

Ordinance No. 2021-016

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3 AN ORDINANCE GRANTING THE ANNEXATION PETITION AND ASSIGNING MULTI-FAMILY HIGH,  
4 LIFE CYCLE RESIDENTIAL, COMMERCIAL GENERAL AND COMMERCIAL HIGHWAY FOR PARCEL  
5 NO. 02-089-0019, 02-090-0019, 02-090-0002, 03-002-0016, 02-090-0005,02-090-0008, 02-090-  
6 0009, 02-090-0010, 03-002-0003, AND 03-002-0004 LOCATED IN THE GENERAL AREA OF 1700 S  
7 AND 500 S SR 165 AND CONSISTING OF A TOTAL ACREAGE OF 85.71 +/-

8  
9 **WHEREAS**, Ty Cameron, the duly appointed and acting City Recorder of Providence City, Cache  
10 County, Utah did hereby receive a Petition for Annexation and Plat which was filed with the City  
11 by Kathleen Alder with sponsors Robert Gabsa and Hans Peterson.

12  
13 **WHEREAS**, the property described in the annexation petition contains Parcel No. 02-089-0019,  
14 02-090-0002, 02-090-0019, 03-002-0016, 02-090-0005,02-090-0008, 02-090-0009, 02-090-0010,  
15 03-002-0003, AND 03-002-0004 and is located in the general area of 1700 S and 500 S SR 165  
16 and consisting of a total acreage of 85.71 +/- . Boundary Description as follows:

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18 **BOUNDARY DESCRIPTION:**A portion of the SE1/4 & SW1/4 of Section 9, and the NE1/4 of  
19 Section 16, Township 11 North, Range 1 East, Salt Lake Base & Meridian, more particularly  
20 described as follows: Beginning at the South 1/4 Corner of Section 9, T11N, R1E, S.L.B.& M.  
21 which is on the northerly corporate Limits of Millville City; thence S89°58'16"W along the  
22 Section line and said Corporate Limits 367.28 feet to a point on the Corporate Limits of Logan  
23 City; thence along said Corporate Limits of Logan City the following 6 (six) courses and  
24 distances: N0°30'37"W 917.28 feet; thence N86°31'56"E 525.69 feet; thence S88°40'40"E  
25 660.00 feet; thence N1°19'20"E 1,380.01 feet; thence S89°04'03"E 136.69 feet; thence  
26 S88°25'43"E 398.74 feet to a point on the westerly Corporate Limits of Providence City; thence  
27 along said Corporate Limits of Providence City the following 9 (nine) courses and distances:  
28 S0°14'18"E 1,311.00 feet; thence S1°42'33"W 59.77 feet; thence N88°02'40"W 32.16 feet;  
29 thence S1°12'04"W 660.01 feet; thence S88°17'26"E 905.28 feet to the easterly line of State  
30 Highway 165; thence along said easterly line the following 4 (four) courses and distances:  
31 S1°18'09"W 486.40 feet; thence S13°38'10"E 79.62 feet; thence S0°21'12"E 166.72 feet; thence  
32 S0°29'47"E 381.95 feet to the Corporate Limits of Millville City; thence along said Corporate  
33 Limits of Millville City the following 14 (fourteen) courses and distances: N88°19'28"W  
34 1,423.69 feet, more or less, to the easterly bank of the Blacksmith Fork River; thence  
35 continuing along said easterly bank and said Corporate Limits: N10°58'00"E 110.29 feet;  
36 thence N10°33'00"W 127.00 feet; thence N20°04'00"W 29.00 feet; thence N2°19'00"W 60.00  
37 feet; thence N12°25'00"E 63.00 feet; thence N1°20'00"W 67.00 feet; thence N27°46'00"E 30.00  
38 feet; thence N42°08'00"E 141.00 feet; thence N45°22'00"E 142.00 feet; thence N18°16'00"E  
39 93.00 feet; thence N10°08'00"W 51.00 feet; thence N27°14'00"W 20.00 feet to the south line  
40 of said Section 9; thence S89°30'40"W along the Section line and continuing along said  
41 Corporate Limits of Millville City 1,045.76 feet to the point of beginning.

42  
43 **WHEREAS**, the Petition was accepted by the Providence City Council for further consideration  
44 pursuant to UTAH CODE ANN. § 10-2-405 by Resolution 026-2021 adopted and passed by the City  
45 Council on April 21, 2021; and  
46

1 **WHEREAS**, Ty Cameron did certify, based on information received from Cache County and in  
2 consultation with the Providence City Attorney, that the Petition met the requirement of UTAH  
3 CODE ANN. Subsections 10-2-403(3), (4), and (5), and on June 22nd, 2021, did give Notice to the  
4 Providence City Council, the Contact Sponsor for said Petition, and Cache County of  
5 Certification; and

6  
7 **WHEREAS**, pursuant to UTAH CODE ANN. § 10-2-406, Ty Cameron did give Notice of Certification  
8 of Annexation Petition to each affected entity; and

9  
10 **WHEREAS**, the Notice of Annexation was posted on the City's website, State Public Notice  
11 Website, City Offices, City Post Office and Vons Baer City Park on June 22<sup>nd</sup> 2021.

12  
13 **WHEREAS**, no formal protests to the Petition have been received; and

14  
15 **WHEREAS** the Providence City Council advertised and held a public hearing, in accordance with  
16 UTAH CODE ANN. § 10-2-407(7), on August 18th, 2021; and

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

26  
27 **WHEREAS**, Utah Code Ann. § 10-9a-506(1) states that the legislative body of each municipality  
28 shall assign a land use zone or a variety thereof to territory to territory annexed to the  
29 municipality at the time the territory is annexed; and Providence City Code 10-3-6:A. states that  
30 new areas annexed into the City shall be annexed into the City as agricultural, or as an already  
31 defined zone per the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the  
32 City of Providence, Utah;" any other zoning proposal shall be submitted to the Planning  
33 Commission for consideration and recommendation to the City Council; and

34  
35 **WHEREAS**, the Petitioner's are requesting the multi-family high, commercial general and  
36 commercial highway zoning districts; and

37  
38 **WHEREAS**, the Planning Commission held a public hearing regarding the zoning of these parcels  
39 on July 14<sup>th</sup> and came to the following motion and recommendation: ***Motion that the Planning***  
40 ***Commission recommend to the City Council for this Alder annexation zoning [for] the property***  
41 ***in the general area of 1700 S and 500 S SR 165 consisting of parcels 02-089-0019, 02-090-0002,***  
42 ***02-090-0005, 02-090-0019, 02-090-0008, 02-090- 0009, 02-090-0010, 03-002-0003, and 03-002-***  
43 ***0004 [that it] be approved for rezone of the annexation according to the findings of fact and***  
44 ***the conditions and conclusions previously discussed: — R Cecil, second — B Marble***

45 **Vote:**

46 **Yea: R Cecil, M Fortune, B Marble, R Perry**

47 **Nay:**

1 **Abstained: K Alder**  
2 **Excused:**

3  
4 **WHEREAS**, the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the City  
5 of Providence, Utah;" shows these parcels as LCR & CHD.

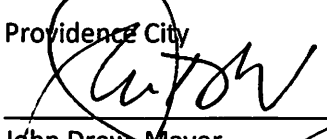
- 6  
7 **THEREFORE, BE IT ORDAINED** that the Providence City Council:
- 8 • Grants the Petition for Annexation filed by Kathleen Alder.; and
  - 9 • The Providence City Corporate limits will be modified to include said property as  
10 described above; and
  - 11 • The annexed parcels shall be zoned as Life Cycle Residential, Multi-Family High,  
12 Commercial General and Commercial Highway (see attached map) and
  - 13 • The Providence City Zoning Map shall also be changed to include the properties as  
14 described and zoned above; and
  - 15 • This Ordinance will become effective immediately upon passage and certification from  
16 the Lt. Governor's Office.

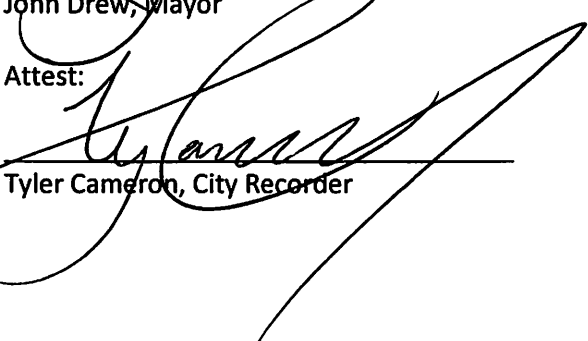
17  
18 Passed by vote of the Providence City Council this 18th day of August 2021.

19  
20 Council Vote:

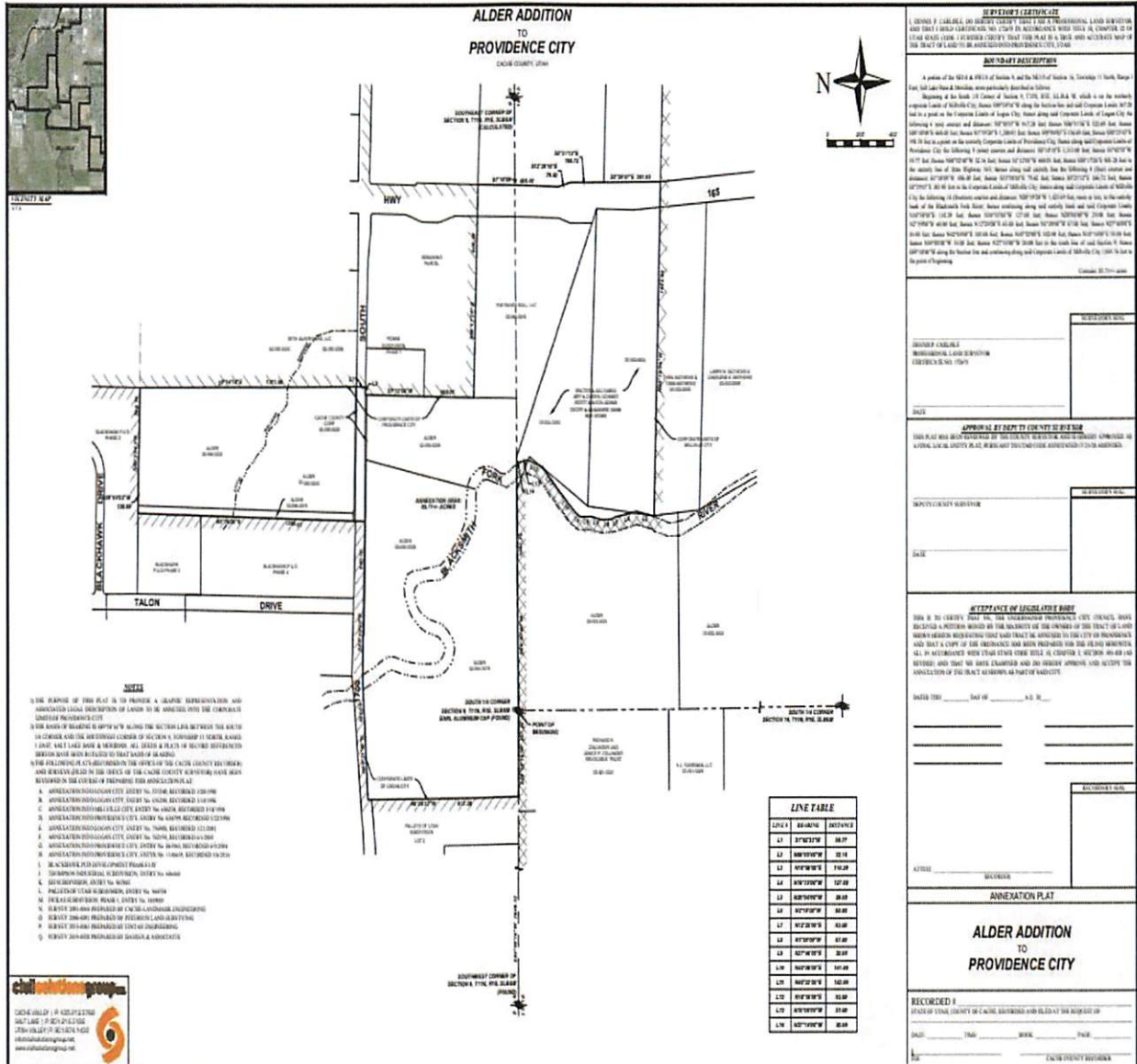
21 Eck, Kristina	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
22 Kirk, Carrie	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
23 Paulsen, Joshua	( ) Yes	( ) No	( ) Excused	( ) Abstained	(X) Absent
24 Sealy, Jeanell	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
25 Speth, Brent	(X) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

26  
27 Signed by Mayor John Drew this 18th day of August 2021.

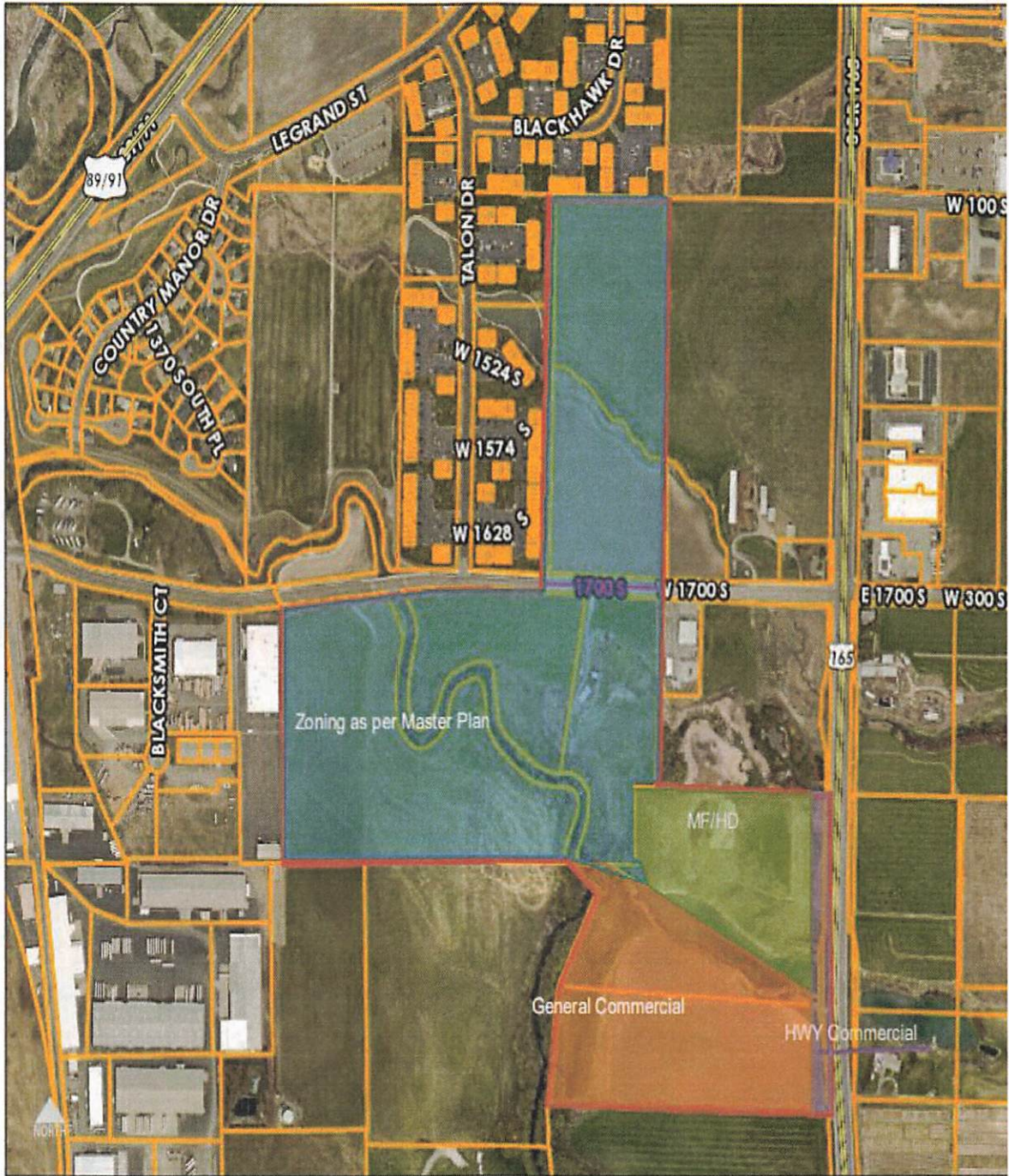
28  
29 Providence City  
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32 John Drew, Mayor

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34 Attest:  
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36 \_\_\_\_\_  
37 Tyler Cameron, City Recorder

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