

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

2 **Wednesday, October 27, 2021 2:30 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:** Rob Stapley, Public Works Director

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

8 **Others in Attendance:** Ryan Snow, Tyler Cameron, Diane Campbell, April Fredrickson, Steve Coppieters,  
9 Brandon Majors, and Todd Titensor

10 **Excused:** Skarlet Bankhead

11  
12 **Item No. 1 – Conditional Use – Retaining Wall:** The Providence City Administrative Land Use Authority will  
13 consider for approval a request by Stone Gate Homes for Adam Paul for a retaining wall located at 1249 Hidden  
14 View Dr., Providence, UT. [EXHIBIT](#)

15  
16 **Background Information:**

17 A complete application was received October 20, 2021, containing:

- 18 1. Providence City Conditional Use and Residential Site Plan Application
- 19 2. Payment of \$100 application fee.
- 20 3. Rob Stapley, Providence City Public Works Director, signed inspection on October 25, 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  
35 of 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 Hazard Wildfire and Slope 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 submitted a Geotechnical report dated July 29, 2020. Retaining wall will be built 20 feet  
52 from the rear property line to accommodate leveling the lot and provide area to construct the residence.
- 53 3. This conditional use is for the retaining wall only as shown on the plan dated November 1, 2021.

- 54 4. The lots must be combined before construction starts on the home.  
55 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or  
56 their agents from their responsibility to understand and conform to local, state, and federal laws.  
57 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.  
58

59 **Comments:**

- 60 • D Campbell read from the Staff Report.  
61 • There was a discussion about where the drain box would be draining because that area was moved and is  
62 bigger than it was before, it is just longer and skinnier. More comments were made.  
63 • The retaining walls were also discussed in length to make sure they would accommodate the slope, the  
64 requirements, and the neighbors.  
65

66 **Motion to continue Item 1 until the dimensions are shown correctly and the surveyor is done:** — M. Pierce,  
67 second — R. Stapley

68 **Vote:**

69 **Yea:** R. Stapley, M. Pierce  
70 **Nay:** None  
71 **Abstained:** None  
72 **Excused:** S. Bankhead  
73

74 **Item No. 2 - Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider for  
75 approval a request by Brandon Major for a new home located at 385 N 900 E., Providence, UT. [EXHIBIT](#)  
76

77 **Background Information:**

78 Complete Application was received September 30, 2021; application contained:

- 79 1. Providence City Conditional Use Application, Residential Site Plan Application  
80 2. Payment of \$100 application fee.  
81 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure on September  
82 20, 2021.  
83 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 12, 2021.  
84

85 **FINDINGS OF FACT:**

- 86 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes  
87 conditional uses and provisions for conditional uses that require compliance with standards set for in an  
88 applicable ordinance.  
89 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.  
90 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all  
91 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the  
92 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),  
93 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the  
94 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before  
95 any permit shall be issued.  
96 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the  
97 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare  
98 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the  
99 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large  
100 gatherings of people, or other causes.  
101

102 **CONCLUSIONS OF LAW:**

- 103 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
104 conditional uses.  
105 2. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire and Steep Slope areas.

- 106 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated  
107 detrimental effects of the proposed use.  
108 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in  
109 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in  
110 accordance with the International Fire Code.  
111 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following  
112 conditions:  
113

114 **CONDITIONS:**

- 115 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
116 codes, ordinances.  
117 2. The applicant will mitigate Wildfire Area by: See letter from Aaron Walker dated October 12, 2021.  
118 3. Steep slope is less than 50' perpendicular to the contour lines. (PCC 10-5-2)  
119 4. This conditional use is for the residence only as shown on the site plan date stamped October 20, 2021.  
120 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or  
121 their agents from their responsibility to understand and conform to local, state, and federal laws.  
122 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.  
123

124 **Comments:**

- 125 • D Campbell read from the Staff Report.  
126 • M Pierce inquired about a Geo tech report done on the slope before having a building permit. A  
127 discussion followed.  
128 • R Stapley asked for the record if B Major had had a meeting with the fire marshal and B Major said he  
129 had, which was why he missed the last meeting.  
130 • R Stapley read from Aaron Walker's letter.  
131

132 **Motion to approve the conditional use for a new home located at 385 N. 900 E. for Brandon Majors: — M.**  
133 **Pierce, second — R. Stapley**

134 **Vote:**

135 **Yea: R. Stapley, M. Pierce**

136 **Nay: None**

137 **Abstained: None**

138 **Excused: S. Bankhead**  
139

140 **Item No. 3 – Conditional Use – New Home:** The Providence City Administrative Land Use Authority will consider  
141 for approval a request by Titensor Construction for Kurt and Catherine Sorensen for a new home located at 445 S.  
142 Edgehill Dr., Providence, UT. [EXHIBIT](#)  
143

144 **Background Information:**

145 A complete application was received September 28, 2021, and contained:

- 146 1. Providence City Conditional Use Application and Residential Site Plan application.  
147 2. Payment of \$100 application fee  
148 3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure September 29,  
149 2021.  
150 4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 7, 2021.  
151

152 **FINDINGS OF FACT:**

- 153 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes  
154 conditional uses and provisions for conditional uses that require compliance with standards set for in an  
155 applicable ordinance.  
156 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.  
157 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all  
158 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the

159 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),  
160 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the  
161 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before  
162 any permit shall be issued.

- 163 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the  
164 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare of  
165 persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the  
166 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large  
167 gatherings of people, or other causes.

168  
169 **CONCLUSIONS OF LAW:**

- 170 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
171 conditional uses.  
172 2. The Cache County GIS Parcel Summary indicates this parcel is in a Hazard Wildfire and Steep Slope areas.  
173 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated  
174 detrimental effects of the proposed use.  
175 4. Aaron Walker, Deputy Fire Marshall/Fire Inspector – Logan City Fire Department, reviewed the parcel in  
176 the interest of the fire safety provisions and regulations as adopted by the State of Utah and in  
177 accordance with the International Fire Code.  
178 5. The request meets the requirements of the Codes listed in the Findings of Fact with the following  
179 conditions:

180  
181 **CONDITIONS:**

- 182 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
183 codes, and ordinances.  
184 2. The applicant will mitigate hazard areas by:  
185 a. See letter from Aaron Walker, Deputy Fire Marshall, dated October 7, 2021.  
186 b. See Mitigation Strategies dated September 28, 2021.  
187 3. The applicant will provide documentation that a sewer easement has been recorded for the lots west of  
188 the subject property.  
189 4. This conditional use is for the residence only as shown on the updated site plan date stamped October 25,  
190 2021.  
191 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or  
192 their agents from their responsibility to understand and conform to local, state, and federal laws.  
193 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.

194  
195 **Comments:**

- 196 • D Campbell read from the Staff Report.  
197 • It was verified this was a continuum to decide where the driveway was going and where the sewer drain  
198 would be.  
199 • They talked about having a circular driveway be the new plan along with easement comments.

200  
201 **Motion to approve the application for Titensor Construction, Kurt and Catherine Sorensen, located at 445 S.**  
202 **Edgehill Dr. with the Conditions and Conclusions of Law shown on the application and with the additional**  
203 **condition that a sewer easement will be reported on either lot one or two for the sewer coming out of this lot: –**

204 **— M. Pierce, second — R. Stapley**

205 **Vote:**

206 **Yea: R. Stapley, M. Pierce**

207 **Nay: None**

208 **Abstained: None**

209 **Excused: S. Bankhead**

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

213 **Vote:**

214 **Yea:** R. Stapley, M. Pierce

215 **Nay:** None

216 **Abstained:** None

217 **Excused:** S. Bankhead

218

219

220 Meeting adjourned at approximately 3:30 PM

221 Minutes prepared by Kris Hobbs Clemente

222

223

224

225 \_\_\_\_\_  
Skarlet Bankhead, Chair

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