

Project Management Meeting Minutes
Harrisville City Office
Thursday, February 9, 2017
9:00 a.m.

Attendance:

Matt Robertson (Engineer)
Jeff Pearce (Council)
Laurence Boswell (Land Use Coordinator)
Sean Lambert (Public Works)
Bill Morris (Administrator)
Ryan Barker (Fire Marshall)
Blake Carlin (Bona Vista Water)

Visitors:

Clint Farrell
Heather Bowden
Jeremy Brimhall
Marvin Farrell
Andrew Bassett
Jim Bassett
Brent Bateman

1. Review approval for Marvin Farrell to build a property located on Chugg Lane (parcel #110210027). This will be done through an ombudsman (Farrell against Harrisville City).

- a. Background Information: Parcel #110210027 on Chugg lane used to be one long parcel, and somehow it got subdivided during the recession or some other period of time, illegally. Chugg Lane is an unimproved road according to the City. Therefore the City does not provide services for Chugg lane, including snow plowing. Despite being illegally subdivided, Weber County assigned the lot a parcel number. The Spackman family lives on the adjacent lot that was subdivided off, which left them with a half-acre piece of land in an A-1 Zone. This put the Spackman family in non-compliance with the City's zoning code. The City released the non-compliance certificate in order for the Spackman's to refinance their home and with the intent to bring their lot back into compliance. The Spackman's have not yet legitimized their lot.
- b. Solution: There are two solutions offered by the State in order for Marvin Farrell to build on the lot located on Chugg Lane. The first option is to have the City go through proper subdivision processes in order to legitimize the property. The second option is to recognize the subdivision as one lot with two owners (Marvin Farrell and Spackman family). Brent Bateman, Utah Private Property Ombudsmen, read Utah Code 10-9a-605. from the Utah State Municipal Code:

10-9a-605. Exemptions from plat requirement.

- (1) Notwithstanding Sections [10-9a-603](#) and [10-9a-604](#), the land use authority may approve a subdivision of 10 lots or less without a plat, by certifying in writing that:
 - (a) the municipality has provided notice as required by ordinance; and
 - (b) the proposed subdivision:

- (i) is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
 - (ii) has been approved by the culinary water authority and the sanitary sewer authority;
 - (iii) is located in a zoned area; and
 - (iv) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:
- (i) qualifies as land in agricultural use under Section 59-2-502;
 - (ii) meets the minimum size requirement of applicable land use ordinances; and
 - (iii) is not used and will not be used for any nonagricultural purpose.
- (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 10-9a-604, shall be recorded with the county recorder.
- (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the lot or parcel to comply with the requirements of Section 10-9a-603.
- (3) (a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
- (b) The absence of the certificate or written approval required by Subsection (1) does not:
- (i) prohibit the county recorder from recording a document; or
 - (ii) affect the validity of a recorded document.
- (c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached in accordance with Section 57-3-106.”

Other options: Tax ID number indicates that the property off of Chugg Lane is legitimate by the county. However, the lot is not recognized by the City as a lot that is in compliance with the zoning ordinances. Therefore, since Marvin Farrell did not recognize that upon buying the lot, he would be considered an innocent purchaser. The fact that Farrell bought the lot does not legitimize it, however; Farrell has the option of undoing the process and getting his money back.

As an innocent purchaser, he can file a law suit against the person who sold it to him. The liability would fall on the previous owner as well as the title company.

Bill offers a few other options for Marvin Farrell. One option is to create an ordinance where smaller income houses could be placed in an A-1 zone. This option would bypass the need to have at least an acre of land on an A-1 zone. Marvin could build on the half-acre lot and advertise it as a moderate income family house. The other option requires following the regulations under the Utah State Law 10-9a-605, creating a half-acre easement across another property that Marvin Farrell owns. The easement would not take effect until Marvin decides to develop property. The land for the easement would allow the City to create a community trail.

Marvin asks if there is a possibility of developing the Terikee Subdivision. Bill grants Marvin permission to do such a plan if desired. Bill agrees to waive or lower any fees associated with developing the subdivision. However, Marvin will still be required to provide an easement to the City.

Marvin is told to come back to project management meeting or planning commission meeting if he desires to go with any of the above options.

2. Review site plans for development off of 350 West and 2550 North (Heather Bowden).

- a. Jeremy Brimhall, representing for Heather Bowden, lives at 2452 N 350 W and is wondering if there is a way to extend his property to include the lot behind his house (parcel # 17-072-0027). Jeremy wants to subdivide the rest of the lot and rezone to residential. Bill states that since the lot is in an A-1 zone, it needs to be subdivided into portions of at least 1 acre each. Bill also states that it will not be rezoned since that particular lot is in an A-1 zone on our zoning map as well as our future land use map.

3. Review site plans for development off of 350 West and 2550 North (Andrew and James Bassett).

- a. Andrew and James Bassett propose development on property off of 350 West and 2550 North (parcel # 17-072-0027). They would section off the property in the same manner that Ilene Graves proposed for the LeVere Chatelain Subdivision proposed back in 2015. Bill addresses some issues with James and Andrew. The first issue is that 2550 is a road owned by Pleasant View. Andrew has talked with Pleasant View and he states that the city will give him access off 2550, including curb, gutter, and a driveway cutout. Matthew, the City Engineer, brings up the issue of irrigation shares. Andrew states that he would at least have nine shares upon buying the property. Another issue that was brought up was a potential holding strip. Sean Lambert asks if there is one on the lot. Bill states that Andrew and James will need to contact the Title Company to investigate if there is a holding strip or not.
- b. Andrew proposes that this subdivision occur in phases and to escrow a portion. Bill states that there will be two phases, Phase 1 Escrow and Phase 2 Escrow.

- c. If Andrew and James wish to build the Chatelain property, they will need a letter from Pleasant View concerning access on 2550 North, a letter from Pineview stating how many shares will be associated with the property, and other letters from the fire district, Bona Vista, etc. Andrew and James will also need to pay \$2,000 the next time they present at project management in order to start the process.

Adjourned at 10:17 a.m.

Laurence Boswell, Land Use Coordinator