

1 **Ordinance No. 2019-024**

2  
3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 10 ZONING REGULATIONS, CHAPTER 3  
4 PERMITS, PLANS, AND ANNEXATION, SECTION 6 ANNEXATION BY ADDING THE INFORMATION REQUIRED  
5 WITH AN ANNEXATION PETITION.  
6

7 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules  
8 and may enter into other forms of land use controls . . .” and  
9

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

- 17 • Providence City staff prepared the attached code amendment.
- 18 • Prior to making a recommendation the Planning Commission studied the proposed amendment  
19 and held a public hearing on October 9, 2019.
- 20 • The Planning Commission considered the following:

21 **FINDINGS OF FACT:**

- 22 1. Providence City Code (**PCC 10-1-5:A**) states changes and amendments to this Zoning  
23 Title shall be done in accordance with state law.
- 24 2. UCA § 10-9a-102 Purposes -- **General land use authority.**  
25 *(1) The purposes of this chapter are to:*  
26 *(a) provide for the health, safety, and welfare; (b) promote the prosperity; (c) improve*  
27 *the morals, peace, good order, comfort, convenience, and aesthetics of each*  
28 *municipality and each municipality's present and future inhabitants and businesses; (d)*  
29 *protect the tax base; (e) secure economy in governmental expenditures; (f) foster the*  
30 *state's agricultural and other industries; (g) protect both urban and nonurban*  
31 *development; (h) protect and ensure access to sunlight for solar energy devices; (i)*  
32 *provide fundamental fairness in land use regulation; (j) facilitate orderly growth and*  
33 *allow growth in a variety of housing types; and (k) protect property values.*
- 34 3. **UCA § 10-9a-501(2)** . . . a legislative body may enact a land use regulation only by  
35 ordinance.
- 36 4. **UCA § 10-9a-502** Requires the planning commission provide notice and hold a public  
37 hearing on a proposed land use regulation; review and recommend to the legislative  
38 body a proposed land use regulation that represents the planning commission's  
39 recommendation for regulating the use and development of land within all or any part  
40 of the area of the municipality; and forward to the legislative body all objections filed.
- 41 5. **UCA 10-9a-503(1)** Only a legislative body may amend: . . . (c) any other provision of a  
42 land use regulation.
- 43 6. **UCA § 10-2-403(1)** Annexation petition – requirements – notice required before filing  
44 states: . . . “the process to annex and unincorporated are to a municipality is initiated by  
45 a petition . . .”
- 46 7. **UCA § 10-2-403(3)** list petition requirements.
- 47 8. **PCC 10-3-6**. Provides requirements for annexation.
- 48 9. The City's **Annexation Policy Plan** states: It is not the intent of Providence City to  
49 acquire more land than the City can reasonably service. Providence City has considered  
50 the surrounding unincorporated areas and has planned to annex those areas where the  
51 City can provide municipal services as demand occurs.  
52 In determining whether or not to grant the annexation petition, the City will use the  
53 following specific criteria and matters relevant to these criteria to guide the decision. 1.

Public Services (Utility), 2. Public Services (Emergency, Law Enforcement, Fire, Environmental, etc.), 3. Transportation Services, 4. Tax Base and/or Economic Benefit, 5. Control of Development in the Area, 6. Sensitive Areas, Natural Hazards, and Geotechnical Information, 7. Recreation, Parks, Trails, 8. Education System.

**CONCLUSIONS OF LAW:**

1. The proposed code amendment is consistent with the purposes listed in UCA § 10-9a-102.
2. The proposed code amendment is consistent with the intent, specific criteria, and matters relevant to these criteria listed in the City’s Annexation Policy Plan.
3. The Planning Commission reviewed and made recommendations to the draft code amendment. The attached draft includes the Planning Commission’s recommendations.

**CONDITIONS:**

1. That the proposed code amendment continue to be processed in accordance with State and City codes and regulations.
- Providence City Planning Commission took the following action on October 23, 2019:  
**Action Item No. 2. Proposed Code Amendment:** *The Providence Planning Commission will consider for recommendation to the City Council proposed code amendments to Providence City Code Title 10 Zoning Regulations-Chapter 3-Section 6, by adding the information required with an annexation petition.*  
**Motion to recommend to the City Council to make code amendments to Providence City Code Title 10 Chapter 3 Section 6, by adding the information required with an annexation petition: — R Cecil, second — R Holloway**  
**Yea: K Alder, R Cecil, R Holloway, B Perry, G Sonntag**  
**Nay:**  
**Abstained:**  
**Excused: L Banda**

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved based on the findings of fact, conclusions of law, and conditions listed above and the recommendation of the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting or 30 days after final passage, whichever is closer to the date of final passage.

Ordinance adopted by vote of the Providence City Council this 12 day of November 2019.

Council Vote:

Allen, Kirk	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Eck, Kristina	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Fresz, Brent	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Giles, Dennis	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent
Sneddon, Roy	(x) Yes	( ) No	( ) Excused	( ) Abstained	( ) Absent

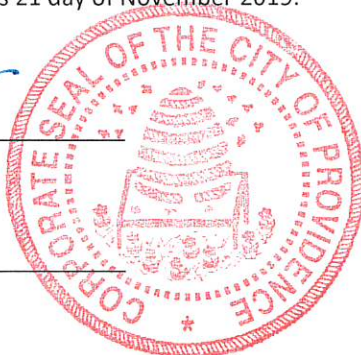
Signed by Mayor John Drew this 21 day of November 2019.

Providence City

John Drew Mayor

Attest:

Skarlet Bankhead, Recorder



- 1 10-3-6: **ANNEXATION:**  
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3 A. Classification: New area annexed to the City shall be annexed into the City as an agricultural  
4 **zone**, ~~unless otherwise approved by the City Council as provided in Utah Code Annotated, as may~~  
5 ~~be amended~~ **or as an already defined zone per the city's map, "Future Rezoning of Existing**  
6 **Districts and Annexed Areas of the City of Providence, Utah;"** any other zoning proposal shall be  
7 **submitted to the Planning Commission for consideration and recommendation to the City**  
8 **Council, unless otherwise approved by the City Council as provided in Utah Code Annotated as**  
9 **may be amended.** Any annexation shall be accomplished in accordance with State law.  
10 Notification must be delivered to each landowner involved or to any person owning land  
11 adjacent to the land involved by the petitioner. (Zon. Ord., 5-8-1991; 1998 Code) (Ordinance  
12 Modification 003-02 03/26/02) (Ordinance Modification 014-2003 11/25/03)  
13 B. Application; Fee: Formal application for annexation will require the payment of an application  
14 fee which will be applied to administrative costs including but not limited to publication fees,  
15 staff review fees, postage, etc. Professional fees such as legal and engineering fees incurred by  
16 the City will be billed, as billed by the professional firm, to the contact sponsor. The application  
17 fee will be set by a resolution of the City Council. (Ordinance Modification 003-02)  
18 C. Petition: The annexing parties must provide an annexation petition and plat in accordance with  
19 State law.  
20 1. **In addition to the petition and plat, the applicant shall provide the following**  
21 **information:**  
22 a. **A list, including the mailing address, of each affected entity as defined in Utah**  
23 **Code 10-2-401.**  
24 b. **A list, including the mailing address, of each adjacent property owner. As**  
25 **defined in Providence City Code 10-1-6:B.2.**  
26 c. **Feasibility Study ~~showing how~~ addressing the following:**  
27 i. **All utilities/services, including but not limited to:**  
28 **transportation/streets, water, sewer, storm drain, gas, power, and**  
29 **communication services will be provided to this area.**  
30 ii. **Address Any sensitive areas including, but not limited to those listed in**  
31 **Providence City Code Title 10 Chapter 5 and the Disaster Mitigation**  
32 **Plan Bear River Region Utah.**  
33 d. **A development plan that shows:**  
34 i. **The topographic character of the land, and any major grading**  
35 **intended;**  
36 ii. **Proposed land uses, population densities, and building intensities;**  
37 iii. **Proposed circulation pattern indicating both public and private streets;**  
38 iv. **Proposed parks, playgrounds, school sites, and other open spaces;**  
39 v. **A market analysis of proposed uses, if required by the Planning**  
40 **Commission;**  
41 vi. **Delineation of the units to be constructed in progression, if any; and**  
42 **relation of the proposed development to future land use in**  
43 **surrounding area(s) and as shown on the general plan.**  
44  
45 D. Repealed (Ordinance Modification 003-02)  
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47  
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