

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

2 **Wednesday, August 11, 2021 2:35 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, Jessica Williamson, Rob
9 Summers, Josh Miller, Zach Spent, and Todd Wurthen

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – Pavilion:** The Providence City Administrative Land Use Authority will consider for
13 approval a request by North Ridge Ent., LLC for Bryan Wrigley for a pavilion located at 250 S. Sherwood Dr.,
14 Providence, UT. [EXHIBIT](#)

15
16 **Background Information:**

17 Complete Application was received August 5, 2021, and contained:

- 18 1. Providence City Conditional Use application and Residential Site Plan Application
- 19 2. Payment of application fee: \$100.
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 9, 2021.

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 Steep Slope and Wildfire Hazard areas.
- 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. The request meets the requirements of the Codes listed in the Findings of Fact with the following
46 conditions:

47
48 **CONDITIONS:**

- 49 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
50 codes, and ordinances.
- 51 2. The applicant has mitigated slopes with construction of a retaining wall.
- 52 3. The applicant will mitigate Wildfire Hazard Area by complying with requirements set forth by Aaron

Walker, Deputy Fire Marshall – See review letter dated August 9, 2021.

4. This conditional use is for the pavilion only as shown on the site plan dated August 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.
- S Bankhead stated that they will enforce what is on the site plan. The setbacks must meet the inspector's and A Fredrickson's approval. If things are changed on the site plans, the City needs to know about it.

Motion to approve the request by North Ridge Ent., LLC for Bryan Wrigley for a pavilion located at 250 S. Sherwood Dr. based on the Findings of Fact, Conclusions of Law, and Conditions included 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. 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 124 E. 520 N., Providence, UT (Vineyard Lot 80). [EXHIBIT](#)

Background Information:

Complete Application was received August 6, 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 August 9, 2021.

FINDINGS OF FACT:

*The Findings of Fact are the same except for #2 The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis does not apply to this one.

CONCLUSIONS OF LAW:

*The Conclusions of Law are the same as above except for:

1. This parcel is in a Hazard Water Table area.

CONDITIONS:

*The Conditions are the same as above except for:

2. The applicant will mitigate Hazard Water Table by: See submitted mitigation letter and Window Well Drain Detail.

Comments:

- S Bankhead read from the Geotech study that was done. They did find ground water that meets the water hazard definition. The engineering firm recommended a land drain as an acceptable mitigation strategy. Vineyard has been using that strategy since they started their construction.

Motion to approve the request by Visionary Homes for a new home located at 124 E. 520 N. Providence, Utah in Vineyard Lot 80, 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 J&M Builders for Austin Terry for a new home located at 222 N 850 E., Providence, UT.
EXHIBIT

Background Information:

A complete application was received July 13, 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 July 16, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated July 25, 2021.

FINDINGS OF FACT:

*These are the same as above.

CONCLUSIONS OF LAW:

*The Conclusions of Law are the same as above except for:

1. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire, Fault Line, Slope and Landslide areas.

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 July 25, 2021.
 - b. See Landslide Report dated July 9, 2021.
 - c. 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.
 - d. Steep slopes are outside of the building area and will not be disturbed.
3. This conditional use is for the residence only as shown on the revised site plan that was submitted during the Administrative Land Use meeting with the addition of the building envelope included, and on approval by staff.
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 read from Aaron Walker's letter.
- S Bankhead said that they will need the percent and grade plan on the site plan for the turn around to be included.
- S Bankhead explained the applicant needs to submit a revised site plan that shows the recorded building envelope. A Walker will need to review the revised site plan.
- S Bankhead also read from the Civil Solutions landslide report prepared by Michael Taylor.
- Z Spenst said that they would revise the site plan and once they started the work and would see what needs to be addressed, excavated, or approved by the City. They want to do the foundation at the same time.

- Z Spenst sent a plan for the turnabout which was not big enough.
- Z Spenst emailed a revised site plan during the meeting; however, it did not show the building envelope. It did show the change to the driveway and turnaround.
- R Stapley discussed the water meter and service lines in relationship to landscaping needs. He cautioned that, as the lot increases in elevation, the landscaping company would need to design the sprinkler system to work with the reduction of water pressure.
- Z Spenst reported they are considering a 1½ -inch service line but keeping a 1-inch meter.

Administrative Land Use Authority will Conditionally approve the request by J&M Builders for Austin Terry regarding a home located at 222 N. 850 E. based on the Findings of Fact, Conclusions of Law, and Conditions listed in the staff report. We are looking to change a couple of things on the staff report. We are looking at using the subdivision site plan that was emailed to us during the meeting today with the billing on it and need to have it verified by Diane and April. My motion would be to approve with the additional condition that the new site plan that came in today be amended to show the building envelope and that April and Diane verify the building envelope and then the approval would stand. If they can verify that, then we can use that site plan with Rob and Max's approval as well: — R. Stapley, second — M. Pierce

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 Summers Construction for Josh and Melissa Miller for a new home located at 116 N. 850 E., Providence, UT. [EXHIBIT](#)

Background Information:

Complete Application was received July 20, 2021; application contained:

1. Providence City Conditional Use Application, Residential Site Plan Application
2. Payment of \$100 fee, July 21, 2021
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on July 21, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 4, 2021.

FINDINGS OF FACT:

*These are the same as above.

CONCLUSIONS OF LAW:

*These are the same as well except for:

1. The Cache County GIS Parcel Summary indicates this parcel is in Wildfire Hazard, Hazard Slope, and Hazard Earthquake Fault areas.

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 4, 2021.
 - b. Steep slopes are outside of the building area and will not be disturbed.
 - c. 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.
3. This conditional use is for the residence only as shown on the revised site plan submitted during the Administrative Land Use meeting, which includes changes required by Aaron Walker, Deputy Fire

Marshall.

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 read from Aaron Walker's letter.
- There was a discussion concerning the fire hydrants and the safety precautions that would be taken if a fire did occur and how the trucks would get in.
- The possibility of a future side dwelling unit was brought up.
- R Stapley covered his concerns on storm water and compacting the trenches so if it rains how to maintain those.
- There was also a discussion about having two meters, one being a landscaping meter.

Motion to approve the Summers' request for Josh and Melissa Miller for a new home located at 116 N. 850 E. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions in the staff report that were presented; with a change to that, we are not using the July 20,2021 site plan. We are using the site plan that was given to us during this meeting: — M. Pierce, second — R. Stapley

Vote:

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

- S Bankhead explained it is time to look at the application fee. She asked that those involved with reviewing the plans and preparing for the meetings to note the time it takes. This will provide a basis for an adequate application fee.

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

Vote:

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

Meeting adjourned at approximately 3:42 PM

Minutes prepared by Kris Hobbs Clemente


Skarlet Bankhead, Chair