square feet or more than 30 inches above grade or if it is not independently supported, we will need to talk about setbacks, because it is considered an exterior floor system in our code. Providence City Code Title 10 Chapter 8 Section 3 Subsection C Number 6 talks about decks. This deck might be a setback violation.
- M Pierce said that we need to see a site plan with the correct property lines.
- S Bankhead said that this will be important for when the county comes to measure. They will measure from the property pins, so the drawing needs to be accurate.

Motion to continue until we get updated drawings and more information on the deck: — M Pierce, second — R Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

314 **Nay:**
315 **Abstained:**
316 **Excused:**
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318 **Motion to adjourn: — M Pierce, second — R Stapley**
319 **Vote:**
320 **Yea: S Bankhead, M Pierce, R Stapley**
321 **Nay:**
322 **Abstained:**
323 **Excused:**
324 Meeting adjourned at approximately 9:50 AM
325 Minutes prepared by Jesse Bardsley
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Skarlet Bankhead, Chair