



# HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100  
www.cityofharrisville.com

MAYOR:  
Michelle Tait

COUNCIL MEMBERS:  
Grover Wilhelmsen  
Steve Weiss  
Blair Christensen  
Max Jackson  
Kenny Loveland

## CITY COUNCIL AGENDA

**November 14, 2023**

[Zoom Meeting Link](#)

Meeting ID: 863 1126 8046

Passcode: 169729

### 7:00 Pm City Council Meeting

Presiding: Mayor Michelle Tait

Mayor Pro Tem: Blair Christensen

1. **Call to Order** [Mayor Tait]
2. **Opening**
  - a. Pledge of Allegiance [Council Member Loveland]
3. **Consent Items**
  - a. Approval of meeting minutes for October 10, 2023 as presented.
4. **Employee Recognition** [Chief Wilson]
5. **Business Items**
  - a. **Public Hearing** – to receive input for and/or against Harrisville Ordinance 546; amending Transportation Impact Fees.
  - b. Discussion/possible action to Harrisville Ordinance 548: amending the Master Development Agreement for Dixon Creek Mixed Use Development located at approximately 1300 North Washington Blvd. [Jennie Knight]
  - c. Discussion/possible action to adopt Harrisville Resolution 23-17; a resolution adopting the Transportation Impact Fee Analysis. [Jennie Knight]
  - d. Discussion/possible action to adopt Harrisville Ordinance 546; amending Transportation Impact Fees. [Jennie Knight]
  - e. Discussion/possible action to adopt Harrisville Ordinance 544; repealing and re-enacting Title 12 Harrisville City Code entitled “Subdivision Regulations”. [Jennie Knight]
  - f. Discussion/possible action to adopt Harrisville Ordinance 547; amending Harrisville City Code 8.06.010 entitled “Flood and Hazard Areas” and 10.05.050 entitled “Article V – Provisions for Flood Hazard Reduction”. [Jennie Knight]
6. **Public Comments** - (3 Minute Maximum)
7. **Mayor/Council Follow-Up**
8. **Adjournment**

The foregoing City Council agenda was posted and can be viewed at City Hall, on the City’s website [www.cityofharrisville.com](http://www.cityofharrisville.com), and at the Utah Public 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, the City of Harrisville will make reasonable accommodations for participation in the meeting. Requests for assistance may be made by contacting the City Recorder at (801) 782-4100, at least three working days before the meeting.

Posted: By: Jack Fogal, City Recorder.

**MINUTES  
HARRISVILLE CITY COUNCIL  
October 10, 2023  
363 West Independence Blvd  
Harrisville, UT 84404**

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Minutes of a regular Harrisville City Council meeting held on October 10, 2023 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

**Present:** Mayor Michelle Tait, Council Member Kenny Loveland, Council Member Grover Wilhelmsen, Council Member Max Jackson, Council Member Steve Weiss.

**Excused:** Council Member Blair Christensen, Bryan Fife, Parks and Recreation Director

**Staff:** Jennie Knight, City Administrator, Brody Flint, City Attorney, Mark Wilson, Chief of Police, Justin Shinsel, Public Works Director, Jack Fogal, City Recorder.

**Visitors:** Arnold Tait, Diana Wilhelmsen, Jeremy Searle, Jason Hadley, John Macedone, Dan Gilboy

**1. Call to Order.**

Mayor Tait called the meeting to order and welcomed all in attendance.

**2. Opening Ceremony.**

Council Member Jackson opened with the Pledge of Allegiance.

**3. Consent Items**

**a. Approval of Meeting Minutes for September 12, 2023 as Presented.**

**Motion:** Council Member Wilhelmsen made a motion to approve the meeting minutes for September 12<sup>th</sup>, 2023 as presented, second by Council Member Loveland.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

**b. Advice and Consent of Mayor's Release of a Planning Commissioner.**

Mayor Tait explained that Planning Commissioner Brenda Nelson would like to be released. Council expressed their gratitude for the service performed by Brenda Nelson.

**Motion:** Council Member Jackson made a motion to release Planning Commissioner Brenda Nelson, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

#### **4. Business Items.**

##### **a. Public Hearing to receive input for and/or against Harrisville Resolution 23-15 and Harrisville Resolution 23-16; resolutions adopting the Transportation Master Plan and Transportation Impact Fee Facilities Plan.**

Jennie Knight reminded Council in June of 2022 the City posted its intent to update impact fees. Jeremy Searle from Wall Consultant Group was the project manager for our new Transportation Master Plan and Transportation Impact Fee Facilities Plan. The goal was to build on previous studies for Harrisville. They looked at the general plan, transportation plan, and population estimates. This helped them create a travel demand model. Jeremy Searle explained impact fees can only be collected for projects within the next ten years, we cannot collect for projects beyond 10 years. Council Member Loveland asked if these plans are adopted will it have to be followed exactly. Jeremy Searle informed Council they would not. This is a guide for the City but it can be updated and changed as needed. Council Member Wilhelmsen inquired if this means more tax for residents. Jeremy Searle clarified impact fees only get charged on new development. The thought behind that is the new development pays for the new impact. It can only be used for items that new developments would impact. While building the Transportation Impact Fee Facilities Plan, Wall Consultant Group had to look at trips generated by potential new development. You cannot charge impact fees for pre-existing traffic on the roads. Only what is caused by the new developments.

**Motion:** Council Member Weiss made a motion to open the public hearing for Resolution 23-15 and Resolution 23-16, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

There was no public comment offered

**Motion:** Council Member Weiss made a motion to close the public hearing for Resolution 23-15 and Resolution 23-16, second by Council Member Loveland.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

**b. Discussion/Possible action to approve Harrisville Resolution 23-15; a resolution adopting the Transportation Master Plan.**

Jennie Knight explained this is the resolution adopting the Transportation Master Plan. We complied with state code and posted our notice of intent to prepare an impact fee plan in June of 2022 and posted about this public hearing on September 14<sup>th</sup>, 2023. Council Member Wilhelmsen inquired about how adopting this resolution would impact residents' taxes. Jennie Knight explained that impact fees are only charged to new development. It would not increase taxes for current residents. Larsen Lane was given as an example. That project was not eligible to use impact fees. The City was able to apply for federal funds because that road had been included on an updated Transportation Master Plan. By strategically planning like with Larsen Lane the City was able to keep taxes lower for residents. By maintaining a current Transportation Master Plan, the City is able to appropriately bill developers for the increased traffic due to new development. The Transportation Master Plan is eligible to be paid for with impact fees. Council Member Weiss summarized that we either maintain current impact fee plans or raise taxes to complete the future improvements. Council Member Jackson appreciates the effort made to plan strategically.

**Motion:** Council Member Loveland made a motion to approve Harrisville Resolution 23-15; a resolution adopting the Transportation Master Plan, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**c. Discussion/Possible action to approve Harrisville Resolution 23-16; a resolution adopting the Transportation Impact Fee Facilities Plan.**

Jennie Knight explained this is the resolution accepting the Transportation Impact Fee Facilities Plan. This plan shows what can projects impact fees can be charged for and how much the City can charge. Council Member Jackson inquired how long the impact fees could be held before using them. Jennie Knight explained we are expected to expend those fees within six years of collecting, unless we have a major project that would cost millions of dollars. That project must be completed soon after the six-year deadline.

**Motion:** Council Member Weiss made a motion to approve Harrisville Resolution 23-16; a resolution adopting the Transportation Impact Fee Facilities Plan, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**d. Discussion/possible action to adopt Harrisville Ordinance 545; repealing and re-enacting Harrisville City Code Chapter 10.05 entitled “Flood Damage Prevention”.**

Jennie Knight explained this ordinance updates an existing ordinance in our code entitled “Flood Damage Prevention”. FEMA has been going through the process of updating flood maps. As part of the process, they have updated compliance for Cities. This is an update from current code to new FEMA guidelines. Adopting these changes allows our residents to be eligible for flood insurance. This will help to make sure that new development meets FEMA standards for new building in flood plains.

**Motion:** Council Member Loveland made a motion to adopt Ordinance 545; repealing and re-enacting Harrisville City Code Chapter 10.05 entitled “Flood Damage Prevention”, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion was passed unanimously.

**e. Cemetery District Discussion.**

Jennie Knight explained this discussion stems from a meeting with neighboring Cities that are part of the Ben Lomond Cemetery District. The North East side of Harrisville is also part of the Ben Lomond Cemetery District. The District currently has one cemetery, they are expecting to exceed capacity within 10 years. They are working on a future plan. They have identified a piece of land in Pleasant View that the District will acquire for a second cemetery. They invited Harrisville City to be part of the cemetery district. A few years ago, Harrisville looked at creating its own cemetery district, but received negative feedback from residents. Council can look at creating our own district, incorporating into the Ben Lomond Cemetery District, or doing neither. The average yearly property tax increase would be \$10 for Ben Lomond Cemetery District. The cost is not known if we create our own cemetery district. There is an advantage trying to buy a

plot if you are part of the district. Council Member Wilhelmsen inquired if it would be an option to purchase a piece of land in Harrisville to be used for a cemetery and incorporated into the district. Jennie Knight explained the district does not think they would need another piece of land for thirty to fifty years. Council Member Weiss brought up the cost saving if we partner with the district. He thinks it would be a benefit for the whole city. Council Member Loveland is recommending doing neither incorporation nor our own district. Council Member Jackson does not want to start our own district and would prefer to join. Mayor Tait inquired if Council would like to table this and get more information. Council Member Loveland asked about getting some feedback from citizens. Jennie Knight explained this does not have to be decided tonight, but wanted Council to decide if it was something they would like more information about. Council asked staff to get more information. Jennie Knight recommended asking residents at the Fall Festival. Council agreed.

## **5. Public Comment**

Mayor Tait opened the public comment period.

Jason Hadley is a member of the North View Business Alliance. It has businesses in North Ogden, Harrisville, and Pleasant View. He is the government representative for the Alliance. He wants to be a point of contact for the City to help support the City and businesses. He wants Council to look at the additional tax burden from the Cemetery District. It is a tax not controlled by the City but reflects on the City. We should exercise extreme caution when looking at joining the cemetery district

Mayor Tait closed the public comment period.

## **6. Mayor/Council Follow-Up.**

Mark Wilson informed Council the suspect from the Wal-Mart robbery has been charged. He thanked Officer Francis for identifying the suspect. The CRASH team approved by Council was called in again. He thanked Council for approving membership in the CRASH team. Ford Interceptors are tentatively going to be available for order in November and will be delivered in July. He wants Council to keep that in mind if it is decided the department needs to order more.

Justin Shinsel explained that a meeting was held with the administrator for a grant. They were given information for additional grants and grants for businesses in the City. Public Works is preparing for winter time and snow. They have assisted Parks and Recreation in creating additional parking spots for the Fall Festival. He hopes to see equipment at the new building site within two weeks.

Jennie Knight gave an update for Parks and Recreation. Staff was given assignments for the Fall Festival. There will be hotdogs, popcorn, chips, and cotton candy for free to residents. There will be carnival activities put on by the PTA. The Fall Festival begins at 5:15. Any who are doing trunk or treat are asked to be in place before the start time.

Jennie Knight explained the moderate-income housing report was accepted and the City is in compliance with our strategies. The first draft of the new subdivision code is ready. There will be a public hearing at the Planning Commission meeting tomorrow October 11, 2023. The Planning Commission may vote on the ordinance if they feel it is ready to be presented to Council.

Council Member Loveland thanked the Wilhelmsens for the Senior Luncheon. The soup was delicious.

Council Member Wilhelmsen thanked Weber County Human Services for a presentation about the benefits for senior citizens. He thanked Diana Wilhelmsen for coordinating the Senior Luncheon.

Council Member Jackson informed Council that the Fire Board selected Chris Maxfield as the new Fire Chief. He was a battalion chief with West Jordan Fire Department. Chris Maxfield wants to take the time to meet the City's elected officials and staff.

## **7. Adjournment**

Council Member Jackson motioned to adjourn the meeting, second by Council Member Weiss.

The vote on the motion was as follows:

Council Member Wilhelmsen, Yes  
Council Member Weiss, Yes  
Council Member Christensen, Excused  
Council Member Jackson, Yes  
Council Member Loveland, Yes

The motion passed unanimously.

The meeting adjourned at 8:02 P.M.

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**MICHELLE TAIT**  
Mayor

**ATTEST:**

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**Jack Fogal**  
City Recorder  
Approved this 14th day of November, 2023



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MAYOR:  
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Grover Wilhelmsen  
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## Staff Report

Harrisville Ordinance 548  
Master Development Agreement Amendment  
November 8, 2023

To: Harrisville Mayor and City Council  
From: Jennie Knight, City Administrator  
RE: Dixon Creek Park Mixed-use Master Development Agreement Amendment

### A. Summary.

On October 26, 2023, an application was received from D.R. Horton for an amendment to the Dixon Creek Park Mixed-use Master Development Agreement (MDA). The requested amendments are included in the Analysis of this report.

### B. Background.

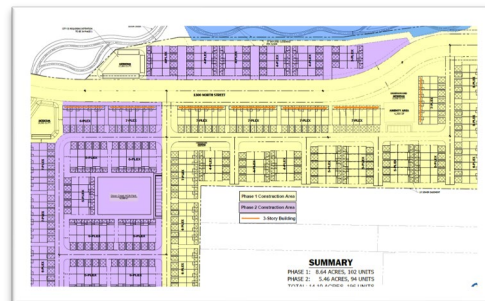
On May 10, 2022, the City Council adopted the MDA for Dixon Creek Park Mixed-use Development. Preliminary Subdivision approval was granted on August 16, 2022 for phases 1 through 5, which includes 14.104 acres of development with 212 townhome units and 5.97 acres of open space.

### C. Analysis.

The requested amendments to the MDA are outlined as follows as well as included in the application letter (attached):

1. Amending Exhibit B-1, B-2, & C; modifications are compared below with the original MDA exhibits, including the density being reduced from 215 units allowed under the MDA to 196 units.

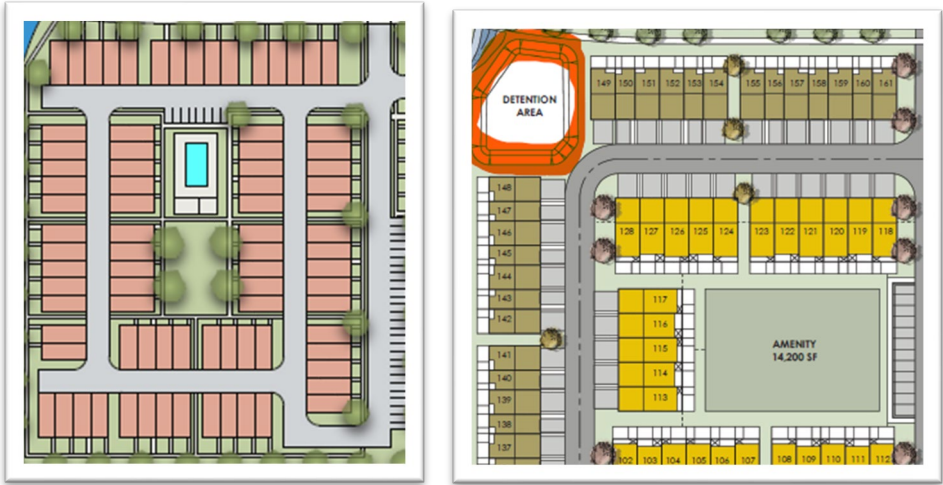
- A. Consolidated phasing plan reduced to two phases.



- B. Buffering of the residential lots on the western property side by relocating the detention pond. Distance of approximately 100 feet to nearest unit from the



western property line boundary. (This distance is consistent with frontage requirements for a single-family lot in the RE-15 zone, creating additional buffering from existing homes.)



C. Addition of driveways for all units. Along with additional parking at amenities.



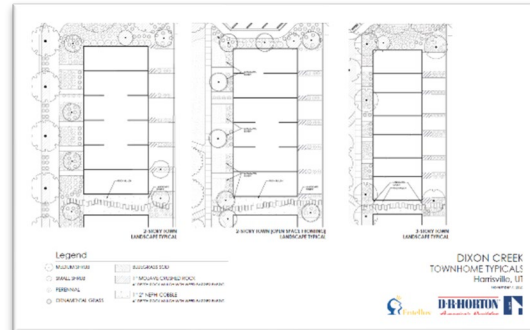
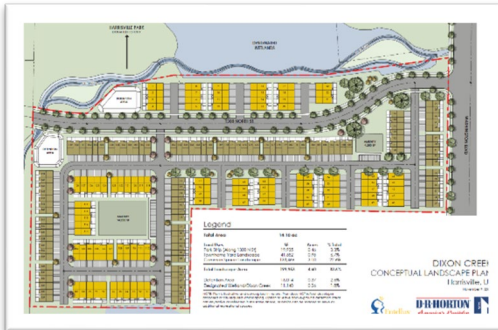
D. Proposed 7-unit buildings ultimately lower the overall density than what is allowed in the adopted MDA by 19 units. (Which is almost four 5-plex units) The larger/taller units are placed to screen the inner community from the public road.



2. Amending Exhibit E-2; D.R. Horton’s architectural elevations and styles which are consistent with Harrisville Municipal Code regulations for maximum height of 35 feet for a residential building. Addition of multiple architectural styles and color schemes to blend the community.



3. Amending Exhibit L; D.R. Horton’s typical landscape plan for building types.



4. Also included are the proposed open space amenities.



**D. Recommendation.**

Staff recommends adoption of the proposed Dixon Creek Park Master Development Agreement Amendment updating Exhibits B-1 & B-2, Exhibit C, Exhibit E-2, and Exhibit L; which includes lower density of units, increased buffering to existing residential, increased parking throughout the development, subject to compliance with the adopted standards set forth in the Master Development Agreement dated May 17, 2022, and any other staff or agency comments.

October 26, 2023

Harrisville City  
363 W. Independence Blvd.  
Harrisville, Utah 84404

Attn: City Planning & Zoning Department

**Re: Amendment to Master Development Agreement for Dixon Creek Park Development, as recorded May 18, 2022, Weber County, Entry no. 3236775**

Dear Ms. Knight:

The purpose of this letter is to formalize D.R. Horton's request to make changes and cause an amendment to the above referenced master development agreement (MDA). D.R. Horton is pursuing a purchase agreement with the Master Developer for the residential development portion of the Project. This letter is meant to help facilitate updates to portions of the Master Plan as it pertains to the information previously proposed by other building partnerships. We are requesting the following:

1. Exhibit B-1 & B-2 – Please find attached a revised layout, Concept C- MDA map, as it pertains to the residential project area.
  - a. Density use of only 196 total units – MDA allows a maximum density of 215 units
  - b. Consolidate phasing plan for two large development phases – reduced from six phases
  - c. Buffering of existing residential lot on western property edge by using a detention pond. This pushes buildings to the east and southeast from property edge and allows the creek to become part of an open space which will preserve conditions as they currently exist between ownership.
  - d. Addition of a two-car driveway with a minimum of eighteen-foot length on all units. Along with parking at amenity locations.
    - i. Amenity parking 19 stalls
    - ii. Guest driveway parking 356 stalls
    - iii. Garage parking 356 stalls
    - iv. Total off-street parking provided 731 stalls
  - e. Maintain connectivity within the community and provide similar open space and amenities.
  - f. Balance mix of building types and placement within development phases for shielding of major traffic routes with larger structures.
2. Exhibit E-2 – Please find attached D.R. Horton's proposed architectural elevations and styles.
  - a. Proposal of two architectural styles to create diversity and interest along the streetscapes within the residential area.
  - b. Proposal to use four to five professional color schemes for architecture to bring further interest within the neighborhood.
3. Exhibit L – Please find attached a typical building landscape plan for a 2-story building and a 3-story building. Also included is an overall illustrative plan which shows open space and amenity locations.

It should also be noted that D.R. Horton will cause the formation of a home owner association for Dixon Creek Townhomes. This association will be responsible for the long-term care and maintenance of the residential project area. As part of that association, we will use our standard Declaration of Covenants, Conditions and Restrictions templates for a townhome project of this nature. This will deliver an elevated level of community, professional care and management. Feel free to reach out to me with any questions or needs for additional information. We look forward to working with the city.

Very sincerely yours,



Krisel Travis  
Sr. Land Acquisition Manager  
D. R. Horton, Inc.

**HARRISVILLE CITY  
ORDINANCE 548**

**DIXON CREEK PARK MDA AMENDMENT**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE MASTER DEVELOPMENT AGREEMENT FOR CERTAIN PARCELS LOCATED AT APPROXIMATELY 1300 NORTH WASHINGTON BLVD BASED UPON AN APPLICATION FILED WITH THE CITY; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville 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 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**, Title 10, Chapter 9a of the *Utah Code Annotated* enables municipalities to regulate land use and development;

**WHEREAS**, the City has adopted an Official General Plan and Zoning Map to govern land use within the City;

**WHEREAS**, the City received an Application to amend the Master Development Agreement for the Dixon Creek Development of Harrisville City filed by the putative property owner, THE SCOTT GROUP, LLC, and desires to act upon the same;

**WHEREAS**, the attached Exhibits “B-1”, “B-2”, “C”, “E-2”, and “L” contain the required Plan Maps and Master Development Plan for the area of the proposed amendment;

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

- Section 1:** **Plan Map and Master Development Plan Amendment.** The Plan Maps and Master Development Plan attached herein as Exhibits “B-1”, “B-2”, “C”, “E-2”, “G”, and “L” which are hereby amended and incorporated herein by this reference are amended as the required Plan Maps and Master Development Plan for the Zoning Map Amendment. Any development must substantially conform to these Plan Maps and Master Development Plan.
- Section 2:** 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 3:** 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
**MICHELLE TAIT**, Mayor  
Harrisville City

**ATTEST:**

\_\_\_\_\_  
**JACK FOGAL**, City Recorder

Roll Call Vote Tally:

Council Member Wilhelmsen	Yes	No
Council Member Weiss	Yes	No
Council Member Christensen	Yes	No
Council Member Jackson	Yes	No
Council Member Loveland	Yes	No

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2023.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

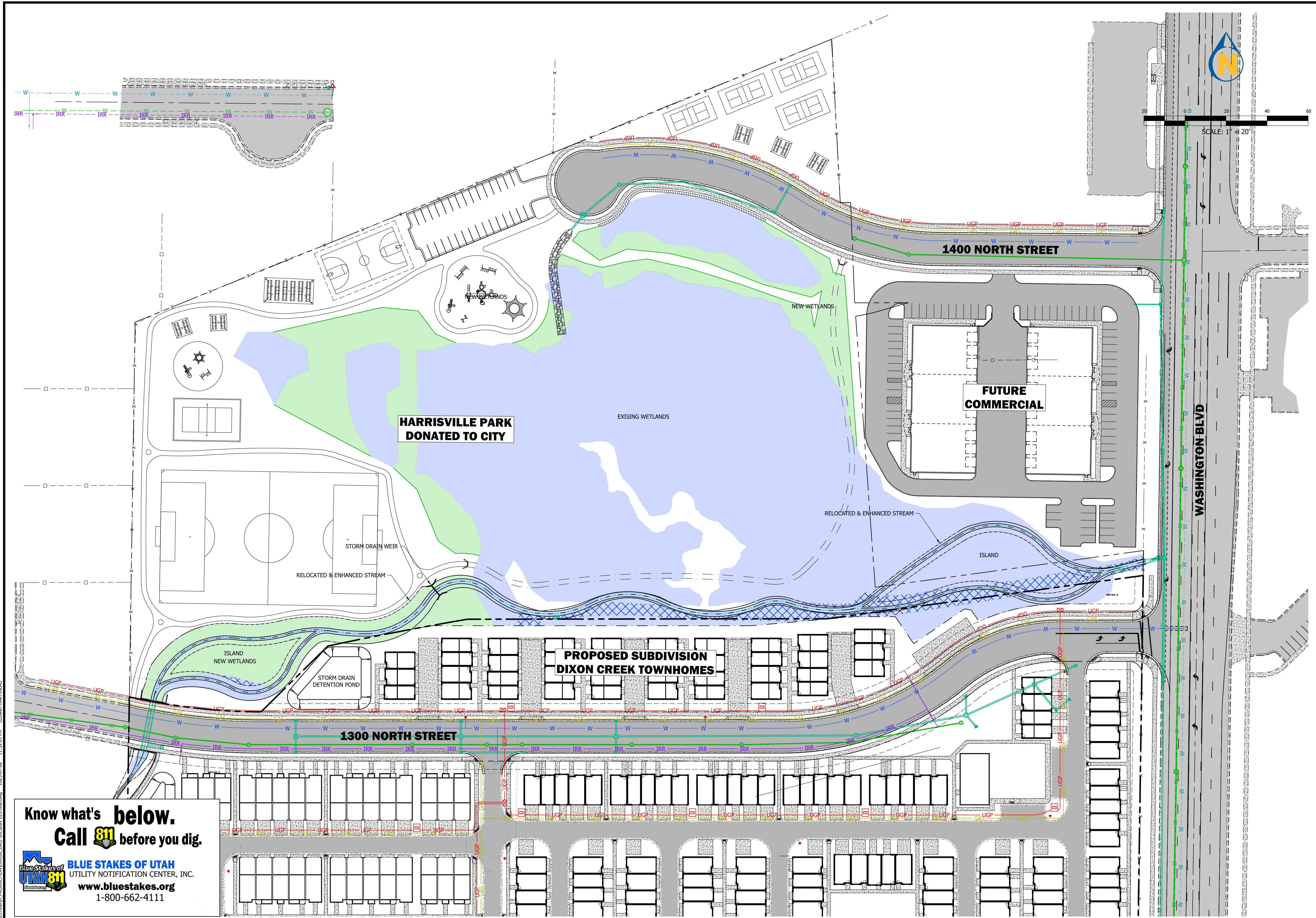
**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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) Harrisville Cabin and 3) 2150 North on the above referenced dates.

DATE: \_\_\_\_\_

\_\_\_\_\_  
City Recorder

DRAFT



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 Phone 801.298.2236  
[www.Entellus.com](http://www.Entellus.com)

**DEVELOPER**

**THE SCOTT GROUP**  
 Contact: SCOTT SMOOT  
 Phone: 801-628-1024  
 sdmoot2@gmail.com



**HARRISVILLE PARK**

1300 NORTH WASHINGTON BLVD  
 LOCATED IN THE SE 1/4 OF SECTION 5, T.6N., R.1W., S.L.B.8M.  
 HARRISVILLE CITY, WEBER COUNTY, UTAH

**REVISIONS**


DRAWN: JH 2023-07-08  
 APPROVED: LKM 2023-07-08  
 PROJECT #: 1237008  
 DESIGN 1237008.dwg

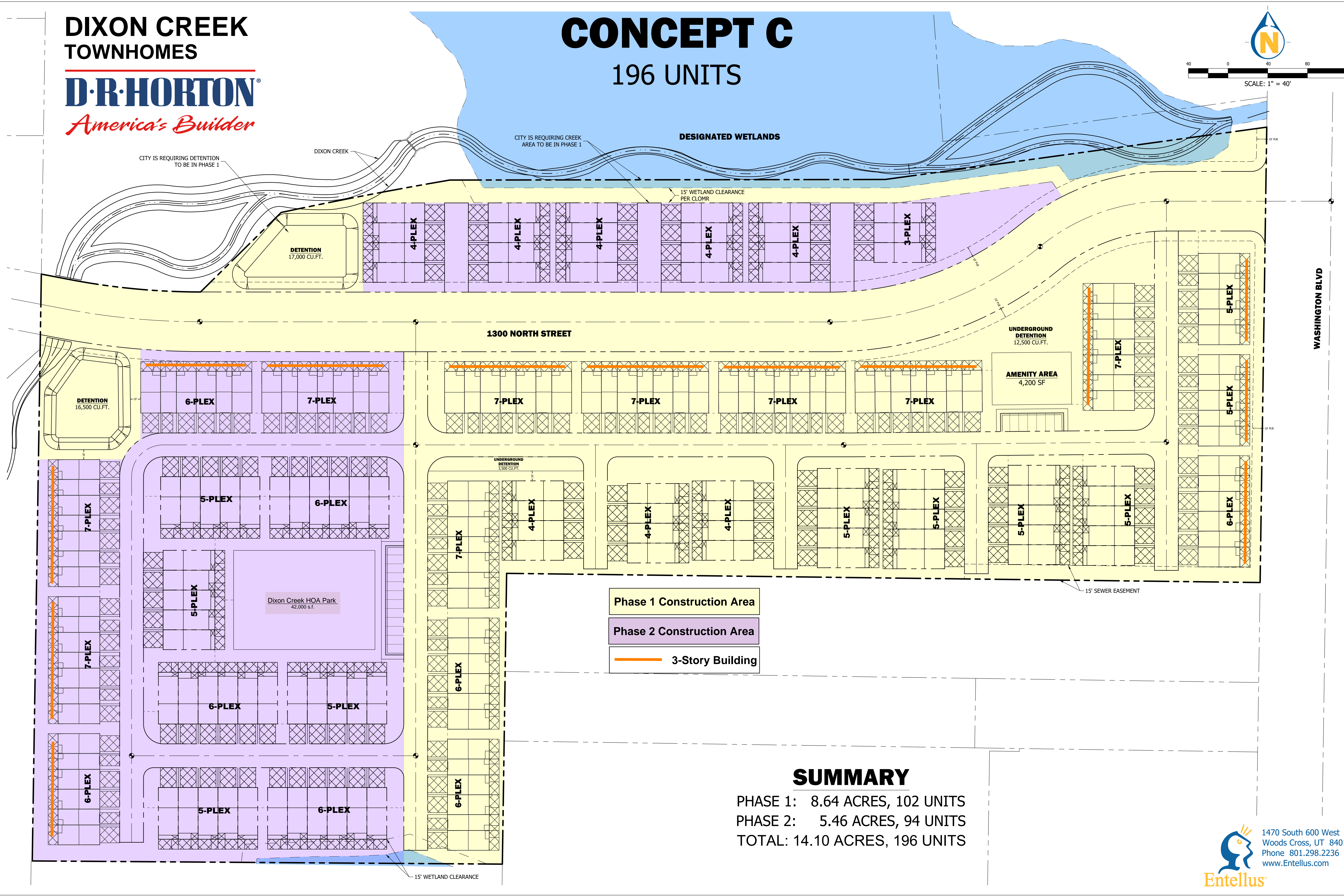
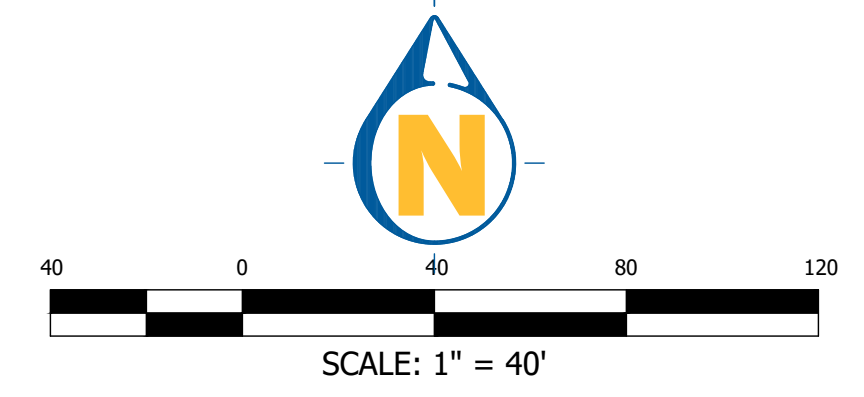
**C400**  
 SITE PLAN

# DIXON CREEK TOWNHOMES

**D·R·HORTON**  
*America's Builder*

# CONCEPT C

## 196 UNITS



**Phase 1 Construction Area**

**Phase 2 Construction Area**

**3-Story Building**

### SUMMARY

PHASE 1: 8.64 ACRES, 102 UNITS  
 PHASE 2: 5.46 ACRES, 94 UNITS  
 TOTAL: 14.10 ACRES, 196 UNITS



# Exhibit C - Site Plan



### Legend

<b>Total Area</b>	<b>14.10 ac</b>
<b>Land Uses</b>	<b>Units</b>
3-Story Towns	97
2-Story Towns	99
<b>Total Units</b>	<b>196</b>
Open Space	
Amenity Area	
Designated Wetland	
Dixon Creek	

NOTE: Plan is illustrative and conceptual in nature. Plan does NOT reflect developer proposed or city required landscaping.



TYPICAL AMENITIES



## DIXON CREEK TOWNHOMES

Harrisville, UT

November 7, 2023

Entellus  
D-R HORTON  
America's Builder



# 3-STORY TOWNHOME CONCEPT - CRAFTSMAN



Exhibit E-2 - Architectural & Elevations

# 3-STORY TOWNHOME CONCEPT - FARMHOUSE



Exhibit E-2 - Architectural & Elevations

# 2-STORY TOWNHOME CONCEPT - CRAFTSMAN



Exhibit E-2 - Architectural & Elevations

# 2-STORY TOWNHOME CONCEPT - FARMHOUSE



Exhibit E-2 - Architectural & Elevations

# Exhibit L - Landscape Plan



## Legend

Total Area		14.10 ac		
Land Uses	SF	Acres	% Total	
Park Strip [Along 1300 N St]	19,935	0.46	3.3%	
Townhome Yard Landscape	41,552	0.95	6.7%	
Common Space Landscape	138,466	3.18	22.6%	
<b>Total Landscape Area</b>		<b>199,953</b>	<b>4.60</b>	<b>32.6%</b>
Detention Area	16,014	0.37	2.6%	
Designated Wetland/Dixon Creek	11,140	0.26	1.8%	

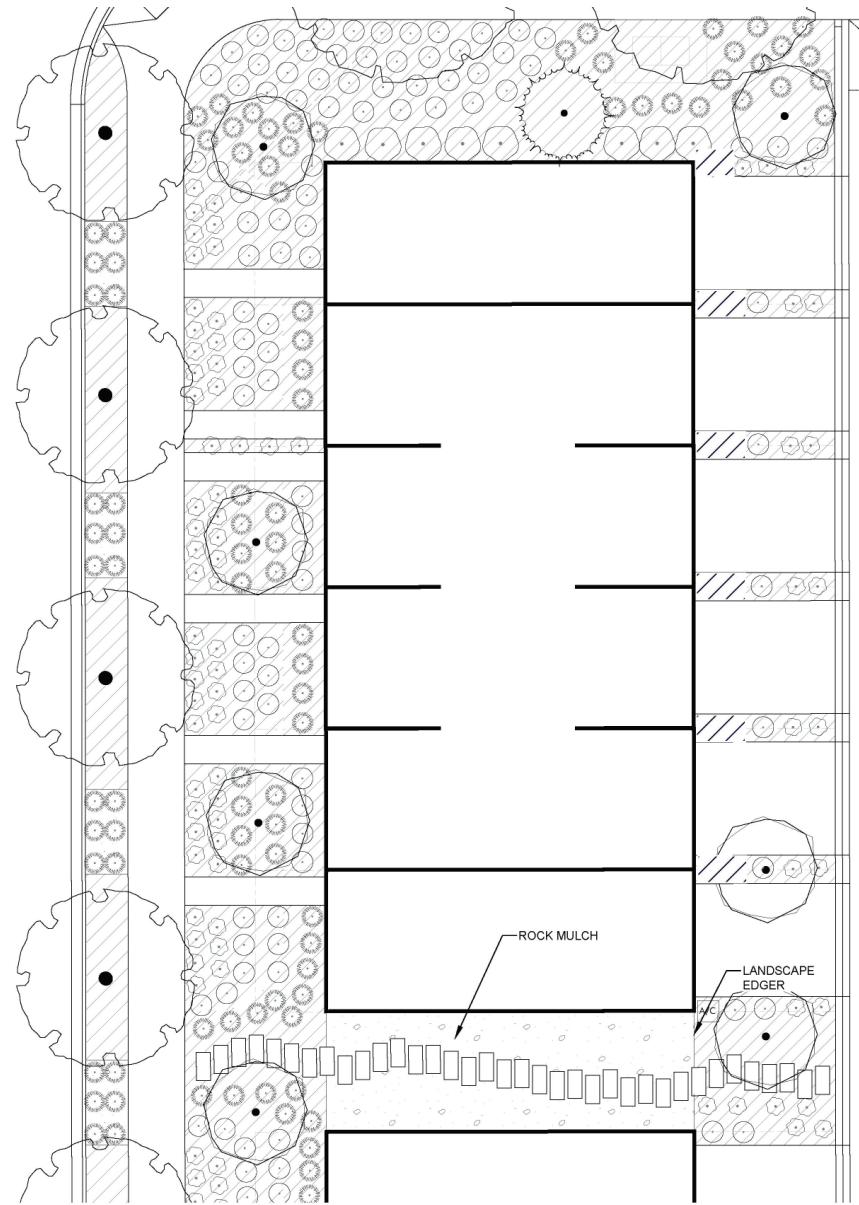
NOTE: Plan is illustrative and conceptual in nature. Plan does NOT reflect developer proposed or city required landscaping. Option to leave above-ground detention areas natural/native as reflected in the table above, or basins can be sodded to serve as additional recreational spaces.

## DIXON CREEK CONCEPTUAL LANDSCAPE PLAN Harrisville, UT

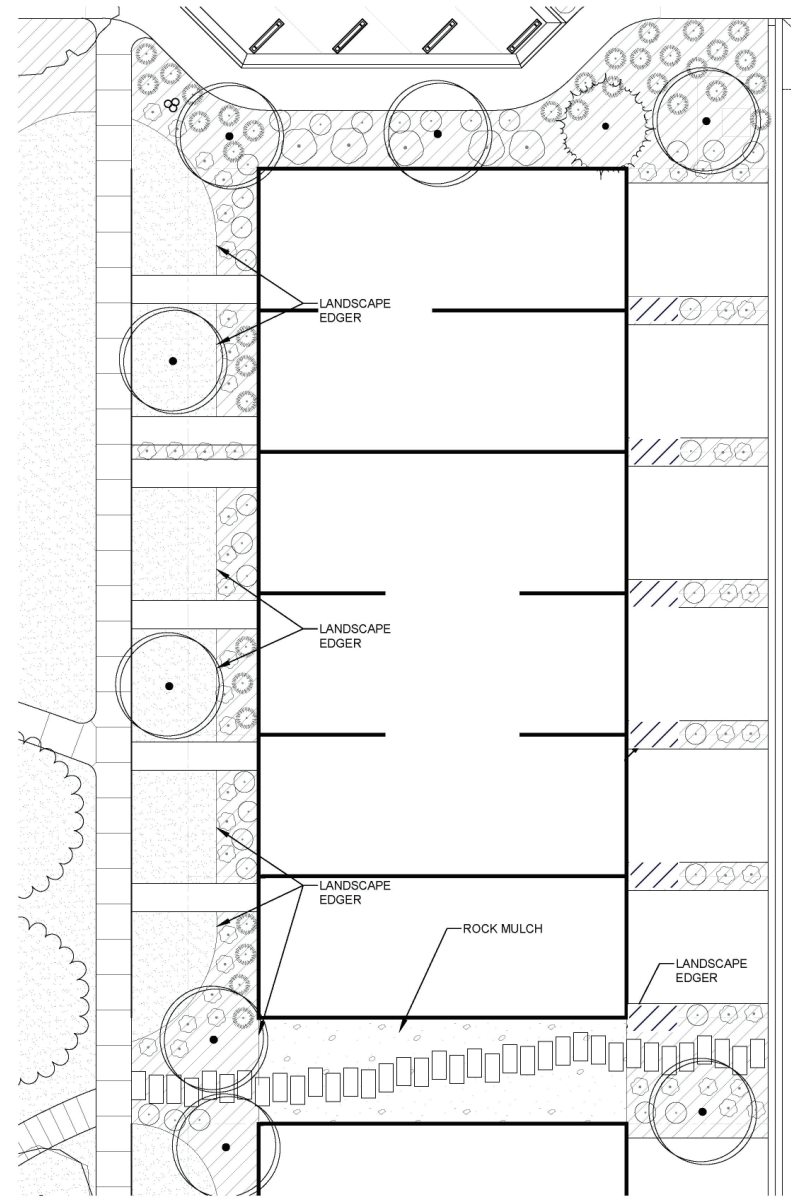
November 7, 2023



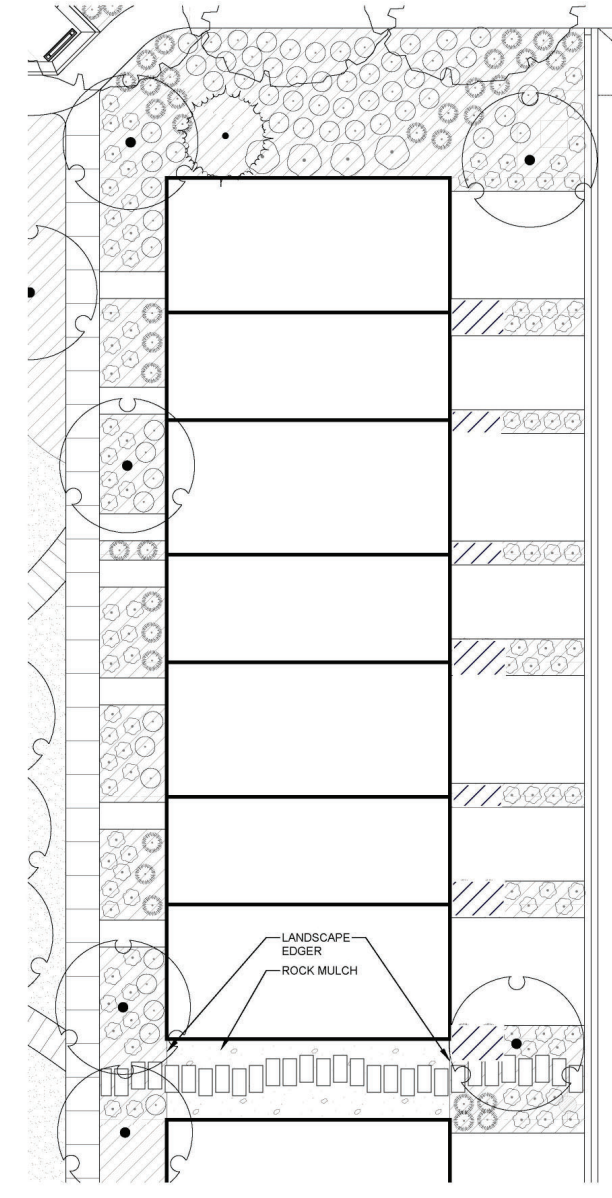
# Exhibit L - Landscape Plan



**2-STORY TOWN  
LANDSCAPE TYPICAL**












**2-STORY TOWN [OPEN SPACE FRONTING]  
LANDSCAPE TYPICAL**



**3-STORY TOWN  
LANDSCAPE TYPICAL**

## Legend

 MEDIUM SHRUB	 BLUEGRASS SOD
 SMALL SHRUB	 1" MOJAVE CRUSHED ROCK
 PERENNIAL	 4" DEPTH ROCK MULCH WITH WEED BARRIER FABRIC
 ORNAMENTAL GRASS	 1"-2" NEPHI COBBLE
	 4" DEPTH ROCK MULCH WITH WEED BARRIER FABRIC

DIXON CREEK  
TOWNHOME TYPICALS  
Harrisville, UT

November 7, 2023



**HARRISVILLE CITY  
RESOLUTION 23-17**

**TRANSPORTATION IMPACT FEE ANALYSIS**

**A RESOLUTION OF HARRISVILLE CITY, UTAH, ADOPTING THE  
TRANSPORTATION IMPACT FEE ANALYSIS.**

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

**WHEREAS**, the City Council is the legislative body of the City;

**WHEREAS**, Title 11, Chapter 36a of the Utah Code Annotated authorized municipalities in the State of Utah to prepare an Impact Fee Analysis;

**WHEREAS**, the City has retained Zions Bank to prepare the Transportation Impact Fee Analysis;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Harrisville City, Utah, as follows:

**Section 1. Review and Adoption.**

The City Council has reviewed and hereby adopts the Harrisville City Transportation Impact Fee Analysis dated October 2023, attached hereto as Exhibit “A” and incorporated herein by this reference.

**Section 2. Effective Date**

This Resolution is effective immediately upon passage and approval.

**PASSED AND APPROVED** by the Harrisville City Council this 14th day of November, 2023.

\_\_\_\_\_  
**MICHELLE TAIT**, Mayor  
Harrisville City

ATTEST:

\_\_\_\_\_  
**JACK FOGAL**, City Recorder

Municipal Council  
Roll Call Vote Tally:

	Yes	No
Mr. Wilhelmsen	___	___
Mr. Weiss	___	___
Mr. Christensen	___	___
Mr. Jackson	___	___
Mr. Loveland	___	___



# Harrisville City

DRAFT Transportation Impact Fee Analysis



ZIONS PUBLIC FINANCE, INC.

October 2023

## Transportation Impact Fee Analysis

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### Summary

This Impact Fee Analysis (IFA) is based on the information provided in the Harrisville City Transportation Impact Fee Facilities Plan (“IFFP”) dated October 2023 and prepared by Wall Consultant Group (WCG).

Projected Growth. The IFFP projects that new development in Harrisville will grow by 16,438 average daily trips (ADTs) between 2023 and 2033 – from 43,198 ADTs in 2023 to 59,636 ADTs in 2033 (IFFP, p. 10). This growth will require the construction of new transportation improvements to maintain the existing levels of service.

Service Levels. The IFFP states that the current level of service (LOS) is LOS C or better for all roadways (IFFP, p. 8) and that future roadway improvements are designed to maintain service levels and meet the demands of new development (IFFP, p. 12).

Service Areas. Harrisville City (“City”) includes one roadway service area that corresponds to existing City boundaries (IFFP, p. 2).

Excess Capacity. The IFFP does not identify any existing facilities with excess capacity.

New Construction. The IFFP identifies a total of six roadway projects at a total cost of \$11,209,436 and four intersection projects at a total cost of \$12,093,789. However, new development is not responsible for the portion of these projects that are paid for through other sources, that will benefit existing development or that provide capacity for pass-through traffic. Therefore, the total cost attributable to new development for roadway projects between 2023 and 2033 is \$548,669 in \$2023 and the total cost for intersection projects is \$3,289,627. When adjusted for inflation in the anticipated year of construction, impact fee eligible roadway costs increase to \$636,058. Intersection improvements add another \$3,813,580 in inflation-adjusted impact fee eligible costs.

Other Costs. Other eligible costs include the cost of preparing the Transportation IFFP and IFA.

Credits for Projects that Benefit Existing Development. The IFFP identifies three of the new construction projects, at a total cost of \$700,944 in \$2023 that will benefit existing development. Adjusted for the anticipated year of construction increases this cost to \$812,586. Therefore, a credit must be made so that new development does not pay twice – once in the form of impact fees and then again through higher taxes over time to pay for the portion of the roads that benefit existing development.

Credits for Outstanding Bonds. Harrisville City does not currently have any outstanding bonds used to pay for roadway improvements.

Proportionate Share Analysis. A summary of the proportionate share analysis is as follows:

TABLE 1: PROPORTIONATE SHARE ANALYSIS - COST PER TRIP

Description	Amount
New Construction - Roadways	\$38.69
New Construction - Intersection	\$232.00
Consultant Costs	\$2.80
Fund Balance	(\$6.45)
<b>Gross Cost per Trip</b>	<b>\$267.04</b>
Projects Benefitting Existing	(\$6.89)
<b>Maximum Cost per Trip</b>	<b>\$260.14</b>

The cost per ADT in 2023 is \$260.14. The cost per trip is then applied to standards set by the Institute of Transportation Engineers (ITE) to evaluate the number of ADTs per development type. Table 2 below shows basic categories from the ITE manual, 11<sup>th</sup> edition for which the City can charge impact fees and illustrates how fees are calculated based on the number of trips generated by land use type and trips per unit. For a land use type that does not fit easily into the categories in Table 2, the City may choose, at its discretion, to refer to additional land use categories as found in the ITE manual, 11<sup>th</sup> edition.

TABLE 2: RECOMMENDED MAXIMUM TRANSPORTATION IMPACT FEES INTO MAJOR GROUPINGS

ITE Code	Land Use	Unit	ITE Trips	Pass-By	Adjusted Trip Rate	Max 2023 Fee
130	Industrial Park 130	1000 Sq. Feet Gross Floor Area	3.37	0%	3.37	\$876.68
151	Mini-Warehouse	Storage Units (100s)	17.96	0%	17.96	\$4,672.16
210	Single-Family Detached Housing	Dwelling Unit	9.43	0%	9.43	\$2,453.14
215	Single-Family Attached Housing	Dwelling Unit	7.20	0%	7.20	\$1,873.03
220	Multifamily Housing (Low- Rise) - Not Close to Rail Transit	Dwelling Unit	6.74	0%	6.74	\$1,753.36
240	Mobile Home Park	Occupied Dwelling Unit	7.12	0%	7.12	\$1,852.21
310	Hotel	Room	7.99	0%	7.99	\$2,078.54
445	Movie Theater	1000 Sq. Feet Gross Floor Area	78.09	0%	78.09	\$20,314.52
520	Elementary School	Students	2.27	0%	2.27	\$590.52
522	Middle School / Junior High School	Students	2.10	0%	2.10	\$546.30
525	High School	Students	1.94	0%	1.94	\$504.68
560	Church	1000 Sq. Feet Gross Floor Area	31.46	0%	31.46	\$8,184.08
610	Hospital	1000 Sq. Feet Gross Floor Area	10.77	0%	10.77	\$2,801.73
710	General Office Building	1000 Sq. Feet Gross Floor Area	10.84	0%	10.84	\$2,819.94
822	Retail Strip Mall	1000 Sq. Feet Gross Leasable Area	54.45	40%	32.67	\$8,498.85

## Utah Code Legal Requirements

Utah law requires that communities prepare an Impact Fee Analysis (IFA) before enacting an impact fee. Utah law also requires that communities give notice of their intent to prepare and adopt an IFA. This IFA follows all legal requirements as outlined below. The City has retained Zions Public Finance Inc., to prepare this Impact Fee Analysis in accordance with legal requirements.

### Notice of Intent to Prepare Impact Fee Analysis

A local political subdivision must provide written notice of its intent to prepare an IFA before preparing the Plan (Utah Code §11-36a-503). This notice must be posted on the Utah Public Notice website. **The City has complied with this noticing requirement for the IFA by posting notice.**

### Preparation of Impact Fee Analysis

Utah Code requires that each local political subdivision, before imposing an impact fee, prepare an impact fee analysis. (Utah Code 11-36a-304).

Section 11-36a-304 of the Utah Code outlines the requirements of an impact fee analysis as follows:

- (1) An impact fee analysis shall:
  - (a) identify the anticipated impact on or consumption of any existing capacity of a public facility by the anticipated development activity;
  - (b) identify the anticipated impact on system improvements required by the anticipated development activity to maintain the established level of service for each public facility;
  - (c) demonstrate how the anticipated impacts described in Subsections (1)(a) and (b) are reasonably related to the anticipated development activity;
  - (d) estimate the proportionate share of:
    - (i) the costs for existing capacity that will be recouped; and
    - (ii) the costs of impacts on system improvements that are reasonably related to the new development activity; and
  - (e) identify how the impact fee was calculated.
- (2) In analyzing whether or not the proportionate share of the costs of public facilities are reasonably related to the new development activity, the local political subdivision or private entity, as the case may be, shall identify, if applicable:
  - (a) the cost of each existing public facility that has excess capacity to serve the anticipated development resulting from the new development activity;
  - (b) the cost of system improvements for each public facility;
  - (c) other than impact fees, the manner of financing for each public facility, such as user charges, special assessments, bonded indebtedness, general taxes, or federal grants;

- (d) the relative extent to which development activity will contribute to financing the excess capacity of and system improvements for each existing public facility, by such means as user charges, special assessments, or payment from the proceeds of general taxes;
- (e) the relative extent to which development activity will contribute to the cost of existing public facilities and system improvements in the future;
- (f) the extent to which the development activity is entitled to a credit against impact fees because the development activity will dedicate system improvements or public facilities that will offset the demand for system improvements, inside or outside the proposed development;
- (g) extraordinary costs, if any, in servicing the newly-developed properties; and
- (h) the time-price differential inherent in fair comparisons of amounts paid at different times.

**Certification of Impact Fee Analysis**

Utah Code states that an Impact Fee Analysis shall include a written certification from the person or entity that prepares the Impact Fee Analysis. This certification is included at the conclusion of this analysis.

**Anticipated Impact on or Consumption of Any Existing Capacity of a Public Facility by the Anticipated Development Activity**

*Utah Code 11-36a-304(1)(a)*

**Consumption of Existing Capacity**

Development activity in Harrisville is based on both residential and nonresidential growth. Growth projections are then used by the City’s engineers as inputs in the WFRC Travel Demand Model to forecast trip generation. Growth projections are as follows:

TABLE 3: GROWTH PROJECTIONS – ADTs

	ADTs
ADTs 2023	43,198
ADTs 2033	59,636
<b>Growth in Trips, 2023-2033</b>	<b>16,438</b>

*Source: Harrisville City Impact Fee Facilities Plan, p. 10*

The IFFP does not identify any roadway improvements with any existing, excess capacity.

## Identify the Anticipated Impact on System Improvements Required by the Anticipated Development Activity to Maintain the Established Level of Service for Each Public Facility and Demonstrate How the Anticipated Impacts are Reasonably Related to the New Development Activity

*Utah Code 11-36a-304(1)(b)(c)*

In order to maintain service levels, Harrisville's IFFP identifies a total of six roadway projects and four intersection improvements necessitated by new development. Total roadway costs attributable to new development are roughly \$11.2 million in \$2023, plus an additional \$12.1 million for intersection improvements in \$2023.

A portion of the new roadway projects will benefit existing development. Therefore, nearly \$701,000 (\$2023) in costs will need to be credited in the impact fee calculations so that new development does not pay twice.

TABLE 4: ROADWAY NEW CONSTRUCTION COSTS

Project #	Description	Type	Functional Class	Total Cost	Impact Fee Eligible Costs
1	150 East: 1400 North to 1700 North	New Roadway	Minor Collector	\$975,166	\$126,772
2	West Harrisville Road: US-89 to 1200 West	Widening	Major Collector	\$4,200,000	\$69,184
3	1900 North: US-89 to 2000 North	New Roadway	Minor Collector	\$0	
4	1750 North: US-89 to 750 West	New Roadway	Minor Collector	\$2,184,270	\$305,798
5	Century Drive: 400 North to North Harrisville Road	New Roadway	Minor Collector	\$0	
6	North Street: Century Drive to 400 North	New Roadway	Minor Collector	\$3,850,000	\$46,916
<b>TOTAL</b>				<b>\$11,209,436</b>	<b>\$548,669</b>

TABLE 5: INTERSECTION NEW CONSTRUCTION PROJECTS

#	Intersection	Improvement	Cost	Other Outside Funding Sources	% Pass-through	% Impact Fee Eligible	Impact Fee Eligible Cost
1	US-89 & 1750 North	Signal <sup>2</sup>	\$500,000		56%	44%	\$220,000
2	West Harrisville Road & 750 West	Roundabout	\$1,582,523	\$395,631	77%	23%	\$272,985
3	West Harrisville Road & 1200 West	Roundabout	\$1,860,828	\$1,395,621	77%	23%	\$106,998
4	Public Works Building	New Building	\$8,150,438			33%	\$2,689,645
			<b>\$12,093,789</b>	<b>\$1,791,252</b>			<b>\$3,289,627</b>

These costs have been adjusted to the anticipated year of construction as follows:

TABLE 6: ADJUSTED COSTS FOR INFLATION IN YEAR OF CONSTRUCTION

Description	\$2023 Cost	Construction Inflation by Year of Construction
Road Improvements Cost Benefitting New Development in 10 Years	\$548,669	\$636,058

Description	\$2023 Cost	Construction Inflation by Year of Construction
Intersection Improvements Cost Benefitting New Development in 10 Years	\$3,289,627	\$3,813,580
<b>Cost Benefitting Existing Development</b>	<b>\$3,838,297</b>	<b>\$4,449,638</b>

The total cost of nearly \$4.4 million attributable to new development between 2023 and 2033 for roadway and intersection improvements must be shared proportionately between the additional ADTs projected for that time period. ADTs citywide are projected to grow from 43,198 ADTs in 2023 to 59,636 ADTs in 2033 – an increase of 16,438 ADTs over the 10-year period. While volume on some existing roads may actually decrease, volume will increase on new roads constructed. Therefore, the increased volume and capacity impacts need to be viewed as part of an overall system of roads.

### Estimate the Proportionate Share of (i) the Costs for Existing Capacity That Will Be Recouped; and (ii) The Costs of Impacts on System Improvements That Are Reasonably Related to the New Development Activity; and Identify How the Impact Fee was Calculated

*Utah Code 11-36a-304(1)(d)(e)*

#### New Construction Cost Calculation

In order to maintain its existing service levels, Harrisville will need to construct additional facilities, as identified previously in tables 4 and 5. New construction costs per ADT are calculated as shown in Table 7.

TABLE 7: PROPORTIONATE SHARE CALCULATION – NEW CONSTRUCTED COST

New Construction	Amount
New Construction - Roads	\$636,058
New Construction - Intersections	\$3,813,580
Growth in Trips, 2023-2033	16,438
<b>Cost per ADT</b>	<b>\$270.69</b>

#### Other Cost Calculations

Utah law allows for the cost of developing the Impact Fee Facility Plan and Impact Fee Analysis to be included in the calculation of impact fees. These costs are then shared proportionately among the additional trips generated between 2023 and 2033.

TABLE 8: PROPORTIONATE SHARE CALCULATION – CONSULTING COSTS

Description	Amount
Total Consultant Costs	\$45,989
Growth in Trips, 2023-2033	16,438
<b>Cost per Trip</b>	<b>\$2.80</b>

Harrisville has a balance of \$106,100.38 in its transportation impact fee fund.<sup>1</sup> Therefore, the following credit needs to be made against the impact fee fund balance as these funds can be used to pay for some of the capital costs identified in the IFFP.

TABLE 9: IMPACT FEE FUND BALANCE CALCULATION

Description	Amount
Fund Balance	\$106,100.38
Growth in Trips, 2023-2033	16,438
<b>Cost per Trip</b>	<b>\$6.45</b>

### Calculation of Credits

Credits need to be made for the portion of new projects that will benefit existing development (i.e., “deficiencies”).

The IFFP identifies three of the new improvement projects as partially benefitting new development. Therefore, a credit must be made for these projects so that new development does not pay twice – once through the collection of an impact fee and then again later through increased taxes to offset the portion benefitting existing development. The total amount of projects benefitting existing development is \$812,586 as shown in Table 10.

TABLE 10: PROJECTS BENEFITTING EXISTING DEVELOPMENT

Project #	Description	% Reroute	Cost to Existing Development (\$2023)	Inflation Adjusted Cost to Existing
1	150 East: 1400 North to 1700 North	10%	\$97,517	\$113,049
2	West Harrisville Road: US-89 to 1200 West	0%	\$0	\$0
3	1900 North: US-89 to 2000 North	0%	\$0	\$0
4	1750 North: US-89 to 750 West	10%	\$218,427	\$253,217
5	Century Drive: 400 North to North Harrisville Road	0%	\$0	\$0
6	North Street: Century Drive to 400 North	10%	\$385,000	\$446,321
	<b>TOTAL</b>		<b>\$700,944</b>	<b>\$812,586</b>

These costs are spread across 10 years in the following analysis so that credits can be made.

TABLE 11: CREDIT CALCULATION FOR EXISTING DEFICIENCIES

Year	ADTs	Pmt per Yr	Cost per Year	NPV*
2024	44,614	\$81,258.58	\$1.82	\$12.37
2025	46,076	\$81,258.58	\$1.76	\$11.17
2026	47,586	\$81,258.58	\$1.71	\$9.97
2027	49,145	\$81,258.58	\$1.65	\$8.76
2028	50,756	\$81,258.58	\$1.60	\$7.54

<sup>1</sup> Source: Harrisville City, October 2023



Year	ADTs	Pmt per Yr	Cost per Year	NPV*
2029	52,419	\$81,258.58	\$1.55	\$6.32
2030	54,137	\$81,258.58	\$1.50	\$5.08
2031	55,911	\$81,258.58	\$1.45	\$3.84
2032	57,744	\$81,258.58	\$1.41	\$2.58
2033	59,636	\$81,258.58	\$1.36	\$1.30
<b>Average</b>				<b>\$6.89</b>

\*NPV = net present value discounted at 5 percent

## Summary of Impact Fees

TABLE 12: SUMMARY OF COST PER TRIP

Summary of Cost per Trip	Cost per ADT
Buy-in	\$38.69
New Construction	\$232.00
Consultant Costs	\$2.80
Impact Fee Fund Balance	(\$6.45)
<b>Subtotal for Credits</b>	<b>\$267.04</b>
Credits for Projects Benefitting New Development	(\$6.89)*
<b>Total Cost per ADT</b>	<b>\$260.14</b>

\*Represents the average credit shown in Table 11

The cost per ADT is \$260.14 based on the average credits (\$6.89) over the period from 2024 to 2033. The maximum cost per trip is an average of \$260.14.

TABLE 13: CREDIT CALCULATION FOR EXISTING DEFICIENCIES

Year	ADTs	Pmt per Yr	Cost per Trip	NPV Credit	Max Cost per Trip
2024	44,614	\$81,258.58	\$1.82	\$12.37	\$254.66
2025	46,076	\$81,258.58	\$1.76	\$11.17	\$255.86
2026	47,586	\$81,258.58	\$1.71	\$9.97	\$257.07
2027	49,145	\$81,258.58	\$1.65	\$8.76	\$258.28
2028	50,756	\$81,258.58	\$1.60	\$7.54	\$259.49
2029	52,419	\$81,258.58	\$1.55	\$6.32	\$260.72
2030	54,137	\$81,258.58	\$1.50	\$5.08	\$261.95
2031	55,911	\$81,258.58	\$1.45	\$3.84	\$263.20
2032	57,744	\$81,258.58	\$1.41	\$2.58	\$264.46
2033	59,636	\$81,258.58	\$1.36	\$1.30	\$265.74
<b>Average</b>				<b>\$6.89</b>	<b>\$260.14</b>

The cost per trip is then applied to standards set by the Institute of Transportation Engineers (ITE) to evaluate the number of ADTs per development type. Table 15 below shows basic categories from the ITE manual, 11<sup>th</sup> edition for which the City can charge impact fees and illustrates how fees are calculated based

on the number of trips generated by land use type and trips per unit. For a land use type that does not fit easily into the categories in Table 16, the City may choose, at its discretion, to refer to additional land use categories as found in the ITE manual, 11<sup>th</sup> edition.

TABLE 14: SUMMARY OF MAXIMUM ALLOWABLE IMPACT FEES

ITE Code	Land Use	Unit	ITE Trips	Pass-By	Adjusted Trip Rate	Max 2023 Fee
130	Industrial Park 130	1000 Sq. Feet Gross Floor Area	3.37	0%	3.37	\$876.68
151	Mini-Warehouse	Storage Units (100s)	17.96	0%	17.96	\$4,672.16
210	Single-Family Detached Housing	Dwelling Unit	9.43	0%	9.43	\$2,453.14
215	Single-Family Attached Housing	Dwelling Unit	7.20	0%	7.20	\$1,873.03
220	Multifamily Housing (Low-Rise) - Not Close to Rail Transit	Dwelling Unit	6.74	0%	6.74	\$1,753.36
240	Mobile Home Park	Occupied Dwelling Unit	7.12	0%	7.12	\$1,852.21
310	Hotel	Room	7.99	0%	7.99	\$2,078.54
445	Movie Theater	1000 Sq. Feet Gross Floor Area	78.09	0%	78.09	\$20,314.52
520	Elementary School	Students	2.27	0%	2.27	\$590.52
522	Middle School / Junior High School	Students	2.10	0%	2.10	\$546.30
525	High School	Students	1.94	0%	1.94	\$504.68
560	Church	1000 Sq. Feet Gross Floor Area	31.46	0%	31.46	\$8,184.08
610	Hospital	1000 Sq. Feet Gross Floor Area	10.77	0%	10.77	\$2,801.73
710	General Office Building	1000 Sq. Feet Gross Floor Area	10.84	0%	10.84	\$2,819.94
822	Retail Strip Mall	1000 Sq. Feet Gross Leasable Area	54.45	40%	32.67	\$8,498.85

## Certification

Zions Public Finance, Inc. certifies that the attached impact fee analysis:

1. Includes only the costs of public facilities that are:
  - a. allowed under the Impact Fees Act; and
  - b. actually incurred; or
  - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
  
2. Does not include:
  - a. costs of operation and maintenance of public facilities; or
  - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;

3. Offsets costs with grants or other alternate sources of payment; and
4. Complies in each and every relevant respect with the Impact Fees Act.

DRAFT



# HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100  
www.cityofharrisville.com

MAYOR:  
Michelle Tait

COUNCIL MEMBERS:  
Grover Wilhelmsen  
Steve Weiss  
Blair Christensen  
Max Jackson  
Kenny Loveland

## Staff Memo

Harrisville Ordinance 546  
Transportation Impact Fee Amended  
October 24, 2023

To: Harrisville Mayor and City Council  
From: Jennie Knight, City Administrator  
RE: Transportation Impact Fee Amended

### Summary

After adoption of the Transportation Master Plan, Impact Fee Facilities Plan, and Impact Fee Analysis, the proposed ordinance amends the Transportation Section 10.03.040 of the Municipal Code to reflect the updated studies and adopts the updated impact fee rate based on the “cost per trip” identified in the Impact Fee Analysis. In accordance with UCA §11-36a-401, the impact fee is not effective until ninety (90) days after publication and posting of the ordinance.

### Compliance with State Code

Utah Code Annotated §11-36a-301 states: *“Before imposing an impact fee, each local political subdivision or private entity shall....prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.*

Utah Code Annotated §11-36a-501 (1) states: *“Before preparing or amending an impact fee facilities plan, a local political subdivision or private entity shall provide written notice of its intent to prepare or amend an impact fee facilities plan.”* **Notice of Intent was posted on June 16, 2022.**

Utah Code Annotated §11-36a-504 Notice of intent to adopt impact fee enactment (1)(a)(ii) states: *“hold a hearing in accordance with....as if the impact fee enactment were a land use regulation.”* **Notice of the Public Hearing was posted on October 24, 2023.**

**HARRISVILLE CITY  
ORDINANCE 546**

**TRANSPORTATION IMPACT FEE AMENDED**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTION 10.30.040 RELATING TO IMPACT FEES AS PROVIDED HEREIN; ADOPTING THE IFFP AND IFA PREPARED BY THIRD PARTIES; SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, Title 11, Chapter 36a of the Utah Code Annotated authorizes municipalities in the State of Utah to adopt an impact fee enactment;

**WHEREAS**, in accordance with state law, the appropriate notices have been given;

**WHEREAS**, the City retained Zions Bank to prepare the Impact Fee Analysis (hereinafter “IFA”) and Wall Consultant Group was retained to prepare the applicable Impact Fee Facilities Plan (hereinafter “IFFP”);

**WHEREAS**, The City desires to impose its impact fees in compliance with state law.

**WHEREAS**, the City Council held its public hearing on November 14, 2023, on this impact fee enactment;

**WHEREAS**, the Council deems it to be in the best interest of the health safety, and welfare of the residents to enact impact fees;

**NOW, THEREFORE, be it Ordained** by the City Council of Harrisville City, Utah as follows:

**Section 1:** Amendment. Section 10.30.040 is hereby amended to read as follows:

**10.30.040 Adoption of IFFP and IFA**

2. Transportation. The Transportation IFFP dated October 2023, and IFA dated October 2023, as prepared by the respective consultants is hereby adopted with the impact fee rates specified therein.

**Section 2:** Effective Date. This Ordinance is effective ninety (90) days from the date of publication or posting.

**PASSED AND APPROVED** by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**MICHELLE TAIT**, Mayor

**ATTEST:**

\_\_\_\_\_  
**JACK FOGAL**, City Recorder

**RECORDED** this \_\_\_ day of \_\_\_\_\_, 2023.

**PUBLISHED OR POSTED** this \_\_\_ day of \_\_\_\_\_, 2023.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of UCA §10-3-713, 1953 as amended, I, the municipal 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 reference dates.

\_\_\_\_\_  
**City Recorder**

**DATE:** \_\_\_\_\_

DRAFT



# HARRISVILLE CITY

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www.cityofharrisville.com

MAYOR:  
Michelle Tait

COUNCIL MEMBERS:  
Grover Wilhelmsen  
Steve Weiss  
Blair Christensen  
Max Jackson  
Kenny Loveland

## Staff Report

Harrisville Ordinance 544  
Subdivision Regulations  
October 24, 2023

To: Harrisville Mayor and City Council  
From: Jennie Knight, City Administrator  
RE: Harrisville Ordinance 544; Subdivision Regulations

### A. Summary.

During the 2023 Legislative Session, state legislators passed new requirements for municipal subdivision review processes. The deadline for cities to be in compliance with the new state code requirement is February 2024. Harrisville staff enlisted Jones & Associates to help draft the proposed ordinance to repeal and re-enact Title 12 of the Harrisville Municipal Code before the deadline expires.

### B. State Code Compliance.

Utah State Code §10-9a-602 requires:

(1) A planning commission shall:

- a. Review and provide a recommendation to the legislative body on any proposed ordinance that regulates the subdivision of land in the municipality;
- b. Review and make a recommendation to the legislative body on any proposed ordinance that amends the regulation of the subdivision of land in the municipality;
- c. provide notice consistent with Section 10-9a-205; and
- d. hold a public hearing on the proposed ordinance before making the planning commission's final recommendation to the legislative body.

**A Public Hearing was held at the September 14, 2023 Planning Commission meeting and the commissioners recommended approving this ordinance.**

(2)(a) A legislative body may adopt, modify, revise, or reject an ordinance described in Subsection (1) that the planning commission recommends.

### C. Review.

1. General Provisions include the definitions section being updated to include only definitions used in this title.
2. The Administrative Land Use Authority is created by appointment to review applications and the City Council is removed from the subdivision approval process.
3. New legislation requires the "Review Cycle" which allows for a maximum of four (4) total reviews during the subdivision review process.
4. "Complete" applications must be received from the developer to initiate a review cycle.
5. Subdivisions of thirty (30) lots or more are required to be phased developments.

6. New deadlines are outlined for the Administrative Land Use Authority response to complete applications. [12.02.06.020(4)]
7. Submission requirements have been updated. (i.e., Digital submissions are now required)
8. Development activity prior to plat recording has been updated to meet the city's practice of allowing installation of infrastructure prior to the recordation of the plat which requires escrow to be established. [12.02.07]
9. Fee in lieu of improvements has been updated to replace Deferral Agreements. [12.03.05]
10. Flag lots have been included for consideration to help meet the Moderate-Income Housing requirements and allow for more housing options. [12.04.06]
11. Exemptions for agricultural purposes have been identified. [12.08]

**D. Recommendation.**

Staff recommends adoption since a complete review by the Planning Commission has been completed and there were no public comments received during the public hearing.



**HARRISVILLE CITY  
ORDINANCE 544**

**SUBDIVISION REGULATIONS**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING  
AND RE-ENACTING TITLE 12 OF THE HARRISVILLE CITY  
CODE TO BE ENTITLED “SUBDIVISION REGULATIONS”; AND  
PROVIDING AN EFFECTIVE DATE**

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

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

**WHEREAS**, Title 10, Chapter 9a, Section 604.1 of the Utah Code Annotated allows municipalities to designate a process for subdivision review and approval;

**WHEREAS**, after publication of the required notice the City's Planning Commission held its public hearing on October 11, 2023, to take public comment on the proposed ordinance, and subsequently gave its recommendation to approve this ordinance;

**WHEREAS**, the City Council received a positive recommendation from the Planning Commission and held a public meeting on this Ordinance 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.** Title 12 entitled “Subdivision Ordinance” is hereby repealed along with any word, sentence, paragraph, or phrase inconsistent with this Ordinance and any reference thereto is hereby vacated.

**Section 2: Re-enactment.** Title 12 entitled "Subdivision Regulations" set forth as Exhibit “A”, incorporated herein by this reference, is hereby repealed and re-enacted.

**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 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.

---

**MICHELLE TAIT**, Mayor  
Harrisville City

**ATTEST:**

\_\_\_\_\_  
**Jack Fogal**, City Recorder

**RECORDED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**PUBLISHED OR POSTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**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: \_\_\_\_\_

DRAFT

## Title 12 Subdivision Regulations

### 12.01 GENERAL PROVISIONS

#### 12.01.01 Definitions – Process Related

**Administrative Land Use Authority.** The appointed board consisting of the City Administrator and/or City Planner, Public Works Director, City Engineer, and the Planning Commission Chair who are responsible for reviewing and approving applications and land use decisions arising from subdivision applications.

**Administrative Land Use Authority Review.** The Administrative Land Use Authority shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.

**Applicant or Subdivider.** A person or persons making application to create a subdivision.

**Applicant Response to Review.** The Applicant shall submit revised plans along with a written explanation in response to the Administrative Land Use Authority's review comments identifying and explaining their revisions and reasons for declining to make revisions (if any). Each explanation shall be specific and include citations to ordinances, standards, or specifications. If the Applicant fails to address a review comment in the response, the review cycle is not complete and subsequent review cycle may not begin until all comments are addressed.

**Complete Application.** A Subdivision Application shall be considered complete as defined in each Application Section.

**Geological Hazard.** The restrictions and requirements of the review cycle do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

**Review Cycle.** There shall be no more than four (4) total review cycles. A review cycle shall be considered complete when:

1. Complete Application is submitted to the Administrative Land Use Authority;
2. The Administrative Land Use Authority Review is complete;
3. The Applicant Response to Review is complete; and
4. The Administrative Land Use Authority provides a written statement to Applicant stating completion of the review cycle and next required steps for approval.

### **Review Cycle, Exceptions.**

1. Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
2. Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.

**Subdivision Improvement Plans.** Civil engineering and design plans associated with required infrastructure and City owned/operated utilities required for a Subdivision.

**Subdivision Ordinance Review.** A review to verify that an application for a Subdivision meets the criteria of the applicable City Ordinance(s). The Administrative Land Use Authority shall notify the Applicant in writing of the deficiency in the application and the right to appeal the determination to a designated Appeal Authority as stated in Title 2, Authorities and Commissions.

**Subdivision Plan Review.** A review of the Applicant's Subdivision improvement plans and other aspects of the Subdivision application to verify that the application complies with all ordinances and applicable standards and specifications, including the current Public Works Standards for Development, Design, and Construction.

### **12.01.02 Purpose**

Promote the health, safety, convenience, and general welfare of the inhabitants of the City in the matter of Subdivisions or matters affected by Subdivisions through provisions designed to:

1. Encourage and facilitate the orderly use, growth, and development of the land within the city and to assure sites are suitable for Subdivision development and human habitation.
2. Ensure adequate traffic circulation and open space.
3. Facilitate the conservation of or production of adequate water, sanitation, drainage, and energy resources.
4. Avoid developments that are scattered and premature causing insufficient public services and facilities or necessitating an excessive expenditure of public funds for the supply of such services and facilities.
5. Ensure utilization of the land in the best interest of the public welfare of the area concerned.

**12.01.03 Scope**

1. This Title is designed to inform the Subdivider and public of the requirements and conditions necessary to obtain approval of a Subdivision. To this end, all requirements, where possible, are expressly delineated in this Title, the City’s Public Works Standards for Development, Design, & Construction (also known as the Public Works Standards, or Standards), and other applicable ordinances.
2. This Title shall apply to lots or parcels where public rights of way are dedicated, and public improvements and infrastructure are installed regardless of whether the land is subdivided.

**12.01.04 Validity**

If any section, subsection, sentence, clause, or phrase of this Title is, for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Title.

**12.02 ADMINISTRATION**

**12.02.01 Final Platting and Recording Required**

1. **Subdivision of Land.** No land which is located wholly or in part in Harrisville City may be subdivided, the plat be filed and recorded in the County Recorder’s Office, nor lots be sold unless such Subdivision has been created pursuant to and in accordance with the provisions of this ordinance.
  - a. **Exception.** Joining a lot or lots to an existing parcel does not constitute a Subdivision nor does it require a Subdivision plat amendment.
2. **Final Plat Approval.** Lots shall not be transferred or sold, nor shall a building permit be issued for a structure thereon, until the final plan of a Subdivision is approved and the final plat is recorded in accordance with this Title and the provisions of state statute, and until the improvements and infrastructure required in connection with the Subdivision have been constructed or guaranteed as provided herein.
3. **Sales of Land Parcels.** No person shall sell or exchange or offer to sell or exchange any parcel of land which is in any part of a Subdivision or a larger tract of land or offer for a recordation in the County Recorder’s Office, any deed conveying such a parcel of land or any interest therein, unless such Subdivision has been created pursuant to, and in accordance with, the provisions of this Title.
4. **Building Permits.** Building permits shall not be issued prior to approval and recordation of the final plat.

**12.02.02 Work to be Done by Registered Professional**

All plans must be prepared and stamped by licensed and/or certified professionals in the State of Utah including, but not limited to, architects, landscape architects, land planners, engineers, surveyors, geotechnical engineers, transportation engineers or other professionals as deemed necessary by the City.

**12.02.03 Rezone of Property**

If rezoning the property is required, prior to subdividing, the Applicant must first obtain rezone approval as required in City Code.

**12.02.04 Approval Procedure**

1. **Approval Process.** The approval process for a Subdivision shall be in sequential order consisting of no more than four (4) review cycles:
  - a. Concept Plan (optional)
  - b. Preliminary Plat Review
  - c. Preliminary Improvement Plan Review
  - d. Final Plat and Improvement Plan Review
  
2. **Expiration.** Each Subdivision application review cycle shall be valid for a period of not more than one (1) year. At the request of the Subdivider, the Administrative Land Use Authority may grant up to two (2) six-month (6) extensions if substantial progress has been demonstrated by the Applicant. Expired applications shall be deemed null and void and require the Subdivider to start the Subdivision approval process over.

**12.02.05 Phasing**

Subdivisions containing thirty (30) or more lots shall be done in phases. Each phase shall follow the Approval Procedure as outlined in 12.02.03.

1. The phases shall be shown as part of the Preliminary Plat and shall be submitted with the Preliminary Plat for phase 1 of the Subdivision.
  
2. Development shall be organized such that the phases will be contiguous, and the required improvements and infrastructure will be continuous as deemed feasible and desirable by the Administrative Land Use Authority.
  
3. Less desirable or expensive aspects of the Subdivision should not be delayed to the final phases of development.
  
4. The Administrative Land Use Authority may require a pro-rated portion of the improvements and infrastructure be developed, or guaranteed in escrow, in earlier phases.

5. Where it is prudent to install improvements and infrastructure that extend into the next phase, such work may be done when it is shown on the plans and approved accordingly.
6. When all required improvements and infrastructure of a phase are installed, complete (except for sidewalk), and have received Conditional Acceptance, the Subdivider may submit the Final Plat and Improvement Plans Application for the next phase.

#### **12.02.06 Application Requirements and Review Process**

Notwithstanding the specific requirements outlined in this Section for each Application, all proposed Subdivisions shall show compliance with all applicable laws and standards. Poorly drawn, incomplete, or illegible drawings shall be cause for denial. The Administrative Land Use Authority may waive certain informational and design requirements when they clearly do not apply and are irrelevant to a proposed Subdivision and shall state such waiver as part of the review cycle.

##### **12.02.06.01 Concept Plan**

1. **Purpose.** An applicant may request a meeting with the Administrative Land Use Authority to obtain initial feedback and information prior to making a formal preliminary application for a Subdivision. This meeting shall be optional, non-binding, and considered separate from and independent of the required Subdivision approval review cycles. It is highly recommended that the Applicant participate in this optional Review Cycle.
2. **Application Required.** To provide a basic framework of the proposed Subdivision, the Applicant shall submit the required application to the Administrative Land Use Authority.
3. **Fees.** There are no fees associated with this type of application.
4. **Time Frame.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall be placed on the agenda of the next regularly scheduled meeting of the Administrative Land Use Authority for discussion.

##### **12.02.06.02 Preliminary Plat Review Cycle**

1. **Purpose.** For the Administrative Land Use Authority to complete an initial Subdivision Ordinance Review and an initial Subdivision Plan Review.
2. **Application Required.** The Applicant shall submit the required Preliminary Subdivision Plat Application for review and approval by the Administrative Land Use Authority.
3. **Complete Application.** An application shall be considered complete and begin the first review cycle when the following items are submitted:

- a. A completed Preliminary Subdivision Plat Application as provided by the City.
- b. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
- c. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- d. Current Weber County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
- e. A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
- f. Proof of plat submitted to Weber County Surveyor for review and comment.
  - i. Applicant shall make the corrections requested by the County in addition to those required by the City.
  - ii. Applicant shall pay any County review fees and establish any required County escrow.
  - iii. Applicant has an ongoing duty to provide the County with the most current version of the plat being considered by the City during the approval process.
- g. A digital copy of the preliminary plat that contains at a minimum the following:
  - i. All information as required in the current Public Works Standards for Development, Design, and Construction.
  - ii. Name of the Subdivision and the words "Preliminary Plat – Not to be Recorded".
  - iii. Layout of lots including lot sizes and dimensions.
  - iv. Layout of roads (current and proposed).
  - v. Existing structures and nature features such as drainages, waterways, waterbodies, special views, existing vegetation to preserve, and other unique features.
  - vi. Data tables showing the number of lots/units, buildable area for each lot, percentage of landscaping/open space, and density of units per acre.
- h. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
- i. Payment of fees as stated in the City's current adopted Fee Schedule.



4. **Time Frame.**
  - a. Within fifteen (15) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
  - b. After the Applicant's complete Response is received the Applicant will be placed on the agenda of the next regularly scheduled meeting of the Planning Commission for approval of the Preliminary Plat.
  - c. Approval of the Preliminary Plat from the Planning Commission shall complete the Review Cycle.

#### **12.02.06.03 Preliminary Improvement Plans Review Cycle**

1. **Purpose.** For the Administrative Land Use Authority to complete a Subdivision Ordinance Review and Subdivision Improvement Plans Review.
2. **Application Required.** The Applicant shall submit the required Preliminary Subdivision Improvement Plans Review Application for review and approval by the Administrative Land Use Authority.
  - a. **Exception.** When a proposed Subdivision does not involve the development of new public infrastructure, an exception may be granted by the City Engineer to waive, in writing, the need for the Preliminary Improvement Plans Review Cycle.
3. **Complete Application.** An application shall be considered complete and begin the review cycle when the following items are submitted:
  - a. Completion of all requirements from previous Review Cycle.
  - b. A completed Preliminary Subdivision Improvement Plans Application as provided by the City.
  - c. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
  - d. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
  - e. A digital copy of the updated preliminary Subdivision plat drawing revised as required in the previous review cycle.
  - f. Availability letters from all applicable service providers.
  - g. Written approval from other agencies as applicable (e.g. Army Corps of Engineers, Utah Department of Transportation, Weber County Surveyor).

- h. A digital copy of the design and improvement plans and infrastructure detail drawings drawn to a scale not less than one inch (1") equals fifty feet (50') that contain, at a minimum, the following:
  - i. The location of the Subdivision, as forming a part of a larger tract or parcel where the plan submitted covers only a part of the original parcel(s). The entire parent parcel shall be shown including all phases and property reserved for future development.
  - ii. The location, width, and other dimensions of all existing or final platted streets and other important features, such as watercourses, exceptional topography, and structures within the tract.
  - iii. Existing sanitary sewers, storm drains, water supply mains, bridges, and other utilities within the tract, or within two hundred feet (200') thereof.
  - iv. The location, width and other dimensions of proposed streets, alleys, shared driveways, easements, parks and other open spaces, with proper labeling of spaces to be dedicated to the public, or to be reserved for common use and benefit of Subdivision residents.
  - v. Engineered drawings, including typical cross-sections and plans and/or written statements regarding the width and type of proposed streets; location, size and type of proposed water mains, sanitary sewers, or other sewage disposal facilities; storm drainage facilities; detention basins; and other proposed improvements and infrastructure.
  - vi. A grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography.
  - vii. The general location of existing trees over six inches (6") in diameter measured at four and one-half feet (4.5') above the ground, and in the case of heavily wooded areas, an indication of the outline of the wooded area and location of trees which are to remain.
  - viii. Proposed future street layout and drainage plan for any portion of the property to be developed in a later phase.
  - ix. Areas within the one hundred (100) year flood plain, water courses including culverts, water areas, streams, areas subject to occasional flooding, wetlands, marshy areas or swamps, or any other flood-prone area as listed by the Federal Emergency Management Agency.
  - x. Storm water calculations and retention/removal plan certified by a licensed engineer and design drawings of the infrastructure necessary to accomplish the plan.
  - xi. Compliance with the Public Works Standards.
  - xii. Plan and profile drawings for all roadways.
  - xiii. Utility plans.
  
- i. Payment of fees as stated in the City's current adopted Fee Schedule.

4. **Time Frame.**

- a. **Location is Not Within 100 Feet of Water Conveyance Facility.** Within fifteen (15) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority.
- b. **Location is Within 100 Feet of Water Conveyance Facility.** Within twenty (20) calendar days after the receipt of the completed application, the City shall notify in writing the Water Conveyance Facility Owner(s) of the Application and request comments related to the following aspects of the water conveyance facility:
  - i. Access;
  - ii. Maintenance;
  - iii. Protection;
  - iv. Safety; and
  - v. Any other issue related.

Within fifteen (15) business days after the twenty (20) calendar days comment period, whether comments are received from the Water Conveyance Facility Owner(s) or not, the Applicant shall receive written comments from the Administrative Land Use Authority. Total time frame shall not exceed forty (40) calendar days.

- c. **Water Conveyance Facility.** Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. *See State Code 73-1-15.5-1b.*

**12.02.06.04 Final Plat and Improvement Plans Review Cycle**

- 1. **Purpose.** For the Administrative Land Use Authority to complete a final Subdivision Plan Review.
- 2. **Application Required.** The Applicant shall submit the required Final Subdivision Plat and Improvement Plans Application for review and approval by the Administrative Land Use Authority.
- 3. **Complete Application.** An application shall be considered complete and begin the review cycle when the following items are submitted:
  - a. Completion of all requirements from previous Review Cycle.
  - b. A completed Final Plat and Improvement Plans Application as provided by the City.
  - c. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.

- d. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
- e. Proof of tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- f. A Notice of Intent (NOI) from the State of Utah for storm water, if not previously submitted.
- g. Will serve letter / "final approval" from the applicable service providers.
- h. A digital copy of the final design and improvement plans and infrastructure drawings as revised and updated from the previous review cycle.
- i. A digital copy of the final plat and a mylar print for signatures drawn to a scale of one inch (1") equals one hundred feet (100') or larger and include the following standards:
  - i. Prepared, and certification made as to its accuracy by a registered Land Surveyor licensed to do such work in the State of Utah.
  - ii. Setback dimensions from proposed property boundaries to existing structures shall be shown.
  - iii. For all curves, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, tangent, and arc length.
  - iv. Excepted and remainder parcels shall be marked, "Not included in this Subdivision."
  - v. All public lands and streets shall be clearly identified.
  - vi. Streets shall be identified by coordinate numbers, approved by the County Recorder, that conform to the City's addressing system.
  - vii. All easements shall be designated as such, and dimensions given.
  - viii. All lands within the boundaries of the Subdivision shall be accounted for, either as lots, walkways, streets, or as remainder parcels.
  - ix. Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
  - x. Parcels not contiguous shall not be included in one (1) final plat, neither shall more than one (1) final plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one (1) final plat, provided that all owners join in the dedication and acknowledgments.
  - xi. Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.
  - xii. Surveys shall tie to a minimum of two (2) duly established section corners. Additional ties may also be required to the State grid system or other publicly recorded control system as required by the County Surveyor or County Recorder.

- xiii. Notes and restrictions, shown as an “R” on each Lot, that includes applicable information regarding:
  - 1. Specialized development standards.
  - 2. The existence of CCR’s (where applicable).
  - 3. Special utility or district requirements.
- xiv. When the Subdivision is located adjacent to existing agricultural property or use the following statement shall be included:  
“Harrisville City is a right-to-farm community. This Subdivision is located adjacent to agricultural property and/or agricultural land uses. Lot owners are hereby notified that agricultural operations may take place and work hours may begin early and end late. Agricultural operations may contribute to noise, smells, and other impacts that may be objectionable to some residents. Agricultural operations shall be allowed to continue as provided by law and no agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this Subdivision.”
- xv. Any other restrictive language or notes approved by the City to give notice to prospective buyers and others of special terms, restrictions, and conditions related to the Subdivision.
- xvi. The information on the final plat shall include, at a minimum:
  - 1. The name of the Subdivision, true north arrow, and basis thereof, and date.
  - 2. Name of the Owner(s) of record, the surveyor of the Subdivision, and the Owner of the land immediately adjoining the land to be subdivided.
  - 3. The acreage and square footage of each lot carried to three (3) decimal places.
  - 4. Township, range, section and quarter section if a portion.
  - 5. Graphic scale.
  - 6. Ties to a minimum of two (2) section corners with bearings and distances.
  - 7. Survey monuments.
  - 8. Language conveying to the Community Association items as required in State Code Title 57.
  - 9. Signature blocks for:
    - a. The Owner(s) dedication
    - b. The City Engineer
    - c. The Mayor
    - d. The City Recorder
    - e. Administrative Land Use Authority
    - f. The City Attorney
- j. Final covenants, conditions, and restrictions (if applicable) which shall be recorded with the final plat.
- k. Final agreements (if applicable) executed by all parties.

l. Engineer's Cost Estimate for all improvements and infrastructure that includes quantities, units, and costs for all improvements and infrastructure required.

m. Payment of fees as stated in the City's current adopted Fee Schedule.

5. **Review Cycle.** The Administrative Land Use Authority may complete up to two (2) final review cycles, as deemed necessary. After the Applicant has responded to either the fourth or final review cycle, and the Applicant has complied with each modification requested in the Administrative Land Use Authority's previous review cycle, no additional reviews are required if the Applicant has not materially changed the plan – other than those changes in response to the requested modifications or corrections.

6. **Time Frame.** Within twenty (20) business days after the receipt of the completed application, the Applicant shall receive written comments from the Administrative Land Use Authority and be placed on the agenda of the next regularly scheduled meeting of the Administrative Land Use Authority for final approval.

a. **Appeal of Improvement Plans Approval.** If, on the fourth or final review, the Administrative Land Use Authority fails to respond within the time frame, the Applicant may make a formal request for a decision to approve or deny the final revised set of plans.

Within ten (10) days of this request, the City shall assemble an appeal panel consisting of one (1) licensed engineer designated by the City, one (1) licensed engineer designated by the Applicant, and one (1) licensed engineer agreed upon and designated by the engineers selected by the City and the Applicant. No member of the panel may have any interest in the application that is the subject of the appeal.

The Applicant shall pay fifty percent (50%) of the cost of the appeal review and the City's fee as stated in the current adopted Consolidated Fee Schedule.

The decision by the appeal panel shall be final, subject to a petition being filed within thirty (30) days of the decision in District Court.

7. **Final Plat Approval – Notice Required.** Within thirty (30) days after approving a final plat, the municipality shall submit an electronic copy of the final approved plat to the Utah Geospatial Resource Center for inclusion in the unified statewide 911 emergency services database.

## **12.02.07 Development Activity Prior to Plat Recording**

1. **Pre-Construction Meeting.** Upon completion of the Final Plat and Improvement Plans Review Cycle and prior to commencing any construction activity, the Applicant

shall schedule and attend a pre-construction meeting as required in the City's Public Works Standards for Development, Design, and Construction.

- a. If the General Contractor changes at any time during construction, an additional pre-construction meeting shall be held before additional work commences.
2. **Inspections.** All construction shall be subject to inspections as required in the City's Public Works Standards for Development, Design, and Construction.
3. **Improvement Completion Assurance.** At any time after receiving final approval, the Applicant may post an improvement completion assurance as outlined in 12.02.08 for:
  - a. Completion of one hundred percent (100%) of the required public improvements or infrastructure; or
  - b. If the City has inspected and accepted a portion of the public improvements, one hundred percent (100%) of the incomplete or unacceptable public improvements or infrastructure.

#### **12.02.08 Subdivision Plat Recording**

1. After the plat has been acknowledged, certified, and approved, the Owner of the land seeking to record the plat shall record the plat in the office of the County Recorder within fifteen (15) business days.
  - a. Failure to record within fifteen (15) business days shall render the plat void.

#### **12.02.08.01 Signors of Plat**

1. Planning Commission Chair or his/her designee;
2. Mayor (as a non-discretionary and ministerial act for the acceptance of land and public improvements that may be proposed for dedication to the City);
3. City Recorder;
4. City Engineer;
5. City Attorney;
6. Each Owner of the record of land described on the plat – Owner's Dedication as shown on the plat and notarized;
7. A surveyor who prepares the plat shall certify that the surveyor holds a license in accordance with State Code Title 58, Chapter 22 and has completed a survey of the property, verifying all measurements, or has referenced a record of survey map of the existing property boundaries shown on the plat, and verified the locations of the boundaries and has placed monuments as represented on the plat.

## 12.02.09

### Improvements Completion Assurance and Guarantee of Performance

To assure the completion of required improvements and infrastructure as required by the approved plans, Public Works Standards, and all applicable ordinances, the Subdivider shall establish an approved escrow guarantee (letter of credit) with either a federally insured financial institution or as cash deposited directly to the City.

This completion assurance shall be established prior to recording the Subdivision plat. If the Subdivider installs the infrastructure and improvements and such infrastructure and improvements are inspected and approved by the City prior to recording the plat, then only warranty portion of the completion assurance shall be required.

The provisions of this section do not supersede the terms of a valid Development Agreement, an adopted phasing plan, or the State Construction Code.

1. **Cost Estimate.** The Subdivider shall submit an updated Engineer's Cost Estimate for all improvements and infrastructure required within the Subdivision. The cost estimate shall include quantities, units, and costs for all improvements and infrastructure required, and shall indicate which items have already been installed.

The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. Those items that are deemed as a "direct fee" shall be removed from the escrow and shall be accounted separately.

2. **Guarantee Amount.** The guarantee shall be equal to one hundred ten percent (110%) of the cost estimated and approved by the City Engineer.
  - a. One hundred percent (100%) shall be for the cost of those improvements and infrastructure not yet installed; and
  - b. Ten percent (10%) shall be to cover administrative costs.
  - c. Ten percent (10%) shall be for a required one-year (1) warranty period (see Subsection 9 hereof). The warranty amount calculated shall be based upon the total cost of all required improvements and infrastructure.
3. **Liability.** The Subdivider and/or contractor shall indemnify and hold harmless the City and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorney's fees, arising out of, or resulting from the installation of the required improvements and infrastructure. The indemnity required hereby shall be included in the applicable Escrow Agreement.
4. **Default.** In the event the Subdivider is in default with any provision of this Section, or fails or neglects to satisfactorily install the required improvements and infrastructure within two (2) years from the date of approval of the final plat, or to pay all liens in connection therewith, or to correct deficiencies or damages to the improvements and infrastructure required for final acceptance (see Subsection 10 hereof), the City may declare the escrow forfeited and the City may install, repair, or cause the required improvements and infrastructure to be installed or repaired, using the proceeds from the collection of escrow to defray the expense thereof.



The City may apply all sums deposited in escrow against the cost of completing all required improvements and infrastructure and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, the ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees. The default provisions required hereby shall be included in the applicable Escrow Agreement.

5. **Improvements and Infrastructure Required for Building Permit.** No building permit shall be issued by the City unless all required improvements are installed, inspected, and approved, with the exception of sidewalk, asphalt pavement, streetlights, and street signs.
6. **Improvements and Infrastructure Required for Occupancy.** No occupancy permit shall be issued by the City unless the improvements and infrastructure adjacent to and directly servicing the lot are complete and warranted as herein required. This shall include, but is not limited to, streets, utilities, and sidewalks.
7. **Release of Funds.** The Subdivider shall be responsible for the quality of all materials and workmanship. If improvements and infrastructure are properly installed and verified via City inspections and testing, liens are paid, and other conditions are found to be satisfactory, then the City's Escrow Agent shall authorize the money held in escrow for the specific improvement completed (except for the 10% held during the hereinafter described warranty period) to be released. If the conditions of material or workmanship show unusual depreciation, or do not comply with the acceptable standards of durability, or if required inspections or testing have not been done, or if any outstanding liens are not paid, then the City may withhold releasing the money and the City may declare the Subdivider in default. The City shall have exclusive control over the release of the escrow funds, and they may be released only upon written approval by the City.
8. **Direct Costs.** The Subdivider shall pay the following direct costs at the time they submit the Final Plat and Improvements Plans Application:
  - a. Funds to cover the costs of all required public improvements and infrastructure inspections and to create GIS data shall be in the amount of five percent (5%) of the approved Engineer's Cost Estimate for all improvements and infrastructure.
9. **Conditional Acceptance of Improvements and Infrastructure.** The Public Works Director shall issue conditional acceptance upon the following:
  - a. Completion of all required improvements and infrastructure.
  - b. The site has been left in an orderly and clean condition following construction. Construction waste, debris, excess fill material, or any other similar material shall not be left or abandoned on the site or on other nearby properties.

- c. The final plat has been recorded.
- d. The Subdivider makes a written request for inspection of improvements and infrastructure for the purpose of conditional acceptance.
- e. Improvements and infrastructure are inspected by the City and found to be acceptable and in compliance.
- f. Reproducible as-built drawings have been submitted to and accepted by the City Engineer.

10. **Warranty Period.** Upon receipt of Conditional Acceptance, all required improvements and infrastructure shall be warranted by the Subdivider for a period of one (1) calendar year.

11. **Final Acceptance.** Following the completion of the Warranty Period, the Public Works Director shall issue final acceptance of the Subdivision improvements and infrastructure when:

- a. The Subdivider makes a written request for inspection of improvements and infrastructure for the purpose of Final Acceptance.
- b. Improvements and infrastructure are inspected by the City and found to be acceptable and in compliance.

12. **Release of Remaining Escrow.** Upon acceptance by the Public Works Director, the City's Escrow Agent shall authorize the release of all remaining escrow monies.

## 12.03 IMPROVEMENTS AND INFRASTRUCTURE

### 12.03.01 General Requirements

All improvements and infrastructure related to a Subdivision shall be installed according to the requirements of the City Code and the Public Works Standards. The Subdivider shall be responsible for extending all utilities and improvements and infrastructure to the Subdivision if they are not already adjacent to or on the site including curb, gutter, and sidewalk on streets operated by the Utah Department of Transportation. When the City is to take ownership of public infrastructure and improvements, the City shall require the Subdivider to install such improvements in a manner that does not cause excessive liability or maintenance costs for the City at the convenience or advantage of the Subdivider.

### 12.03.02 Utilities Required

The following utilities are required to be provided by the Subdivider to each lot:

1. **Culinary Water.** The water source shall be the Bona Vista Water District unless an alternative permanent source is approved by the City Engineer and the Weber-Morgan Health Department.
2. **Sewer.** The sewer service provided shall be Harrisville City. Public sewer lift stations are generally not permitted.
  - a. Public sewer lift stations may be granted by exception by the Administrative Land Use Authority and the City Engineer when a lift station is deemed clearly preferable to the interest of the City and gravity sewer is not feasible.
3. **Secondary Water.** Secondary water service shall be provided by Pine View Water Systems, the Four Mile Special Service District, or an alternative permanent source as approved by the City and the Bona Vista Water District.
4. **Land Drain.** A land drain system may be required in areas with shallow groundwater. If basements are eliminated and the geotechnical report can provide sufficient documentation that groundwater levels (including historical) are deep enough to eliminate the need for the land drain system, the Administrative Land Use Authority may allow this requirement to be waived.
5. **Electrical Power.** The electrical power will be provided by Rocky Mountain Power (RMP) or their successors and all installations must follow RMP Standards.
6. **Natural Gas.** The natural gas service will be provided by Dominion Energy or their successors and all installations must follow Dominion Energy Standards.

### 12.03.03 Inspections

All improvements and infrastructure shall receive inspections by the City Public Works Department and/or City Engineer as required in the Public Works Standards and as necessary to verify conformance with the City Code and the Public Works Standards.

Failure to obtain the necessary inspections shall result in a fine as outlined in this Title. Failure to obtain the necessary inspections may also necessitate removal and re-installation of the improvements and infrastructure at the Subdivider's sole cost, as such removal and re-installation are determined by the Public Works Department and/or City Engineer.

### 12.03.04 Storm Water

Storm water plans shall meet the requirements of the Public Works Standards and the City Code. The City Engineer shall determine the appropriate implementation strategy for meeting the City's storm water-related standards; this may include decisions

regarding ownership and access to storm water ponds, and where and how the water shall flow as part of the City's overall storm water system.

**12.03.05 Deferral Agreement**

Subdivisions adjacent to a rural road or another road where the surrounding area is lacking public improvements and infrastructure may receive a deferral for certain required improvements and infrastructure. An Agreement approving a deferral of improvements and infrastructure (Deferral Agreement) may be approved during the Preliminary Improvement Plans Application phase by the Administrative Land Use Authority. Deferral Agreements should only be approved when it is clearly unreasonable or undesirable for the improvements and infrastructure to be installed with the development. The Deferral Agreement shall:

1. Be noted on the final plat.
2. Upon execution, be recorded with the County Recorder's Office by and at the cost of the Subdivider. The Subdivider shall provide evidence of the recordation to the City as expeditiously as possible.
3. Require the property Owner to acknowledge full understanding of the terms of the Deferral Agreement, including having taken the opportunity to consult with his/her legal counsel regarding them.
4. Require the property Owner to install or pay for the deferred improvements and infrastructure on demand at a future time determined by the City.
5. Waive the right of protest if the City were to establish a Special Assessment Area to pay for the improvements and infrastructure.

**OR**

**12.03.05 Fee in Lieu of Actual Improvements**

Subdivisions adjacent to a rural road or another road where the surrounding area is lacking public improvements and infrastructure may request the option to pay a fee in lieu of constructing the required improvements and infrastructure. The Administrative Land Use Authority and City Engineer may also require payment of the fee in lieu to make improvements as a part of a larger future project. An Agreement approving the payment of the fee in lieu may be approved during the Preliminary Improvement Plans Application phase by the Administrative Land Use Authority and City Engineer. Fee in lieu Agreements should only be approved when it is unreasonable or undesirable for the improvements and infrastructure to be installed with the development. The Agreement should include a calculation of the cost of the improvements not being installed.

## 12.04 ENGINEERING AND DESIGN REQUIREMENTS

### 12.04.01 General Requirements

1. **Access.** All lots shall be accessed by a fully improved city street and shall meet the frontage requirements as stated in Title 11, Land Use. It shall be the responsibility of the Subdivider to provide proper road access to the Subdivision as required in City Code, the Public Works Standards, and (where applicable) the Utah Department of Transportation. The mere existence of a public road or right-of-way to the proposed Subdivision does not mean that adequate access exists. It shall be the Subdivider's responsibility to construct and dedicate all public roads required by the City to provide access to the Subdivision.
2. **Design Standards.** All Subdivisions shall comply with the current adopted design standards set forth in the City Code and in the Public Works Standards.
3. **Public Infrastructure and Improvements.** The City Engineer shall have authority to require adjustments to the utility plan associated with a proposed Subdivision including adjustments to the type, manner, and location of utilities. Such adjustments to the utility plan may be required to provide connectivity among developments, provide for public safety, and minimize public infrastructure maintenance and liability.
4. **Additional Reports and Studies.**
  - a. Geotechnical reports as required by the Public Works Standards and the City Engineer.
  - b. Storm water pollution protection as required by the Public Works Standards and City Code.
  - c. A traffic study may be required by the City Engineer depending on his/her judgment regarding the size of the Subdivision, complex traffic movements involved with the proposal, interaction of streets with State roads, traffic volume in or near the Subdivision, history of crashes or expected crashes in the area, general safety, or anticipated traffic delays due to the Subdivision.
  - d. Wetland delineation and mitigation may be required as determined by the City Engineer.
5. **Preservation of Natural Conditions.** The design and development of Subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees as determined by the Administrative Land Use Authority for the Preliminary Subdivision Applications.
6. **Hazards.** Land subject to hazardous conditions such as slides, mud flows, rock falls, faults, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided

until the hazards have been properly mitigated or will be properly mitigated by the construction of the Subdivision.

#### **12.04.02 Street Layout and Access**

1. **General.** All streets shall conform, as much as practicable, to the adopted Master Plan(s) and the Public Works Standards.
2. **Approval.** Overall street layout and access shall be reviewed and approved as part of the Preliminary Subdivision Applications. The Administrative Land Use Authority shall have authority to require stub roads, additional access into the development, and adjustments to the street layout, street cross-section, and right of way widths. Such adjustments to the Subdivision plan may be required to provide connectivity among developments, provide for public safety and emergency access, minimize public infrastructure maintenance and liability, and align with the General Plan and adopted transportation plans.
3. **Required Access and Spacing.** A minimum of two (2) separate ingress/egress routes for vehicular access, which are fully improved public roads, shall be required as referenced in the Public Works Standards.
4. **Exceptions.** The Administrative Land Use Authority for the Preliminary Subdivision Applications may waive these access requirements as referenced in the Public Works Standards.

#### **12.04.03 Trails**

1. **Required.** Where a proposed Subdivision includes or adjoins an existing or planned public trail system as specified in the City's General Plan or Trails Master Plan the Subdivision plat shall include and provide for the development of a public trail infrastructure in accordance with said Plan.
2. **Improvements.** Trails shall be developed in accordance with applicable AASHTO standards with sufficient width, and to safely accommodate two-way bicycle and pedestrian traffic along the trail corridor. In absent applicable AASHTO standards, the Weber County Trails Standards are hereby adopted and apply.
  - a. The Administrative Land Use Authority, when feasible, may allow the trail right-of-way to be a substitute for required sidewalk and park strip area on one side of the street right-of-way dedicated within the Subdivision.
  - b. All trail improvements shall be dedicated to the City or an agreed upon non-profit third party, for the operation and maintenance after final acceptance.

#### **12.04.04 Easements**

A minimum ten foot (10') general utility easement shall traverse the frontage(s) of each lot. The Administrative Land Use Authority may require additional easements to accommodate utility planning and future access.

#### **12.04.05 Lots and Parcels**

1. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for structures and be properly related to topography and conform to requirements set forth herein. Side lines of lots shall be approximately at right angles, or radial to the street line whenever possible and desirable.
2. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage or frontage, which would be unusable for normal purposes.
3. For Subdivisions containing more than three (3) residential building lots, no lots shall directly access an arterial or minor arterial street.
4. All lots shown on the final plat must conform to the minimum requirements of the zoning code for the zone in which the Subdivision is located, except for remainder parcels as follows:
  - a. May be used for agricultural purposes but shall not be eligible for habitation, commercial uses, or primary structures.
  - b. May not be eligible for building permits and may not be eligible for other permitted uses. All limitations and restrictions shall be clearly noted on the final plat.
  - c. Shall be described on the final plat; however, an exception may be granted by the City Engineer.
5. Each lot shall have frontage on an improved public road as required in the zoning code and the Public Works Standards unless a shared driveway has been approved.
6. All remnants of land left over after subdividing, shall be attached to adjacent lots or made part of the common area governed by a Community/Homeowners Association, rather than allowed to remain as unusable parcels. All lands within the boundaries of the Subdivision shall be accounted for, either as lots, right of way, or as remainder parcels.
7. Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions or where the lots are adjacent to a road that does not permit direct access (exception: corner lots).
8. Contiguous parcels owned by different parties may be embraced in one final plat, provided that all Owners join in the dedication and acknowledgments.

#### **12.04.06 Flag Lots**

To encourage the more efficient use of land, flag lots not having frontage on a street as required by City Code, but having access to such street by means of fee title access strips, may be allowed in any zone when, determined by the Administrative Land Use Authority to be preferable.

During the Preliminary Plat Review Cycle, the Applicant shall provide written and illustrated evidence showing property development with and without the proposed flag lot which demonstrates:

1. The flag lot will result in more efficient use of land;
2. The design of the flag lot is appropriate to and compatible with the configuration of the overall subdivision and adjacent property;
3. No other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
  - a. The current, proposed, or alternative zoning;
  - b. The possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;
  - c. Alternative street designs and improvements; and
  - d. Any other reasonable means that would render a flag lot unnecessary.
4. The flag lot is infill to the development of the general area; and
5. Access to the flag lot is provided through the pole portion of the lot.
6. Flag lots must meet the requirements outlined in the Public Works Standards.

#### **12.04.07 Utilities to be Underground**

All utilities, including those that are normally overhead shall be placed underground in all Subdivisions. The Subdivider shall establish final utility grades prior to utilities being placed underground. Exception: wireless communication equipment or where underground connection is not permitted by the Provider.

### **12.05 VARIANCES AND APPEALS**

#### **12.05.01 Variances and Appeals Generally**

Any Person may petition for a variance or appeal a decision pertaining to this Title to the Appeal Authority as established in Title 2, Authorities and Commissions. Appeals shall be made within thirty (30) days of the approval of the application.



## **12.06 PENALTY**

1. Any Person, who shall transfer or sell, or cause to be transferred or sold, any lot or land in a Subdivision, which Subdivision has not been approved by the City, and recorded in the office of the County Recorder, shall be guilty of a Class B misdemeanor for each lot or parcel of land so transferred or sold, and the description of such lot or parcel of land by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties or from the remedies provided in this Title. The City may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the penalty by civil action in any court of competent jurisdiction, together with costs and attorney fees incurred in enforcing this Title.
2. Any Person violating any of the provisions of this Title shall be guilty of a Class B misdemeanor.
3. Any Person violating any of the provisions of this Title or the Public Works Standards or failing to obtain the necessary inspections and tests required for public improvements and infrastructure shall be assessed a fine as stated in the City's current adopted Consolidated Fee Schedule. Fines may be applied daily and separately for each violation.
4. The City may bring an action against an Owner to require the property to conform to the provisions of this Title, the zoning ordinance, or any other applicable Law. The action may include an injunction, abatement, merger of title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation. The City need only establish the violation to obtain the injunction.

## **12.07 VACATING OR ALTERING A SUBDIVISION FINAL PLAT, VACATING A STREET, RIGHT OF WAY, OR EASEMENT, AND PARCEL ADJUSTMENTS**

### **12.07.01 Vacating, Altering, or Amending a Final Plat**

1. Vacating, altering, or amending a final plat shall be done in accordance with Utah Code Annotated 10-9a-608, or its successor statute. This includes changing a Subdivision boundary, dedicated right of way, the number or layout of lots, easements, the Subdivision name, and any other aspect of a recorded final plat. If an amendment proposes significant changes to the existing Subdivision, then the Administrative Land Use Authority may require the changes to be made through the vacation of the existing final plat and/or approval of the changes being done through the process required for new Subdivisions; this should be done to ensure that significant changes receive proper review and adequate fees are obtained to cover costs to the City.
2. The Administrative Land Use Authority for vacating, altering, or amending a final plat shall be the same as that for the final plat application.

3. Combining Parcels not in a recorded Subdivision does not require approval of the City.

**12.07.02 Vacating a Street, Right of Way, or Easement**

1. Vacations shall be done in accordance with Utah Code Annotated 10-9a-609.5 or its successor statute.
2. The Land Use Authority shall be the City Council.
3. Making adjustments or modifications to an existing street, right of way, or easement while not eliminating the street, right of way, or easement, and while still maintaining access, does not constitute a vacation.

**12.07.03 Parcel Boundary Adjustments Not in a Recorded Subdivision**

Prior to executing a Parcel Boundary Adjustment not in a recorded Subdivision, the property owner shall notify the City and provide the dimensions and setbacks of the proposed parcel boundaries.

**12.08 EXEMPTIONS FOR BONA FIDE AGRICULTURAL PURPOSES**

**12.08.01 Purpose and Intent**

Utah Code 10-9a-605(2) exempts agricultural lands from plat requirements under the certain conditions therein.

**12.08.02 Qualifications of Land for Agricultural Purposes**

Agricultural land may be divided or partitioned under this Chapter only under the following circumstances:

1. The property must have been solely in agricultural use and actively devoted to agricultural use as defined by Utah Code 59-2-502, and must continue to be used solely for agricultural use in the future.
2. All of the lots or parcels must meet the minimum lot size requirements of the applicable zoning district.

**12.08.03 Agricultural Partition Parcels as Buildable Lots**

An agricultural partition lot is buildable for only bona-fide agricultural purposes. A parcel created in accordance with this Chapter is not considered a buildable lot for residential, commercial, industrial, or any other non-agricultural purposes.

**12.08.04 Public Improvements and Infrastructure**

The City shall not require any public improvements and infrastructure to be installed as a condition of approval for agricultural partitions.

**12.08.05 Use of Property Created Under This Part for Non-Agricultural Purposes**

If a lot or parcel created by this part is used for a non-agricultural purpose, the City shall require the lot or parcel to comply with the requirements of the Subdivision and land use provisions of the City.

**12.08.06 Utilities**

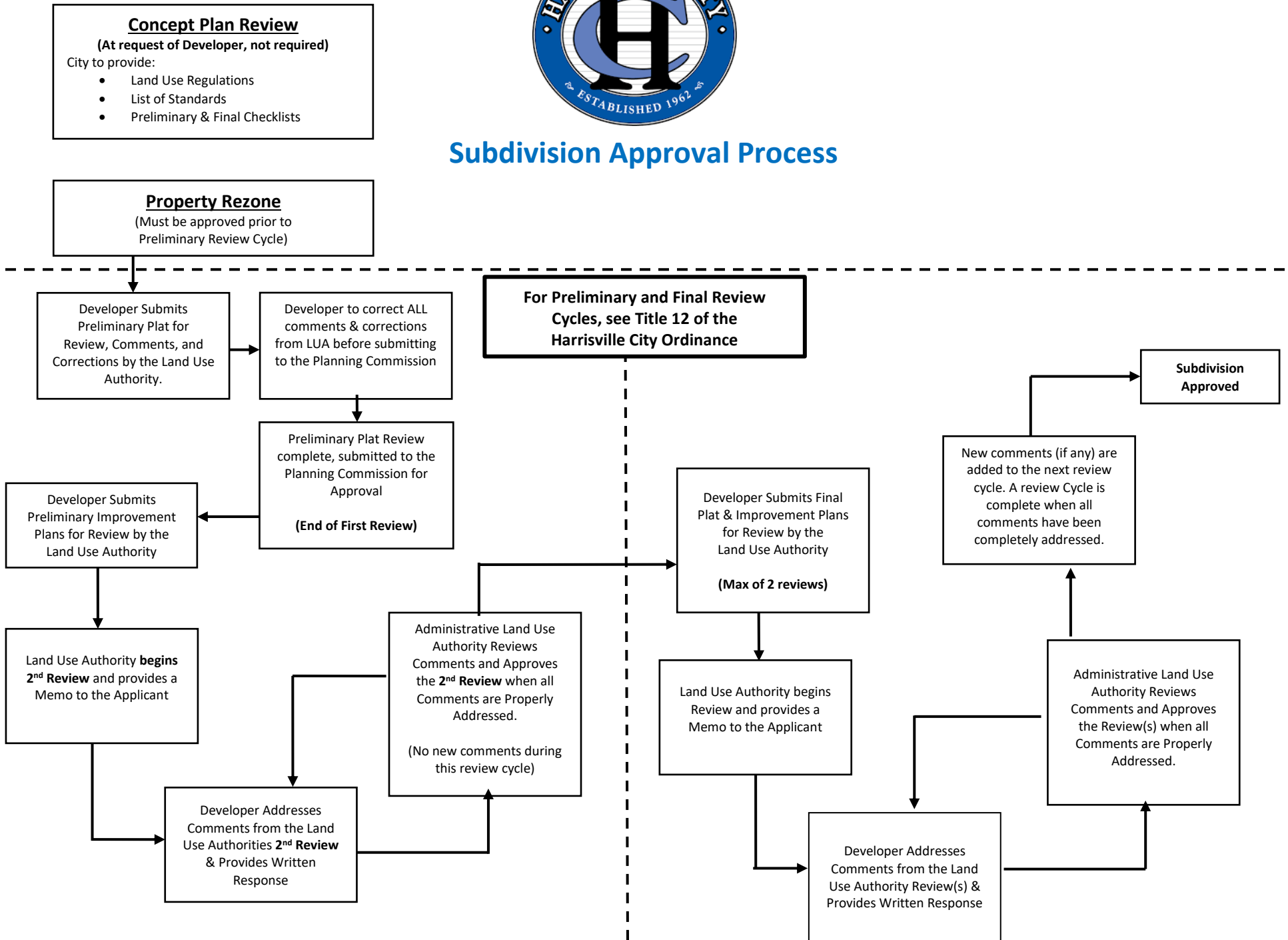
A Subdivision of land for utility purposes (unmanned facilities such as: substations, regulator stations, towers, etc.) creating a parcel(s) under eight thousand square feet (8,000 ft<sup>2</sup>) in size may be exempted by the Administrative Land Use Authority for certain provisions of this Title and/or provisions of City Code relating to lot size, frontage, setbacks, and improvements and infrastructure.

**12.08.07 Parent Parcels**

The parent parcel from which the agricultural or utility lot(s) is created shall be labeled as a remainder parcel and shall not be part of an approved Subdivision until such time as it complies with the provisions of this Title and other relevant sections of the City Code and has received the applicable land use approval(s).



## Subdivision Approval Process



**HARRISVILLE CITY  
ORDINANCE 547**

**CONSTRUCTION CODES AND STANDARDS AND FLOOD DAMAGE  
PREVENTION AMENDED**

**AN ORDINANCE OF HARRISVILLE, UTAH, AMENDING SECTIONS 8.06.010 FLOOD AND HAZARD AREAS AND 10.05.050 ARTICLE V – PROVISIONS FOR FLOOD HAZARD REDUCTION; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, *Utah Code Annotated* §10-3-717, and §10-3-701, authorizes the City to exercise legislative powers through ordinances and/or resolutions;

**WHEREAS**, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes the City to exercise 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 Council previously adopted *Title 10*, and its various sections to conform with FEMA Flood Plain Management Requirements;

**WHEREAS**, the City Council desires to comply with federal and state mandates for Flood Damage Prevention;

**NOW, THEREFORE**, be it ordained by the City Council 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: Amend.** Sections **8.06.010 FLOOD AND HAZARD AREAS** and **10.05.050 ARTICLE V – PROVISIONS FOR FLOOD HAZARD REDUCTION** of the Harrisville Municipal Code is hereby amended to read as follows:

**8.06.010 Flood and Hazard Areas**

5. Base Flood Elevation. Residential structure shall have the lowest floor (including basement) elevated to one foot above the base flood elevation. Nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having

the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

## **5. SPECIFIC STANDARDS**

In all SFHAs, and if 10.05.030 ARTICLE III, SECTION 1 - LANDS TO WHICH THIS ORDINANCE APPLIES using BEST AVAILABLE DATA has been selected, areas of known or suspected flood risk areas, the following provisions are required:

### **5.1 RESIDENTIAL CONSTRUCTION**

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one foot above the base flood elevation. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this ordinance are satisfied.

### **5.2 NONRESIDENTIAL CONSTRUCTION**

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood elevation, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance, **5.1 RESIDENTIAL CONSTRUCTION** and, as such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this ordinance.

### **5.3 ENCLOSURES**

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than 1 foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

## **6. MANUFACTURED HOMES**

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
  - a. outside of a manufactured home park or subdivision;
  - b. in a new manufactured home park or subdivision;
  - c. in an expansion to an existing manufactured home park or subdivision;
  - d. or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE, unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that:
  - a. the lowest floor is at or above the BFE, unless a higher standard option was selected;
  - b. or the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored.

## **7. RECREATIONAL VEHICLES**

### **Recreational Vehicle Standards**

In all Areas of Special Flood Hazard, Recreational Vehicles, must either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or
3. The recreational vehicle must meet all the requirements for ARTICLE IV, SECTION D PERMIT PROCEDURES, including the anchoring and elevation requirements of "manufactured homes" of this ordinance.

## **8. STANDARDS FOR SUBDIVISION PROPOSALS**

- a. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this ordinance to minimize flood damage.
- b. All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
- c. BFE data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or 5 acres, or whichever is lesser.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

## **9. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the SFHAs established in **10.05.030 ARTICLE III, SECTION 1 LANDS TO WHICH THIS ORDINANCE APPLIES**, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below.
- b. All new construction and substantial improvements of non-residential structures:
  - i. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified). If the community has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified) plus the freeboard height option selected below; or
  - ii. Together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and



- with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- c. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section.
  - d. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

## **10. FLOODWAYS**

Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- a. Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.
- b. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet, unless higher standard option selected, in flood levels within the community during the occurrence of the base flood discharge.
- c. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V in this ordinance.
- d. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

**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 14<sup>th</sup> day of November, 2023.

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**MICHELLE TAIT**, Mayor  
Harrisville City

**ATTEST:**

\_\_\_\_\_  
**JACK FOGAL**  
City Recorder

**RECORDED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**PUBLISHED OR POSTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**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 the foregoing ordinance was passed and published, or posted at 1) City Hall, 2) Martin Henderson Harris Cabin, and 3) 2150 North on the above referenced dates.

DRAFT