

Providence City Administrative Land Use Authority (ALUA) Minutes

Wednesday, May 13, 2020 2:30 PM

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

Members of the ALUA attended this meeting electronically.

This meeting was live streamed on Providence City's YouTube Channel.

Call to Order: Skarlet Bankhead, Chair

Members in Attendance: Skarlet Bankhead, Max Pierce, and Rob Stapley

Others in Attendance: Ryan Snow, Bart Cook, Boman Lapp, Jessica Williams, Diane Campbell, and April Fredrickson

Item No. 1 Conditional Use – Pool: The Providence City Administrative Land Use Authority will consider for approval a request by Boman Lapp, for a conditional use for a pool located at 220 Edgehill Drive, Providence, UT.

Background Information:

Complete Application was received May 7, 2020, and contained:

1. Providence City Conditional Use application and Residential Site Plan Application
2. Payment of \$100 fee, May 7, 2020.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 11, 2020.
4. Aaron Walker, Fire Inspector, reviewed CU application. See letter dated May 8, 2020.

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.
5. Official Zoning Map Revised October 2018

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 Wildfire Hazard area.
3. Aaron Walker, 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.
4. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
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, ordinance.
2. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming pools.
3. This conditional use is for the pool only as shown on the site plan dated May 7, 2020.
4. 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:

- Sensitive land areas with fire hazards were discussed.
- S Bankhead read from the Fire Inspector's letter.

Motion to approve the conditional use requested by Boman Lapp, for a conditional use for a pool located at 220 Edgehill Drive, Providence, UT based on the findings of fact conclusions of law and conditions listed in the staff report. ----R Stapley, second----M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 2 Conditional Use – Shed and Pavilion: The Providence City Administrative Land Use Authority will consider for approval a request by Bart Cook, for a conditional use for a pavilion and shed located at 244 Edgehill Drive, Providence, UT.

Background Information:

Complete Application was received May 6, 2020, and contained:

1. Providence City Conditional Use application and Residential Site Plan Application
2. Payment of \$100 fee, May 11, 2020.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 11, 2020.
4. Aaron Walker, Fire Inspector, reviewed CU application. See letter dated May 11, 2020.

Comments:

- The Findings of Fact, Conclusions of Law and the conditions were the same as listed in Item No. 1.
- S Bankhead read from the Fire Inspector's letter.
- Fire hazard prevention, signs, and overall cautionary maintenance was discussed.

Motion to approve the conditional use requested by Bart Cook, for a conditional use for a pavilion and shed located at 244 Edgehill Drive, Providence, UT based on the findings of fact conclusions of law and conditions listed in the staff report. ----M Pierce, second----R Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 3 Conditional Use – Townhome Bldgs. #3 and #4: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a conditional use for 2 townhome buildings located in the Vineyard Subdivision at 194 E 550 N. and 172 E to 570 N, Providence, UT.

Background Information:

Complete Application was received May 5, 2020; application contained:

1. Providence City Conditional Use application and Multi-Family Design Application
2. Payment of \$100 fee, May 5, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on May 5, 2020

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 May 5, 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:

- The Hazard Water Table area was discussed.
- J Williams said that D Nicoll's usual letter wasn't included in this packet where it wasn't a single family dwelling and there won't be a foundation drain. She wrote a document stating that there is a land drain and that this is a slab on grade building.
- The process of how Visionary Homes does landscaping was covered along with timelines.

Motion to approve the conditional use and multi-family design application for two town home buildings located in the Vineyard based on the findings of fact conclusions of law and conditions listed in the staff report and presented during today's meeting. ----R Stapley, second----M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 4 Conditional Use – Condominium Bldg. A: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a conditional use for a condominium building in the Vineyard Subdivision at 163 E. 550 N., Providence, UT

Background Information:

Complete Application was received May 6, 2020; application contained:

1. Providence City Conditional Use application and Multi-Family Design Application
2. Payment of \$100 fee, May 5, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on May 7, 2020

Comments:

- See the Findings of Fact, Conclusions of Law, and Conditions as above, they are the same as Item No. 3.
- It was confirmed it will be a slab on grade and there will be no basements.
- M Pierce suggested to have a surveyor look at the location to make sure it matched the plat.
- The bridge crossing, follow ups, and redlines were discussed.

Motion to approve the conditional use and multi-family design application for the condominium building located at 163 E. 550 N. Providence, UT. Motion made based on the findings of fact conclusions of law and conditions listed in the staff report and presented during today's meeting. ----M Pierce, second----R Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 5 Conditional Use - New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a conditional use for a new home located at 164 E 520 N, Providence, UT

Background Information:

Complete Application was received April 28, 2020; application contained:

1. Providence City Conditional Use application and Residential Site Plan Application
2. Payment of \$100 fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on April 29, 2020

Comments:

- See the Findings of Fact, Conclusions of Law, and Conditions as above, they are the same as Item No. 3 but in residential form instead of townhome.
- S Bankhead covered Dallas Nicoll's letter.
- Land drains were covered and everything from the meeting will be in the agenda packet.

Motion to approve the conditional use and zoning approval for a residential site plan for a home at 164 E. 520 N. Providence, UT based on the findings of fact conclusions of law and conditions listed in the staff report and presented during today's meeting. ----R Stapley, second----M Pierce

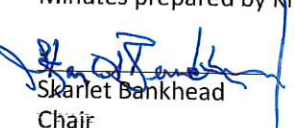
Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

209
210 **Motion to adjourn:** M Pierce, second — R Stapley
211 **Vote:**
212 **Yea:** S Bankhead, M Pierce, R Stapley
213 **Nay:**
214 **Abstained:**
215 **Excused:**
216
217 Meeting adjourned at approximately 3:18 PM
218 Minutes prepared by Kris Hobbs
219
220 
221 Scarlet Bankhead
222 Chair
223
224