

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