

Providence City
Administrative Land Use Authority
Minutes – January 29, 2020 3:00 pm
Providence City Office Building
164 North Gateway Drive, Providence UT 84332

Members present: Skarlet Bankhead, Max Pierce, Rob Stapley
Others present: Diane Campbell, Zoning Staff; Jessica Williamson, Visionary Homes; Quinton Hall, Western Trades Construction; Ryan Snow, City Manager.

Item No. 1 – 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. See 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 explained that during the January 16th meeting, we discussed a few things that we needed more detail on. The deck was one of those areas. She read from lines 294-296 and 302-304 of the Administrative Land Use Authority minutes for January 16, 2020.
- S Bankhead read from PCC 10-8-3 (C)6(a). She noted that the deck must be 20 ft from a street side property line because it is considered a part of the house. On this drawing, it does not look like it will meet that setback.
- S Bankhead read from PCC 10-8-3(B)2. She does not feel that a deck is an architectural feature that can be allowed to protrude into the side setback. M Pierce agreed.
- M Pierce said that the site plan date stamped 1-21-2020 still does not show the curvature on the front property line. However, adding the curvature would just give them more room on the setback, so they are probably fine.
- S Bankhead said that we need to know the height of the deck.
- M Pierce said that the deck appears to be 4 or 5 ft from the ground.

Motion to continue item No 1. until we have the dimensions for the deck and other details [that were requested]: — R Stapley, second — M Pierce

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 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 submitted mitigation letter.
 - b. See Window Well Drain Detail
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 in the January 16 meeting, we did not have the dimensions of the house. Also, the front property line did not match the front property line of a site plan for a house on the same street.
- J Williamson said that their drafter had accidentally drawn a 5 ft sidewalk instead of a 4 ft sidewalk. This new site plan is accurate.
- M Pierce brought up the concrete pad on the west side of the house. It looks like it is for an AC unit. S Bankhead asked how much the AC unit projects. It can only project 24 inches into the setback. J Williamson thought that a standard AC unit is about 2 ft. J Williamson will let her company know that it cannot project more than 24 inches.
- M Pierce wondered if the AC unit is considered part of the structure. He doesn't think it would be.
- R Snow, City Manager, said that he agrees with M Pierce.
- S Bankhead asked about the concrete pad on the east side. J Williamson said that it will not be covered.
- S Bankhead brought up the concrete pad on the north side [rear yard]. J Williamson said that the sales agents have been instructed to warn home buyers that they are right on the setback line and that the back area cannot be covered.
- M Pierce asked about the drain detail. It mentions pumping, but it would seem like the drain would work without pumping.
- J Williamson thought that this was included just to be safe in case pumping were needed.
- S Bankhead said that the homeowner's association owns the strip of property to the west between the home and the road. This is why the home was not subject to the side yard setbacks for a corner lot.
- R Stapley said that he still needs to meet with [representatives of Visionary Homes] about the water meter situation.
- S Bankhead reminded the applicant to have their property corners marked so that the inspectors can measure from them.

Motion to approve the request by visionary homes for a conditional use site plan for the single family residence located at 173 E 520 N based on the findings of fact, conclusions of law, and conditions: — M Pierce, second — R Stapley

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159 **Vote:**
160 **Yea: S Bankhead, M Pierce, R Stapley**
161 **Nay:**
162 **Abstained:**
163 **Excused:**
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165 **Motion to adjourn: — R Stapley, second — M Pierce**
166 **Vote:**
167 **Yea: S Bankhead, M Pierce, R Stapley**
168 **Nay:**
169 **Abstained:**
170 **Excused:**
171 Meeting adjourned at approximately 3:35 PM
172 Minutes prepared by Jesse Bardsley
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176 Skarlet Bankhead, Chair
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