

1 **Providence City**

2 **Administrative Land Use Authority**

3 **Minutes – March 2, 2020 3:00 pm**

4 Providence City Office Building

5 164 North Gateway Drive, Providence UT 84332

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8 Member Attendance: Skarlet Bankhead, Administrative Services Director; Max Pierce, City Engineer; Rob Stapley,
9 Public Works Director.

10 Other Attendance: Ryan Snow, City Manager; Diane Campbell, Zoning Office Specialist; Jeff Berrett, Immaculate
11 Construction; Jessica Williamson, Visionary Homes.

12
13 **Item No. 1 - Conditional Use Application:** The Providence City Administrative Land Use Authority will consider for
14 approval a request by Immaculate Construction (Bob Washburn) for a conditional use application for a retaining
15 wall located at 69 N. Sherwood Dr., Providence UT.

16
17 **Background Information:**

18 A complete application was received February 26, 2020, containing:

- 19 1. Providence City Conditional Use and Residential Site Plan Application.
20 2. Payment of \$100 fee, February 26, 2020.
21 3. Rob Stapley, Providence City Public Works Director, signed inspection on March 2, 2020.
22 4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

23
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 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
37 of 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.

40
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 Landslide 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:

49 **CONDITIONS:**

- 50 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
51 codes, and ordinances.
52 2. The applicant will mitigate Landslide Area by:
53 a. See General Structural Notes and site plan/plat map.

- 54 3. This conditional use is for the retaining wall only as shown on the site plan dated Feb 26, 2020.
55 4. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
56 their agents from their responsibility to understand and conform to local, state, and federal laws.
57 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
58

Comments:

- 59 • S Bankhead asked if there is anything on the site plan notes that is specific to a landslide area.
60 • Jeff Berrett of Immaculate Homes said that there is not. This retaining wall is meant to be a continuation
61 of the wall from the adjacent lot.
62 • S Bankhead asked M Pierce if there is anything that the applicant should do differently for the foundation
63 or structure of a retaining wall in a landslide area.
64 • M Pierce said that there is, but he isn't sure if the applicant has done so.
65 • M Pierce said that the note on the plat says that the retaining wall will return 15 ft on each end. If it
66 doesn't return [on the side that it connects to the other lot's wall] will it still be adequately designed?
67 • J Berrett said that they plan on returning on the side where there is not a house. For the other side, he
68 will check with his engineer to see if they can butt the wall up against the wall on the adjacent lot.
69 • M Pierce noted that there is no indication on the plat that the engineers took into account that this lot is
70 in a hazard slope area/[landslide area].
71 • J Berrett said that on the adjacent lot, they have dug down to native soil and done compaction tests. They
72 anticipate that Lot 3 [the lot under discussion today] will have similar soil/slope conditions.
73 • S Bankhead said that this may not be a reasonable expectation. The County GIS shows that there are
74 some lots in that area that have landslide potential and some lots that do not.
75 • R Stapley said that it may be a good guess, but it is still a guess. When they were building Little Baldy, soil
76 types changed periodically. Some parts were rocky and some were silty. The soil types can change quickly
77 and dramatically within a short distance.
78 • J Berrett said that they can have their engineer address the landslide potential on the plat.
79 • M Pierce said that normally the footings would be protected from frost on the downhill side. These only
80 show 6-8" of covering over the footing. This might not be adequate for frost protection.
81 • R Stapley noted that on the plat, under "Foundation," number 5, it says that all footings should be placed
82 a minimum of 18" below finished grade.
83 • M Pierce said that this drawing does show that the footing has 18" from the finished grade to the bottom
84 of the footing. However, he believes that the frost depth in Cache Valley is 30".
85 • S Bankhead said that she feels that this application should have included an explanation of why this
86 retaining wall is sufficient to mitigate the landslide area.
87 • J Berrett asked if number 4 under Foundation alleviates some of the concerns.
88 • S Bankhead said that she thought that all homes needed to be placed on undisturbed earth.
89 • J Berrett said that they do not always have to. Also, sometimes fill dirt compacts better than native earth.
90 R Stapley agreed.
91 • S Bankhead said that the retaining wall should probably be engineered so that it can both withstand a
92 potential sliding of earth and also the [debris] that would hit it in a landslide.
93 • M Pierce said that he does not see anything that says that the engineer took into account that this is a
94 landslide area. The plat notes that there was no soil testing, and it says that the contractor will be
95 responsible to verify that the soil [is adequate to support loads of] 1500 psf.
96 • J Berrett said that when he talks to his engineer about the whether the wall will return on both sides, he
97 can also discuss compaction testing, etc.
98 • S Bankhead said that the notes on the plat don't seem different from notes she has seen on other plats.
99 She wants to make sure that the [engineers] knew what they were looking for.
100 • M Pierce asked that J Berrett also clarify about the footing depth. He thinks that the bottom of the footing
101 should be 30" below grade.
102

103 **Motion to continue the item until we get questions answered: — M Pierce, second — R Stapley**

104 **Vote:**

105 **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 townhome building (4-plex) located at 174 E. through 180 E. 550 N., Providence UT.

Background Information:

Complete Application was received Feb. 10, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 fee, Feb. 10, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on Feb. 18, 2020
4. Diane Campbell, Office Specialist, reviewed and signed the Zoning Permit.

FINDINGS OF FACT:

5. 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.
6. 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.
7. 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:

5. Providence City has adopted land use ordinances that include conditional uses and provisions for conditional uses.
6. This parcel is in a Hazard Water Table area.
7. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
8. The request meets the requirements of the Codes listed in the Findings of Fact with the following conditions:

CONDITIONS:

5. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, ordinances.
6. The applicant will mitigate Hazard Water Table by:
 - a. See High Water Table Mitigating Strategies.
7. This conditional use is for the townhomes only as shown on the site plan date stamped Feb. 10, 2020.
8. Payment of fees listed on the Providence City Zoning Permit.
9. 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 asked R Stapley and M Pierce if they have any concerns. They said they did not.

Motion to approve the conditional use for the 4-plex located at 174 E through 180 E on 550 North: — R Stapley, second — M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

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 townhome building (4-plex) located at 184 E. through 190 E. 550 N., Providence UT.

Background Information:

Complete Application was received Feb. 10, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 fee, Feb. 10, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on Feb. 18, 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. 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.
3. 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 High Water Mitigating Strategies.
3. This conditional use is for the townhomes only as shown on the site plan date stamped Feb. 10, 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.

212 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
213 Comments:

- 214 • S Bankhead said that the application has the same mitigation strategies as the previous application.
- 215 • M Pierce asked if these both could have been done in a single application.
- 216 • S Bankhead said that they probably could have been a single application if they were both ready to go at
- 217 the same time.

218 **Motion to approve the site plan for the townhome building which is a 4-plex located at 184 E. through 190 E. on**
219 **550 N: — R Stapley, second — M Pierce**

220 **Vote:**

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

222 **Nay:**

223 **Abstained:**

224 **Excused:**

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

226 **Vote:**

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

228 **Nay:**

229 **Abstained:**

230 **Excused:**

231 Meeting adjourned at approximately 3:30 PM

232 Minutes prepared by Jesse Bardsley

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237 Skarlet Bankhead, Chair
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