



Harrisville City Planning Commission

Harrisville City Offices

Wednesday, June 12, 2024 – 7 PM

Commissioners:	Nathan Averill Chad Holbrook Brad Elmer Jordan Read	Staff:	Jennie Knight (City Administrator) Cynthia Benson (Deputy Recorder) Justin Shinsel (Public Works Director) Brody Flint (City Attorney)
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Visitors: Glade McCombs, William Brechbill, Paul Davis, Judeane Caulford, David Conley, Greg Montgomery, Shannon Rich, Aaron Field, Craig North, Marvin Farrell, Tawna Field.

1. CALL TO ORDER

Chair Averill welcomed all in attendance.

2. CONSENT APPROVAL – of Planning Commission minutes from May 8, 2024.

MOTION: Commissioner Holbrook motioned to approve Planning Commission minutes from May 8, 2024. Commissioner Read seconded the motion. The motion passed with all voting in the affirmative.

Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes
Jordan Read	Yes

The motion passed with all voting in the affirmative.

3. PUBLIC HEARING – in accordance with Utah Code §10-9a-502, the Harrisville City Planning Commission will hold a public hearing on Wednesday, June 12, 2024, at 7 PM, to take comments for and/or against a Master Development Agreement for Oak Hollow Subdivision.

Chair Averill read through the rules for a public hearing before entertaining a motion to open the public hearing period.

MOTION: Commissioner Read motioned to open the public hearing. Commissioner Elmer seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes
Jordan Read	Yes

The motion passed with all voting in the affirmative.

Jennie Knight, City Administrator, updated the commission on an appeal the city received for this

project. The appeal hearing was held on May 14, 2024, where it was determined the process in which the city used to adopt Ordinance #551 was missing a few state statute steps resulting in the need to present the Master Development Agreement (MDA) before the commission tonight. Since your last view of the MDA, staff and the developer have been able to clean up the MDA and remove language which was not applicable.

Greg Montgomery expressed his concerns on the process and his understanding of what the city is trying to accomplish. It is his understanding the city is approving a Master Development Agreement and not a cluster subdivision which was the original presentation. He feels the city is not paying homage to its own ordinances. Under the ordinance, this development would have been a 14-15 lot subdivision. Now under the development agreement this is a 30-lot development where negotiations have taken place. Why is the city not following its own ordinances? Why is this now a development agreement? He feels the process is not being referred to by the right title in the noticing. He was not aware of a preliminary plat being filed nor any fees being paid for a subdivision application. He asked for clarification on what is being approved tonight. Is this a concept with a development agreement or a preliminary subdivision? He feels there is language in the development agreement which allows the developer to modify the housing type without having to obtain city approval. He stated his concerns about the current plan not allowing the option for some property line homeowners to add amenities to their property due to a smaller rear setback distance. He concluded his comments by asking what the notice will be for those who utilize the irrigation ditches.

Aaron Fields understands the state is requiring cities to provide more affordable housing. His thinking is the ordinances are there to protect. He feels the city has tossed the ordinances out to approve the development. He stated his concerns about lot sizes and the quantity. It is unfair to change the rulebook for the new development when the standards his house was built were different. He asked the existing ordinances to be followed to protect all the parties involved. Chair Averill asked to see the picture Mr. Fields took today from his back deck where three lots, one being a retention pond, were to be placed. Mr. Fields restated his concern about cramming so many lots into a small parcel of land making it feel more like New York.

William Brechbill asked if the development agreement is online for him to review since this was the first time he had heard about the project. Commissioner Read and Chair Averill explained where the meeting packet is located and how to access it on the city website.

MOTION: Chair Averill motioned to close the public hearing. Commissioner Holbrook seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes
Jordan Read	Yes

The motion passed with all voting in the affirmative.

- 4. DISCUSSION/ACTION/RECOMMEND** – to recommend adoption of Ordinance 558; an ordinance adopting a Master Development Agreement for Oak Hollow Subdivision located at approximately 265 Larsen Lane.

Commissioner Holbrook said he feels there is a false dichotomy on whether the city is following the ordinances. He feels there needs to be an explanation about how the ordinances will be contained within the MDA protecting those parties involved.

Brody Flint, City Attorney, explained under state law, and through a lot of pressure by the state legislation, the law was changed to allow development agreements to occur outside of existing ordinances. The option now is for developers and the city to complete a development agreement which is a contract between the developer and the city. The benefits to this are flexibility to create housing options which would not otherwise meet ordinances and for faster approvals. The development agreement governs the development as it moves forward.

Chair Averill asked if it would be possible to redo the process under the cluster ordinance. Mr. Flint stated clearly the commission cannot undo the process. It is the landowner's prerogative to develop the land as they see fit. They now have the option to create a development agreement to obtain their desired goal for any given property within the city. If the City Council wishes to start all over despite the Planning Commission's recommendation, that is still an option. Chair Averill stated he wanted to understand the process since both a cluster subdivision and development agreement have been presented. Mr. Flint continued saying this is where the Appeal Authority comes in. The agreement before you is the developer's choice for the development to move forward.

Commissioner Elmer asked for clarification on whether or not the concerns on the legal side and on the city side have been appeased. Mr. Flint answered the development agreement is essentially the same as what has already been approved through the City Council. To the developer's credit, he did not ask for changes. The only items changed were items found by the appeal authority, verbiage which was not applicable to the subdivision and added clarification on what ordinances and codes are to be followed within the agreement. Whether or not we call this a subdivision or an agreement, it is essentially the same. The difference is right now we are operating under the statutes of a development agreement which is a legislative decision. Chair Averill added the last time this was presented the statutes were both legislative and executive creating the dichotomy mentioned.

Commissioner Read added it was his understanding the development agreement has some fluid decisions which still need to be made as the development continues through the process. Mr. Flint agreed. He explained the future subdivision process comes later. Chair Averill explained the stage this development is in is the concept stage. The preliminary stage will come later. Mr. Flint said the developer has the concept and is now working through that plan to obtain the approvals necessary. Ms. Knight clarified the agreement will allow lots number to move between phases, but the approved number will not change. There is language specifying this development to be single family. The developer would not be allowed to change to twin homes, or a multi-family home nor would he be able to change the any part of the agreement without going through the approval processes outlined by ordinance. Mr. Flint emphasized that the agreement cannot be unilaterally changed without the city approval process based on contract law. If the developer asks for any change, they would have to start the approval process all over again.

Commissioner Holbrook stated he understood a development agreement is to allow the city more control over what the final product of any given development will be. By having these agreements in place, the city is protecting itself and its residents.

Glade McCombs expressed his appreciation for the commission. He continued his remarks with clarification on the MDA. During the public hearing a comment was made stating if we approve an MDA, we slight all the city ordinances. He firmly disagrees. He further explained the state has streamlined the approval process by allowing developers to submit MDAs, but they still must pass through the city planning authority and all necessary approvals as outline by city ordinance. When the development team found out they needed to resubmit the project, the development team decided to leave the plan unchanged despite their opportunity to ask for more. The only item repositioned on the concept is where the pickle ball courts are to go based off a request stated the last time they were before the commission. He reiterated the submission itself has not changed. To take it back through the process of a cluster, which they met, would not make sense. The calculations for the development were based off the developed area. He stated the development team only wishes to build this development in order to create something nice for the community.

Chair Averill reviewed the public comments to verify all were addressed before calling for a motion.

MOTION: Commissioner Holbrook motioned to forward a positive recommendation of Ordinance 558; an ordinance adopting a Master Development Agreement for Oak Hollow Subdivision located at approximately 265 Larsen Lane subject to any staff or agency comments. Commissioner Elmer seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes
Jordan Read	Yes

The motion passed with all voting in the affirmative.

5. DISCUSSION/ACTION/RECOMMEND – to grant preliminary plat approval of Harrisville Fields Subdivision Phase 1 located at approximately 867 North Harrisville Road.

Ms. Knight updated the street addresses for this phase will be 390 West North Street and reviewed the engineer’s memo. The reason we are here is for the preliminary plat approval for Harrisville Fields Phase 1. After this approval, if obtained, the remaining approvals will be processed through the Administration Land Use Authority.

Chair Averill asked if the length of the top cul-de-sac, 600 North, is an issue. Justin Shinsel, Public Works Director, stated all stubbed roads on the plat are for future developments to the west and the lengths are less than 600 feet per code.

Chair Averill asked for the reason 400 North is dedicated to Ogden instead of Harrisville. Mr. Shinsel replied this section of North Street is currently in Ogden thus creating the reason. After this point there is a road shift where North Street goes back to Harrisville City to maintain. Ogden is to maintain the road to this point. The roads within the subdivision will be city maintained.

MOTION: Commissioner Read motioned to approve preliminary plat approval of

Harrisville Fields Subdivision Phase 1 located at approximately 867 North Harrisville Road subject to Engineer’s memo dated June 6, 2024, and any other staff or agency comments. Commissioner Holbrook seconded the motion.

Nathan Averill Yes
Chad Holbrook Yes
Brad Elmer Yes
Jordan Read Yes

The motion passed with all voting in the affirmative.

6. DISCUSSION/ACTION/RECOMMEND – to grant preliminary plat approval of Harrisville Fields Subdivision Phase 2 located at approximately 867 North Harrisville Road.

Chair Averill began the discussion by asking about the extra-long cul-de-sac, 850 North Street, within this phase. Ms. Knight responded that this concern was addressed through the appeal authority for a variance at the beginning of the approval processes. It was granted due to the limitations the flood plain caused the developer. Chair Averill asked if the flood plain needs to be shown on the plat. Ms. Knight said this is addressed in the engineer’s comments and will need to occur before final approval can be granted. Mr. Shinsel said the commission needs to keep in mind the flood plain is categorized as an A zone not an AE zone. Currently, the developer does not have the study completed to know what the base elevation levels are for this development. Once this is known, the homes will be built at that elevation or above.

Ms. Knight added there is language on this plat which will be updated. For instance, streets instead of lanes and so on. Also, there is not an HOA for this development.

Chair Averill asked if the skinny street, 3750 W Street, was given a variance for a fire turnaround. The comment on the plat shows this cul-de-sac does not meet code requirements. Mr. Shinsel answered this was caught during the engineer’s comments and will be addressed in future reviews.

Chair Averill asked if Four Mile Creek will be open or in pipe. Mr. Shinsel replied Four Mile Creek and Dixon Creek merge in this phase. Piping of the creek will require a stream alteration permit since placing the ditch in pipe will be altering the stream. The creeks will follow their normal course through the properties and remain in either open space or in the flood plain. There will not be any building on top of the creeks.

Chair Averill asked for clarification on the remaining open space and whether it will be dedicated to the city. Ms. Knight said this area has been identified as a new park with a regional detention basin. The appearance of the basin has not been determined at this time.

MOTION: Commissioner Elmer motioned to approve preliminary plat approval of Harrisville Fields Subdivision Phase 2 located at approximately 867 North Harrisville Road subject to Engineer’s memo dated June 6, 2024, and any other staff or agency comments. Commissioner Read seconded the motion.

Nathan Averill Yes

Chad Holbrook **Yes**
Brad Elmer **Yes**
Jordan Read **Yes**

The motion passed with all voting in the affirmative.

7. DISCUSSION/ACTION/RECOMMEND – to grant preliminary plat approval of Harrisville Complex Subdivision located at approximately 750 W 1750 North.

Ms. Knight stated the purpose is to realign the area to create a lot 2, which will be sold to North View Fire as a future substation, and to dedicate the road structure to the city outside of the area where the Public Works Facility is being constructed. Through the programming phase with the architect, and with North View Fire, the substation will now be a separate building. This will put the substation closer to Highway 89.

Commissioner Elmer asked what the time frame is for the substation. Ms. Knight answered North View Fire adopted their Strategic Plan in February 2024 with possible completion within five (5) years. The city is not certain of their exact time frames since they are a separate entity.

Commissioner Read asked of this partnership will change the fire fees paid out for fire services in the future. Ms. Knight said North View Fire did a comprehensive study which defined Harrisville in need of a substation. However, how they plan on paying for it is not known currently.

Chair Averill asked how the addressing will be for these lots. Ms. Knight replied both lots will most likely be addressed off 1750 North which currently is under construction. The addressing will be determined by the city engineer.

MOTION: Chair Averill motioned to grant preliminary plat approval of Harrisville Complex Subdivision located at approximately 750 W 1750 North subject to the Engineer’s Memo dated June 6, 2024, at to any staff or agency comments. Commissioner Holbrook seconded the motion.

Nathan Averill **Yes**
Chad Holbrook **Yes**
Brad Elmer **Yes**
Jordan Read **Yes**

The motion passed with all voting in the affirmative.

Commissioner Read was excused.

8. PUBLIC COMMENTS – (3 minute maximum)

Greg Montgomery added to his earlier comments his concerns about application fees for development agreements. He has not seen any fees collected for this process, which has taken a lot of city staff time to complete as the commission has seen here tonight. He did not see any fee structure for developments and feels there should be. He wished to further clarify whether or not the development meets the ordinances. He mentioned the appeal process never ruled if the

development meets the city ordinances. He agreed the city will not allow homes to be built outside of buildable areas. However, because of the setbacks the new homeowners will not be able to add onto their home such as a sunshade, deck, etc.

9. COMMISSION/STAFF FOLLOW-UP

Ms. Knight began by stating the MDA fee is not included in the current fee schedule. This is a new update through state legislation. Typically, the city will pass along any costs to the developer which exceed the collected application fees before final approvals can be obtained. Chair Averill pointed out there is a section in the MDA which addresses this.

Ms. Knight informed the commission Mayor Tait received a resignation letter from Bill Smith in May. There are now two openings for the commission. If anyone is interested in filling those positions, they can fill out an application on the city website.

Commissioner Holbrook inquired about the golf course. Ms. Knight mentioned the sewer line installation is underway. Staff have met with the developer about the updates to Millenium Park installation. As of now, the ditch which runs on the south side of the property, will remain as is throughout the watering season before any construction is completed. They will be adding restrooms, playground equipment, sod, and sprinklers. The city has been working with the lender to accomplish this.

Commissioner Holbrook asked if there was any intent to place a sidewalk on the west side of Highway 89. Ms. Knight said the sidewalks will be added during development of the parcels. Currently there are no other plans to do so.

10. ADJOURN

MOTION: Chair Averill motioned to adjourn the meeting. Commissioner Elmer seconded.

Nathan Averill	Yes
Chad Holbrook	Yes
Brad Elmer	Yes

All voted in the affirmative.

The meeting adjourned at 7:58 pm.

Nathan Averill
Chair

Cynthia Benson
Deputy Recorder