



Harrisville City Council Staff Report

January 8, 2020

Request: A public hearing for a request to consider and take action on the final Dave Green Subdivision, a three-lot subdivision to adjust lot lines and vacate easements on the underlying property.

Type of Decision: Legislative

Applicant: David Green

Agenda Date: Wednesday, January 8, 2020

Report Presenter: Ronda Kippen
rondakippen@gmail.com

Property Information: 1185 N Washington Blvd. Harrisville
Project Area: 4.013 acres
Zoning: CP-2 and R-1-10
Parcel ID: 11-358-0002, 11-273-0008, 11-273-0009

Applicable Ordinances

- 12.07.020 Subdivision Amendments, Alterations, and Vacations
- 11.090.020 Residential Development Standards
- 11.13.020 Commercial and Manufacturing Development Standards

Planning Staff Summary

Staff recommends approval of the request to vacate a portion of a 33-foot public utility and drainage easement along with the public utility easements located along the rear of Lot 2-R and Lot 3-R within the Dave Green Subdivision (previously located in the Brook Meadow Subdivision Phase 2).

The applicant would like to move forward with improvements on the adjacent parcel owned by Mountain View Office & Storage, LLC; however, it was identified that a lot line adjustment and underlying easements needed to be cleaned up prior to commencement of any construction. Utah Code § 10-9a-609.5 allows for subdivision plats to vacate public streets and municipal utility easements. Due to the need to adjust property lines along the southern boundary line of Lot 1, the need to vacate the rear public utility easement lines located at the rear of Lots 2-R and 3-R and to vacate a portion of a 33-foot public utility and drainage easement along the southern line of Lot 1 is identified as entry# 2130104 as recorded with the Weber County Recorder's Office.

The applicant has submitted the required information as outlined in the Land Use Ordinance of Harrisville City §12.02.020 for consideration and approval. The Subdivision Ordinance specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. The proposed subdivision with the request to vacate the public utility easement must also adhere to Utah State Statute Sections 10-9a-603 through 10-9a-609.5. A legislative body may approve a petition to vacate a public easement by an ordinance or a subdivision plat reflecting the vacation. The legislative body shall hold a public hearing in accordance 10-9a-208 and determine whether the following exist:

- Good cause exists for the vacation; and
- Neither the public interest nor any person will be materially injured by the vacation.

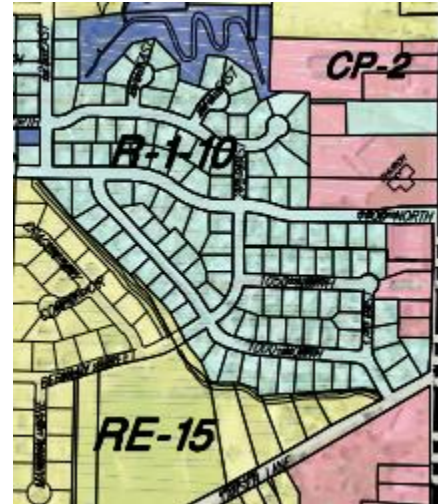
The following is a brief synopsis of the review criteria and conformance with the Zoning Ordinance.

Analysis

General Plan: The proposal conforms to the 2019 Harrisville City General Plan by providing a balance of land uses that meet the needs of residents and businesses.

Zoning: The subject properties are in the CP-2 and R-1-10 zones.

"The purpose of development standards in the commercial and manufacturing zoned areas of Harrisville is to provide for the orderly development of land by setting size and area requirements to ensure that development on each lot or parcel provides adequate room for the use of the lot, sets the character of the area and reduces impacts to adjacent residentially zoned neighbors in the placement of



buildings and types of uses, and considers the need of the land owner, traffic circulation systems and the impact of such uses to adjacent land owners and the community overall."

"The purpose of development standards in the residentially zoned areas of Harrisville is to provide for the orderly development of land by setting size and area requirement for proposed lots and to ensure that development on each lot or parcel provides adequate room for the use of the lot, sets the character of the neighborhood in the placement of buildings and types of uses, and considers the need of the land owner and the impact of such uses to adjacent land owners and the community overall."

Lot area, frontage/width and yard regulations:

The site development requirements of the CP-2 Zone is:

- Minimum lot area=3,000 square feet
- Minimum lot width =none

The site development requirements of the R-1-10 Zone is:

- Minimum lot area=10,000 square feet
- Minimum lot width =90'

Culinary water and sanitary sewage disposal: Culinary water and sewer service have been provided during the initial development of the Brook Meadow Subdivision and the Green Pack Subdivision have already been installed when the initial subdivisions were installed.

Review Agencies: The City Engineering and Public Works Department have been able to review the proposed subdivision with the requested utility vacating easement request. Their input has been implemented on the subdivision plat and a condition of approval has been added to the sample motion.

Additional design standards and requirements: There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report, additional standards and requirements are unnecessary currently.

Public Notice: The State Statute has specific noticing requirements when vacating public utility easements. The notices have been sent out in compliance with State Statute §10-9a-208.

Sample Motion for Planning Commission

I forward a positive recommendation to the City Council for final approval of the request to vacate a portion of a 33-foot public utility and drainage easement and public utility easement, along with the public utility easements located along the rear of Lot 2-R and Lot 3-R within the Dave Green Subdivision based on the following conditions:

1. A private drainage easement shall be established, reviewed and recorded to ensure that the property owners will equally maintain the owners of parcels #11-358-0003, 11-017-0002 and Lot 1 in the Dave Green Subdivision.

This recommendation is based on the following findings:

2. The proposed site amendment conforms to the 2019 Harrisville City General Plan.
3. Good cause exists for the vacation; and
4. Neither the public interest nor any person will be materially injured by the vacation
5. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable Zoning Ordinances.

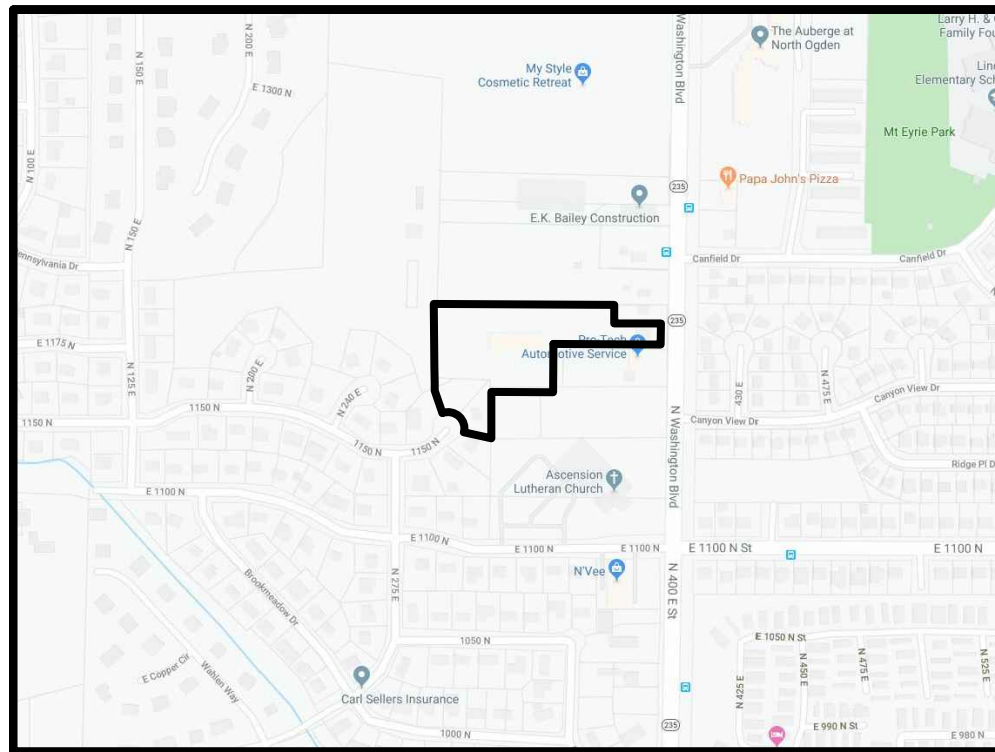
Exhibits

A. Subdivision Plat

DAVE GREEN SUBDIVISION

AMENDING LOT 2, GREEN PACK SUBDIVISION AND LOTS 49-R AND 50-R, BROOK MEADOW SUBDIVISION PHASE 2, TOGETHER WITH OTHER LANDS

PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY
HARRISVILLE CITY, WEBER COUNTY, UTAH
NOVEMBER, 2019



VICINITY MAP
NOT TO SCALE

BOUNDARY DESCRIPTION

PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 3 OF GREEN PACK SUBDIVISION WHICH LIES ON THE WESTERLY RIGHT OF WAY LINE OF WASHINGTON BOULEVARD, SAID POINT BEING S01°09'39"W 293.89 FEET AND N88°50'21"W 66.00 FEET FROM A FOUND OGDEN CITY STREET MONUMENT AT THE INTERSECTION OF WASHINGTON BOULEVARD AND 1225 NORTH STREET (SAID MONUMENT BEING N01°09'39"E 982.51 FEET FROM A FOUND OGDEN CITY STREET MONUMENT AT THE INTERSECTION OF WASHINGTON BOULEVARD AND 1100 NORTH STREET); THENCE N88°50'21"W ALONG THE NORTHERLY LINE OF LOT 3 OF GREEN PACK SUBDIVISION, 359.51 FEET; THENCE S01°09'39"W ALONG THE WESTERLY LINE OF LOT 3 OF GREEN PACK SUBDIVISION, 162.00 FEET; THENCE N88°50'21"W 206.73 FEET TO THE EASTERLY LINE OF LOT 50-R OF BROOK MEADOW SUBDIVISION PHASE 2; THENCE S01°12'28"W ALONG SAID WESTERLY LINE, 155.54 FEET TO THE NORTHEAST CORNER OF LOT 51-R OF BROOK MEADOW SUBDIVISION; THENCE N76°27'17"W ALONG THE NORTHERLY LINE OF SAID LOT 51-R, 94.53 FEET TO THE RIGHT OF WAY OF 1150 NORTH STREET; THENCE ALONG SAID RIGHT OF WAY ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 55.00 FEET, AN ARC LENGTH OF 116.46 FEET, A DELTA ANGLE OF 121°19'10", A CHORD BEARING OF N47°06'52"W, AND A CHORD LENGTH OF 95.89 FEET TO THE SOUTHEAST CORNER OF LOT 48-R OF BROOK MEADOW SUBDIVISION; THENCE N17°47'05"W ALONG THE EASTERLY LINE OF SAID LOT 48-R, 79.53 FEET; THENCE N00°59'34"E 26.30 FEET; THENCE N00°07'02"E 263.96 FEET; THENCE S88°50'21"E 604.46 FEET; THENCE S01°09'39"W 62.00 FEET; THENCE S88°50'21"E 156.51 FEET TO THE WESTERLY RIGHT OF WAY LINE OF WASHINGTON BOULEVARD; THENCE S01°09'39"W ALONG SAID WESTERLY RIGHT OF WAY LINE, 70.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 174,795 SQUARE FEET OR 4.013 ACRES MORE OR LESS

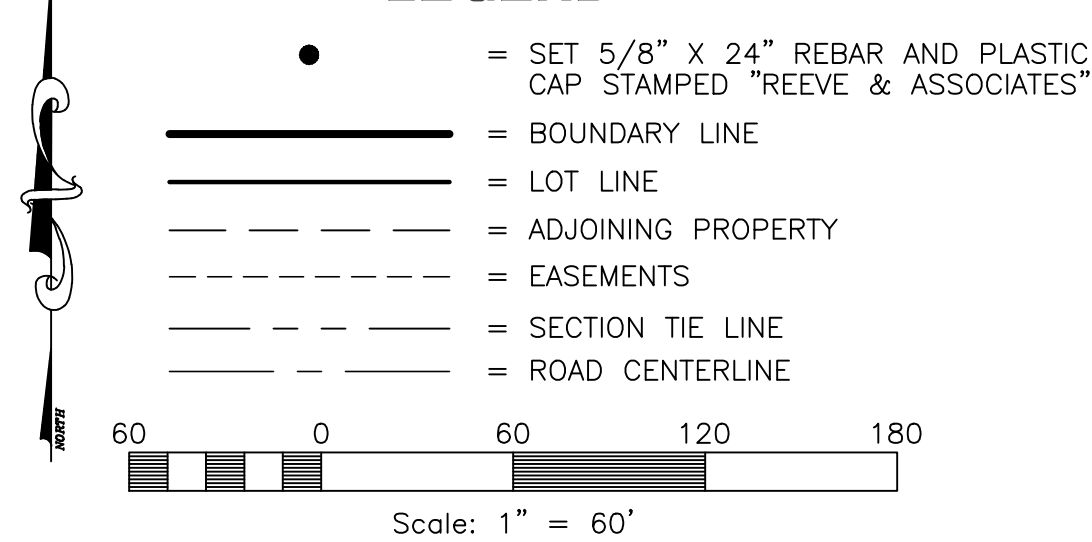
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS BETWEEN A FOUND OGDEN CITY STREET MONUMENT AT THE INTERSECTION OF WASHINGTON BOULEVARD AND 1225 NORTH STREET AND A FOUND OGDEN CITY STREET MONUMENT AT THE INTERSECTION OF WASHINGTON BOULEVARD AND 1100 NORTH STREET. SHOWN HEREON AS: S01°09'39"W

NARRATIVE

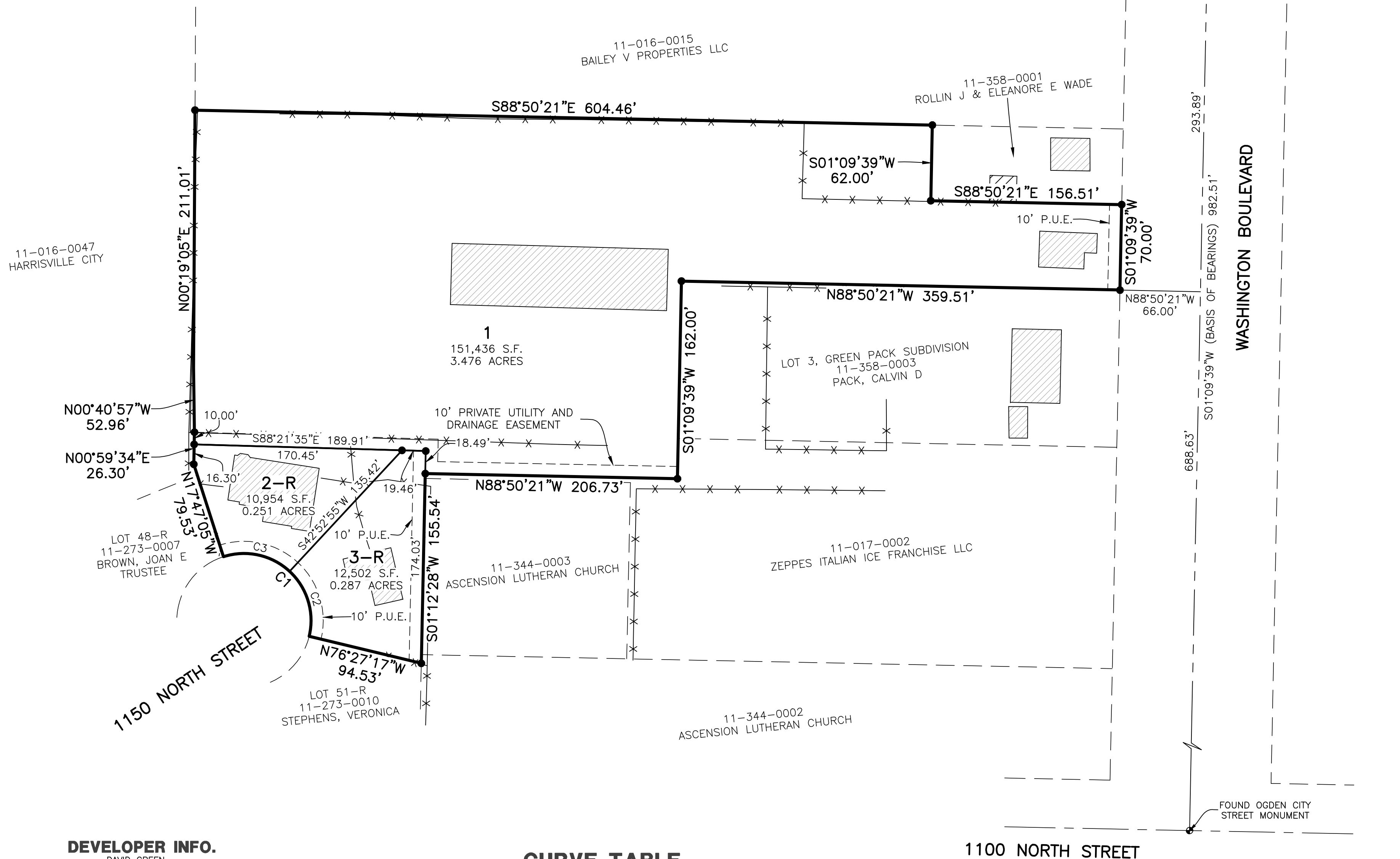
THE PURPOSE OF THIS PLAT IS TO AMEND LOT 2, GREEN PACK SUBDIVISION AND LOTS 49-R AND 50-R, BROOK MEADOW SUBDIVISION PHASE 2, TOGETHER WITH OTHER LANDS. ALL REAR LOT CORNERS WERE SET WITH A 5/8" X 24" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

LEGEND



NOTE

- THIS PLAT VACATES ALL UNDERLYING EASEMENTS NOT SHOWN HEREON.
- THE 10' PRIVATE DRAINAGE EASEMENT SHALL BE A SHARED DRAINAGE EASEMENT FOR LOT 1 IN THE DAVE GREEN SUBDIVISION AND PARCELS 11-017-0002 AND 11-358-0003 TO BE MAINTAINED BY THE OWNERS OF THE PROPERTY EQUALLY.



DEVELOPER INFO.
DAVID GREEN
306 EAST 1150 NORTH
HARRISVILLE, UT 84404

CURVE TABLE

#	RADIUS	ARC LENGTH	CHD. LENGTH	TANGENT	CHD. BEARING	DELTA
C1	55.00'	116.46'	95.89'	97.85'	N47°06'52"W	121°19'10"
C2	55.00'	58.23'	55.55'	32.18'	N16°47'03"W	60°39'31"
C3	55.00'	58.23'	55.55'	32.18'	N77°26'38"W	60°39'39"

HARRISVILLE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE HARRISVILLE CITY PLANNING COMMISSION.
SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, HARRISVILLE CITY PLANNING COMMISSION

HARRISVILLE CITY ENGINEER

APPROVED BY THE HARRISVILLE CITY ENGINEER ON THE _____ DAY OF _____, 20____.

HARRISVILLE CITY ENGINEER

HARRISVILLE CITY COUNCIL ACCEPTANCE

THIS IS TO CERTIFY THAT THE SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COUNCIL MEMBERS OF HARRISVILLE CITY, WEBER COUNTY, UTAH.
THIS _____ DAY OF _____, 20____.

CHAIRMAN, HARRISVILLE CITY COUNCIL

ATTEST

TITLE



HARRISVILLE CITY ATTORNEY

I HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE ATTORNEY OF THE THIS _____ DAY OF _____, 20____.

HARRISVILLE CITY ATTORNEY

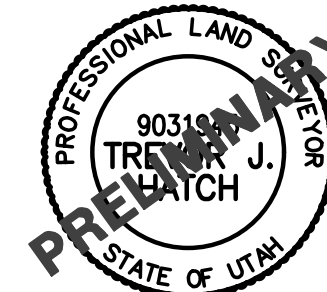
SURVEYOR'S CERTIFICATE

I, **TREVOR J. HATCH**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **DAVE GREEN SUBDIVISION** IN **HARRISVILLE, WEBER COUNTY, UTAH**, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE **WEBER COUNTY** RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **HARRISVILLE CITY, WEBER COUNTY**, CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

9031945

UTAH LICENSE NUMBER



OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS (PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY) AS SHOWN ON THE PLAT AND NAME SAID TRACT **DAVE GREEN SUBDIVISION**, AND DO HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____.

ACKNOWLEDGMENT

STATE OF UTAH)ss.
COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH)ss.
COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID LLC AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID LLC FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES

NOTARY PUBLIC

Project Info.

Surveyor: T. HATCH

Designer: T. HATCH

Begin Date: 10-31-19

Name: DAVE GREEN

Number: 3458-01

Revision: _____

Scale: 1"=60'

Checked: _____

Weber County Recorder

Entry No. _____ Fee Paid _____

At _____ Filed For Record

And Recorded, _____

At _____ in Book _____

Of The Official Records, Page _____

Recorded For: _____

Weber County Recorder

Deputy.

855 HARRISVILLE ROAD
HARRISVILLE, UT

CONTAINER SIZE - 40' X 8'

CONTAINER LOCATION:
415' SETBACK FROM STREET
122' SETBACK FROM BARN
15' OFFSET FROM EAST PROPERTY LINE



**HARRISVILLE CITY
ORDINANCE NO. 505**

ANIMAL BOARDING ESTABLISHMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTIONS
11.01.060, 11.08.20, 11.09.020, AND 11.10.020 RELATING TO ANIMAL
BOARDING ESTABLISHMENTS; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Harrisville City (hereafter referred to as "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City desires to meet the challenges presented by growth and development;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on November 13, 2019, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on December 10, 2019, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. *Harrisville Municipal Code* is hereby amended to read as follows:

11.01.060 Definitions.

12. "Animal boarding establishment" means any establishment that takes in animals and boards them. This definition is inclusive of a kennel, cattery, or related establishment where three (3) or more dogs or cats are boarded, bred, bought, sold, adopted, or donated.
- 12.13. "Animal care" means a facility where animals or household pets are groomed, clipped, bathed, boarded, or similar non-medical care is provided. See also "Veterinary services."
13. ~~"Animal shelter" means a public facility designed to temporarily accommodate the boarding and care of lost and stray animals, and/or dispose of stray dogs, cats and other animals.~~

11.08.020 Uses.

1. This section designates the land uses allowed in each residential zone district in Harrisville City. More than one of the non-dwelling unit land uses permitted in the respective zone may be allowed on a parcel or lot provided each use meets the lot area, setback requirements and any other special conditions established by Harrisville City Land Use Regulations.
2. All permitted and conditional land uses shall comply with all applicable regulations of Chapters 11.09 and 11.10 of the Land Use Regulations of Harrisville City and any other regulation governing the specific use prior to a building permit being issued for such a use to be constructed or to convert an existing structure to the permitted or conditional use.
3. Any land use that is not listed in this section is not permitted in that zone where the use is desired.
4. Any use in the following table is permitted if such use has a "P" designation in the zone where the use is listed. A "C" designation indicates that a conditional use permit is required according to the procedures of Chapter 11.18 of this Land Use Ordinance before the use can be allowed. An "N" indicates the use is not allowed in the specific zone where it is listed. If the last column in the use table includes a number this refers to a section in chapter 15 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone				Special Use Regulations
	A-1	R-1-20	RE-15	R-1-10	
Animal Shelter Animal Boarding Establishment	C	N	N	N	<u>11.09.020</u> <u>11.10.020.4e</u> <u>11.10.020.4.f</u> <u>11.10.020.6</u> <u>11.09.030</u>

11.09.020 Main Building Development Standards.

Zone	A-1 and R-1-20				RE-15				R-1-10			
Type of Setback	F	S	C	R	F	S	C	R	F	S	C	R
Animal Shelter Animal Boarding Establishment	100'	15'	70'	15'	100'	15'	70'	15'				

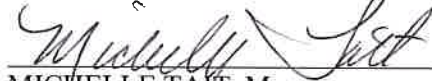
11.10.020 Special Regulations.

- e. Special regulations applicable to all animals is as follows:
 - i. Owners shall keep animals in such a manner so as to prevent them from reaching onto adjacent property and eating trees and shrubs.
 - ii. Owners shall take necessary measures to prevent animals from creating obnoxious or offensive odor and noise, or otherwise create a nuisance affecting the buildings or property of others.
 - iii. Roosters are prohibited in all zones except A-1 and R-1-20 zones.
 - iv. Only one Animal Shelter use per 10,000 residents in the City. An animal boarding establishment shall have a minimum of three (3) acres.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 10th day of December, 2019.


MICHELLE TAFT, Mayor

ATTEST:


JENNIE KNIGHT, City Recorder



RECORDED this 12th day of December, 2019.

PUBLISHED OR POSTED this 12th day of December, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of Harrisville City, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) City Hall, 2) Harrisville Cabin, and 3) 2150 North on the above referenced dates.


JENNIE KNIGHT, City Recorder

DATE: 12/12/19