

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

2 **Wednesday, August 25, 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, Chris
9 Bassett

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider
13 for approval a request by Visionary Homes for a new home located at 114 E. 520 N., Providence, UT (Vineyard Lot
14 81).

15
16 **Background Information:**

17 Complete Application was received August 23, 2021; application contained:

- 18 1. Providence City Conditional Use application and Residential Site Plan application
- 19 2. Payment of \$100 application fee
- 20 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on August 24,
21 2021.

22
23 **FINDINGS OF FACT:**

- 24 1. UCA 10-9a-507. Conditional Uses allows a municipality to adopt a land use ordinance that includes
25 conditional uses and provisions for conditional uses that require compliance with standards set for in an
26 applicable ordinance.
- 27 2. 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), Hazard Earthquake Primary Fault (HE), or
30 Hazard Wildfire (WF), shall be dealt with as a request for a conditional use permit under the provisions of
31 Section 10-3-5 of this Title. All applications shall comply with the following regulations before any permit
32 shall be issued.
- 33 3. 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 **CONCLUSIONS OF LAW:**

- 39 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
40 conditional uses.
- 41 2. This parcel is in a Hazard Water Table area.
- 42 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
43 detrimental effects of the proposed use.
- 44 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
45 conditions:

46 **CONDITIONS:**

- 47 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
48 codes, and ordinances.

2. The applicant will mitigate Hazard Water Table by: 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 August 24, 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:

- S Bankhead stated for the record that Dallas Nicols wrote a letter dated January 2020 that talked about the land drain and that the letter is included in the packet.

Motion to approve the conditional use request for a home located at 114 E. 520 N. in Providence (Vineyard lot 81): — M. Pierce, second — R. Stapley

Vote:

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

Item No. 2 - Conditional Use – Pavilion: The Providence City Administrative Land Use Authority will consider for approval a request by Chris Funk Construction for Chris and Brittany Bassett new home located at 1153 S 800 E, Providence, UT.

Background Information:

A complete application was received August 18, 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 August 23, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated August 18, 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.

- 101 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated
102 detrimental effects of the proposed use.
103 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in
104 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in
105 accordance with the International Fire Code.
106 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following
107 conditions:
108

109 **CONDITIONS:**

- 110 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
111 codes, and ordinances.
112 2. The applicant will mitigate hazard areas by:
113 a. See letter from Aaron Walker, Deputy Fire Marshall, dated August 18, 2021.
114 b. See Site Plan showing approx. 24% slope dated August 17, 2021.
115 3. This conditional use is for the residence only as shown on the site plan date stamped July 15 or August 17,
116 2021.
117 4. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
118 their agents from their responsibility to understand and conform to local, state, and federal laws.
119 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
120

121 **Comments:**

- 122 • S Bankhead read from Aaron Walker's letter and review of fire safety.
123 • S Bankhead said the 24% slope falls under the potentially developable area and doesn't have the same
124 restrictions that the non-developable sensitive area does.
125 • R Stapley said to keep in mind the guidelines for a wildfire hazard area since it is right on the border.
126 • S Bankhead reminded C Bassett to keep the setbacks and property pins in place according to the
127 guidelines. A Fredrickson warned to double check the set back for the garage since it is on the line.
128

129 **Motion to approve the request by Chris Funk Construction for Chris and Brittany Bassett's new home located at**
130 **1153 S. 800 E. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions that were**
131 **presented in the staff report: — R. Stapley, second — M. Pierce**

132 **Vote:**

133 **Yea:** S. Bankhead, M. Pierce, R. Stapley
134 **Nay:** None
135 **Abstained:** None
136 **Excused:** None
137

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

139 **Vote:**

140 **Yea:** S. Bankhead, M. Pierce, R. Stapley
141 **Nay:** None
142 **Abstained:** None
143 **Excused:** None
144

145 Meeting adjourned at approximately 3:52 PM

146 Minutes prepared by Kris Hobbs Clemente
147

148
149 
150 Skarlet Bankhead, Chair
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