

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

2 **Wednesday, September 8, 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:** 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, Nicole Schiers, Rob
9 Schiers, Dave Belnap

10 **Excused:** None

11
12 **Item No. 1 - Conditional Use – In-Home Salon:** The Providence City Administrative Land Use Authority will
13 consider for approval a request by Nicole Schiers for an in-home salon located at 316 W 300 S., Providence, UT.

14 **EXHIBIT**

15
16 **Background Information:**

17 Application was received August 26, 2021; application contained:

- 18 1. Providence City Conditional Use Application
- 19 2. Payment of \$100 fee
- 20 3. Business Plan
- 21 4. A site plan, statement describing request and list of adjacent properties
- 22 5. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure August 27,
23 2021.
- 24 6. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated September 2, 2021.

25
26 **FINDINGS OF FACT:**

27 The following Providence City Code (PCC) list regulations and requirements to be considered.

- 28 1. UCA 10-9a-507. Conditional Uses allows the City to adopt a land use ordinance that includes
29 conditionals uses and provisions for conditional uses that require compliance with standards set forth in
30 an applicable ordinance.
- 31 2. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate
32 the reasonably anticipated detrimental effects of the proposed use on the health, safety, or general
33 welfare of persons residing, working, or conducting business in the vicinity; to mitigate injury to property
34 in the vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking,
35 large gatherings of people, or other causes.
- 36 3. PCC 10-6-1 Use Chart

37
38 **CONCLUSIONS OF LAW:**

- 39 1. Providence City has adopted ordinances in compliance with UCA 10-9a-507.
- 40 2. PCC 10-3-5: E. establishes the standards for reasonable conditions.
- 41 3. PCC 10-6-1: F-4 provides that barber/beauty shops are permitted by conditional use as a home
42 business in a SFT zone.
- 43 4. The applicant meets the requirements of the Findings of Facts with the following conditions:

44
45 **CONDITIONS:**

- 46 1. The applicant will apply for business license pursuant to PCC 3-1-5.
- 47 2. The applicant will meet the requirements for a home business listed in PCC 3-4-5.
- 48 3. The applicant will meet the requirements listed in the fire inspector review.
- 49 4. The applicant will operate the business in the manner described in the site and business plan.
- 50 5. The applicant will continue to meet all federal, state, county, and Providence City rules, laws,
51 codes, ordinances, related to the operation of a home salon.

- 52 6. Approval by the City of any submitted application or paperwork does not alleviate the owners
53 and/or their agents from their responsibility to understand and conform to local, state, and
54 federal laws. Providence City's approval is not intended to and cannot be construed to allow any
55 laws to be violated.
56

57 **Comments:**

- 58 • N Schiers stated that it is a skin care salon and not a hair salon.
59 • N Schiers said there would be additional parking up to six spaces with three in her driveway, although
60 there would be only two customers at a time since she was the only one working.
61 • S Bankhead said that if there aren't complaints from neighbors, and it is not obstructing traffic it should
62 be good to go.
63

64 **Motion to approve the request for conditional use for a request by Nicole Schiers for an in-home salon located**
65 **at 316 W. 300 S. in Providence based on the Findings of Fact, Conclusions of Law, and Conditions stated in the**
66 **staff report: — R. Stapley, second — M. Pierce**

67 **Vote:**

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

69 **Nay:** None

70 **Abstained:** None

71 **Excused:** None
72

73 **Item No. 2 – Conditional Use – Retaining Wall:** The Providence City Administrative Land Use Authority will
74 consider for approval a request by Pillar Homes for Brett and Idena Ward for a retaining wall located at 879
75 Grandview Dr. Providence, UT.
76

77 **Background Information:**

78 A complete application was received September 3, 2021, containing:

- 79 1. Providence City Conditional Use and Residential Site Plan Application
80 2. Payment of \$100 application fee.
81 3. Rob Stapley, Providence City Public Works Director, signed inspection on September 7, 2021.
82 4. Updated site plan submitted September 13, 2021.
83

84 **FINDINGS OF FACT:**

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

101 **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 will mitigate slope areas by: See plan drawing and engineered plans for retaining wall.
3. This conditional use is for the retaining wall only as shown on the plan dated September 13, 2021.
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:

- D Belnap from Pillar Homes went over the heights of the retaining wall. A discussion followed.
- S Bankhead brought up the specifics of retaining walls in the City Code.
- There was a discussion about the driveway, garage, and a possibility of a ramp. It needs to be within City code.
- Fencing and height codes were discussed as well due to the slope of the driveway. It was said there were too many unknowns.

Motion to continue this until a later date when the builders and homeowners can resubmit a plan that hopefully falls more in line with our codes: — R. Stapley, second — M. Pierce

Vote:

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

Nay: None

Abstained: None

Excused: None

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 3:23 PM

Minutes prepared by Kris Hobbs Clemente


Skarlet Bankhead, Chair