

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., March 11, 2020
Conducting Chair Chad Holbrook

Commissioners: Chad Holbrook, Chair Staff: Jennie Knight (City Recorder)
 Nathan Averill Ronda Kippen (Community Planner)
 Bill Smith
 Kevin Shakespeare

Visitors: Geri Knighton
 Grover Wilhelmsen
 Greg Montgomery
 Doug Russell

1. Call to Order.

Chair Chad Holbrook called the meeting to order. Commissioner Nelson was excused.

2. Consent Approval.

MOTION: Commissioner Averill motioned to approve the minutes of Planning Commission from February 12, 2020. Commissioner Smith seconded the motion. Voting was unanimous.

3. Public Hearing on Harrisville Ordinance 508; Large Project Master Planned Communities/Mixed Use/In-Fill and General Plan Overlay Map for the same.

PUBLIC HEARING: Chair Holbrook opened up the public hearing.

Ronda Kippen reviewed the changes this ordinance makes to the newly adopted Mixed-Use Ordinance. She said whenever an ordinance is adopted there are often additional changes to make the ordinance more applicable. As she got applying this ordinance, there were some concerns with some of the wordage; she felt was putting the city at risk. The original language states the applicant brings in a development agreement as part of the application process; which means anywhere identified as mixed-use would be bringing forth their own agreement. This would create too many variations to the development agreement. Development agreements can range from 5 to 150 pages. She provided an example of a development agreement and expressed concern that if she or Bill Morris were to miss one word, it would leave the city vulnerable. She proposed the city have our own standardized development agreement with the applicant bringing forward a development plan. If not, staff will have to proof all of the different types of agreements to make sure everything is included. This brought forth the changes in the proposed amendment. Section 11.11.030 (1)(c) changes the word "Development Agreement" to "Master Development Plan". Another typo to the section numbering was corrected.

Chair Holbrook asked what the difference is between a Master Development Plan and a Development Agreement. Ronda Kippen responded there are several elements required for the Master Development Plan. Commissioner Averill stated all of the requirements will still be included in the development agreement so the developer would be held to that standard. Chair Holbrook asked if this would be submitted at the zoning change. Ronda Kippen said these

elements would be part of the initial application of the project. The way the code was written was limited, and was causing confusion with the current applicants as to what was required. The initial submission would be very one dimensional. She is specifying more detail will be required during the initial submission, so a professional opinion can be made for appropriate recommendation. The development plan needs to outline what the developer intends to do with all areas. The Ben Lomond Golf Course has not formally submitted an application, although she has been working with them for about six months. The plans she has reviewed is very one dimensional. She would like to see a 3-D drawing, showing exactly what is being proposed. She has included more language in these proposed changes. Plan maps would include lots, roadways, and trails, how it blends with existing communities, including adequate landscaping and open space. Master plans would also include phasing maps. She gave examples of more phasing maps with details. Flood plains and wetlands must be identified and whether there are any jurisdictional or protected areas. She said from the beginning we can locate areas of high risk. Ronda Kippen informed Planning Commission she did an exercise with the project management team asking about personal preferences and how to address different areas in developments. Some areas will not be appealing to all individuals but each development can offer something of value to certain residents. Developments will have areas with no personal open space or yards, which are maintained by HOA's, as well as single family homes with yards. By creating something for everyone, we can welcome all types of preferences, having a trademark community for Harrisville. We can work through each area to determine if each area is acceptable. A trail map will show the entire developments connecting pathways. Most people want to live in areas with beautiful landscaping, when they enter, it feels like home. We do not want a barren subdivision which is difficult to look at, that will eventually become a burden on the city. After 75% of the development is built, the HOA will be turned over to the residents for maintenance. Landscaping can buffer and screen the community and also make residents feel at home. This change to Master Development Plan is included on both the large parcel and residential development areas. Included items will be building material list, with color schemes and building renderings; foot print outlines and architectural styles.

With a standard development agreement across the board, every development will have an outline. The main body will have a standardized template with additional language added for setbacks and uses. That way we can catch the vision of the project. Anytime the developer proposes a change, they have to seek Council approval, which protects the city. Administering the agreement is just like any other part of the code, they must follow; but changes to any element of the agreement are a legislative function.

Chair Holbrook asked if only the initial plan goes through planning commission. Ronda Kippen outlined the process of recommending any ordinance to Council through Planning Commission first as a land use ordinance. Chair Holbrook asked if a check list will be included for developers to understand clearly. Ronda Kippen responded we try to keep the code clear from check lists but a one can be developed for the application process, which is standard procedure on developments. She informed planning commission she is receiving quite a few calls regarding the commercial element of the code and said it might be time to start the discussion process. There are a lot of commercial subzone properties on the market.

Commissioner Smith said this takes a lot of pressure off of planning commission, having this spelled out. Ronda Kippen said she can put together the entire development agreement and bring the plans forward with work sessions, with no action taken so planning commission can feel the development out, and then hold the public hearing for feedback so residents do not feel like we

are making hasty decisions. City Council can take part in these workshops as well so they are not duplicating the process. This creates a relaxed open dialog with the developer and they can go back to make requested changes. These workshops can include laminated boards with stations outlining different areas. She does not want anything pushed onto planning commission.

Greg Montgomery asked about exhibit “A” in the ordinance, since this was not included. [Jennie Knight outlined the map change that is included as exhibit “A” and apologized this was not available at the time the packet was posted.] Greg Montgomery said he has issue with the findings and intent; there is nothing regarding how this will work with neighboring properties. He feels to leave out the adjacent properties is not good. With regard to large projects and residential, this does not set a general standard. The neighborhood does not know what is happening while this is all negotiated. When a developer makes demands within 45 days, the city would only have the option to deny. He feels a minimum standard should be called out giving the developer an idea of what they are dealing with. He feels this leaves the developer wondering what they are coming in with. He suggested having a residential outline of how things will connect to the community. If all of the amenities are internal, there is no benefit to the outside community. He again suggested having a basic standard with which to begin negotiations rather than leave it wide open to what the city’s expectations are.

Grover Wilhelmsen said he feels this shows some good improvements but asked how this proposal ties into what we have in our ordinance already. He is concerned with not setting the standard in the ordinance.

Geri Knighton said she agrees with what Mr. Montgomery said about having a basic standard. She understands development with the need to grow, but asked for a packet for the developer to use. She is concerned with making this economical to not lengthen the time and increase the costs of development. If the city is trying to do this with affordability in mind, but takes time to allow for negotiating the beauty of a project, we are defeating the purpose of the development. She said President Trump has passed requirements on wetlands, and asked if the city has considered how this will affect us by outlining the open space. She asked what is the timing for a development and is Harrisville willing to expedite the process. She also feels it is really important to protect adjacent property owners.

Doug Russell said he has lived in Harrisville since 1963 with not many complaints. He understands this plan came about because of the golf course. He said there are a lot of things included in the examples, but asked if they are a good fit for our city. There are watering issues for large parcels of land. He feels the plan might work for the golf course development but does offer exclusivity. Being in the development community, he has watched the Davis county cities grow. He recommended taking a look at other areas of how this might fit in with the rest of the community and the people that have lived here. He would like to see one acre lots, but understands that is not going to happen. He does not know if this has gone far enough. He said he understands the Whalen’s have brought in some of these ideas, but warned when you start to talk about amenities, don’t make this so exclusive that those passing through cannot use the amenities as well.

Chair Holbrook closed the public hearing.

4. Discussion/Action on Harrisville Ordinance 508; Large Project Master Planned Communities/Mixed Use/In-Fill and General Plan Overlay Map for the same.

DISCUSSION: Chair Holbrook asked Ronda Kippen to address some of these concerns brought up at the public hearing. Ronda Kippen said a primary point for her was to make sure these communities blend well with the surrounding communities. These were just examples, and are not what is being proposed for the golf course. What she has been working on with the golf course developer is not public information yet, so she cannot disclose the plans because they have not made application yet. She was using examples that are already open to the public. Both the golf course and the Wahlers are working on plans. The trails must be public to be a community amenity. If we are giving some with density, we should get something in return for the residents at large. Whether this is a recreation facility, park, etc. it will be for the purpose of all residents.

She reminded Planning Commission when she began this process, she started on a code and spent many months writing and outlining every detail for the developments and it got very complicated. More and more cities are moving forward with subzones because it gives legislative power to negotiate. Setting standards that are outside the zone and creating a specific zone for a specific development.

Commissioner Averill pointed out all of the standards will be included in the development agreement. That is why we moved away from the 11 page ordinance outlining every detail, because that was not adaptable to all areas. Ronda Kippen said that is the flexibility of the subzones, because the Wahlen development is not the same as the golf course. In fact, this type of development is recommended by the League of Cities and Towns. Commissioner Averill pointed out each proposed development comes with its own public hearing. Ronda Kippen said everything will be specific to the development. That is why it is so important that we have control of the development agreement. Commissioner Averill said this requires developers to use standards for our development, not use some previously used plan that was in another city. Chair Holbrook said maybe some of these standards can be included in the application process. He pointed out what we do in any development reflects overall in general. We need more tax revenue. We either make the golf course a standard to raise development in our city, or what is going to bring them here to Harrisville and not North Ogden. We need to have something to attract people to do business here with creative landscaping, commercial components with architectural standards where everything trickles away from.

Ronda Kippen reminded planning commission we are doing something unique here. She has dealt with three different development agreements where these are legislative negotiations. Having no cap on commercial development can be dangerous. The best thing about writing code, if we do not like them, we can repeal them. These amendments create an ordinance that works; right now, we hold the power. If there are standards included, we have to have a finding to deny an application.

Chair Holbrook said he likes the direction we are going where we can direct these developments. Commissioner Averill said every development will have a public hearing where the standards will be set. We can receive public input and make the decision to set these standards. Council Member Wilhelmsen asked if there is a road map to start with. Commissioner Averill said if a developer is too creative and the city does not like it, we can deny it. Chair Holbrook pointed out the development agreement will be a template as well.

Ronda Kippen said we must adhere to anything that comes from the development agreement; for example, we want to preserve wetlands that exist, instead of mitigating those. With legislative actions, there really is not a time frame, which gives opportunity for negotiations. There is by law, state statute, the right for a timely decision, called the ripcord. If a developer feels we are dragging things out, they can request in writing a decision in 45 days. At that point, a negative recommendation can be made, if necessary.

Geri Knighton said she has received feedback that the city is hard to work with. Developers invest money in property, then sit on the property hoping the city will work things out. She has heard that several times.

Ronda Kippen said in her opinion, she has not worked with a city that has processed things faster than Harrisville. That has been our biggest asset. Most of the denial comes from a developer who wants to put something in on a property that is not allowed, or they are waiting on something that is outside of the city's control. When she came on board, the city has worked hard by being proactive and getting things on the next available schedule. She met with the developers of the 7-Eleven project who say Harrisville has been good to work with and they would like to do more projects. She said the last thing the city wants is a bad reputation or by making things difficult. We want to blend these developments, by putting in larger estate homes around the exterior of the developments so they do not stick out. If there are smaller homes, there will be a buffer with landscaping. She encouraged the public to attend the work sessions and participate in the public hearings.

Commissioner Averill said the city has accommodated recent regulations with an updated storm water ordinance. The city council has dealt with that. He also said that developers might get frustrated, but the city intent is to allow customized developments for an area, no cookie cutter developments. If a developer looks at their property, they need something that fits and they neighbors will like.

Ronda Kippen said staff recommends these amendments in this ordinance.

MOTION: Commissioner Shakespeare motioned to recommend to City Council adoption of Ordinance 508; Large Project Master Planned Communities/Mixed Use/In-Fill and General Plan Overlay Map for the same, with the two amendments outlined. Commissioner Averill seconded the motion. Voting was unanimous.

5. Commission/ Staff Follow-up.

Chair Holbrook announced the Heritage Days date is August 1, 2020 and encouraged Planning Commissioners to help with the breakfast in the park.

6. Adjourn. Chair Holbrook declared the meeting adjourned at 8:32pm.

Jennie Knight
City Recorder

Chad Holbrook
Chair