

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

2 **Wednesday, July 28, 2021 2:40 PM**

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

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

5
6 **Call to Order:** Skarlet Bankhead, Chair

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

8 **Others in Attendance:** Ryan Snow, Tyler Cameron, Diane Campbell, April Fredrickson, Tara Bankhead, Jessica
9 Williamson, Mark Davis, Mr. and Mrs. Mike Castro

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – Fiber Shelter:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by Providence City for a Fiber Shelter located at 350 E. Center St., Providence, UT. [EXHIBIT](#)

14
15 **Background Information:**

16 A complete Application was received July 21, 2021; application contained a Providence City Conditional Use
17 application and site plan.

18
19 **FINDINGS OF FACT:**

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

34
35 **CONCLUSIONS OF LAW:**

- 36 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
37 conditional uses.
- 38 2. The Cache County GIS parcel summary indicates that this lot contains Hazard Wildfire and Steep Slope
39 areas.
- 40 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
41 detrimental effects of the proposed use.
- 42 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
43 conditions:

44
45 **CONDITIONS:**

- 46 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
47 codes, and ordinances.
- 48 2. The applicant will mitigate fire hazard by conforming to requirements set forth by the Logan City Deputy
49 Fire Marshall, Aaron Walker. Fire Review was received July 28, 2021.
- 50 3. Steep slopes are well outside of the building area and will not be disturbed.
- 51 4. This conditional use is for the fiber shelter only as shown on the site plan date stamped July 21, 2021.
- 52 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:

- R Snow said that the fiber hut would be the central place for where all of the fiber connections come back to. He said the 12x12 building would be like the brains of the operation.
- S Bankhead said for mitigation? that they have the GIS parcel summary, the site plan, and the plans for the shelter itself, which include electricity and natural gas.
- S Bankhead said the full name is a 12x12x9 Providence City Health? Communications Center.
- S Bankhead read from Aaron Walker's letter.
- S Bankhead said that as stated in the staff report, the building is being located far enough away from any of the steep slopes, so it is definitely meeting the setbacks on that.

Motion to approve Providence City's request for a Fiber shelter located at 350 E. Center in Providence: — M. Pierce, second — R. Stapley

Vote:

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

Nay: None

Abstained: None

Excused: None

Item No. 2 - 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 134 E. 520 N., Providence, UT (Vineyard Lot 79). [EXHIBIT](#)

Background Information:

Complete Application was received July 26, 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 July 26, 2021.

FINDINGS OF FACT:

*These are the same as the first item.

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, 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 July 26, 2021.
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:

- R Snow commented that the application that was filled out was an old one, but it could be updated.

Motion to approve the request for Visionary Homes at 134 E. 520 N. in Providence, Vineyard lot 79 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. 3 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by JayDee Barr Construction for Mike Castro for a new home located at 386 N. 850 E., Providence, UT. [EXHIBIT](#)

Background Information:

Complete Application was received July 22, 2021; application contained:

1. Providence City Conditional Use Application, Residential Site Plan Application
2. Payment of \$100 fee.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on July 27, 2020.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated July 25, 2021

FINDINGS OF FACT:

*These are the same as the first two items.

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 Hazard Wildfire, Steep Slope, Landslide, and 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, Landslide, and Steep slope areas by:
 - a. See letter from Aaron Walker dated July 25, 2021. An email was also received on August 4, 2021, confirming that the garage was considered during the review and is approved.
 - b. See Landslide Study dated July 14, 2021
 - c. Steep slopes are outside of the building envelope and will not be disturbed.
3. The fault line was excavated during the subdivision development and was concluded to possibly be further to the east. If it is found during excavation for the home, construction will be discontinued until the issue can be resolved.

- 157 4. The utility services will be changed to coming from lot 25 services, not lot 24, unless the lots are combined
158 forming one lot.
159 5. This conditional use is for the residence and detached garage only as shown on the site plan date stamped
160 July 22, 2021.
161 6. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
162 their agents from their responsibility to understand and conform to local, state, and federal laws.
163 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
164

165 **Comments:**

- 166 • S Bankhead said that the home was actually using two lots: lot 24 and lot 25.
167 • There was a discussion about the two lots and the structure of the plan for this development.
168 • M Pierce enquired about the attached garage and if it was approved.
169 • S Bankhead read from Aaron Walker's letter.
170 • A condition was added to check with Aaron Walker to find out if the garage could be approved.
171 • R Stapley asked about water running out of the garage. A discussion followed.
172 • R Stapley cautioned to be very careful of any landscaping. He discussed the driveway and retaining walls.
173

174 **Motion to approve the request by Jaydee Bar Construction for Mike Castro for a new home located at 386 N.**
175 **850 E. based on the Findings of Fact, Conclusions of Law, and Conditions in the staff report with the additional**
176 **conditions that the garage shown on the site plan that Aaron Walker verifies his comments on the garage and**
177 **the services will be utilizing lot 25 services instead of lot 24 services unless they combine the two lots into one,**
178 **which would be amending a final plat: — R. Stapley, second — M. Pierce**

179 **Vote:**

180 **Yea:** S. Bankhead, M. Pierce, R. Stapley
181 **Nay:** None
182 **Abstained:** None
183 **Excused:** None
184

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

186 **Vote:**

187 **Yea:** S. Bankhead, M. Pierce, R. Stapley
188 **Nay:** None
189 **Abstained:** None
190 **Excused:** None
191

192 Meeting adjourned at approximately 3:22 PM

193 Minutes prepared by Kris Hobbs Clemente

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196 _____
197 Skarlet Bankhead, Chair
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