

Providence City Planning Commission Agenda
Providence City Office Building, 15 South Main, Providence UT 84332
August 10, 2016 6:00 p.m.
Anyone interested is invited to attend.

Approval of the Minutes:

- Item No. 1. The Providence City Planning Commission will consider for approval the minutes of June 22, 2016.
Item No. 2. The Providence City Planning Commission will consider for approval the minutes of July 27, 2016.
Item No. 3. The Providence City Planning Commission will consider for approval the minutes of August 9, 2016.

Action Items:

Item No. 1. Proposed Request for Proposal: The Providence City Planning Commission will consider for recommendation to the City Council a request for proposal for assistance in preparation of comprehensive amendments to the City's General Plan.

Study Items:

Item No. 1. Proposed General Plan Amendment – Moderate Income Housing: The Providence City Planning Commission will discuss the Providence City Moderate Income Housing element of the General Plan with the intent of amending the plan to reflect the current and future needs of the city. In drafting the moderate income housing element, the planning commission will consider the Legislature's determination that cities facilitate a reasonable opportunity for a variety of housing, including moderate income housing to meet the needs of people desiring to live there; and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.

Item No. 2. Proposed Code Amendment: The Providence City Planning Commission will discuss amendments to Providence City Code Title 11 Subdivision Regulations Chapter 3 and Chapter 5 with regards to the required warranty bond.

Item No. 3. Rezone Request: The Providence City Planning Commission will discuss a rezone request to change the zone of parcel no. 02-005-0005, a 77.5 acre parcel located in the northeast corner of the City at approximately 500 North 600 East, from Agricultural (AGR) to Single-Family Traditional (SFT).

Reports:

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

Agenda posted by Skarlet Bankhead on August 5, 2016.


Skarlet Bankhead
City Recorder

If you have a disability and/or need special assistance while attending the Providence City Planning Commission meeting, please call 435-752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 016-2006, adopted 11/14/2006, allows Planning Commission Member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) may be connected to the electronic meeting by teleconference.

Providence City Council Members may be in attendance at this meeting; however, no Council action will be taken even if a Quorum exists.

1 **PROVIDENCE CITY PLANNING COMMISSION MEETING**
2 **Providence City Office Building**
3 **15 South Main**
4 **Providence, UT 84332**
5 **June 22, 2016**

6
7 Chairman: Larry Raymond
8 Commissioners: Rowan Cecil, Michael Harbin, Wendy Simmons
9 Alternate: John Parker
10 Excused: Robert James
11

12 **Approval of the Minutes:**

13 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of June 8, 2016.

14 **Corrections**

- 15 • Page 1, line 46, It went in before
- 16 • line 54, change to with
- 17 • Page 2, line 4, include “the city needs to plan”
- 18 • Page 3, line 17 application process will continue
- 19 • Page 4, line 15, 400 east is too
 - 20 ○ line 22, for this (2)
 - 21 ○ line 37, it is due to all other concerns
 - 22 ○ line 42, -45 Wendy Simmons
 - 23 ○ line 51, who is speaking
- 24 • Page 5, line 2, 15 who is speaking, we would rather have parks than
- 25 • Page 6, line 21, we don’t want too 51, Diane Elgan eliminate did

26 **Motion to approve the minutes as corrected: R Cecil, second – M Harbin**

27 **Vote: Yea: R Cecil, M Harbin, J Parker, L Raymond, W Simmons**
28 **Nay: None**
29 **Abstained: None**
30 **Excused: R James**

31 **Action Items:**

32 **Item No 1. Proposed Code Amendment:** The Providence City Planning Commission will consider for
33 recommendation to the Providence City Council, approval of code amendments to the Use Chart including but not
34 limited to adding the words “counter top or” before the words “cabinet shop” in Item H. Industry and
35 Manufacturing, Use 3.

- 36 • S Bankhead said this item has been continued from previous meetings. A public hearing has been held,
37 and recommendations were discussed. It was then continued for reconsideration.

38 **Motion to recommend to Council for approval of code amendments to the use chart including but not limited to**
39 **adding the words “counter top” in addition to the word “cabinet shop”: R Cecil, second – J Parker**

40 **Vote: Yea: R Cecil, M Harbin, J Parker, L Raymond, W Simmons**
41 **Nay: None**
42 **Abstained: None**
43 **Excused: R James**

44 **Item No. 2. Proposed Zone Change:** The Providence City Planning Commission will consider for recommendation to
45 the Providence City Council, approval of rezone of Parcel No. 02-115-0014 located generally at 900 South 400 East,
46 from Agricultural (AGR) to Single-Family Traditional (SFT).

- 47 • R Cecil felt it would be a good place for a park.
- 48 • L Raymond spoke with R James, who could not be present for tonight’s meeting, and he felt it should be
49 recommended to the City Council to leave it ARG.
- 50 • J Parker asked if there was anything in the master plan that would indicate what this area should be
51 zoned.
- 52 • L Raymond noted that the master plan recommends this area be changed from AGR to SFT, which is what

1 Sierra Homes is asking for.

- 2 • J Drew commented that the master plan is 16 years old and every area of the city that is ARG is
- 3 recommended to be zoned SFT, except for the high density area on the west side of town.
- 4 • R Cecil recommended that no changes be made to this parcel at this time because it is already in the
- 5 master plan as SFT.
- 6 • W Simmons said the other parcel that was recently rezoned in this area was rezoned to SFL, which is
- 7 consistent with this rezone. It can be left open for a future park or rezone it to SFL instead of SFT.
- 8 • There was discussion about the impact of the rezone.
- 9 • M Hansen felt the parcel was too valuable and too expensive to be made into a park.
- 10 • J Drew said impact fees are another issue. Impact fees are based on costs that are not current today. The
- 11 city is not ready to move forward without the general plan being in place. There is a lot of catching up to
- 12 do.
- 13 • M Poole identified that 34 acres are designated to park areas; according to population, we should have
- 14 49. We should also have 70 acres planned for future growth. There are over 115 lots under new
- 15 development, which would add more parks. A plan needs to be in place so that the city is more active in
- 16 development rather than reactive.
- 17 • S Bankhead said it is important to remember that we have been following the general plan. Many people
- 18 do like SFT. Councils in the past have not been in favor of adding more parks; that may change with the
- 19 current council. We have not been “reactive” to development; the city has been following the ordinances
- 20 and guidelines that are in place. Growth is a good thing if you want to attract businesses that help off-set
- 21 property taxes. Providence does not charge the same tax rates that other cities charge because we
- 22 receive a lot of sales tax. Retailers look for rooftops. Slowing down in order to catch up is not necessarily a
- 23 good idea. Make the changes that need to be made, but don’t risk the future of the city by slowing
- 24 development. We need to be working with developers.
- 25 • R Cecil suggested not changing the zoning at this time.
- 26 • J Drew added that parks are an issue and we need to look at impact fees going forward.
- 27 • L Raymond said there are two schools of thought. One is to leave it ARG and the other is to recommend to
- 28 City Council to change the zoning, but not immediately. Those 18 acres are not the only places to consider
- 29 for a park.
- 30 • Jan Jenson said there are only two parcels big enough for a park.
- 31 • L Raymond said that depends upon the definition of a park.
- 32 • Andrea Diamond asked if it could be zoned as SFE in order to alleviate congestion and let it develop and;
- 33 not use the word “average” in the contract.
- 34 • W Simmons said she is willing to recommend SFL; it is consistent with that area.
- 35 • A Diamond asked why consistency is important if there is a better option.
- 36 • W Simmons said she keeps hearing about parks, there are three parks within a mile of this parcel.
- 37 • There was further discussion about parks, neighborhood congestion, traffic, and safety needs for children
- 38 in this area.
- 39 • J Jenson said there needs to be a plan for a park or green spaces in Providence.
- 40 • Matt Hansen, Sierra Homes, said this area is surrounded by SFT, he is just following guidelines and
- 41 matching what is in the community. He did not feel this was the appropriate place for estate lots.
- 42 • J Jenson said what Sierra Homes is trying to build does not at all resemble what is already in that area.
- 43 • Steve Jenson said as a citizen, he would like a new master plan developed and then have developers build
- 44 according to that and not have the city be built according to developers’ ideas.
- 45 • The commissioners said they have been working on the master plan.
- 46 • J Drew said again that the city needs to step back and develop an updated master plan.
- 47 • Kara Hall said this is not the only developer that is interested in this property. She does not like this
- 48 developers’ style of housing and feels there are other developers that would do a better job.
- 49 • Janet Lyman lives on 10th and she thinks about 8 to 10 houses planned for this development back out of
- 50 their driveways onto 10th.
- 51 • A Diamond asked if there could be stipulations on what types of materials can be used in this
- 52 development. She has seen very attractive homes on smaller lots if the materials used are better quality.

- K Hall felt larger lots would attract better quality of housing.
- There was further discussion about adding parks.

Motion to recommend that City Council keep this zoned SFT and postpone any changes until further discussion and investigation: R Cecil, second –

- There was discussion about this motion.
- S Bankhead said if the Commission wants SFL on these 18 acres, a public hearing can be scheduled to amend the general plan and change this to SFL. Then the council can either amend the general plan or they can deny the recommendation.
- J Drew said the city does not need to amend the general plan to rezone this parcel. Property north of Hillsborough was rezoned without amending the general plan.
- S Bankhead said the city got ahead of itself in allowing that rezone without amending the general plan first. Things need to be done in proper order.

Motion died for lack of a second.

- J Drew said what S Bankhead is suggesting is revisiting the general plan, with Planning Commission reviewing this parcel first as part of the revising the entire general plan.

Motion to recommend to City Council to approve the rezone of parcel 02-115-0014 from AGR to SFL: W Simmons, second – M Harbin

- S Bankhead said the general plan needs to be amended before this can be rezoned.
- J Drew read from state code: "After the legislative body has adopted a general plan, no street, park or other public way, ground, place or space or publicly owned building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized until and unless it conforms to the current general plan."
- S Bankhead said there are a lot of things our general plan does not discuss, but it does address future rezone of AGR districts and so it needs to be amended before this rezone can occur. We need to hold a public hearing for a general plan amendment, specifically to look at the future rezone of current districts; with the idea of focus on this parcel, then it can be rezoned.
- There was further discussion on what should be included in the public hearing and why the public hearing is needed.
- M Hansen said he is only here for a clarification on the recommendation that will be made to the City Council.

Motion to recommend to City Council that they rezone the property from AGR to SFL and that, concurrently, the Planning Commission schedule a public hearing to amend the general plan map for future rezone of existing districts: W Simmons, Second – M Harbin

- R Cecil commented with SFL, the park goes away.
- S Bankhead said only if the City Council approves the rezone. She clarified that all this does is get a recommendation to City Council; then they will decide if they want a rezone or wait for the Planning Commission to hold a public hearing and see what the results of that hearing will be.
- M Poole asked if the SFL is approved does that mean the park will not be in that area.
- S Bankhead said that would be up to the City Council.
- M Hansen asked for a clarification in the minutes as to what is going to be recommended to the City Council.
- L Raymond said the recommendation will be for the rezone from AGR to SFL in conjunction with a public hearing to amend the general plan.
- There was further discussion about zoning and the general plan.

Vote: Yea: M Harbin, J Parker, L Raymond, W Simmons
Nay: None
Abstained: R Cecil
Excused: R James

Study Items:

Item No. 1. Proposed General Plan Amendments: The Providence City Planning Commission will discuss possible amendments for the zoning element of the Providence City general plan; including the definitions for zoning districts.

1 **Providence City Planning Commission Minutes**
2 **Providence City Office Building**
3 **15 South Main, Providence UT 84332**
4 **July 27, 2016 6:00 p.m.**

5
6 Chairman: Mike Harbin
7 Commissioners: Rowan Cecil, Andrea Diamond
8 Alternate: John Parker
9 Excused: Robert James, Wendy Simmons

10
11 **Selection of Vice Chair:**

12 The Providence City Planning Commission will select a vice chair.

13 **Motion to nominate Mike Harbin as vice chairman: R Cecil, second - J Parker**

14 **Vote: Yea: R Cecil, M Harbin, J Parker**
15 **Nay: None**
16 **Abstained: None**
17 **Excused: A Diamond, R James, W Simmons**

18 **Approval of the Minutes:**

19 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of July 13, 2016.

20 **Motion to approve the minutes of July 13, 2016 with the following corrections: R Cecil, second – J Parker**

21 Page 1, line 54: R Cecil in attendance, voted yea

22 **Vote: Yea: R Cecil, M Harbin, J Parker**
23 **Nay: None**
24 **Abstained: None**
25 **Excused: A Diamond, R James, W Simmons**

26 A Diamond arrived at 6:08 pm.

27 **Public Hearing (6:00 PM)**

28 Prior to making a recommendation on proposed amendments to Providence City Code Title 2 Chapters 1 and 4,
29 Title 10 Chapters 15 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative
30 services director”, the Planning Commission is holding a public hearing. The purpose of the public hearing is to
31 provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning
32 Commission invites you to attend the hearing in order to offer your comments.

- 33 • No public hearing comments.

34 Andrea Diamond arrived at 6:08 pm.

35 **Action Items:**

36 **Item No. 1. Proposed Code Amendments:** The Providence City Planning Commission will consider for
37 recommendation proposed amendments to Providence City Code Title 2 Chapters 1 and 4, Title 10 Chapters 15
38 and 16, and Title 11 Chapter 3 by changing the words “city administrator” to “administrative services director”.

39 **Motion to recommend to City Council to adopt the proposed code amendments: J Parker, second – R Cecil**

40 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**
41 **Nay: None**
42 **Abstained: None**
43 **Excused: R James, W Simmons**

44 **Item No. 2. Amended Final Plat:** The Providence City Planning Commission will consider for approval an amended
45 plat of Lots 4 & 5 of Edgehill Drive Estates and Lot 34 of East Edgehill Estates Phase 2; eliminating Lot 5 and
46 absorbing a portion of the lot into Lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill
47 Drive Estates.

- 48 • Danny Macfarlane, civil engineer for this project, gave a brief overview.
- 49 • S Bankhead said there have been no comments from the public regrading this amended final plat.

50 **Motion to approve the amended final plat of Lots 4 & 5 of Edgehill Drive Estates and lot 34 of East Edgehill
51 Estates Phase 2: R Cecil, second – A Diamond**

52 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**
53 **Nay: None**
54 **Abstained: None**
55 **Excused: R James, W Simmons**

1 Item No. 3. Exception to 11-5-7:A. Warranty Bond: The Providence City Planning Commission will consider for
2 recommendation to City Council a request for an exception to Providence City Code 11-5-7:A. Warranty Bond,
3 requested by Stan Checketts.

- 4 • Stan Checketts addressed the Commission. He has lived here for 75 years and is well known. He is asking
5 for this exception to the warranty bond in order to begin building. He would like to put up the
6 performance bond and when that is paid down; then he will put the warranty bond in place.
- 7 • A Diamond asked what the risk is to the city by waiting for the warranty bond.
- 8 • S Checketts said the risk is that he wouldn't do the warranty bond, but he said that would not happen. He
9 will put the warranty bond in place as soon as he is done with construction.
- 10 • A Diamond asked if he had a business partner in case something happens to Stan that would prevent him
11 from completing the project.
- 12 • S Checketts has no other business partner in this venture.
- 13 • S Bankhead said executive staff has reviewed this exception request. She explained how performance
14 securities and warranty bonds work. Executive staff came to the decision that there are no specific
15 conditions that support granting the exception. If the city council decides to allow the warranty bond to
16 be submitted at a later date, then city code should be changed rather than allowing it as an exception.
17 However, executive staff is not in favor of changing the ordinance either. Infrastructure needs to be in
18 place before building can begin in a development. Safety is a concern and emergency vehicles need to be
19 able to access the development. If the warranty bond is not required until all infrastructure is in place,
20 there is a risk that the monies required for the warranty bond would have been depleted through change
21 orders. If, for whatever reason, the warranty bond could not be put in place at a later date, then building
22 permits are delayed. That is the risk to the city, and also to the people who have purchased the lots. That
23 is why both bonds are required at the time of recording. Once the performance bond is released, there
24 isn't a lot of incentive to get the warranty bond in place.
- 25 • R Cecil asked if planning commission can make a recommendation to city council to consider an
26 exception.
- 27 • S Bankhead said you can make a request to change the ordinance, or you can make a request to grant the
28 exception, but you must have compelling reasons.
- 29 • R Cecil asked about S Checketts giving two lots to the city in lieu of the bond.
- 30 • S Bankhead said if there isn't something unusual or unique about this, there is nothing to go by in granting
31 the exception. If you take lots in lieu of the warranty bond, the next developer may want to make the
32 same request.
- 33 • There was discussion regarding change orders.
- 34 • S Checketts said he has donated land and services to the city and so he is asking this favor from the city.
- 35 • Steve Jenson said there are some exceptions that need to be recognized. Stan has been willing to reroute
36 the Bonneville Shoreline Trail, has offered land for a well, land should be just as valuable as cash. City can
37 benefit from that holding. He is a great developer to work with. Other developers can be told that he has
38 worked for the city multiple times.
- 39 • A Diamond asked if there was any harm to the city in holding property for cash.
- 40 • S Bankhead said you can make recommendations to the city council, but you have to be aware that if
41 someone else comes in and they have also gone above and beyond; the criteria has to be something that
42 can be used again.
- 43 • There was further discussion about the bonds, escrow accounts.
- 44 • R Cecil said S Checketts is an outstanding individual who has been very generous with the city. He feels
45 Planning Commission should recommend the exception to the City Council.
- 46 • J Parker asked how difficult it would be to change the code to benefit Stan or any other developer.
- 47 • S Bankhead said it isn't difficult, but a process is involved. A public hearing would be required and it would
48 have to be approved by city council. If there are compelling reasons to grant the exception, that is how
49 this should be handled rather than changing the code.
- 50 • A Diamond how other cities handle similar situations. Has the 110% ever been an issue?
- 51 • S Bankhead said the 110% hasn't been an issue, but there have been issues with no warranty bond in
52 place.

53 **Motion to recommend that City Council provide an exception to Providence City Code 11-5-7:A as requested by**
54 **S Checketts: R Cecil, second – J Parker**

1 **Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker**
2 **Nay: None**
3 **Abstained: None**
4 **Excused: R James, W Simmons**

- 5 • S Bankhead said changing the ordinance is better than granting an exception. Very seldom is an exception a good idea.
- 6
- 7 • A Diamond felt like trying to grant the exception was a better way to go rather than changing the ordinance. She feels Stan Checketts is a good person who has benefited the city and should get the exception.
- 8
- 9
- 10 • There was further discussion about warranty bonds and performance bonds.
- 11 • J Drew felt changing the ordinance was the correct way to go; but he felt as long as the city is covered and there is enough money in escrow to cover the performance bond and the warranty bond, he has no problem granting the exception as long as the money for the warranty bond is never drawn down.
- 12
- 13
- 14 • It was decided legal counsel will be consulted for options that may be available.

15 **Study Items:**

16 **Item No. 1. Proposed General Plan Amendments:** The Providence City Planning Commission will discuss a plan/schedule to review the various elements and aspects of the Providence City general plan.

- 17
- 18 • R Cecil said the entire general plan needs to be reviewed. The chairman of the commission should make assignments to commissioners.
- 19
- 20 • J Drew suggested the public be invited as specific sections are discussed. Descriptions for zones need to be addressed.
- 21
- 22 • A Diamond asked S Bankhead to offer training on what the priorities are in addressing the general plan.
- 23 • S Bankhead said would facilitate discussion, but there are also consultants who can help with making a plan.
- 24
- 25 • D Macfarlane said it is important to hire someone who is an expert that can guide the process, but the planning commission will make the decisions.
- 26
- 27 • S Bankhead said state code will dictate what needs to be covered in the general plan. Planning Commission is not writing ordinances. First we need to establish what needs to be covered, then we can expand to additional items and elements in the plan.
- 28
- 29
- 30 • There was further discussion on how this process will unfold with the expertise of a consultant.
- 31 • D Macfarlane said there has been success in other communities in getting public involvement, public hearings, etc.
- 32
- 33 • Moderate income housing will be discussed at next meeting.

34 **Item No. 2. Proposed Master Plan Sheet No 5-B Amendment:** The Providence City Planning Commission will discuss amendments to the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing districts within the Providence City Corporate limits.

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- 36
- 37 • R Cecil said at last meeting SFE was proposed to the city council and there was a complaint from a resident at the city council meeting last night.
- 38
- 39 • S Bankhead said the council did approve the rezone of the Baker property to SFL. The map is inconsistent. There should be no white zones when the map is done for future rezone. She suggested using the existing zoning map and make changes from that map. That will make future zoning easier.
- 40
- 41
- 42 • It was suggested that a consultant come in and give professional advice.
- 43
- 44 • A Diamond asked what the objections are to SFE.
- 45 • D Macfarlane said Providence Hollows was zoned SFT but none of the lots are smaller than a third acre. Market conditions dictated the size of the lots in that subdivision. Maintenance is a concern for a city. Acre lots require same road maintenance, but you aren't generating more tax. Larger lots do not necessarily guarantee nicer homes. Providence Hollows has very strict covenants. Only so many people can afford large lots. The largest lots in Providence Hollows were purchased by Cache Valley residents. Nobody from out of town purchased those lots. Banks are not giving loans on large lots; it's too much of a risk. Developers are buying the lots because they have the capital/larger line of credit to do it. SFE is a no growth mentality.
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- 52 • A Diamond said relative to the rest of the city, SFE is a small section. An HOA can share in the road maintenance costs.
- 53
- 54 • D Macfarlane said those costs eventually revert back to the city.

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- Steve Jenson said there are only two places that are zoned SFE. Of those two places, only one home is not kept up. He also feels zoning SFE gives the city leverage with developers.
- S Checketts said water is a concern for SFE. SFE requires a lot of water. He also felt the city should slow down on making the north east end of town SFE and see if the SFE lots sell before making more zones SFE.
- A Diamond commented on ranchette properties.
- J Drew said he spoke with Nate Webb who is a Providence resident and works for a title company. Nate has told him there is a lot of interest in Providence for estate lots.
- S Checketts said Providence doesn't have the land for ranchettes. There isn't that much property left in Providence.
- D Macfarlane encouraged the commission to review Envision Cache Valley. About every 30 years Cache Valley doubles. If chunks of land are sectioned off for SFE, Providence will run out of land very soon. SFE is a direct contradiction to Envision Cache Valley.
- J Baldwin said zoning something SFT does not keep people from buying an extra lot or two if they want larger lots.
- S Bankhead will provide a large zoning map with an overlay for the next meeting.

Reports:

Staff Reports: Any items presented by Providence City Staff will be presented as informational only.

- No staff reports.

Commission Reports: Items presented by the Commission Members will be presented as informational only; no formal action will be taken.

- No Commission reports.

Motion to adjourn: R Cecil, second – J Parker

Vote: Yea: A Diamond, R Cecil, M Harbin, J Parker
Nay: None
Abstained: None
Excused: R James, W Simmons

Meeting adjourned at 7:40 pm.
Minutes recorded and prepared by C Craven.

Michael Harbin, Chairman Pro Tem

Caroline Craven, Secretary

1 Providence City Planning Commission Workshop
2 Providence City Office Building, 15 South Main, Providence UT 84332
3 August 2, 2016 5:00 p.m.

4
5 **Attendance:**

6 **Chairman: Robert James**

7 **Skarlet Bankhead, Administrative Services Director**

8 **Commissioners: Rowan Cecil, Michael Harbin, John Parker, Andrea Diamond.**

9 **John Drew, City Council Member**

10
11 The meeting is brought to order by Robert James.

12 **Workshop:**

13 **Item No 1. Moderate Income Housing:** The Providence City Planning Commission will discuss the Providence City
14 Moderate Income Housing element of the General Plan with the intent of amending the plan to reflect the current
15 and future needs of the city. In drafting the moderate income housing element, the planning commission will
16 consider the Legislature's determination that cities facilitate a reasonable opportunity for a variety of housing,
17 including moderate income housing to meet the needs of people desiring to live there; and to allow persons with
18 moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.

19
20 During this workshop the Planning Commission reviewed Utah Code 10-9-307 and the recommendations and
21 suggestions regarding Moderate Income Housing from the Bear River Associated Government (BRAG) based on
22 current medium income data and population growth (Census 2010) in Providence.

23
24 The Planning Commission then reviewed and compared the Providence City Master Plan 5-A Zoning Map to
25 Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts, the most current map identifying
26 future rezoning of existing districts within the Providence City Corporate limits and Providence City's General
27 Master plan with the intent to ensure that the objectives of Utah Code 10-9-307 are being met as new data is
28 presented and new development continues to present.

29
30 Noting, as identified in the Utah Code, as a key aspect of the code, municipalities should afford a reasonable
31 opportunity for a variety of housing including moderate income housing to meet the needs of the people desiring
32 to live there and that moderate income housing should be encourage so that persons with moderate income can
33 benefit from and fully participate in all aspects of community life.

34 Based on the projected population growth, income levels and vacancies (BRAG) there will be the need for an
35 additional 500 housing units, 134 of those units to be considered moderate to low housing units, by 2020.

36
37 After extensive discussion and review, the commission workshop determined that it would suggest the following
38 revision/addition to the Moderate Income Housing plan:

39 It has been and will continue to be the intent of the City to not limit the development of residential
40 housing within the incorporated areas of the City. The physical environment (geography, zoning, etc.), will
41 place some restrictions on the type and density of any residential development in the City. To meet the
42 current and future affordable housing needs, and to protect current residential property owners, zoning
43 codes/ordinances will be evaluated as needed to protect existing property owners first and then allow
44 zoning requests to be presented to council for consideration of other types of affordable housing. **"The
45 planning commission will review the future zoning maps, area regulations and usage regulations to
46 ensure Providence City is providing reasonable opportunity for a variety of housing including moderate
47 income housing."**

48
49 During the Planning Commission Workshop the governing principles stated in the general master plan were
50 reiterated. These governing principles are:

- 51
52 1. To maintain the character of Providence as a residential community.
53 2. To characterize the community by family dwellings.
54 3. To develop Providence as a livable community.
55 4. To develop flexibility planning and quality control while continuing to preserve the community's rural

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- character.
- 5. To preserve valued community historic places as assets.
- 6. To create community and civic areas.
- 7. To preserve open spaces.

The general master plan for Providence was discussed extensively. Several suggestions were made on how best to further develop Providence’s general master plan.

Item No. 2. Proposed Master Plan Sheet No 5-B Amendment: The Providence City Planning Commission will discuss amendments to the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing districts within the Providence City Corporate limits.

- This item was not discussed.

R Cecil motioned to adjourn. J Parker seconded the motion.

Vote was unanimous.

Yea: R Cecil, A Diamond, M Harbin, R James, J Parker

Nay: None

Abstained: None

Excused: W Simmons

Meeting was adjourned.

Minutes taken and prepared by Kristine Merrill

Robert James, Chair

Kristine Merrill, Office Specialist



Providence City

15 South Main Street
Providence, UT 84332
(435) 752-9441 • Fax: (435)753-1586
www.providencecity.com

REQUEST FOR PROPOSALS GENERAL PLAN UPDATE

Providence City is seeking proposals from qualified consultants for the 2016 General Plan Update. The selected firm should have previous relevant experience in General Plan study and preparation.

Proposals must be submitted by 5:00 p.m. Friday, September 2, 2016. Proposals should be addressed to:

Providence City
Attn: General Plan Update
15 South Main
Providence UT 84332

Applicants should submit one (1) original and six (6) copies of the proposal, not to exceed 15 pages, as well as one (1) electronic copy of the proposal on a cd or by email: providencecityutah@gmail.com.

A complete RFP may be found online at www.providencecity.com or by contacting Skarlet Bankhead, Administrative Services Director, at office: (435) 752-9441, cell: (435) 994-0966, or email: sbankhead@providence.utah.gov.



Providence City

REQUEST FOR PROPOSALS

General Plan Update

Providence City is seeking proposals from qualified consultants for the 2016 General Plan Update. The selected firm should have previous relevant experience in General Plan study and preparation.

Background

In 2000 the Providence City Planning Commission prepared, and the Providence City Council accepted, the *Master Plan 2000 Providence City, Utah*. The Plan was amended in 2002, 2003, 2007, and 2015. The Moderate Income Housing Plan element has been reviewed as required by Utah Code 10-9a-408.

The *Master Plan 2000 Providence City, Utah* introduces the City and details principles that govern the Master Plan. *Master Plan 2000 Providence City, Utah* contains the following elements: Transportation Corridors, Water System, Storm Drainage, Sewer System, Annexation Policy Plan, Zoning, Design Review, Residential Development, Moderate Income Housing Plan, Open Space, Urban Trails, Parks and Recreation, and Wildlife.

In 2010, Providence City worked with the USU Department of Landscape Architecture & Environmental Planning. *The 2010 LAEP Charrette* is the result of those efforts. The following are addressed in the Charrette: "Mixed-Use", "Vison Cache" implications, trails, connections, centers, and History.

Providence City is seeking to hire a consultant to assist in the process of updating the general plan and incorporating ideas introduced in *The 2010 LAEP Charrette*, prepare narrative, plans, and graphics that will guide current and future city officials and staff in meeting the challenges and needs of current and future residents and businesses as the City continues to evolve.

General Plan Update

The City anticipates the consultant will accomplish the following tasks:

- Review *Master Plan 2000 Providence City, Utah*.
- Review *The 2010 LAEP Charrette*.
- Study the current and future character of Providence, concurrent with a survey of Providence citizens on what they perceive as the character of our city.
- Conduct meetings with City Staff, Planning Commission, and City Council to ensure the update is conducted with the City goals in mind.
- Work closely with City Staff, Planning Commission, and City Council to guide the revised plan through preparation and adoption in accordance with State Code.
- Make recommendations on ordinances and/or city code amendments which will implement the goals of the General Plan.

Proposal Questions

Questions regarding the proposal should be submitted via email to Skarlet Bankhead, Administrative Services Director, by 5:00 p.m. Monday, August 29, 2016; email: sbankhead@providence.utah.gov. Responses will be posted online at www.providencecity.com.

Proposal Contents

Each proposal shall include:

- Overview of the consulting firm
- Number of years in business
- Address, phone number, and website of consulting firm

- Names and contact information for personnel anticipated for this project
- Description of similar projects completed by consulting firm
- Three (3) client references for which similar work has been completed
- Consultant's approach to project including a proposed schedule
- Fee table showing total estimated hours and costs by task with a total project "not to exceed" amount
- Resumes for key personnel proposed for this project
- Verification of ability to obtain insurance requirements identified in Attachment 1
- Comments, if any, regarding Standard Contract Terms and Conditions for Professional Services included in Attachment 2

Budget

The City has budgeted \$_____ for the completion of the tasks outlined in this RFP

Submittal Information

Proposals must be submitted by 5:00 p.m. Friday, September 2, 2016. Proposals should be addressed to:

Providence City
 Attn: General Plan Update
 15 South Main
 Providence UT 84332

Applicants should submit one (1) original and six (6) copies of the proposal, not to exceed 15 pages, as well as one (1) electronic copy of the proposal on a cd or by email: providencecityutah@gmail.com.

Late proposals will not be accepted, regardless of the cause of the delay. It is the responsibility of the applicant to ensure the proposal arrives at the City Offices by the time/date stated above.

Proposal Review/Selection

Once all proposals have been received, Providence City will review the proposals and select a single consultant for the project. It is anticipated the consultant will be selected by late September or early October 2016.

The successful consultant will be selected in accordance with the City procurement policy based on the following evaluation criteria.

- Consulting firm qualifications (background, experience, capabilities, references)
- Key personnel on this project
- Project approach

Costs will be evaluated to provide the best value among the qualified consultants for the project. If the proposed firm and the City cannot negotiate an acceptable cost and scope, the City will negotiate with the second firm.

If after a review of the written proposal a winner cannot be chosen, the City reserves the right to require an oral interview.

The City reserves the right to reject any and all proposals.

Utah Code 10-9-307 amended in 2002 states:

10-9-307. Plans for moderate income housing.(1) The availability of moderate income housing is an issue of statewide concern. To this end:

(a) municipalities should afford a reasonable opportunity for a variety of housing, including moderate income housing, to meet the needs of people desiring to live there; and

(b) moderate income housing should be encouraged to allow persons with moderate incomes to benefit from and to fully participate in all aspects of neighborhood and community life.

(2)(a) "moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the metropolitan statistical area for households of the same size.

Principles

Provide opportunities to develop moderate income housing by utilizing high density single-family, multi-family zones, and overlay zones.

Provide and utilize density credits to allow for higher densities while maintaining open space.

Consider higher density zoning districts in areas with existing infrastructure to minimize development costs.

Consider mixed use (density) overlay zoning districts to encourage development in areas with existing infrastructure.

Master Plan Directive

Planning housing opportunities for all people, regardless of income level, while maintaining the aesthetic qualities and public service levels Providence residents currently enjoy is an important part of the Master Plan. Current zoning districts allow for single-family lots as small as 6,000 sq. feet with minimum frontages of 60 feet and multi-family structures to allow development to maximize the return of infrastructure expense.

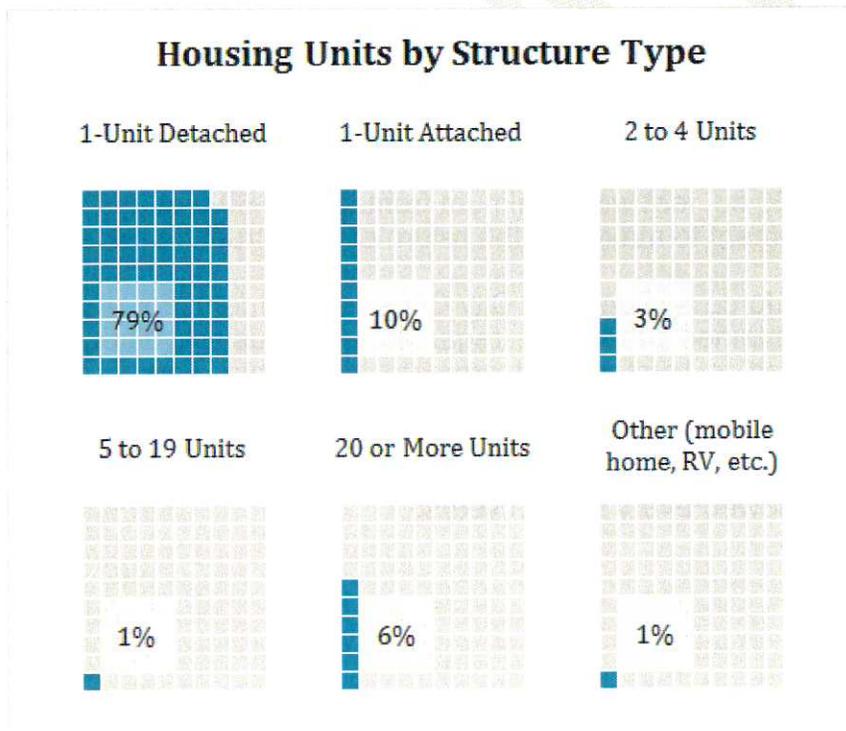
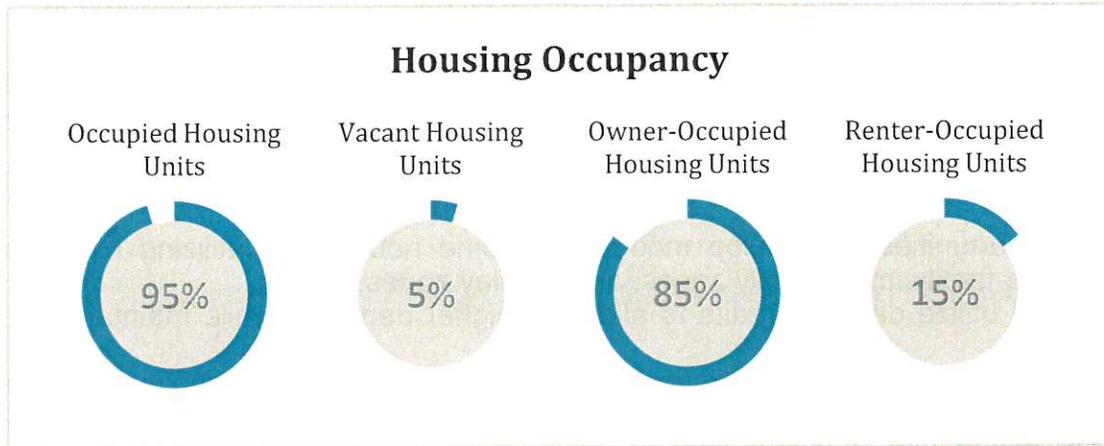
It is the goal of this directive to enforce and develop City Code requirements for property maintenance to ensure well maintained properties, regardless of housing value. Thus keeping with the zoning principles to "protect and promote the health, safety, order, prosperity, and general welfare of the present and future inhabitants of the City."

It is required that the median income and percentage of dwelling units that qualify as moderate income housing be reviewed every two (2) years.

A. PROVIDENCE CITY AFFORDABLE HOUSING NEEDS ASSESSMENT

Housing Stock

As of the 2010 U.S. Census, there were 2282 housing units in Providence, Utah. Of those units, 2174 (95.3 percent) are occupied and 108 (4.7 percent) are vacant. Owner-occupied units make up the majority (85.3 percent) of the city's housing stock, while renter-occupied units account for 14.7 percent of the city's housing stock.



Providence's housing stock consists of 1715 (79 percent) single-unit detached homes, 221 (10.2 percent) single-unit attached homes, 63 (2.9 percent) two- to four-unit structures, 20 (0.9 percent) five- to nineteen-unit structures, 126 (5.8 percent) structures with twenty or more units, and 26 (1.2 percent) other structure types, such as RVs and mobile homes. Given that 79 percent of the city's housing stock is made up of single-unit detached homes, Providence may want to consider whether

a more diversified housing stock would benefit current and future residents.

In terms of unit size, Providence's housing stock consists of 0 units with no bedrooms, 14 units with one bedroom, 831 units with two or three bedrooms, and 1326 units with

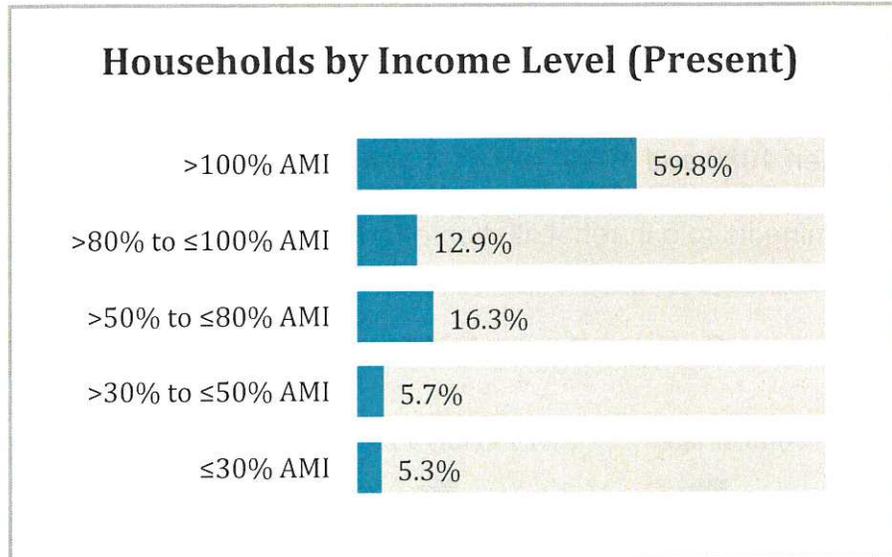
four or more bedrooms.

An assessment of structure age can, in some cases, reveal whether there is a need for housing rehabilitation. In Providence, 12.8 percent of residential structures were built in 1959 or earlier, 18.9 percent were built between 1960 and 1979, 26.9 percent were built between 1980 and 1999, and 41.4 percent were built in the year 2000 or later. With 31.7 percent of the city's housing stock constructed before 1979, the city may want to determine its role in rehabilitation efforts and consider performing a windshield survey to evaluate housing conditions.



Household Income & Needs

The median household income in Providence is \$64,561, which is \$14,194 above the area median income (AMI) for Cache County (\$50,367). Given these figures, 5.3 percent of the households in Providence earn less than or equal to 30 percent of AMI, 5.7 percent earn between 30 and 50 percent of



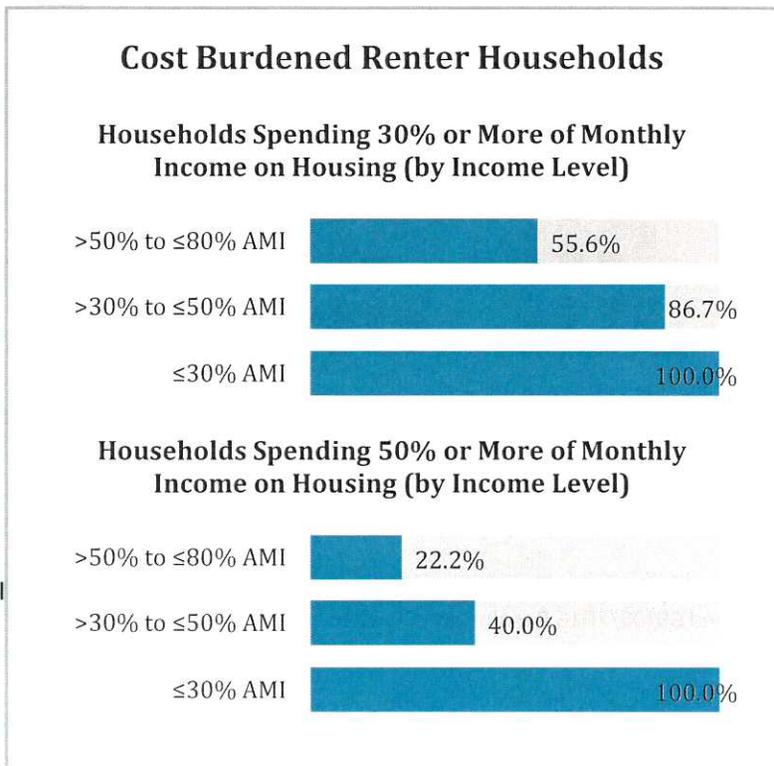
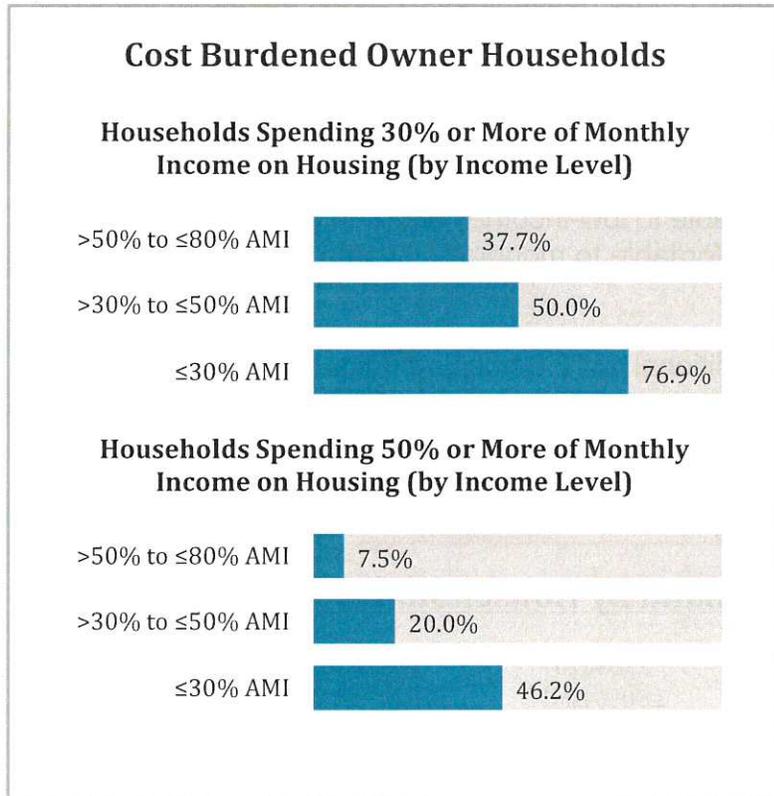
AMI, 16.3 percent earn between 51 and 80 percent of AMI, 12.9 percent earn between 81 and 100 percent of AMI, and 59.8 percent earn more than 100 percent of AMI. Households that earn a moderate income (80 percent of AMI) or less make up 27.4 percent of Providence's population.

Summary of Affordability

Household Income	Maximum Monthly Income for Housing Expenses	Maximum Mortgage Loan Amount
≤30% AMI	\$340	\$4,931
>30% to ≤50% AMI	\$567	\$32,887
>50% to ≤80% AMI	\$907	\$74,820
>80% to ≤100% AMI	\$1,133	\$102,776

Housing is considered affordable when households—regardless of their income—spend no more than 30 percent of their monthly income on housing expenses. Therefore, cost-burdened households are those households whose housing expenses exceed 30 percent of their monthly income. Based on this definition, 76.7 percent of Providence's

renter households that earn a moderate income or less and 46.1 percent of the city's owner households that earn a moderate income or less are cost burdened, which indicates that Providence's residents would benefit from additional affordable rental and ownership options.

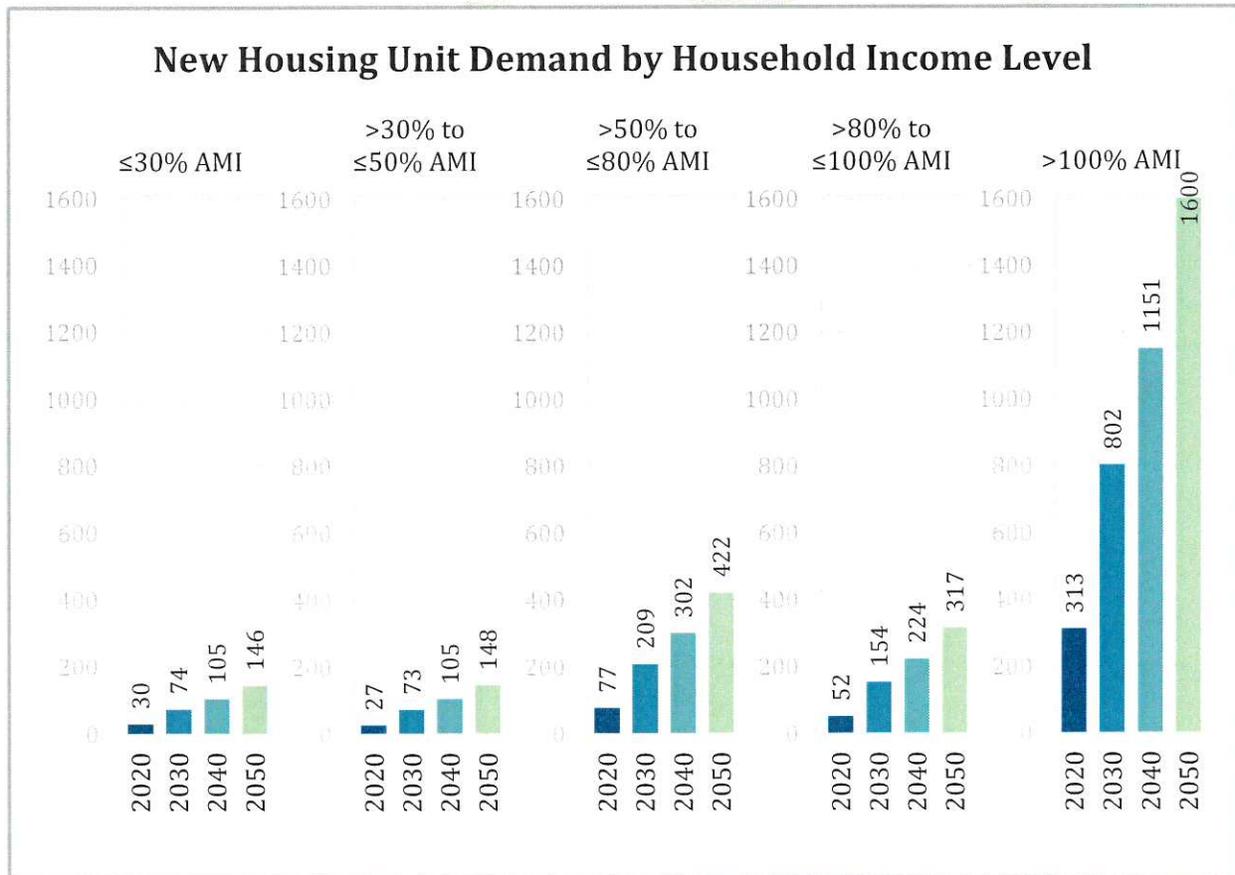


Population Change and Affordable Housing Demand

The population of Providence is expected to increase from 7,075 in 2010 to 9,050 by 2020 and 11,770 by 2030. These additional residents amount to an additional 607.7 households by 2020 and an additional 1444.6 households by 2030, based on the city's current average household size (3.25).

Based on population change, observed income levels, and existing vacancies, it is projected that Providence will need an additional 500 housing units by 2020. Of those 500 units, 30 will need to be affordable to extremely low-income ($\leq 30\%$ AMI) households, 27 will need to be affordable to low-income ($>30\%$ to $\leq 50\%$ AMI) households, and 77 will need to be affordable to moderate-income ($>50\%$ to $\leq 80\%$ AMI) households.

By 2030, Providence will need an additional 1312.6 housing units. Of those 1312.6 units, 74 will need to be affordable to extremely low-income ($\leq 30\%$ AMI) households, 73 will need to be affordable to low-income ($>30\%$ to $\leq 50\%$ AMI) households, and 209 will need to be affordable to moderate-income ($>50\%$ to $\leq 80\%$ AMI) households.



Special Needs Groups

Data from the 2012 American Community Survey indicates that 8.3 percent of all Americans under the age of 65 and 36.8 percent of all Americans 65 and older have some form of disability. Assuming that the percentage of Providence residents with disabilities is comparable to national figures, approximately 521 Providence residents under the age of 65 and 295 Providence residents 65 and older suffer from a disability. Individuals with disabilities may require special housing accommodations.

About 11.3 percent of Providence's population was 65 and older as of the 2010 U.S. Census. The share of the city's population that is 65 and older is expected to decrease to 9.8 percent by the year 2020 and 9.5 percent by the year 2030. Some elderly individuals may not be able to remain in their homes or may choose to relocate to a unit that better suits their preferences and needs. The legislative body of Providence may wish to evaluate the housing options available to seniors wishing to remain in or move to the community.

According to the 2013 annualized point-in-time count, roughly 0.55 percent of Utah's population is homeless. Although regional differences may impact the rate of homelessness, this percentage can be used to estimate the number of homeless individuals in Providence, which is approximately 39. Given this estimate, Providence should consider developing or promoting programs designed to help these individuals become stably housed.

B. AFFORDABLE HOUSING POLICY STATEMENT

The following statement is primarily based on the changes recommended by the implementation policies of the Land Use Element of the City's General Plan. It has been and will continue to be the intent of the City to not limit the development of residential housing within the incorporated areas of the City. The physical environment (geography, zoning, etc.) will place some restrictions on the type and density of any residential development in the City. To meet the current and future affordable housing needs, zoning codes need to be continually evaluated and, if necessary, changed to allow for more affordable housing choices.

Goals, Policies and Implementation Measures

- It has been and will continue to be the intent of the City to not limit the development of residential housing within the incorporated areas of the City. The physical environment (geography, zoning, etc.), will place some restrictions on the type and density of any residential development in the City. To meet the current and future affordable housing needs, and to protect current residential property owners, zoning codes/ordinances will be evaluated as needed to protect existing property owners first and then allow zoning requests to be presented to

council for consideration of other types of affordable housing. The Planning Commission will review the future zoning map, the area regulations, and the usage regulations, to ensure Providence City is providing reasonable opportunity for a variety of housing including moderate income housing.

- Review this policy statement every two years.

DRAFT

CHAPTER 3

PLAT PROCEDURES AND REQUIREMENTS

SECTION:

11-3-0:	Dependent Subdivisions (Ordinance Modification 002-00, 01/25/00)
11-3-1:	Sketch (Concept) Plan
11-3-2:	Preliminary Plat
11-3-3:	Final Plat
11-3-4:	Repealed
11-3-5:	Building Lots and Building Permits
11-3-6:	All Provisions, Timelines, Expiration Dates, Etc.
11-3-7:	Building Lots and Building Permits
11-3-8:	Lot Consolidation/Lot Line Adjustment in a Recorded Subdivision

11-3-0: **DEPENDENT SUBDIVISIONS:** A subdivision or phase that is dependent upon another subdivision and/or phase for access or public works improvements shall not receive approval, conditional or otherwise, for the final plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are completed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved. (Ordinance Modification 002-00, 01/25/00)

A. Exception: If the Land Use Authority for Subdivisions determines for good cause that any phase of plan/plat approval for the dependent subdivision would be inadequate to protect the public health, safety, and welfare, the dependent subdivision shall not receive approval, conditional or otherwise, for any phase of plan/plat until the Final Plat and construction documents for the independent subdivision or phase are approved, substantial completion inspection performed, and the items listed on the substantial completion inspection punch list are completed. Changes will place the dependent subdivision or phase on hold until all modifications to the independent subdivision are approved.

11-3-1: **CONCEPT PLAN:** A concept plan shall be submitted to the city executive staff (which may include the city administrator, public works director, city engineer, public works secretary, zoning personnel, mayor and council member) for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.

A. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied; professional fees for review may be billed.

1. In addition to lot and street layout, a concept plan shall show all non-developable sensitive areas and all potentially developable sensitive areas within the boundaries of the development and within one hundred feet (100') of the development.
2. The following roads do not require curb, gutter, and sidewalk: Grandview Drive and Foothill Drive in the Grand View Hills Subdivision; Canyon Road east of 400 East. 400 East from Canyon Road south to the City's south boundary line does not require curb, gutter, and sidewalk on the west side; curb, gutter, and sidewalk are required on the east side.
3. See the Downtown Street Cross-Sections C-1A in the Providence City Corporation Department of Public Works Standard Construction Drawings for profiles on all other streets.

B. Expiration:

1. Concept Plan Application. A concept plan application shall expire if it is determined by the City's land use authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions prescribed in City ordinances and/or listed on the city executive staff review comments; or
2. Approved Concept Plan. An approved concept plan shall expire if a complete preliminary plat application has not been submitted to the City by the developer and/or its agent within one (1)

year after city executive staff approves the concept plan.

3. An expired plan is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-2: **PRELIMINARY PLAT:** A preliminary plat application will not be accepted by the City without the City's written approval of the concept plan. The following procedure shall be followed in submittal and review of the preliminary plat:

- A. Preparation: The preliminary plat shall be prepared in accordance with all requirements of the City and shall include all proposed phases.
- B. Contents:
 1. Drawing Requirements: The title block of the preliminary plat shall include the following:
 - a. The proposed name of the development.
 - b. The section, township and range of the development.
 - c. The names, addresses, and contact information of the owners, developer(s), if other than the owners, and surveyors or and designers of the development.
 - d. Scale of drawing and north arrow.
 2. Existing Conditions: The preliminary plat shall also show:
 - a. The legal description basis of bearing, and total acreage of the proposed development, certified by a licensed land surveyor.
 - b. Location, street number and name of existing streets within one hundred feet (100) of the development and of all previously platted streets or other public ways, railroad and utilities rights of way, parks and other public open spaces, permanent buildings and structures, and corporate lines within and adjacent to the tract.
 - c. The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the development boundaries.
 - d. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe size, grades, manholes and accurate location.
 - e. Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments or realignments within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries; and a letter, from the affected users indicating the plans are acceptable, must be submitted to the City.
 - f. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels of land. (Subd. Ord., 1-24-1990)
 - g. By means of an overlay method or directly on the plat, vertical contour intervals of not more than two feet (2') or one foot (1') on predominantly level land.
 - h. A vicinity map shall show how the development is situated in its surrounding neighborhoods extending a minimum of two (2) blocks or more outward from the boundaries of the development. The vicinity map shall include all major, collector, standard and feeder streets within the area, both existing streets and those proposed on the Master Plan. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)
 3. Proposed Conditions: The preliminary plat shall also show;
 - a. The layout of streets showing location, widths and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys and easements.
 - b. The location for culinary water improvements, waste water improvements, storm drainage and street lights for all lots proposed within the development.
 - c. The layout, numbers, hazard setback, and typical dimensions of lots and square footage.
 - d. Parcels of land intended to be dedicated or temporarily reserved for public use or set

- aside for use of property owners in the development.
- e. Written statement by the design engineer verifying that all lots have an adequate buildable envelope with regards to hazardous slope, building, water, zoning setbacks, etc.
 - f. Easements for water, sewer, drainage, utility lines and other utilities.
 - g. Typical street cross-sections and preliminary street grades if required.
 - h. Copies of any agreements with adjacent property owners relevant to the proposed development.
 - i. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
 - j. A professionally prepared plat having been prepared on a minimum twenty inch by thirty inch (20" x 30") or maximum twenty-four inch by thirty-six inch (24" x 36") approved reproducible drafting medium.
 - k. A signature block along the right-hand margin of the preliminary plat, providing for the following certifications or approvals:
 - (1) Prior to City review, an affidavit or certificate of clear title to the effect that the applicant is the owner of, or that he is authorized by the owner in writing to make application for, the land proposed to be subdivided. The affidavit or certificate shall state clearly in which status, a copy of said written authorization from the owner shall be submitted with the preliminary plat. A title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon. A statement from the property owner disclosing any options or unrecorded contacts/agreements associated with the property.
- C. Submittal: Four (4) copies (20"x30" minimum , 24" x 36" maximum size) and one (1) 11" x 17" copy of the preliminary plat shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.
- D. Staff Review: Upon review, the city executive staff will provide written comments, conclusions and recommendations to the Land Use Authority. (Subd. Ord., 1-24-1990; amd. Ord., 1-9-1996)
- E. Approval: No preliminary plat shall be approved by the Planning Commission, the City Council, or any other designated Land Use Authority unless it complies with or can be shown that a final plat will be likely to comply with all the provisions set forth in the Providence City Ordinances. No preliminary or final plat shall be approved if a commitment-of-service letter has not been issued for the plat pursuant to Section 8-1-21.
1. A preliminary plat is not considered approved until all conditions have been satisfied and the plat has been signed by the City Engineer, Land Use Authority, and the Developer.
- F. Complete application: Providence City has thirty (30) days to review an application for completeness. At that time the City will provide a written notice of acceptance or denial to the developer and/or their agent. If the application is denied, the application fee may be refunded; professional fees for review may be billed. To be considered complete, an application must contain the following:
1. a completed Providence City Application Form;
 2. payment of the application fee;
 3. the proposed preliminary plat and all required copies;
 4. a title report shall also be submitted which indicates in whom the fee simple title to such property is vested and any liens or encumbrances thereon;
 5. a copy of the City's written approval of the concept plan.
- G. Expiration:

1. Preliminary Plat Application. A preliminary plat application shall expire if it is determined by the City's Land Use Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in city executive staff review comments; or
2. Approved Preliminary Plat. An approved preliminary plat shall expire if a complete final plat application has not been submitted to the City by the developer and/or its agent within one (1) year after approval of the preliminary plat.
3. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-3: **FINAL PLAT:** A final plat application cannot be submitted to the City prior to approval of the preliminary plat. The following information and a complete set of construction drawings shall be submitted for review:

- A. Preparation: The final plat shall be prepared in accordance with all the requirements of the City. The final plat shall be prepared by a land surveyor, licensed in the State. The top of the plat shall be either north or east, whichever accommodates the drawing best.
- B. Description And Delineation:
 1. The final plat shall show:
 - a. The name of the development as approved by the Land Use Authority.
 - b. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
 - c. An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.
 - d. The street address for each lot. Each street address shall be assigned by the City. The north and west sides of the streets shall be numbered odd and the south and east shall be numbered even.
 - e. True angles and distances to the nearest official US, State, County, or City monuments which shall be accurately described in the plat and shown by the appropriate symbols. All boundary, lot and other geometries (bearings, distances, curve data, etc.) on the final plat posed to an accuracy of not less than one part in five thousand (5,000).
 - f. Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
 - g. Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
 - h. The dedication to the City of all improvements which shall include, but shall not be limited to, streets, storm water system, water works, sewer works, etc., included in the proposed development.
 - i. Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common use of all property owners.
 - j. A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical service, telephone service, cable television service, grading and landscaping, storm drainage systems, curbs and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the developer(s).
 - k. All hazard setback(s)
 - l. A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
 - m. A statement that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete.
 - n. Boundary descriptions of the development.
 - o. Standard forms for the following:

- (1) A registered land surveyor's certificate of survey as applicable under State law.
 - (2) The owner's signature of dedication.
 - (3) A notary public's acknowledgment.
 - (4) The City Engineer's certificate of approval.
 - (5) The City's authority for the culinary water and the sanitary sewer system's signature
 - (6) The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
 - (7) The Land Use Authority signature of approval.
 - (8) The City's signature of approval by the Mayor.
 - (9) The City Attorney's certificate of approval.
 - (10) A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company, that they are in agreement with placing all of their utilities underground within the right-of-way as shown on the plans and are willing to provide the needed service for the development. Also included, if available, in said statements descriptions of any restrictions that will be imposed by the utility companies, any fees that will be assessed by the utility companies to install the utilities and any time tables that the utility companies might use to install their respective utilities.
 - (11) The County Recorder's stamp of approval according to requirements prior to final plat approval.
2. The final plat shall also:
- a. Be drawn to a scale of not less than one inch equaling one hundred feet (1" = 100') and shall indicate the base heading of true north.
 - b. Be prepared on a minimum twenty inch by thirty inch (20"x30")maximum twenty-four inch by thirty-six inch (24" x 36") paper.
 - c. Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection. (Subd. Ord., 1-24-1990)
 - d. Final approved plat for recording shall be prepared on Mylar.
- C. Development Agreement: The developer shall enter into and sign an agreement with the City, which shall indicate a timetable for completion of the final improvements as listed in the preliminary and final plat. This agreement will be submitted to the City Council for approval. (Ord., 4-9-1996)
- D. Submittal: Four (4) copies (20"x30" minimum, 24" x 36" maximum) and one (1) 11" x 17" copy of the final plat and construction drawings shall be submitted to the City for review a minimum of seven (7) days prior to the initial City review. The City will complete the first review within thirty (30) days. Each subsequent review is subject to an additional thirty (30) day review period. If all required information is not included, city has the right to refuse the package.
- E. Upon review, the city executive staff shall provide written comments, conclusions, and recommendations to the Land Use Authority.
- F. Approval: The final plat shall be approved by the Land Use Authority. The construction drawings shall be approved by the City staff. The development agreement shall be approved by the City Council. Prior to submitting the final plat for recording, the final plat shall be signed by the developer(s) and utility companies or a letter submitted with the final plat from the utility companies. **All The performance security bonds** must be in place and the development agreement shall be signed by the developer(s). The City does not consider the final plat to be approved until the construction drawings are signed, the development agreement has been signed and all signatures are on the final plat. At this point, the developer(s) shall submit an electronic copy of the approved final plat and approved construction drawings.
- G. Expiration:
1. Final Plat Application. A final plat application shall expire if it is determined by the City's Land Use

Authority that the developer and/or its agent did not proceed with reasonable diligence to meet any items/conditions identified in City ordinances and/or in city executive staff review comments.

2. Approved Final Plat. An approved final plat shall be void if it is not recorded within one (1) year of approval of the Development Agreement by the City Council.
3. Approved Final Plat with Phasing. If the final plats are recorded in phases, subsequent final plats must be recorded within five (5) years of the recording of the previous plat. If a development fails to meet this requirement, new concept plan and preliminary plats must be submitted and approved before subsequent final plats can be submitted or approved.
4. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.

11-3-4: REPEALED

11-3-5: **DOWNTOWN AREA DEVELOPMENT – FIVE (5) LOTS:** A development located in the Downtown Area, as defined in 10-1-4 of this Code, consisting of five (5) lots or less; shall be subject to the requirements listed in this Chapter.

A. Design Requirements:

1. Inner Block Development Prohibited. Lots must have 95 feet of frontage on a city street that existed prior to September 1, 2006.
2. Right-of-way Improvements.
 - a. Widening or rebuilding of the adjacent city street may be required. Areas disturbed by the extension of infrastructure, such as, but not limited to, water and/or sewer service lines, must be repaired in accordance with the Department of Public Works Standards and Specifications Manual.
 - b. Sidewalk. Sidewalk required along the frontage of the development
 - c. Curb & gutter, swales. Refer to the Downtown Area Street Cross Section Booklet

11-3-6: **ALL PROVISIONS, TIMELINES, EXPIRATION DATES, ETC.** All provisions, timelines, expiration dates, etc. listed in this Chapter apply to the developer, their successors, or assigns.

11-3-7: **BUILDING LOTS AND BUILDING PERMITS:** Building lots in the approved development may be sold after the final plat has been recorded. The lots, however, shall have recorded restrictions placed upon them stating that the City will not issue any building permit for any lot until minimum improvements, as specified in Section 11-5-2 of this Title are complete. (Ord. 97-OM016, 8-12-1997)

11-3-8: **LOT CONSOLIDATION/LOT LINE ADJUSTMENT IN A RECORDED SUBDIVISION:** Lot consolidation/lot line adjustment in a recorded subdivision plat is considered a minor revision of the subdivision.

- A. A petition to have a plat amended shall be submitted to the city executive staff for review and compliance with the Providence City General Plan, and Title 10 and 11 of the Providence City Code.
1. Petition Requirements: In addition to the petition requirements listed in Utah State Code, a petition for lot consolidation must contain a concept plan, drawn to a scale of not less than one inch equaling one hundred feet (1"=100'), showing all existing structures and their distance from the property lines on all lots involved in the consolidation.
- B. The Planning Commission is the land use authority for altering or amending a subdivision plat.
- C. The Planning Commission, if required by state code, shall hold a public hearing within 45 days after the day on which the petition is filed.
- D. General Requirements:
1. All conditions applicable to the original subdivision remain in full force and effect.
 2. Any dedicated street, sidewalk, drainage feature, utility easement, or other characteristic found in the original subdivision remains in full force.
- E. Geometric Requirements:
1. When combining two lots which share a common boundary, the common boundary in plan view must be a minimum of fifteen feet.

2. When combining two or more lots which do not share a common boundary such a boundary must be created for the consolidated lot by the use of abutting connector parcel(s).
 - a. The connector parcel(s) must be a minimum width of fifteen feet in plan view at its narrowest point.
- F. Final Plat for Recording:
1. Upon approval of the Planning Commission, the petitioner shall prepare an amended final plat for recording. The final plat shall include standard forms for the following:
 - a. A registered land surveyor's certificate of survey as applicable under State law.
 - b. The owner's signature of dedication.
 - c. A notary public's acknowledgment.
 - d. The City Engineer's certificate of approval.
 - e. The City's authority for the culinary water and the sanitary sewer system's signature
 - f. The County Board of Health's certificate of approval if a septic tank system is used for sewage disposal.
 - g. The Land Use Authority signature of approval.
 - h. The City's signature of approval by the Mayor.
 - i. The City Attorney's certificate of approval.
 - j. A signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approve the plat as it relates to their particular company.
 - k. The County Recorder's stamp of approval according to requirements prior to final plat approval.
 2. Expiration: An approved amended final plat shall be void if it is not recorded within one year from the date the Planning Commission granted approval.

CHAPTER 5

PUBLIC IMPROVEMENTS

SECTION:

- 11-5-1: Construction Drawings
- 11-5-2: Building Permit Issuance; Minimum Improvements
- 11-5-3: Completion Time Limit
- 11-5-4: Mandatory Approvals
- 11-5-5: Acceptance
- 11-5-6: Inspections
- 11-5-7: Security of Performance
- 11-5-8: Water Stock Transfer
- 11-5-9: Adjacent Streets
- 11-5-10: Private Lanes
- 11-5-11: Extensions of Public Works Facilities
- 11-5-12: Utilities
- 11-5-13: City Water and Sewer Systems
- 11-5-14: Sharing Development Costs

11-5-1: **CONSTRUCTION DRAWINGS:** The developer's engineer shall be a professional engineer licensed in the State of Utah and shall prepare, or shall be responsible for the preparation of, all construction drawings relative to public improvements in and out of the development. The developer's engineer shall also prepare, as part of the construction documents, an estimate of the cost of construction of all the public improvements. Four (4) copies, of the construction drawings must be submitted with the final plat. All such drawings shall be reviewed and approved by the City. A signed approved set shall be kept at the construction site.

- A. Drawing Alteration: Any changes or alterations to the original drawings must be approved in writing by the City Engineer prior to the construction of any such changes.

11-5-2: **BUILDING PERMIT ISSUANCE; MINIMUM IMPROVEMENTS:**

- A. Construction of public improvements shall proceed only after the construction drawings have been approved by all required entities. Building lots may be sold by the developer for the proposed subdivision only after the final plat has been recorded. The following minimum improvements shall be completed and in place before the City will issue a building permit for any lot within the proposed development:

1. All grading of roads (including pit run and road base) as shown on the approved construction drawings, and all curb, gutter, and all utility trenches that lay inside the roadway;
2. All water and sewer improvements, as identified on the approved construction drawings; and
3. Egress and ingress to provide acceptable and safe travel to and from each lot in the approved subdivision. Construction zone signs provided and maintained by the City at the developer's expense must be installed as per the Public Works Director.

4. **Warranty security must be in place. See Section 7. Item A. of this Chapter.**

- B. Inspection: Before a minimum improvement inspection is done, all required testing results and red line drawings must be turned in to the City. An inspection of the minimum improvements shall be made and the City; and the City Engineer will certify to the City, in writing, that the minimum improvements are complete prior to the issuance of any building permits. (Subd. Ord., 1-24-1990)

11-5-3: COMPLETION OF CONSTRUCTION - TIME LIMIT:

- A. Construction must be completed within a two (2) year time period. The two (2) year time period begins on the date the construction drawings were signed by the City Engineer.
- B. At the completion of construction, or prior to the end of the maximum two (2) year time period, whichever comes first, the City shall make an inspection of all improvements and inform the developer of their findings. At the completion of construction, the developer shall call for an inspection by the City, and that inspection shall be made within ten (10) days of the written request. The developer's engineer shall provide the City with as-built drawings accurately defining, for permanent record, the surface improvements and underground utilities as they were actually constructed. A construction punch list will be made up by the City indicating the items missed or needing correction prior to acceptance of the improvements by the City, and all required replacements or repairs shall be completed by the developer, at the developer's expense, prior to acceptance by the City.

11-5-4: MANDATORY APPROVALS: The following list of mandatory approvals is required by the City. The City shall be given twenty four (24) hours (business days only) notice to schedule the following approvals. It is the responsibility of the developer to either notify or cause his subcontractors to notify the City in order that these approvals can be made. Failure to do so may result in work stoppage until the

approvals are complete. Detailed approvals are listed in the Standards and Specifications Manual.

1. Preconstruction Meeting
2. Minimum Improvements
3. Substantial Completion
4. Final
5. Warranty

11-5-5: **ACCEPTANCE:** The subdivision of lands shall not be accepted by the City without the City and developer first receiving a statement signed by the City Engineer that the improvements described in the approved construction drawings and the approved development agreement and addendum have been completed.

Additionally, any subdivision of lands shall not be accepted without the developer having first provided the City with a one year written guarantee on all public improvements installed. (Subd. Ord., 1-24-1990; 1998 Code)

11-5-6: Repealed.

11-5-7: **SECURITY OF PERFORMANCE:** (Ordinance Modification 003-00 1/25/00)
The security of performance required by this Section is to assure the City that all improvements are constructed in conformance with all relevant City ordinances, regulations and standards, and to assure the City that all expenses incurred for labor and materials used in the construction of the same are paid for by the developer.

- A. **Warranty Bond Security.** A three (3) year warranty bond security of ten percent (10%) of the reasonable value of all the public improvements required herein, as verified by the City Engineer's estimate, shall be in place at the time the final plat is recorded as part of the minimum improvements. The warranty bond shall be in place before building permits can be issued.
- B. **Public improvement completion security.** To ensure completion of the public improvements required herein, a public improvement completion security shall be in place at the time the final plat is recorded.
 1. **Amount:** The amount determined by the City Engineer shall be equal to at least One Hundred Ten percent (110%) of the reasonable value of the improvements

- required herein.
2. Methods: The public improvement completion security may at the City's sole discretion, be furnished by any of the following methods:
 - a. By providing a performance, surety or cash bond in the amount specified and conditioned upon payment by the developer of all expenses incurred for labor and materials used in the construction of the required improvements. This method of security shall be preferred by the City.
 - b. By depositing the specified amount of cash in a bank account to which the City alone has access, but only in the event it becomes necessary, in order to complete, repair or replace the improvements as set forth in this Chapter.
 - c. By providing the City with an irrevocable letter of credit issued by an acceptable financial institution naming the City as the sole beneficiary with a maturity date of at least two (2) years and three (3) months from the date of recording the final plat.
 - d. By depositing the specified amount of cash in a supervised bank account to which the developer has access, with the approval and signature of the City, which funds shall be used to pay for the improvements as construction is completed and evidence lien waivers. In the event it becomes necessary for the City to foreclose on the public improvements completion security and move to complete, repair or replace the improvements as set forth, then the City shall have access to said supervised bank account for the purpose of completing, repairing, or replacing improvements without the necessity of obtaining the approval of the developer.
 - e. By giving other security in an amount approved by the City. This method shall be accepted only at the option of the City. In addition, the City must have official appraisals, a title report and review all encumbrances on the assets being offered before this method may be accepted.
- C. In the event construction of the public improvements is not completed, or is not completed in a satisfactory manner, within the negotiated time period but not to exceed two (2) years from the date the construction drawings were approved with all required signatures, the City may proceed to install the improvements at the developer's expense by foreclosing on the developer's security of performance held by the City. If said security is insufficient to pay for said improvements, which the City shall cause to be installed, then the developer shall be liable for any deficiency and reasonable attorney fees realized by the City.

D. In the event the public improvements fail to meet the standards as set forth in the developer's written guarantee, the City shall so notify the developer who shall be given a reasonable time to repair or otherwise correct as requested or the City may proceed to repair or replace the unsatisfactory improvements at the developer's expense by foreclosing on any security of performance still held by the City; and , in addition, the City may avail itself of any other remedy provided to it under the laws of the State and of the City.

11-5-8: **REPEALED:** (Ord No. 009-2008 08/12/2008)

11-5-9: **ADJACENT STREETS:** It shall become the responsibility of the developer to pay for all of the required public improvements as determined by the City; including, but not limited to a complete street cross section with all underground improvements.

11-5-10: **PRIVATE ROADS:** (Ordinance Modification 98-026 11/10/98)

A. Definition: A private road is a road which is built to City Standards and Specifications, but is privately owned and maintained.

B. Definition: A driveway is a primary drive access serving no more than two (2) parcels.

11-5-11: **EXTENSION OF PUBLIC WORKS FACILITIES:** The extension of any City public works facilities, including but not limited to, roads, bridges, storm drains, water mains, sewer lines, and secondary water systems, shall be installed by the developer of any development. Layout must provide for future extension to adjacent development and be compatible with the contour of the ground for proper drainage. All public improvements shall be installed to the boundary lines of the development. There shall be no consideration or return to the developer within the area. The City, however, will consider cost sharing on any water line that is in excess of an eight inch (8") diameter or any sewer line that is in excess of a ten inch (10") diameter, in the event the City desires to participate for future planning purposes. (Subd. Ord., 1-24-1990)

11-5-12: **UTILITIES:** All utilities, privately or publicly owned, shall be placed underground. This will include, but shall not be limited to, telephone, gas, electric power, water, sewer, cable T.V. and irrigation lines. Exceptions to this may be considered.

11-5-13: **CITY WATER AND SEWER SYSTEMS:** All developments located within the corporate boundaries of the City shall be required to connect to the water and sewer systems of the City, except as provided by a resolution to the contrary. (Subd. Ord., 1-24-1990)

11-5-14: **SHARING DEVELOPMENT COSTS:** (Ordinance Modification 004-00 01/25/00)
Public works improvements shall be paid for by the developers and land owners who will benefit by their existence and use as set forth in this Section.

- A. Compensation: Circumstances where the original developer may be compensated by adjacent land owners or by the City for a portion of the cost for these improvements:
1. Adjacent Land Owner: The owner of any parcel of land that has frontage along and/or is immediately adjacent to any public works improvements, which land owner would benefit from connecting onto or accessing the public works improvements without additional easements or right of ways. Parcels of land that could only be served by an extension of the public improvements beyond the end of those that were installed by the original developer are not included.
 2. City Compensation: The City may use Providence City Code 11-5-11 as a guide for determining whether or not to assist a developer where the potential for future growth may present a demand for up-sized water or sewer lines or extra width for a road.
 - a. In addition to 11-5-11, the City may provide funds from impact fees or sales tax rebate incentives that would expand and improve public works in already existing public rights of way, or in areas where upgrades are needed but not done, provided the use of impact fees is in compliance with State and City law.
 - b. The City may use impact fees to assist with off-site improvements as allowed by law so that reimbursement to the developer will not have to be tracked in the future.
 - c. All agreements and the dollar amounts of the financial commitment by the City must be part of the development agreement.
 - d. When the City participates with a developer as herein mentioned, then there will be no additional compensation due from adjacent land owners to the developer.
 - e. In the event the City determines to participate in the costs of certain public works improvements proposed by a developer, the City's participation will generally involve the expenditure of impact fees as allowed by law, in the anticipation that the City will be reimbursed

through the collection of impact fees at the time building permits are issued as development occurs and/or through receipt of sales tax revenues.

3. Compensation from adjacent land owners: Where an adjacent land owner may benefit from the installation of public works improvements, a developer may contact the adjacent land owner and solicit participation in the costs for such improvements from the adjacent land owner(s).
 - a. If an agreement is reached, a written agreement for sharing development costs by adjacent landowners that may use the improvements shall be submitted by the developer initially responsible for the improvements, along with the final plat.
4. No participation from adjacent land owners: Where adjacent land owners do not participate as described in C. above, and the City does not participate as described in B. City Compensation, above, then the original developer may be entitled to compensation from adjacent land owners as follows:
 - a. Submitting a statement of costs: The original developer must file a letter or other written notice with the City by not later than the date of final plat approval by the City Council, indicating the original developer's intent to be considered for reimbursement of a portion of the costs of constructing public works improvements as provided in this ordinance.
 - i. The letter or other written notice must provide an estimate of costs for the public works improvements to be installed by the Developer.
 - ii. This letter or other written notice will be used by the City to alert future adjacent land owners or their developers of their responsibility to the original developer, if they should begin to develop their adjacent real property before the original developer has completed installation of the required public works improvements.
 - iii. The failure to submit the referenced letter or other written notice to the City by the date of final plat approval by the City Council shall constitute a waiver by the original developer of the right to request reimbursement as contemplated by this section.
5. No developer may use this ordinance for shared development costs as a basis for unapproved private compensation or to control, direct, or deter

growth within the City.

- a. The City requires that all compensation of one developer to another be accomplished by using this ordinance and be done in writing and in conjunction with the City.
- b. Developers may continue, however, to combine their resources and work together in developing areas or a combination of areas, as proposals are made, as described in paragraph 3 above.

B. Completion

1. When the original development's public improvements are completed and accepted in writing by the City, the original developer has 30 days from the date of acceptance of said improvement by the City, to file a statement of actual expenses incurred for the public works improvements.
 - a. Itemize each item of the public improvements, with complete itemization of the costs incurred for each item. Statement may include engineering costs. Statement shall include developer's proposed division of such costs between the developer and adjacent land owners.
 - b. Should the original developer fail to file the statement of actual expenses incurred for the public works improvements as required by this subsection 2, within 30 days from the date of acceptance of the public works improvements by the City, or fail to submit the as-built drawings as required by the City's subdivision ordinance, the original developer's request for compensation/reimbursement and any determination made by the commission and/or the City Council shall become null and void.
2. **Future Development: Pro-rata Share:** Future development by owners of land adjacent to these public improvements will not be approved by the City until the new developer agrees in writing to compensate the original developer, or the developer's legal agent, for a pro-rata share of the costs of the public works improvements, as was approved by the City.
3. **Reimbursement to the Original Developer:** Reimbursement to the original developer shall be one hundred percent (100%) of the pro-rata share during the first five (5) years following the date of completion and acceptance by the City of the public works improvements. The pro-rata share shall be depreciated twenty percent (20%) per year thereafter, and no pro rata share shall be due to the developer after ten (10) years following the acceptance date by the City.

11-5-15: **Moved to Title 11 Chapter 2**

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council

Annexation	Exception to Title	<u>Rezone</u>
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
Appeal		Variance

PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES. THESE WILL BE BILLED SEPARATELY.

Applicant's Name: <u>STAN CHECKETS</u>	
Address: <u>PO BOX 55 PROVIDENCE, UT 84332</u>	
Phone(s): <u>435.757.4282</u>	Fax: _____ E-Mail: _____

Party Responsible for Payment: <u>STAN CHECKETS</u>	
Billing Address: <u>PO BOX 55 PROVIDENCE, UT 84332</u>	
Phone(s): <u>435.757.4282</u>	Fax: _____ E-Mail: _____

Property Owner's Name (how it appears on a legal document): <u>STAN CHECKETS PROPERTIES LC</u>	
Address: <u>SAME AS ABOVE</u>	
Phone(s): _____	Fax: _____ E-Mail: _____

Architect/Engineer/Surveyor's Name: <u>CIVIL SOLUTIONS GROUP</u>	
Address: <u>540 W. GOLF COURSE RD SUITE B1 PROVIDENCE UT 84332</u>	
Phone(s): <u>435 213 3762</u>	Fax: _____ E-Mail: <u>danny@civilsolutionsgroup.net</u>

Cache County Property Number(s): <u>02-005-1905</u>
Total Acreage: <u>77.50</u> Project Name: <u>N/A</u>
City Address of Project (if applicable): <u>500 NORTH 600 EAST</u>

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant:  Date: 7/19/2016

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:

Owner Written Statement:

I Stan Checketts grant permission for the rezone of parcel 02-005-0005 containing 77.50 acres more or less.

Stan Checketts



Purpose for Rezone:

The purpose of the rezone request is to rezone the parcel from Agriculture to SFT for the purpose of developing lots.

Legal Description:

BEG AT SW COR OF SE/4 SEC 2 T 11N R 1E E 160 RDS N 80 RDS W 146 RDS 10 FT TO E BANK OF CANAL SLY ALG MEANDERINGS OF SD CANAL TO PT 643 FT N OF BEG S 643 FT TO BEG CONT 77.5 AC

Affected Entities and Property Owners of Land to be Rezoned:

Stan Checketts Properties LC (Parcel 02-005-0005)
PO Box 55
Providence, UT 84332

Adjacent Property Owners:

Name JAY TR RINDERKNECHT
Owner Address PO BOX 11
Owner City State Zip PARADISE, UT 84328-0011

Owner Name RINDERKNECHT LTD PARTNERSHIP
Owner Address PO BOX 488
Owner City State Zip PROVIDENCE, UT 84332-0488

Owner Name SCOTT R WATTERSON
Owner Address 560 S 1000 E
Owner City State Zip LOGAN, UT 84321

Owner Name NATHAN & EMILY PETERSON
Owner Address 862 STONE CREEK DR
Owner City State Zip RIVER HEIGHTS, UT 84321

Owner Name CREE S & GENE R TRS SPAULDING
Owner Address 542 N 520 E
Owner City State Zip PROVIDENCE, UT 84332

Owner Name BARBARA M TRUSTEE RINDERKNECHT
Owner Address PO BOX 488
Owner City State Zip PROVIDENCE, UT 84332-0488



PROVIDENCE CITY
Executive Staff Report
Review Date: 7/27/2016

Request: Rezone a 77.5 acre parcel from Agricultural (AGR) to Single-Family Traditional

Item Type: Rezone	Applicant: Stan Checketts	Owner: Stan Checketts
Prepared by: S Bankhead	General Plan: SFT	Zone: AGR
Parcel ID #: 02-005-0005 Address: approx. 500 N. 600 East	Acres: 77.5	Number of Properties: 1

Staff Report Summary of Key Issues:

1. Stan Checketts is requesting the rezone for the purpose of developing lots.
2. Legal Description: BEG AT SW COR OF SE/4 SEC 2 T 11N R 1E E 160 RDS N 80 RDS W 146 RDS 10 FT TO E BANK OF CANAL SLY ALG MEANDERINGS OF SD CANAL TO PT 643 FT N OF BEG S 643 FT TO BEG CONT 77.5 AC

Background Information:

1. The application was received 07/20/2016
2. Providence City Master Plan Sheet 5-C Zone Districts of Future Annexations shows this area as a SFT zone. Providence City Master Plan 1 December 2000 - Zoning Master Plan Directive states:
The major goal of master plan zoning is to propose the direction in which the remaining areas of the city should develop. The city has accepted its responsibility for affordable housing by upgrading the use chart to include higher density zones. These zones should generally be on the perimeter of the city with good access to major roads without going through the core of the city. Zoning limits the number of houses per acre and allows for flexible development concepts.
No building construction should be considered above the deer fence.
3. Providence City General Plan – Residential Development (January 2007) Master Plan Directive states:
East Bench Development – Is an area where fairly recent residential development has taken place. Generally, the subdivision within this area is identified as an area of very high end single family housing development.
4. Single-Family Traditional requirements are as follows: 12,000 sq. ft. minimum lot size; 95 ft. minimum lot width (measured at the setback line); a maximum of 3.75 units per acre (excluding right-of-way (ROW), infrastructure - Infrastructure is defined to include rights-of-way, PUB and REC districts within development)

FINDINGS OF FACT:

1. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
2. UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.
3. 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.
4. UCA § 10-9a-102 Purposes -- General land use authority.
(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect

both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

5. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
6. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
7. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
8. Providence City Master Plan 1December 2000 – Zoning Master Plan Directive
9. Providence City Master Plan Sheet 5-B Future Re-Zone of Existing Districts
10. Providence City Master Plan Sheet 5-C Zone Districts of Future Annexations

CONCLUSIONS OF LAW:

1. The proposed code amendment has been processed consistent with the above Findings of Fact.
2. Executive Staff feels changing the AGR zone to SFT zone is consistent with the City's Master Plan.

CONDITIONS:

1. The Applicant will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances.
2. The application will process will continue to meet all relevant federal, state, county, and Providence City rules, laws, codes, and ordinances; including but not limited to: the Planning Commission scheduling and holding a public hearing prior to making a recommendation to the City Council.

RECOMMENDATION:

That the Providence City Planning Commission schedule a public hearing as required by UCA 10-9a-502.