



HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-4100

PLANNING
COMMISSION
Chad Holbrook
Brenda Nelson
Nathan Averill
Bill Smith
Kevin Shakespeare

Planning Commission

Harrisville City Office

Wednesday, March 11, 2020 – 7:00 p.m.

AGENDA

- 1. CALL TO ORDER.**
- 2. CONSENT APPROVAL** - of Planning Commission Minutes from February 12, 2020.
- 3. PUBLIC HEARING-** The Planning Commission will take public comment in support or opposition to Harrisville Ordinance 508; Large Project Master Planned Communities/Mixed Use/In-Fill and General Plan Overlay Map for the same.
- 4. DISCUSSION/ACTION/RECOMMEND-** Harrisville Ordinance 508; Large Project Master Planned Communities/Mixed Use/In-Fill and General Plan Overlay Map for the same.
- 5. COMMISSION/ STAFF FOLLOW-UP.**
- 6. ADJOURN.**

Certificate of Posting and Notice

I, Jennie Knight, certify that I am the City Recorder of Harrisville City, Utah, and that the foregoing Planning Commission agenda was posted and can be found at City Hall, on the City's website www.cityofharrisville.com, and at the Utah Public Meeting Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law. In accordance with the Americans with Disabilities Act (ADA), the Harrisville City will make reasonable accommodations for participation in the meeting. Please make a request for accommodation with the City Recorder at 801-782-4100, x1000, at least three (3) business days prior to any meeting.

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 pm., February 12, 2020
Conducting Chair: Chad Holbrook

Commissioners:
Chad Holbrook, Chair
Brenda Nelson
Nathan Averill
Bill Smith
Kevin Shakespeare

Staff: Bill Morris (City Administrator)
Jennie Knight (City Recorder)

Visitors: Olivia Hodson, Autumn Everson, Rachel Nichols, Tim Butler.

1. Administer -Oath of Office to new Planning Commissioner.

Jennie Knight administered the oath of office to newly appointed Planning Commissioner Kevin Shakespeare.

2. Consent Approval of Planning Commission Minutes from January 8, 2020.

ACTION: Chairman Holbrook declared the minutes from January 8, 2020, approved as presented. There was no objection and the minutes are approved.

3. Elect Chairman and Vice Chairman for 2020.

Chairman Holbrook opened nominations for chairman.

Commissioner Brenda Nelson nominated Commissioner Chad Holbrook to serve again as chairman for 2020. Commissioner Holbrook seconded the motion and voting was unanimous. Commissioner Holbrook accepted the position of chairman.

Chairman Holbrook opened nomination for vice chairman.

Commissioner Nathan Averill nominated Commissioner Brenda Nelson to serve as vice chair for 2020. Commissioner Bill Smith seconded the motion and voting was unanimous. Commissioner Nelson accepted the position of vice chairman.

4. Public Hearing on preliminary/final approval for proposed Subdivision (Colony 6) with 3 units located at approximately 100 East 1100 North, Harrisville, Utah.

Chairman Holbrook opened the public hearing to take public comment on proposed subdivision.

DISCUSSION

Bill Morris reviewed the Engineer's Memo which states this subdivision is located on the north side of the recently constructed portion of 1100 North between 134 West and 125 East. Current zoning is R-1-10 and the proposed lots meet the requirements of the zone. Three new residential lots are proposed with a parcel of undevelopable land dedicated to the City for a "pocket park", this parcel is not suitable for construction of homes due to the proximity to the Western Canal and other irrigation piping. Engineer's office recommends final approval of this plat with the

condition this is reviewed and approved by the Weber County Surveyor prior to printing the mylar and obtaining signatures.

No public comments were offered.

Chairman Holbrook closed the public hearing.

5. Public Hearing on Harrisville Ordinance 507; an ordinance adopting Chapter 11.21 establishing regulations governing cannabis production establishments and Medical Cannabis Pharmacies.

Chairman Holbrook opened the public hearing.

DISCUSSION

Bill Morris gave a staff presentation regarding the background of the proposed ordinance. In 2018, state legislators adopted Proposition 2 which legalized medical cannabis in Utah. This was updated in a special session which outlined more details. This proposed ordinance will eliminate potential zoning issues that could result from these new regulations. The ordinance allows production in agriculture zone and pharmacy marketing in commercial zone. If the city does not respond, these facilities could end up in any other zone. Although federal law prohibits cannabis, state law allows for medical production and use. This proposed ordinance is in the best interest of our city to designate A-1 or MP-1 zone for production and CP-2 zone for pharmacy facilities. Commissioner Nelson asked for some clarification. Bill Morris explained state law only allows for seven (7) production facilities and these areas have already been selected. The only way the city would be affected is if the limit is raised. The pharmacy locations have not been determined, but if/when they come in, we will have our regulations in place.

No public comments were offered.

Chairman Holbrook closed the public hearing.

6. Discussion/action to grant preliminary/final approval for Colony 6; a three-lot subdivision located at approximately 100 E. 1100 N.

Commissioner Nelson asked if there are any outstanding issues. Bill Morris clarified approval needs to be conditioned upon County Surveyor approval. Commissioner Averill asked what type of park will be dedicated. Tim Butler said he will make sure there is power to the pocket park so the parcel can be maintained.

MOTION: Commissioner Smith motioned to approve preliminary/final approval for Colony 6; a three-lot subdivision located at approximately 100 E. 1100 N., subject to Engineers memo dated February 10, 2020, and municipal code. Commissioner Averill seconded the motion. Voting was unanimous.

7. Discussion/action/recommend Ordinance 507; an Ordinance adopting chapter 11.21 establishing regulations governing cannabis production establishments and Medical Cannabis Pharmacies.

No further discussion was given.

MOTION: Commissioner Averill motioned to recommend adoption of Ordinance 507; an Ordinance adopting chapter 11.21 establishing regulations governing cannabis production establishments and Medical Cannabis Pharmacies. Commissioner Nelson seconded the motion. Voting was unanimous.

8. Commission/staff follow-up.

Bill Morris informed Planning Commission there may be a slight change to the current mixed-use ordinance coming soon with some correcting language.

9. Adjourn.

Being no further business, Commissioner Holbrook declared the meeting adjourned at 7:18 pm.

Jennie Knight
City Recorder

Chad Holbrook
Chairman

**HARRISVILLE CITY
ORDINANCE 508**

MIXED-USE AND IN-FILL DEVELOPMENT AMENDMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING
CHAPTER 11.11 RELATING TO MIXED-USE AND IN-FILL
DEVELOPMENT ZONING AND REGULATIONS; MAKING
TECHNICAL CHANGES; AMENDING THE GENERAL PLAN MIXED
USE AND IN-FILL OVERLAY MAP; 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 by adopting provisions for mixed-use and in-fill development and updating the Mixed Use and In-fill Overlay Map;

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 March 11, 2020, to take public comment on this Ordinance, and subsequently gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2020 and now 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.** Chapter 11.11 of the *Harrisville Municipal Code* is hereby adopted to read as provided herein. The Harrisville City General Plan Mixed Use and In-

fill Overlay Map is amended as set forth in Exhibit “A” hereby adopted and incorporated herein by this reference.

Chapter 11.11
Mixed-use and In-fill Development Regulations

- Sections:**
- 11.11.010 Enabling Act and Purpose.**
 - 11.11.020 Findings.**
 - 11.11.030 Sub-zoning.**
 - 11.11.040 Process.**
 - 11.11.050 Application.**
 - 11.11.060 Development Agreement.**
 - 11.11.070 Administration of Sub-zone.**

11.11.010 Enabling Act and Purpose.

This Chapter shall be known as “Mixed-use and In-fill Development Regulations” for the purpose of enabling the City to manage and regulate the development of large parcels and in-fill properties as identified by the City.

11.11.020 Findings and Intent.

The City Council finds that standard zoning practices such as single-purpose base zones, planned unit developments or other types of normal zoning classifications are inadequate to address the development of larger parcels of property in the City to ensure that these developments are well-planned, sensitive to the needs of the City and, also, successful in recognizing the rights of property owners to develop their land. This Chapter is intended to address challenges presented by infill, configuration, phasing over the course of several years, and other challenges presented by development. The City has researched various practices to deal with such master planned projects. Based on that research the City Council determines that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner and those agreed-upon regulations being enforced and assured by the terms of a development agreement. The purpose of this Chapter is to create enabling provisions for adopting such specialized zones and applying them to particular properties.

11.11.030 Sub-zoning.

Eligible parcels under this Chapter maybe zoned as a sub-zone as follows:

1. Mixed-use Large Project (MU-LP) Sub-zone. This Sub-zone is designed for a “Large Project Master Planned Community” as provided in this Chapter.
 - a. Eligibility Requirement. The MU-LP Sub-zone only applies to development projects over one hundred (100) contiguous acres in size.

- b. Plan Map. A proposed plan map showing the area of the project, proposed lots, roadways, trails and proposed uses blended to adjoining areas, including adequate landscaping and open space is required as part of the application.
 - c. ~~Master Development Agreement Plan~~. A proposed Master Development Agreement Plan must be prepared and submitted with the application. The Development Plan (Plan) shall include a proposed map with detailed phasing plans, trails map, sensitive lands map, conservation plan, proposed land uses, proposed site standards, architectural renderings of commercial and residential buildings and landscaping designs and homeowners association, covenants (CC&Rs), historical resources and preservation, maintenance plans, and any other documents associated with the Plan.
 - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed by the City during the totality of the development process.
2. Mixed-use Commercial (MU-C) Sub-zone. (Reserved).
3. Mixed-use Residential (MU-R) Sub-zone. This Sub-zone is designed for “Residential In-fill Planned Community” as designated in the City’s General Plan.
- a. Eligibility Requirement. The MU-R Sub-zone only applies to development in areas designed for mixed-use or in-fill in the General Plan, and the proposed project shall include residential amenities that foster community, including but not limited to: clubhouse, recreation, pathways, personal services, café, and similar amenities as set forth in the Development Agreement.
 - b. Plan Map. A proposed plan map showing the area of the project, proposed lots, roadways, and proposed residential uses blended to adjoining areas, including adequate landscaping and open space, is required as part of the application.
 - c. ~~Master Development Agreement Plan~~. A proposed Master Development Agreement Plan must be prepared and submitted with the application. The Development Plan (Plan) shall include a proposed map with detailed phasing plans, trails map, sensitive lands map, conservation plan, proposed land uses, proposed site standards, architectural renderings of commercial and residential buildings and landscaping designs and homeowners association, covenants (CC&Rs), historical resources and preservation, maintenance plans, and any other documents associated with the Plan.
 - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed by the City during the totality of the development process.

11.11.040 Process.

The property owner(s) initiate the process under this Chapter by filing a written application with the City Recorder to create one of the Sub-zones provided in this Chapter. The Planning Commission shall consider the application for possible recommendation to the City Council

in the same manner as any other zoning map amendment at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the Sub-zone, the map to be attached to the property, and approve the required Development Agreement. The application for a Sub-zone creates no rights in the property owner until any such Sub-zone and the Development Agreement are approved by the City Council and recorded against the property.

11.11.50 Application.

Any application for a Sub-zone shall include the following and such other materials as the City may require:

1. The proposed Sub-zone;
2. Complete plan map of the property proposed for the Sub-zone as provided in this Chapter and including topographical information at 2' contours or more detailed;
3. The proposed Sub-zone Ordinance specifying the permitted, conditional, and accessory uses as more fully detailed in the required Development ~~Agreement~~ Plan.
4. ~~A proposed Development Agreement.~~

11.11.060 Development Agreement.

1. Contents. ~~The proposed A~~ Development Agreement, provided by the City, shall include the items specified in this Section.
2. Legislative Action. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering and may make any modifications to the proposed Development Agreement that it deems appropriate before approving the Development Agreement and applying it to the property as a part of the creation and mapping of the Sub-zone.
3. Required Elements. The Development Agreement shall include:
 - a. A master development plan for the entire property of the project showing:
 - i. The general areas of each intended use and the approximate intensity of each such use such as the approximate number of each type of residential or support use.
 - ii. The general areas of each intended use and the approximate intensity of each use such as the approximate number of each type of commercial, office, or retail use;
 - iii. The approximate location of infrastructure such as roads, parking, storm water facilities, flood control, utilities, and other infrastructure.
 - iv. The general location size and type of support uses, open space, recreational amenities, pathways or trails, and related amenities.
 - v. Designation of any present or proposed FEMA floodplain and wetland area.
 - b. Proposed development standards for the various types of residential, commercial, retail office, or other uses proposed including parking areas, dimensions and setbacks.

- c. Proposed design standards addressing building height, massing and orientation, open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
- d. Proposed plan for maintenance of the project including appropriate costs for the same to be incurred by an owner's association, that accounts for implementation costs and long-term maintenance projections.
- e. Proposed plan for implementing, administering, enforcing the proposed project.
- f. A hold harmless provision ensuring that the City, and other public entities servicing the project, cannot be held liable for any damages arising out of the Development Agreement.
- g. Any other items that the City Engineer or City Attorney deems appropriate.

11.11.070 Administration of Sub-Zone.

It is the intent of the City that after the policy considerations by the City Council in adopting the proposed Sub-zone, applying that Sub-zone to the property, and entering into the Development Agreement that any implementation of the Sub-zone or Development Agreement is administrative in nature and not a legislative function. However, modification or amendment of the Development Agreement is a legislative function that requires approval of the City Council.

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

Section 4: Effective date. This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20____.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JENNIE KNIGHT, City Recorder

RECORDED this ____ day of _____, 2020.
PUBLISHED OR POSTED this ____ day of _____, 2020.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) Harrisville Cabin on the above referenced dates.

City Recorder

DATE: _____