

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

2 **Wednesday, November 3, 2021 2:05 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**

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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, Todd Titensor, and Steve  
9 Coppieters

10 **Excused:**

11  
12 **Item No. 1 – Approval of Extension of Condition:** The Providence City Administrative Land Use Authority will  
13 consider for approval a request by Titensor Construction for Kurt and Catherine Sorensen to extend the timeframe  
14 to complete the condition requiring an easement for sewer service lateral at 445 S. Edgehill Dr., Providence, UT.

15 **EXHIBIT**

16  
17 **CONCLUSIONS OF LAW:**

- 18 1. Providence City has adopted land use ordinances that include conditional uses and provisions for  
19 conditional uses.  
20 2. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated  
21 detrimental effects of the proposed use.  
22

23 **CONDITIONS:**

- 24 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,  
25 codes, and ordinances.  
26 2. The applicant will provide documentation that a sewer easement has been recorded for the lots west of  
27 the subject property before Certificate of Occupancy is issued. This is an extension to the previous  
28 condition of providing easement documentation before zoning clearance is issued.  
29 3. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or  
30 their agents from their responsibility to understand and conform to local, state, and federal laws.  
31 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.  
32

33 **Comments:**

- 34 • D Campbell read from the staff report.  
35 • T Titensor explained why he was wanting to do the extension. It was due to weather and the surveyors  
36 being out 3 weeks. The tile company is also out about another 3 to four weeks. This would put him in  
37 December where there is frost, etc.  
38 • S Bankhead said on the zoning clearance to make sure on the regular decision that it goes along with the  
39 zoning clearance and that it is on hold so that he? can contact us. They check with Rob on the public  
40 infrastructure, but they might forget about the easement. Get it going and don't wait.  
41

42 **Motion to grant the request by Todd Titensor, Titensor Construction, for Kurt and Catherine Sorensen to extend**  
43 **the time frame to complete the condition requiring an easement for the sewer service lateral at 445 South**  
44 **Edgehill Dr. that it has to be done before certificate of occupancy.:** — M. Pierce, second — R. Stapley

45 **Vote:**

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

47 **Nay:** None

48 **Abstained:** None

49 **Excused:** None  
50

**Item No. 2 – Conditional Use – Retaining Wall:** The Providence City Administrative Land Use Authority will consider for approval a request by Stone Gate Homes for Adam Paul for a retaining wall located at 1249 Hidden View Dr., Providence, UT. [EXHIBIT](#)

**Background Information:**

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

1. Providence City Conditional Use and Residential Site Plan Application
2. Payment of \$100 application fee.
3. Rob Stapley, Providence City Public Works Director, signed inspection on October 25, 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 Hazard Wildfire and Slope areas.
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 submitted a Geotechnical report dated July 29, 2020. Retaining wall will be built 20 feet from the rear property line to accommodate leveling the lot and provide area to construct the residence.
3. This conditional use is for the retaining wall only as shown on the plan dated November 1, 2021.
4. The lots must be combined before construction starts on the home.
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.
- S Bankhead asked if enough information was gathered to make the request adequate and S Coppieters said yes and that it had been added to the site plan. He said there is no more than four feet exposed foundation allowed on the downhill side within the ten-foot sideline.

- S Bankhead said looking back on the conditions that Adam Paul was supposed to have his two parcels combined and that that still needs to happen.
- T Titensor said that Adam Paul was acquiring more land from Rob Campbell and they were wanting to combine all of the land onto one parcel.
- S Bankhead said if they did that then they would need to have an amended final plat.
- S Coppieters said they hadn't started on building the house because they needed to build the retention wall and move the retention pond. He said that is where the retaining wall came in was to give a more stable yard and a more stable building site.
- S Coppieters said that they should have the wall poured and finished within 21 days and so S Bankhead said then they should have three weeks to combine the parcels.

**Motion to approve the retaining wall as shown on the site plan but in addition to that, they can start construction on their retaining wall. But before construction starts on the home, the two lots have to be combined and hopefully by the end of November: — R. Stapley, second — M. Pierce**

**Vote:**

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

**Nay: None**

**Abstained: None**

**Excused: None**

\*S Bankhead stated that Administrative Land Use Authority will still be going on and Conditional Use as well as Commercial Site Plans. But the Hazard areas and Conditional uses are no longer, so they will not be reviewing these types of Conditional uses very often in the future. The Code has changed.

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

**Vote:**

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

**Nay: None**

**Abstained: None**

**Excused: None**

Meeting adjourned at approximately 2:31 PM  
Minutes prepared by Kris Hobbs Clemente

  
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Skarlet Bankhead, Chair