

1 **Providence City**

2 **Administrative Land Use Authority (ALUA)**

3 **Minutes – September 2, 2020 – 2:30 PM**

4 Providence City Office Building

5 164 North Gateway Drive

6 Providence, UT 84332

8 Member attendance: Skarlet Bankhead, Max Pierce, Rob Stapley

10 **Item No. 1 – Commercial Site Plan:** The Providence City Administrative Land Use Authority will consider for
11 approval a request by Randy Gnehm for a commercial building located at 550 W 465 N, Providence, UT.

13 **Background Information:**

14 A complete application was received August 24, 2020; application contained:

- 15 1. Commercial Site Plan Application.
- 16 2. Payment of \$50 fee.
- 17 3. Rob Stapley, Public Works director, inspected the current infrastructure on August 26, 2020.

19 **FINDINGS OF FACT:**

20 The following Providence City Code (PCC) list regulations and requirements to be considered.

- 21 1. 10-8-5 Commercial Zoned Districts; Site Development
- 22 2. Official Zoning Map Revised July 2019

24 **CONCLUSIONS OF LAW:**

- 25 1. The property is located in a CGD zone.
- 26 2. The applicant meets the requirements of 10-8-5 with the following conditions.

28 **CONDITIONS:**

- 29 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
30 codes, ordinances.
- 31 2. The applicant has met the parking requirements. Once the construction drawings are reviewed and
32 approved, if any changes to the construction drawings are made, the parking will need to be reviewed to
33 make sure it still meets Providence City standards.
- 34 3. Approval by the City of any application submitted or paperwork does not alleviate the owners and/or
35 their agents from their responsibility to understand and conform to local, state, and federal laws.
36 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

38 **Comments:**

- 39 • S Bankhead clarified that we are only considering approval of the site plan. The building will be approved
40 by the Cache County Building Department.
- 41 • Diane Campbell, Zoning Staff, said that she had reviewed the site plan for compliance with the code
42 relative to parking, landscaping, etc.
- 43 • R Stapley and R Gnehm discussed the thickness of driveway concrete on parts of the site. Some of it has
44 been torn out and redone, and one part still needs to be redone. The depth of the concrete should be 8
45 inches.
- 46 • S Bankhead asked if they are only doing the shell of the building. R Gnehm said that currently the shell is
47 all that they are doing. Within a few weeks they will seek a permit for the inside of the building.

Motion to approve the commercial site plan for Cobblestone Commercial Building 5, based on the findings of fact, conclusions of law, and conditions that were discussed or that were written on the staff report: — M

Pierce, second — R Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 2 – Conditional Use — New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Cameron and Casey Widner and Visionary Homes for a new home located 96 N 850 E, Providence, UT.

Background Information:

Complete Application was received July 17, 2020; application contained:

1. Providence City Conditional Use Application, Residential Site Plan Application
2. Payment of \$100 fee, July 17, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on July 29, 2020.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 18, 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.

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 Wildfire Hazard, Hazard Slope, and Hazard Earthquake Fault areas.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. Aaron Walker, Deputy Fire Marshall/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.

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, ordinances.
2. The applicant will mitigate Wildfire Area by:
 - a. See letter from Aaron Walker dated August 18, 2020.
 - b. See Mitigation strategies dated August 31, 2020.
3. This conditional use is for the residence only as shown on the site plan date stamped August 31, 2020.
4. Aaron Walker, Deputy Fire Marshall/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.
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 asked D Campbell to add steep slopes to the conclusions of law section about hazard areas.
- S Bankhead read from the mitigation strategies/requirements.
- S Bankhead asked J Williamson (Visionary Homes) whether she had compaction tests for this property. J Williamson said that she does not have a copy of the test, but she knows that the project manager was planning on having the test done before construction begins.
- R Stapley spoke about the fault zone. We don't know exactly where the fault line is. We assume that it is east of the deer fence because the developer did not find it when he did his studies years ago. S Bankhead said that if a fault line is found during the construction process, we will have to rethink things.
- R Stapley asked if the homeowner is planning on installing a fire suppression system. J Williamson said that they are not planning on it. Instead of going that route, they provided a fire turnaround.

Motion to approve a conditional use and zoning for the residential site plan for a home at 986 N 850 E based on the findings of fact, conclusions of law and conditions on the staff report: — R Stapley, second — M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Item No. 3 – Conditional Use – Accessory Building: The Providence City Administrative Land Use Authority will consider for approval a request by Richard Crosbie and Ellis Builders Company for an accessory building located at 463 Vons Way, Providence, UT.

Background Information:

A complete application was received August 25, 2020 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 fee, August 26, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 28, 2020.

- 146 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 26, 2020.

149 **FINDINGS OF FACT:**

150 Same as for Item No. 2

151 **CONCLUSIONS OF LAW:**

- 152 1. Providence City has adopted land use ordinances that include conditional uses and provisions
153 for conditional uses.
- 154 2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area.
- 155 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably
156 anticipated detrimental effects of the proposed use.
- 157 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the
158 parcel in the interest of the fire safety provisions and regulations as adopted by the State of
159 Utah and in accordance with the International Fire Code.
- 160 5. The request meets the requirements of the Codes listed in the Findings of Fact with the
161 following conditions:
162

163 **CONDITIONS:**

- 164 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules,
165 laws, codes, and ordinances.
- 166 2. The applicant will mitigate Wildfire Area by:
167 a. See letter from Aaron Walker dated August 26, 2020.
168 b. See statement from Jason Ellis dated August 27, 2020.
- 169 3. This conditional use is for the accessory building only as shown on the site plan date stamped
170 August 17, 2020.
- 171 4. Approval by the City of any application submitted or paperwork does not alleviate the owners
172 and/or their agents from their responsibility to understand and conform to local, state, and
173 federal laws. Providence City's approval is not intended to and cannot be construed to allow any
174 laws to be violated.
175
176

177 **Comments:**

- 178 • S Bankhead reminded the applicant that this building cannot be used as a dwelling unit under the current
179 access situation.
- 180 • The access easement coming off of Satsuma Drive was discussed.
- 181 • S Bankhead asked D Campbell to make sure that the record of decision states "accessory building" and
182 not "accessory dwelling unit."
183

184 **Motion to approve the conditional use and zoning approval for an accessory building located at 463 Von's Way**
185 **based on the findings of fact, conclusions of law, and conditions that are on the staff report, included in the**
186 **letters, and in the discussion: — M Pierce, second — R Stapley**

187 **Vote:**

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

189 **Nay:**

190 **Abstained:**

Excused:

Item No. 4 – Conditional Use – Accessory Building: The Providence City Administrative Land Use Authority will consider for approval a request by Eric and Marci Broadbent for an accessory building located at 330 E Center St., Providence, UT.

Background Information:

A complete application was received August 25, 2020 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 fee, August 26, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 28, 2020.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 25, 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.

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. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. Aaron Walker, Deputy Fire Marshall/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.
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, and ordinances.
2. The applicant will mitigate Wildfire Area by:
 - a. See letter from Aaron Walker dated August 25, 2020.
 - b. See letter from Eric and Marci Broadbent dated August 25, 2020.
3. This conditional use is for the accessory buildings only as shown on the site plan date stamped August 25, 2020. The existing building on west side of property is an electrical upgrade, and building on east side is new. Neither building is to be used as a dwelling unit.
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:

- Eric Broadbent clarified that on the existing accessory building, they are planning on putting in a kitchenette. The County told them that this would make it qualify as a dwelling.
- S Bankhead asked what the size of the accessory building is that they want to turn into a dwelling unit. E Broadbent said that the existing building is 1652 sq ft.
- S Bankhead asked if E Broadbent intends to use the entire building for the dwelling unit. He said that he does. S Bankhead said that the maximum size of an accessory dwelling unit in our code is 1200 sq ft. Also, our code requires that the accessory dwelling unit not be in front of the primary residence.
- E Broadbent explained that his plan is to connect this building to the main house.
- S Bankhead read from A Walker's letter.
- M Pierce asked about the floodplain issues. E Broadbent said that they have a letter from FEMA stating that the existing home is not in the floodplain. The building to the west is also not in the floodplain.
- M Pierce asked about the accessory building to the east. E Broadbent said that this will be in the floodplain, but that it does not require any flood insurance and it is 10 ft higher than the home.
- M Pierce said that we also need to be mindful of the "flood way." This cannot be encroached upon, and it is not shown on the county website.
- S Bankhead reviewed the items that the Land Use Authority must consider in regards to the flood plain.
- S Bankhead discussed the accessory building on the west and the fact that it is within the front plane of the house. This may be a zoning violation.
- E Broadbent said that for now, he will not install the kitchenette. He will wait to do that until he connects the building to his house, which will solve the problem of the zoning violation.
- S Bankhead said that he can do the electrical upgrade on his existing building if he does not do the kitchenette until he connects it to the house. E Broadbent said that this is what he will do.
- The third driveway was discussed. The building that will use it will be used for storage. Whether it would count as a third driveway in our code was discussed. E Broadbent said that the previous owners had an access on the east. It is the only way to access that part of the property. M Pierce said this may be grandfathered in.
- Installation of electrical outlets necessary to a kitchen, and whether this would be allowable, was discussed.

- S Bankhead asked Diane Campbell, Zoning Staff, to make sure that the record of decision is very clear that this building is not intended to be a dwelling unit. It is only getting an electrical upgrade.
- R Snow felt that on the driveway issue, if the third access is being maintained as a lawn, it should not count as a driveway. R Stapley agreed that if it is maintained as landscaping and is not used very often, it is not breaking our rules.

Motion to approve a conditional use and zoning approval for an accessory building on the east, and then for an electrical upgrade to an accessory building on the west, neither building to be used as a dwelling unit under this approval, based on the findings of fact, conclusions of law, and conditions, with the additional statement that it is important to remember that there can only be two vehicular accesses into the property, but if the [third] access was in place prior to the ordinance restricting the number of accesses, as long as it has not discontinued and the applicant can prove that at a future point in time if need be, then we won't say more about it. We are not granting the access, but we are only saying that it is historical: — R Stapley, second — M Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

- E Broadbent asked about grandfathering the east access. R Snow asked if there is any way to show that the gate has been used for vehicular traffic continuously without a gap of more than one year. R Snow suggested having people who know that the access has been used write a statement affirming the same and to keep it on file in case it is ever needed.
- S Bankhead warned the applicant that if anything is discovered that overrules this approval, such as relative to FEMA, building code, etc., we will have to rethink things.

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

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay:

Abstained:

Excused:

Meeting adjourned at approximately 3:00 PM

Minutes prepared by Jesse Bardsley


Skarlet Bankhead, Chair