

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

Commissioners:  
Steve Weiss  
Chad Holbrook  
Don Knighton  
Bill Smith  
Kevin Jensen  
Patricia Young  
Blair Christensen  
Brenda Nelson

Staff: Bill Morris (City Administrator)  
Shanna Edwards (Secretary)  
Jeff Pearce (City Council)

Visitors: Ruth Pearce, Susan Colvell, Brad, Colvell, Lance Frenchy, Jared White, John Barker, Russ Wahlen, Heidi Wilson, Tyler Knight, Doug Russell

Chairman Weiss called the meeting to order and introduced new commissioners, Blair Christensen and Brenda Nelson. Bill Morris administered the oath of office to the new commissioners.

**1. PUBLIC HEARINGS concerning Russell Wahlen property (112 East Wahlen Way - Tax Identification Numbers 110330080 and 0081)**

- a. To amend the General Plan Map from Semi-rural Residential to Low Density Residential**
- b. To amendment to Zoning Map from A-1 to RE-15**

STAFF REPORT: Bill Morris explained that the portion of property upon which Mr. Wahlen located his home was divided off from the rest of the property he owns creating a subdivision without going through the required subdivision process set forth in state law. The property is located in the A-1 Zone which requires a minimum lot size of 40,000 square feet, and the lot he created contains only 30.928 square feet which is illegal. He was issued the building permit for his home on the parcel of land based on the entire lot. He was notified of the violation and is remedying the code violations by submitting a request to amend the General Plan from Semi-rural Residential to Low Density Residential and the Zoning Map from A1 to RE-15 so that his lot complies.

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

APPLICANT: Russ Wahlen was invited to address the public. He stated he originally had the area designated for the home as over an acre. Pine View secondary water is assessed on the size of the lot, so he reduced the size of the lot for the home to three quarters of an acre to make secondary water more affordable. He did not realize that it was in violation of the zone and inappropriate to subdivide without city approval.

*Public Comments:*

Doug Russell, 1080 North Highway 89. He said his property backs up to the Wahlen property and the north property line of the Greenwood Charter School. He said he is interested in what is going on with these two properties as well as the future extension of 1100 North which all affects his property. He questioned why the RE-15 Zone with minimum lot size of 15,000 square feet is being considered rather than R-1-10 Zone with 10,000 square foot minimum lot size. He mentioned that all the property to the north is R-1-10. He is in the real estate business and is opposed to urban sprawl. He said today people want walkable communities near parks, and mass transit with walking paths. Larger lots are not what he wants to encourage. He suggested commissioners reconsider and check what is happening with other cities. He mentioned the Harrisville City Park where residents live around and near the park on small lots and can utilize the walking path and park. He said larger lots contribute to urban sprawl and global warming; that is not forward thinking; that is not the future.

MOTION TO CLOSE PUBLIC HEARING: Since there were no further comments, Commissioner Knighton motioned and Commissioner Holbrook seconded with unanimous approval to close the public hearing.

Bill Morris said the applicant can change to the R-1-10 Zone and re file the application. Commissioners have the responsibility to approve, deny, or table the application being considered.

DISCUSSION: Russ Wahlen was invited to respond and he stated that he prefers the R-1-10 Zone. He said it makes sense to him and he agrees with what Doug Russell said. When he bought the property from Doug Russell's father, he was shown a concept plan for 10,000 square foot lots. Commissioner Knighton received clarification that the application includes the entire parcel and not just the lot where the home is located. Commissioner Holbrook had a concern that smaller lots may change property values in the area. Commissioner Jensen said he would want to get public comment before changing from RE-15 as advertised to R-1-10. Bill Morris explained changing the General Plan Map and Zoning to Medium Density Residential and R-1-10 can be revisited at the time a development is proposed.

MOTION: Commissioner Young motioned and Commissioner Jensen seconded to recommend amending the General Plan Map from Semi-rural Residential to Low Density Residential. Voting was unanimous by all commissioners present.

MOTION: Commissioner Jensen motioned and Commissioner Smith seconded to recommend amending the Zoning Map from A-1 to RE-15. Voting was unanimous by all commissioners present.

Bill Morris said he will prepare the ordinance to move this forward to the city council.

**2. Consider approval of conditional use permit application for a Cell Tower to locate on the E.K. Bailey property at 1245 N. Washington Boulevard, Harrisville, Utah 84404.**

STAFF REPORT: Bill Morris said cell towers are mainly handled by federal law under the Federal Communication Administration and municipalities cannot prohibit them. This is a conditional use and everything seems to be in order. Commissioners do not have the prerogative to turn this down because it meets all requirements of the ordinance.

APPLICANT: Jared White explained all cell towers have two major functions, to improve the immediate coverage in an area, and to improve the capacity of existing cell sites. He said cell sites in the area are over capacity and the additional tower will make all other cell towers in the area function better. He said the location is driven by demand and that is what necessitated the need for another tower. Surrounding cell sites are taking so much traffic out of Harrisville that they cannot function well in their areas.

DISCUSSION: In answer to Commissioner Holbrook's question, Mr. White said he is not sure how many towers are located in the immediate area because a number are owned by other carriers. Jared White said they can terminate the lease and remove the tower if there becomes no need for it. At this point, they are just trying to meet the demand for coverage. Commissioner Jensen asked about the location on the E.K. Bailey property. Mr. White said location on that property was determined in a way to allow E.K. Bailey the best continued utilization of structures existing on the site. The tower height will be 100 feet to allow it to be come co-locatable. That allows towers to share with other carriers because they all operate on their own frequency. When there are multiple rays of antennas on a tower it is because several carriers are sharing the tower. Mr. White said city ordinances generally require towers to be shared. Verizon will own the tower, but it will be co-locatable. Bill Morris stated that is supported by ordinance. Commissioner Young noted there are fuel tanks and pumps on the property. Mr. White said cell towers are unoccupied. The company will have to apply for a building permit and follow the building code which requires separations from existing structures. As far as esthetics, Bill Morris said this is an area that is rather industrial. Mr. White stated that sometimes they paint towers brown to blend in. This tower will be galvanized steel which will lose its brightness and blend in better over time. Bill Morris suggested as conditions that the applicant obtain a building permit and follow state and federal building codes as they apply and also municipal codes.

MOTION: Commissioner Young motioned to approve the conditional use permit application for a cell tower to locate on the E.K. Bailey property at 1245 North Washington Boulevard, with the conditions that the applicant apply for a building permit and follow state, federal, and municipal building codes as they apply. The motion was seconded by Commissioner Smith. All commissioners present voted aye with the exception of Commissioner Jensen who voted nay.

### **3. Final site plan review / recommendation for Hunting Park six-lot subdivision located at the west end of 1500 North.**

STAFF REPORT: Bill Morris read the review letter from Kent Jones, city engineer.

APPLICANT: John Barker said his surveyor is present to help answer any questions. He commented that he has been working with the city for the last six to eight months to get this subdivision to this point. Commissioner Jensen pointed out that the note commissioners

recommended at preliminary approval stating that elevations cannot be raised does not appear on the final site plan. Commissioner Young stated there are some fairly large homes in the neighboring area, and she asked what the price range might be for homes in this subdivision. Mr. Barker said he does not know but assumed it would be between 220,000 and 250,000 when built. He says they do not have the building plans yet. Mr. Barker agreed they hope to continue the pattern of the neighboring area. Bill Morris suggested commissioners recommend final approval subject to the city engineer's memo dated August 26, 2015, and the additional drainage note that elevation of lots not to be raised to prevent drainage onto adjoining lots. The developer's surveyor, Tyler Knight, offered a later drawing which includes the note as well as the chain link fence and other recommendations from the commissioner's preliminary approval. Chairman Weiss said the commission is satisfied as long as these items are on the final plat going forward to the city council with the city engineer's review and recommendation.

MOTION: Commissioner Jensen motioned to recommend final approval for Hunting Park six-lot subdivision located at the west end of 1500 North, conditional to the city engineer's letter of August 26, 2015, and that the items mentioned in the planning commission minutes of July 8, 2015, are included on the final drawings. The motion was seconded by Commissioner Holbrook and voting was unanimous by all commissioners.

Bill Morris stated that the planning commission secretary will send out a notice of action subject to the items mentioned. The applicant has 10 days to file an appeal otherwise it goes to the city council for final approval.

#### **4. Consent approval of Planning Commission Meeting Minutes July 8, 2015.**

MOTION: Commissioner Holbrook motioned and Commissioner Knighton seconded to approve minutes of planning commission meeting held July 8, 2015, as written. Voting was unanimous.

#### **5. Public comments.** None

#### **6. Adjourn**

At 7:30 p.m., Commissioner Young motioned and Commissioner Smith seconded with unanimous approval to adjourn. The next regularly scheduled planning commission meeting will be held October 8, 2015, 7:00 p.m. at the city hall.

Shanna C. Edwards  
Secretary

Steve Weiss  
Chairman