

1 **PROVIDENCE CITY COUNCIL MEETING**
2 **15 South Main, Providence UT**
3 **January 13, 2015 6:00 pm**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell
8 Pledge of Allegiance: Mayor Calderwood
9

10 **Approval of the Minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes December 9, 2014 City
12 Council meeting.

13 **Motion to approve minutes: J Baldwin, second – J Russell**

- 14 • Page 1 – no comment on public hearing.
- 15 • Page 3, Line 34 – alcohol not liquor

16 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

17 **Nay: None**

18 **Abstained: None**

19 **Excused: None**

20 **Public Comments:** Citizens may appear before the City Council to express their views on issues within
21 the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per
22 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it
23 arose subsequent to the posting of this agenda and the City Council determines that an emergency
24 exists.

- 25 • Sandra Checketts read a prepared statement regarding the commercial business Custom
26 Countertops. She gave a handout to the Council for their consideration during Executive Session
27 tonight. See attached statement.

28 **Business Items:**

29 Mayor commented that Business Items No. 2 and No. 7 have been pulled from the agenda tonight.

30 **Item No. 1. Resolution No. 001-2015.** The Providence City Council will consider for adoption a
31 resolution appointing Mary Hubbard to the Providence City Appeal Authority.

32 **Motion to appoint Mary Hubbard: J Russell, second – J Drew**

- 33 • M Hubbard answered questions from the council. She is a resident and has been on the appeal
34 authority before. She has sat on four cases that have come before the authority. Because of
35 conflict of interest, she was not able to sit in on the last appeal. There has been a resignation so
36 she is before the council for approval tonight.

37 **Vote: Yea: B Bagley, J Baldwin, J Drew, J Russell**

38 **Nay: R Call**

39 **Abstained: None**

40 **Excused: None**

41 **Item No. 2. CLG Grant Proposal.** The Providence City Council will consider a proposal from the
42 Providence City Historic Preservation Commission to apply for a 2015 Certified Local Government (CLG)
43 grant.

- 44 • This item was pulled from the agenda. No representative from Providence City Historic
45 Preservation Commission was able to attend tonight's meeting.

46 **Item No. 3. Ordinance No. 2015-001.** The Providence City Council will consider for adoption an
47 ordinance amending the Providence City zoning district(s) and zoning map by changing the zone of a
48 2.03 (+/-) acre parcel located generally at 196 west 100 north from Single-Family Traditional (SFT) to

1 Commercial.

2 **Motion to approve Ordinance 2015 – 001: J Russell, second – J Drew**

3 See attached Ordinance Sheet and list of citizens opposed to the rezone.

- 4 • Heather Hansen lives across street from the property. She has been before Planning
- 5 Commission twice before. She opposes the rezone. Gave a list of people she has talked to who
- 6 are opposed to rezone to the Council.
- 7 • Alese Crockett lives south of the property. She opposes the rezone. Has small children and feels
- 8 it would not be desirable to have this property rezoned as commercial.
- 9 • Ashton Young lives across the street north and is opposed to rezoning. Does not know what type
- 10 of business would be going into that property if zoned commercial. He likes his current view and
- 11 does not want that obscured. Industrial pollution such as noise, sights, sounds, smells, types of
- 12 or increased traffic are all concerns for him.
- 13 • R Call asked if Mr. Young thought there were any kinds of commercial businesses that could go
- 14 in that would please him. Mr. Young said no. He said subdividing the property would be okay.
- 15 • John Mock, resident of Providence. He asked if the property in question is part of the historic
- 16 district, also has traffic concerns. Feels residential would be better.
- 17 • R Call said it is in the historical district.
- 18 • Jamison Fargo, 100 W. in Providence. Asked if a traffic study has been done for that area. Feels
- 19 that street is the gateway into the residential heart of the city. Feels rezoning commercial would
- 20 change dynamic.
- 21 • Bryan Carlson shares 200 feet of property line with the property in question, lives on north east
- 22 side. Also opposes rezone. Historical homes, loss of home value, children walk along this
- 23 property going/coming from school.
- 24 • Harley Christensen lives east of property up for rezone. He and wife moved to Providence
- 25 because of the neighborhood dynamic. Opposes rezone.
- 26 • Boyd Hansen, opposes rezone. Feels the rezone would destroy the feel of the city.
- 27 • Brian Bingham lives ½ block north. Opposes the rezone, likes the current delineation between
- 28 business and residential areas in Providence. Has concerns about traffic, feels like there are
- 29 already traffic concerns. Feels a subdivision would add limited traffic, but that would be better
- 30 than traffic a commercially zoned property might bring.
- 31 • Mayor Calderwood read Planning Commission’s recommendation to not grant the rezone.
- 32 • R Call said this also came before DRC, who also recommends the rezone not be granted.
- 33 • J Baldwin said he does not feel there would be any benefit to the city to rezone.
- 34 • J Russell also opposes the rezone.
- 35 • B Bagley commented there is no plan for that property being rezoned. No site plan, no master
- 36 plan, etc. He is opposed to the rezone.
- 37 • J Drew commented that he appreciates the input of the residents and thanked them for coming
- 38 to voice their concerns. He invited them to return to council meetings in the future.

39 **Vote: Yea: None**
40 **Nay: B Bagley, J Baldwin, R Call, J Drew, J Russell**
41 **Abstained: None**
42 **Excused: None**

43 **Item No. 4. Ordinance No. 009-2014.** The Providence City Council will consider for adoption an
44 ordinance amending Providence City Code Title 3 Chapter 7 Alcohol License and Regulations to clarify it
45 is the burden of the applicant to comply with state code.

46 **Motion to adopt Ordinance No. 009-2014: J Baldwin, second – J Drew**

- 47 • J Russell clarified this is not changing any of Providence City code, but rather making sure it is

1 the burden of the applicant to comply with state code. Reviewed the proposed changes. This
2 came about because legal counsel suggests we follow state code.

- 3 • J Drew asked if the council was able to clarify exactly what state code says. J Russell said that is
4 what the change is – that the city follows whatever state code says.
- 5 • S Bankhead looked up and read current state code 32B-1-202.
- 6 • B Bagley commented that following state code makes the city ordinance less restrictive.
- 7 • R Call said he was in favor of dry so opposes loosening the ordinance.

8 **Vote: Yea: B Bagley, J Baldwin, J Drew, J Russell**

9 **Nay: R Call**

10 **Abstained: None**

11 **Excused: None**

12 **Item No. 5. Ordinance No. 2015-002.** The Providence City Council will consider for adoption an
13 ordinance amending Providence City Code Title 1 Administration Chapter 6 Mayor and Council.

14 **Motion to adopt Ordinance No. 2015-002: B Bagley, second – J Baldwin**

- 15 • S Bankhead said this makes our ordinance more in compliance with state code. Our current
16 ordinance lacks some specifics and this clarifies our ordinance, ie., which form of government
17 the city operates under, eligibility, members and terms, role of the mayor in our type of
18 government, mayor pro-tem. Meeting times and dates are now codified, as well as procedure
19 for changing venue of meeting, etc. What constitutes a quorum is also clarified.
- 20 • B Bagley asked about line 25 and 28 on page 1, elections question.
- 21 • S Bankhead said that refers to municipal elections in odd years, county and state elections in
22 even years.
- 23 • J Russell, line 36 through 38 – when the mayor can vote. Line 2 - Providence does not have a
24 municipal manager. S Bankhead said if we did have managers, then the mayor would vote, as
25 per state code.
- 26 • J Russell also had a question about restrictions of mayor's powers, duties and functions. S
27 Bankhead said this language is required by state code.

28 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

29 **Nay: None**

30 **Abstained: None**

31 **Excused: None**

32 **Item No. 6. Ordinance No. 2015-003.** The Providence City Council will consider for adoption an
33 ordinance amending Providence City Code Title 4 Chapter 1 Nuisances including but not limited to
34 adding: Words, Terms, and Phrases; amending Duty of Maintenance of Private Property by adding
35 requirements regarding ditches, waterways, and compost piles; amending Storage of Personal Property
36 by adding: outdoor furniture restrictions, and unsheltered inoperable motor vehicle restrictions.

37 **Motion to adopt Ordinance No. 2015 – 003: B Bagley, second – J Drew**

- 38 • J Baldwin feels this is too restrictive. Asked why lumber is considered a trash item and feels it is
39 being singled out as a nuisance item. Are we making the property owner responsible for city
40 property in right of way?
- 41 • Mayor Calderwood commented that even though the city owns the right of way, the property
42 owner should keep that right of way clutter free – park strip in particular.
- 43 • J Baldwin also had a question about vehicle tires, auto parts and bodies. Feels like this could be
44 difficult for automotive enthusiasts. Who decides what is junk and what is not?
- 45 • Mayor Calderwood commented that this is an attempt to address a fine line between what is
46 considered a nuisance and what is not. It is a difficult matter between property rights and the
47 appearance of the city.

- 1 • J Drew commented that it's not a question of one type of item being collected over another, but
- 2 rather an accumulation of whatever types of materials creates an eyesore.
- 3 • J Baldwin also commented on the outdoor furniture restrictions, extra sets of car tires,
- 4 automotive parts and cars, etc. He feels this is too restrictive. His concern is the complaining
- 5 citizen that is going to be eccentric. Extremely restrictive ordinances open the flood gate to
- 6 those types of citizens. He feels that what we currently have more than covers a nuisance
- 7 complaint.
- 8 • R Call says he feels we shouldn't modify the ordinance if we aren't enforcing the existing
- 9 ordinance.
- 10 • J Drew said he feels this make the ordinance easier to enforce.
- 11 • R Call disagrees.
- 12 • B Bagley said these suggestions come from Kevin Fife so we have backing when the city tries to
- 13 enforce the ordinance.
- 14 • Mayor Calderwood asked if the current ordinance is sufficient, why was he stopped from
- 15 enforcing it.
- 16 • R Call said the specific situation being referenced was too abrupt and a violation of the citizen's
- 17 rights. He also feels the city does not have uniform enforcement. If we have a nuisance
- 18 ordinance it needs to be enforced across the board.
- 19 • S Bankhead said then the language restricting enforcement needs to be taken out of the
- 20 ordinance.
- 21 • R Call said we need to enforce in a uniform way and that is not being done. Everyone needs to
- 22 have the same kind of treatment, regardless of compliant or complaining neighbors.
- 23 • Mayor Calderwood said this ordinance now addresses some of the current issues the City is
- 24 dealing with. The city does not go out policing properties; however, legitimate complaints are
- 25 pursued.
- 26 • S Bankhead said a committee could be hired and that committee could go around and do the
- 27 type of enforcement being discussed. Funding would have to be allocated. She does not feel like
- 28 that is really what the council wants as it could be too invasive.
- 29 • B Bagley said there needs to be some type of list of what is acceptable and what is not. If the
- 30 proposed language needs to be fine-tuned, it should be done.
- 31 • J Russell commented that in order to have teeth, the ordinance does need specifics, which was
- 32 the intent of what has been written. However, it does seem the proposed changes need some
- 33 work.
- 34 • J Drew said when he was campaigning, he felt the biggest concerns of the citizens were that the
- 35 city be consistent in following the ordinance.

36 **Motion to continue this discussion: J Baldwin, second – J Drew**

37 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**
 38 **Nay: None**
 39 **Abstained: None**
 40 **Excused: None**

- 41 • J Baldwin suggested if any council member has a concern they are passionate about, to please
- 42 forward the information to either himself or J Russell. Mayor said that needs to be submitted by
- 43 next week and that whatever is submitted will have to be presented to the attorney.

44 ~~**Item No. 7, Ordinance No. 2015-004.** The Providence City Council will consider for adoption an~~
 45 ~~ordinance amending Providence City Code Title 3 Business and License Regulation Chapter 1 General~~
 46 ~~License Provisions Section 3 Business License Required; Penalty by changing the penalty for failure to~~
 47 ~~obtain a business license. This item is being pulled from the agenda.~~

1
2 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 3
- 4 • R Eck – sent his report to the council. Asked if they had any questions.
 - 5 ○ J Russell asked how the plowing went last night with the storm.
 - 6 ○ R Eck said it wasn't a big storm and all went well.
 - 7 ○ J Drew commented that there was a note from Harli that the UPS driver thought the
 - 8 roads in Providence were the best plowed in the valley and he appreciated driving in
 - 9 this part of Cache Valley.
 - 10 ○ Water and sewer are looking good. Randy made a report to the state in regards to the
 - 11 deficiencies in the storm water audit. The state accepted that report.
 - 12 ○ Tractor Supply is in the process of installing fixtures in their building. There is currently
 - 13 no open date.
 - 14 ○ Dental Office on 100 North is moving along.
 - 15 • S Bankhead – handed out check register for December 2014 and answered questions from
 - 16 Council members.
 - 17 ○ J Russell handed out a two year draft of revenue.
 - 18 ○ S Bankhead: State legislature feels transparency is extremely important. They want to
 - 19 make sure the public knows how monies are spent. This packet was posted to our
 - 20 website and the state website. Any information reported in this meeting will also be
 - 21 posted.
 - 22 ○ There are also a couple of meetings that are required annually. Staff went to a
 - 23 discrimination/violence workshop to meet one of those requirements.
 - 24 ○ We also need a workshop on open meetings. Dave Church's seminar on open meeting
 - 25 laws will be about 35 minutes and can be part of a city council meeting. Electronic
 - 26 meetings are permissible, which means if you send an email to or call three or more
 - 27 council members; that needs to be made public. Any correspondence that affects city
 - 28 business and involves more than two council members is considered a meeting and the
 - 29 information needs to be disclosed, it does not matter if you are using a personal or a
 - 30 city-owned phone. Do not delete emails regarding city business.
 - 31 ○ R Call requested a copy of the specific code.

32 **Council Reports:** Items presented by the City Council members will be presented as informational only;
33 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting
34 of this agenda and the City Council determines that an emergency exists.

- 35
- 36 • J Baldwin – Planning and Zoning met Saturday and drove to certain areas of the city to look at
 - 37 roads for the master plan.
 - 38 • J Russell – nothing further to report.
 - 39 • R Call – nothing to report.
 - 40 • J Drew – Was asked by the mayor to look into issues with Logan city finances regarding transfers
 - 41 of solid waste and waste water. He is still working on that assignment.
 - 42 • B Bagley – tax revenue is flat, but comparable to a year ago.
 - 43 • Mayor Calderwood:
 - 44 ○ Interlocal Agreement meeting on Wednesday, January 14 at 10 am. Mayor will report
 - 45 back to council on the meeting.
 - 46 ○ January 20th at 6:20 meeting with Hyrum, Nibley and Providence at Nibley City Office
 - 47 building with Zion's Bank on aqua engineering study.
 - Handed out report from Department of Water Quality and reviewed and discussed it.
 - S Bankhead and Mayor met with Jeff Gilbert, CMPO. Meetings in future on extent of

1 Gateway Drive/new high school and with Logan regarding access on west side of 165 for
2 future development.

- 3 ○ There is currently a transportation bill before the legislature; there will be a tax
4 increase. Purpose is to aid transportation in Utah. Mayor asked B Bagley and J Drew
5 work on a Resolution requesting monies for our roads for repair and maintenance.
- 6 ○ J Drew said these monies are tagged to go to Interstate 15, public transportation, state
7 highways, etc. The purpose is to get consumers out of their vehicles reduce private
8 automobiles on the road.
- 9 ○ Mayor and Skarlet met with Dave Low to discuss Dave's request for prayer at the
10 beginning of City Council meeting.
- 11 ○ Attended retirement dinners for Sherriff Nelson and Lynn Lemon. Will attend Mayor's
12 dinner to meet Chad Jensen, new Sherriff and Craig Buttars, new County Executive.
- 13 ○ Spring Creek Water Company – two new board members. Will meet with them and have
14 report for next council meeting.
- 15 ○ City of Logan owns the new landfill. They have an agreement with the County Council
16 that if they raise rates, they will go to the County Council for approval.
- 17 ○ Upcoming meeting with Blacksmith Fork concerning storm water on 100 North. Will
18 update later.

19 **Executive Session:**

20 Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the
21 sale of real property Utah Code 52-4-205(1) (d) and (e).

22 Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah
23 Code 52-4-205(1) (c).

24 Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-
25 205(1) (a)

26 **Motion to open executive session for reasons as listed by Mayor: Russell, second Baldwin**

27 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

28 **Nay: None**

29 **Abstained: None**

30 **Excused: None**

31
32 The following discussion took place after the City Council closed executive session and prior to
33 adjourning the City Council meeting.

- 34 ● John Drew – would like to discuss with Sherriff budget issues with the Sherriff regarding policing
35 issues, etc.
- 36 ● Mayor suggested giving the new Sherriff a few months on the job before asking him to meet
37 with the Council.
- 38 ● B Bagley asked if there has been a change in patrols or deputies and asked about CERT.
- 39 ● S Bankhead said the city has a good relationship with the Sherriff's Department as well as Logan
40 Police Department and the Fire Department. We still have a lot of deputies in Providence. CERT
41 is not currently in our budget, but could be added if the Council want to do that. We still have
42 CERT certified residents.
- 43 ● J Drew attended CVTD board meeting where they presented a budget. He felt the CVTD board is
44 more of an advocacy group rather than a watch dog group. He suggested asking Alma Leonhardt
45 to periodically present a report to the Council to keep them informed.
- 46 ● R Call suggested getting a new representative for CVTD.
- 47 ● S Bankhead said she has received a request from a resident to do upholstery out of his garage.

1 Legal Counsel has suggested adding something to our ordinance to allow that, since it isn't
2 specifically addressed under business licenses. That will probably come before the Council in the
3 next month.

4 **Motion to adjourn: J Baldwin, second – R Call**

5 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

6 **Nay: None**

7 **Abstained: None**

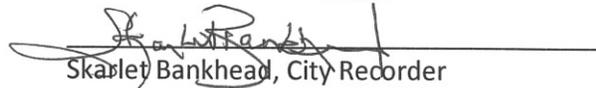
8 **Excused: None**

9 Minutes recorded by S Bankhead and prepared by C Craven.



10
11
12
13 

14 Don W. Calderwood, Mayor

15 

Skarlet Bankhead, City Recorder

January 13, 2015 – Providence City Council Meeting –

Thank you for allow me a few minutes tonight.

How can we in this New Year move forward in a positive way to save the taxpayers and ourselves money?

In good faith we applied for and received a commercial business license, expanded our business by building a facility to specifically cut stone... only after the fact to receive a complaint from a few neighbors. We have spent thousands of dollars over **6 ½ years** entangled in a costly struggle. **Our situation has turned into a contest of wills, and rather than producing ideas and insights,** has to this point, only consumed precious time and immense public as well as private resources.

Some have asked, "Why have "the Checketts" been curtailed in their legal business by a few neighbors? Who runs our city?" I believe it is time for both parties to take a step back, consider current results, and ask the hard questions, **"Is this the best use of our time and resources?"** and **"Are our decisions and actions moving us toward or away from our community's goals?"**

The complaint of record as addressed has cost both us and the city a large sum of money and many hours of our time.

The Providence City financials for 2013 and estimations for 2014 and 15 under attorney's fees are over \$25,000.00 under the land use category and over \$100,000 in the administrative category. Our costs are over \$40,000.00.

We have been passed on to 3 different Mayors, have attended countless meetings with different city employees giving suggestions and making decisions that they had authority to make and now we have some who are disregarding totally the information given to us by past Mayor's and a former city attorney. One can only wonder what will happen when the next Mayor and attorney take over. Will they disregard current thinking?

Your executive session will address our situation this evening. Please be aware that there are **two sides to this whole situation** and as the sitting city council, you have the **right and obligation** to look at both sides. **If the city erred in giving us a commercial building permit then you must take responsibility for that action.**

We moved forward in good faith and invested time and money with your blessing. You have the authority to allow us to continue operating at 920 Canyon Road in Providence and end this unnecessary legal battle. Some of you may have been sitting in those same seats then. What has happened in your lives for the past 6 ½ years? Ours has been plagued with the city telling us to do one thing then changing their mind and saying something else. We received approval from the city allowing us to operate a business in this city and would like to continue to do so.

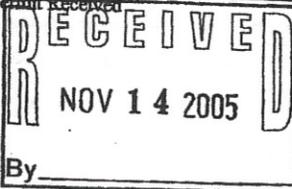
I sincerely believe that a better way forward exists. **And I also believe that if we choose to focus on finding solutions, they will always materialize. I ask only that as you now enter Executive Session and go behind closed doors, that you consider workable solutions.**

I have a handout for each of you. Thank you.



PROVIDENCE CITY

Building Permit Application

Project Address 920 Canyon Rd		Date Nov 14	Permit # 2005-229	
Subdivision LOT #5	Phase	Lot		
Owner Chris Checketts		Address 990 Canyon Rd Providence		Phone 435 752-4919 hm 757-2465
City Providence		State Ut	Zip 84332	Emergency #
Plan Name		Property ID Tax # 02-138-0005		
Total Estimated Value 50 K		Financial Institution		
Contractors	Name	Address	License #	Expiration Date
Owner / Contractor	SE SID CROOKSTON	185 W 5605 ^{Smithfield}	294917-5501	7-31-07
Architect	Scott Morrill	1576 S 3200 W ^{Layan}	435-713-0100	
Engineer	" "		330539-2202	12-31-06
Electrical Sub.	Carl Dehadway	435-760-3467	373088-5501	June 07
Plumbing Sub.	NA			
Mechanical Sub.	Carl Dehadway	435-760-3467	373088-5501	June 07
Use of Building <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other _____	Type of Construction <input checked="" type="checkbox"/> Frame <input type="checkbox"/> Masonry <input type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____	Class of Work <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Alteration/ Repair <input type="checkbox"/> Basement Finish <input type="checkbox"/> Electrical Upgrade <input type="checkbox"/> Sign <input type="checkbox"/> Retaining Wall <input type="checkbox"/> Garage <input type="checkbox"/> Shed <input type="checkbox"/> Pool <input type="checkbox"/> Deck <input type="checkbox"/> Tenant Finish <input type="checkbox"/> Demolition <input type="checkbox"/> Other _____	Garage <input type="checkbox"/> Double <input type="checkbox"/> Triple <input type="checkbox"/> Carport <input type="checkbox"/> Detached <input type="checkbox"/> Other _____	Date Permit Received
Type Of Foundation <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Slab on Grade <input type="checkbox"/> Crawl Space <input type="checkbox"/> Basement <input type="checkbox"/> Other _____	Basement <input type="checkbox"/> Unfinished <input type="checkbox"/> Finished <input type="checkbox"/> Partial			

This permit becomes null and void if the authorized work or construction is not commenced within 180 days. This permit also becomes null and void if the authorized work or construction is suspended or abandoned for a period of 180 days at any time after work is commenced. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction. Approval of this permit does not constitute a representation by the City that the building at any specified elevation will solve any ground water, slope or hazard condition. The solution to this problem is the sole responsibility of the permit applicant, agent, or property owner. I hereby certify that I have read and examined this application and know the same to be true and correct. I make this statement under penalty of perjury. I accept responsibility for all the soils and hazard conditions to the site.

Signature *Chris Checketts*
Owner or Authorized Agent

Date Nov 14, 05

Zoning Approval <u><i>David Williams</i></u>	Date <u>11-18-05</u>	Permit Total <u>509.00</u>	Building Official Approval <u>David Williams</u>	Date <u>11-18-05</u>
			New Application - see permit <u>2004-74 - Revised 11-21-05</u>	

Following is a partial list of citizens who oppose this rezone.

Sandra Bishop
Sherma and Evan Riggs
Shyrl and Raleen Clawson
Scott and Heather Hansen
Janet Jolley
Curtis and Alese Crockett
Rouaida Ghadban
Ladd and Kelly Kennington
Debbie and Rod Rawlins
Dave McEvoy
Brian and Cassie Anderson
Cheri Mickelson
Ashton and Meghan Young
Bryan and Krista Carlson
Boyd and Barbara Hansen
Rowan Cecil
Jared and Nikki Fitzgerald
Annie and Harley Christensen
Sean and Cindy Glenn
Brian and Brittney Bingham
Ryan Hansen
Brandon and Katie Clark
Sherrie Cheney
Darren and Katie Hansen
Adam and Talia Geddes
Darin and Stephanie Ewer
Stephanie and Ben Allred
Jamison and Heidi Fargo
Lindsay and Lance Campbell
Glenn and Kimberly Nelson
Michelle and Brett Potter
Brynne and Bryan Davies

The people named on this paper either directly contacted me or were present in opposition at the either of the Planning and Zoning meetings. Some names are missing as I did not have a complete list from the first zoning meeting where this was discussed.

1 Ordinance No. 2015-001

2
3 AN ORDINANCE AMENDING THE PROVIDENCE CITY ZONING DISTRICT(S) AND ZONING MAP BY
4 CHANGING THE ZONE OF A 2.03 (+/-) ACRE PARCEL LOCATED GENERALLY AT 196 WEST 100
5 NORTH FROM SINGLE-FAMILY TRADITIONAL (SFT) TO COMMERCIAL
6

7 WHEREAS on October 9, 2014, Carol Fae Jensen Wilde filed an application, (on behalf of Carol
8 Fae Jensen Wilde and Donald Howard Jensen, owners) requesting the SFT Zone be changed to
9 Commercial for a 2.03 acre (+/-) parcel located at 196 West 100 North.
10

11 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions,
12 and rules and may enter into other forms of land use controls . . .” and
13

14 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote
15 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
16 and its present and future inhabitants and businesses, to protect the tax base, to secure
17 economy in governmental expenditures, to foster the state's agricultural and other industries, to
18 protect both urban and nonurban development, to protect and ensure access to sunlight for
19 solar energy devices, to provide fundamental fairness in land use regulation, and to protect
20 property values in areas that may be considered sensitive, including but not limited to fire
21 danger, slope, soil content.

- 22 1. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public
23 hearing on a proposed land use ordinance or zoning map; and prepare and recommend
24 to the legislative body a proposed land use ordinance and zoning map that represent
25 the planning commission’s recommendation.

- 26 • Planning Commission studied the proposed amendment and held a public hearing on
27 December 10, 2014 prior to making the following recommendation:

28 *Motion to recommend City Council deny the request for a rezone at this time based on*
29 *not being part of master plan, not in harmony with residential community: S Sanders,*
30 *second – K Allen*

31 *Vote: Yea: K Allen, L Hogge, G Millburn, L Raymond, S Sanders*
32 *Nay: None*
33 *Abstained: None*
34 *Excused: None*
35

36 WHEREAS the City Council considered the following:

37 Findings of Fact:

- 38 ○ Providence City Code (PCC) 10-1-5:A. states changes and amendments to this
39 Zoning Title shall be done in accordance with state law.
40 ○ Providence City Master Plan Sheet No. 5-B is a map of Future Re-Zone of
41 Existing Districts. This map is the plan for future re-zoning of existing districts
42 within the Providence City Corporate limits as of June 2001.
43 ○ UCA § 10-9a-503(1) states “The legislative body may amend: (a) the number,
44 shape, boundaries, or area of any zoning district; (b) any regulations of or within
45 the zoning district; or (c) any other provision of a land use ordinance.
46 ○ UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it
47 has jurisdiction into zoning districts of a number, shape, and area that it
48 considers appropriate to carry out the purposes of this chapter.

- UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

Conclusions of Law:

- The proposed zone change complies with the Findings of Fact listed above with the exception of:
- The proposed zone change is not consistent with Providence City Master Plan Sheet No. 5-B is a map of Future Re-Zone of Existing Districts.

Conditions:

- None

THEREFORE be it ordained by the Providence City Council

- The rezone request filed by Carol Fae Jensen Wilde, (on behalf of Carol Fae Jensen Wilde and Donald Howard Jensen, owners) requesting the SFT Zone be changed to Commercial for a 2.03 acre (+/-) parcel located at 196 West 100 North shall be approved based on the findings of fact, conclusions of law, and conditions listed above.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 13 day of January 2015.

Council Vote:

Bagley, Bill	()Yes	(x)No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	(x)No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	(x)No	()Excused	()Abstained	()Absent
Drew, John	()Yes	(x)No	()Excused	()Abstained	()Absent
Russell, John	()Yes	(x)No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

