

1 **Ordinance No. 07-2022**

2
3 AN ORDINANCE GRANTING THE ANNEXATION PETITION AND ASSIGNING
4 THE ZONE OF SINGLE-FAMILY HIGH, FOR PARCEL NOS 02-004-0001 & 02-004-
5 0002 LOCATED IN THE GENERAL AREA OF E 600 S AND 1000 E AND
6 CONSISTING OF AN ACREAGE OF 20.87 +/-
7

8 **WHEREAS**, Ty Cameron, the duly appointed and acting City Recorder of Providence City,
9 Cache County, Utah did hereby receive a Petition for Annexation which was filed with the City
10 by Dallas Nicoll, acting manager for Visionary Homes LLC.
11

12 **WHEREAS**, the property described in the annexation petition contains Parcel No. 02-004-0001
13 & 02-004-0002 Boundary Description as follows:
14

15 **02-004-0001**

16
17 BEG AT NE COR OF SEC 2 T 11N R 1E, BEG & TH S 89*42'27" W 5433.19 FT TO NW COR
18 OF SEC 2 TH S 0*04'53" W 2997.19 FT TO TRUE POB ON S LN OF 600 S ST & TH
19 S88*08'39"E 807.90 FT TH S01*10'17"W 830.97 FT TH N89*05'49"W 807.85 FT TO SE COR
20 OF SOUTH FIELD SUBD & A PT OF RECORD 87.45 RDS N & 1.33 RDS W OF SW COR
21 OF SEC 2 TH N01*10'17"E 844.40 FT TO TRUE POB CONT 15.53 AC M/B
22

23 **02-004-0002**

24
25 BEG AT NE COR OF SEC 2 T 11N R 1E, BEG & TH S 89*42'27" W 5433.19 FT TO NW COR
26 OF SEC 2 TH S 0*04'53" W 2997.19 FT TO TRUE POB ON S LN OF 600 S ST & TH
27 S88*08'39"E 807.90 FT TO TRUE POB & TH S 88*08'39"E 282.22 FT ALG ST TH
28 S01*20'49"W 826.29 FT ALG W LN OF 1000 E ST TH N89*05'49"W 279.67 FT TH
29 N01*10'17"E 830.97 FT CONT 5.34 AC
30
31

32 **WHEREAS**, the Petition was accepted by the Providence City Council for further consideration
33 pursuant to UTAH CODE ANN. § 10-2-405 by Resolution 035-2021 adopted and passed by the
34 City Council on December 15th, 2021; and
35

36 **WHEREAS**, Ty Cameron did certify, based on information received from Cache County and in
37 consultation with the Providence City Attorney, that the Petition met the requirement of UTAH
38 CODE ANN. Subsections 10-2-403(3), (4), and (5), and on January 13th, 2022, did give Notice to
39 the Providence City Council, the Contact Sponsor for said Petition, and Cache County of
40 Certification; and
41

42 **WHEREAS**, pursuant to UTAH CODE ANN. § 10-2-406, Ty Cameron did give Notice of
43 Certification of Annexation Petition to each affected entity; and
44

45 **WHEREAS**, the Notice of Annexation was posted on the City's website, State Public Notice
46 Website, City Offices, City Post Office, and Vons Baer City Park on January 13th, 2022.
47

48 **WHEREAS**, formal protests were made and submitted to the Cache County Boundary
49 Commission. The Cache County Boundary Commission held a hearing on March 16th, 2022,

1 where statements and arguments were made by all parties of interest. The Cache County
2 Boundary Commission submitted a written decision on April 15th, 2022, stating “the Cache
3 County Boundary Commission hereby approves the proposed annexation without modifications
4 or conditions.”

5
6 **WHEREAS** the Providence City Council advertised and held a public hearing, in accordance
7 with UTAH CODE ANN. § 10-2-407(7), on October 19th, 2022; and

8
9 **WHEREAS**, Providence City desires to provide for the health, safety, and welfare, and promote
10 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
11 and its present and future inhabitants and businesses, to protect the tax base, to secure economy in
12 governmental expenditures, to foster the state's agricultural and other industries, to protect both
13 urban and nonurban development, to protect and ensure access to sunlight for solar energy
14 devices, to provide fundamental fairness in land use regulation, and to protect property values in
15 areas that may be considered sensitive, including but not limited to fire danger, slope, soil
16 content, by following its Annexation Policy Plan and its General Plan; and

17
18 **WHEREAS**, Utah Code Ann. § 10-9a-506(1) states that the legislative body of each municipality
19 shall assign a land use zone or a variety thereof to territory to territory annexed to the
20 municipality at the time the territory is annexed; and Providence City Code 10-3-6:A. states that
21 new areas annexed into the City shall be annexed into the City as agricultural, or as an already
22 defined zone per the city's map, "Future Rezoning of Existing Districts and Annexed Areas of the
23 City of Providence, Utah;" any other zoning proposal shall be submitted to the Planning
24 Commission for consideration and recommendation to the City Council; and

25
26 **WHEREAS**, the Petitioner’s are requesting the zone designation of Single-Family High.

27
28 **WHEREAS**, the Planning Commission held a public hearing regarding the zoning of these
29 parcels on September 14th, 2022, and came to the following motion and recommendation:

30
31 *Motion to recommend to City Council that parcels 02-004-0001 & 02-004-0002 be zoned as*
32 *Single Family High subject to City Council taking action in the annexation approval to bind*
33 *Visionary to a density of no more than 74 lots – Joe Chambers. 2nd - Brian Marble.*

34 *Vote:*

35 *Yea – Michael Fortune, Joe Chambers and Brian Marble.*

36 *Ney- Shelly Nazer*

37 *Abstained- Tyler Riggs*

38 *Absent-*

39

40

41 **THEREFORE, BE IT ORDAINED** that the Providence City Council:

- 42
- 43 • Grants the Petition for Annexation filed by Visionary Homes LLC.; and
 - 44 • The Providence City Corporate limits will be modified to include said property as described above; and
 - 45 • The annexed parcels shall be zoned as Single-Family High, and
 - 46 • The Providence City Zoning Map shall also be changed to include the properties as described and zoned above; and
 - 47 • This Ordinance will become effective immediately upon passage and certification from
 - 48 the Lt. Governor’s Office.
 - 49

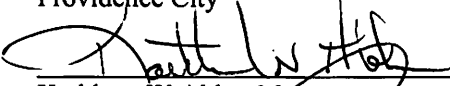
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Passed by vote of the Providence City Council this 19th day of October 2022.

Council Vote:

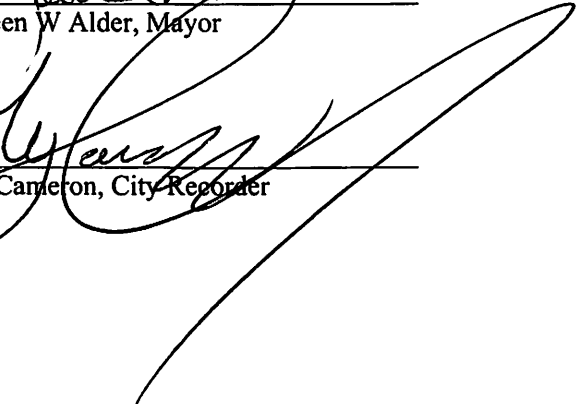
Nebeker, Jeff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input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

Providence City



Kathleen W Alder, Mayor

Attest:



Tyler Cameron, City Recorder

ACCEPTANCE BY LEGISLATIVE BODY

THIS PROJECT HAS BEEN REVIEWED BY THE LEGISLATIVE BODY OF PROVIDENCE CITY AND HAS BEEN APPROVED AS TO THE TECHNICAL ASPECTS OF THE PROJECT. THE CITY ENGINEER HAS REVIEWED THE PROJECT AND HAS APPROVED IT AS TO THE TECHNICAL ASPECTS OF THE PROJECT. THE CITY ENGINEER HAS REVIEWED THE PROJECT AND HAS APPROVED IT AS TO THE TECHNICAL ASPECTS OF THE PROJECT.

DATE OF APPROVAL: _____

BY: _____

DEPUTY COUNTY ENGINEER APPROVAL

I hereby declare that I am duly qualified and duly sworn in as a deputy county engineer and that I have approved this plan as to the technical aspects of the project.

DATE: _____

BY: _____

ENGINEER'S CERTIFICATE

I hereby certify that I am duly qualified and duly sworn in as an engineer and that I have approved this plan as to the technical aspects of the project.

DATE: _____

BY: _____

ENGINEER'S CERTIFICATE

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DATE: _____

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DATE: _____

BY: _____

PROVIDENCE ANNEXATION

IN THE
PROVIDENCE CITY

PART OF THE SOUTHWEST QUARTER OF SECTION 2,
 AND THE SOUTHWEST QUARTER OF SECTION 3,
 TOWNSHIP 11 NORTH, RANGE 1 EAST,
 SKI LAKE BASIN AND MIDDLE
 CASH COUNTY, UTAH

ALLIANCE CONSULTING ENGINEERS
 100 WEST 200 SOUTH, SUITE P
 UTAH 84001
 (408) 764-6121

DATE: 02-20-2018

PROVIDENCE ANNEXATION

TO THE
PROVIDENCE CITY

PART OF THE SOUTHWEST QUARTER OF SECTION 2,
 AND THE SOUTHWEST QUARTER OF SECTION 3,
 TOWNSHIP 11 NORTH, RANGE 1 EAST,
 SKI LAKE BASIN AND MIDDLE
 CASH COUNTY, UTAH

ALLIANCE CONSULTING ENGINEERS
 100 WEST 200 SOUTH, SUITE P
 UTAH 84001
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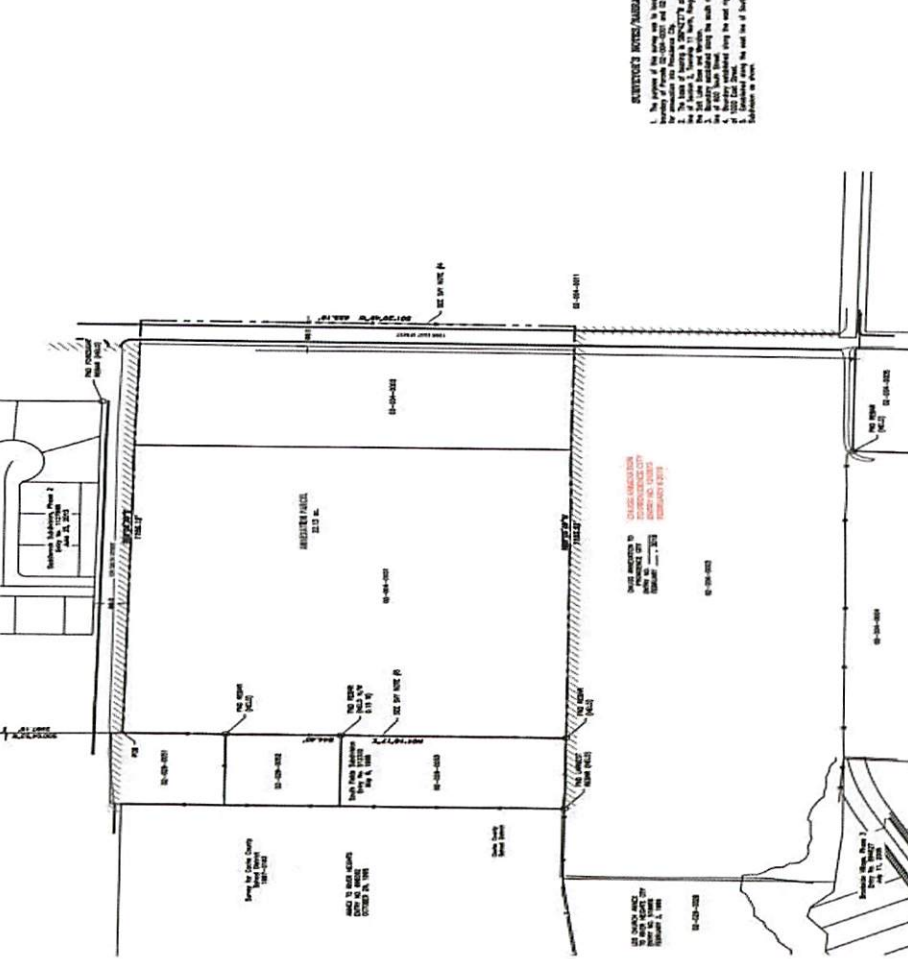
DATE: 02-20-2018



SCALE 1" = 100'-0"

LEGEND

- BOUNDARY OF PROVIDENCE CITY
- BOUNDARY OF CASH COUNTY
- 0 CURVED DRIVE IN ROAD
- ⊕ CURVED DRIVE



ENGINEER'S NOTES/PARTICULARS

1. This plan is prepared for the City of Providence, Utah, and is subject to the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code, and the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code, and the provisions of the Utah Subdivision Map Act, Chapter 67B, Utah Code.
2. The City Engineer has approved this plan as to the technical aspects of the project.
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6. The City Engineer has approved this plan as to the technical aspects of the project.
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8. The City Engineer has approved this plan as to the technical aspects of the project.
9. The City Engineer has approved this plan as to the technical aspects of the project.
10. The City Engineer has approved this plan as to the technical aspects of the project.

DATE PREPARED BY:
ALLIANCE CONSULTING ENGINEERS
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 UTAH 84001
 (408) 764-6121

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