

Providence City Planning Commission Agenda  
Providence City Office Building, 15 South Main, Providence UT 84332  
September 28, 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 September 14, 2016.

**Public Hearing(s):**

**Item No. 1. Providence City Code Amendment:** The Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on amending Providence City Code Title 10 Zoning Regulations, Chapter 1 Section 4 Definitions by adding a definition for Accessory Building (small) and Chapter 8 Section Area Regulations by adding Accessory building (small) to the Space Requirement Chart before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

**Item No. 2. Rezone:** The Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the 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) before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

**Action Items:**

**Item No. 1. Rezone Request:** The Providence City Planning Commission will consider for recommendation to City Council 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).

**Item No. 2. Preliminary Plat:** The Providence City Planning Commission will consider for approval a preliminary plat for the Providence Heights Subdivision, a 30-lot residential subdivision located at approximately 900 South 400 East.

**Item No. 3. Code Amendment:** The Providence City Planning Commission will consider for recommendation to City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations Chapter 1 General Provisions Section 4 Definitions by adding a definition for an "Accessory Building (Small)" and Providence City Code Title 10 Zoning Regulations Chapter 8 Area Regulations and Parking Requirements Section 1 Area Regulations, Space Requirement Chart by adding setback and height requirements for "Detached Accessory Building (Small)".

**Study Items:**

**Item No. 1. Discussion:** The Providence City Planning Commission will report on their assigned sections and/or elements of the General Plan and other items of concern.

**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 September 23, 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 **15 South Main, Providence UT 84332**  
3 **September 14, 2016 6:00 p.m.**

4  
5 Attendance

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6 Chairman: Robert James  
7 Commissioners: Rowan Cecil, Andrea Diamond, Mike Harbin, John Parker, Wendy Simmons  
8 Excused: None  
9 Absent: None

10  
11 Skarlet Bankhead, Administrative Services Director

12  
13 **Robert James called the meeting to order at 6:00 PM.**

14  
15 **Approval of the Minutes:**

16 **Item No. 1.** The Providence City Planning Commission will consider for approval the minutes of August 24, 2016.

17 **Motion made to approve the minutes of August 24, 2016 - W Simmons, second- J Parker.**

18 **Vote: Yea: A Diamond, M Harbin, R James, J Parker, W Simmons**  
19 **Nay: None**  
20 **Abstained: R Cecil**  
21 **Excused: None**

22  
23 **Action Items:**

24 **Item No. 1. Amended Plat - Lot Consolidation.** The Providence City Planning Commission will consider for approval  
25 a proposed lot consolidation combining Lots 6 and 7 of the Grand View Hills Subdivision, located generally at 893  
26 Foothill Dr.; requested by Robert James.

27 Discussion:

- 28
- 29 • S Bankhead provided overview of the Executive Staff Review in consideration of this proposal. Executive  
30 Staff reviewed UCA § 10-9a-608 on the requirements amending a subdivision plat. In this situation there is  
31 no public utility easement to be vacated. The Executive Staff felt that the proposed final plat meets state  
32 code requirements under the following condition: an amended final plat be prepared for signature and  
33 recorded at the Cache County Recorder's Office. The executive staff recommends approval on the lot  
34 consolidation at Grand View Hills Subdivision uniform lot 6 and lot 7. Staff did notice that the title  
35 identifies lot 5 and lot 6 and recommends that the title be corrected to lots 6 and 7 accordingly.
  - 36 • In response, R James replied that he will have the title revised. The plat maps that Skyline prepared were  
37 corrected but he had not noticed that the title had not been updated.
  - 38 • Reference - Parcel ID # 03-076-0001 and 03-076-0002.

39 **Motion made to approve proposed consolidation of lots 6 and 7 generally located at 893 Foothill Drive in Grand**  
40 **View Hills Subdivision –R Cecil, second – J Parker.**

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

45  
46 **Item No. 1. Preliminary Plat:** The Providence City Planning Commission will consider for approval a preliminary plat  
47 for Sutherland Subdivision (a partial amendment of Everton Minor Subdivision, Subdividing Lot 1), a 4 lot  
48 residential subdivision located at approximately 810 South 300 East.

49 Discussion:

- 50
- 51 • S Bankhead provided an overview of the Executive Staff Review. There were concerns with buildability of  
52 the one lot but the issues were resolved to make it a more manageable. The property has an irrigation  
53 ditch that has been piped, running through the proposed lots. The irrigation company, Spring Creek Water  
54 Company, and the developer have worked to resolve issues together. Providence City Code 11-3-2 and  
Public Works Standards and Specifications Manual were used to review the application and final plat. The

1 Executive Staff concluded that the final plat meets the requirements of Providence City Code with the  
2 following conditions:

- 3 ○ The applicants acknowledge that Providence City has no liability for the irrigation ditch/pipe or  
4 responsibility for maintenance.
- 5 ○ The legal description of the plat is corrected so it will close.
- 6 ● The Executive Staff in review of the plans recommends that the Planning Commission approve the  
7 preliminary plat for the Sutherland Subdivision according to the Findings of Fact, Conditions of Law and  
8 conclusions.
- 9 ● Richard Singleton explained that in working with Sutherland they tried to divide the area so their children  
10 could have lots below us. The irrigation ditch was the biggest problem. It was difficult to figure out but we  
11 feel we have resolved the problem. We covered the ditch/pipe with an additional two feet of dirt and  
12 allowed for a 20 foot easement around it.
- 13 ● A Diamond asked if Richard was comfortable with how the resolve was completed.
- 14 ● Richard Singleton replied that it looks good and he was comfortable with how it stands.

15  
16 **Motion made to approve a preliminary plat for Sutherland Subdivision (a partial amendment of Everton Minor**  
17 **Subdivision, Subdividing Lot 1), a 4 lot residential subdivision located at approximately 810 South 300 East on**  
18 **the condition that the applicant acknowledges that Providence City has no liability for the irrigation ditch/pipe**  
19 **or responsibility for maintenance and legal description will be corrected so it will close - R Cecil, second- J**  
20 **Parker.**

21 **Vote: Yea: Andrea Diamond, M Harbin, R James, J Parker, Rowan Cecil, W Simmons**  
22 **Nay: None**  
23 **Abstained: None**  
24 **Excused: none**

25  
26 **Study Items:**

27 **Item No. 1. Rezone Request:** The Providence City Planning Commission will discuss a rezone request to change the  
28 zone of parcel no. 02-005-0005, a 77.5 acre parcel located in the northeast corner of the City at approximately 500  
29 North 600 East, from Agricultural (AGR) to Single-Family Traditional (SFT).

30 **Discussion**

- 31 ● R James commented that we were waiting on water usage study and brokerage information to provide  
32 information on average water usage per lot size and homes sales for larger lots in the area.
- 33 ● S Bankhead provided review of data collected on water research completed and homes sales for larger  
34 lots in the area.
- 35 ● R James commented that we were looking into whether one acre lots would sell and based on these  
36 findings over half of the one acre lots did sell. He also pointed out that water used per acre on the larger  
37 one acre lots actually used less water which is the opposite of what was initially expected.
- 38 ● Planning commission members discussed modern income housing and accommodating for those needs as  
39 it stands currently and the projected needs in the future.
- 40 ● S Bankhead commented that city is not far off of being on target currently.
- 41 ● R James identified that our next step is to schedule a public hearing and then determine what our  
42 recommendation to City Council will be.
- 43 ● S Checketts commented that not everyone should be forced to have large lots. It is nice but we should  
44 have both large and small lot available to give people a choice and encourage the developer to make  
45 those decisions.
- 46 ● S Bankhead commented there was one other aspect that we do need to consider and introduced Danny  
47 McFarland to review property taxes and income generation on these lots.
- 48 ● D McFarland reviewed an analysis made on ten one-acre lots vs ten SFT lots in regard to property taxes  
49 paid per foot, per frontage and per acre of income generation. The SFT lot samplings generated  
50 approximately 300% more taxes per acre and generate 20% more per frontage road which is important  
51 when maintaining roads.
- 52 ● Further discussion about property taxes, sales taxes, costs, expenses, revenue generation and allocation  
53 of revenue in regard to zoning and lots sizes followed. Impact to moderate income housing was also  
54 considered and discussed.

- S Bankhead provided projected schedules on the RFP for the General Plan Update and estimated completion dates.
- R James requested that the Public Hearing be scheduled with the agreement of all other Planning Commission's members.

Item No. 2. Code Amendment: The Providence City Planning Commission will discuss proposed code amendments to Providence City Code Title 10 Zoning Regulations Chapter 1 General Provisions Section 4 Definitions by adding a definition for an "Accessory Building (Small)" and Providence City Code Title 10 Zoning Regulations Chapter 8 Area Regulations and Parking Requirements Section 1 Area Regulations, Space Requirement Chart by adding setback and height requirements for "Detached Accessory Building (Small)".

- S Bankhead identifies the key points of defining "Accessory Building (Small)" as follows:
  - Less than 200 sq. ft.
  - Does not require a building permit.
  - Does not have plumbing or electrical features.
  - There is no definition to be included in regard to "permanent foundation".
  - Assumption is made that the building could be moved is necessary.
- R James commented that the commission could move forward on this and requested to have the public hearing scheduled as soon as possible.

Item No. 3. Discussion: The Providence City Planning Commission will discuss sections and/or elements of the General Plan and other items of concern, with the intent of establishing priorities and assigning a commission member as a facilitator for each item.

- R James discussed preparations and the need to identify priorities prior to meeting with the consultant. He asked commission members to review the general plan and the ordinances to identify sections to focus on.
- S Bankhead made the suggested that the planning committee might want to break up the residential portion because of the various components in that section.
- R James then invited Todd Hendricks to address the planning commission regarding the rejection on the a variance request.
- Todd Hendricks presented additional information regarding roadway classification in regard to a possible ordinance change. Identifying that Cache County, Nibley and River Heights and other municipals are fairly congruent in their classifications all of which are based on volume with the exception being Providence City. This seems to indicate that perhaps we have missed classification of the roadways in Providence. He provided a written report of his findings for each members review and suggested that if an ordinance change is considered a level of flexibility should be considered on our roadways.
- R James responded that the Planning Commission will review this information and discuss the findings in further detail.
- S Bankhead commented that Council did not deny Todd Hendricks' request, they concurred, so this will continue to carry on. Also mentioned were the numerous aspects to consider with street profiles.

**Reports:**

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

S Bankhead provided staff updates. Key points and items of interest follow:

- Should be seeing an annexation inquiry coming in sometime in the near future
- Advertising for General Plan Consultant has gone out.
- We are also looking for a city engineer firm. Max will continue to work with us as a private consultant in the meantime.
- City Council instead of prohibiting snowmobiles altogether will consider limiting parking in the canyon.
- On OHV's- there was talk about prohibiting snowmobiles. We are talking about prohibiting parking in certain areas of the canyon.
- The City Celebration is coming up on October 8, 2016 and we are bringing back the parade.

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

**Motion to adjourn Planning Commission meeting of September 14, 2016 – R Cecil, second – J Parker.**

<b>Vote:</b>	<b>Yea:</b>	R Cecil, Wendy Simmons, R James, Andrea Diamond, M Harbin, J Parker
	<b>Nay:</b>	None
	<b>Abstained:</b>	None
	<b>Excused:</b>	None

Meeting adjourned at 7:30 p.m.  
Minutes recorded and prepared by K Merrill.

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Robert James, Chairman

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Kristine Merrill, Office Specialist

DRAFT



# Providence City

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

## PROVIDENCE CITY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Project Type: Code Amendment

Applicant: Providence City

Description: Amending Providence City Code Title 10 Zoning Regulations, Chapter 1 Section 4 Definitions by adding a definition for Accessory Building (small) and Chapter 8 Section Area Regulations by adding Accessory building (small) to the Space Requirement Chart

Hearing Date: September 28, 2016

Hearing Time: 6:00 PM

Hearing Location: Providence City Office Building, 15 South Main, Providence UT

Prior to making a recommendation on this code amendment, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,

Skarlet Bankhead  
City Recorder

Newspaper Publication Date(s): Saturday, September 17, 2016

Posting Date: September 15, 2016

Posting Locations:

1. Providence City Office Building, 15 South Main
2. Providence City website [www.providencacity.com](http://www.providencacity.com)
3. Utah Public Notice Website

10-1-4: **DEFINITIONS:** The following terms used in this Title shall have respective meanings hereinafter set forth:

ACCESSORY BUILDING:	A subordinate building, detached, and used for a purpose customarily incidental to the main structure on a lot, such as a private garage, offices, storage or repair facilities, etc. An accessory building may be constructed simultaneously with, but not prior to the main building.
ACCESSORY BUILDING (SMALL)	A small subordinate building, detached, and used for a purpose customarily incidental to the main structure on a lot, such as: storage. An accessory building (small) may be constructed simultaneously with, but not prior to the main building. An accessory building is considered small if: <ol style="list-style-type: none"> <li>1. Does not require a building permit; and</li> <li>2. It is less than 200 square feet; and</li> <li>3. Does not have plumbing or electrical features.</li> </ol>

10-8-1 **AREA REGULATIONS:** Except as herein provided, no building, structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformance with all of the minimum regulations specified on the space requirement chart show below.

SPACE REQUIREMENT CHART

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB	REC
Min. lot area, square feet	5 ac	1 ac	20,500	12,000	10,000	8,000	6,000	5,000	10,000								
Min. lot width (measured at setback line)	150	120	100	95	80	70	60	50	80								
Min. lot area increase ea. add'l unit, square feet	5 ac	1 ac	No add'l units	No add'l units	2,000	4,000											
Max. unites / ac excluding ROW, infrastructure^	0.2	1	2.13	3.75	4.5	5.5	5.5	8.5	7.25	12	18						
Max. lot area per ea. twin home, square feet^^					6,000	6,000			5,000								
Min. lot width, each unit (measured at setback line)					47.5'	47.5'			40.0'								
Setbacks																	

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB	REC
Principal uses																	
Front yard, ft.	25	^^^	^^^	^^^	^^^	25	20	20	25	25	25	30	35	35			
Side yard, interior	25	20	10	10	10*	10	5###	5###	10**	10**	10**	10	#	#		#	#
Side yard, Street (OM 33-2004)	25	20	20	20	20	20	15	15	20**	20**	20**	20	#	#		#	#
Rear yard	25	^^^	^^^	^^^	^^^	20	20	10	20***	10***	10***	20	#	#		##	##
Detached Accessory Uses																	
Front yard, ft.	25	30	30	30	30	25	25	20	25	25	25	30	35	35			
Side yard, interior	10	5	5	5	5	5	5	5	5	5	10	5	10	10		#	#
Side yard, street	20	20	20	20	20	20	20	20	20	20	25	20	10	10		#	#
Rear yard	10	5	5	5	5	5	5	5	5	5	5	5	10	10		##	##
Detached Accessory Building (Small)																	
Front yard, ft.	25	30	30	30	30	25	25	20									
Side yard, interior	MUST be placed in such a manner that runoff from the roof does not spill onto adjacent property.																
Side yard, street	20	20	20	20	20	20	20	20	35	IBC	IBC	IBC	IBC	IBC	IBC	IBC	IBC
Rear yard	MUST be placed in such a manner that runoff from the roof does not spill onto adjacent property.																
									10	10	10	10	10	10	10	10	10
Distance between residential structures on same lot	20	10		10													
Height									6^	6^	8^	6^	C^	C^	6^	8^	8^
Principal Use, Max. hgt. ft.	35	35	35	35	35	35	35	35	8^	8^	8^	8^	8^	8^	8^	8^	8^
Principal Use, ft. min.	10	10	10	10	10	10	10	10	20**	20**	20**	6^	C^	C^	8^	8^	8^
Accessory Use, ft. max.	35	35	35	35	35	35	35	35	20***	10***	10***	6	8	8		8	8
Accessory Bldg (Small)	15	15	15	15	15	15	15	15									
Fences – non-game (max. height)									10,000								
Front yard, ft.	4	4	4	4	4	4	4	4	80								

	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB	REC
Side yard, interior	8	6	6	6	6	6	6	8									
Side yard, street	6 <sup>^</sup>	7.25	12	18													
Rear yard	8	6	6	6	6	6	6	8	5,000								
									40.0'								
Fences – game																	
Front yard, ft.	Not allowed																
Side yard, interior	8	8	8	8	8	8	8	8									
Side yard, street	8 <sup>^</sup>	25	25	25	30	35	35										
Rear yard	8	8	8	8	8	8	8	8	10 <sup>**</sup>	10 <sup>**</sup>	10 <sup>**</sup>	10	#	#		#	#
									20 <sup>**</sup>	20 <sup>**</sup>	20 <sup>**</sup>	20	#	#		#	#

\*See subsection 10-8-3:B.5 of this Chapter for further regulation and explanation.

\*\*See subsection 10-8-3:B.9 of this Chapter for further regulation and explanation.

\*\*\*See subsection 10-8-3:C.7 of this Chapter for further regulation and explanation.

##See subsection 10-8-3:C.2, C.3, C.4 of this Chapter for further regulation and explanation.

###See subsection 10-8-3:B.10 of this Chapter for further regulation and explanation.

^Infrastructure is defined to include rights-of-way, PUB and REC districts within development.

^^Lots of record for twin homes are limited to 20% of total lots in development.

^^^Principal Uses are allowed a combination front and rear yard setback totaling at least 50 feet, with a minimum front or rear yard setback of 20 feet.

^^^^See subsection 10-9-2



# Providence City

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

## PROVIDENCE CITY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Project Type: Rezone

Applicant: Stan Checketts

Project Location/Description: 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).

Hearing Date: September 28, 2016

Hearing Time: 6:00 PM

Hearing Location: Providence City Office Building, 15 South Main, Providence UT

Prior to making a recommendation on this project, the Planning Commission is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The Planning Commission invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,

  
Skarlet Bankhead  
City Recorder

Newspaper Publication Date(s): Saturday, September 17, 2016

Posting Date: September 15, 2016

Posting Locations:

1. Providence City Office Building, 15 South Main
2. Providence City website [www.providencacity.com](http://www.providencacity.com)
3. Utah Public Notice Website

# 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	<input checked="" type="checkbox"/> Rezone
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Variance	

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

Applicant's Name: <u>STAN CHECKETTS</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 CHECKETTS</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 CHECKETTS 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: [Signature] Date: 7/19/2014

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

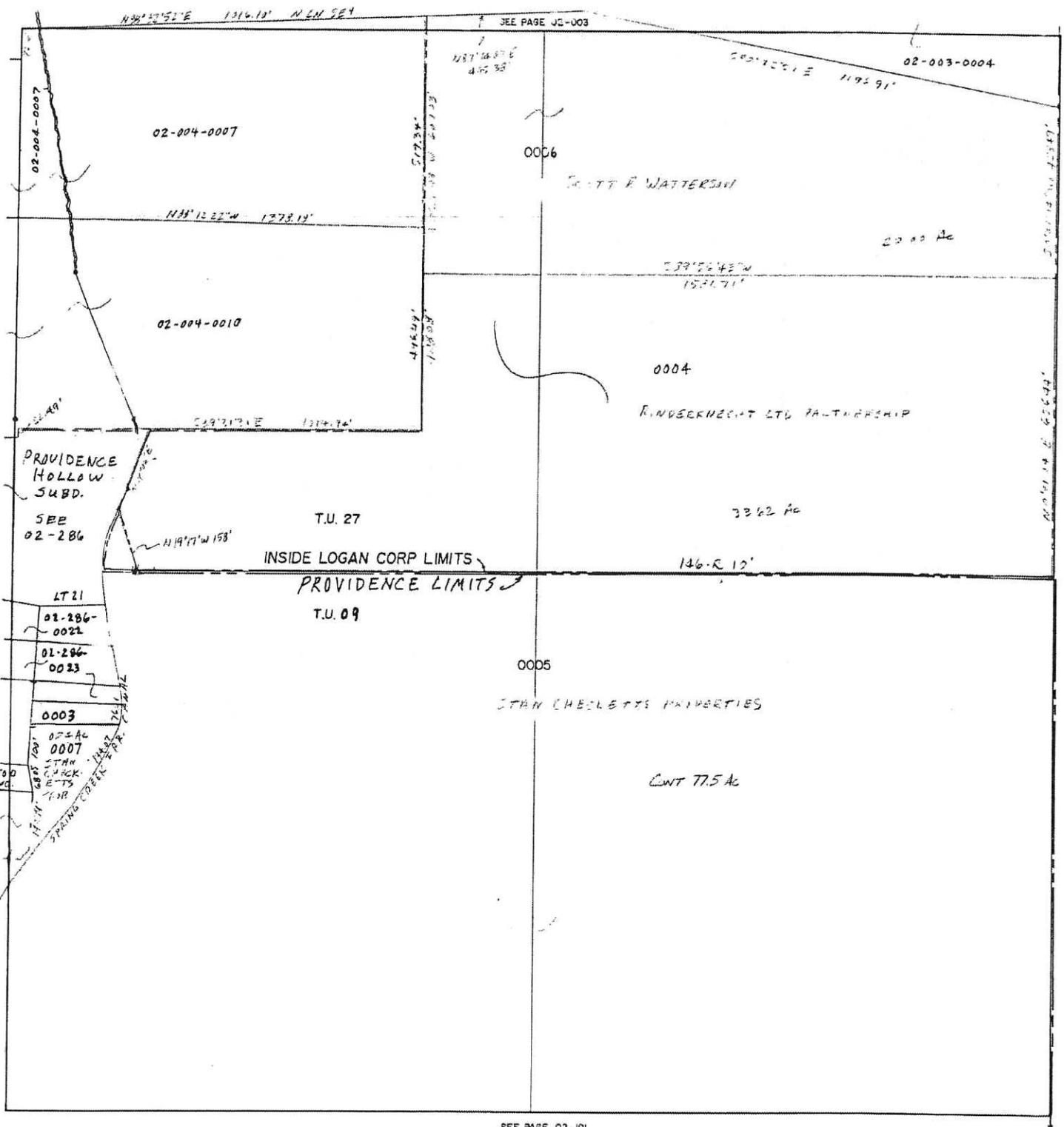
Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:

Section 2 Township 11 North Range 1 East

Scale 1 Inch = 200 Feet

TAX UNIT 28,2



SEE PAGE 02-101



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

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

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

That the Planning Commission recommend the City Council approve the rezone consistent with the City's Master Plan.

**PROVIDENCE CITY**  
**Executive Staff (ES) Review**  
**Planning Commission Meeting Date: 09/28/2016**

**Request:** Approval of a preliminary plat for Providence Heights Subdivision

<b>Item Type:</b> Preliminary Plat	<b>Applicant:</b>	<b>Agent:</b>
<b>Prepared by:</b>	<b>General Plan:</b> SFL	<b>Zone:</b> SFL
<b>Parcel ID #:</b> <b>Address:</b>	<b>Acres:</b> <b>Density per acre:</b> 2.13 <b>Gross:</b> 1.71 <b>Net:</b> 2.14	<b>Number of Properties:</b> 1 <b>Proposed Lots:</b> 30

**Staff Report Summary of Key Issues:**

1. The concept plan application was received on 08/04/2016 and was reviewed on 08/09/2016 and 08/30/2016
2. The preliminary plat application was received on 09/13/2016 and was reviewed on 09/13/2016. Comments were sent to the applicant.
3. A revised preliminary plat, addressing the 09/13/2016 comments, was received on 09/20/2016.

**FINDINGS OF FACT:**

1. ES used Providence City Code (PCC) 11-3-2 Preliminary Plat to review the application and preliminary plat.
2. PCC 10-8-2:A.1.d. states, *a limit of ten percent (10%) of the lots can be less than the minimum lot size and/or reduced frontage width, but no lot can be less than twelve thousand (12,000) square feet in the subdivision and the frontage requirement at the setback line must be a minimum of eighty feet (80')*.
3. ES used the Providence City Corporation Department of Public Works Standards and Specifications Manual to review the application and preliminary plat.

**CONCLUSIONS OF LAW:**

1. This development has two lots (Lot 17 and Lot19) that are less than the minimum lot size of 20,500 sq. ft. Both lots are larger than 12,000 sq. ft.
2. ES feels the preliminary plat meets the requirements of Providence City Code 10-8-2 and 11-3-2 with the following conditions:

**CONDITIONS:**

1. The applicant shall continue to meet all applicable city, state, and federal laws, codes, rules

**RECOMMENDATION:**

The executive staff has reviewed the request; and recommends that the Planning Commission approve the preliminary plat for the Providence Heights Subdivision according to the Findings of Fact, Conditions of Law, and Conclusions listed above.

# 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	Rezone
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	* Preliminary Plat	
<b>Appeal Authority</b>		
Appeal	Variance	

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

Applicant's Name: <u>SIERRA HOMES LLC</u>		
Address: <u>470 N 2450 W TREMONTON UT 84337</u>		
Phone(s): <u>435-257-4963</u>	Fax:	E-Mail: <u>matth@sierrahomes.com</u>

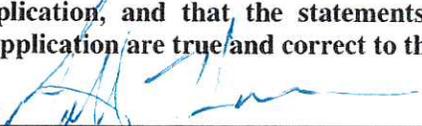
Party Responsible for Payment: <u>SAME AS ABOVE</u>		
Billing Address:		
Phone(s):	Fax:	E-Mail:

Property Owner's Name (how it appears on a legal document): <u>DORAN J &amp; KATHY BAKER</u>		
Address: <u>P.O. Box 219 PROVIDENCE, UT 84382</u>		
Phone(s):	Fax:	E-Mail:

Architect/Engineer/Surveyor's Name: <u>ALLIANCE EMB.</u>		
Address: <u>150 E 200 N LOGAN UT 84321</u>		
Phone(s): <u>435-755-5121</u>	Fax:	E-Mail: <u>alliancedlogan@yandex.com</u>

Cache County Property Number(s): <u>02-115-0014</u>		
Total Acreage: <u>18.72</u>	Project Name: <u>PROVIDENCE HEIGHTS</u>	
City Address of Project (if applicable): <u>APPROX 400 E 1000 S</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: 9-8-16

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

Application Fee:
General Plan:
Zone:

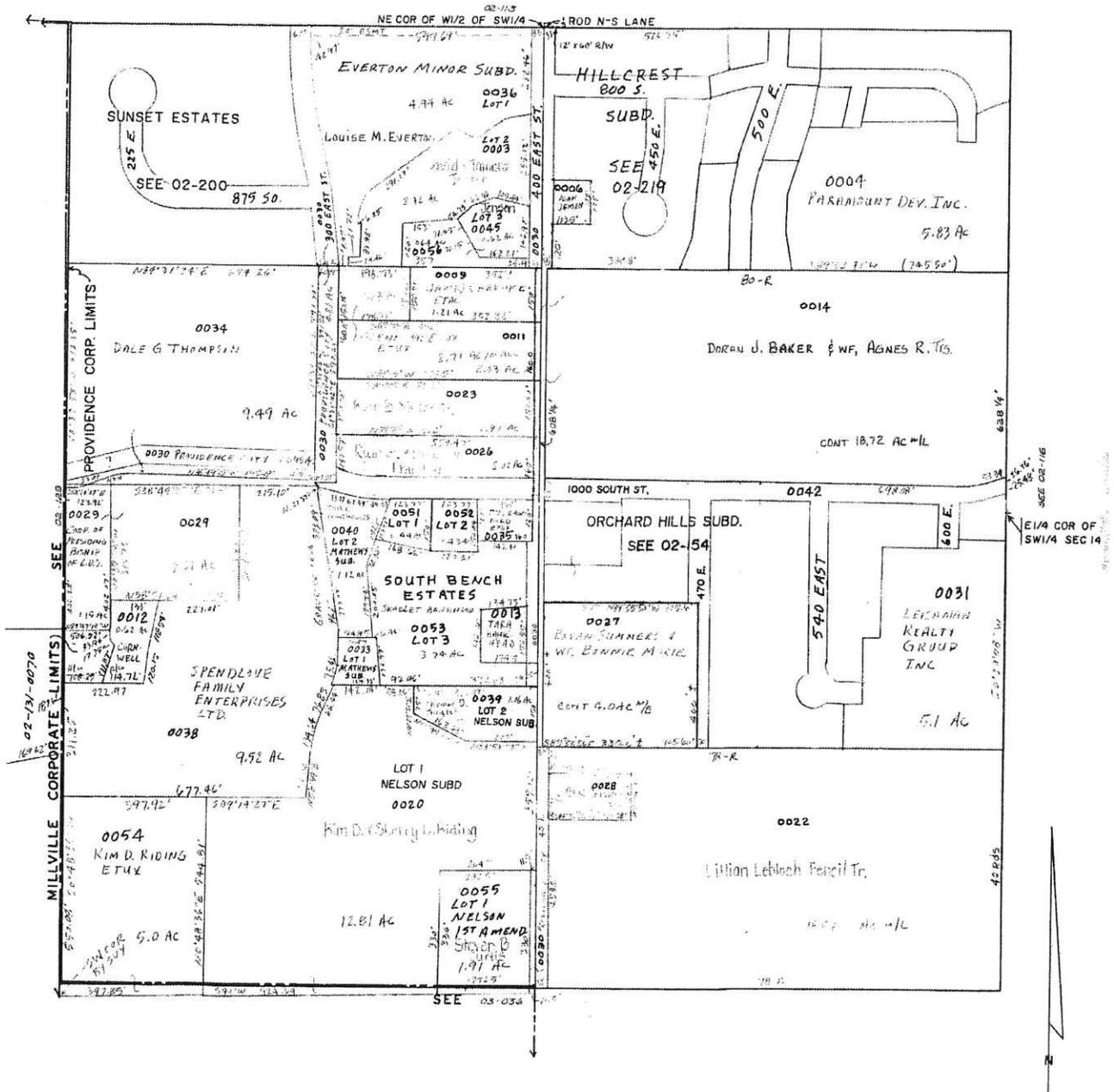
Receipt Number:
Received By:
Date Stamp:

SW<sup>4</sup>Section 14 Township 11 North Range 1 East

02  
115

Scale 1 Inch = 200 FEET

TAX UNIT 09



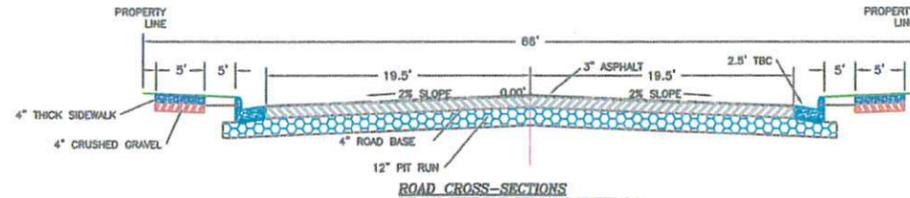
VICINITY MAP



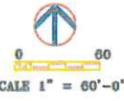
PROVIDENCE HEIGHTS SUBDIVISION  
 PROVIDENCE, UTAH  
 PRELIMINARY PLAT  
 PART OF THE SOUTHWEST QUARTER OF SECTION 14,  
 TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE  
 BASELINE AND MERIDIAN  
 CACHE COUNTY, PROVIDENCE, UTAH

NOTES:

- Setback requirements vary and must be verified with the current City ordinances.
- Lot easements unless otherwise noted are as follows:  
 Front yard = 10 feet  
 Side yard:  
 All lots = 5 feet for interior lots  
 Corner lot = 10 feet side on street  
 Rear yard = 10 feet
- 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, curb and gutters, fire hydrants, pavement, sidewalks, signage, street lighting and other improvements shall be paid for by the subdivider.
- The datum for this project is the Providence City GPS monument located in Zollinger Park with an Elevation of 4537.58.
- A two day notice is required before any staking will be performed.
- The cost of any restaking will be the responsibility of the contractor.
- Contour interval = 2'
- There will be a mandatory pre-construction meeting.
- For pipe installation details see Providence City Standard Drawings T-A, T-F, T-G and T-S.
- For thrust block details see Providence City Standard Drawing W-3.
- For curb & gutter details see Providence City Standard Drawing C-3.
- The contractor shall keep construction zone free from mud, dirt and debris.
- Sewer lines (main and services) must be cased when they cross above water lines.
- The existing drainage flows east to west and follows the existing contours.
- Storm water will be retained on site in one pond as shown on the plat.
- For sewer manhole details see Providence City Standard Drawing S-1A.
- Cut curb for utilities, replace as per City specifications.
- All lots have an adequate building envelope with regard to hazardous slope, building, water, zoning setbacks, etc.
- The project will be completed in two phases.
- All open space will be dedicated to Providence City.
- The developer shall meet Providence City Code Title 8 Chapter 1, Section 21.  
 Indoor use: 30 Residences x 0.45 ac-ft = 13.5 ac-ft  
 Outdoor use: 14.93 acres x 60% x 4 +/- acres open (2 shores) = 37.83 ac-ft



NORTH



LEGEND

- 1/4 SECTION CORNER
- BOUNDARY LINE
- STREET CENTERLINE
- EASEMENT (PUE-PUBLIC UTILITY EASEMENT)
- EXISTING 8" PVC SEWER
- PROPOSED 8" PVC SEWER
- EXISTING 8" DI WATER
- PROPOSED 8" DI WATER
- EXISTING M&R CONTOUR (10')
- EXISTING M&R CONTOUR (2')
- PROPOSED LIGHT
- EXISTING ASPHALT
- PROPOSED ASPHALT

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, as prescribed by the laws of the State of Utah, and do hereby certify that by authority of the owners, I have made a survey of the tract of land shown on this plat, which is accurately described therein, and have subdivided said tract of land into lots and streets to be hereafter known as PROVIDENCE HEIGHTS SUBDIVISION, and that the same has been surveyed and staked on the ground as shown on this plat.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.



BOUNDARY DESCRIPTION

Part of the Southwest Quarter of Section 14, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:

Commencing at the Southwest Corner of Section 14, Township 14 North, Range 1 East of the Salt Lake Base and Meridian monumented with a Brass Cap; thence N 89°36'45" E 2462.72 feet along the south line of the Southwest Quarter of said Section 14 to the South Quarter Corner of said Section 14 monumented with an Aluminum Cap; thence N 00°24'11" W 1356.67 feet to the Northeast Corner Lot 29, Orchard Hills Subdivision Phase 2; thence N 04°46'02" E 25.42 feet to the POINT OF BEGINNING and running

thence S 89°45'23" W 1,315.89 feet;  
 thence N 01°06'34" W 608.29 feet (North 608.25 feet, By Record);  
 thence N 86°53'26" E 1,320.00 feet along the south line of Hillcrest Subdivision, Phase 1, 3 and 5 and their projection thereof to the Southeast Corner of Hillcrest Subdivision Phase 5;  
 thence S 01°13'00" E 576.34 feet along the west line of Unit No. 1 of Grand View Hills Subdivision;  
 thence S 04°46'02" W 52.11 feet to the point of beginning, containing 18.74 acres, more or less.

OWNERS:  
 SIERRA HOMES  
 470 North 2450 West  
 Tremonton, Utah 84337

DEVELOPER:  
 SIERRA HOMES  
 470 North 2450 West  
 Tremonton, Utah 84337

PROVIDENCE HEIGHTS  
 SUBDIVISION  
 PROVIDENCE, UTAH  
 LOCATED IN SEC 15,  
 T11N, R1E, SLB&M  
 PRELIMINARY PLAT

**ACE** ALLIANCE CONSULTING  
 ENGINEERS  
 150 EAST 200 NORTH SUITE P  
 LOGAN, UTAH 84321  
 (435) 755-5121

DATE: 7-2016  
 DRAWN BY:  
 REVIEW BY: BGL  
 JOB NO.

