

Providence City Administrative Land Use Authority (ALUA) Minutes

Wednesday, May 19, 2021 2:30 PM

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

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

Call to Order: Skarlet Bankhead, Chair

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

Others in Attendance: Ryan Snow, Jessica Williamson, Tyler Cameron, Diane Campbell, April Fredrickson, Lindsay Cole, Steve Coppieters, Cary and Charlotte Green, and Dave Belnap

Excused: None

Item No. 1 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a new home located at 260 E. 520 N., Providence, UT (Vineyard lot 68).

Background Information:

Complete Application was received May 10, 2021; application contained:

1. Providence City Conditional Use application and Residential Site Plan application
2. Payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on May 13, 2021.

FINDINGS OF FACT:

1. UCA 10-9a-507. Conditional Uses allows 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), Hazard Earthquake Primary Fault (HE), or Hazard Wildfire (WF), 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. Included in the application packet was an elevation plan labeled Briarwood. This was not one of the original plans submitted when the Vineyard development was approved. The Planning Commission is the proper authority to consider new elevations.
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 Hazard Water Table by:
 - a. See submitted mitigation letter and Window Well Drain Detail
3. This conditional use is for the residence only as shown on the site plan date stamped May 11, 2021. If an elevation change is desired that is different from what was previously approved by the Planning Commission, an application will need to be submitted to the Planning Commission.
4. Payment of fees listed on the Providence City Zoning Permit.
5. Approval by the City of any submitted application 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 read from Dallas Nichol's letter dated January 9, 2020.
- S Bankhead went over the packet and said there is the land drain there with several Visionary homes associated with the land drain and that it is going well.
- It was clarified that these homes were in conditional use and had to follow the guidelines since the location was in a hazard area.
- S Bankhead said they could approve the conditional use of the land drain but not the half pertaining to elevations.

Motion to approve the conditional use for a new home located at 260 E. 520 N. with the understanding that what we are approving is the conditional use to use the land drain system in the hazard water table area. Anything else would have to go before another body for approval. – M. Pierce, second – R. Stapley

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay: None

Abstained: None

Excused: None

Item No. 2 – Conditional Use – Pool: The Providence City Administrative Land Use Authority will consider for approval a request by JBM Pools for Greg and Lindsay Cole for a pool located at 740 Eagle View Dr., Providence, UT.

Background Information:

Complete Application was received May 11, 2021, and contained:

1. Providence City Conditional Use application and Residential Site Plan Application
2. Payment of application \$100.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 12, 2021.

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 Landslide 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, and ordinances.
2. Landslide mitigation was discussed with the City Engineer, Max Pierce, and it was decided that a landslide study would not be necessary for the construction of this pool.
3. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming pools.
4. This conditional use is for the pool only as shown on the site plan dated May 6, 2021.
5. Approval by the City of any submitted application 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 geo tech reports in the area were discussed.
- M Pierce brought up the stableness in the area in three different reports from the same day and did not feel the need for the applicant to get a report done.
- R Stapley questioned the efficiency depending on how far apart they were.
- L Cole asked if it mattered which end of the pool was the deep end since there was a slope in the backyard. A discussion followed.

Motion to approve the conditional use for a pool located at 740 Eagle View Dr. in Providence, 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:	None
Abstained:	None
Excused:	None

Item No. 3 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Stone Gate Homes for Adam Paul for a new home located at 1249 Hidden View Dr., Providence, UT.

Background Information:

A complete application was received May 3, 2021 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 4, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 6, 2021.

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 and Steep Slope 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, and ordinances.
2. The applicant will mitigate hazard areas by:
 - a. See letter from Aaron Walker, Deputy Fire Marshall, dated May 6, 2021.
 - b. See Geotechnical Investigation submitted May 4, 2021.
 - c. See Mitigation Strategies dated May 1, 2021.
3. This conditional use is for the residence only as shown on the site plan date stamped May 4, 2021.
4. Approval by the City of any submitted application 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 went into depth with the conditions.
- S Bankhead went through Steve Coppieters' letter.
- S Bank head went over the GIS summary report.
- R Stapley reminded the contractor to maintain the integrity of the existing storm water pond.

Motion to approve the request by Stone Gate Homes for Adam Paul located at 1249 Hidden View Drive in Providence 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: None

Abstained: None

Excused: None

Item No. 4 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Stone Gate Homes for Cary and Charlotte Green for a new home located at 230 N. 850 E., Providence, UT.

Background Information:

A complete application was received May 1, 2021 and contained:

1. Providence City Conditional Use Application and Residential Site Plan application.
2. Payment of \$100 application fee
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure May 7, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 10, 2021.

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 and Landslide 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, and ordinances.
2. The applicant will mitigate hazard areas by:
 - a. See letter from Aaron Walker, Deputy Fire Marshall, dated May 10, 2021.
 - b. See Geotechnical Investigation submitted May 6, 2021.
 - c. See 'Mitigation Strategies for Wildfire, Steep and Moderate Slopes' dated May 1, 2021
3. This conditional use is for the residence only as shown on the site plan date stamped May 6, 2021.
4. Approval by the City of any submitted application 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 reminded the applicant to make sure their property lines were in place.
- S Bankhead read from Aaron Walker's letter.
- S Bankhead read from the GIS parcel summary report from Civil Solutions.
- S Bankhead also went over mitigation strategies.

Motion to approve the request for Stone Gate Homes by Cary and Charlotte Green for a new home located at 230 N. 850 E. in Providence based on the findings of fact, conclusions of law, and conditions in the staff report: –

R. Stapley, second – M. Pierce

Vote:

Yea: S Bankhead, M Pierce, R Stapley

Nay: None

Abstained: None

Excused: None

Item No. 5 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Pillar Homes for Brett and Idena Ward for a new home located at 879 Grandview Dr. Providence, UT.

Background Information:

Complete Application was received May 4, 2021; application contained:

1. Providence City Conditional Use Application, Residential Site Plan Application
2. Payment of \$100 application fee.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on May 7, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated May 6, 2021.

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. 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: See letter from Aaron Walker dated May 6, 2021.
3. See email from applicant dated May 5, 2021.
4. This conditional use is for the residence only as shown on the site plan date stamped May 4, 2021.
5. Approval by the City of any submitted application 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 read from Aaron Walker's letter.
- The retaining wall was brought up and discussed. The retaining wall will be very close to the property line.
- D Belnap addressed the driveway access and the retaining wall.
- R Stapley discussed storm water.
- S Bankhead explained the contractor will have to work with the building official to make sure the retaining wall meets building codes.
- S Bankhead reminded the applicant that property pins need to be in place so setbacks can be checked. Also, if something comes up that wasn't addressed in the plan, the applicant needs to contact the City before moving forward.

Motion to approve the request by Pillar Homes for Brett and Idena Ward for a new home located at 879 Grandview Dr. in Providence 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:	None
Abstained:	None
Excused:	None

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

Vote:

Yea:	S. Bankhead, M. Pierce, R. Stapley
Nay:	None
Abstained:	None
Excused:	None

Meeting adjourned at approximately 3:39 PM

Minutes prepared by Kris Hobbs Clemente


Skarlet Bankhead, Chair