

Harrisville City Planning Commission Meeting
363 W. Independence Boulevard
7:00 p.m., December 9, 2015

Commissioners: Steve Weiss
Kevin Jensen
Chad Holbrook
Patricia Young
William Smith
Brenda Nelson
Blair Christensen

Staff: Bill Morris (City Administrator)
Shanna Edwards (Secretary)

Visitors: Ruth Pearce, Lloyd Barker, Devan Ahlstrom, Councilman Mike Murtha, Councilman Jeff Pearce

Chairman Weiss welcomed everyone, and called the meeting to order.

1. PUBLIC HEARING / DISCUSSION / RECOMMENDATION on an application to amend Section 11.13.020.2 of the Land Use Ordinance, to change the commercial building setback next to other commercial property from 10 feet to zero, and the commercial building setback next to a residential zone from 20 feet to 10 feet.

MOTION TO OPEN PUBLIC HEARING: Commissioner Smith motioned and Commissioner Young seconded with unanimous approval to open the public hearing.

STAFF REPORT: Bill Morris referred to the land use text amendment application included in the packet sent to commissioners. He mentioned that Lloyd Barker wanted to put an additional commercial building on his property and found that Harrisville City's requirement for a ten-foot side yard setback next to commercial is different from surrounding communities that allow zero setback. Bill Morris said that the ten-foot setback may have resulted when Greg Montgomery helped the commission with the Land Use Ordinance update. The application received from Lloyd Barker is to amend the side yard setback next to commercial from 10 feet to zero, and the setback next to residential from 20 feet to 10 feet.

APPLICANT: Lloyd Barker said when Howard Dabb (Quad D) placed his building next to Mr. Barker's property line, the setback was zero. At that time, he and Howard Dabb discussed future plans for the two properties. If Barker has to place his new building ten feet from Dabb's existing building, it makes it difficult to combine his entrance with Quad D Properties, and join parking lots. The ten-foot space between the buildings would be a maintenance nightmare. Mr. Barker researched surrounding cities and found each to have a setback next to commercial of zero. He said he called Ogden City and talked to Greg Montgomery. The setback for Ogden City is zero, and Greg Montgomery was surprised the setback in Harrisville is 10 feet.

Public Comments: None.

MOTION TO CLOSE PUBLIC HEARING: Commissioner Jensen motioned and Commissioner Holbrook seconded with unanimous approval to close the public hearing.

DISCUSSION: Commissioners wondered if the fire department has concerns with buildings that close. Lloyd Barker said he checked with the Ryan Barker, North View Fire District, who said if constructed properly, it is not a problem. Commissioner Nelson questioned why the applicant is requesting to change the setback next to residential property from 20 feet to 10 feet. Mr. Barker said he just copied the 10-foot setback of some of the other cities he reviewed. Commissioner Nelson said she would like the residential setback to remain at 20 feet. Mr. Barker said to leave it at 20 feet would not affect his plan. Bill Morris said the change to the residential setback was included in the proposed ordinance since it was requested on the application. Blair Christensen strongly supported keeping the setback next to residential at 20 feet. He mentioned that an exception was given to commercial property south of his home with a firewall, and it has negatively affected his property. Commissioners agreed to leave it at 20 feet next to residential, and Bill Morris made the change on the proposed ordinance.

MOTION: Commissioner Jensen motioned to recommend amending the commercial interior side setback next to other commercial property from 10 feet to zero, and leave the commercial interior side setback next to residential at 20 feet. The motion was seconded by Commissioner Nelson and voting was unanimous.

Lloyd Barker left the meeting.

2. TRAINING, “A history of land use regulations in Utah.” - Bill Morris

Bill Morris gave a brief history on how land use began and has evolved over the years. In 2005, the Utah State Legislature enacted SB 60 which streamlined land use. He explained how the 2005 Land Use Management and Development Act (LUDMA) affected city government. When it is felt that property rights are being violated, the opportunity is available for third party review and advisory opinion of the property rights ombudsman. In Utah, the legislative body cannot condemn and give property to a developer like in some states. Greg Montgomery was hired to go through Harrisville City’s Land Use Ordinance to bring it into compliance. Bill Morris explained that when an application is submitted, it is vested to the law in place at the time of filing the application unless there are health and welfare legitimate exceptions, which are hard to prove, or if there is a pending ordinance in process in which case it would be subject to the new pending law. Standards were established for nonconforming uses and structures. Special exceptions have been eliminated. Noticing has been standardized, and public hearings are no longer required by the city council. Conditional use permits have become administrative quasi judicial function of the planning commission. The standard for denying conditional use permits is very strict, and a public hearing is no longer required. The Board of Adjustment was replaced with an appeal authority. Ex parte contracts are not in the statute. Bill Morris explained that commissioners act as quasi justices, and residents should not be contacting them for lobbying purposes. If commissioners have a conflict of interest, are making money from a project being considered, or are extremely biased, they should declare their conflict, and recuse themselves from the meeting. Commissioners should not have outside contact with the quorum as a whole. They need to be

transparent and open. Harrisville City established a project management committee as a planning commission alternative. Sometimes this committee solves issues that do not even come to planning commission. Anyone is welcome to attend project management meetings which are held the second Thursday of each month at 9:00 a.m. at the city hall, unless cancelled due to no agenda items. Utilizing this committee streamlines the review process. Bill Morris stated that exactions can be a gray area. What is being exacted has to be equal to what is being developed. Spot zoning has been eliminated. Development agreements are authorized. He explained a Planned Residential Unit development (PRUD), Planned Unit Development (PUD), and Harrisville's Special Area Plan (SAP). The SAP zone in the city shows on the land use maps, but has been eliminated as a zoning option. He stated that zoning is the last vested power left with local government. He said there will probably be some joint training with the planning commission and the city council at the first of the new year. He congratulated Steve Weiss for his reappointment to an additional four-year term.

3. CONSENT APPROVAL of Planning Commission Meeting Minutes November 11, 2015.

MOTION: Commissioner Young motioned and Commissioner Jensen seconded to approve minutes of planning commission meeting held November 12, 2015, as written. Voting was unanimous.

4. PUBLIC COMMENTS

Mike Murtha, 2544 North 575 West.

He reported that he comes from a military family, and is associated with the Utah Military Affairs Division. As a retired veteran, he has made it a personal goal to expand veteran businesses within the city. He wants to establish a logo that can be applied to business signs of veteran owned businesses. This will help bring distinction to the city and elevate the status of veterans. Business owners will be required to prove they are veterans. He said he will be on a future agenda to bring more information the commission about amending the sign ordinance to include the logos.

5. ADJOURN 7:50: p.m.

MOTION: At 7:50 p.m., Commissioner Nelson motioned and Commissioner Holbrook seconded with unanimous approval to adjourn. The next regularly scheduled planning commission meeting will be held January 13, 2016, 7:00 p.m. at the city hall.

Shanna Edwards
Secretary

Steve Weiss
Chairman