

PROVIDENCE CITY COUNCIL MEETING MINUTES

Wednesday October 18th, 2023, 6:00 PM

Providence City Office Building, 164 North Gateway Drive, Providence UT

To view the monthly financial statements of the city please click [HERE](#).

To view the video recording of the meeting please visit the City's YouTube Channel found [HERE](#).

HR. MIN. SEC. in green are timestamps of the YouTube recording.

Opening Ceremony:

Call to Order: Mayor Alder

Roll Call of City Council Members: Mayor Alder, Council Members Paulsen, Kirk, Sealy, Speth (Via Zoom) & Nebeker.

Staff in Attendance: Ryan Snow (City Manager), Rob Stapley (Public Works Director), Skarlet Bankhead (Community Development Director), Ty Cameron (City Recorder).

Pledge of Allegiance: Council Member Nebeker

Opening Remarks/Prayer: Council Member Kirk

5 MIN 40 SEC.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken.

- Mayor Alder called for council reports.

Council Member Nebeker:

- Has walked around the city recently and has seen the roads and sidewalks that have been worked on and noted that there were some that looked like they could still use some work and would talk to Ryan about future plans for them.
- Has been responding to citizens emails and concerns regarding projects around the city.
- There was no official mosquito abatement meeting this month.

Council Member Sealy:

- Is legislative policy committee representative for the council and has been attending numerous meetings to discuss the state legislature's priorities and upcoming bills. Reported that housing and water are high on their list of issues to address. Trying to communicate to legislators that there are over 165,000 housing units in the State in development, and that the cities want the State to slow down on housing legislation so the cities can catch up on implementing policies.
- The Planning Commission has been making efforts to address various amendments as required by the State and noted that the city has a diverse group of members on the Planning Commission and that has helped bring in a lot of ideas and expertise.
- The School Board is considering a \$139 million bond on the ballot this election, which would change Spring Creek Middle School into an Elementary School and build 2 new Middle Schools in the valley.

This would mean that there will be two elementary schools in Providence City, which will benefit the community and surrounding cities.

- Attended a Library Board meeting where they discussed the upcoming bills and school bond.

Council Member Kirk:

- Expressed concerns about the State's spending on high density housing and the potential overreach of government at the state level and city levels.
- Informed that the Youth Council have been involved in various events, such as Sauerkraut Days, Apple Days Parade, Ridgeline Homecoming Parade, and Providence Elementary Bingo Night etc. They also attended the Top of Utah Half Marathon
- Highlighted the ULCT conference where they discussed high density housing and other housing issues. Has made an appointment with Chris Wilson, State Representative, and will be urging him to understand that what is happening on the Wasatch Front regarding housing doesn't necessarily fit or translate to the needs of Cache Valley.
- Commented on the state initiative for zero-scaping, stating that citizens are not being held back from it, but that the city is not necessarily requiring developers, new developments, or their citizens to have zero-scaping; nor does the city want to mandate and monitor it.
- Has loved being on the council and seeing all the different perspective residents have regarding the city's growth and new projects and commended them for showing up and expressing their opinions.

Council Member Speth:

- Reported on the success of emergency preparedness fairs throughout the State, including here in the valley, and announced that one was coming up in couple of weeks which will be held at the Providence Stake Center that's just east of Macy's.
- The city is looking at alternative power sources such as generators for if or when there's a power outage, especially for pumping water.
- Reported that the Historic Preservation Commission is moving forward with placing new markers and is looking into hiring a backhoe to help dig the holes and lay the concrete and wonder if the city could help with that. Also mentioned that he has a CD from a resident full of historic photos of the city and would be giving it to the Commission to see if they could use it on their website.

Council Member Paulsen:

- Nothing to report, thanked everyone for coming tonight.

Mayor Alder:

- Also attended the ULCT conference and expressed the concern and need for accountability for both the City and State. Commented on the housing market and being unable to control the price of houses and developments.
- Encouraged citizens to stay active and watch and be involved with the legislature, as constituents make a significant difference when they call and work with legislators.

- Mentioned the local Chamber of Commerce, which offers opportunities for small business owners to learn and grow and encouraged business owners to take advantage of those opportunities.
- Closed the council report portion of the meeting.

Approval of the minutes:

21 MIN. 40 SEC.

- **Item No. 1 Approval of the Minutes:** The Providence City Council will consider for approval the minutes of September 20th, 2023 . **(MINUTES)**

- Mayor Alder called for the approval of the minutes of September 20th, 2023.
- No corrections were made or brought forward.
- Council Member Kirk noted she would abstain from voting as she was not present at the last meeting.

Motion to approve the minutes of September 20th, 2023 – Council Member Paulsen. 2nd- Council Member Sealy.

Vote:

Yea- Council Members Paulsen, Sealy, Speth & Nebeker.

Nay_

Abstained- Council Member Kirk

Absent-

Motion passes, minutes approved.

Public Comments: Citizens may express their views to the City Council on issues within the City's jurisdiction. The City Council accepts comments: by email providencecityutah@gmail.com, and by text 435-752-9441.

- Mayor Alder opened the floor to public comments.
- Jim Roberts, resident, commented that he has concerns with the intersection of Center Street and Abby Lane and noted that there is a lot of speeding in that area. Reported that he had lost 4 mailboxes in 4 years due to cars going too fast and getting out of control. Suggested that the city put in a 4 way stop, speed bumps, water ways, elevated pedestrian walkway or something to make that intersection safer.
- The parties discussed the area and thanked Mr. Roberts for his comment.
- No further comments were made. Mayor Alder closed the public comment portion of the meeting.

Presentations/Public Hearings:

30 MIN. 05 SEC.

- **Item No. 2 Providence City Code 6-2-6 & 6-2-8 Amendments:** The Providence City Council will take comments and questions regarding a proposed ordinance to amend PCC 6-2-6 & 6-2-8. The proposed amendments are seeking to change night and winter parking dates, times, and restrictions.

- 133 • Mayor Alder called item 2, gave a brief introduction and asked Ryan Snow to give an overview
134 of the ordinance before opening the floor for public comment.
- 135 • Ryan Snow reviewed with the Council the ordinance and the requested amendments which
136 proposed a change in the start date, increased plowing hours, damage liability, snow removal by
137 residents, increased fines and year-round overnight parking of RVs, trailers etc.
- 138 • Council and staff discussed the comments that had come in via email. The Council requested that
139 the comments be read on the record.
- 140 • Ty Cameron, City Recorder, read the emailed comments on the record. *Comments are attached
141 to the minutes down below.
- 142 • Mayor Alder opened the floor of public comment.
- 143 • Joe A, resident, acknowledged the challenges faced by the city and its residents. Described his
144 love for the area and the opportunities it offers. Discussed the need for collaboration with the city
145 in dealing with snow, as it affects everyone, including the city and the people who plow the
146 roads. Commented on the importance of good intent in ordinances, as he finds that good
147 intentions are often lost in the details. He mentioned that snow piles on their lot that can get over
148 10 feet tall and 15 feet wide, and how it has become a nuisance to the post office. Suggested that
149 the details of the issue should be considered and to consider the good intentions of the citizens.
- 150 • Kirsten Winterton, resident, has been resident of Providence for over 10 years. Expressed
151 concerns about the proposed change in the snowfall or parking start date from December to
152 November. Has concerns about the new times as she believes that most normal jobs require
153 snowplows before 10 a.m., which she finds problematic if the new time is approved.
154 Additionally, has issues with the current ordinances being enforced too restrictively. Reported
155 that she had a problem with a neighbor parking their RV in front of her house, and that it took a
156 month to resolve. Believes that changing the ordinances to make them more restrictive is
157 unlikely to be enforced or followed.
- 158 • Lindsey Jenkins, resident, discussed concerns about the winter parking changes, particularly the
159 potential delay in plowing until 10 am if this ordinance is approved. Believes this could be
160 problematic for efficiency and safety, especially for transporting people to and from work and
161 school. She believes roads should be plowed earlier, as city workers already struggle to maintain
162 a consistent time for plowing. Advocated for convenience and freedom within the city, allowing
163 visitors to park at 9 am without worrying about space or tickets. Also mentioned the need for
164 service calls to park on the street before 9 am.
- 165 • Deno Blau, resident, commented on plowing snow and pushing snow back into the driveways
166 and the issues that causes. Commented on the RV parking issue and believes some of the
167 problems are due to planning and zoning and not allowing enough parking. Conveyed that in the
168 summer RVs should be allowed to be parked in the street but does agree that during winter they
169 should be parked elsewhere. Suggested that people should be more responsible in clearing areas
170 in front of their homes to prevent snowplows from clogging up their driveways. Asked about
171 parking officer and who patrols the area and if the patrolling is equal. Staff responded that we do
172 have a code compliance staff member and that we contract with the County Sheriffs for policing
173 needs.
- 174 • Vern Budge, resident, commented on the big new bike sign outside is house and the painted bike
175 lanes on the road. Expressed that he does not like the sign right outside his house and asked that
176 it be removed. Commented on the bike lanes in the area and the lack of bike riders.

- 177 • Emily Hansen, resident, discussed the parking ordinance and how it will affect her
178 neighborhood, especially cars driven by teenagers and college kids who often park on the streets
179 and leave late at night. Relayed that she worries about the winter parking issue and her kids and
180 there friends being worried about getting a ticket for parking on the street with nowhere else to
181 park. Commented on the bike lane signs and new bike lanes on the road and some of the issues
182 they bring as well as the speeding on Abbey Ln that was mentioned earlier.
- 183 • Blair Thompson, resident, commented that he and his family have been parking on Main Street
184 for almost 40 years, parking eight feet off the asphalt. They have been compliant with parking
185 requirements and have only received one citation for parking. Indicated that this ordinance, if
186 approved, would cause lots of problems for his area. Expressed concern regarding the wording of
187 how the ordinance reads for not allowing certain parking on the streets. Commented on snow
188 plowing and shared appreciation for the staff the keep the roads clear. Explained that he does his
189 best to keep his driveway and in front of his road cleared so that it doesn't cause problems for the
190 trucks.
- 191 • Jay Hackey, resident, expressed concern about overnight parking on the road, and stated that
192 parking on the road helps slow cars down but that it does create obstacles for those trying to exit
193 their driveways at night. He agrees that regulating parking is necessary to help with the
194 snowplows. He believes that restricting parking so much will be a great inconvenience for
195 everyone.
- 196 • Quinton Eversall, resident, indicated that he is a multifamily homeowner with three children.
197 Discussed the necessity of parking on the street for various activities throughout the year. He
198 mentioned cleaning his garage and preparing for camping trips, which requires a larger space for
199 their trailer and the need to park it on the street for a bit. Suggested setting a timeframe of how
200 long something can be parked on the street. Expressed concern with limiting street parking.
- 201 • David Kunz, resident, raised concerns about the lack of overnight parking in his neighborhood
202 and the need for it. He noticed that his neighbors family would use the street for their RV for
203 camping or visiting the family and would park it on the street as there was nowhere else to go.
204 Commented that this is not a bother and suggested extending the 24-hour parking period to 48
205 hours to accommodate people staying over for a couple of days to visit family. Mentioned his
206 own father's tendency to park across the street, where there isn't a driveway when he comes to
207 visit and the need for some on-street parking.
- 208 • Zack Jensen, resident, commented on the issue restricting street parking would cause if it was
209 enforced year-round. Commented on the bike lanes and hope they will be used.
- 210 • Dave Smith, resident, discussed the issue of winter night parking for teenagers and is more
211 concerned about having their kids out at night if they can't park on the streets, he prefers to have
212 them stay at home and hang with their friends than be out and about. Commented on RV's
213 parking in the street and how some park on the street to visit family or grandkids for a week or so
214 and the need to park on the street than having to go somewhere else.
- 215 • Micala Jensen, resident, expressed her concerns about the timing of the November 1st parking
216 ban. She believes that the ban is too early and would prefer it to be later. Believes RV parking on
217 the street is necessary at certain times of the year as most people get their RV ready the day or
218 night before and leave it on the street so in the morning they can get up and go. Commented on
219 trailers in the street and the needs for those who work daily and use the trailers daily for work
220 and that's its just easier to leave from the street in the mornings.

- No further comments were made. Mayor Alder closed the public hearing.

Resolutions/Ordinances:

1 HR. 17 MIN. 05 SEC.

- **Item No. 3 Ordinance 05-2023 – Providence City Code 6-2-6 & 6-2-8 Amendments:** The Providence City Council will review, discuss, and may take action on a proposed ordinance that seeks to amend PCC 6-2-6 & 6-2-8. [\(ORDIN. 05-2023\)](#)

- Mayor Alder called item 3 and opened it up for council discussion.
- Ryan Snow commented that the 48-hour restriction on street parking that was mentioned and discussed in the public hearing was a State law.
- Council Member Sealy motioned to adopt ordinance 05-2023 code amendments to PCC 6-2-6 & 6-2-8. Seconded by Council Member Kirk.
- The council discussed the November 1st date and the 11 pm to 10 am timeslot. The council indicated that 10 am seemed to late and November 1st seemed to early. Councilman Paulsen commented that he liked the first measurable snowfall wording. Councilwomen Kirk clarified that changing the timeslot would not delay when the snowplows would start plowing the roads, just give them more time to completely clear the roads before cars could park on the streets.
- Parties discussed the snowplow crews schedule and start times. Parties highlighted the importance of maintaining a consistent schedule for snow removal and maintaining a safe driving environment for all. The council reported that the snowplow crew could perform better if there were fewer cars on the street. They also discussed the importance of not parking on the street until the start time, whatever that time may be.
- Skarlet Bankhead commented on behalf of the staff, that frustrations of snowplow drivers and community members are due to improper street parking during snowplowing times. The issue is exacerbated by people intentionally parking their cars in front of their driveways preventing the plows from coming in and plowing in front of their house. Noted that the city also receives complaints from community members about neighbors improperly parking on their streets.
- Councilman Speth commented that moving the time from 10 am to 9 am was more reasonable.
- Parties conveyed the importance of finding a compromise so that staff could do their job and that the residents would be happy and safe with the cities plowed roads.
- The council talked about changing the time slot from 11 pm to 10 am to midnight to 9 am or from 1 am to 9 am.
- Rob Stapley mentioned concerns about parking on the streets in the early mornings. Reported that the plows are limited due to the number of streets and the limited number of drivers. Suggested increasing the window to allow more time for proper snow removal and that any extension of the time would help.
- Rob Stapley discussed with the Council the staff snowplowing routine and hours as well as some of the issues they see.
- Council members commented on ice piles that are hard on the snowplows and how a lot of them could be avoided if residents removed their snow properly. They stated that residents need to be reminded that putting snow back into the road causes problems and tracking snow into the streets with their side by sides or four wheelers with plows causes problems as well.

- Rob Stapley commented on the importance of snowplows in minimizing drift into driveways and that their goal is to disperse snow equally. Staff does not intentionally bury driveways, but they need to widen roads to prepare for the next storm. Rob instructed the Council on snowplow driving techniques and what staff is trying to accomplish when they plow snow next to driveways.
- The Council commented on general snow fall in the valley and enforcing code or ordinances. The council discussed the start date of November 1st and that it seemed to early.
- Council addressed the liability wording of the section and that it made sense and seemed reasonable. Staff commented that the liability would be on the resident.
- Parties conveyed issues with enforcement and selective enforcement. cited areas of the city where they see the most problems. Enforcement is not always necessary, as many people will respect the rules and understand the concerns. The police also know these areas and work with them to remind neighborhoods of the rules. The Council acknowledged that enforcing all ordinances may not be possible in one day, but it is expected to resolve over time.
- Staff indicated that code enforcement often gives notice and education to educate people about the rules, such as putting out pamphlets or stickers on vehicles and encouraging residents to comply. Parties agree that enforcement is a challenging task, but believe that with time and effort, compliance will improve.
- Council and staff discussed the benefits of having an actual start date that helps remind people of when codes or ordinances take effect. Staff commented on the variables in the city that dictate where plows start, when to salt the roads etc. The way snowplows are used varies based on the snow, the area, and the neighborhood.
- The Council talked about the issue of abandoned vehicles and their removal. Vehicles that have been plowed around are considered abandoned or violated and can be removed. The State Code suggests that the time when a vehicle can be removed is 48 hours. Parties also talked about the issue of parking eight feet off the pavement.
- Staff commented on the difficulty of knocking on doors and trying to find the owner of the vehicle who had parked on the street and needed to move in order to repair the road. This is especially so with roads outside apartment or condo developments.
- Parties addressed the bike lane and on-street parking and if the city nuisance order should be reviewed to include some of these parking restrictions. Ryan Snow commented that the bike lanes have been a learning experience, and the city is working on resolving some of the issues that have been brought up.
- Parties conveyed the issues they and residents have with RVs & trailers parking on the streets, blocking the view and causing issues with drivers. Ryan Snow commented that one of the reasons that staff are proposing this parking restriction is because next year the city will be taking on garbage removal which will be 4 days a week. The city is also hoping to have a street sweeper to help keep the streets clean.
- The council commented on noticing individuals before enforcement and understands that there is an issue in the city with RV and trailer parking on the streets. The council reviewed the wording of the overnight parking section and indicated that it may seem to restrictive. The council discussed continuing the amendment of the overnight parking section as there seems to be a lot more to review and discuss.
- The council talked about the process of bringing the year round parking amendment back before the Council and if there would be a need for another public hearing.

Motion to amend previous motion of approving Ordinance 05-2023 Providence City Code 6-2-8 Winter Regulations with the following changes: The start of November 1st will be changed to November 15th, times will be changed from 11:00 pm and 10:00 am to 1:00 am and 9:00 am. The wording of ‘more than 48-hours’ will be added to section 4 (PCC 6-2-8(A)(4). Section 6-2-6 Certain Purposes Prohibited (night parking) will be revisited at a later date. Fee increase from \$25 to \$50 is also approved – Council Member Sealy. 2nd – Council Member Kirk.

Vote:

Yea- Council Members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes. Ordinance 05-2023 is approved with the recommended changes. PCC 6-2-6 will be addressed or discussed at a later date.

2 HR. 24 MIN. 55 SEC.

- **Item No. 4 Resolution 09-2023 Noise Variance Special Permit – Well Drilling:** The Providence City Council will review, discuss, and may take action on a resolution granting a noise variance special permit to Hydro Resources for the drilling of a test well for a future planned water production well.

(RES. 09-2023) & (APPLICATION)

- Mayor Alder called item 4, gave a brief introduction and the purpose of this item and resolution.
- Ryan Snow reported that Steven Wood the engineer for this project was here to present. Mayor Alder asked Mr. Wood if he would come to the podium and present their request.
- Stephen Wood from Sunrise Engineering discussed their work on drilling production wells and test wells per the city’s water master plan. They have encountered water bearing formation at the dew tank site but due to the amount of water found the water destabilized the formation due to the lack of stabilizing fluid. To address this issue, they propose using mud drilling, which involves filling the hole with a higher density fluid to hold the material back and prevent further cave ins. In order to do this they would need to drill 24/7.
- Mr. Wood continued that the company is seeking a 24-hour drilling route to complete a 10 inch diameter hole in about a week and a half instead of a month. The production well is expected to be drilled in the spring. The test well and the noise involved will be isolated, with compressors on site, compressed air, and a pump running to inject fluid. The noise will be localized to the drill site, with a night crew operating on the hillside until eight in the morning and a day crew operating on the hillside until eight at night. He reiterated that the sound will be localized to the drill site and noted that there is a thousand feet of separation between the dew tank and the nearest home. Their plan is to deliver flyers to any home within a quarter mile of the hole. The company is excited about the potential water and is planning to explore the area further to determine the actual water availability.
- The parties discussed the cities current wells and water production.
- Staff and Mr. Wood noted that a grant opportunity has been submitted to the Bureau of Reclamation, which will help recoup some of the drilling cost and pay for the design of well houses

and production. The team has received support from Congressman Moore's office on the federal level and from representatives and a senator on the state level. The team will find out if they receive the grant in July, but it is retroactive, meaning the money spent now can be reimbursed if awarded in July. The team has asked for a grant of \$450,000, which is a significant amount for the project. The team is working with Congressman Moore's office on the federal level and with representatives and senators on the state level to secure the grant.

- The council asked if a specific date or time needed to be included in the request or resolution. Staff responded that it would go into effect the day they start drilling.
- The parties talked about notifying the residents. Mayor Alder asked that something be posted on the city's website and social media when the time comes.
- The council thanked Mr. Wood and staff for all that has gone into this project.

Motion to approve Resolution 09-2023 Noise Variance Special Permit for Hydro Resources for drilling of a well in the area of the Dew Tank. – Council Member Kirk. 2nd – Council Member Paulsen.

Vote:

Yea- Council Members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes. Resolution 09-2023 is approved.

Plans and Other Business:

2 HR. 39 MIN 40 SEC.

- **Item No. 5 Property Purchase Contract:** The Providence City Council will review, discuss, and may take action on the possibility of purchasing property located at 480 S 100 E Providence City. Parcel 02-123-0016. [\(PURCHASE CONTRACT\)](#)

- Mayor Alder called item 5 and indicated that item 6 would also be included in the presentation and discussion.
- Ryan and the council reviewed the property purchase contracts for 480 South 100 East Providence City parcel 002-123-0016 and the next two parcels 03-086-0005 and 03-086-0006. Mr. Snow commented that the first parcel is the south piece, which is sloped but has a right of way for a trail. The council has been working with the Bakers who own the far north lot, which is not being discussed tonight to connect the trail to 100 East, but they have not been able to reach an agreement. The city has a safe route to school grant to fund a sidewalk on the west side of 1st East from Center Street to 4th South.
- Ralph Daniels, resident, commented on the needed trail for the area but questioned if this is what the city should be spending taxpayer money on, especially if they are not going to use all of the land.
- The council talked about the school children in that area and how they get to school. They have not been able to get from Edge Hill onto 1st and 100 East other than on Canyon Road, which is

narrow and steep. The city has visited with the current landowners of these parcels, and they have been willing to sign the contract to sell.

- The city states that the goal is to purchase the northern two pieces to connect the trail, but there are other road issues, such as storm drain and safety concerns. The three pieces have a trail plan that could provide more options. The council may consider these potential pieces if desired.
- The Council talked about the grant and how and when it would be used. Parties discussed the buildability of the trail and the steepness of the land. The council commented on what else the land could be used for, such as a possible dog park.
- The Council and staff commented on the need for pedestrian safety for that area as the road is narrow and cars drive fast down that road.
- Parties addressed the tax assessed value and whether they need the south piece of property.
- Chris Neilson, representative of the landowners, commented on the value and his clients willingness to sale. Conveyed the history of the lot and issues with value and buildability.
- The council talked about the need to possibly go into a closed session to discuss what's best for the city and what the city would be willing to do with negotiating the price.
- Mayor called for staff reports before going into closed session.

Motion to go into closed session after staff reports. – Council Member Sealy. 2nd – Council Member Kirk.

Vote:

Yea- Council Members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes. The council went into closed session.

Executive Session Notice: The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c). The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a). The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

- **Item No. 6 Property Purchase Contract:** The Providence City Council will review, discuss, and may take action on the possibility of purchasing property located at 420 S 100 E Providence City. Parcels 03-086-0005 & 03-086-0006. **(PURCHASE CONTRACT)**

- *Item 6 was discussed concurrent with item 5 as all 3 properties where in the same area and represented by the same realtor.

3 HR. 15 MIN. 30 SEC.

Staff Reports: Items presented by Providence City Staff (including but not limited to: City Recorder, Public Works Director, Community Development Director, and City Manager) will be presented as information only.

Ty Cameron (City Recorder):

- Reminded everyone of the coming election and that there will be a Meet the Candidates Night on October 23rd @ 7:00 pm at the Spring Creek Elementary School.

Rob Stapley (Public Works Director):

- Reported that the 4th East road project is nearly complete. Indicated that a few other road projects were nearing the end and should be completed soon.
- Council thanked Rob for his hard work and quick response with the water pipe burst that happened on Sherwood Dr. Mr. Stapley discussed the situation and what lead to the pipe bursting.
- Reported what current projects have yet to be completed and what they plan on working on in the future.

Skarlet Bankhead (Community Development Director):

- Reported that On Saturday, the annual car show was held, which was a great success, especially with the eclipse. They had 106 cars registered and a great atmosphere. The city attorney, Tracy Cowdell, and his band, the Denovos, were the main attraction, and the vendors did a great job.
- The tree lighting is coming up in December, and the holiday lighting contest is also in the works.
- The city is working on several ordinances, including a land use subdivision ordinance, and accessory dwelling ordinances. The subdivision ordinance is being reviewed by the Planning Commission, and the ordinance is expected to be in place by February 2024.
- The Planning Commission is working on a moderate-income housing plan, which includes dwelling units, accessory buildings, and internal accessory dwelling units. They have discussed a reward for people who file a document proving they are running an internal accessory dwelling unit, which will compensate them for their efforts. This will allow people to still have a nice neighborhood while utilizing their property more effectively.
- Talked about the States requirement in reporting the city's efforts to provide affordable housing. Discussed short term rentals, and peoples hesitancy to report ADUs etc.
- The city is working on an outdoor youth grant that may provide skateboarding classes to our young residents.

Ryan Snow (City Manager):

- Commented on the city's implementation of various plans which have culminated this year, with improvements in safety measures, pavement, sidewalks, and trail through Zollinger Park. The trail through Zollinger Park is projected to be paved on Friday. The project or trail from the school through Zollinger Park to Macy's will be completed by the end of October, allowing for a one-mile track through and around Zollinger Park. People are already starting to walk on the sidewalk and trail.
- The pickleball courts have been poured in and fence posts have been put in, and 100 South is expected to be finished soon. Fiber is expected to be completed as well as the contract is up in spring. Many drops and installations are continuing in different zones. The network is now over 850, and flyers and letters are being sent out to those who are not involved and have not connected yet to let them know its available.

- The city applied for the COG grant but was unsuccessful. The city is looking for different projects and grants to fund projects and receive outside funding. The city appreciates the ordinance and the support of the community but acknowledges that it is not always easy to bring problems to the attention of the public and council. The city is grateful for the support and understanding of the community.

Motion to exit closed session. – Council Member Kirk. 2nd - Council Member Paulsen.

Vote:

Yea- Council Members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes. Council exited closed session.

The Council motioned staff to pursue and negotiate the parcel purchases on 100 E (Items 5 & 6 of the agenda) per their recommendations and a with set of purchase parameters.

Motion to adjourn meeting – Council Member Paulsen. 2nd - Council Member Sealy.

Vote:

Yea- Council Members Paulsen, Kirk, Sealy, Speth & Nebeker.

Ney-

Abstained-

Absent-

Motion passes. Meeting Adjourned.

Next meeting scheduled for November 15th, 2023.

Minutes approved by vote of council on _____ day of _____

Kathleen W Alder, Mayor

Ty Cameron, City Recorder.

Emailed Comments.

Providence City Council,

I was just made aware that tonight at City Council there are amendments proposed to the parking ordinances in Providence City.

I agree that cars need to be off the road while plows are going, however, if it is not snowing, I see no reason why cars cannot be parked on the street during the night, especially during the summer. As for winter parking, 11:00 is far too early to restrict parking. Midnight is plenty early. Just because the city says that street parking needs to end at 11:00 doesn't mean that everyone will be at their own home at 11:00 pm parked in their driveway. I would prefer teenagers at my house till midnight rather than loitering somewhere or driving around causing trouble because they can't be parked on the street after 11:00 p.m.

I do agree that trailers parking excessively on streets can be a problem. However, one night before someone is leaving on vacation or night after coming home from a vacation is in no way a significant problem or disruption and should absolutely be allowed. Could there be an ordinance to prohibit excessiveness? Such as greater than 3 consecutive nights? There also needs to be exceptions for construction trailers to be parked at a residence while work is being performed - even if it is overnight.

As for all the bike lanes and signs, is this really necessary? I thoroughly enjoy riding my bike but don't need a sign to let me know that I can ride it on a certain road, or a bike lane to stay in on wide roads. I ride my bike on the side of the road regardless of drawn lines or no lines. I think this is a complete waste of money. I think there could be more effective ways to spend money and encourage people to get out and ride their bikes.

I strongly believe the proposed parking amendment changes are very flawed and should not be approved.

Sincerely,

Emily Smith
Citizen of Providence Utah

Mayor and council,

I am writing to voice a vote of enthusiastic support for the proposed changes to the city's winter parking and night parking ordinance. These proposed changes are positive for fostering a safe and clean community and are needed.

I would ask for consideration for a minor amendment to the night parking proposal to address multi-axle vehicles in general rather than the specific call out of RVs and motorhomes. It would be helpful if this regulation were inclusive of large semi trucks without trailer, construction equipment, buses, etc.

Thank you for your service to the city and your consideration of this comment.

Tyler Riggs

Hello Providence City Council,

Thank you for your service. After reviewing the “proposed” changes to the Certain Purposes Prohibited (Parking) & Winter Parking, I would like to share my opinion and suggestions regarding section #6 - “Night Parking”.

As an owner of an RV Trailer, I have a parking spot on the side of my house, and don’t intend to park my trailer on the street. With that said, there may come a time when I would need to for a short time, park my RV trailer elsewhere (preferably in front of my house since there isn’t another place close by and so I can keep an eye on it) because of needed repairs to my house, driveway, need to paint my house or some other short term project. As I read the proposed changes, if approved, I would not be allowed to park my RV trailer on the street for a “short time” to accomplish these necessities. This would be an unnecessary and inconvenient burden to place on any RV owner.

If the section (#6) is proposed to address a chronic problem or not allow “long-term” street parking, then may I suggest that there be time limit placed on the parking instead of a complete prohibition? I’m certain there are other options which could be arrived at that can address the needs of the city and the good people who live in Providence to address any issue. Prohibiting parking of RV trailers or any RV on our streets is already a challenge and this would create further problems for all. I implore the city council to reconsider this proposal and make the appropriate changes which will address any issues which need addressing as well as to understand and accommodate the appropriate street parking for owners of RVs.

Thank you for considering my opinion and suggestions and I trust you will make a decision for the best of everyone in Providence.

Sincerely,
Cary Green

I am writing in regards to the proposed amendment change for winter regulations on street parking.

I foresee a few issues with changing the restricted hours to include 11pm-10am.

First off, companies are already open for business before 10am so a house call or service call will be very difficult to make if no parking along the street is allowed until after 10am. On the other end, just a thought but not as crucial in my opinion is many high schoolers curfews are 12am, especially on nights of dances so many would still be out and parked along the street.

I do however think that the time frame for not allowing trailers to park on the street overnight from 11pm-7am is fine.

And I think it would be more appropriate to have the other restricted hours similar. I would be more supportive of one of these schedules:

12am- 8/9am

11pm-8/9am

Thank you for considering my input.

Dayna Allen

City Council Minutes 10-18-23

Providence city resident

I just want to make sure that the city and council realizes that this ordinance change will/should also affect construction sites. Is it practical to have every construction trailer removed every night when a new home is being built or a remodel is being done? On the other hand, most construction equipment stays on the street forever. A compromise, would be to only allow construction equipment trailers to be on the street Monday - Thursday nights. So on Friday, when they wrap up the work day, they would need to remove all of the trailers from the street. Would this ordinance also include construction equipment like backhoes? I think it should. The biggest offender in my neighborhood this summer has been all of the Strava equipment...which the city would probably classify as a utility company and not have to follow the overnight parking ordinance.

Overall, I'm in favor of this ordinance. And I think that it will make our streets safer.

Darcy Rees

Providence City Council Members:

I have some concerns about the proposed changes to the winter parking ordinance that will be discussed at a public hearing on October 18, 2023.

It is unnecessary to change the date to begin winter parking from December 1st to November 1st. Usually, we do not have any measurable snow in November. The words in the current ordinance clearly state that "beginning 24 hours after the first measurable snowfall or December 1, whichever comes earlier" parking on the road during the night hours is prohibited. If we do have a big snowstorm in November, the current wording in the ordinance already covers parking in this event. There is no need to restrict parking on the road for a whole extra month. Many of us have guests that visit for Thanksgiving weekend, and having some overflow parking on the edge of the street is helpful, especially if the weather is nice, which it often is at that time of year.

Regarding the next proposed ordinance change:

"It shall be unlawful to park or leave parked any vehicle upon the paved portion of a city street, while snowplows are operating or while streets are snow or ice covered; excluding around school buildings while school is either in session or holding official school activities"

Does this mean that no one can park at any time on any road, day or night, when there is ice on the road? Really? No one can park on the road to visit a friend during the day for most of the winter? There is ice on the side streets for much of the winter, even after the roads have been plowed. This would place restrictions on any on-street parking during the daytime for the whole winter. Although I imagine that this was proposed to enhance safety, it seems like an excessive restriction.

Thanks for listening.

Michelle Palmer

Providence City

ANNUAL FINANCIAL REPORT

For the Year Ended June 30, 2023

Providence City
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June 30, 2023

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Aycock, Miles & Associates, CPAs, P.C.

Certified Public Accountants

58 East 100 North (83-13) • Roosevelt, Utah 84066 • Phone (435) 722-5153 • Fax (435) 722-5095

Independent Auditors' Report

City Council
Providence City

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of Providence City, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of Providence City, as of June 30, 2023, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Providence City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Providence City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

Aycock, Miles & Associates, CPAs, P.C.

Certified Public Accountants

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In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Providence City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Providence City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, the budgetary comparison schedule, and pension schedules with notes be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 16, 2023 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Aycock, Miles & Associates, CPAs

Roosevelt, Utah
October 16, 2023

MANAGEMENT'S DISCUSSION AND ANALYSIS

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Providence City
Management's Discussion and Analysis
June 30, 2023

As management of Providence City (the City), we offer readers of the City's financial statements this narrative overview and analysis of financial activities of the City for the fiscal year ended June 30, 2023

FINANCIAL HIGHLIGHTS

*Total net position for the City as a whole increased by \$3,721,591

*Total unrestricted net position for the City as a whole increased by \$1,398,389

*Total net position for governmental activities increased by \$1,920,476

*Total net position for business-type activities increased by \$1,801,115

BASIC FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the basic financial statements of the City. The basic financial statements comprise three components: (1) government wide financial statements, (2) fund financial statements, and (3) notes to the financial statements.

Government-wide financial statements. The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the City's assets, deferred outflows, liabilities, and deferred inflows, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *statement of activities* presents information showing how the City's net position changed during the fiscal year reported. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The statement of activities is presented on two pages. The first page reports the extent to which each function or program is self-supporting through fees and intergovernmental aid. The second page identifies the general revenues of the City available to cover any remaining costs of the functions or programs.

Providence City
Management's Discussion and Analysis
June 30, 2023

Fund financial statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City also uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds.

Governmental funds . These funds are used to account for the same functions reported as governmental activities in the government-wide financial statements. Governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for government funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the government fund balance sheet and the government fund statement of the revenues, expenditures, and changes in fund balances provide reconciliation to facilitate this comparison between governmental funds and governmental activities.

The City maintains two major governmental funds, the general fund and the capital projects fund.

The City adopts an annual appropriated budget for all its funds. A budgetary comparison schedule has been provided to demonstrate legal compliance with the adopted budget for the general fund.

The basic governmental fund financial statements can be found later in this report; see Table of Contents.

Proprietary funds . The City's proprietary funds are all of the enterprise type. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses four enterprise funds to account for the operations of the culinary water, waste water, storm water, and fiber optic systems.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. Enterprise funds are considered major funds of the City.

Proprietary fund financial statements can be found later in this report; see Table of Contents.

Notes to the financial statements. Notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements are reported later in this report; see Table of Contents.

Other information. In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information concerning the City.

Providence City
Management's Discussion and Analysis
June 30, 2023

FINANCIAL ANALYSIS

Providence City's Net Position

	Governmental Activities		Business-type Activities		Total	Total
	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year
Current and other assets	\$ 6,884,647	6,365,862	12,148,479	11,216,252	19,033,126	17,582,114
Non-current assets	13,702,372	12,699,666	20,715,318	20,016,135	34,417,690	32,715,801
Deferred outflows of resources	236,351	166,159	59,088	41,540	295,439	207,699
Total assets and deferred outflows	20,823,370	19,231,686	32,922,885	31,273,927	53,746,255	50,505,614
Long-term debt outstanding	-	-	9,633,000	9,687,000	9,633,000	9,687,000
Other liabilities	608,144	535,234	432,489	421,346	1,040,633	956,580
Deferred inflows of resources	1,220,769	1,622,472	492	109,791	1,221,261	1,732,263
Total liabilities and deferred inflows	1,828,913	2,157,707	10,065,981	10,218,137	11,894,894	12,375,844
Net position:						
Net investment in capital assets	11,576,690	10,582,847	10,688,184	9,963,626	22,264,874	20,546,474
Restricted	2,125,681	1,797,526	891,400	614,755	3,017,081	2,412,281
Unrestricted	5,292,085	4,693,607	11,277,320	10,477,409	16,569,405	15,171,016
Total net position	\$ 18,994,457	17,073,980	22,856,904	21,055,790	41,851,360	38,129,770

As noted earlier, net position may serve over time as a useful indicator of financial position. Total assets and deferred outflows of resources exceeded total liabilities and deferred inflow of resources at the close of the year by \$41,851,360, an increase of \$3,721,591 from the previous year. This change is equivalent to the net income for the year, in private sector terms.

Total unrestricted net position at the end of the year is \$16,569,405, which represents an increase of \$1,398,389 from the previous year. Unrestricted net position are those resources available to finance day-to-day operations without constraints established by debt covenants, enabling legislation, or other legal requirements.

The amount of current and other assets represent the amounts of cash and receivables on hand at the end of each year. Other liabilities are the amounts of current and other liabilities due, at year end, for goods and services acquired.

Changes in capital assets are the result of the difference, in the current year, of the cost of acquisition of capital assets and any depreciation charges on capital assets. Change in long-term debt is the difference in the amount of debt issued and that which has been paid during the year.

Providence City
Management's Discussion and Analysis
June 30, 2023

FINANCIAL ANALYSIS (continued)

Providence City's Change in Net Position

	Governmental Activities		Business-type Activities		Total	Total
	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year
Program revenues:						
Charges for services	\$ 1,351,291	1,361,294	3,268,221	2,984,991	4,619,512	4,346,285
Operating grants	451,480	414,167	21,000	-	472,480	414,167
Capital grants	800,964	68,984	460,384	460,384	1,261,348	529,368
General revenues:						
Property taxes	1,273,295	1,226,093	-	-	1,273,295	1,226,093
Sales tax	1,898,120	1,732,881	-	-	1,898,120	1,732,881
Other taxes	1,050,385	971,665	-	-	1,050,385	971,665
Other revenues	790,937	1,056,497	658,022	360,364	1,448,959	1,416,861
Total revenues	7,616,472	6,831,582	4,407,627	3,805,739	12,024,099	10,637,321
Expenses:						
General government	1,560,638	1,354,269	-	-	1,560,638	1,354,269
Public safety	1,668,343	1,602,353	-	-	1,668,343	1,602,353
Highways and improvements	1,693,650	1,116,124	-	-	1,693,650	1,116,124
Parks and recreation	646,525	584,480	-	-	646,525	584,480
Cemetery	126,839	102,755	-	-	126,839	102,755
Interest on long-term debt	-	-	208,944	210,853	208,944	210,853
Culinary water	-	-	898,220	826,721	898,220	826,721
Waste water	-	-	1,267,093	1,119,036	1,267,093	1,119,036
Storm water	-	-	166,179	126,930	166,179	126,930
Fiber network	-	-	66,075	4,758	66,075	4,758
Total expenses	5,695,995	4,759,980	2,606,511	2,288,297	8,302,507	7,048,279
Change in net position	\$ 1,920,476	2,071,600	1,801,115	1,517,440	3,721,591	3,589,041

For the City as a whole, total revenues increased by \$1,386,778 compared to the previous year, while total expenses increased by \$1,254,228. The total change in net position of \$3,721,591 is, in private sector terms, the net income for the year which is \$132,550 more than the previous year.

Governmental activities revenues of \$7,616,472 is an increase of \$784,890 from the previous year. This is primarily result of capital grants during the year. Governmental activities expenses of \$5,695,995 is an increase of \$936,015 from the previous year. Expenses across all departments increased during the year, with the largest increase in the highways and improvements department of \$577,526.

Business-type activities revenue of \$4,407,627 is an increase of \$601,888 from the previous year. Service revenues increased by \$283,230 and capital grants decreased by \$. Business-type activities expenses of \$2,606,511 is an increase of \$318,214 from the previous year. This is due to an overall increase in operation expenses.

Providence City
Management's Discussion and Analysis
June 30, 2023

BALANCES AND TRANSACTIONS OF INDIVIDUAL FUNDS

Some of the more significant changes in fund balances, fund net position and any restrictions on those amounts is described below:

General Fund

The fund balance of 4,154,901 reflects an increase of \$917,268 from the previous year. Total revenues increased by \$27,079. Tax revenues increased by \$288,339. Intergovernmental revenues increased by \$37,313. License and permit revenues decreased by \$17,418. Charges for services revenues decreased by \$13,503. Fines and forfeitures increased by \$20,917. Impact fees decreased by \$138,487. Interest income increased by \$370,369. Miscellaneous revenues decreased by \$520,452.

Total expenditures, excluding transfers, increased by \$755,948. Current expenditure changes by department were as follows: general government increased by \$178,776; public safety increased by \$65,990; streets and highways increased by \$429,297; parks and recreation increased by \$60,158; and cemetery increased by \$21,727. Restricted fund balance amounted to \$2,081,580. Unassigned fund balance is \$2,073,321.

Capital Projects Fund

The fund balance of \$3,241,293 reflects a decrease of \$62,901 Total revenues, excluding transfers, increased by \$774,990 while total expenditures decreased by \$1,119,438. Transfers in from the General Fund amounted to \$900,000.

Culinary Water Fund

Net operating income was \$443,200 compared to the previous year net operating income of \$596,432. The change in net position (net income) was \$587,415. Restricted net positions amounts to \$507,558, resulting in an unrestricted net position of \$5,864,001.

Waste Water Fund

Net operating income was \$246,659 compared to the previous year net operating income of \$253,357. The change in net position (net income) was \$554,584. Restricted net position amounts to \$383,842, resulting in an unrestricted net position of \$4,821,679.

Storm Water Fund

Net operating income was \$83,615 compared to the previous year net operating income of \$55,967. The change in net position (net income) was \$104,615. There was an unrestricted net position of \$575,118.

Fiber Network Fund

Net operating income was \$97,178 compared to the previous year net operating income of \$1,790. The change in net position (net income) was \$554,501. There was an unrestricted net position of \$16,521.

GENERAL FUND BUDGETARY HIGHLIGHTS

Revenues for the current year, exclusive of transfers and fund balance appropriations, were originally budgeted in the amount of \$5,470,760. This amount was amended during the year to \$5,470,760. Actual revenues amounted to \$6,517,702 which was \$1,046,942 more than budgeted.

Expenditures for the current year, excluding transfers, were originally budgeted in the amount of \$4,925,699. This amount was amended during the year to \$4,925,699. Actual expenditures amounted to \$4,952,627, which was \$26,928 less than budgeted.

Net transfers out of \$900,000 were made from the general fund to the capital projects fund during the year, which was under the \$974,605 budgeted amount.

Providence City
Management's Discussion and Analysis
June 30, 2023

CAPITAL ASSETS AND DEBT ADMINISTRATION

Providence City's Capital Assets (net of depreciation)

	Governmental Activities		Business-type Activities		Total	Total
	Current Year	Previous Year	Current Year	Previous Year	Current Year	Previous Year
Net Capital Assets:						
Land and water rights	\$ 2,559,544	2,554,815	1,382,045	1,382,045	3,941,589	3,936,860
Buildings	1,159,953	1,159,953	273,915	264,115	1,433,869	1,424,069
Improvements other than buildings	2,636,880	2,636,880	-	-	2,636,880	2,636,880
Machinery and equipment	2,334,078	2,172,862	1,043,134	882,166	3,377,212	3,055,028
Infrastructure	12,135,228	10,052,143	-	-	12,135,228	10,052,143
Culinary water system	-	-	11,406,528	9,021,564	11,406,528	9,021,564
Waste water system	-	-	6,689,402	6,689,402	6,689,402	6,689,402
Storm water system	-	-	535,483	535,483	535,483	535,483
Construction in progress	603,301	1,160,056	4,302,349	3,782,235	4,905,649	4,942,291
 Total	 21,428,984	 19,736,708	 25,632,856	 22,557,010	 47,061,840	 42,293,718
 Less accumulated depreciation	 (9,852,293)	 (9,153,861)	 (9,714,659)	 (9,128,147)	 (19,566,953)	 (18,282,009)
 Net Capital Assets	 \$ 11,576,690	 10,582,847	 15,918,197	 13,428,863	 27,494,887	 24,011,710

The total amount of capital assets, net of depreciation, of \$27,494,887 is an increase of \$3,483,177 from the previous year.

Governmental activities capital assets, net of depreciation, of \$11,576,690 is an increase of \$993,843 from the previous year.

Business-type activities capital assets, net of depreciation, of \$15,918,197 is an increase of \$2,489,334 from the previous year.

Additional information regarding capital assets may be found in the notes to financial statements.

Providence City
Management's Discussion and Analysis
June 30, 2023

CAPITAL ASSETS AND DEBT ADMINISTRATION (continued)

Providence City's Outstanding Debt - Revenue Bonds

	Current Year	Previous Year
Business-type activities:		
2020 Water Revenue	\$ 1,883,000	1,937,000
2021 Franchise and Sales Tax Revenue	7,750,000	7,750,000
Total business-type	\$ 9,633,000	9,687,000
 Total outstanding debt	 \$ 9,633,000	 9,687,000

Additional information regarding the long-term liabilities may be found in the notes to financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

No significant economic changes that would affect the City are expected for the next year. Budgets have been set on essentially the same factors as the current year being reported.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's finances. Questions concerning any information provided in this report or requests for additional financial information should be addressed to the City Recorder, 164 North Gateway Drive, Providence, Utah 84332.

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BASIC FINANCIAL STATEMENTS

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Providence City
STATEMENT OF NET POSITION
June 30, 2023

	Governmental Activities	Business-type Activities	Total
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES:			
Assets:			
Current assets:			
Cash and cash equivalents	\$ 5,081,895	11,773,325	16,855,220
Accounts receivable, net	1,786,009	373,805	2,159,813
Prepaid expense	16,743	-	16,743
Other current assets	-	1,350	1,350
Total current assets	6,884,647	12,148,479	19,033,126
Non-current assets:			
Restricted cash and cash equivalents	2,125,681	4,797,121	6,922,802
Capital assets:			
Not being depreciated	3,162,845	5,684,393	8,847,238
Net of accumulated depreciation	8,413,845	10,233,804	18,647,649
Total non-current assets	13,702,372	20,715,318	34,417,690
Total assets	20,587,018	32,863,797	53,450,816
Deferred outflows of resources - pensions	236,351	59,088	295,439
Total assets and deferred outflows of resources	\$ 20,823,370	32,922,885	53,746,255
LIABILITIES AND DEFERRED INFLOWS OF RESOURCES:			
Liabilities:			
Current liabilities:			
Accounts payable	\$ 271,899	309,517	581,416
Accrued payroll payable	804	-	804
Accrued interest payable	-	64,682	64,682
Deposits payable	119,548	-	119,548
Revenue bonds due within one year	-	55,000	55,000
Total current liabilities	392,251	429,199	821,449
Non-current liabilities:			
Compensated absences liability	93,442	27,678	121,120
Revenue bonds, long-term	-	9,578,000	9,578,000
Net pension liability	122,451	30,613	153,064
Total non-current liabilities	215,893	9,636,290	9,852,184
Total liabilities	608,144	10,065,489	10,673,633
Deferred inflows of resources:			
Property taxes	1,218,800	-	1,218,800
Pensions	1,969	492	2,461
Total deferred inflows of resources	1,220,769	492	1,221,261
Total liabilities and deferred inflows of resources	1,828,913	10,065,981	11,894,894
NET POSITION:			
Net investment in capital assets	11,576,690	10,688,184	22,264,874
Restricted	2,125,681	891,400	3,017,081
Unrestricted	5,292,085	11,277,320	16,569,405
Total net position	18,994,457	22,856,904	41,851,360
Total liabilities, deferred inflows of resources and net position	\$ 20,823,370	32,922,885	53,746,255

The notes to the financial statements are an integral part of this statement.

Providence City
STATEMENT OF ACTIVITIES
For the Year Ended June 30, 2023

	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Net (Expense) Revenue (To Next Page)
<u>FUNCTIONS/PROGRAMS:</u>					
Primary government:					
Governmental activities:					
General government	\$ 1,560,638	197,577	16,038	-	(1,347,024)
Public safety	1,668,343	107,256	5,870	-	(1,555,217)
Highways and public property	1,693,650	881,837	429,572	800,964	418,723
Parks and recreation	646,525	71,476	-	-	(575,049)
Cemetery	126,839	93,145	-	-	(33,694)
Total governmental activities	5,695,996	1,351,291	451,480	800,964	(3,092,261)
Business-type activities:					
Culinary Water	927,140	1,341,421	-	-	414,280
Waste Water	1,267,093	1,513,752	-	-	246,659
Storm Water	166,179	249,794	21,000	-	104,615
Fiber Network	246,100	163,254	-	460,384	377,538
Total business-type activities	2,606,512	3,268,221	21,000	460,384	1,143,093
Total primary government	\$ 8,302,508	4,619,512	472,480	1,261,348	(1,949,169)

(The statement of activities continues
on following page)

The notes to the financial statements are an integral part of this statement.

Providence City
STATEMENT OF ACTIVITIES (continued)
For the Year Ended June 30, 2023

	Governmental Activities	Business-type Activities	Total
CHANGES IN NET POSITION:			
Net (expense) revenue (from previous page)	\$ (3,092,261)	1,143,093	(1,949,169)
General revenues:			
Property taxes	1,273,295	-	1,273,295
Sales tax	1,898,120	-	1,898,120
Other taxes	1,050,385	-	1,050,385
Unrestricted investment earnings	482,582	321,711	804,293
Impact fees	252,193	336,311	588,504
Miscellaneous	56,162	-	56,162
Total general revenues	5,012,738	658,022	5,670,760
Change in net position	1,920,476	1,801,115	3,721,591
Net position - beginning	17,073,980	21,055,790	38,129,770
Net position - ending	\$ 18,994,457	22,856,904	41,851,360

The notes to the financial statements are an integral part of this statement.

Providence City
BALANCE SHEET - GOVERNMENTAL FUNDS
June 30, 2023

	General Fund	Capital Projects Fund	Total Governmental Funds
ASSETS			
Cash and cash equivalents	\$ 1,840,313	3,241,582	5,081,895
Receivables:			
Property Taxes	1,234,620	-	1,234,620
Due from other governments	525,444	-	525,444
Other receivables	25,945	-	25,945
Prepaid expense	16,743	-	16,743
Restricted cash and cash equivalents	2,081,580	44,101	2,125,681
TOTAL ASSETS	\$ 5,724,645	3,285,683	9,010,328
LIABILITIES AND DEFERRED INFLOWS OF RESOURCES			
Liabilities:			
Accounts payable	\$ 227,509	44,390	271,899
Accrued payroll payable	804	-	804
Deposits payable	119,548	-	119,548
Total liabilities	347,861	44,390	392,251
Deferred inflows of resources:			
Property taxes	1,221,883	-	1,221,883
Total deferred inflows of resources	1,221,883	-	1,221,883
TOTAL LIABILITIES AND DEFERRED INFLOWS OF RESOURCES	1,569,744	44,390	1,614,134
FUND BALANCES:			
Restricted for:			
Road impact fees	413,680	-	413,680
Perpetual care	516,216	-	516,216
Library donations	89,436	-	89,436
Park impact fees	1,062,249	44,101	1,106,350
Assigned for:			
Capital projects	-	3,197,192	3,197,192
Unassigned	2,073,321	-	2,073,321
TOTAL FUND BALANCES	4,154,901	3,241,293	7,396,194
TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES	\$ 5,724,645	3,285,683	9,010,328

The notes to the financial statements are an integral part of this statement.

Providence City
**STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS**
For the Year Ended June 30, 2023

	General Fund	Capital Projects Fund	Total Governmental Funds
Revenues:			
Taxes:			
Property	\$ 1,273,429	-	1,273,429
Sales	1,898,120	-	1,898,120
Other taxes	1,050,385	-	1,050,385
License and permits	113,570	-	113,570
Intergovernmental revenues	451,480	800,964	1,252,444
Charges for services	1,153,761	-	1,153,761
Fines and forfeitures	83,960	-	83,960
Interest	436,834	45,748	482,582
Miscellaneous revenue	56,162	-	56,162
Total revenues	6,517,702	846,712	7,364,414
Expenditures:			
Current:			
General government	1,532,232	-	1,532,232
Public safety	1,668,343	-	1,668,343
Highways and public improvements	1,120,907	55,568	1,176,475
Parks, recreation and public property	516,315	61,769	578,084
Cemetery	114,830	-	114,830
Capital outlay	-	1,692,275	1,692,275
Total expenditures	4,952,627	1,809,613	6,762,240
Excess (deficiency) of revenues over (under) expenditures	1,565,075	(962,901)	602,174
Other financing sources and (uses):			
Impact fees	252,193	-	252,193
Transfers in	-	900,000	900,000
Transfers (out)	(900,000)	-	(900,000)
Total other financing sources and (uses)	(647,807)	900,000	252,193
Net change in fund balances	917,268	(62,901)	854,367
Fund balances - beginning of year	3,237,633	3,304,194	6,541,828
Fund balance - end of year	\$ 4,154,901	3,241,293	7,396,194

The notes to the financial statements are an integral part of this statement.

Providence City
**RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION**
June 30, 2023

Total Fund Balance for Governmental Funds	<u>\$ 7,396,194</u>
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Total net position reported for governmental activities in the statement of net position is different because:

Capital assets used in governmental funds are not financial resources and therefore are not reported in the funds:

Capital assets, at cost	21,428,984
Less accumulated depreciation	<u>(9,852,293)</u>
Net capital assets	<u>11,576,690</u>

Deferred outflows of resources, a consumption of net position that applies to future periods, is not shown in the fund statements.	<u>236,351</u>
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Long-term liabilities, for funds other than enterprise funds, are recorded in the government-wide statements but not in the fund statements.

Compensated absences	<u>(93,442)</u>
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Net pension liability	<u>(122,451)</u>
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Deferred inflows of resources - pensions	<u>(1,969)</u>
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Certain revenue is deferred in governmental funds but not in the statement of net position because it qualifies for recognition under the economic resources measurement focus.

Delinquent property tax deferred	<u>3,083</u>
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Total Net Position of Governmental Activities	<u><u>\$ 18,994,457</u></u>
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The notes to the financial statements are an integral part of this statement.

Providence City
**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
TO THE STATEMENT OF ACTIVITIES**
For the Year Ended June 30, 2023

Net Change in Fund Balances - Total Governmental Funds	\$ 854,367
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Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, assets with a material cost are capitalized and the cost is allocated over their estimated useful lives and reported as depreciation expenses.

Capital outlays	1,692,275
Depreciation expense	(698,432)
Net	993,843

The Statement of Activities show pension benefits, pension expenses, and non-employer contributions related to GASB 68 that are not shown in the fund statements.

	65,642
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Some revenues and expenses reported in the statement of activities do not add to or require the use of current financial resources and, therefore, are not reported as revenues or expenditures in the governmental funds.

Change in compensated absences	6,758
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Governmental funds do not report certain deferred inflows as revenue because these revenues are not available for current period expenses.

Change in delinquent property tax	(134)
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Change in Net Position of Governmental Activities	\$ 1,920,476
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The notes to the financial statements are an integral part of this statement.

Providence City
STATEMENT OF NET POSITION - PROPRIETARY FUNDS
June 30, 2023

	Culinary Water Fund	Waste Water Fund	Storm Water Fund	Fiber Network Fund	Total Enterprise Funds
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES:					
Assets:					
Current assets:					
Cash and cash equivalents	\$ 5,767,904	4,815,942	541,297	648,182	11,773,325
Accounts receivable, net	157,114	167,311	32,858	16,521	373,805
Other current assets	1,350	-	-	-	1,350
Total current assets	<u>5,926,368</u>	<u>4,983,253</u>	<u>574,155</u>	<u>664,703</u>	<u>12,148,479</u>
Non-current assets:					
Restricted cash and cash equivalents	507,558	383,842	-	3,905,721	4,797,121
Capital assets:					
Not being depreciated	1,198,650	230,458	16,328	4,238,956	5,684,393
Net of accumulated depreciation	<u>7,726,668</u>	<u>2,060,491</u>	<u>446,645</u>	<u>-</u>	<u>10,233,804</u>
Total non-current assets	<u>9,432,876</u>	<u>2,674,791</u>	<u>462,973</u>	<u>8,144,677</u>	<u>20,715,318</u>
Total assets	<u>15,359,244</u>	<u>7,658,044</u>	<u>1,037,129</u>	<u>8,809,380</u>	<u>32,863,797</u>
Deferred outflows of resources - pensions	23,635	17,726	17,726	-	59,088
Total assets and deferred outflows of resources	<u>\$ 15,382,879</u>	<u>7,675,771</u>	<u>1,054,855</u>	<u>8,809,380</u>	<u>32,922,885</u>
LIABILITIES AND DEFERRED INFLOWS OF RESOURCES:					
Liabilities:					
Current liabilities:					
Accounts payable	\$ 56,069	162,481	26	90,942	309,517
Accrued interest payable	4,708	-	-	59,974	64,682
Revenue bonds, current portion	<u>55,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>55,000</u>
Total current liabilities	<u>115,776</u>	<u>162,481</u>	<u>26</u>	<u>150,916</u>	<u>429,199</u>
Non-current liabilities:					
Compensated absences	12,783	7,488	7,407	-	27,678
Revenue bonds, long-term	1,828,000	-	-	7,750,000	9,578,000
Net pension liability	<u>12,245</u>	<u>9,184</u>	<u>9,184</u>	<u>-</u>	<u>30,613</u>
Total non-current liabilities	<u>1,853,028</u>	<u>16,672</u>	<u>16,591</u>	<u>7,750,000</u>	<u>9,636,290</u>
Total liabilities	<u>1,968,804</u>	<u>179,153</u>	<u>16,616</u>	<u>7,900,916</u>	<u>10,065,489</u>
Deferred inflows of resources - pensions	197	148	148	-	492
Total liabilities and deferred inflows of resources	<u>1,969,001</u>	<u>179,300</u>	<u>16,764</u>	<u>7,900,916</u>	<u>10,065,981</u>
NET POSITION:					
Net investment in capital assets	7,042,318	2,290,949	462,973	891,943	10,688,184
Restricted	507,558	383,842	-	-	891,400
Unrestricted	<u>5,864,001</u>	<u>4,821,679</u>	<u>575,118</u>	<u>16,521</u>	<u>11,277,320</u>
Total net position	<u>13,413,878</u>	<u>7,496,470</u>	<u>1,038,091</u>	<u>908,465</u>	<u>22,856,904</u>
Total liabilities, deferred inflows of resources, and net position	<u>\$ 15,382,879</u>	<u>7,675,771</u>	<u>1,054,855</u>	<u>8,809,380</u>	<u>32,922,885</u>

The notes to the financial statements are an integral part of this statement.

Providence City
**STATEMENT OF REVENUES, EXPENSES, AND CHANGES
IN NET POSITION - PROPRIETARY FUNDS**

For the year ended June 30, 2023

	Culinary Water Fund	Waste Water Fund	Storm Water Fund	Fiber Network Fund	Total Enterprise Funds
Operating income:					
Charges for sales and service	\$ 1,328,862	1,508,952	249,794	163,254	3,250,862
Connection fees	12,558	4,800	-	-	17,358
Total operating income	1,341,421	1,513,752	249,794	163,254	3,268,221
Operating expenses:					
Personnel services	182,880	118,021	96,495	-	397,396
Utilities	109,929	2,585	1,342	2,872	116,729
Treatment	-	899,455	-	-	899,455
Repair and maintenance	182,857	7,261	40,385	-	230,503
Other supplies and expenses	15,784	11,083	1,395	54,570	82,832
Professional and technical	38,746	51,557	4,580	6,679	101,563
Bad debt	(9,626)	(8,766)	(984)	1,954	(17,422)
Depreciation expense	377,650	185,897	22,965	-	586,512
Total operating expense	898,220	1,267,093	166,179	66,075	2,397,568
Net operating income (loss)	443,200	246,659	83,615	97,178	870,653
Non-operating income (expense):					
Impact fees	89,612	457,258	-	-	546,870
Operating grants	-	-	21,000	-	21,000
Interest income	83,522	61,226	-	176,963	321,711
Impact fees paid to Logan City	-	(210,559)	-	-	(210,559)
Interest on long-term debt	(28,920)	-	-	(180,024)	(208,944)
Total non-operating income (expense)	144,214	307,925	21,000	(3,062)	470,078
Income (loss) before contributions	587,415	554,584	104,615	94,117	1,340,731
Capital contributions	-	-	-	460,384	460,384
Change in net position	587,415	554,584	104,615	554,501	1,801,115
Net position - beginning	12,826,463	6,941,887	933,476	353,964	21,055,790
Net position - ending	\$ 13,413,878	7,496,470	1,038,091	908,465	22,856,904

The notes to the financial statements are an integral part of this statement.

Providence City
STATEMENT OF CASH FLOWS
For the year ended June 30, 2023

	Culinary Water Fund	Waste Water Fund	Storm Water Fund	Fiber Network Fund	Total Enterprise Funds
Cash flows from operating activities:					
Cash received from customers - service	\$ 1,356,022	1,521,085	247,114	148,231	3,272,452
Cash paid to suppliers	(347,846)	(977,111)	(47,797)	51,851	(1,320,903)
Cash paid to employees	(188,143)	(122,002)	(100,700)	-	(410,845)
Net cash provided (used) in operating activities	820,033	421,972	98,617	200,082	1,540,704
Cash flows from noncapital financing activities:					
Net cash provided (used) in capital and related financing activities	-	-	-	-	-
Cash flows from capital and related financing activities:					
Cash received (paid) from impact fees	89,612	246,699	-	-	336,311
Cash received from grants	-	-	21,000	460,384	481,384
Cash payments for capital assets	(684,757)	(32,973)	-	(2,460,208)	(3,177,937)
Cash payments for long-term debt principal	(54,000)	-	-	-	(54,000)
Cash payments for long-term debt interest	(29,055)	-	-	(180,075)	(209,130)
Net cash provided (used) in capital and related financing activities	(678,200)	213,727	21,000	(2,179,899)	(2,623,372)
Cash flows from investing activities:					
Cash received from interest earned	83,522	61,226	-	176,963	321,711
Net cash provided (used) in investing activities	83,522	61,226	-	176,963	321,711
Net increase (decrease) in cash	225,355	696,925	119,617	(1,802,854)	(760,958)
Cash balance, beginning	6,050,107	4,502,859	421,681	6,356,757	17,331,404
Cash balance, ending	\$ 6,275,462	5,199,784	541,297	4,553,903	16,570,446
Cash reported on the statement of net position:					
Cash and cash equivalents	\$ 5,767,904	4,815,942	541,297	648,182	11,773,325
Non-current restricted cash	507,558	383,842	-	3,905,721	4,797,121
Total cash and cash equivalents	\$ 6,275,462	5,199,784	541,297	4,553,903	16,570,445

The notes to the financial statements are an integral part of this statement.

Providence City
STATEMENT OF CASH FLOWS (continued)
For the year ended June 30, 2023

**Reconciliation of Operating Income to Net Cash
Provided (Used) in Operating Activities:**

	Culinary Water Fund	Waste Water Fund	Storm Water Fund	Fiber Network Fund	Total Enterprise Funds
Net operating income (expense)	\$ 443,200	246,659	83,615	97,178	870,653
Adjustments to reconcile operating income or (loss) to net cash provided (used) in operating activities:					
Depreciation and amortization	377,650	185,897	22,965	-	586,512
Changes in assets and liabilities:					
(Increase) decrease in receivables	4,975	(1,433)	(3,664)	(13,069)	(13,191)
(Increase) decrease in net pension asset	31,929	23,947	23,947	-	79,823
(Increase) decrease in deferred outflows	(7,019)	(5,264)	(5,264)	-	(17,548)
Increase (decrease) in payables	(528)	(5,170)	(95)	115,972	110,179
Increase (decrease) in compensated absences	1,301	943	718	-	2,962
Increase (decrease) in net pension liability	12,245	9,184	9,184	-	30,613
Increase (decrease) in deferred inflows	(43,719)	(32,790)	(32,790)	-	(109,299)
Net cash provided (used) in operating activities	\$ 820,033	421,972	98,617	200,082	1,540,704

The notes to the financial statements are an integral part of this statement.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

1-A. Reporting entity

Providence City (the City), a municipal corporation located in Cache County, Utah, operates under a 6 member council form of government. The accompanying financial statements present the City and its component units (if any), entities for which the City is considered to be financially accountable because of the significance of their operational or financial relationships with the City.

The City has no component units and is not a component unit of another entity.

1-B. Government-wide and fund financial statements

Government-wide Financial Statements

The government-wide financial statements, consisting of the statement of net position and the statement of activities report information on all the non-fiduciary activities of the primary government and its component units. For the most part, the effect of inter-fund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of net position reports the financial position of the governmental and business-type activities of the City and its discretely presented component units at year-end.

The statement of activities reports the expenses of a given function offset by program revenues directly connected with the functional program. A function is an assembly of similar activities and may include portions of a fund or summarize more than one fund to capture the expenses and program revenues associated with a distinct functional activity. Direct expenses are those that are clearly identifiable with a specific function or segment. Indirect expenses are not allocated. All expenses are included in the applicable function. Program revenues include (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privilege provided by a given function or segment and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Fund Financial Statements

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, if any, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statement.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

1-C. Measurement focus, basis of accounting and financial statement presentation

The financial statements of the City are prepared in accordance with generally accepted accounting principles (GAAP).

The government-wide statements are reported using the economic resources measurement focus and the accrual basis of accounting, generally including the reclassification of internal activity (between or within funds). However, internal eliminations do not include utility services provided to City departments or payments to the general fund by other funds for providing administrative and billing services for such funds. Reimbursements are reported as reductions to expenses. Proprietary and any fiduciary fund financial statements are also reported using this same focus and basis of accounting although internal activity is not eliminated in these statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property tax revenues are recognized in the year for which they are levied while grants are recognized when the grantor eligibility requirements are met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. The City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, sales taxes, intergovernmental revenues, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments, if any, receivable within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating income and expense reported in proprietary fund financial statements include those revenues and expenses related to the primary, continuing operations of the fund. Principal operating revenues for proprietary funds are charges to customers for sales or services. Principal operating expenses are the costs of providing goods or services, including administrative expenses and depreciation of capital assets. Other revenues and expenses are classified as non-operating in the financial statements.

Policy regarding use of restricted resources

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as needed. Restricted assets and liabilities payable from restricted assets current in nature are reported with current assets and current liabilities. *Restricted assets, non-current* reports assets restricted for acquisition or construction of non-current assets, or are restricted for liquidation of long-term debt.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

1-D. Fund types and major funds

The City reports the following major governmental funds:

The *general fund* is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *capital projects fund* is used to account for the acquisition or construction of the capital facilities of the City (other than those financed by proprietary funds).

The City reports the following major proprietary funds:

The *culinary water fund* is used to account for the activities of the culinary water distribution system.

The *waste water fund* is used to account for the operations of the sewer system.

The *storm water fund* is used to account for the operations of the storm water system.

The *fiber network fund* is used to account for the operations of the fiber network.

1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity

1-E-1. *Deposit and Investments*

Cash includes cash on hand, demand deposits with bank and other financial institutions, deposits in other types of accounts or cash management pools that have the general characteristics of demand deposit accounts and short-term investments with original maturities of three months or less from the date of acquisition. The City's policy allows for investment in funds in time certificates of deposit with federally insured depositories, investment in the state treasurer's pool, and other investments as allowed by the State of Utah's Money Management Act. All investments are carried at fair value with unrealized gains and losses recorded as adjustments to interest earnings. Fair market values are based on quoted market prices.

1-E-2. *Cash and Cash Equivalents*

The City's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.

1-E-3. *Receivables and Payables*

Accounts receivable other than property taxes and intergovernmental receivables are from customers primarily for utility services. Property tax and intergovernmental receivables are considered collectible. Customer accounts are reported net of allowance for uncollectable accounts. The allowance amount is estimated using accounts receivable past due more than 90 days.

During the course of operations, there may be transactions that occur between funds that are representative of lending/borrowing arrangements outstanding at year-end. These are reported as either due to or due from other funds.

Property taxes are assessed and collected for the City by Cache County and remitted to the City shortly after collection. Property taxes become a lien on January 1 and are levied on the first Monday in August. Taxes are due and payable on November 1, and are delinquent after November 30. All dates are in the year of levy.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity
(continued)**

1-E-4. *Restricted Assets*

In accordance with certain revenue bond covenants, resources may be required to be set aside for the repayment of such bonds, and, on occasion, for the repair and maintenance of the assets acquired with the bond proceeds. These resources are classified as restricted assets on the balance sheet because of their limited use. Most capital grant agreements mandate that grant proceeds be spent only on capital assets. Unspent resources of this nature are also classified as restricted. The limited use resources described above involve a reported restriction of both cash and net assets.

Unspent proceeds of bonds issued to finance capital assets are also reported as restricted cash.

1-E-5. *Inventories and Prepaid items*

Other inventories, which mainly consist of immaterial amounts of expendable supplies for consumption, are not reported. Such supplies are acquired as needed. Proprietary fund inventories, where material, are stated at the lower of cost or market, using the first-in, first-out basis.

Prepaid items record payments to vendors that benefit future reporting and are reported on the consumption basis. Both inventories and prepayments are similarly reported in government-wide and fund financial statements.

1-E-6. *Capital Assets*

Capital assets includes property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), and are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual significant cost and an estimated useful life in excess of two years. Such assets are recorded at historical cost or at estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation. Infrastructure is depreciated.

The cost of normal maintenance and repairs that does not add to the value of an asset or materially extend the assets' life is not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities is included as part of the capitalized value of the assets constructed.

Upon retirement or disposition of capital assets, the cost and related accumulated depreciation are removed from the respective accounts. Depreciation of capital assets is computed using the straight-line method over their estimated useful lives.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity
(continued)**

1-E-6. Capital Assets (continued)

Property, plant, and equipment of the primary government, as well as the component units if any, is depreciated using the straight-line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings	20-30
Improvements	20
Infrastructure	15
Sewer system	40-50
Vehicles and equipment	5-10
Water system	40-50

1-E-7. Long-term Obligations

In the government-wide and proprietary fund financial statements, long-term debt and obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund statement of net assets. Bond discounts or premiums, and the difference between the reacquisition price and the net carrying value of refunded debt are deferred and amortized over the terms of the respective bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

The governmental fund financial statements recognize the proceeds of debt and premiums as other financing sources of the current period.

1-E-8. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position will sometimes include a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City reports deferred outflows of resources relating to pensions as required by GASB 68.

In addition to liabilities, the statement of net position will sometimes include a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until then. The City has two types of items that qualify for reporting in this category. The governmental funds report deferred revenues from property taxes. These amounts are deferred and recognized as an inflow of resources in the period for which they are levied. The City also reports deferred inflows related to pensions as required by GASB 68.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity
(continued)**

1-E-9. *Pensions*

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Utah Retirement Systems Pension Plan (URS) and additions to/deductions from URS's fiduciary net position have been determined on the same basis as they are reported by URS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

1-E-10. *Net position flow assumption*

Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted - net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted - net position to have been depleted before unrestricted – net position is applied.

1-E-11. *Fund balance flow assumptions*

Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to reports as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using and of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

1-E-12. *Fund balance policies*

Fund balance of governmental funds is reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The City itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by formal action of the City's highest level of decision-making authority. The governing council is the highest level of decision-making authority for the City that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

**1-E. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position or Equity
(continued)**

1-E-12. *Fund balance policies (continued)*

Amounts in the assigned fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as committed. The City Council has by resolution authorized the City Council to assign fund balance. The council may also assign fund balance as it does when appropriating fund balance to cover a gap between estimated revenue and appropriations in the subsequent year's appropriated budget. Unlike commitments, assignments generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment.

Unassigned fund balance is a residual classification of the General Fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to a specific purpose within the General Fund.

1-F. Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the amounts reported in the financial statements and the accompanying notes. Actual results may differ from those estimates.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 2 - STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

2-A. Budgetary data

In accordance with State Law, annual budgets are reported and adopted by the City Council on or before June 22 for the fiscal year commencing the following July 1. Prior to June 22, an advertised public hearing is conducted to receive taxpayer input. The operating budgets include proposed revenues and expenditures. Control of budget appropriations is exercised under State Law at the department level. Budget amendments are required to increase expenditure budgets and are adopted following a public hearing before the end of the fiscal year. During the current fiscal year budget amendments were made to prevent budget overruns and to increase revenue estimates and appropriations for unanticipated revenues and expenditures. The governmental fund type budgets are prepared using the modified accrual basis of accounting. Budgets for the proprietary funds are prepared using the accrual basis of accounting.

Utah State law prohibits the appropriation of unassigned General Fund balance to an amount less than 5% of the General Fund revenues. The 5% reserve that cannot be budgeted is used to provide working capital until tax revenue is received to meet emergency expenditures, and to cover unanticipated deficits. Any unassigned General Fund balance greater than 25% of the current year's revenues must be appropriated within the following two years.

Once adopted, the budget may be amended by the City Council without hearing provided the budgeted expenditures do not exceed budgeted revenues and appropriated fund balance. A public hearing must be held if the budgeted expenditures will exceed budgeted revenues and any fund balance which is available for budgeting. With the consent of the Mayor, department heads may reallocate unexpended appropriated balances from one expenditure account to another within that department during the budget year. Budgets for the General Fund are prepared on the modified accrual basis of accounting. Encumbrances are not used.

2-B. Deficit fund net assets

None of the City's funds have deficit balances.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 3 - DETAILED NOTES

3-A. Deposits and investments

Cash and investments as of June 30, 2023, consist of the following:

	Fair Value
Demand deposits - checking	\$ 9,675,291
Investments	5,138,108
Deposits - PTIF	8,964,623
Total cash	\$ 23,778,022

Cash and investments listed above are classified in the accompanying government-wide statement of net position as follows:

Cash and cash equivalents (current)	\$ 16,891,769
Restricted cash and cash equivalents (non-current)	6,886,254
Total cash and cash equivalents	\$ 23,778,022

Cash equivalents and investments are carried at fair value in accordance with GASB Statement No. 72.

The Utah Money Management Act (UMMA) establishes specific requirements regarding deposits of public funds by public treasurers. UMMA requires that City funds be deposited with a qualified depository which includes any depository institution which has been certified by the Utah State Commissioner of Financial Institutions as having met the requirements specified in UMMA Section 51, Chapter 7. UMMA provides the formula for determining the amount of public funds which a qualified depository may hold in order to minimize risk of loss and also defines capital requirements which an Institution must maintain to be eligible to accept public funds. UMMA lists the criteria for investments and specifies the assets which are eligible to be invested in, and for some investments, the amount of time to maturity.

UMMA enables the State Treasurer to operate the Public Treasurer's Investment Pool (PTIF). PTIF is managed by the Utah State Treasurer's investment staff and comes under the regulatory authority of the Utah Money Management Council. This council is comprised of a select group of financial professionals from units of local and state government and financial institutions doing business in the state. PTIF operations and portfolio composition is monitored at least semi-annually by the Utah Money Management Council. PTIF is unrated by any nationally recognized statistical rating organizations. Deposits in PTIF are not insured or otherwise guaranteed by the State of Utah. Participants share proportionally in any realized gains or losses on investments which are recorded on an amortized cost basis. The balance available for withdrawal is based on the accounting records maintained by PTIF. The fair value of the investment pool is approximately equal to the value of the pool shares. The City maintains monies not immediately needed for expenditure in PTIF accounts.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

3-A. Deposits and investments (continued)

Fair value of investments

The City measures and records its investments using fair value measurement guidelines established by generally accepted accounting principles. These guidelines recognize a three-tiered fair value hierarchy, as follows: Level 1--Quoted prices for identical investments in active markets; Level 2--Observable inputs other than quoted market prices; and, Level 3--Unobservable inputs. At June 30, 2023, the City had \$23,778,022 invested in the PTIF, which uses a Level 2 fair value measurement.

Deposit and investment risk

The City maintains no investment policy containing any specific provisions intended to limit the City's exposure to interest rate risk, credit risk, and concentration of credit risk other than that imposed by UMMA. The City's compliance with the provisions of UMMA addresses each of these risks.

Interest rate risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. All deposits and investments of the City are available immediately.

Credit risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligations. Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits. At June 30, 2023, \$14,139,207 of the City's bank balances of \$14,889,207 was uninsured and uncollateralized.

Custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g., broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. This risk is addressed through the policy of investing excess monies only in PTIF.

Concentration of credit risk

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. PTIF falls under the constraints of UMMA in limiting concentrations of investments.

3-B. Receivables

The allowance policy is described in Note 1-E-3. Receivables as of year-end for the City's funds are shown below:

	General Fund	Water	Waste Water	Storm Water	Fiber Network	Total
Property tax	\$ 1,234,620	-	-	-	-	1,234,620
Intergovernmental	525,444	-	-	-	-	525,444
Customers, current	30,672	182,839	194,724	38,242	19,228	465,705
Total receivables	1,790,736	182,839	194,724	38,242	19,228	2,225,768
Less allowance for uncollectibles	(4,727)	(25,725)	(27,412)	(5,384)	(2,707)	(65,955)
Net receivables	\$ 1,786,009	157,114	167,311	32,858	16,521	2,159,813

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

3-C. Capital assets

Capital asset activity for governmental activities was as follows:

Governmental activities	Beginning Balance	Additions	Retirements	Ending Balance
Capital assets, not being depreciated:				
Land rights	\$ 2,554,815	4,729	-	2,559,544
Construction in progress	1,160,056	1,526,330	2,083,086	603,301
Total capital assets, not being depreciated	3,714,871	1,531,059	2,083,086	3,162,845
Capital assets, being depreciated:				
Buildings	1,159,953	-	-	1,159,953
Improvements other than buildings	2,636,880	-	-	2,636,880
Machinery and equipment	2,172,862	161,216	-	2,334,078
Infrastructure	10,052,143	2,083,086	-	12,135,228
Total capital assets, being depreciated	16,021,837	2,244,302	-	18,266,139
Less accumulated depreciation for:				
Buildings	850,748	30,741	-	881,489
Improvements other than buildings	1,393,761	112,032	-	1,505,794
Machinery and equipment	1,247,126	239,172	-	1,486,298
Infrastructure	5,662,226	316,488	-	5,978,714
Total accumulated depreciation	9,153,861	698,432	-	9,852,293
Total capital assets being depreciated, net	6,867,976	1,545,870	-	8,413,845
Governmental activities capital assets, net	\$ 10,582,847	3,076,929	2,083,086	11,576,690

Depreciation expense was charged to functions/programs of the primary government governmental activities as follows:

Governmental activities:	
General government	\$ 64,047
Highways and public property	536,867
Parks, and recreation	82,883
Cemetery	14,635
Total	\$ 698,432

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

3-C. Capital assets (continued)

Capital asset activity for the business-type activities was as follows:

	Beginning Balance	Additions	Retirements	Ending Balance
Business-type activities				
Capital assets, not being depreciated:				
Land and water shares	\$ 1,382,045	-	-	1,382,045
Construction in progress	3,782,235	2,954,781	2,434,667	4,302,349
Total capital assets, not being depreciated	5,164,280	2,954,781	2,434,667	5,684,393
Capital assets, being depreciated:				
Culinary water system	9,021,564	2,384,964	-	11,406,528
Waste water system	6,689,402	-	-	6,689,402
Storm water system	535,483	-	-	535,483
Buildings	264,115	9,800	-	273,915
Machinery and equipment	882,166	160,968	-	1,043,134
Total capital assets, being depreciated	17,392,731	2,555,732	-	19,948,463
Less accumulated depreciation for:				
Culinary water system	3,799,966	314,880	-	4,114,847
Waste water system	4,478,085	180,145	-	4,658,230
Storm water system	71,074	21,711	-	92,785
Buildings	164,342	8,528	-	172,870
Machinery and equipment	614,681	61,247	-	675,928
Total accumulated depreciation	9,128,147	586,512	-	9,714,659
Total capital assets being depreciated, net	8,264,583	1,969,221	-	10,233,804
Business-type activities capital assets, net	\$ 13,428,863	4,924,002	2,434,667	15,918,197

Depreciation expense was charged to functions/programs of the primary government business-type activities was follows:

Business-type activities:	
Culinary water	\$ 377,650
Waste water	185,897
Storm water	22,965
Total	\$ 586,512

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

3-D. Long-term debt

	Original Principal	% Rate	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
2020 Water Revenue							
Matures 5/1/2051	\$ 1,990,000	1.50	\$ 1,937,000	-	54,000	1,883,000	55,000
2021 Franchise and Sales Tax Revenue							
Matures 3/1/2048	7,750,000	2.06	7,750,000	-	-	7,750,000	-
Total business-type activity							
long-term debt			\$ 9,687,000	-	54,000	9,633,000	55,000

Long-term debt activity for the business-type activities was as follows:

	Principal	Interest	Total
2024	\$ 55,000	208,320	263,320
2025	295,000	207,495	502,495
2026	301,000	199,470	500,470
2027	312,000	191,280	503,280
2028	318,000	182,775	500,775
2029 - 2033	1,734,000	780,925	2,514,925
2034 - 2038	1,920,000	590,775	2,510,775
2038 - 2043	2,110,000	398,750	2,508,750
2044 - 2048	2,345,000	170,115	2,515,115
2049 - 2052	243,000	7,320	250,320
Total	\$ 9,633,000	2,937,225	12,570,225

Other long-term liabilities:

	Beginning	Increase (Decrease)	Ending
Compensated absences			
Governmental	\$ 100,200	(6,758)	93,442
Business-type	24,716	2,962	27,678
Total	\$ 124,916	(3,797)	121,120

	Beginning	Increase (Decrease)	Ending
Net pension liability			
Governmental	\$ -	122,451	122,451
Business-type	-	30,613	30,613
Total	\$ -	153,064	153,064

At June 30, 2023, the City's debt covenants requires a debt sinking fund account of \$14,000 and a debt reserve account of \$30,333. The financial statements reflect these sinking and reserve accounts as restricted cash.

All loans are secured by their applicable revenue stream or franchise sales tax revenues. In the event of late payment, debt interest rates increase to 18%. In the event of default, 25% or more of the bond holders may appoint a receiver to manage the cash flow of the City.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

3-E. Restricted net position

The amounts reported on the Statement of Net Position and Balance Sheet are comprised of the following:

General fund:	
Roads impact fees	\$ 413,680
Perpetual Care	516,216
Library donations	89,436
Parks impact fees	1,062,249
Total general fund	<u>\$ 2,081,580</u>
Capital projects fund:	
Park impact fees	\$ 44,101
Total capital projects fund	<u>\$ 44,101</u>
Enterprise funds:	
Culinary water - sinking/reserve	\$ 44,333
Culinary water - impact fees	463,225
Waste water collection - impact fees	383,842
Total enterprise funds	<u>\$ 891,400</u>
Total restricted net position	<u><u>\$ 3,017,081</u></u>

3-F. Interfund transfers

Interfund transfers:

	Transfers In	Transfers Out
General Fund	\$ -	900,000
Capital Projects Fund	900,000	-
Total	<u><u>\$ 900,000</u></u>	<u><u>900,000</u></u>

Transfers are used to one (1) move revenues from the fund that statute or budget requires to collect them to the fund, that statute or budget requires to expend them and two (2) move unrestricted revenues collected in the general fund to finance various programs accounted for in the other funds in accordance with budgetary authorizations.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

NOTE 4 - OTHER INFORMATION

4-A. Risk management

The City is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters. The City maintains commercial insurance for all major programs. There have been no significant reductions in insurance coverage. Settlement amounts have not exceeded insurance coverage for the current year or the prior year.

4-B. Rounding convention

A rounding convention to the nearest whole dollar has been applied throughout this report, therefore the precision displayed in any monetary amount is plus or minus \$1. These financial statements are computer generated and the rounding convention is applied to each amount displayed in a column, whether detail item or total. As a result, without the overhead cost of manually balancing each column, the sum of displayed amounts in a column may not equal the total displayed. The maximum difference between any displayed number or total and its actual value will not be more than \$1.

4-C. Pension Plans

General Information about the Pension Plan

Plan description:

Eligible plan participants are provided with pensions through the Utah Retirement Systems. The Utah Retirement Systems are comprised of the following Pension Trust Funds:

Defined Benefit Plans

- Public Employees Noncontributory Retirement System (Noncontributory System) is a multiple employer, cost sharing, retirement system.
- Tier 2 Public Employees Contributory Retirement System (Tier 2 Public Employees System) is a multiple employer cost sharing public employee retirement system;

The Tier 2 Public Employees System became effective July 1, 2011. All eligible employees beginning on or after July 1, 2011, who have no previous service credit with any of the Utah Retirement Systems, are members of the Tier 2 Retirement System.

The Utah Retirement Systems (Systems) are established and governed by the respective sections of Title 49 of the Utah Code Annotated 1953, as amended. The Systems' defined benefit plans are amended statutorily by the State Legislature. The Utah State Retirement Office Act in Title 49 provides for the administration of the Systems under the direction of the Utah State Retirement Board, whose members are appointed by the Governor. The Systems are fiduciary funds defined as pension (and other employee benefit) trust funds. URS is a component unit of the State of Utah. Title 49 of the Utah Code grants the authority to establish and amend the benefit terms.

URS issues a publicly available financial report that can be obtained by writing Utah Retirement Systems, 560 E. 200 S, Salt Lake City, Utah 84102 or visiting the website: www.urs.org/general/publications.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

4-C. Pension Plans (continued)

Benefits provided:

URS provides retirement, disability, and death benefits. Retirement benefits are as follows:

System	Final Average Salary	Years of service required and/or age eligible for benefit	Benefit percentage per year of service	Cola **
Noncontributory System	Highest 3 Years	30 years any age	2.0% per year all years	Up to 4%
		25 years any age*		
		20 years age 60*		
		10 years age 62*		
		4 years age 65		
Tier 2 Public Employees System	Highest 5 Years	35 years any age	1.5% per year all years	Up to 2.5%
		20 years any age 60*		
		10 years age 62*		
		4 years age 65		

* with actuarial reductions

** All past-retirement cost-of-living adjustments are non-compounding and are based on the original benefit except for Judges, which is a compounding benefit. The cost-of-living adjustments are also limited to the actual Consumer Price Index (CPI) increase for the year, although unused CPI increases not met may be carried forward to subsequent years.

Contributions: As a condition of participation in the Systems, employers and/or employees are required to contribute certain percentages of salary and wages as authorized by statute and specified by the Utah State Retirement Board. Contributions are actuarially determined as an amount that, when combined with employee contributions (where applicable) is expected to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded actuarial accrued liability. Contribution rates as of June 30, 2023, are as follows:

	Employee Paid	Employer Contribution Rate	Employer Rate for 401(k) Plan
Contributory System			
111 - Local Government Div - Tier 2	N/A	16.01	0.62
Noncontributory System			
15 - Local Government Div - Tier 1	N/A	17.97	N/A
Tier 2 DC Only			
211 Local Government	N/A	6.19	10.00

Tier 2 rates include a statutory required contribution to finance the unfunded actuarial accrued liability of the Tier 1 plans.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

4-C. Pension Plans (continued)

For the fiscal year ended June 30, 2023, the employer and employee contributions to the Systems were as follows:

System	Employer Contributions	Employee Contributions
Noncontributory System	\$ 122,988	N/A
Tier 2 Public Employees System	75,466	-
Tier 2 DC Only System	5,720	N/A
Total Contributions	\$ 204,174	-

Contributions reported are the URS Board approved required contributions by System. Contributions in the Tier 2 Systems are used to finance the unfunded liabilities in the Tier 1 Systems.

At June 30, 2023, we reported a net pension asset of \$0 and a net pension liability of \$153,063.

	(Measurement Date): December 31, 2022			Proportionate	
	Net Pension Asset	Net Pension Liability	Proportionate Share	Share 12/31/2021	Change (Decrease)
Noncontributory System	\$ -	133,287	0.0778207%	0.0684762%	0.0093445%
Tier 2 Public Employees System	-	19,776	0.0181619%	0.0164109%	0.0017510%
Total	\$ -	153,063			

The net pension asset and liability was measured as of December 31, 2022, and the total pension liability used to calculate the net pension asset and liability was determined by an actuarial valuation as of January 1, 2022 and rolled-forward using generally accepted actuarial procedures. The proportion of the net pension asset and liability is equal to the ratio of the employer's actual contributions to the Systems during the plan year over the total of all employer contributions to the System during the plan year.

For the year ended June 30, 2023, we recognize pension expense of \$122,029.

At June 30, 2023, we reported deferred outflows of resources and deferred inflows of resources relating to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between expected and actual experience	\$ 51,889	785
Changes in assumptions	28,264	582
Net difference between projected and actual earnings on pension plan investments	95,891	-
Changes in proportion and difference between contributions	16,818	1,094
Contributions subsequent to the measurement date	102,577	-
Total	\$ 295,439	2,461

\$102,577 was reported as deferred outflows of resources related to pensions results from contributions made by us prior to our fiscal year end, but subsequent to the measurement date of December 31, 2022.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

4-C. Pension Plans (continued)

These contributions will be recognized as a reduction of the net pension liability in the upcoming fiscal year. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Year Ended December 31,</u>	Net Deferred Outflows (Inflows) of Resources
2023	\$ (8,416)
2024	9,248
2025	39,072
2026	142,184
2027	1,706
Thereafter	6,608

Actuarial assumptions:

The total pension liability in the December 31, 2022, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.50 Percent
Salary increases	3.25 - 9.25 percent, average, including inflation
Investment rate of return	6.85 percent, net of pension plan investment expense, including inflation

Mortality rates were adopted from an actuarial experience study dated January 1, 2020. The retired mortality tables are developed using URS retiree experience and are based upon gender, occupation, and age as appropriate with projected improvement using 80% of the ultimate rates from the MP-2019 improvement assumption using a base year of 2020. The mortality assumption for active members is the PUB-2010 Employees Mortality Table for public employees, teachers, and public safety members, respectively.

The actuarial assumptions used in the January 1, 2022, valuations were based on an experience study of the demographic assumptions as of January 1, 2020, and a review of economic assumptions as of January 1, 2021.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best- estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class and is applied consistently to each defined benefit pension plan. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

4-C. Pension Plans (continued)

The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Assets class	Expected Return Arithmetic Basis		
	Target Asset Allocation	Real Return Arithmetic Basis	Long Term expected portfolio real rate of return
Equity securities	35%	6.58%	2.30%
Debt securities	20%	1.08%	0.22%
Real assets	18%	5.72%	1.03%
Private equity	12%	9.80%	1.18%
Absolute return	15%	2.91%	0.44%
Cash and cash equivalents	0%	-0.11%	0.00%
Totals	100%		5.17%
Inflation			2.50%
Expected arithmetic nominal return			7.67%

The 6.85% assumed investment rate of return is comprised of an inflation rate of 2.50%, a real return of 4.35% that is net of investment expense.

Discount rate:

The discount rate used to measure the total pension liability was 6.85 percent. The projection of cash flows used to determine the discount rate assumed that employee contributions will be made at the current contribution rate and that contributions from all participating employers will be made at contractually required rates that are actuarially determined and certified by the URS Board. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability. The discount rate does not use the Municipal Bond Index Rate.

Sensitivity of the proportionate share of the net pension asset and liability to changes in the discount rate:

The following presents the proportionate share of the net pension liability calculated using the discount rate of 6.85 percent, as well as what the proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.85 percent) or 1-percentage-point higher (7.85 percent) than the current rate:

System	1% Decrease (5.85%)	Discount Rate (6.85%)	1% Increase (7.85%)
Noncontributory System	\$ 840,021	133,287	(457,226)
Tier 2 Public Employees System	86,412	19,776	(31,558)
Total	\$ 926,433	153,063	(488,784)

Pension plan fiduciary net position:

Detailed information about the pension plan's fiduciary net position is available in the separately issued URS financial report.

Providence City
NOTES TO FINANCIAL STATEMENTS
June 30, 2023

4-C. Pension Plans (continued)

Defined Contribution Savings Plan:

The Defined Contribution Savings Plans are administered by the Utah Retirement Systems Board and are generally supplemental plans to the basic retirement benefits of the Retirement Systems, but may also be used as a primary retirement plan. These plans are voluntary tax-advantaged retirement savings programs authorized under sections 401(k), 457(b) and 408 of the Internal Revenue code. Detailed information regarding plan provisions is available in the separately issued URS financial report. The City participates in the following Defined Contribution Savings Plans with the Utah Retirement Systems:

- 401(k) Plan
- 457(b) Plan
- Roth IRA Plan

Employee and employer contributions to the Utah Retirement Contribution Savings Plans for fiscal year ended June 30, were as follows:

	2023	2022	2021
401(k) Plan			
Employer Contributions	\$ 12,814	\$ 13,297	\$ 13,174
Employee Contributions	20,276	18,638	21,840
457(b) Plan			
Employer Contributions	8,562	3,251	943
Employee Contributions	22,252	19,777	14,851
Roth IRA Plan			
Employer Contributions	N/A	N/A	N/A
Employee Contributions	5,221	805	1,643

4-D. Insurance and bond coverage

Providence City has insurance and bonding policies with effective limits as follows:

Description	Issuer	Policy #	Limits	Expiration Date
Insurance:				
Comprehensive general liability (includes vehicle)	Utah Local Governments Trust (ULGT)	13080-GL2011	\$ 5,000,000	7/1/2024
Buildings	ULGT	ULGT-APDP-2010	7,292,500	7/1/2024
Contents	ULGT	ULGT-APDP-2010	1,141,700	7/1/2024
Equipment	ULGT	ULGT-APDP-2010	338,048	7/1/2024
Automobile	ULGT	ULGT-APDP-2010	26 Vehicles	7/1/2024
Bonds:				
City Treasurer/Recorder	CAN Surety	70011063	600,000	9/15/2024

4-E. Subsequent events

In preparing these financial statements, the City has evaluated events and transactions for potential recognition or disclosure through the date of the audit report, which is the date the financial statements were available to be issued.

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REQUIRED SUPPLEMENTARY INFORMATION
(Unaudited)

Providence City
Notes to Required Supplementary Information
June 30, 2023

Budgetary Comparison Schedules

The Budgetary Comparison Schedule presented in this section of the report is for the City's General Fund.

Budgeting and Budgetary Control

The budget for the General Fund is legally required and is prepared and adopted on the modified accrual basis of accounting.

Original budgets represent the revenue estimates and spending authority authorized by the City Council prior to the beginning of the year. Final budgets represent the original budget amounts plus any amendments made to the budget during the year by the Council through formal resolution. Final budgets do not include unexpended balances from the prior year because such balances automatically lapse to unreserved fund balance at the end of each year.

Current Year Excess of Expenditures over Appropriations

For the year ended June 30, 2023, total expenditures were under appropriations.

Changes in Assumptions Related to Pensions

No changes were made in actuarial assumptions from the prior year's valuation.

Providence City
SCHEDULE OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL - GENERAL FUND
For the Year Ended June 30, 2023

	Budgeted Original	Budgeted Final	Actual	Variance with Final Budget
Revenues:				
Taxes:				
Property	\$ 1,295,490	\$ 1,295,490	\$ 1,273,429	\$ (22,061)
Sales	1,628,249	1,628,249	1,898,120	269,871
Other taxes	836,978	836,978	1,050,385	213,407
License and permits	113,729	113,729	113,570	(159)
Intergovernmental revenues	341,343	341,343	451,480	110,137
Charges for services	1,098,141	1,098,141	1,153,761	55,620
Fines and forfeitures	81,814	81,814	83,960	2,146
Interest	67,147	67,147	436,834	369,687
Miscellaneous revenue	7,869	7,869	56,162	48,293
Total revenues	5,470,760	5,470,760	6,517,702	1,046,942
Expenditures:				
Current:				
General government	1,528,148	1,528,148	1,532,232	(4,084)
Public safety	1,575,538	1,575,538	1,668,343	(92,805)
Highways and public improvements	1,143,884	1,143,884	1,120,907	22,977
Parks, recreation and public property	555,582	555,582	516,315	39,267
Cemetery	122,547	122,547	114,830	7,717
Total expenditures	4,925,699	4,925,699	4,952,627	(26,928)
Excess (deficiency) of revenues over (under) expenditures	545,061	545,061	1,565,075	1,020,014
Other financing sources and (uses):				
Impact fees	429,544	429,544	252,193	(177,351)
Transfers (out)	(974,605)	(974,605)	(900,000)	74,605
Total other financing sources and (uses)	(545,061)	(545,061)	(647,807)	(102,746)
Net change in fund balances	-	-	917,268	917,268
Fund balances - beginning of year	3,237,633	3,237,633	3,237,633	-
Fund balance - end of year	\$ 3,237,633	\$ 3,237,633	\$ 4,154,901	\$ 917,268

Providence City
SCHEDULE OF THE PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
June 30, 2023
Last 10 Fiscal Years*

	As of December 31,								
	2022	2021	2020	2019	2018	2017	2016	2015	2014
Noncontributory Retirement System									
Proportion of the net pension liability	0.0778207%	0.0684762%	0.0652356%	0.0558421%	0.0005534%	0.0488373%	0.0499826%	0.0534176%	0.0548075%
Proportionate share of the net pension liability (asset)	\$ 133,287	\$ (392,171)	\$ 33,462	\$ 210,462	\$ 407,508	\$ 214,130	\$ 320,949	\$ 302,263	\$ 237,987
Covered employee payroll	\$ 675,526	\$ 557,337	\$ 539,759	\$ 441,821	\$ 449,446	\$ 399,515	\$ 420,266	\$ 464,761	\$ 475,623
Proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	-19.73%	-70.37%	6.20%	47.64%	90.67%	53.60%	76.37%	65.04%	50.00%
Plan fiduciary net position as a percentage of the total pension liability (asset)	97.50%	108.70%	99.20%	93.70%	87.00%	91.90%	87.30%	87.80%	90.20%
Tier 2 Public Employees Retirement System									
Proportion of the net pension liability	0.0181619%	0.0164109%	0.0133081%	0.0174494%	0.0176496%	0.0154365%	0.0142109%	0.0047790%	0.0038005%
Proportionate share of the net pension liability (asset)	\$ 19,776	\$ (6,946)	\$ 1,914	\$ 3,925	\$ 7,559	\$ 1,361	\$ 1,585	\$ (10)	\$ (115)
Covered employee payroll	\$ 395,673	\$ 304,038	\$ 212,758	\$ 242,547	\$ 205,880	\$ 151,188	\$ 116,541	\$ 30,880	\$ 18,705
Proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	5.00%	-2.28%	0.90%	1.62%	3.67%	0.90%	1.36%	-0.03%	-60.00%
Plan fiduciary net position as a percentage of the total pension liability (asset)	92.30%	103.80%	98.30%	96.50%	90.80%	97.40%	95.10%	100.20%	103.50%

* In accordance with paragraph 81.a of GASB 68, employers will need to disclose a 10-year history of their proportionate share of the Net Pension Liability (Asset) in their RSI. The 10-year schedule will need to be built prospectively.

Providence City
SCHEDULE OF CONTRIBUTIONS
June 30, 2023
Last 10 Fiscal Years

	As of fiscal year ended June 30,	Actuarial Determined Contributions	Contributions in relation to the contractually required contribution	Contribution deficiency (excess)	Covered employee payroll	Contributions as a percentage of covered employee payroll
Noncontributory System	2014	\$ 86,533	\$ 86,533	\$ -	\$ 500,623	17.29%
	2015	86,054	86,054	-	465,913	18.47%
	2016	81,347	81,347	-	440,428	18.47%
	2017	76,719	76,719	-	415,369	18.47%
	2018	78,802	78,802	-	426,651	18.47%
	2019	82,467	82,467	-	447,563	18.43%
	2020	87,282	87,282	-	475,483	18.36%
	2021	103,424	103,424	-	558,603	18.51%
	2022	110,358	110,358	-	601,775	18.34%
	2023	122,988	122,988	-	690,656	17.81%
Tier 2 Public Employees Riterment System*	2014	\$ 809	\$ 809	\$ -	\$ 5,785	13.99%
	2015	3,869	3,869	-	25,900	14.94%
	2016	7,339	7,339	-	49,223	14.91%
	2017	23,882	23,882	-	160,172	14.91%
	2018	25,716	25,716	-	169,686	15.15%
	2019	35,897	35,897	-	230,931	15.54%
	2020	36,236	36,236	-	227,762	15.91%
	2021	37,047	37,047	-	234,474	15.80%
	2022	57,135	57,135	-	355,542	16.07%
	2023	75,466	75,466	-	471,365	16.01%
Tier 2 Public Employees DC Only System*	2014	\$ -	\$ -	\$ -	\$ -	0.00%
	2015	-	-	-	-	0.00%
	2016	-	-	-	-	0.00%
	2017	-	-	-	-	0.00%
	2018	-	-	-	-	0.00%
	2019	1,669	1,669	-	24,953	6.69%
	2020	5,253	5,253	-	76,704	6.85%
	2021	6,964	6,964	-	104,101	6.69%
	2022	6,538	6,538	-	97,729	6.69%
	2023	5,720	5,720	-	92,407	6.19%

* Contributions in Tier 2 include an amortization rate to help fund the unfunded liabilities in the Tier 1 systems. Tier 2 systems were created July 1, 2011.

Contributions as a percentage of covered-payroll may be different than the board certified rate due to rounding and other administrative practices.

SUPPLEMENTAL INFORMATION

Aycock, Miles & Associates, CPAs, P.C.

Certified Public Accountants

58 East 100 North (83-13) • Roosevelt, Utah 84066 • Phone (435) 722-5153 • Fax (435) 722-5095

Report on Compliance and on Internal Control over Financial Reporting Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards

Providence City Council

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and business-type activities of Providence City as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise Providence City's basic financial statements, and have issued our report thereon dated October 16, 2023.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance & Other Matters

As part of obtaining reasonable assurance about whether Providence City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Aycock, Miles & Associates, CPAs

Roosevelt, Utah
October 16, 2023

Aycock, Miles & Associates, CPAs, P.C.

Certified Public Accountants

58 East 100 North (83-13) • Roosevelt, Utah 84066 • Phone (435) 722-5153 • Fax (435) 722-5095

Independent Auditor's Report on Compliance and Report on Internal Control Over Compliance as Required by the State Compliance Audit Guide

Council Members
Providence, Utah

Report On Compliance

We have audited Providence City's compliance with the applicable state compliance requirements described in the *State Compliance Audit Guide*, issued by the Office of the State Auditor, for the year ended June 30, 2023. State compliance requirements were tested for the year ended June 30, 2023.

State compliance requirements were tested for the year ended June 30, 2023, in the following areas: budgetary compliance, fund balance, restricted taxes and other related restricted revenues, fraud risk assessment, governmental fees, public treasurer's bond, and open and public meetings act.

Opinion on Compliance

In our opinion, Providence City complied, in all material respects, with the state compliance requirements referred to above for the year ended June 30, 2023.

Basis for Opinion

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States (Government Auditing Standards); and the *State Compliance Audit Guide* (Guide). Our responsibilities under those standards and the *State Compliance Audit Guide* are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of Providence City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion. Our audit does not provide a legal determination of Providence City's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to Providence City's government programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Providence City's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, Government Auditing Standards, and the Guide will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Providence City's compliance with the requirements of the government program as a whole.

In performing an audit in accordance with GAAS, Government Auditing Standards, and the Guide, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Providence City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.

Aycock, Miles & Associates, CPAs, P.C.

Certified Public Accountants

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- Obtain an understanding of the Providence City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the *State Compliance Audit Guide* but not for the purpose of expressing an opinion on the effectiveness of Providence City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Other Matters

The results of our auditing procedures disclosed instances of noncompliance, which are required to be reported in accordance with the Guide and which are described in the accompanying schedule of findings and recommendations as item 2023-1. Our opinion on compliance is not modified with respect to these matters.

Government Auditing Standards require the auditor to perform limited procedures on the City's response to the noncompliance findings identified in our audit described in the accompanying schedule of findings and recommendations. The City's response was not subjected to the other auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Report On Internal Control over Compliance

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses or significant deficiencies, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified. *A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent or to detect and correct noncompliance with a state compliance requirement on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a state compliance requirement will not be prevented or detected and corrected on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a state compliance requirement that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control and compliance and the results of that testing based on the requirements of the State Compliance Audit Guide. Accordingly, this report is not suitable for any other purpose.

Aycock, Miles & Associates, CPAs

Roosevelt, Utah
October 16, 2023

Aycock, Miles & Associates, CPAs, P.C.

Certified Public Accountants

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- 2023-1 *Finding*—The City exceeded their budget in both the public health department and administration department.
- Criteria*— Per UCA-10-5-115 the city should spend within their legally adopted budget.
- Effect*—The City exceed their legally adopted budget by department.
- Recommendation*—We recommend the City review the budget to actual towards the year end and if necessary, amend the budget for each fund and department.
- Management Response*—The City agrees with the auditor recommendations and will review the budget at year-end and amend the budget for each fund and department as necessary.

Resolution 10-2023

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE PROVIDENCE CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78a-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 31st day of January 2024; and

WHEREAS, the members of the Providence City Council have received an opinion letter from Michael Green, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Providence City Council have determined that it is in the best interests of Providence City to continue to provide for a Justice Court;

BE IT RESOLVED, the Providence City Council hereby requests recertification of the Providence City Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Providence City Council of Providence City, Utah hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Providence City Justice Court for the next four-year term of the court, except as to any requirements waived by the Utah Judicial Council.

Passed by vote of the Providence City Council this _____ day of November 2023.

Council Vote:

Kirk, Carrie	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Paulsen, Josh	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sealy, Jeanell	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Speth, Brent	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Nebeker, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Kathleen W Alder, Mayor

Attest:

Ty Cameron, City Recorder

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WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative power through ordinances.” And

WHEREAS, during the 2023 State Legislative Session changes were made to the regulations governing subdivision land use applications and subdivision improvement plans. To be compliant with state law, the city code must be amended by February 1, 2024. The attached amendments include comments listing the associated state code citation.

The Providence City Planning Commission motioned to recommend that the City Council adopt this code amendment with the additional following changes: Strike section 11-4-3(6). In section 11-5-3(C) strike ‘Etc.’ and replace it with ‘or similar act beyond the developer control (force majeure). Replace Land Use Authority as referenced with Administrative Land Use. Bob Washburn. 2nd- Shelly Nazer

Vote:

Yea- Shelly Nazer, Robert Henke, Brian Marble, Bob Washburn & Joe Chambers

Ney-

Abstained-

Absent- Michael Fortune.

WHEREAS, City Council motions to approve Ordinance 06-2023 granting the following attached amendments to the city code governing subdivision regulations per the recommendations of the Planning Commission and new State Code.

- The attached referenced code amendment shall be approved.
- This ordinance shall become effective immediately upon passage.

Passed by vote of the Providence City Council this day of November 2023.

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Council Vote:

Nebeker, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Kirk, Carrie	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Paulsen, Joshua	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sealy, Jeanell	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Speth, Brent	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Kathleen Alder, Mayor

Attest:

Tyler Cameron, Recorder

Code Amendment Review				
Prepared by: S Bankhead	Date: 11/08/2023	Land Use	Yes: X	No:
Code Title: 2 Boards and Commissions 10 Zoning Regulations 11 Subdivision Regulations	Title Chapter: 2-4 Land Use Authority 10-5 Sensitive Areas 11-1 Subdivision Regulations 11-2 Administration & Enforcement 11-3 Plat Procedures & Requirements 11-4 Design Standards 11-5 Public Improvements 11-6 Condominium Approval	Chapter Section: 2-4-1 Established 10-5-2.B.5 New Subdivisions Multiple sections Multiple sections Multiple sections Multiple sections Multiple sections Multiple sections		
Applicant: Providence City				
Abbreviations & Authority: <ol style="list-style-type: none"> 1. Utah Code Annotated: UCA 2. The UCA references are summarized in this analysis. For a complete details and code requirements, please review the online Utah Code at: https://le.utah.gov/xcode/code.html 3. Providence City Code: PCC 4. The PCC references are summarized in this analysis. For a complete details and code requirements, please review our online city code at: https://providence.municipalcodeonline.com/book?type=ordinances#name=Preface 5. Recommendation: Planning Commission (PCC: 10-4-4:B.1) 6. Legislative body: City Council 				
Background Information: <ol style="list-style-type: none"> 1. During the 2023 State Legislative Session changes were made to the regulations governing subdivision land use applications and subdivision improvement plans. 2. To be compliant with state law, the city code must be amended by February 1, 2024. 3. The attached amendments include comments listing the associated state code citation. 4. The planning commission held a public hearing during their November 8, 2023 meeting. After the public hearing, the planning commission reviewed, suggested revisions, and recommended the city council adopt the code amendments with revisions. 5. The attached draft includes the 11/08/2023 planning commission revisions. 				

FINDINGS OF FACT:

1. UCA 10-3-701. Legislative power exercised by ordinance. Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances.
2. UCA 10-3-702. The governing body may pass any ordinance to regulate, require, prohibit, govern control or supervise any activity, business, conduct of condition authorized by this act or any other provision of law.
3. UCA 10-9a-102 Purposes – General land use authority.
A municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: (a) uses; (b) density; (c) open spaces; (d) structures; (e) buildings; (f) energy efficiency; (g) light and air; (h) air quality; (i) transportation and public or alternative transportation; (j) infrastructure; (k) street and building orientation; (l) width requirements; (m) public facilities; (n) fundamental fairness in land use regulation; and (o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
4. UCA 10-9a-201(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

5. UCA 10-9a-602. Planning commission preparation and recommendation of subdivision ordinance – Adoption or rejection by legislative body.
6. UCA 10-9a-604 – 604.5 list regulations for review and approval processes for subdivision land use applications and subdivision improvement plans, improvement completion assurance and improvement warranty.
7. UCA 10-9a-604.9 requires a specified municipality, as defined in UCA 10-9a-408, to have amendments for compliance with UCA 10-9a-604.1 and 604.2 in place by February 1, 2024.
8. PCC Title 11 lists the regulations for subdividing properties.

CONCLUSIONS OF LAW:

1. The Providence City Council may enact or amend land use regulations.
2. The Providence Planning Commissions reviews and makes recommendations to the city council for land use regulations.
3. The Providence Planning Commission held a public hearing and made recommendation to the city council for land use regulations.
4. The applicant filed a complete application, including reasons for the proposed amendment.
5. The proposed amendments comply with state law, particularly UCA 10-9a-604.1 and 604.2.

CONDITIONS:

1. To be compliant with UCA 10-9a-604.9, the city council must adopt the changes by February 1, 2024.
2. The applicant shall meet all applicable City, state and federal laws, codes, rules.

1 PCC Chapter 2-4 Land Use Authority

2

3 2-4-1 Established

4 There ~~is~~ **are** created a land use authority ~~authorities to act upon land use applications, including an administrative~~
5 ~~land use authority and a regulatory land use authority. which shall consist of the~~

6 A. ~~The planning commission for all subdivisions; is the designated administrative land use authority for~~
7 ~~preliminary plat applications. and a body, administrative~~

8 B. ~~The regulatory land use authority, to include is comprised of the community development director, public~~
9 ~~works director, and city engineer. The regulatory land use authority is the land use authority for final plat~~
10 ~~applications and all other land use applications.~~

11

Commented [SB1]: See UCA 10-9a-604.1(3)(b). The City does note utilize 10-9a-605.

Providence City Code 10-5-2. ~~Nondevelopable~~ Sensitive Areas (NDSA) and Potentially Developable Sensitive Areas (PDSA)

B. Development of sensitive areas.

5. *New subdivisions.* In the case of new subdivisions, permit requirements for all public facilities (roads, sewer and water lines, etc.) within or containing a sensitive area shall be included in the ~~final~~ preliminary plat and construction drawing phases of the approval process. ~~and~~ The approval of the final plat and construction drawings shall serve as the permit for roads, sewer, and water line and similar utility and infrastructure uses within the sensitive areas.

DRAFT

1 CHAPTER 11-1 SUBDIVISION REGULATIONS GENERAL PROVISIONS

2 11-1-1 Title

3 11-1-2 Purposes

4 11-1-3 (Reserved For Future Use)

5 11-1-4 Amendments; Changes

7 11-1-1 Title

8 This title shall be known as the "Subdivision Title of Providence City, County of Cache, State of Utah."

10 (Code 1998, § 11-1-1; Subd. Ord., 1-24-1990; Ord. No. 006-2013, 9-10-2013; Ord. No. 024-2016, 11-1-2016; Ord.
11 No. 2017-007, 4-25-2017

12 HISTORY

13 *Adopted by Ord. [06-2022](#) on 9/21/2022*

15 11-1-2 Purposes

16 The purposes of this title are to promote an adequate and efficient street and road system, to prevent congestion
17 on streets and promote traffic safety, to secure desirable public space, to ensure proper distribution of population,
18 to provide for adequate utilities and public improvements, to provide for orderly growth, and to improve the
19 health, safety and general welfare of the people.

21 (Code 1998, § 11-1-2; Subd. Ord., 1-24-1990; Ord. No. 006-2013, 9-10-2013; Ord. No. 024-2016, 11-1-2016; Ord.
22 No. 2017-007, 4-25-2017)

23 HISTORY

24 *Adopted by Ord. [06-2022](#) on 9/21/2022*

25 11-1-3 (Reserved For Future Use)

26 HISTORY

27 *Adopted by Ord. [06-2022](#) on 9/21/2022*

29 11-1-4 Amendments; Changes

30 Changes and amendments shall be done in accordance with state law.

32 (Code 1998, § 11-1-4; Subd. Ord., 1-24-1990; Ord. No. 006-2013, 9-10-2013; Ord. No. 024-2016, 11-1-2016; Ord.
33 No. 2017-007, 4-25-2017)

34 State law reference—Amendments to subdivision ordinances, [U.C.A. 1953, § 10-9a-608](#).

35 HISTORY

36 *Adopted by Ord. [06-2022](#) on 9/21/2022*

1 CHAPTER 11-2 ADMINISTRATION AND ENFORCEMENT

2 11-2-1 Established

3 11-2-2 Compliance Required

4 11-2-3 Permit Issuance

5 11-2-4 Fee Schedule

6 11-2-5 Inspections, Generally

7 11-2-6 Penalty

8 11-2-7 Administrative Provisions

9
10 **11-2-1 Established**

11 The city shall enforce the provisions of this title. Failure of such to pursue appropriate legal remedies
12 shall not legalize any violation of such provisions. Reasonable legal fees incurred by the city in
13 enforcement hereof may be assessed as an additional penalty for violation of this title.

14
15 (Code 1998, § 11-2-1; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

16 HISTORY

17 Adopted by Ord. 06-2022 on 9/21/2022

18
19 **11-2-2 Compliance Required**

20 No person shall subdivide any tract or parcel of land located wholly or in part in the city, except as in
21 compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land
22 which is any part of a subdivision or a proposed subdivision submitted to the ~~planning commission~~ city,
23 nor offer for recording in the office of the county recorder, any deed conveying such a parcel of land or
24 any fee interest therein, unless such subdivision has been created pursuant to and in accordance with
25 the provisions of this title.

26
27 (Code 1998, § 11-2-2; Subd. Ord., 1-24-1991; Ord. No. 010-2013, 9-10-2013)

28 HISTORY

29 Adopted by Ord. 06-2022 on 9/21/2022

30
31 **11-2-3 Permit Issuance**

32 From the time of the effective date of the ordinance from which this title is derived, the building
33 inspector shall not grant a permit, nor shall any city office, department or agency grant any license or
34 permit for the use of any land or the construction or alteration of any building or structure on a lot
35 which is contained in a subdivision that was not approved prior to the effective date of the ordinance
36 from which this chapter is derived, which would be in violation of any provisions of this title until a
37 subdivision plat has been approved as herein required and subsequently recorded. Any license or permit
38 issued in conflict with such provisions shall be void.

39
40 (Code 1998, § 11-2-3; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

41 HISTORY

42 Adopted by Ord. 06-2022 on 9/21/2022

43
44 **11-2-4 Fee Schedule**

45 Any and all persons requesting approval on preliminary plats, final plats and construction drawings and
46 specifications for the construction of improvements shall have first paid all fees required as set forth by
47 the most recent prevailing fee schedule adopted by the city. The fee schedule shall include, but shall not
48 be limited to, office checking, legal, and field engineering fees to be payable to the city at the time of

Code Amendment

CHAPTER 11-2 Administration and Enforcement

DRAFT 10/12/2023

each of the above named submittals or in one lump sum as approved by the city. In addition to the above, a retainer fee for the construction inspection based on the above mentioned fee schedule shall be payable to the city prior to any construction of subdivision improvements. All costs of inspection, including any necessary testing, shall be borne by the developer, not the city. The fee schedule shall be held in the city office.

(Code 1998, § 11-2-4; Subd. Ord., 1-24-1991; Ord. No. 010-2013, 9-10-2013)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-2-5 Inspections, Generally

Appropriate agencies, departments and officials of the city shall inspect, or cause to be inspected, all buildings, roads, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered nor backfilled until such installations shall have been approved by the appropriate department, agency or officials. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. A minimum of one working day's notice shall be given for any inspection.

(Code 1998, § 11-2-5; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-2-6 Penalty

Whoever shall violate any of the provisions of this title shall be guilty of a Class C misdemeanor and, upon conviction of any such violation, shall be subject to penalty as provided in PCC 1-4-1. Each violation of this title shall be considered a separate offense, and each day such violation is permitted to exist shall constitute a separate offense.

(Code 1998, § 11-2-6; Subd. Ord., 1-24-1990; Ord. No. 010-2013, 9-10-2013)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-2-7 Administrative Provisions

- A. *Appeals.* Appeals from decisions applying this chapter shall be considered land use appeals and be heard by the appeal authority provided for in PCC chapter 2-5 in a manner consistent with local ordinance and state law.
- B. *Written agreements.* Written agreements may be deemed necessary by all parties involved in the review. It is to be whatever title and approval of subdivision application to protect the interests of the parties and clarify the mutual understandings associated with that review and/or approval. Written agreements may be entered into by all parties concerned to cover concerns and issues not specifically addressed by this title or other codes, standards, or ordinances of the city. Written agreements shall be finalized and executed by all other parties before the mayor places signature on the final plat and the written agreements.
- C. *Guidelines and checklists.* The city is hereby authorized and empowered to promulgate by way of resolution certain materials, such as guidelines and/or checklists relative to this title. These materials shall be provided to any interested person upon request and upon payment of a fee if required by the city. These materials shall be for instructional purposes only and represent an

Commented [SB1]: The application fee is charged at the time the application is filed. Fees for engineering review, legal review, etc. are billed to the developer as they are incurred.

Code Amendment

CHAPTER 11-2 Administration and Enforcement

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Page 2 of 3

attempt to aid those seeking to comply with this title. In the event any conflict arises between such materials and this title or other regulations, resolutions or policies of the city, then said ordinances, resolutions, regulations, or policies shall be deemed controlling and all questions shall be resolved in their favor.

- D. *Exceptions.* The city council may grant an exception to the requirements of this title after receiving the recommendations of the planning commission and the city executive staff, provided that approving such exception will not substantially impair the intent of this title.
1. When considering, granting, or denying an exception to title, the city council is acting as a land use authority.
 2. The consideration of and action upon an application for an exception to this title is an administrative act and is not an ordinance or a code amendment. An administrative record shall be kept of the decision. The decision will be supported by appropriate findings of fact and conclusions of law whether the application is approved or denied.
 3. When approving a request for an exception to this title, the city council shall specifically identify conditions that exist that support a determination that complete compliance with the requirement of this Code is unnecessary to serve the public interest and the goals and objectives of this Code and the general plan.
 4. Approval of an exception shall not materially increase the burden on the municipality to maintain its infrastructure.
 5. In approving an exception, conditions may be imposed which will, as determined by the city council, better serve the public interest than the strict application of the provisions of this title.
 6. The applicant, a board or officer of the municipality, or any person adversely affected by a decision to approve or deny an exception may, using the procedure in PCC chapter 2-5, appeal the decision to the appeal authority by alleging that there is an error in any order, requirement, decision, or determination made by the city council, acting as a land use authority, in the administration or interpretation of this Code. The appeal shall be a record review and the decision of the city council will be upheld if it is legal and supported by substantial evidence in the record.
- E. *Floodways and floodplains.* Subdivision plats shall be designed and prepared to clearly provide that the construction of buildings is not allowed in a designated floodway with a return frequency more often than a 100-year flood. Where building construction is to be allowed in any portion of a designated floodway where the return frequency is between a 100-year and a maximum probability flood, the plat shall be designed and prepared to clearly provide that all usable floor space for an occupancy use is constructed above the designated maximum probable flood level. **See Chapter 10-16 of this code for Floodplain Management Regulations.**

(Code 1998, § 11-2-7; Ord. No. 010-2013, 9-10-2013; Ord. No. 2015-010, 3-14-2015)

HISTORY

Adopted by Ord. **06-2022** on 9/21/2022

1 CHAPTER 11-3 PLAT PROCEDURES AND REQUIREMENTS

2 11-3-0 Dependent Subdivisions

3 11-3-1 Concept Plan

4 11-3-2 Preliminary Plat

5 11-3-3 Final Plat

6 11-3-4 (Reserved For Future Use)

7 11-3-5 (Reserved For Future Use)

8 11-3-6 All Provisions, Timelines, Expiration Dates, Etc.

9 11-3-7 Building Lots And Building Permits

10 11-3-8 Lot Consolidation/Lot Line Adjustment In A Recorded Subdivision

11
12 **11-3-0 Dependent Subdivisions**

13 A subdivision or phase that is dependent upon another subdivision and/or phase for access or public works
14 improvements shall not receive approval, conditional or otherwise, for the final plat until the final plat and
15 construction documents for the independent subdivision or phase are approved, substantial completion inspection
16 performed, and the items listed on the substantial completion inspection punch list are completed. Changes will
17 place the dependent subdivision or phase on hold until all modifications to the independent subdivision are
18 approved.

- 19 A. Exception. If the land use authority for subdivisions determines for good cause that any phase of plan/plat
20 approval for the dependent subdivision would be inadequate to protect the public health, safety, and
21 welfare, the dependent subdivision shall not receive approval, conditional or otherwise, for any phase of
22 plan/plat until the final plat and construction documents for the independent subdivision or phase are
23 approved, substantial completion inspection performed, and the items listed on the substantial
24 completion inspection punch list are completed. Changes will place the dependent subdivision or phase on
25 hold until all modifications to the independent subdivision are approved.

26
27 (Code 1998, § 11-3-0; Ord. No. 002-00, 1-25-2000; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007;
28 Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012,
29 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No.
30 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

31
32 HISTORY

33 Adopted by Ord. 06-2022 on 9/21/2022

34
35 **11-3-1 Concept Plan Purpose and Pre-Application Meeting**

36 A. Purpose.

37 It is the purpose of this chapter to:

- 38 1. Establish a standard method and form of application for preliminary subdivision applications and final
39 subdivision applications.
40 2. Designate an administrative land use authority for the approval of preliminary plats.

41 A concept plan shall be submitted to the city executive staff (which may include the city manager, community
42 development director, public works director, city engineer and others as designated by the city manager) for
43 review and compliance with the city general plan, and PCC titles 10 and 11.

- 44 A. Complete application. The city has 30 days to review an application for completeness. At that time the city
45 will provide a written notice of acceptance or denial to the developer and/or their agent. If the application
46 is denied, professional fees for review may be billed.

- 47 1. A complete application must include information indicating the total acreage (total acreage includes
48 all property within the parcel and all phases whether current or future) of the proposed
49 development.
50 2. In addition to lot and street layout, a concept plan shall show all nondevelopable sensitive areas and
51 all potentially developable sensitive areas within the boundaries of the development and within 100
52 feet of the development.

Commented [SB1]: See UCA 10-9a-604.1(3)(a) & (b)

Code Amendment

Title 11 Chapter 3 Plat Procedures and Requirements – Redline
Draft 10/12/2023

Page 1 of 15

3. ~~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.~~
4. ~~See the Downtown Street Cross Sections C-1A in the 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;~~
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 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.~~

B. ~~Pre-application meeting.~~

~~Providence City does not require a concept plan. However, an applicant may request a pre-application meeting to review a concept plan and receive initial feedback. The city follows the pre-application meeting requirements listed in Utah code.~~

(Code 1998, § 11-3-1; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-3-2 Preliminary Plat Standard method and form of application for preliminary subdivision applications:

~~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. ~~Complete Application. Preparation. The preliminary plat shall be prepared in accordance with all requirements of the city and shall include all proposed phases. A complete preliminary plat application shall include the following:~~
 1. ~~Completed, signed and initialed preliminary plat information form.~~
 2. ~~The owner's affidavit.~~
 3. ~~The proposed preliminary plat prepared in accordance with all requirements listed below, including subdivision improvement plans.~~
 4. ~~A copy of the Cache County Recorder's parcel map(s) of areas on the preliminary plat.~~
 5. ~~A copy of the Cache County GIS parcel summary for each parcel involved in the proposed preliminary plat.~~
 6. ~~An electronic copy of all plans in PDF format.~~
 7. ~~Application and payment of the application fee.~~
 - a. ~~Development fees are established by resolution of the city council. The approved fee schedule is posted on the city's website or available at the city offices.~~
- B. ~~Contents.~~

~~A preliminary plat shall be prepared in accordance with all requirements of the city and shall include all proposed phases. The following items must be included on or accompany the preliminary plat. If an item is not applicable, a note indicating such must be included.~~

 1. ~~Drawing requirements. Owner authorization.~~

Commented [SB2]: The City can no longer require a concept plan. As per UCA 10-9a-604.1(3)(a) the code allows for preliminary and final plat applications

Commented [SB3]: See UCA 10-9a-604.1(4)

Commented [SB4]: See UCA 10-9a-604.2(3)(b)

Commented [SB5]: The majority of items in the following sections are in the current city code. The change is that they have been grouped a bit differently from current code.

- 105 a. A title report, dated within 30 days, which indicates in whom the fee simple title to such property
106 is vested and any liens or encumbrances thereon.
- 107 b. A statement from the property owner disclosing any options or unrecorded
108 contracts/agreements associated with the property.
- 109 c. Copies of any agreements with adjacent property owners relevant to the proposed development.
- 110 d. A signature block along the right-hand margin for an affidavit or certificate to the effect that the
111 applicant is the owner of, or that the applicant is authorized by owner to make application for,
112 the land proposed to be subdivided
- 113
- 114 C. The title block of the preliminary plat shall include the following:
- 115 1. The proposed name of the development.
- 116 2. The section, township and range of the development.
- 117 3. The names, addresses, and contact information of the owners, developer, if other than the owners,
118 and surveyors and/or designers of the development.
- 119 4. Scale of drawing and north arrow.
- 120
- 121 D. Existing conditions. The preliminary plat shall also show:
- 122 ~~1. The legal description basis of bearing, and total acreage (total acreage includes all property within the~~
123 ~~parcel and all phases whether current or future) of the proposed development, certified by a licensed~~
124 ~~land surveyor.~~
- 125 ~~2. Location, street number and name of existing streets within 100 feet of the development and of all~~
126 ~~previously platted streets or other public ways, railroad and utilities rights of way, parks and other~~
127 ~~public open spaces, permanent buildings and structures, and corporate lines within and adjacent to~~
128 ~~the tract.~~
- 129 ~~3. The location of all wells, proposed, active and abandoned, springs, and all reservoirs within the tract~~
130 ~~and to a distance of at least 100 feet beyond the development boundaries.~~
- 131 ~~4. Existing sewers, water mains, culverts or other underground facilities within the tract and to a~~
132 ~~distance of at least 100 feet beyond the tract boundaries, indicating pipe size, grades, manholes and~~
133 ~~accurate location.~~
- 134 ~~5. Existing ditches, canals, natural drainage channels, open waterways, and proposed alignments or~~
135 ~~realignments within the tract and to a distance of at least 100 feet beyond the tract boundaries, and~~
136 ~~a letter from the affected users indicating the plans are acceptable, must be submitted to the city.~~
- 137 ~~a. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels~~
138 ~~of land.~~
- 139 ~~b. By means of an overlay method or directly on the plat, vertical contour intervals of not more~~
140 ~~than two feet, or one foot on predominantly level land.~~
- 141 ~~c. A vicinity map shall show how the development is situated in its surrounding neighborhoods~~
142 ~~extending a minimum of two blocks or more outward from the boundaries of the development.~~
143 ~~The vicinity map shall include all major, collector, standard and feeder streets within the area,~~
144 ~~both existing streets and those proposed on the master plan.~~
- 145
- 146 1. Show all non-developable sensitive areas within the boundaries of the development and within 100-
147 feet of the development.
- 148 2. Show all potentially developable sensitive areas within the boundaries of the development and within
149 100-feet of the development.
- 150 3. Total acreage (total acreage includes all property within the parcel and all phases whether current or
151 future) of the proposed development.
- 152 4. Legal description basis of bearing, and total acreage of the proposed development within and
153 adjacent to the development certified by a licensed land surveyor.
- 154 5. Accurate boundary lines certified by a licensed land surveyor and ownership of adjacent parcels of
155 land.

6. By means of an overlay method directly on the plat, show the vertical contour intervals of not more than 2-feet, or 1-foot on predominantly level land.
7. Streets, public ways, rights-of-way, parks and open spaces, permanent structures.
- Location, street number and name of existing streets within 100 feet of the development; and the location of all previously platted streets or other public ways,
 - Railroad rights-of-way,
 - Utilities rights-of-way and/or easements,
 - Parks and other public open spaces,
 - Permanent buildings and structures, and
 - Corporate lines within and adjacent to the tract.
8. Utilities within the tract and to a distance of at least 100-feet beyond the boundaries of the development.
- Existing sewers mains, indicating pipe size, manholes, and accurate locations.
 - Existing water mains (pipe size and accurate locations), fire hydrants, pressure reducing valves, and any other pertinent feature.
 - Culverts, storm water mains (pipe size and accurate locations), detention/retention ponds, and any other pertinent feature.
 - Other underground utilities including but not limited to: electrical, gas, fiber, etc.
9. Wells, springs, reservoirs within the tract and to a distance of at least 100-feet beyond the boundaries of the development.
- The location of wells, proposed, active and abandoned,
 - The location of all springs, and
 - The locations of all reservoirs
10. Ditches, canals, natural drainage channels, open waterways within the tract and to a distance of at least 100-feet.
- Show the existing locations.
 - Show proposed alignment or realignments.
 - Provide a letter form the affected users indicating the plans are acceptable.
11. Provide a vicinity map showing how the development is situated in its surrounding neighborhoods, extending a minimum of two blocks or more outward from the boundaries of the development. The vicinity map shall include the following:
- All major and minor collectors,
 - All minor arterial
 - All Commercial and residential (local) streets
 - All limited access specified roadway.
- E. Proposed conditions. The preliminary plat shall also show:
- ~~The layout of streets showing locations, widths and other dimensions of proposed streets (designated by actual or proposed names and numbers), crosswalks, alleys and easements.~~
 - ~~The locations for culinary water improvements, wastewater improvements, storm drainage and street lights for all lots proposed within the development.~~
 - ~~The layout, numbers, hazard setback, and typical dimensions of lots and square footage.~~
 - ~~Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the development.~~
 - ~~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.~~
 - ~~Easements for water, sewer, drainage, utility lines and other utilities.~~
 - ~~Typical street cross sections and preliminary street grades if required.~~
 - ~~Copies of any agreements with adjacent property owners relevant to the proposed development.~~
 - ~~Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.~~

Commented [SB6]: These items are in the current city code. I changed the order a bit.

10. A professionally prepared plat having been prepared on a minimum 20-inch by 30-inch or maximum 24-inch by 36-inch approved, reproducible drafting medium.
11. 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 the applicant 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 contracts/agreements associated with the property.
1. Density, rights-of-way, easements, public and open spaces.
 - 1) Density summary data indicating the amount of non-developable acreage, infrastructure (rights-of-way) acreage, public and recreation districts acreage, the number of units per net acre.
 - 2) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the development.
 - 3) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
 - 4) Locations for culinary water improvements, wastewater improvements, storm drainage and street lights for all lots proposed within the development.
 - 5) Easements for water, sewer, drainage, utility lines and other utilities.
 2. Water availability requirement.
 - 1) Summary data showing the water availability requirement can be met in accordance with PCC 8-1-21.
 3. Lot and street layout
 - 1) The layout of streets showing locations, widths and other dimensions (designated by actual or proposed names and numbers, and classification), crosswalks, alleys, and easements.
 - 2) Typical street cross sections and preliminary street grades.
 - 3) The layout, numbers, and typical dimensions of lots and square footage.
 - 4) The buildable envelope, including hazard setbacks and internal lot restrictions.
 - 5) A written statement by the design engineer verify that all lots has an adequate building envelope with regards to hazardous slope, building, water zoning setbacks, etc.
- F. Phasing. The development shall be phased to provide public infrastructure, facilities, and services in a timely and orderly manner and provide the city the ability to protect and promote public health, safety, and welfare.
1. When developing a large tract of land, developers may choose to construct the subdivision in phases rather than develop the entire property at once. However, in no case should a phase contain less than six lots; and no less than two acres of land area.
 2. Phases shall be planned to ensure the efficient and consecutive construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development.
 3. Each proposed phase shall provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement may be required.
 4. All phases shall be required to be stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to, the looping of roads and utilities; the provision of fire flow; and the

Commented [SB7]: These items are in the current city code. I changed the order a bit.

- mitigation of transportation, recreation and/or public services impacts. Landscaping and parking improvement shall be provided within each phase as required.
5. Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.
6. Phasing plans shall include the following information:
- a. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers) and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan shall also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easement, dedications, and open space, should be shown on the map shaded or gray scaled. All phasing maps shall be drawn at the same scale.
 - b. A narrative description or table which describes each phase and its associated improvements, in addition, the narrative or table shall demonstrate that each phase would comprise a stand-alone development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet to be constructed improvements.
 - c. Choosing to phase the subdivision does not relieve developer of the requirement to present the entire subdivision in its phases, for final approval by the planning commission as required by PCC 11-3-3.
 - d. Remainder parcel. In no case should a remainder parcel contain less area than the area required for six lots.
- F. Phasing. When developing a large tract of land, developers may choose to construct the subdivision in phases rather than develop the entire property at once. However, in no case should a phase contain less than six lots; and not less than two acres of land area.
- e. The development shall be phased to provide public infrastructure, facilities, and services in a timely and orderly manner to provide the city the ability to protect and promote public health, safety, and welfare.
 - f. Phases shall be planned to ensure the efficient and consecutive construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development.
 - g. Each proposed phase shall provide no less than a proportionate share of required open space, recreation facilities, and/or dedications for public use concurrent with the development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement may be required.
 - h. All phases are required to be stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to, the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation recreation and/or public series impacts. Landscaping and parting improvement shall be provided within each phase as required.
 - i. Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.
 - j. Phasing plans shall include the following information:
 - 1) Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers) and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan shall also illustrate those proposed improvements which mitigate impacts associated with the

unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easement, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps shall be drawn at the same scale.

2) A narrative description or table which describes each phase and its associated improvements, in addition, the narrative or table shall demonstrate that each phase would comprise a stand-alone development which should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be constructed improvements.

3) Choosing to phase the subdivision does not relieve developer of the requirement to present the entire subdivision in its phases, for final approval by the administrative land use authority.

k. Remainder parcel. In no case should a remainder parcel contain less area than the area required for six lots.

G. Subdivision improvement plans. The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

H. Subdivisions that include townhomes must also submit preliminary architectural, landscaping, and parking plans for the townhome areas. See PCC 10-8-9 for details.

I. Submittal. Two copies (20 inch by 30 inch minimum, 24 inch by 36 inch maximum size) and one 11 inch by 17 inch copy of the preliminary plat shall be submitted to the city for review a minimum of seven days prior to the initial city review. The city will complete the first review within 30 days. Each subsequent review is subject to an additional 30-day review period. If all required information is not included, city has the right to refuse the package.

Procedure for review for preliminary plat application; single-family dwellings, two-family dwellings, or townhomes that do not include properties within identified geological hazard areas

Providence City follows the review cycle restrictions and requirements listed in Utah code for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes that do not include properties within identified geological hazard areas.

1. The application review cycle does not begin until the city receives a complete application.

a. Initial review. The city will complete the initial review of the application, including subdivision improvement plans, no later than 15 business days after the day the complete application is received.

b. Review response. The city will provide a response to the applicant which may require additional information relating to the plans to ensure compliance with municipal ordinances and approved standards and specifications for the construction of public improvements; and modifications to the portions of the plan that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

c. Applicant response. The applicant shall provide a written reply that addresses each of the city's required modifications or requests for additional information.

d. Complete review cycle. The review cycle is not considered complete until each of the city's required modifications or requests for additional information is addressed in writing, either by making modifications to the plan or providing a written response, including reasons for declining to make revisions, if any. The subsequent review cycle may not begin until all comments are addressed.

J. Staff review. Upon review, the city executive staff will provide written comments, conclusions and recommendations to the land use authority.

Procedure for review for preliminary plat application; properties within identified geological hazard areas, condominiums, multi-family units, mixed-use, commercial

Commented [SB8]: These items are in the current city code.

Commented [SB9]: See UCA 10-9a-604.2(1)(b)

Commented [SB10]: 10-9a-604.1(2)(a)

Commented [SB11]: UCA 10-9a-604.2(1)(a)

Properties within identified geological hazard areas are not subject to the review cycle restrictions and requirements listed in Utah Code.

1. Subdivisions that include condominiums, multi-family units, mixed-use, commercial, or properties within identified geological hazard areas. The city requires a complete application prior to beginning preliminary plat reviews.

1) In addition to the preliminary plat application requirements listed above, a preliminary plat application for following will require additional information:

1) Condominiums: The condominium submission and approval process is listed in PCC Chapter 11-6. The site plan, architectural plan, landscaping/irrigation plans, parking plans requirements are listed in PCC 10-8-9.

2) Mixed-use. The submission and approval process is listed in PCC 10-4-4. Illustrations of architectural design and materials, parking areas, and landscaping plans, as required in PCC 10-8-9 for the residential areas and PCC 10-8-5 for the commercial areas.

3) Commercial. Landscaping and lighting plans for all public park strips. Show areas designated as landscape buffers.

4) Identified geological hazard areas. Properties within identified geological hazard area are subject to the provisions listed in PCC Chapter 10-5.

2) Initial review. The city will complete the initial review of the application, including the subdivision improvement plans, no later than 20 business days after the day the complete application is received.

3) City response. The city will prepare and provide the applicant with a written review identifying items that are missing, inaccurate, or incomplete.

4) Applicant response. The applicant will prepare and provide the city with a written response and/or provide additional or revised information addressing the city's review items.

5) Steps c. and d. will be repeated until the plans meet the requirements listed in all applicable federal, state, county, and city rules, laws, codes, and ordinances.

6) Staff report for the land use authority. When it is determined that the preliminary plat meets the requirements, the staff will prepare a report listing the findings of fact, conclusions of law, and conditions for the land use authority to use when considering plat approval.

Commented [SB12]: See UCA 10-9a-604.2(2)

Designation of an administrative land use authority for the approval of a preliminary plat.

K. ~~Designation of an administrative land use authority for the approval of a preliminary plat.~~

~~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 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 PCC 8-1-21.~~

~~a. 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.~~

~~PCC 2-4-1 designates the planning commission as the administrative land use authority for a preliminary plat.~~

L. ~~Complete application. The city has 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 the developer's 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:~~

~~a. A completed city application form;~~

~~b. Payment of the application fee;~~

~~c. The proposed preliminary plat and all required copies;~~

~~d. 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;~~

~~e. A copy of the city's written approval of the concept plan.~~

M. Expiration.

Commented [SB13]: The review cycle in UCA 10-9a-604.2 applies to a residential subdivision for single-family dwellings, two-family dwellings, or townhomes. This review cycle applies to other types of subdivisions and properties with geological hazard areas.

Commented [SB14]: 10-9a-604.1(3)(b)(i)

- 412 a. ~~Preliminary plat application. A preliminary plat application shall expire if it is determined by the~~
413 ~~city's land use authority that the developer and/or the developer's agent did not proceed with~~
414 ~~reasonable diligence to meet any items/conditions identified in city ordinances and/or in city~~
415 ~~executive staff review comments.~~
416 b. ~~a.~~ Approved preliminary plat. An approved preliminary plat shall expire if a complete final plat
417 application has not been submitted to the city by the developer and/or the developer's agent
418 within one year after approval of the preliminary plat.
419 c. ~~b.~~ An expired plat is considered withdrawn and any vested right to proceed obtained by the
420 developer shall terminate.
421

422 (Code 1998, § 11-3-2; Subd. Ord., 1-24-1990; Ord. of 1-9-1996; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-
423 14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No.
424 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015;
425 Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

426 HISTORY

427 Adopted by Ord. 06-2022 on 9/21/2022
428

429 11-3-3 Final Plat

430 A final plat application cannot be submitted to the city prior to approval of the preliminary plat. The following
431 information and a complete set of construction drawings, including the stormwater pollution prevention plan and
432 the engineer's cost estimates (must show minimum improvement costs separately) shall be submitted for review:

- 433 A. ~~Preparation. The final plat shall be prepared in accordance with all the requirements of the city. The~~
434 ~~final plat shall be prepared by a land surveyor, licensed in the state. The top of the plat shall be either~~
435 ~~north or east, whichever accommodates the drawing best.~~

436 Purpose:

437 It is the purpose of this chapter to:

- 438 1. Ensure the review for subdivision final plat applications complies with the requirements in Utah Code.

- 439 B. ~~Description and delineation.~~ **Standard method and form of application for final plat subdivision**
440 **applications;**

441 A final plat cannot be submitted to the city prior to approval of the preliminary plat. A final plat shall be
442 prepared in accordance with all the requirements of the city and be prepared by a land surveyor, licensed
443 in the state of Utah.

- 444 1. ~~The final plat shall show:~~ **Complete application:**

445 A complete final plat application package shall include the following items. Additional items may be
446 listed on the final plat information form, which is posted on the city's website.

- 447 a. ~~The name of the development as approved by the land use authority.~~
448 b. ~~Accurate angular and linear dimensions for all lines, angles and curves used to describe~~
449 ~~boundaries, streets, alleys, easements, areas to be reserved for public use and other important~~
450 ~~features.~~
451 c. ~~An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions~~
452 ~~in feet and hundredths.~~
453 d. ~~The street address for each lot. Each street address shall be assigned by the city. The north and~~
454 ~~west sides of the streets shall be numbered odd, and the south and east shall be numbered even.~~
455 e. ~~True angles and distances to the nearest official US, state, county, or city monuments which shall~~
456 ~~be accurately described in the plat and shown by the appropriate symbols. All boundary, lot and~~
457 ~~other geometries (bearings, distances, curve data, etc.) on the final plat posed to an accuracy of~~
458 ~~not less than one part in 5,000.~~
459 f. ~~Radii, internal angles, points of curvatures, tangent bearings and the length of all arcs.~~
460 g. ~~Survey markers shall be set at all lot corners and shall be shown or noted on the plat.~~
461 h. ~~The dedication to the city of all improvements which shall include, but shall not be limited to,~~
462 ~~streets, stormwater systems, water works, sewer works, etc., included in the proposed~~
463 ~~development.~~

Commented [SB15]: UCA 10-9a-604.1(3)(a) & (9) & (10)

- 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.~~
- k. ~~All hazard setbacks.~~
- 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 PCC 11-5-2 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.~~
- a. Final plat information form. Completed, initialed, and signed.
- b. If amending a recorded final plat, provide a copy of the signed petition for a final plat amendment.
- c. The proposed final plat prepared in accordance with all requirements listed below.
- d. The subdivision improvement plans (civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision).
- e. The engineer's cost estimates for public infrastructure improvements.
- f. The storm water pollution plan (SWPPP)
- g. An electronic copy of all plans in PDF format.
- h. Application and payment of the application fee.
- 1) Development fees are established by resolution of the city council. The approved fee schedule is posted on the city's website or available at the city offices.
 - 2) The application fee is due at the time of the application.
 - 3) Other applicable review fees are listed in the approved fee schedule, and are due upon approval of the application.

2. ~~The final plat shall also:~~ The top of the plan shall be either north or east, whichever accommodates the drawing best. The following items must be included on or accompany the final plat. If an item is not applicable, a note indicating such must be included.
- ~~a. Be drawn to a scale of not less than one inch equaling 100 feet and shall indicate the base heading of true north.~~
 - ~~b. Be prepared on a minimum 20-inch by 30-inch maximum 24-inch by 36-inch paper.~~
 - ~~c. Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection.~~
 - ~~d. Final approved plat for recording shall be prepared on Mylar.~~
 - 4) 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.
 - 5) Submittal. Two copies (20-inch by 30-inch minimum, 24-inch by 36-inch maximum) and one 11-inch by 17-inch copy of the final plat and construction drawings shall be submitted to the city for review a minimum of seven days prior to the initial city review. The city will complete the first review within 30 days. Each subsequent review is subject to an additional 30-day review period. If all required information is not included, city has the right to refuse the package.
 - 6) Staff review. Upon review, the city executive staff shall provide written comments, conclusions, and recommendations to the land use authority.
 - 7) Approval. The final plat shall be approved by the land use authority. The construction drawings shall be approved by the city staff. A development agreement that implements an existing land use regulation as an administrative act does not require city council approval. A development agreement that implements and/or amends a land use regulation shall be approved by the city council. Prior to submitting the final plat for recording, the final plat shall be signed by the developer and utility companies, or a letter shall be submitted with the final plat from the utility companies. The development agreement shall be signed by the developer. 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 shall submit an electronic copy of the approved final plat and approved construction drawings.
 - 8) Expiration.
- 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 the developer's agent did not proceed with reasonable diligence to meet any items/conditions identified in city ordinances and/or in city executive staff review comments.
- a. **Drawing requirements.**
 - 1) Be drawn to a scale of not less than one inch equaling 100 feet and shall indicate the base heading of true north.
 - 2) Show a workmanlike execution in every detail. A poorly drawn or illegible plat is sufficient cause for rejection.
 - 3) Paper copies should be no larger than 24-inches by 36-inches in size.
 - 4) The top of the plan shall be either north or east, whichever accommodates the drawing best.
 - 5) After approval, the recordable copy shall be prepared on Mylar.
 - b. **Description and delineation.**
 - 1) The name of the development as approved by the land use authority.
 - 2) Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easement, areas to be reserved for public use and other important features.
 - 3) True angles and distanced 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

Commented [SB16]: See UCA 10-9a-604.2(5)(a)
This is the list of items the comprise a complete final subdivision land use application.

- 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 5,000.
- 4) Radii, internal angles, points or curvatures, tangent bearings and the length of all arcs.
 - 5) An identification system for all lots, blocks and names of streets. Lot lines shall show the dimensions in feet and hundredths.
 - 6) 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.
 - 7) Survey markers shall be set at all lot corners and shall be shown or noted on the plat.
 - 8) 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.
 - 9) All hazard setbacks.
 - 10) Boundary descriptions of the development.
 - 11) The dedication to the city of all improvements which shall include, but shall not be limited to, streets, stormwater systems, water works, sewer works, etc. included in the proposed development.
 - 12) A statement that all expenses involving the necessary improvements or extensions for a culinary water system, sanitary sewer system, gas service, electrical services, telephone 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.
 - 13) A statement verifying that all lots have an adequate buildable envelope with regards to hazardous slope, zoning setbacks, etc.
 - 14) A statement that the city will not issue any building permit for any lot until minimum improvements, as specified in PCC 11-5-2 are complete.
- c. Signature and certification blocks.
- 1) Registered land surveyor's certificate of survey as applicable under state law.
 - 2) Owner's signature of dedication.
 - i. Notary public's acknowledgement.
 - 3) City engineer's certificate of approval
 - 4) City authority for the culinary water and the sanitary sewer system's signature.
 - 5) Signed statement from each of the utility companies involved stating that they have reviewed the plat, that they approved 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 include, 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.
 - 6) Land use authority signature of approval.
 - 7) City's signature of approval by the mayor.
 - 8) City attorney's certificate of approval.
 - 9) County recorder's stamp of approval according to requirements prior to final plat approval.
- d. Subdivisions that include townhomes must also submit final architectural, landscaping, and parking plans for the townhome areas. See PCC 10-8-9 for details.

~~3. Approved final plat. An approved final plat shall be void if it is not recorded within one year of approval of the development agreement by the city council.~~

C. Review for final plat application and subdivision improvement plans.

Commented [SB17]: These items are in the current city code. I changed the order a bit.

1. Providence City follows the review cycle restrictions and requirements listed in Utah code for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes that do not include properties within identified geological hazard areas.
2. Properties within identified geological hazard areas are not subject to the review cycle restrictions and requirements listed in Utah Code.
- a. The following applies to subdivisions that include condominiums, multi-family units, mixed-use, commercial, or properties within identified geological hazard areas. The city requires a complete application prior to beginning final plat and subdivision improvement plan reviews.
- 1) In addition to the final plat application requirements listed above, a final plat application for following will require additional information:
- i. Condominiums: The condominium submission and approval process is listed in PCC Chapter 11-6. The final site plan, architectural plan, landscaping/irrigation plans, parking plans requirements are listed in PCC 10-8-9.
- ii. Mixed-use. The submission and approval process is listed in PCC 10-4-4. Illustrations of final architectural design and materials, parking areas, and landscaping plans, as required in PCC 10-8-9 for the residential areas and PCC 10-8-5 for the commercial areas.
- iii. Commercial. Final landscaping and lighting plans for all public park strips. Show areas designated as landscape buffers.
- iv. Identified geological hazard areas. Properties within identified geological hazard area are subject to the provisions listed in PCC Chapter 10-5. If a geotechnical is required, it must be submitted with the final plat application and subdivision improvement plans.
- 2) Review cycle.
- i. Initial review. The city will complete the initial review of the application, including the subdivision improvement plans, no later than 20 business days after the day the complete application is received.
- ii. City response. The city will prepare and provide the applicant with a written review identifying items that are missing, inaccurate, or incomplete.
- iii. Applicant response. The applicant will prepare and provide the city with a written response and/or provide additional or revised information addressing the city's review items.
- iv. Steps c. and d. will be repeated until the plans meet the requirements listed in all applicable federal, state, county, and city rules, laws, codes, and ordinances.
- D. **Recording & Expiration.**
1. As per Utah Code, before an applicant conducts any development activity or records a plat, the applicant shall:
- a. Complete any required public landscaping improvements or infrastructure improvements; or
- b. Post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.
2. Approved final plat with phasing. If the final plats are recorded in phases, subsequent final plats must be recorded within five years of the recording of the previous plat. If a development fails to meet this requirement, new concept plans and preliminary plats must be submitted and approved before subsequent final plats can be submitted or approved.
3. An approved final plat shall be void if it is not recorded within one year of approval of the development agreement by the city council
4. An expired plat is considered withdrawn and any vested right to proceed obtained by the developer shall terminate.
- F. **Dispute resolution.**
1. For a dispute arising from the subdivision improvement plans, an appeal panel will be assembled in accordance with state code.
2. For a dispute arising from the subdivision ordinance review, the process in PCC 2-5-3 will be followed.

Commented [SB18]: UCA 10-9a-604.2(4)

Commented [SB19]: The review cycle in UCA 10-9a-604.2 applies to a residential subdivision for single-family dwellings, two-family dwellings, or townhomes. This review cycle applies to other types of subdivisions and properties with geological hazard areas.

Commented [SB20]: UCA 10-9a-604.5(3)(a)

Commented [SB21]: UCA 10-9a-604.2(8)

(Code 1998, § 11-3-3; Subd. Ord., 1-24-1990; Ord. of 4-9-1996; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-3-4 (Reserved For Future Use)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-3-5 (Reserved For Future Use)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

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.

(Code 1998, § 11-3-6; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

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 PCC 11-5-2 are complete.~~

(Code 1998, § 11-3-7; Ord. No. 97 OM016, 8-12-1997; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007; Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013, 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No. 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-3-8 Altering or amending ~~Lot Consolidation/ Lot Line Adjustment In A Recorded Subdivision~~ Plat

A. Altering or amending a recorded plat follows the requirements in Utah code for subdivision amendments.

B. Lot consolidation/~~lot line adjustment~~ in a recorded subdivision plat ~~is considered a minor revision of the subdivision~~ requires an amended final plat.

1. A petition to have a plat amended shall be submitted to the city executive staff for review and compliance with the city general plan, and PCC titles 10 and 11.
 - a. Petition requirements. In addition to the petition requirements listed in the state code, a petition for lot consolidation must contain a concept plan, drawn to a scale of not less than one inch equaling 100 feet, showing all existing structures and their distance from the property lines on all lots involved in the consolidation.
2. The ~~planning commission~~ regulatory land use authority as established in PCC 2-4-1 is the land use authority for altering or amending a subdivision plat.
3. The ~~planning commission~~ land use authority, if required by state code, shall hold a public hearing within 45 days after the day on which the petition is filed.

Code Amendment

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Title 11 Chapter 3 Plat Procedures and Requirements – Redline
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- 720 4. General requirements.
- 721 a. All conditions applicable to the original subdivision remain in full force and effect.
- 722 b. Any dedicated street, sidewalk, drainage feature, utility easement, or other characteristic found
- 723 in the original subdivision remains in full force.
- 724 5. Geometric requirements.
- 725 a. When combining two lots which share a common boundary, the common boundary, in plan
- 726 view must be a minimum of 15 feet.
- 727 b. When combining two or more lots which do not share a common boundary, such a boundary
- 728 must be created for the consolidated lot by the use of an abutting connector parcel.
- 729 i. The connector parcel must be a minimum width of 15 feet in plan view at its narrowest
- 730 point.
- 731 6. Final plat for recording.
- 732 a. Upon approval of the ~~planning commission~~ **land use authority**, the petitioner shall prepare an
- 733 amended final plat for recording. The final plat shall include standard forms for the following:
- 734 i. A registered land surveyor's certificate of survey as applicable under state law.
- 735 ii. The owner's signature of dedication.
- 736 iii. A notary public's acknowledgment.
- 737 iv. The city engineer's certificate of approval.
- 738 v. The city's authority for the culinary water and the sanitary sewer system's signature.
- 739 vi. The county board of health's certificate of approval if a septic tank system is used for sewage
- 740 disposal.
- 741 vii. The land use authority signature of approval.
- 742 viii. The city's signature of approval by the mayor.
- 743 ix. The city attorney's certificate of approval.
- 744 x. A signed statement from each of the utility companies involved stating that they have
- 745 reviewed the plat, that they approve the plat as it relates to their particular company.
- 746 xi. The county recorder's stamp of approval according to requirements prior to final plat
- 747 approval.
- 748 7. Expiration. An approved amended final plat shall be void if it is not recorded within one year from the
- 749 date the planning commission granted approval.
- 750 C. **Lot line adjustment in a recorded subdivision follows the requirements in Utah Code.**
- 751 1. **A lot line adjustment that changes the number of lots or the parameter of the subdivision will follow**
- 752 **the requirements to amend a recorded subdivision plat.**
- 753 2. **The regulatory land use authority is the land use authority for lot line adjustments.**

Commented [SB22]: UCA 10-9a-608(5)

754 (Code 1998, § 11-3-8; Ord. No. 009-2004, 3-9-2004; Ord. No. 014-2007, 8-14-2007; Ord. No. 018-2007, 9-25-2007;

755 Ord. No. 007-2009, 10-13-2009; Ord. No. 012-2010, 11-9-2010; Ord. No. 008-2012, 6-12-2012; Ord. No. 011-2013,

756 9-10-2013; Ord. No. 006-2014, 9-23-2014; Ord. No. 2015-10, 3-24-2015; Ord. No. 019-2016, 8-9-2016; Ord. No.

757 2017-001, 1-10-2017; Ord. No. 2018-013, 10-23-2018)

758 HISTORY

759 Adopted by Ord. 06-2022 on 9/21/2022

760

761

1 CHAPTER 11-4 DESIGN STANDARDS

2 11-4-1 Standards And Specifications

3 11-4-2 Blocks, Lots And Open Spaces

4 11-4-3 Streets And Street Improvements

5 11-4-4 Water System

6 11-4-5 Sewer System

7 11-4-6 Storm Drainage

8 11-4-7 Irrigation Ditches

9 11-4-8 (Reserved For Future Use)

10 11-4-9 Lighting

11 11-4-10 Signs

12 11-4-11 Monuments

13
14 **11-4-1 Standards and Specifications**

15 Standards for design, construction specifications, and inspections of street improvements, curbs, gutters,
16 sidewalks, stormwater drainage and flood control facilities shall be provided by the city engineer; standards for
17 water distribution and sewage disposal facilities by the board of health; and similar standards for fire protections
18 by the fire department. All developers shall comply with the standards established by such departments and
19 agencies of the city, county, and state, provided that such standards shall be approved by the city council.
20 Construction specifications approved and as may be amended from time to time by action of the city council are
21 hereby adopted by reference as if fully set forth herein, three copies of which are on file in the city recorder's
22 office for public inspection. These standards and specifications, in addition to the general standards set forth in
23 this title, shall be used by all developers and/or development.

24
25 (Code 1998, § 11-4-1; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-
26 2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017;
27 Ord. No. 2018-002, 4-10-2018)

28
29 HISTORY

30 Adopted by Ord. 06-2022 on 9/21/2022

31
32 **11-4-2 Blocks, Lots and Open Spaces**

33 The design of the preliminary and final plats of the development in relation to streets, blocks, lots, open spaces,
34 and other design factors shall be in harmony with the current general plan and current master plans; and shall
35 comply with PCC title 10 and the Providence City Department of Public Works Standards and Specifications Manual
36 as approved by the city council; and other applicable industry standards such as the American Public Works
37 Association, and the American Water Works Association, etc., if authorized by the city engineer and public works
38 director. All improvements shall be designed by a professional engineer licensed in the state.

- 39 A. Length. Streets shall not exceed two blocks, which is typically 1,320 feet, in length between intersections
40 with functioning cross streets (not a cul-de-sac).
41 B. Width. Blocks shall be wide enough to adequately accommodate two tiers of lots.
42 C. Walkways/trails. Dedicated walkways/trails may be required. Such trails shall be a minimum of eight feet
43 in width but may be required to be wider where determined necessary by the city. The developer shall
44 surface the full width of the walkway with an approved surface.
45 D. Multifamily housing. Multifamily dwellings or other types of cluster housing will be considered at the
46 option of the city. If approved, adequate space of off-street parking shall be required.
47 E. Arrangement; design. The lot arrangement and design shall be such that lots will provide satisfactory and
48 desirable sites for buildings, be properly related to topography, to the character of the surrounding
49 development and to existing requirements.
50 F. Adjoin street. Each lot shall abut on a street or lane shown on the development plat or on a publicly
51 dedicated street. Double frontage lots shall be prohibited, except where unusual conditions make other
52 designs undesirable.

Code Amendment

Title 11 Chapter 11-4 Design Standards – Redline

Draft 11/08/2023

- G. Open space. A portion of land or development site that is permanently set aside for public or private use and will not be developed. Open space may be used a community open space or preserved as green space. Green space is open space maintained in a natural, undisturbed, or revegetated condition.

(Code 1998, § 11-4-2; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-4-3 Streets and Street Improvements

- A. Arrangement. The arrangement of streets in new development shall make provision for the continuation of existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the city. If a future street or the expansion of an existing street is shown in the city's general plan or master transportation plan as involving some of the land involved with a proposed new development, then the proposed development plan shall make appropriate provisions for the construction of the new street or expansion of that existing street, as the land use authority reviewing the proposed new development shall determine.
- B. Connection. New streets must connect with existing public streets.
- C. Width; costs.
1. The general plan and/or transportation corridor master plan designates the location of the various street types.
 2. The minimum right-of-way width for residential streets shall be 66 feet.
 - a. Generally, residential streets shall have a minimum asphalt width of 30 feet.
 - b. When designated on the general plan and/or transportation corridor master plan, residential streets shall have a minimum asphalt width of 37 feet.
 3. The minimum right-of-way width for a commercial street shall be 80 feet, with a minimum asphalt width of 49 feet.
 4. The minimum right-of-way width for a major street shall be 99 feet, with a minimum asphalt width of 66 feet.
 5. Costs of new roads and repairs to existing roads caused by development.
 - a. The costs of new residential streets and repairs to existing roads caused by development shall be borne by the developer.
 - b. Where a major street or a commercial street is required, the cost of any paved section over and above 39 feet of width may be shared by the city.
 - c. The city's participation shall be determined by the cost estimates reviewed by the city engineer and approved by the city council. The approved estimates shall be part of the development agreement attached to the final plat.
- ~~6. 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.~~
- D. Surfacing. All streets shall be improved as shown in the current city department of public works standards and specifications manual.
- E. Grades.
1. Grades of streets shall not be in excess of 15 percent for a maximum of 150 feet measured along the center line of the street, nor in excess of eight percent on sustained grades (a length of street that exceeds 150 feet), unless otherwise approved by the city. Grades of roads shall be a minimum of 0.5 percent.
 2. Streets shall be designed and constructed to a grade of less than four percent for a distance of at least 100 feet approaching all intersections. If the intersection includes a pedestrian crossing, the pedestrian crossing must meet the requirements of the Americans with Disabilities Act (ADA).

Commented [SB1]: This was a requirement in the concept plan. Because the city can no longer require a concept plan, this statement was moved to this code section.

Commented [SB2]: During the 11/08/2023 meeting, the planning commission recommended deleting this clause.

3. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 15 times the algebraic difference in the rate of grade for major streets and commercial streets; and one-half of this minimum for all residential streets.
4. Grades through cul-de-sacs (permanent or temporary) shall not exceed four percent.
- F. Curvature on center line. Minimum radii of curvature on center line shall be as follows: major and commercial streets, 500 feet; residential streets, 300 feet; unless otherwise approved by the city.
- G. Partial streets. When a partial street is approved, it will require sufficient right-of-way to construct improvements as shown on the partial street cross section in the current city department of public works standards and specifications manual.
- H. Intersection angles; curb radii. In general, streets should intersect at right angles, residential streets should approach the major or commercial streets at an angle of not less than 85 degrees and not more than 95 degrees, and curb corners should have a radius of not less than 20 feet.
- I. Curbs and gutters.
1. All streets within the development shall be improved as shown in the current city department of public works standards and specifications manual.
2. Minimum grades for curb and gutters and streets shall not be less than 0.5 percent, and from crown of road to the lip of the curb shall be a minimum of two percent.
- J. Swales. Swales may be designed to replace curb and gutter. Designs shall include, but are not limited to, providing methods and planting materials that will be used to ensure the integrity of the swale is maintained in a manner that will prevent erosion of soils and infiltration of silt and other materials along the swale area and into storm retention systems, streets, and other properties. The developer is responsible to maintain the swales for a warranty period of two years.
- K. Sidewalks. Sidewalks may be required on both sides of all public streets. Sidewalks placed on both sides of public streets shall be concrete and five feet wide minimum and four inches thick minimum. All sidewalks that cross residential driveways shall be six inches thick minimum. All sidewalks that cross commercial driveways shall be eight inches thick minimum. Sidewalks at all intersections of public streets shall conform to adopted American Disabilities Act standards.
- L. Existing and proposed streets. The developer shall improve existing and proposed streets in all development, except on the rear of lots that back on streets where access is not permitted. Timetable of completion and the security performance of all improvements will be listed in the development agreement.
- M. Damage. In the event existing sidewalks or curbs and gutters are damaged at any time, the damaging party shall repair or replace the damaged items as per PCC 7-3-1.
- N. Nonconnecting streets; turnarounds. At all temporary ends to streets on nonconnecting streets, provisions shall be provided by the developer for a turnaround for snow plows, garbage trucks, and other service vehicles. Turnarounds must be paved with hot mix asphalt (see exception in subsection N.4 of this section). See the current city department of public works standards and specifications manual.
1. Turnarounds at temporary ends to streets may be a cul-de-sac or a "T" configuration; and must meet fire department requirements. A temporary end to a street that is less than 150 feet may be used as a "T" turnaround.
2. The city, at its sole discretion, may restrict driveway location for lots adjacent to streets with temporary ends.
3. The city, at its sole discretion, may require an easement for snow removal at a temporary end to a street.
4. Exception to hot mix asphalt. If the grade in a temporary turnaround is two percent or less, a hard surface other than hot mix asphalt may be accepted. However, the grade of the temporary turnaround must be designed with safety in mind. The city reserves the right to reject a temporary turnaround at a grade of two percent or less, if the city engineer feels safety may be compromised.
- O. Park strips. Park strips shall be at least seven feet in width.
- P. Bicycle lanes. On major, commercial, and residential streets, bicycle lanes should be added as specified in the general plan and/or transportation corridor master plan, and other streets where possible. If

necessary and approved by the city council, bicycle lanes may be added in lieu of a sidewalk and/or park strip on one side of the street to help accommodate alternative modes of transportation.

- Q. Residential Access to a major, commercial, or specified residential street. Access to a major, commercial, or specified residential street, as shown on the general plan and/or transportation corridor master plan, from a residential unit (i.e., driveway cutout) shall only be allowed where no other option or solution exists.
- R. Parking. Parking on major, commercial, or specified residential street, as shown on the general plan and/or transportation corridor master plan, should be limited to areas designated by the city, so as not to impede the flow of traffic.
- S. Seal coat on asphalt surfaces. Provisions for sealing all asphalt surfaces within the subdivision shall be determined during the subdivision development plan approval process. Developers may seal asphalt using one of the following methods:
 - 1. Ancillary agreement. The developer may enter into an ancillary agreement with the city in which the developer provides to the city a predetermined guarantee for improvements in exchange for the city agreeing that the developer will seal all asphalt within the subdivision no later than two years after the completion of the subdivision and by a date agreed to by the city engineer; or
 - 2. Seal coat fee. The developer may pay a seal coat fee to the city, and the city will seal all asphalt in the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the city council in the master fee schedule and modified as needed from time to time.

Pursuant to either seal option stated above, the city's streets superintendent shall determine the type of seal coat to be used (chip seal, slurry seal, etc.) based on best practices for the type of street to be sealed. If a developer selects the seal coat fee option, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the city as determined by the city's municipal budget. The seal coat fee shall be used by the city to accomplish the initial seal coating for the subdivision no later than two years after the completion of the subdivision.

(Code 1998, § 11-4-3; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-4-4 Water System

- A. Design; construction. The entire system shall be designed and constructed in accordance with city standards and the state health department standards. If there is conflict between the standards, the most stringent shall rule.
- B. City standards. The city standards are contained in the current city department of public works standards and specifications manual.
- C. Fees. The costs for connection to the city water supply shall be specified in the fee schedule to be held in the city office.
- D. Fire hydrants. Fire hydrants shall be installed at the expense of the developer and in accordance with the regulations of the fire department and city standards.
- E. City line to development. Where a development does not border an existing city water line, the developer shall install and bear all costs of pipeline from the development to the nearest existing city water line.

(Code 1998, § 11-4-4; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

Code Amendment

Title 11 Chapter 11-4 Design Standards – Redline
Draft 11/08/2023

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-4-5 Sewer System

- A. Standards and specifications. See the current city department of public works standards and specifications manual.
- B. Fees. The costs for connection to the city sewer system shall be specified in the fee schedule to be held in the city office.
- C. Wastes allowed. Domestic wastes only shall be allowed to enter a common collection system. Downspouts for roof drains, basement drains which lower groundwater conditions, and other similar possible inflows to the sewer system shall not be allowed. Under no circumstance shall hazardous wastes or drainage from garage floors be allowed to enter a common collection system.
- D. City main to development. As with the water system, the developer shall be responsible for extending and connecting to the nearest existing sewer main. The final line sized and final approval shall also be subject to approval by the city engineer.

(Code 1998, § 11-4-5; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-4-6 Storm Drainage

- A. Ditches; canals. No ditch or canal shall be approved as suitable for the use of storm drainage without the written permission of the appropriate ditch or canal company. At the discretion of the city, ditches, canals or other waterways may be prohibited on property dedicated or to be dedicated for public use.
- B. Structures provided. Storm drains, cross-gutters, and other appurtenant structures shall be provided by the developer as required to adequately dispose of the 100-year frequency flood flows developed within the limits of the development along with the existing flows entering the proposed development from adjacent properties. The developer shall have the responsibility of providing off-site storm drain extensions in order to satisfactorily dispose of drainage.
- C. Plans. Complete drainage systems for the entire development area shall be designed by a professional engineer, licensed in the state and qualified to perform such work, which shall be shown geographically. All existing drainage features which are to be incorporated in the design shall be so identified. If the development is to be platted in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage structures shall be indicated. All proposed surface drainage structures shall be indicated on the plans. All appropriate designs, details, and dimensions needed to clearly explain proposed construction materials and elevations shall be included in the drainage plans.
- D. Design of system. The drainage system shall be designed to accommodate a 100-year storm event, using rain fall data from sufficient sources, including, but not limited to, the nearest official weather station to track 100-year storm events. Systems shall be designed to:
 1. Permit the unimpeded flow of natural watercourses;
 2. Ensure adequate drainage of all low points; and
 3. Ensure applications of the following regulations regarding development in designated floodplains:
 - a. Construction of buildings shall not be permitted in a designated floodway with a return frequency more often than a 100-year flood.
 - b. Building construction may occur in the portion of the designated floodway where the return frequency is between a 100-year and a maximum probability flood, provided all usable floor space is constructed above the designated maximum probable flood level.

259 (Code 1998, § 11-4-6; Subd. Ord., 1-24-1991; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-
260 2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017;
261 Ord. No. 2018-002, 4-10-2018)

262
263 HISTORY

264 Adopted by Ord. 06-2022 on 9/21/2022

265
266 **11-4-7 Irrigation Ditches**

267 The subdivider shall work with irrigation, drainage or ditch companies and the city engineer with regards to ditches
268 or canals as to:

- 269 A. Covering, realigning, eliminating. Methods of covering, realigning or eliminating ditches or canals within
270 or adjoining the subdivision.
271 B. Pipe size; culverts. The size of pipe and culverts required.
272 C. Responsibility. The responsibility for the periodic inspecting, cleaning and maintaining of such ditches,
273 pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads,
274 specifications and grades for pipe or culvert must be approved by the city engineer.
275

276 (Code 1998, § 11-4-7; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-
277 2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017;
278 Ord. No. 2018-002, 4-10-2018)

279
280 HISTORY

281 Adopted by Ord. 06-2022 on 9/21/2022

282
283 **11-4-8 (Reserved For Future Use)**

284 HISTORY

285 Adopted by Ord. 06-2022 on 9/21/2022

286
287 **11-4-9 Lighting**

288 The developer is responsible for the street lights, location to be determined by the city. The developer is
289 responsible for the street lights along the frontage of and within the development. The developer will be
290 responsible for all associated costs pertaining to the street lights and all coordination with the power company will
291 be handled by the developer.

292
293 (Code 1998, § 11-4-9; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord. No.
294 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-2018)

295
296 HISTORY

297 Adopted by Ord. 06-2022 on 9/21/2022

298
299 **11-4-10 Signs**

300 To ensure uniformity, the city shall make available all required street signs and the cost thereof shall be charged to
301 and paid by the developer.

302
303 (Code 1998, § 11-4-10; Subd. Ord., 1-24-1990; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-
304 2009, 10-27-2009; Ord. No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017;
305 Ord. No. 2018-002, 4-10-2018)

306
307 HISTORY

308 Adopted by Ord. 06-2022 on 9/21/2022

309
310 **11-4-11 Monuments**

Code Amendment

Title 11 Chapter 11-4 Design Standards – Redline

Draft 11/08/2023

311 Permanent monuments shall be furnished in conformance with the current city department of public works
312 standards and specifications manual.
313
314 (Code 1998, § 11-4-11; Ord. of 11-12-1996; Ord. No. 98-OM013, 6-8-1998; Ord. No. 009-2009, 10-27-2009; Ord.
315 No. 012-2013, 10-8-2013; Ord. No. 024-2016, 11-1-2016; Ord. No. 2017-008, 4-25-2017; Ord. No. 2018-002, 4-10-
316 2018)
317
318 HISTORY
319 Adopted by Ord. 06-2022 on 9/21/2022
320

DRAFT

1	CHAPTER 11-5 PUBLIC IMPROVEMENTS
2	11-5-1 Construction Drawings
3	11-5-2 Building Permit Issuance; Minimum Improvements
4	11-5-3 Completion Of Construction; Time Limit
5	11-5-4 Mandatory Approval Stages
6	11-5-5 Acceptance
7	11-5-6 (Reserved For Future Use)
8	11-5-7 Security Of Performance
9	11-5-8 (Reserved For Future Use)
10	11-5-9 Adjacent Streets
11	11-5-10 (Reserved For Future Use)
12	11-5-11 Extension Of Public Works Facilities
13	11-5-12 Utilities
14	11-5-13 City Water And Sewer Systems
15	11-5-14 Sharing Development Costs

11-5-1 Construction Drawings

The developer's engineer shall be a professional engineer licensed in the state 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 (list the required minimum improvements separately). Two 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.
- B. *Application for development and public improvement installation.* Prior to the city's approval of the construction drawings, the developer shall complete an application for development and public improvement installation.
 1. If the development is subject to a development agreement that, as per state code, is approved by the city council using the same procedure for enacting a land use regulation, an application for development and public improvement installation is not required.

(Code 1998, § 11-5-1; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

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. After consulting with the fire official and the building official, the following minimum improvements, as shown on the approved construction drawings, are considered essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code and shall be

Commented [SB1]: UCA 10-9a-532 regulates development agreements. We use a development application instead of a development agreement.

Commented [SB2]: See UCA 10-9s-604.5(3)(c)(iv) and 10-9a-802(2)(d)

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;~~ Culinary water system improvements. The culinary water system shall be operational and provide adequate water quality and pressure for fire protection.
 2. ~~All stormwater (excluding finish grades and landscaping), water, sewer, and other improvements that may be deemed necessary minimum improvement; and~~ Sanitary sewer system improvements. The sanitary sewer system shall be operational.
 3. ~~Access, egress, and ingress. to provide acceptable and safe travel to and from each lot in the approved subdivision. Streets/roads shall be graded to meet the minimum widths required by Providence City code and constructed to meet the minimum requirements of the fire code.~~
 4. Storm water/drainage facilities. The storm water system shall be operational and provide adequate drainage facilities to protect the area during storm events.
- B. Construction zone signs provided and maintained by the city at the developer's expense must be installed as per the public works director.
- C. *Inspection.* All required testing results and red line drawings of the essential minimum improvements must be turned in to the city before the minimum improvement inspection takes place. An inspection of the minimum improvements shall be made 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.
- D. Asphalt shall not be laid prior to a minimum improvement inspection approval.

(Code 1998, § 11-5-2; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-5-3 Completion Of Construction; Time Limit

- A. Construction must be completed within a two-year time period. The two-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-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 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.
- C. **Extension of the time for completion.** The time period for the completion of the required public improvements may be extended due to unforeseen circumstances, if it is determined by the city there is good cause for the extension. Unforeseen circumstances may include but are not limited

Commented [SB3]: This is something new. During the past few years, it has become more difficult for the developers to finish within the two-year timeframe. I have had several requests to extend the time.

to: delays caused by weather, natural disaster, natural hazards, etc. or similar act beyond the developer control (force majeure).

1. Development subject to a development agreement, that as per state code, is approved by the city council using the same procedure for enacting a land use regulation.
 - a. The city council may consider and may grant an extension of the time for completion.
2. Development subject to an administrative development agreement or an application for development and public infrastructure installation.
 - a. The regulatory land use authority may consider and may grant an extension of time for completion.
3. If an extension of time for completion is granted, an improvement completion assurance must be in place to cover the time of the extension.
4. Extension periods may be granted in six month increments. A maximum of three extension periods may be granted.

Commented [SB4]: Revised during 11/08/2023 planning commission meeting.

(Code 1998, § 11-5-3; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-5-4 Mandatory Approval Stages

The following list of mandatory approvals is required by the city. It is the responsibility of the developer to either notify or cause the developer's 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. The city shall be given 24 hours' (business days only) notice to schedule the following approvals:

- A. The city must receive a written notice of approval from the city engineer before the development can begin the next approval stage.
 1. *Preconstruction meeting.* A pre-construction meeting will be held with the developer, general contractor for the development, and city staff prior to beginning any construction in the development, including grading and trenching.
 - a. It is the developer's responsibility to notify the general contractor and all appropriate subcontractors for the development of their required attendance at the preconstruction meeting and that no construction can commence until after that meeting.
 - b. The stormwater notice of intent (NOI) and stormwater pollution prevention plan (SWPPP) must be in place prior to the preconstruction meeting.
 2. *Minimum improvements.* An inspection of the minimum improvements shall be made 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.
 - a. The city must receive a written notice of approval of minimum improvement before asphalt installed.
 3. *Substantial completion.* A substantial completion inspection shall be made when the construction is 100 percent completed in accordance with the approved development and public improvement installation agreement and approved construction drawings as

modified by any change orders agreed to by the developer and approved by the city engineer.

- a. A list of items to be corrected (punch list) will be given to the developer and/or contractor. The failure to include an item on the punch list does not alter the responsibility of the developer and/or contractor to complete all the work in accordance with the approved development and public improvement installation agreement and approved construction drawings, including any change orders agreed to by the developer and approved by the city engineer.

4. *Final.* A final inspection shall be made when the construction and all items on the punch list are 100 percent complete and installed in accordance with the approved development and public improvement installation agreement and approved construction drawings as modified by any change orders agreed to by the developer and approved by the city engineer.

- a. The warranty period shall not begin until the city engineer certifies, in writing, that all improvements are 100 percent complete.

5. *Warranty.* The developer shall warrant that the public improvements shall remain in good condition and free from all defects in performance, materials and workmanship during the warranty period except where such damage or defects are caused by verified acts of misuse, vandalism, or negligent acts of parties other than those associated in any way with the design, construction, and/or materials used in development, including, but not limited to, developer, subcontractors, engineers, consultants, etc.

- a. The warranty security will not be released until the city engineer certifies, in writing, that the Public Improvements are in good condition and free from all defects in performance, materials, and workmanship.

- B. If the improvements fail after receiving a written approval for subsections A.2, 3, and 4 of this section, the approval is void. The developer must resolve the failure and receive written approval that the failure has been corrected before moving to the next stage.

- C. Scope and limitations of the inspection and report and/or punch list. The inspection report and/or punch list is not an all-encompassing report and/or punch list dealing with the improvement in every aspect. It is a reasonable attempt to identify any obvious or significant defects apparent at the time of the inspection.

1. This is a visual inspection only and limited to those areas and sections of the property fully accessible and visible to the inspector on the date of the inspection.
2. The inspection report and/or punch list does not and cannot make comment upon defects that may have been concealed; or the assessment or detection of defects which may be subject to the prevailing weather conditions.
3. The inspector's presence on-site does not constitute an inspection or approval.

(Code 1998, § 11-5-4; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

HISTORY

Adopted by Ord. [06-2022](#) on 9/21/2022

11-5-5 Acceptance

- A. 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

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Chapter 11-5 Public Improvements

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174 approved construction drawings and the approved development agreement and addendum have
175 been completed.

176 B. Additionally, any subdivision of lands shall not be accepted without the developer having first
177 provided the city with a one-year written guarantee on all public improvements installed.

178 (Code 1998, § 11-5-5; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-
179 2013; Ord. No. 2018-014, 10-23-2018)

180 HISTORY

181 Adopted by Ord. 06-2022 on 9/21/2022

182 **11-5-6 (Reserved For Future Use)**

183 HISTORY

184 Adopted by Ord. 06-2022 on 9/21/2022

185 **11-5-7 Security Of Performance Improvement Completion Assurance**

186 The security of performance improvement completion assurance required by this section is to ensure the
187 city that all improvements are constructed in conformance with all relevant city ordinances, regulations
188 and standards, and to ensure the city that all expenses incurred for labor and materials used in the
189 construction of the same are paid for by the developer.

190 A. *Warranty bond.* A minimum of a one-year warranty bond of ~~ten~~ **an amount equal to the maximum**
191 **percentage allowed by state law** of the reasonable value of all the public improvements required
192 herein, as **estimated and submitted by the development engineer and** verified by the city
193 engineer's estimate, shall be in place at the time the ~~final plat is recorded~~ **city engineer certifies,**
194 **in writing, that all improvements are 100 percent complete.**

195 1. If the approved bid is higher than the engineer's estimate, the city reserves the right to
196 require the amount be increased to ten percent of the approved bid.
197 2. If suspect soil is present a longer bond, as determined by the city engineer, may be
198 required.

199 B. ~~Public improvement completion security~~ **Improvement completion assurance.** To ensure
200 completion of the public improvements required herein, ~~an~~ **public improvement completion**
201 **security assurance** on the remaining improvements shall be in place prior to the issuance of a
202 building permit.

203 1. *Amount.* The amount ~~determined by the city engineer~~ shall be **a percentage** equal to ~~at~~
204 ~~least 100 percent~~ **the maximum amount allowed by state law based on the engineer's**
205 **cost estimates** of the reasonable value of the improvements required herein, **as approved**
206 **by the city engineer.**

207 2. If the approved bid is higher than the engineer's estimate, the city reserves the right to
208 require the amount be increased to ~~100~~ **a percentage equal to the maximum amount**
209 **allowed by state law** of the approved bid.

210 3. *Methods.* The ~~public improvement completion security assurance~~ may ~~at the city's sole~~
211 ~~discretion,~~ be furnished by any of the following methods:

212 1. By providing a performance, surety or cash bond in the amount specified and
213 conditioned upon payment by the developer of all expenses incurred for labor
214 and materials used in the construction of the required improvements. ~~This~~
215 ~~method of security shall be preferred by the city.~~

Commented [SB5]: This wording fits better with UCA 10-9a-604.5

2. ~~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.~~
3. 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 years and three months from the date of recording the final plat.
4. 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.
5. ~~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 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.

(Code 1998, § 11-5-7; Ord. No. 003-00, 1-25-2000; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

HISTORY

Adopted by Ord. [06-2022](#) on 9/21/2022

11-5-8 (Reserved For Future Use)

HISTORY

Adopted by Ord. [06-2022](#) on 9/21/2022

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.

(Code 1998, § 11-5-9; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014, 10-23-2018)

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260 HISTORY
 261 *Adopted by Ord. [06-2022](#) on 9/21/2022*

262 **11-5-10 (Reserved For Future Use)**
 263 HISTORY
 264 *Adopted by Ord. [06-2022](#) on 9/21/2022*

265 **11-5-11 Extension Of Public Works Facilities**
 266 The extension of any city public works facilities, including, but not limited to, roads, bridges, storm drains,
 267 water mains, sewer lines, and secondary water systems, shall be installed by the developer of any
 268 development. Layout must provide for future extension to adjacent development and be compatible with
 269 the contour of the ground for proper drainage. All public improvements shall be installed to the boundary
 270 lines of the development. There shall be no consideration or return to the developer within the area. The
 271 city, however, will consider cost sharing on any water line that is in excess of an eight-inch diameter or
 272 any sewer line that is in excess of a ten-inch diameter, in the event the city desires to participate for future
 273 planning purposes.

274 (Code 1998, § 11-5-11; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-
 275 2013; Ord. No. 2018-014, 10-23-2018)

276 HISTORY
 277 *Adopted by Ord. [06-2022](#) on 9/21/2022*

278 **11-5-12 Utilities**
 279 All utilities, privately or publicly owned, shall be placed underground. This includes, but shall not be limited
 280 to, telephone, gas, electric power, water, sewer, cable television and irrigation lines. Exceptions to this
 281 may be considered.

282 (Code 1998, § 11-5-12; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-2013; Ord. No. 2018-014,
 283 10-23-2018)

284 HISTORY
 285 *Adopted by Ord. [06-2022](#) on 9/21/2022*

286 **11-5-13 City Water And Sewer Systems**
 287 All developments located within the corporate boundaries of the city shall be required to connect to the
 288 water and sewer systems of the city, except as provided by a resolution to the contrary.

289 (Code 1998, § 11-5-13; Subd. Ord., 1-24-1990; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-10-
 290 2013; Ord. No. 2018-014, 10-23-2018)

291 HISTORY
 292 *Adopted by Ord. [06-2022](#) on 9/21/2022*

293 **11-5-14 Sharing Development Costs**
 294 Public works improvements shall be paid for by the developers and landowners who will benefit by their
 295 existence and use as set forth in this section.

296 A. *Compensation.* Circumstances where the original developer may be compensated by adjacent
 297 landowners or by the city for a portion of the cost for these improvements:
 298 1. *Adjacent landowner.* The owner of any parcel of land that has frontage along and/or is
 299 immediately adjacent to any public works improvements, which landowner would benefit

from connecting onto or accessing the public works improvements without additional easements or rights-of-way. 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 PCC 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 PCC 11-5-11, the city may provide funds from impact fees 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 landowners 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 landowners.* Where an adjacent landowner may benefit from the installation of public works improvements, a developer may contact the adjacent landowner and solicit participation in the costs for such improvements from the adjacent landowner.

- 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 landowners.* Where adjacent landowners do not participate as described in subsection A.3 of this section, and the city does not participate as described in subsection A.2 of this section, then the original developer may be entitled to compensation from adjacent landowners 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 chapter.
 - 1) The letter or other written notice must provide an estimate of costs for the public works improvements to be installed by the developer.
 - 2) This letter or other written notice will be used by the city to alert future adjacent landowners 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.

- 347 3) The failure to submit the referenced letter or other written notice to the
348 city by the date of final plat approval by the city council shall constitute a
349 wavier by the original developer of the right to request reimbursement
350 as contemplated by this section.
- 351 5. No developer may use this chapter for shared development costs as a basis for
352 unapproved private compensation or to control, direct, or deter growth within the city.
- 353 a. The city requires that all compensation of one developer to another be
354 accomplished by using this chapter and be done in writing and in conjunction with
355 the city.
- 356 b. Developers may continue, however, to combine their resources and work
357 together in developing areas or a combination of areas, as proposals are made,
358 as described in subsection A.3 of this section.

359 B. *Completion.*

- 360 1. When the original development's public improvements are completed and accepted in
361 writing by the city, the original developer has 30 days from the date of acceptance of said
362 improvement by the city, to file a statement of actual expenses incurred for the public
363 works improvements.
- 364 a. Itemize each item of the public improvements, with complete itemization of the
365 costs incurred for each item. Statement may include engineering costs.
366 Statement shall include developer's proposed division of such costs between the
367 developer and adjacent landowners.
- 368 b. Should the original developer fail to file the statement of actual expenses
369 incurred for the public works improvements as required by this subsection, within
370 30 days from the date of acceptance of the public works improvements by the
371 city, or fail to submit the as-built drawings as required by the city's subdivision
372 ordinance, the original developer's request for compensation/reimbursement
373 and any determination made by the commission and/or the city council shall
374 become null and void.
- 375 2. *Future development; pro-rata share.* Future development by owners of land adjacent to
376 these public improvements will not be approved by the city until the new developer
377 agrees in writing to compensate the original developer, or the developer's legal agent, for
378 a pro-rata share of the costs of the public works improvements, as was approved by the
379 city.
- 380 3. *Reimbursement to the original developer.* Reimbursement to the original developer shall
381 be 100 percent of the pro rata share during the first five years following the date of
382 completion and acceptance by the city of the public works improvements. The pro rata
383 share shall be depreciated 20 percent per year thereafter, and no pro rata share shall be
384 due to the developer after ten years following the acceptance date by the city.

385 (Code 1998, § 11-5-14; Ord. No. 004-00, 1-25-2000; Ord. No. 018-2007, 9-25-2007; Ord. No. 013-2013, 9-
386 10-2013; Ord. No. 2018-014, 10-23-2018)

387 HISTORY

388 Adopted by Ord. [06-2022](#) on 9/21/2022

1 CHAPTER 11-6 CONDOMINIUM APPROVAL

2 11-6-1 Purpose And Intent

3 11-6-2 Submission Of Application

4 11-6-3 Staff Review

5 11-6-4 Planning Commission Action

6 11-6-5 Final Plat Recordation

7
8 **11-6-1 Purpose and Intent**

- 9 A. The procedures and requirements of this chapter shall apply to and govern the processing of
10 condominium records of survey maps pursuant to the requirements of the Condominium Ownership Act
11 ([U.C.A. 1953, § 57-8-1 et seq.](#)). Said procedures and requirements shall supplement zoning, site
12 development, health, building and other ordinances applicable to a particular condominium project, and
13 shall apply to the approval of such projects involving new construction as well as those involving the
14 conversion of existing structures. In addition, condominium projects, which contemplate dedication of
15 real property or improvements for the use of the public, or condominium projects in which units are not
16 contained in existing or proposed buildings shall also be considered subdivisions requiring compliance
17 with the applicable provisions of this chapter.
- 18 B. It is the intent of this chapter to establish a reasonable process whereby the city can assess the impact of
19 mixing collective and individual ownerships, as presented in a particular condominium project, upon the
20 public health, safety, welfare and convenience of the city. In the case of conversions of existing
21 commercial or residential buildings to condominiums, corrections of building code violations, the
22 upgrading of vehicle parking facilities, and safety of common functional elements of the structures are of
23 prime importance.

24
25 (Code 1998, § 11-6-1; Ord. No. 2016-005)

26 HISTORY

27 Adopted by Ord. [06-2022](#) on 9/21/2022

28
29 **11-6-2 Submission of Application**

- 30 A. *Documents and information required.* The owner or developer of a proposed condominium project
31 desiring approval shall file the following with the ~~planning commission~~ city:
32 1. An application for condominium approval on a form prescribed by the city;
33 2. ~~Four~~ **Two** copies (20-inch by 30-inch minimum, 24-inch by 36-inch maximum size) and one 21-
34 inch by 31-inch copy of the proposed record of survey map required by [U.C.A. 1953, § 57-8-13](#).
35 The map shall also:
36 a. Be drawn to a scale no smaller than one inch equals 40 feet;
37 b. Contain diagrammatic floor plans identifying boundaries of the project units, convertible
38 and expandable areas or spaces and common areas;
39 c. Contain a designation of the intended use of common areas, such as storage areas,
40 recreational areas, parking areas for owners, guests, open space, etc.;
41 d. Contain a designation of the common areas which are open to the public, which are
42 assigned to specific units and which are semiprivate and available only to unit owners;
43 e. Contain a detailed description of existing or proposed driveways, pedestrian ways, curb
44 cuts, walls, structures, fences, landscaping and sprinkling systems; and
45 f. Show individual utility connections for each unit. The culinary water must be master
46 metered. The city will bill the condominium association, not individual units;
47 1. Two copies signed in the original of the proposed condominium declarations and bylaws;
48 2. A condominium application filing fee, which shall be equal to the filing fee the developer pays for
49 the subdivision application;
50 3. Proposed covenants, conditions and restrictions which provide adequate guarantees for
51 retention and maintenance of the development as approved.

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- B. *Meetings.* The city staff (or the city staff's assigns) may, at ~~their discretion~~ **the request of the developer**, meet with developers to comment on incomplete applications. Such meetings shall not be deemed acceptance of such incomplete applications for purposes of determining vested rights, and the city departments shall not retain copies of such incomplete applications. ~~The city shall not schedule meetings and hearings before the planning commission on an application that is not complete.~~

(Code 1998, § 11-6-2; Ord. No. 2016-005)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-6-3 Staff Review

Upon receipt of a completed application for approval of a condominium project, the city staff shall route copies of the application and development plans in the same manner as a standard subdivision. Additionally, preliminary review by the planning staff and fire chief shall include, but not be limited to, the following:

- A. *Staff review.*
1. *Letter of intent.* A letter of intent shall be submitted indicating proposed concept of project for staff review. The condominium declarations and bylaws shall be reviewed as part of the final approval process and will include provisions addressing and fixing responsibility for the maintenance, upkeep and repair of common areas, including common walls, electrical, mechanical, plumbing or utility systems, recreational areas, landscaping, private streets and parking areas. The declarations shall also restrict the use of any individual residential dwelling unit to single families. The staff shall also review the declaration to require appropriate disclosure of any unusual circumstances, variances or conditions placed upon the condominium project for approval.
 - a. *Fire safety review.* The fire marshal shall inspect each structure proposed for conversion to condominiums and shall submit a report thereon to the ~~planning staff~~ **city** outlining the conditions of the structures as they relate to fire safety. The fire marshal shall stipulate those conditions requiring improvement prior to occupancy in the report.
 - b. *City attorney.* The city attorney shall review the declaration of condominium to ensure its conformance to the state code and city ordinances.
 2. *Plans and related documents.* The staff shall review the plans and related documents to determine whether the project conforms to applicable requirements of this title, the status or extent of nonconforming rights, applicable conditions imposed upon the building or use by ordinance, and/or conditional use permit. If the staff finds there are violations of applicable zoning ordinances or requirements, the staff may recommend denial of the condominium project until such violations have been corrected or requirements completed or monies escrowed for 110 percent of the cost for correction before a decision can be made by the planning commission.

(Code 1998, § 11-6-3; Ord. No. 2016-005)

HISTORY

Adopted by Ord. 06-2022 on 9/21/2022

11-6-4 Planning Commission and Administrative Land Use Authority Action

- A. *Compliance requirements.* Upon completion of the recommendations of the staff, the matter shall be set for consideration by the planning commission. The planning commission shall review the application to determine if it is in full compliance with:
1. Applicable city ordinances;
 2. The requirements of the Condominium Ownership Act (U.C.A. 1952, § 57-8);
 3. In every way, the project is ready for final approval.
- B. *Planning commission action.* Upon completion of the planning commission's review, ~~it shall take action as~~ the land use authority for subdivisions **shall consider the project for approval.**

Commented [SB1]: Revised during the 11/08/2023 planning commission meeting.

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- 104 1. *Approval granted.* If the ~~planning commission~~ **administrative land use authority** finds that the
105 project is in compliance with applicable ordinances and the requirements of final plat approval,
106 the ~~planning commission~~ **administrative and use authority** shall grant approval.
- 107 2. *Disapproval.* If the ~~planning commission~~ **administrative land use authority** determines said
108 project is not in conformity with requirements of the ordinances of the city, or if it rejects any
109 offers of dedication, the planning commission may disapprove the plat specifying the reasons for
110 disapproval.
- 111 3. *Reconsideration.* Within 30 days after the ~~planning commission~~ **administrative land use authority**
112 has disapproved any final plat, the developer may file with the city a revised plat and/or
113 documents altered to meet the requirements of the ~~planning commission~~ **administrative and**
114 **use authority**. Upon receipt of the revised final plat and/or documents, and review by the
115 executive staff, the matter shall be referred back to the ~~planning commission~~ **administrative land**
116 **use authority** for reconsideration.
- 117 4. *Approval and recording required.* No final plat shall have any force or effect until the same has
118 been approved by the signature of the mayor and has been officially recorded with the county
119 recorder within 60 days from the date of the planning commission's approval.

120
121 (Code 1998, § 11-6-4; Ord. No. 2016-005)

122 HISTORY

123 Adopted by Ord. 06-2022 on 9/21/2022

124

125 11-6-5 Final Plat Recordation

- 126 A. *Requirements.* For purposes of recordation, the final approved plat shall be recorded as a subdivision and
127 be included in the subdivision plat records of the county recorder's office. Recordation by the city shall
128 only take place after all of the necessary signatures are obtained, all approvals given, ~~and all bonds and~~
129 ~~fees are posted with the city public works department paid, and, if needed pursuant to state law, the~~
130 **improvement completion assurance is in place.**
- 131 B. *Covenants, conditions and restrictions.*
- 132 1. The city shall require the applicant to submit for recording covenants, conditions and restrictions
133 which will provide adequate guarantees for the permanent retention and maintenance of open
134 space area, landscaping, natural features, private streets, other privately-owned infrastructure
135 and architectural design standards in accordance with applicable rules, standards, and policies,
136 including, but not limited to, the state code, this Code and the city public works standards and
137 specification manual. The covenants, conditions and restrictions shall include, at a minimum,
138 provisions for:
- 139 a. The establishment of a condominium association, unless the property will continue to
140 be held in single ownership by either a corporation, partnership or an individual, and
141 restrictions are recorded requiring establishment of a condominium association in the
142 event that the unity of title is not maintained; and
- 143 b. A provision granting the city the consent of the condominium association and each of its
144 members, after providing notice to each property owner and holding a public hearing,
145 to create a special assessment area comprised of all units and lots within the
146 development, to finance the cost of reasonably necessary maintenance, repair or
147 replacement of commonly-owned essential public infrastructure such as streets,
148 sidewalks, street lighting, water systems, etc., in the event of dissolution or default by
149 the condominium association. It is the intent of this provision that once the city uses the
150 special assessment area to finance the reasonably necessary maintenance, repairs, etc.,
151 future maintenance and repairs would be treated as any other city infrastructure
152 project.
- 153 2. Each phase submitted for review shall include covenants, conditions and restrictions for
154 approval.

Commented [SB2]: Revised during the 11/08/2023 planning commission meeting.

Commented [SB3]: Revised during the 11/08/2023 planning commission meeting.

Commented [SB4]: Revised during the 11/08/2023 planning commission meeting.

Commented [SB5]: Revised during the 11/08/2023 planning commission meeting.

Commented [SB6]: Revised during the 11/08/2023 planning commission meeting.

Commented [SB7]: Revised during the 11/08/2023 planning commission meeting.

- 155 3. Two copies of the declaration of covenants, conditions and restrictions shall be submitted to the
156 city signed and prepared for recording at the county recorder's office prior to approval of a final
157 plat. Prior to recordation, the covenants, conditions and restrictions shall be reviewed and
158 approved for compliance with this chapter by the community development director and city
159 attorney.
160 4. The applicant shall be responsible for recording and recording fees.

161
162 (Code 1998, § 11-6-5; Ord. No. 2016-005)

163 HISTORY

164 Adopted by Ord. [06-2022](#) on 9/21/2022