

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., January 9, 2019

Commissioners: Roger Shuman
Nathan Averill
Brenda Nelson
Kevin Jensen
Chad Holbrook
Blair Christensen

Staff: Bill Morris (City Administrator)
Laurence Boswell (Land Use Coordinator)

Visitors: Sarah Heilig, Tamra and Mel Heaps, Douglas Larsen, Leshia Spencer, Pat Burns, Ruth Pearce, Jeff Pearce, Lee Adam, Craig Adam, Bob Howard, Gerrie Gibson, Tom B, Gary Robinson, Aaron Field, Tawna Field, Nancy Field, Jarold Williamson, Pat Burns, Nathan Skeen, Ashley Reedy, Grover Wilhelmsen, Shannon Ridi.

1. CALL TO ORDER.

Chair Chad Holbrook called the meeting to order at 7:01 PM.

CONSENT APPROVAL of Planning Commission Meeting Minutes December 12, 2018.

Commissioner Shuman motioned and Commissioner Jensen seconded the motion to approve the planning commission meeting minutes from December 12, 2018. Vote called and passed unanimous.

2. PUBLIC HEARING AND DISCUSSION/ACTION on repeal and re-enactment of the Mixed Use Ordinance.

Commissioner Averill motioned and Commissioner Christensen seconded the motion to open the public hearing. All in favor.

COMMENTS

Jeff Pearce stated that he reviewed the ordinance on the internet. Mr. Pearce thinks it lacks a lot of information. It's very premature and it needs work. Mr. Pearce thinks the City needs to take ordinances from North Ogden and Ogden City and do a page by page comparison. There are too many loop holes in this proposed ordinance. Mr. Pearce stated he was on City Council last year and is trying to fix this. Mr. Pearce stated that he thinks it needs to be tabled. Mr. Pearce stated that it is the planning commission's job to write ordinances. Mr. Pearce also stated that the cluster subdivision ordinance needs to be scrapped.

Sarah H. stated that she lives south of the golf course. She asked the planning commission to not re-enact or enact the mixed use ordinance. Sarah wants the golf course to be left alone. Sarah has made several calls and met with City staff member Laurence Boswell to get as much information as possible about development on the golf course. Sarah requested that the beautiful open space remain. Sarah would like to see the golf course turned into a park, equestrian trail, something that residents can use.

Gary Robinson requested that Bill Morris make a few comments before the planning commission receives more public comments.

Sarah H. asked about the mention of an R-1-6 zone in the mixed use ordinance.

Commissioner Averill stated that the City does not have an R-1-6 zone, so there are no regulations for that type of zoning.

Ashley Reedy stated that when she saw the golf course up for sale, she panicked. She loves the wildlife towards the back of the golf course. She also likes that there is not traffic behind her house. Ashley is worried that if multifamily homes are developed on the golf course, that there will be an increase in traffic and she will want to leave the house she is currently living in. Ashley stated that another option for the golf course could be single family homes. Ashley loves living in North Ogden and bordering Harrisville. She does not like the idea of the golf course being developed.

Chair Holbrook stated that he is grateful for all the feedback and that nothing is set in stone.

Melvin Heaps asked if there are other parcels around the City that are developable.

Chair Holbrook stated that there are other parcels in Harrisville that are still developable.

Commissioner Shuman stated that other than the golf course, the City has about 110 acres elsewhere to develop.

Ashley Reedy made a comment stating that the development of the golf course would also impact nearby schools. A lot of the elementary schools are already busy.

Deborah Adam stated that when she moved to Harrisville she loved the golf course. She wants to see the golf course and park systems connect. Mrs. Adam also stated that she can see the golf course used for residential homes, but not for businesses.

Chair Holbrook closed the public hearing.

DISCUSSION

Bill Morris stated that the mixed use ordinance was requested to be amended because of previous problems. The City hired Doug Larsen to create this ordinance and fix a few things.

Doug Larsen, representing Elevate Consulting, stated that the mixed use ordinance is not specific to the golf course. However, the golf course is a huge asset to the City, and if the City plans on developing the golf course, it will need a specific plan. Mr. Larsen stated that he is an economic developer and is an advocate of open space. Mr. Larsen is working on creating a mixed use ordinance that will be specific to certain areas or lands in the City. A lot of the language in the mixed use ordinance comes from Ogden City's mixed use ordinance, and other states like Colorado. The purpose of the mixed use zone is to allow development or redevelopment within the City. This includes higher residential and commercial development that creates community. Mr. Larsen recommends that the current zoning standards be updated. Mr. Larsen also suggested that the mixed use ordinance should have a list of businesses and sites that are not allowed. This will give developers a clear vision of what they can or cannot develop in a mixed use zone. Mr. Larsen also stated that he would like to see the private sector bring their creative ideas to the table and give the City control through a development agreement.

Chair Holbrook asked how the mixed use ordinance could benefit Harrisville City.

Mr. Larsen explained that by having a mixed use ordinance, Harrisville is telling the developing world that there is a business plan for the City. It will help draw developers to the City and help the City grow. Mr. Larsen also stated that the golf course is minutes away from I-15 and right off HWY 89, making it a hot spot for development. If the City has a business plan in place, then the City can choose what type of development will go in.

Commissioner Averill stated that the City does not have an R-1-6 zone.

Mr. Morris explained that the R-1-6 zone is mentioned in the original Harrisville ordinance. The City wants to get rid of this type of zoning and create the mixed use ordinance. The golf course has come to the City and said they cannot sustain themselves financially. Mr. Morris said that if the City wants to keep the golf course open space, then the City would have to buy out the golf course and bond with the residents, raising property taxes. Mr. Morris suggest tabling the agenda item. If people have comments, they can email City staff member Laurence.

Commissioner Shuman stated that while he has been on planning commission, he has seen developers come in for mixed use. Commissioner Shuman suggested that the City define exactly what they want based off feedback from residents.

MOTION

3. Commissioner Averill and Commissioner Shuman seconds to table the repeal and re-enactment of the Mixed Use Ordinance. Vote called and passed unanimous.
4. **PUBLIC HEARING AND DISCUSSION/ACTION** on repeal and re-enactment of Chapter 11.16 entitled Cluster Subdivision Ordinance.

Mr. Morris stated that the City wants to put a pending ordinance in place so that Planning Commission can work on updating the cluster subdivision ordinance the next couple of

months. This will prevent developers coming in and creating loop holes. Mr. Morris asks the planning commission what they would like to see in the cluster subdivision ordinance. Mr. Morris also stated that Doug Larsen will be helping to revise the cluster subdivision ordinance.

Mr. Larsen stated that the purpose of the meeting tonight is to bring these ordinances before the planning commission and public and receive comment, but not do anything permanent. Mr. Larsen feels that the purpose of the cluster subdivision ordinance should not be to save on infrastructure cost. Mr. Larsen believes the City can combine some of the concepts of the cluster subdivision with the mixed use ordinance. The cluster subdivision should maintain some type of open space. The cluster subdivision can also have bonus densities to entice developers, however; the planning commission should be very articulate about the densities and how the function.

Mr. Morris stated that he knows some communities that mandate clustering in certain zones and mandates open space. For example, if there is an acre of land, then the city would mandate that development is only on half of the acre, and the rest is left open space. Mr. Morris wants planning commission to table this agenda item. He just wants comments and ideas from the commissioners and public.

COMMENTS

Gary Robinson stated that the planning commission should have visual aids to help explain things, like a cluster subdivision so the public can make a conscious decision. Most laws are written by attorneys. They are interpreted by attorneys. They are not written by the common person. They should be written by the common person.

Sarah H. asked if the cluster subdivision is specific to multi-use dwellings or single family homes.

Mr. Larsen states that the final draft of the ordinance will clarify those specifications.

Chair Holbrooke stated that the commission is just gathering information and invited anyone else up to the pulpit for additional concerns.

Aaron Field asked if there is a specific area that a cluster subdivision exists.

Mr. Morris stated that no, not right now. The City recently turned down a cluster subdivision application.

Aaron Field asked if this is just a discussion for the future.

Chair Holbrook stated that yes, this is a discussion for the future and helping protect the City.

Heidi Ferguson stated that she was really excited to see Doug because he's done a lot of work for other cities. She stated that change is coming and nobody wants things in their backyard. Ms. Ferguson also stated that she has 1100 N in her backyard. She is in favor of Mr. Larsen's help as well as the planning commission's help to move forward in the

City. Ms. Ferguson wants to see the City be smarter about development. The City needs to move forward, embrace the change and be smart about things like the mixed use ordinance and cluster subdivision ordinance.

Chair Holbrook closed the public hearing.

DISCUSSION

Commissioner Averill stated that the cluster subdivision ordinance can be used in the golf course instead of mixed use ordinance.

Mr. Morris stated that although that is possible, the City needs to keep some of the frontage off HWY 89 dedicated to commercial sites.

MOTION

Commissioner Nelson motions and Commissioner Christensen seconds to table the repeal and re-enactment of Chapter 11.16 entitled Cluster Subdivision Ordinance. Vote called and passed unanimous.

5. PUBLIC HEARING AND DISCUSSION/ACTION on amendment to Section 11.20.250 entitled Recreational and Utility Vehicles Ordinance.

Mr. Morris reported that the City has had several complaints about people living in trailers. Usually these people are drug dealers and transients. The current ordinance says that people can live in trailers for 5 days, but does not specify if that has to be consecutive days or not. The City lost a trial due to the lack of clarity in the ordinance. Mr. Morris stated that he wants the ordinance to state that no one can live in trailers, period. The ordinance will let people park trailers on one (1) acre lots, but not live in them.

Commissioner Averill stated that he has a trailer that he lives in sometimes on his property. Commissioner Averill does not want to make it illegal for him to stay in his trailer. Commissioner Averill suggested that the ordinance state that someone cannot live in a trailer for five (5) days in the course of thirty (30) days.

Mr. Morris stated that the problem are drug users staying in trailers on properties. The City does not want drug users. Also, the City does not allow RV's to be stored on lots smaller than an acre.

Commissioner Averill asked about people who own trailers on smaller lots.

Mr. Morris stated that the planning commission is free to change that part of the ordinance if desired.

COMMENTS

Gary Robinson stated that this is a tax issue. Motor homes and travel trailers are taxed so they can be lived in. If the City takes that right away, then the City will need to take it to the state. If the City passes this ordinance, it will affect everyone.

Mr. Morris disagreed with Gary Robinson's comment. The City is given broad police powers. Mr. Morris has been asked by residents to remove drug users. Mr. Morris would like to create an ordinance that bans drug users from staying in the trailers. This ordinance is not targeted at non-drug users. If the ordinance is not fixed, then Mr. Morris cannot help prevent drug and transients from living in trailers.

Ruth Pearce stated that the ordinance does not prevent residents from parking their trailer, they just cannot live in them. Mrs. Pearce also stated that there are some spelling errors in the utility section and needs to be revised.

Jeff Pearce commented that a lot of people store trailers on City streets for weeks. The City needs to fix it.

Mr. Morris stated that there are other laws that prohibit trailers staying on city streets for too long.

Grover Wilhelmsen commented that if there are families that have sons and daughters that live in their trailer, then the land use becomes a multi-family dwelling which violates the City ordinance.

Chair Holbrook closed the public hearing.

DISCUSSION

Mr. Morris stated that section 3 seems to be the issue. He suggests that planning commission rewrite it now and submit to City Council.

Commissioner Averill stated that he has a problem with the 5 day limit being removed. He thinks it should say no one should live in a trailer for more than 5 days within a 30 day period. Commissioner Averill stated that that would be enforceable.

Mr. Morris stated that according to the judge that does not work in the court of law. It is hard to find a witness to testify that someone has lived in a trailer for 5 days.

Craig Adam suggested that the City has an online permit system. Anyone not registered online will be staying in a trailer illegally.

Mr. Morris added to the ordinance. He wrote that a 5 day use permit may be obtained from the City, not to exceed 5 days, within a 30 day period.

MOTION

Commissioner Nelson motions and Commissioner Jensen seconds to recommend the amendment to Section 11.20.250 entitled Recreational and Utility Vehicles Ordinance to City Council with the written corrections. Vote called and passed unanimous.

- PUBLIC HEARING AND DISCUSSION/ACTION** on application to amend the General Plan from low density to medium density and Zoning Map from RE-15 (Residential) to R-1-10 (Residential) for a property located at 217 East Larsen Lane.

Mr. Morris explained that the developer wants to come in and extend some R-1-10 zoning in order to put in a subdivision off Larsen Lane. The Planning Commission decides if the developer can rezone or not.

DISCUSSION

Pat Burns, the developer, has been working with the Sattlerthwaites and the Warrens to do some development. The average lot size will be 13,000 square feet. Pat Burns is applying for the R-1-10 zone. Pat Burns is also working with the City to put a detention pond and open space as part of his development.

Commissioner Jensen asked how many building lots Pat plans on developing.

Pat Burns responded and said he plans on building about 19 lots.

COMMENTS

Aaron Field asked if this development had multifamily units.

Mr. Morris stated that these are single family homes, not multi family.

Aaron Field asked if the R-1-10 zone requires 13,000 square foot lots.

Commissioner Averill responded and said in a R-1-10 zone, you can have lots from 10,000 square feet to 15,000 square feet.

Burton stated that the general plan says 15,000 square feet lots for all of this property. So essentially the developer is getting more lots in for the land by going to an R-1-10. There will be an increase in traffic.

Sarah H. asked if this property is just north of Walmart.

Chair Holbrook responded with a yes.

Sarah H. asked where the entrance will be located for the subdivision.

Chair Holbrook said the entrance will be off Larsen lane.

Gary Robinson stated that the City should stay with the master plan. With the water table and drainage, it will flood some of the homes south of the property. It should stay RE-15.

Melvin Heaps stated that he has a problem with his sewer. Adding a sewer for that many homes would cause problems for him on 700 N. The developer needs to hook the sewer up somewhere else, even though 700 N is the only place to do so. Mr. Heaps also has concern about the entrance and exit. There is no exit shown on the concept plan.

Chair Holbrook closed the public hearing.

DISCUSSION

Mr. Morris calls the developer up to the stand to explain how he will mitigate some of the water and sewer issues.

Pat Burns stated that he has been working with the City engineer, Matthew Robertson, and have both agreed to put in a detention basin. Everything will be carried into the storm drain. The sewer will be extended to the west as well.

Mr. Morris stated that fire code allows for a maximum of 30 lots on a stubbed road. The developer can have one access into his subdivision since there are less than 30 lots. Mr. Morris made some changes to the ordinance, including adding a section explaining exhibit A and clearing up some typographical errors.

Commissioner Shuman asked if the Satterthwaite property is zoned R-1-10.

Mr. Morris stated that the Satterthwaite property is currently zoned R-1-10. Mr. Morris also mentioned that traffic will increase by about 200 trips per day for this subdivision.

Commissioner Nelson stated that the City needs to keep in mind that there is a need for housing.

MOTION

Commissioner Averill motions and Commissioner Shuman seconds to recommend the application to amend the General Plan from low density to medium density and Zoning Map from RE-15 (Residential) to R-1-10 (Residential) for a property located at 217 East Larsen Lane with the minor changes made to the ordinance. Vote called and passed unanimous.

7. **DISCUSSION/ACTION** on conditional use permit for commercial business located at 2458 N Highway 89 by David Skeen.

DISCUSSION

Nathan Skeen runs an excavation company and would like to also run a side business fixing wrecked cars. There is an extra office with a restroom on site. There are spots for the cars and plans on building about five (5) cars at a time, and show three (3). The business will operate between 9:00 am and 5:00 pm.

Mr. Morris suggested having the business open Monday through Saturday, from 9:00 am and 7:00 pm. There will be no salvage vehicles or tow trucks.

Mr. Skeen states that these cars are coming from the insurance salvage title. There will not be tow trucks and no sale for parts. All salvage cars will be parked out of site in the back of their main building.

Commissioner Christensen suggested that there be a max of salvage vehicles in the back.

Commissioner Averill suggested that there be 5 broken down cars out back and 5 up front.

Mr. Morris asked about painting the cars.

Mr. Skeen stated that they do not paint cars.

MOTION

Commissioner Jensen motions and Commissioner Averill seconds to approve the conditional use permit for David Skeen for a commercial business to be located at 2458 N Highway 89 with the following conditions: The business must abide by all of the rules and regulations stated hereafter as follows: The business will only operate between the times of 9:00 am and 7:00 pm, Monday through Saturday. The business shall have a maximum of five (5) vehicles for sale at a time in front of the property. The business shall not provide painting services, towing services, selling or painting of parts. The maximum number of salvage vehicles shall be five (5) and shall be parked out of sight from public view. Vote called and passed unanimous.

8. **PUBLIC COMMENTS:** *“This is an opportunity to address the Planning commission regarding our concerns or ideas on land use issues. Comments are limited to three minutes. The Planning commission cannot take action on any item brought to the planning Commissions’ attention except to instruct staff to place this item on a future agenda.”*

COMMENTS

No comments.

9. **Commission and staff follow-up.**

Mr. Morris suggested that next planning commission there be a work session to talk about the ordinances. Business items will start at 8:00 pm.

10. **Adjourn.**