

1 **Providence City Administrative Land Use Authority (ALUA) Minutes**

2 **Wednesday, June 24, 2020 2:35 PM**

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

4 **Members of the ALUA may be attending this meeting electronically.**

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

6
7 **Call to Order:** Skarlet Bankhead, Chair

8 **Members in Attendance:** Skarlet Bankhead, Max Pierce, Rob Stapley

9 **Others in Attendance:** Ryan Snow, Diane Campbell, April Fredrickson, Dennis Gehrke, and Andrew Davidson

10
11 **Item No. 1 Conditional Use – Accessory Building:** The Providence City Administrative Land Use Authority will
12 consider for approval a request by Dennis and Katherine Gehrke, for an accessory building located at 198 E. 200 S.,
13 Providence, UT.

14
15 **Background Information:**

16 A complete application was received June 1, 2020 and contained:

- 17 1. Providence City Conditional Use Application and Residential Site Plan application.
18 2. Payment of \$100 fee, June 2, 2020
19 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure June 5, 2020.
20 4. Aaron Walker, Deputy Fire Marshall, reviewed site; see letter dated June 9, 2020.

21
22 **FINDINGS OF FACT:**

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

38
39 **CONCLUSIONS OF LAW:**

- 40 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
41 conditional uses.
42 2. The Cache County GIS Parcel Summary indicates this parcel is in a Wildfire Hazard area.
43 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
44 detrimental effects of the proposed use.
45 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
46 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
47 accordance with the International Fire Code.
48 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
49 conditions:

50
51
52 **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 June 9, 2020.
 - b. Rob Stapley, Public Works Director, will verify fire flows.
3. This conditional use is for the accessory dwelling unit only as shown on the site plan date stamped June 1, 2020.
4. The applicant will meet conditions listed on Aaron Walker's letter for residential use of this building including approved fire department turn-around. If access to Peacock Lane is granted by neighbors, then turn-around may not be needed.
5. Payment of fees listed on the Providence City Zoning Permit.
6. 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:

- It was discussed that for an accessory dwelling building the applicant must reside on the property.
- Aaron Walker's conditions were read from the letter.
- The applicant was reminded to check up on the sewer line where the building will go and look at the setbacks.
- A second access was talked about and the different turnarounds that could be put in depending on which one the applicant chooses.

Motion to approve an accessory dwelling unit on the property at 198 E. 200 S. in Providence with the conditions that are called out in Aaron Walker's letter dated June 9th, 2020 and listed in the staff report, with the exception that all references to accessory building are changed to accessory dwelling unit, and with the additional condition that if the applicant finds an alternative [access] coming off of the south side of Peacock Lane, then the applicant may not have to put in the turnaround, but that is something that would have to be approved by the Fire Authority. — M. Pierce, second — R. Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay: None

Abstained: None

Excused: None

Item No. 2 Conditional Use – Addition: The Providence City Administrative Land Use Authority will consider for approval a request by BJ Davis for an addition to the primary residence located at 141 E. 300 S., Providence, UT.

Background Information:

A complete application was received June 12, 2020 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 fee, June 10, 2020
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure June 17, 2020.
4. Aaron Walker, Deputy Fire Marshall, reviewed site; see letter dated June 15, 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 and has steep slopes.
3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use.
4. 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.
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 June 15, 2020.
3. See emailed letter for slope mitigation dated June 11, 2020.
4. This conditional use is for the home and deck addition only as shown on the site plan date stamped June 10, 2020.
5. Payment of fees listed on the Providence City Zoning Permit.
6. 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:

- Andrew Davidson is the builder for BJ Davis, the applicant, and sat in on the meeting in Davis' place. The applicant met with the Fire Marshall but not Davidson. For his benefit, Aaron Walker's letter dated June 15, 2020 was read.
- Specific requirements and codes were covered for this item.
- How the slope would be mitigated was discussed as well as access to the additional building.

Motion to approve the conditional use and zoning approval for the addition to the home of BJ and Kelli Davis at 141 E. 300 S. based on the Findings of Fact, Conclusions of Law, and conditions as written in the staff report and discussed during the meeting: — R. Stapley, second — M. Pierce

Vote:

Yea: S. Bankhead, M. Pierce, R. Stapley

Nay: None

Abstained: None

157 Excused: None
158
159 Motion to adjourn: — M. Pierce, second — R. Stapley
160 Vote:
161 Yea: S. Bankhead, M. Pierce, R. Stapley
162 Nay: None
163 Abstained: None
164 Excused: None

165
166
167 Meeting adjourned at approximately 3:28 PM
168 Minutes prepared by Kris Hobbs Clemente
169

170 
171 Skarlet Bankhead
172 Chair

173
174
175
176
177
178