

Providence City Administrative Land Use Authority (ALUA) Minutes
Wednesday, September 29, 2021 2:30 PM
Providence City Office Building 164 North Gateway Drive, Providence UT 84332
This meeting was live streamed on Providence City's YouTube Channel.

Call to Order: Skarlet Bankhead, Chair

Members in Attendance: Skarlet Bankhead, Rob Stapley,

Others in Attendance: Tyler Cameron, Diane Campbell, April Fredrickson, Jessica Williamson, Brent Miller, Richelle Munk, Rich Moffit

Excused: Max Pierce, Ryan Snow

Item No. 1 - Conditional Use – New Home: The Providence City Administrative Land Use Authority will consider for approval a request by Visionary Homes for a new home located at 104 E. 520 N., Providence, UT (Vineyard Lot 82).

EXHIBIT

Background Information:

Complete Application was received September 22, 2021; application 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 on September 28, 2021.

FINDINGS OF FACT:

1. UCA 10-9a-507. Conditional Uses allows 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. 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), Hazard Earthquake Primary Fault (HE), or Hazard Wildfire (WF), 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.
3. 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. This parcel is in a Hazard Water Table area.
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 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 September 21, 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:

- D Campbell read from the Staff Report.

Motion to approve the Conditional Use for a home located at 104 E. 520 N. in Providence: — S. Bankhead, second — R. Stapley

Vote:

Yea: S. Bankhead, R. Stapley

Nay: None

Abstained: None

Excused: None

Item No. 2 – Conditional Use – In-Home Salon: The Providence City Administrative Land Use Authority will consider for approval a request by Richelle Munk for an in-home salon located at 555 S Main St., Providence, UT.

EXHIBIT

Background Information:

Application was received September 2, 2021, containing:

1. Providence City Conditional Use Application
2. Payment of \$100 application fee.
3. Rob Stapley, Providence City Public Works Director, inspected the current infrastructure September 3, 2021.
4. Aaron Walker, Deputy Fire Marshal/Fire Inspector, reviewed site; see letter dated September 23, 2021.

FINDINGS OF FACT:

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

1. UCA 10-9a-507. Conditional Uses allows the City to adopt a land use ordinance that includes conditionals uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
2. PCC 10-3-5 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 . . .
3. PCC 10-6-1 Use Chart

CONCLUSIONS OF LAW:

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

CONDITIONS:

1. The applicant will apply for business license pursuant to PCC 3-1-5.
2. The applicant will meet the requirements for a home business listed in PCC 3-4-5.
3. The applicant will meet the requirements listed in the fire inspector review: see letter from
 - a. Aaron Walker, Fire Inspector, dated September 23, 2021.
4. The applicant will operate the business in the manner described in the business plan.

- 107 5. The applicant will continue to meet all federal, state, county, and Providence City rules, laws, codes,
108 ordinances, related to the operation of a home salon.
109 6. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
110 their agents from their responsibility to understand and conform to local, state, and federal laws.
111 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
112

113 **Comments:**

- 114 • D Campbell read from the Staff Report.
115 • S Bankhead clarified that there would be about 15-20 clients and they would be parking in the driveway.
116 • S Bankhead read from Aaron Walker's letter.
117

118 **Motion to approve the request for a conditional use business for an in-home salon for Sheer Genius owned by**
119 **Richelle Munk at 555 S. main in Providence based on the Findings of Fact, Conclusions of Law, and Conditions**
120 **listed in the Staff Report along with Aaron Walker's letter: — S. Bankhead, second — R. Stapley**

121 **Vote:**

122 **Yea: S. Bankhead, R. Stapley**

123 **Nay: None**

124 **Abstained: None**

125 **Excused: None**
126

127 **Item No. 3 – Conditional Use – Pool:** The Providence City Administrative Land Use Authority will consider for
128 approval a request by River Pools of Salt Lake for Brent Miller located at 254 N 850 E., Providence, UT. [EXHIBIT](#)
129

130 **Background Information:**

131 A complete application was received July 15, 2021, containing:

- 132 1. Providence City Conditional Use and Residential Site Plan Application
133 2. Payment of \$100 application fee.
134 3. Rob Stapley, Providence City Public Works Director, signed inspection on July 16, 2021.
135

136 **FINDINGS OF FACT:**

- 137 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
138 conditional uses and provisions for conditional uses that require compliance with standards set for in an
139 applicable ordinance.
140 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
141 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all
142 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
143 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
144 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
145 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
146 any permit shall be issued.
147 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
148 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare
149 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
150 vicinity; to mitigate any risk to safety of persons or property because of vehicular traffic or parking, large
151 gatherings of people, or other causes.
152

153 **CONCLUSIONS OF LAW:**

- 154 1. Providence City has adopted land use ordinances that include conditional uses and provisions for
155 conditional uses.
156 2. The Cache County GIS Parcel Summary indicates this parcel is in Hazard Wildfire, Landslide, and Slope
157 areas.
158 3. Providence City has the authority to impose reasonable conditions to mitigate the reasonably anticipated

- 159 detrimental effects of the proposed use.
- 160 4. The request meets the requirements of the Codes listed in the Findings of Fact with the following
- 161 conditions:
- 162

163 **CONDITIONS:**

- 164 1. The applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws,
- 165 codes, and ordinances.
- 166 2. The applicant will mitigate Landslide and Slope Areas by: See Engineered Drawings. Slope is mitigated by
- 167 retaining wall.
- 168 3. The applicant will meet all requirements listed in Providence City Code 5-4-7 for swimming pools.
- 169 4. This conditional use is for the pool only as shown on the plan dated July 15, 2021.
- 170 5. Approval by the City of any submitted application or paperwork does not alleviate the owners and/or
- 171 their agents from their responsibility to understand and conform to local, state, and federal laws.
- 172 Providence City's approval is not intended to and cannot be construed to allow any laws to be violated.
- 173

174 **Comments:**

- 175 • D Campbell read from the Staff Report.
- 176

177 **Motion to approve the conditional use request for a pool located at 254 N. 850 E. in Providence based on the**

178 **Findings of Fact, Conclusions of Law, and Conditions listed in the Staff Report and in Aaron Walker's letter: —**

179 **S. Bankhead, second — R. Stapley**

180 **Vote:**

181 **Yea: S. Bankhead, R. Stapley**

182 **Nay: None**

183 **Abstained: None**

184 **Excused: None**

185

186 **Item No. 4 – Conditional Use – Pool:** The Providence City Administrative Land Use Authority will consider for

187 approval a request by All Seasons Pools for John and Sandi Roberts located at 171 N 850 E., Providence, UT.

188 **EXHIBIT**

189

190 **Background Information:**

191 A complete application was received September 23, 2021, containing:

- 192 1. Providence City Conditional Use and Residential Site Plan Application
- 193 2. Payment of \$100 application fee.
- 194 3. Rob Stapley, Providence City Public Works Director, signed inspection on September 28, 2021.
- 195

196 **FINDINGS OF FACT:**

- 197 1. UCA 10-9a-507. Conditional Uses allow a municipality to adopt a land use ordinance that includes
- 198 conditional uses and provisions for conditional uses that require compliance with standards set for in an
- 199 applicable ordinance.
- 200 2. The Cache County GIS Parcel Summary shows sensitive areas that may require further analysis.
- 201 3. Providence City Code (PCC) 10-5 Sensitive Areas, Section 1 Conditional use permit required states, all
- 202 requests for permits involving a lot, parcel or site located wholly or partially within an area subject to the
- 203 Hazard Flood (HF), Hazard Slope (HS), Hazard Water Table (HW) or Hazard Earthquake Primary Fault (HE),
- 204 Hazard Wildfire (WF) regulations, shall be dealt with as a request for a conditional use permit under the
- 205 provisions of Section 10-3-5 of this Title. All applications shall comply with the following regulations before
- 206 any permit shall be issued.
- 207 4. PCC 10-3-5 Conditional Use Permits allows the City to impose reasonable conditions: to mitigate the
- 208 reasonably anticipated detrimental effects of the proposed use on the health, safety, or general welfare
- 209 of persons residing, working, or conducting business in the vicinity; to mitigate injury to property in the
- 210 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 area.
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 meet all requirements listed in Providence City Code 5-4-7 for swimming pools.
3. The applicant will comply with all comments stated in the Conditional Use Review by Aaron Walker, Fire Inspector.
4. This conditional use is for the pool only as shown on the plan dated September 23, 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.
- A Fredrickson went over storm water and how the system works since R Moffit was new to the area.

Motion to approve the conditional use for a pool located at 171 N. 850 E. requested by All Season Pools for John and Sandy Roberts based on the Findings of Fact, Conclusions of Law, and Conditions in the Staff Report and any additional conditions that Aaron Walker may have in his review: — S. Bankhead, second — R. Stapley

Vote:

Yea: S. Bankhead, R. Stapley

Nay: None

Abstained: None

Excused: None

Motion to adjourn: — S. Bankhead, second — R. Stapley

Vote:

Yea: S. Bankhead, R. Stapley

Nay: None

Abstained: None

Excused: None

Meeting adjourned at approximately 2:50 PM

Minutes prepared by Kris Hobbs Clemente


Skarlet Bankhead, Chair