

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.

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 Marshal/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 October 12, 2021.
3. Steep slope is less than 50' perpendicular to the contour lines. (PCC 10-5-2)
4. This conditional use is for the residence only as shown on the site plan date stamped October 20, 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:

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

Motion to approve the conditional use for a new home located at 385 N. 900 E. for Brandon Majors: — M.

Pierce, second — R. Stapley

Vote:

Yea: R. Stapley, M. Pierce

Nay: None

Abstained: None

Excused: S. Bankhead

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

Background Information:

A complete application was received September 28, 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 September 29, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated October 7, 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 October 7, 2021.
 - b. See Mitigation Strategies dated September 28, 2021.
3. The applicant will provide documentation that a sewer easement has been recorded for the lots west of the subject property.
4. This conditional use is for the residence only as shown on the updated site plan date stamped October 25, 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:

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

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

— M. Pierce, second — R. Stapley

Vote:

Yea: R. Stapley, M. Pierce

Nay: None

Abstained: None

Excused: S. Bankhead

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

213 Vote:

214 Yea: R. Stapley, M. Pierce

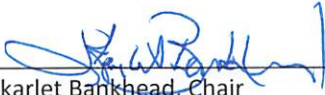
215 Nay: None

216 Abstained: None

217 Excused: S. Bankhead

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220 Meeting adjourned at approximately 3:30 PM

221 Minutes prepared by Kris Hobbs Clemente

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225 _____
226 Skarlet Bankhead, Chair