



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, February 12, 2020 – 7:00 p.m.

AGENDA

- 1. ADMINISTER** -Oath of Office to new Planning Commissioner.
- 2. CONSENT APPROVAL** - of Planning Commission Minutes from January 8, 2020.
- 3. ELECT**- Chairman and Vice Chairman for 2020.
- 4. PUBLIC HEARING**- The Planning Commission will take public comment in support and opposition to recommend preliminary/final approval for proposed Subdivision (Colony 6) with 3 units located at approximately 100 East 1100 North, Harrisville, Utah.
- 5. PUBLIC HEARING**- The Planning Commission will take public comment in support and opposition to adoption of an ordinance establishing cannabis regulations as required by state law.
- 6. DISCUSSION/ACTION/RECOMMEND**-to grant preliminary/final approval for Colony 6; a three-lot subdivision located at approximately 100 E. 1100 N.
- 7. DISCUSSION/ACTION/RECOMMEND**- Ordinance 507; an Ordinance adopting chapter 11.21 establishing regulations governing cannabis production establishments and Medical Cannabis Pharmacies.
- 8. COMMISSION/ STAFF FOLLOW-UP.**
- 9. 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://pnm.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 p.m., January 8, 2020
Conducting: Chair Chad Holbrook

Commissioners:	Chad Holbrook, Chair Brenda Nelson Nathan Averill Bill Smith	Staff:	Bill Morris (City Administer) Ronda Kippen (Community Planner) Jennie Knight (City Recorder)
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Visitors: Jason Howard, Kathleen Hohosh, Kevin Shakespeare, Mayor Michelle Tait.

1. Call to Order.

Chair Chad Holbrook called the meeting to order.

2. Consent Approval.

MOTION: Commissioner Averill motioned to approve the minutes of November 13, 2019 as presented. Commissioner Nelson seconded the motion. All Commissioners voted aye. Motion passed.

3. Public Hearing on 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.

Chair Holbrook opened up the public hearing. No public comments were offered. Chair Holbrook closed the public hearing.

4. Discussion/action on a request to consider and take action on the final Dave Green Subdivision, a three-lot subdivision to adjust lot lines and vacate easement on the underlying property.

Ronda Kippen explained this application began as a simple lot line adjustment so Dave Green could reinstate his site plan to build additional buildings at his landscaping business, Green Touch, on Washington Blvd. When allowing for an additional 10 feet for landscaping during the design review of the site plan, there were a few issues that made it not a simple lot line adjustment. Instead it became a public utility vacating ordinance project. The state has modified the procedures for vacating easements and now allows for this to be vacated with an ordinance or recorded on a plat. The notes on the subdivision plat will vacate the underlining easements when recorded. Current zoning on Lot 1 is CP-2. Lot 2 and Lot 3 have a 33-foot utility easement running through the property. The commercial site plan includes landscaping requirements. There are wetlands being used as storm drain detention area which complies with our general plan which shows this as open space.

Lot 2-R in Brook Meadow Phase 2 Subdivision shows a 15-20-foot area, currently owned by Dave Green. The county recorder has the owner of a different property. There are multiple easements through the area with building that are built over existing easements. What is proposed with the 33-foot easement that comes through the property and ties into the wetland

area, is creating a private utility easement. The current easement creates issues for several lots. The proposal vacates the 10-foot public utility easement and has the 33-foot easement only running up to the subdivision. The plat shows vacating the public utility easement on the northside of the two properties in Brook Meadow Phase 2 Subdivision. Dave Green's house was actually built in the easement.

Staff is recommending vacating the public utility easement from this area and only run it up to the subdivision. Staff has researched and verified there are no utilities in this area, since the home was built there. The plat shows a 10-foot private utility drainage easement running on the south side of Lot 1 of the Dave Green Subdivision carrying across the back. Public Works does not want to maintain anything off the public right of way, which is a condition of this approval. The plat vacates any underlying easements not shown on this plat, and specifies the 10-foot private utility drainage easement shall be shared by parcels 110170002 and 113580003 to be maintained by the owners of the property equally. All lot lines are put together on the plat and will be recorded by Dave Green Subdivision.

A public hearing will be held at the city council level as well. Ronda Kippen reviewed Utah State Code 10-9a-603 through 10-9a-609.5, which states the legislative body may approve a petition to vacate a public easement by ordinance or subdivision plat reflecting the vacation. The legislative body must hold a public hearing to determine whether good cause exists or if anyone would be material injured by the vacation.

Chair Holbrook asked for clarification on where the easements are being removed. Ronda Kippen clarified a 3-foot section at the rear of Lot 3 and the entire rear of Lot 2 of Brook Meadow Phase 2 Subdivision. Chair Holbrook asked what the easement area will look like with the landscaping. Ronda Kippen explained that will be addressed with the site plan. In the proposal, the landscaping is to mirror the northside landscaping.

Chair Holbrook asked if the city engineer is okay with this proposal Ronda Kippen confirmed the engineer, Matt Robertson, and the public works director, Sean Lambert, approve of this proposal. Sean Lambert's concern was with a public utility easement, but this will be private. Two different subdivisions are now being combined into one subdivision, which is a complex process. Typically, a subdivision amendment and lot line adjustment are within the same subdivision. Lot 2 of Dave Green Subdivision does not currently have utilities. There are adjustments to the lot sizes in Brook Meadow Phase 2 Subdivision. Lot 2 is going from .27 acres to .251 acres, and Lot 3 is going from .29 acres to .287 acres. Those had to be adjusted to make the corners match. There is a fence in there this is tied to.

Bill Morris pointed out Ronda Kippen has worked on this for months to make this as simple as possible. Commissioner Nelson asked what made this problem surface, or change necessary. Bill Morris explained that Dave Green wanted to update his site plan, when things were reviewed, these issues were discovered. Now these errors will be fixed before he applies for his site plan review.

Ronda Kippen detailed the history of this proposal. When Dave Green initially applied for the site plan, he owned the easement and they measured from the center line of that area, instead of going from his lot line. When doing a site plan review, there was discussion about landscaping which prompted a review of the south area, due to there not being enough space for the landscaping to be installed. This will clean things up.

Ronda Kippen said staff is giving a positive recommendation for final approval because this falls into a subdivision amendment. There are no new lots being created, no remnant parcels remain, and this cleans up the lines by vacating the easements. Technically this subdivision amendment

could have been approved through project management, but then an ordinance would have been required to vacate the easements. Staff recommends approving the request to vacate a portion of a 33-foot public utility and drainage easement and a public utility easement along the rear of lot 2-R and 3-R in the Brook Meadow Phase 2 Subdivision based on the following conditions: a private draining easement shall be established, reviewed, and recorded, and to ensure the property owners will equally maintain the drainage easement for parcels 11-358-0003 and 11-017-0002, and Lot 1 in the Dave Green Subdivision based on the following findings: the proposed site amendment conforms to the 2019 Harrisville City General Plan, good cause exists for the vacation, neither the public interest nor any person will be materially injured by the vacation, and compliance with all previous approvals and all zoning ordinances.

MOTION: Commissioner Averill motioned to give a positive recommendation in accordance with the staff report dated January 8, 2020. Commissioner Nelson seconded the motion. All Commissioners voted aye. Motion passed.

5. Discussion/action on a conditional use permit for Jason Howard for an Animal Boarding Establishment located at 855 N. Harrisville Rd.

Jason Howard explained he is applying for a conditional use permit for his dog rehabilitation business. He rehabilitates dogs to hunt narcotics and explosives for police departments. This is why he moved to the area, because he has quite a bit of land in the back where he can do 90 percent of his dog training, rather than leave his home. Commissioner Averill asked what type of facility he will be using. Jason Howard explained a 40 foot by 8-foot building in the back of his property. This will be quite a bit back, approximately 415 feet from the street. He will have small kennels with indoor/outdoor options so he can keep the dogs inside at night. Commissioners asked how many dogs he will have at one time. Jason Howard explained he initially petitioned for 20 dogs at Project Management, but will only have 8-10 dogs at a time. He may have more dogs occasionally because of boarding.

Bill Morris reviewed the Municipal Code for A-1 zone; animal boarding is allowed under a conditional use permit. Section 11.09.020 outlines the setback requirements and 11.10.020 outlines the minimum of 3 acres for animal boarding. Chair Holbrook asked how close this will be to neighboring homes. Jason Howard explained this is approximately 200 feet from the next home. Commissioner Averill asked if there are any homes that far back. Jason Howard said yes, but they are quite a distance away, more than a property over from his. Commissioner Averill commented that because this is A-1 zoning, there is not much concern with that.

Bill Morris reminded Commissioners all of the requirements outlined in 11.10.020 are applicable; such as making sure there is not offensive odors or noise, and asked commissioners to site this in their motion. Commissioner Averill asked if he will have room to hold 20 dogs. Jason Howard said not as this time. Commissioner Nelson asked if he plans to breed dogs. Jason Howard said he has bred dogs in the past but has no plans to breed. He prefers to get puppies a little older. He has also trained shelter dogs, as well as imported dogs. He has taken these dogs and put them in police departments instead of the animals being euthanized. He also rehabilitates dogs that bite, putting them back in their handler's hands. Ogden City came to him asking to train unfit dogs. A lot of his business includes going in people's homes and helping with their pets. Commissioner Averill asked if he will have visiting clientele. Jason Howard explained there will not be many visitors for his business; mostly people coming to pick up their animals after a few weeks.

Bill Morris explained the 10-day appeal period for the public and informed Jason Howard he can apply for his business license once that period has ended.

MOTION: Commissioner Nelson motioned to approve the conditional use permit for Jason Howard in accordance with Harrisville Municipal Code 11.09.020 and 11.10.020. Commissioner Smith seconded the motion. All Commissioners voted aye. Motion passed.

6. Discussion/action on subdivision amendment for Heritage Oaks Subdivision.

Bill Morris explained this will be taken care of at project management meeting. He recommended Planning Commission take no action pending project management meeting. If they find a reason for this to come through to Planning Commission, it will be put back on the agenda

7. Commission/Staff Follow-up:

Bill Morris informed Planning Commission of the upcoming training on January 29, 2020 which will include the annual training and motivational speaker.

8. Adjourn.

Commissioner Nelson motioned to adjourn. Commissioner Averill seconded the motion. All Commissioners voted aye. Meeting adjourned at 8:45 pm.

Jennie Knight
City Recorder

Chad Holbrook
Chairman

MEMORANDUM



CONSULTING ENGINEERS

TO: Harrisville City Planning Commission

FROM: Matt Robertson, P.E.
City Engineer

**RE: COLONY NO. 6 SUBDIVISION
Final Plat Review**

Date: February 10, 2020

This subdivision is located on the north side of the recently constructed portion of 1100 North between 134 West and 125 East. The current zoning is R-1-10 and the proposed lots meet the requirements of this zone. The subdivision includes 3 new residential lots and a parcel of undevelopable land that is being dedicated to the City. The parcel being dedicated to the City is not suitable for the construction of any homes due to the proximity to the Western Canal and the location of existing irrigation piping and piping of Dixon Creek. City staff has discussed the idea of turning this area into a small pocket park.

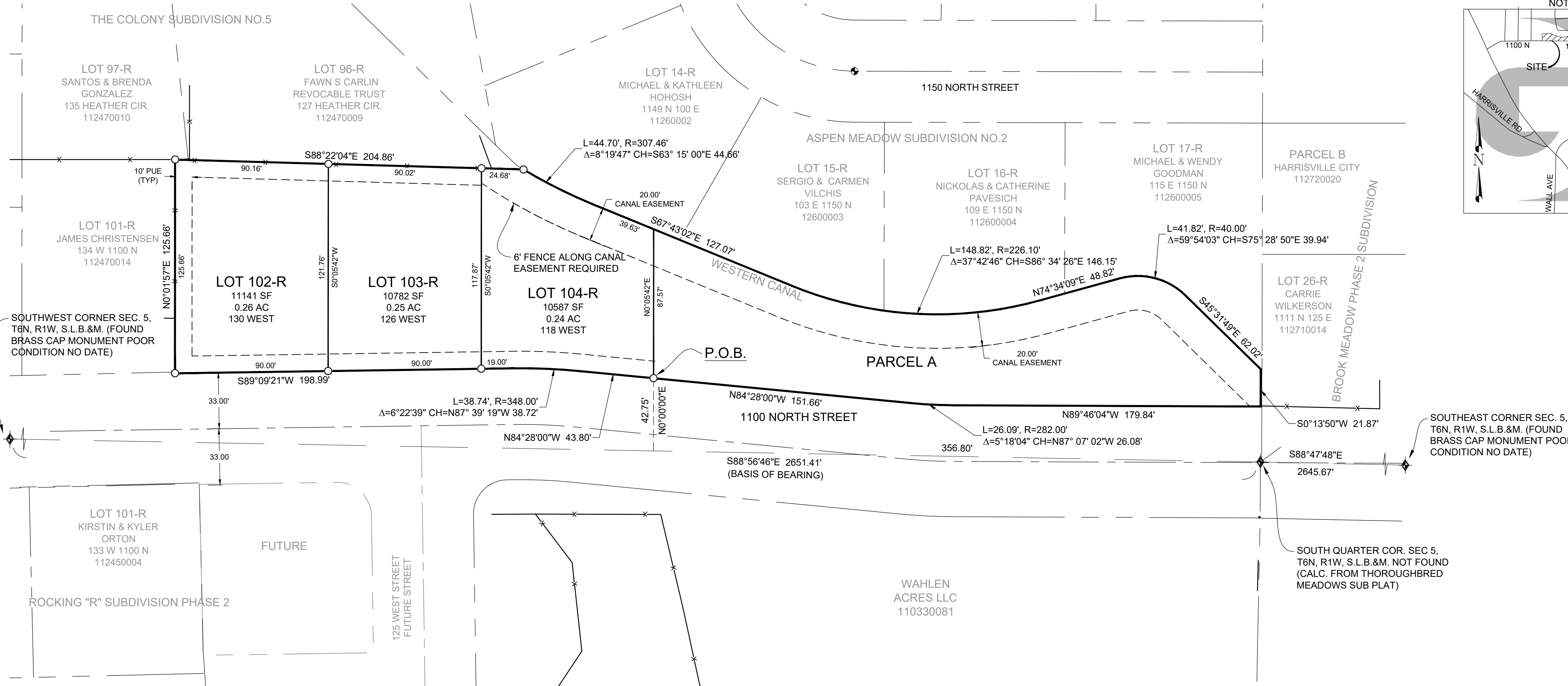
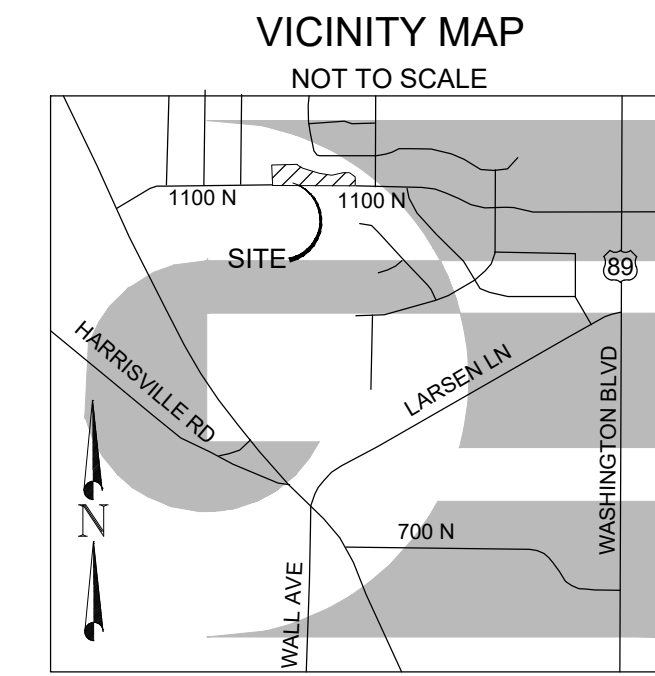
Our office has completed a review of the subdivision plat and we recommend final approval of the plat at this time. The plat also needs to be reviewed and approved by the Weber County Surveyor prior to printing the final mylar copy and obtaining signatures.

THE COLONY SUBDIVISION NO.6

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5,
TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN,
HARRISVILLE CITY, WEBER COUNTY, UTAH
FEBRUARY 2020

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 1100 NORTH STREET BEING LOCATED SOUTH 88°56'46" EAST 356.80 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND NORTH 0°00'00" EAST 42.75 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 5; RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) NORTH 84°28'00" WEST 43.80 FEET; (2) ALONG THE ARC OF A CURVE TO THE LEFT 38.74 FEET, HAVING A RADIUS OF 348.00 FEET, A CENTRAL ANGLE OF 6°22'39", AND WHICH CHORD BEARS NORTH 87°39'19" WEST 38.72 FEET; (3) SOUTH 89°09'21" WEST 198.99 FEET TO THE BOUNDARY OF THE COLONY SUBDIVISION NO.5 AND THE EXTENSION OF AN EXISTING FENCE LINE; THENCE ALONG SAID BOUNDARY AND FENCE LINE NORTH 0°15'17" EAST 125.66 FEET TO A FENCE CORNER; THENCE CONTINUING ALONG SAID BOUNDARY AND FENCE LINE SOUTH 88°22'04" EAST 204.86 TO THE SOUTHERLY BOUNDARY OF ASPEN MEADOW SUBDIVISION NUMBER 2 FOLLOWING SIX (6) COURSES: (1) ALONG THE ARC OF A 307.46 FOOT RADIUS CURVE TO THE LEFT 44.70 FEET, HAVING A CENTRAL ANGLE OF 8°19'47", CHORD BEARS SOUTH 63°15'00" EAST 44.66 FEET; (2) SOUTH 67°43'02" EAST 127.07 FEET; (3) ALONG THE ARC OF A 226.10 FOOT RADIUS CURVE TO THE LEFT 148.82 FEET, HAVING A CENTRAL ANGLE OF 37°42'46", CHORD BEARS SOUTH 86°34'26" EAST 146.15 FEET; (4) NORTH 74°34'09" EAST 48.82 FEET; (5) ALONG THE ARC OF A 40 FOOT RADIUS CURVE TO THE RIGHT 41.82 FEET, HAVING A CENTRAL ANGLE OF 59°54'03", CHORD BEARS SOUTH 75°28'50" EAST 39.94 FEET; (6) SOUTH 45°31'49" EAST 62.02 FEET; THENCE SOUTH 0°13'50" WEST 21.87 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 1100 NORTH STREET FOLLOWING THREE (3) COURSES: (1) NORTH 89°46'04" WEST 179.84 FEET; (2) ALONG THE ARC OF A 282 FOOT RADIUS CURVE TO THE RIGHT 26.09 FEET, HAVING A CENTRAL ANGLE OF 5°18'04", CHORD BEARS NORTH 87°07'02" WEST 26.08 FEET; (3) NORTH 84°28'00" WEST 151.66 FEET TO THE POINT OF BEGINNING CONTAINING 54,700 SQ. FT. OR 0.99 AC, MORE OR LESS.



SURVEYOR'S CERTIFICATE

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED ON THIS PLAT, AND HAVE SUBDIVIDED SAID PROPERTY INTO LOTS AND STREETS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS THE COLONY SUBDIVISION NO.6 IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN HEREON ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; THAT ALL LOTS MEET THE REQUIREMENTS OF THE LAND USE CODE; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.



SIGNED THIS _____ DAY OF _____, 2020.

OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

THE COLONY SUBDIVISION NO.6

AND HEREBY DEDICATE, GRANT AND CONVEY TO HARRISVILLE CITY, WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY HARRISVILLE CITY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS, AND ALSO DEDICATE, GRANT AND CONVEY TO HARRISVILLE CITY, WEBER COUNTY, UTAH THE REMAINDER PARCEL DESIGNATED AS "PARCEL A" TO USE HOWEVER HARRISVILLE SEES FIT.

SIGNED THIS _____ DAY OF _____, 2020.

ACKNOWLEDGEMENT

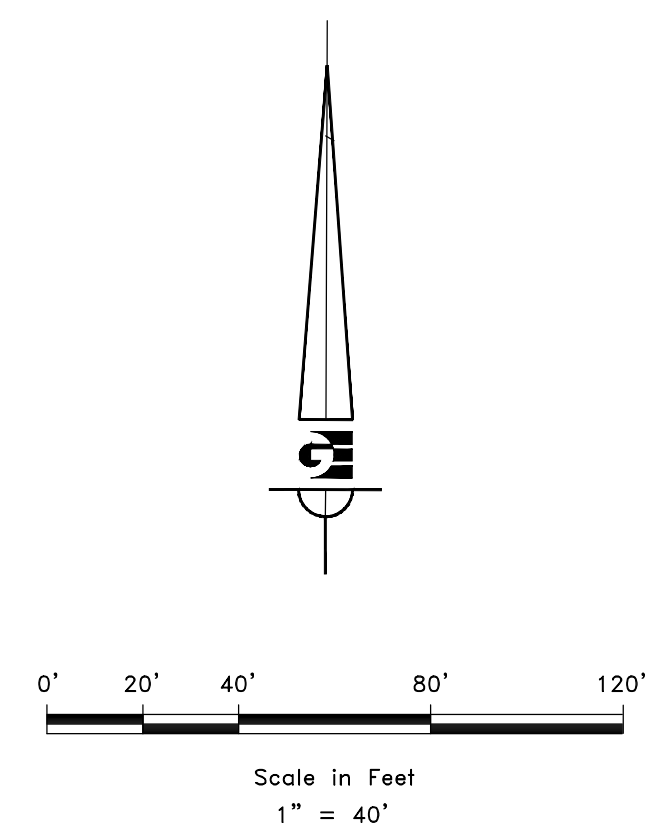
STATE OF UTAH)
COUNTY OF WEBER)

On this _____ day of _____, 2020, personally appeared before me (_____), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the (_____) of (_____), and that said document was signed by him/her in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said (_____) acknowledged to me that said "Corporation executed the same.

STAMP _____ NOTARY PUBLIC

LEGEND

- ◆ WEBER COUNTY MONUMENT AS NOTED
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
- SUBDIVISION BOUNDARY
- LOT LINE
- - - ADJACENT PARCEL
- SECTION LINE
- - - EASEMENT
- x EXISTING FENCE LINE



NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A THREE LOT SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY TIM BUTLER. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION, AND SURROUNDING CENTERLINE MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 1 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS SOUTH 88°56'46" EAST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE RIGHT-OF-WAY OF 1100 NORTH STREET WAS ESTABLISHED BY HONORING THE PROJECTED RIGHT-OF-WAY DEDICATION OF THE COLONY SUBDIVISION, AND BY MAPPING PROVIDED BY CITY ENGINEER FOR THE FUTURE ROADWAY EXTENSION.

NOTES

1. ZONE (R-1-10) CURRENT YARD SETBACKS: FRONT-25' // REAR-25' // SIDE-8' MIN. NOT LESS THAN 24' TOTAL.
2. "R" (RESTRICTED LOT) "BASED UPON HIGH GROUND WATER CONDITIONS, THE LOWEST HABITABLE FLOOR LEVEL ON THIS LOT IS RESTRICTED TO AN ELEVATION WHICH IS ONE (1) FOOT BELOW THE CURB AND GUTTER FRONTING THE LOT. THE CURB ELEVATION REFERENCE POINT SHALL BE THE LOWEST TOP BACK OF CURB ELEVATION ON THE LOT FRONTAGE."

HARRISVILLE CITY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE HARRISVILLE CITY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.
SIGNED THIS _____ DAY OF _____, 2020.

CITY ATTORNEY

HARRISVILLE CITY ENGINEER

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.
SIGNED THIS _____ DAY OF _____, 2020.

CITY ENGINEER

HARRISVILLE CITY COUNCIL ACCEPTANCE

THIS IS TO CERTIFY THAT THIS 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 CITY COUNCIL OF HARRISVILLE CITY, UTAH.
SIGNED THIS _____ DAY OF _____, 2020.

MAYOR, HARRISVILLE CITY
ATTEST: _____
CITY RECORDER

HARRISVILLE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE HARRISVILLE CITY PLANNING COMMISSION.
SIGNED THIS _____ DAY OF _____, 2020.

CHAIRMAN, HARRISVILLE CITY PLANNING COMMISSION

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
SIGNED THIS _____ DAY OF _____, 2020.

COUNTY SURVEYOR

**HARRISVILLE CITY
ORDINANCE 507**

CANNABIS REGULATIONS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, ADOPTING CHAPTER
11.21 OF THE MUNICIPAL CODE TO ESTABLISH REGULATIONS
GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL
CANNABIS PHARMACIES AS REQUIRED BY STATE LAW; MAKING
TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Harrisville City (hereafter the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, in 2018, the voters of Utah approved Proposition 2 authorizing medical cannabis;

WHEREAS, Utah State Legislature met in special session on Monday, September 16, 2019, and modified Proposition 2 with the adoption of S.B. 1002, and such modification impacts municipalities;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah 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 finds it necessary to update the municipal code in order to meet the challenges presented by state law, and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on February 12, 2020, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to _____ this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____;

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

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 13.38 of the *Harrisville Municipal Code* is hereby adopted to read as follows:

**Chapter 11.21
Cannabis Regulations**

11.21.010 Definitions.

In addition to the definitions set forth in Utah Code §4-41a-102 (Cannabis Production Establishments), and Utah Code §26-61a-102 (Utah Medical Cannabis Act), the following definitions apply:

1. “Cannabis Production Establishment” means an establishment defined in Utah Code §4-41a-102, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
2. “Community location” means a public or private school, a church, a public library, a public playground, or a public park. The City defines a public playground and/or public park to include all public trails, public buildings, public open space, and public nature areas.
3. “Medical Cannabis Pharmacy” means an entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under Utah Code §26-61a-102.
4. “Primarily Residential Zone” means, for the purposes of this Chapter, and any applicable state law means the following zoning districts:
 - a. Residential Estates Zone R-1-10.
 - b. Residential Estates Zone RE-15.
 - c. Residential Estates Zone R-1-20.
 - d. Residential Mixed Use Sub-Zone.

11.21.020 Standards.

1. Cannabis Production Establishment. The following standards apply:
 - a. No emission of dust, fumes, vapors, odors, or waste into the environment from any facility involving the growing, processing, or testing of cannabis.
 - b. Each Cannabis Production Establishments shall:
 - i. Not be located in a Primary Residential Zone.
 - ii. Meet the municipal code regulations, site development standards, and sign requirements for any main building and accessory building.
 - iii. Obtain and comply with all state requirements in accordance with Utah Code §4-41a-101, et seq.
 - iv. Comply with location requirements set forth in Utah Code §4-41a-201.
 - v. Obtain and comply with business license regulations.
2. Medical Cannabis Pharmacy. The following standards apply:
 - a. Not be located in a Primary Residential Zone.
 - b. No cannabis products shall be visible from outside of any structure.
 - c. Meet the municipal code regulations, site development standards, and sign requirements for commercial development.
 - d. Obtain and comply with all state requirements in accordance with Utah Code §26-61a-101, et seq.
 - e. Comply with location requirements set forth in Utah Code §26-61a-301.
 - f. Obtain and comply with business license regulations.

11.21.030 Permitted Uses.

The following uses are permitted in the following Zones:

Use	Zone
Cannabis Production Establishment	A-1, MP-1
Medical Cannabis Pharmacy	CP-2

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 shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2020.

Municipal Council
Roll Call Vote Tally:

	Yes	No
Mr. Hendrix	___	___
Mr. Wilhelmsen	___	___
Mr. Beecher	___	___
Mr. Weiss	___	___
Mr. Christensen	___	___

MICHELLE TAIT, Mayor

ATTEST:

City Recorder

RECORDED this ___ day of _____, 2020.

PUBLISHED OR POSTED this ___ day of _____, 2020.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Harrisville City, hereby certify that the 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: _____