

Harrisville City Planning Commission Meeting  
363 W. Independence Boulevard  
7:00 p.m., September 14, 2016

Commissioners: Steve Weiss  
William Smith  
Pat Young  
Chad Holbrook  
Brenda Nelson  
Roger Shuman  
Blair Christensen

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

Visitors: Dona Eborn, Ruth Pearce, Jeff Pearce, Kathleen Hohosh, Jim Leishman, Gae Leishman, Lloyd Barker, Jim Flint, Eleanor Jensen, Mary Beus, Mike Murtha, Chase Freebairn, Kevin Butters, Blain Barrow.

Commissioners Jensen was excused. Chairman Weiss called the meeting to order and welcomed everyone.

**1. CONSENT APPROVAL of Planning Commission Meeting Minutes August 10, 2016.**

MOTION: Commissioner Young motioned and Commissioner Holbrook seconded to approve minutes of planning commission meeting held August 10, 2016, as written. Voting was unanimous.

**2. PUBLIC HEARING/DISCUSSION/ACTION on proposed amendment to section 11.08.020 of the Land Use Ordinance to add “animal shelter” as a use in the A-1 Zone.**

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

STAFF REPORT: Bill Morris stated that proposed Ordinance #480 clarifies “animal shelter” as a use in specific zones, particularly A-1.

*Public Comments:*

Eleanor Jensen, 130 South 500 West Logan, Utah

She is a veterinarian at Brookside Animal Hospital. She is interested in starting an animal rescue shelter including mainly dogs and cats. This would be private, but it would be open to serve the needs in Weber County. She is looking at the property at 1755 North 750 West presently occupied by green houses, a shop, and a residential home. She feels this property and the existing structures are well suited for what she wants to do as far as providing a stimulating environment for the animals including natural lighting in the existing structures. She would house animals there while working on getting them adopted or fostering out.

Mike Murtha 2544 North 600 West

He added that this facility would be a county wide solution for municipalities to have an alternative to the Weber County Animal Shelter, which would benefit the tax payer. The layout

of the property is almost a custom fit for the vision Dr. Jensen has. He supports this as a way to solve a county wide problem.

Blain Barrow 2785 North 750 West

He would like to hear more about what the proposed shelter includes. He questioned sufficient support of another animal shelter with the Weber County facility just down the street. He stated that the Weber County facility is sound proofed, and was there before the housing units went in close behind it. He mentioned neighbors on 750 West are not opposed to something going in that would enhance the property, but they would oppose something that would detract from it. He stated that changing the ordinance would allow animal shelters everywhere in the A-1 Zone. It should be more specific. He wondered if other large animals would be included. He said that most of the neighboring property owners do not know about what is being considered to go in there by the notice that was put in the paper which was not specific.

Jim Flint 538 North Main, Brigham City

He suggested the proposed amendment include that "animal shelter" be a conditional use and not a permitted use. Bill Morris assured him that the proposed ordinance does designate it as a conditional use.

Kevin Butters 122 Larsen Lane

He supported it being a conditional use. He explained that if it is conditional use the city cannot stop it or prevent it from going in, but it gives the city the opportunity to impose reasonable conditions to protect the neighboring property owners.

Kathy Hohosh 1149 North 200 East

She stated the fostering of animals as different from sheltering. She said these are usually animals that can no longer stay in the animal shelter, but need an interim place until they can be helped or put down.

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

**DISCUSSION:**

Bill Morris pointed out Chapter 11.09.020.4 in the municipal code includes a table with setbacks for an animal shelter, but animal shelter it is not in the list of uses in residential particularly A-1 which is the purpose of the proposed ordinance. Commissioner's concerns included that the ordinance does not provide specific regulations. It does not control the size and number of animals allowed. It could result in multiple animal shelters throughout the city. Bill Morris said the cost to establish an animal shelter and the market may limit the number, but it could be regulated by allowing only one animal shelter per a specific number of citizens in the city. He referred to the Chapter 18 of the Land Use Ordinance allows for conditions to be specifically applied to individual conditional use applications. As far as helping resolve a Weber County problem, Commissioner Shuman questioned if Harrisville wants to be responsible for all the dogs in Weber County. Chairman Weiss said the action tonight is to add the use to the

ordinance, not dealing with development of a specific site. Commissioner Holbrook said that adopting this allows developers to apply for a conditional use with a site plan. He asked what happens if the planning commission does not approve the ordinance. Bill Morris said that it would go to the city council with a negative recommendation, and the city council will make the decision.

Commissioner Shuman suggested tabling any recommendation on the ordinance and come back with ideas of what regulations they want to recommend. Bill Morris said the setback requirements are already in the ordinance. Insulation for inside the building and other topics would be covered under the conditional use. Commissioner Shuman said if it provides services Weber County wide, how many dogs will that be? He envisions hundreds. Chairman Weiss suggested getting information from the people associated with animal shelters to learn what regulations are appropriate to consider. Commissioner Holbrook expressed concerned if approved, there could be numerous shelters and unlimited animals. Mike Murtha reminded commissioners that Ogden City allowed an entire community at the back door of their shelter. Soundproofing can be part of the restrictions of the conditional use. Chairman Weiss called for a motion.

MOTION: Commissioner Nelson motioned to recommend approval of the proposed amendment to section 11.08-020 to add animal shelter as a use in the A-1 Zone. The motion was seconded by Commissioner Smith. Commissioners Nelson, Smith and Chairman Weiss voted aye. Commissioners Young, Shuman, Holbrook, and Christensen voted nay. The proposed ordinance will proceed to the city council with a negative recommendation.

**3. DISCUSSION/ACTION on a conditional use permit request from Michael and Kathleen Hohosh, 1149 N. 100 E. in the R-1-10 Zone for several home occupations with visiting clientele including: (1) Mentor business where clients may come to the home, includes an occasional pick up of minerals. (2) Dutch oven classes-limited size held two to three times a year-parking will be offsite. (3) Grill rental.**

Bill Morris said Harrisville City encourages home occupations and the ingenuity that results from these businesses. When a home occupation grows to the point that it interferes with the neighborhood it becomes a problem. The conditional use permit procedure helps maintain the residential atmosphere that takes precedence.

Kathy Hohosh said her mentioning of clients is often done in groups by webinars or is held other places. She may have one client at a time possible twice a week for energy healing. She sells minerals, but her business is done on the phone, and she meets clients elsewhere. Not all come to her home. Their back yard is set up for Dutch oven classes. They may hold classes two to three times a year with a limited class size. The emphasis of their all their businesses combined is to grow closer as couples and closer as families. Her husband made the grills that he rents, but rather than have people pick them up at the home, he delivers them. When asked her qualifications, she reported that she has taken classes and is training continually. There are no commercial delivery trucks that will be coming to the house associated with any of the businesses.

MOTION: Commissioner Shuman motioned to approve the conditional use for the home occupations requested subject to the following conditions: Dutch oven classes may be held two or three times a year during the months of June through September; no more than two to four vehicles associated with any of the businesses will be at the home at any one time: only one client at a time for the mineral energy healing classes; no visiting clientele associated with the grill rental, and fabrication will also have no commercial deliveries to the home. The motion was seconded by Commissioner Christensen and voting was unanimous.

**4. DISCUSSION/ACTION on a conditional use permit request from Dona & Jarom Eborn, 2280 N. 650 W. in the R-1-10 Zone for a daycare/preschool.**

Bill Morris said this home occupation is similar to the last in that it involves visiting clienteles. It is subject to home occupation regulations and specific day care requirements which he read from paragraph 11.20.170 of the code.

Dona Eborn said there is a need for this service in Harrisville. She said many parents do not want to take their children to be cared for at centers. She has had training and has previously worked in day care. She has taken the child care licensing course, is certified in CPR, and has a food handlers permit. She stated that she has to stay current with continuing education in order to keep her license with the state. Her state license is conditional upon approval of her license with the city. She said her hours are basically from 6:00 a.m. to 6:00 p.m. She is only allowed by the state to have eight children in addition to her own. If she expands, she will need to hire help as long as that is allowed. She has a large house with a six-foot high fenced yard. Commissioner Christensen commented that he appreciates her coming in and getting a license. He said there is a lot doing the same thing out there that do not bother following procedure.

MOTION: Commissioner Holbrook motioned to approve the conditional use request for a daycare/preschool for Dona and Jarom Eborn at 2280 North 650 West in the R-1-10 Zone subject to the home occupations regulations particularly those set forth in paragraph 11.20.170 of the Harrisville Code. The motion was seconded by Commissioner Nelson and voting was unanimous.

**5. DISCUSSION/ACTION on final site plan for Phases 1 and 2 of Barker Plaza at 2200 North Highway 89 to establish tradesman shops and offices.**

Bill Morris referred to the city engineer's memo dated September 8, 2016, and mentioned the need for a deferral agreement that will delay city improvements in Phase 1 to go in with Phase 2.

MOTION: Commissioner Nelson motioned to grant final approval of the final site plan presented for Phases 1 and 2 of Barker Plaza at 2200 North Highway 89, subject to the engineer's memorandum dated September 8, 2016, staff and agency comments, and any required deferral agreement. The motion was seconded by Commissioner Shuman and voting was unanimous.

**6. DISCUSSION/ACTION on final site plan for Thoroughbred Crossing 23-lot subdivision located east of Thoroughbred Meadows Subdivision including access on Larsen Lane**

Bill Morris introduced City Engineer, Matthew (Matt) Robertson, who would answer questions on this agenda item, and Bill Morris left the meeting.

Matt Robertson said he received an updated set of plans late today, and he has not had time to go through every item to determine if all concerns have been addressed. His memorandum to the planning commission dated September 9, 2016, recommended approval based on an earlier plan he reviewed a week ago which included 18 items that needed to be addressed. He does not know what the new plans include. He feels they are very close to resolving issues, but whether the commission approves final tonight on a plan he has not reviewed and they have not seen will be the decision they have to make.

Commissioner Shuman recalled that when he served on the planning commission in the past, they did not approve plans subject to a big long list of items because it got out of control and complicated things. Matt Robertson said one of the greatest concerns is the detention calculations and storm drain basin, and he has not had time to check that on the updated plans. Commissioner Shuman suggested tabling final approval.

Chase Freebairn said they are well aware of items in the memo, and these have been addressed on the plans finalized today. They own the property, they have committed and paid water inclusion fees and signed water shares over to Pine View, and they have resolved issues with Western Irrigation. They do not file for the SWPPP until they get the plan approved. Some of the things included in the list of items do not get done at this point in the process. He mentioned they need lot addresses that the city engineer should provide. He went down the list of 18 items on the plat and reported on their state of compliance. With reference to detention concerns, Commissioner Young stated her concern that water in basements creates an undue burden. She mentioned making sure that the pond is adequate to best standards. Chase Freebairn stated that each lot is labeled on the plan to which level foundations can be placed. He said the size of the basin had to be increased on the new plan. Commissioners had compassion for the developer, but they were concerned about recommending approval of plans when they do not know fully what is in the latest plans. Commissioner Nelson suggested a special meeting in a couple of weeks for the engineer to have time to review the plans to make sure all items have been completed. Commissioners favored the suggestion. Secretary Edwards commented that she hoped this would not be setting a precedence. Commissioners agreed that September 28, 2016, at 7:00 p.m. was a date that would work for all those present except Commissioner Smith who will not be able to attend.

**MOTION:** Commissioner Nelson motioned to table taking action on the final site plan for Thoroughbred Crossing 23-lot Subdivision until a later meeting to be held September 28, 2016, at 7:00 p.m. at the Harrisville City Hall. Commissioner Holbrook seconded the motion and voting was unanimous.

Commissioner Shuman was excused from the meeting.

7. PUBLIC COMMENTS:

Kevin Butters 122 Larsen Lane

He commented that commissioners took the proper action by tabling approval because those things left hanging do not often get completed. He said he is still waiting for the secondary water connection he and other property owners were promised to receive with Thoroughbred Meadows when that subdivision was going for final approval. Other property owners now have their secondary water connections. He said he would like his water connection to be a condition of approval for Thoroughbred Crossing which is connected to Thoroughbred Meadows. He hoped it could be “piggy backed” with approval of this development. Commitment from the developer of Thoroughbred Meadows is in the minutes, and he said Bill Morris is aware of this. He said there a list other things that never did get fixed. Bill Morris told him that if Butters sues the city to get the promised connection, the city would have counter sue Regency and Ivory. He stated that these are good companies, and he does not want to have to do that because they are customers of his business. He said it is hard for him to be the city enforcer, but this was on the list along with other things for final approval that it never did get done.

He also mentioned a concern for where the road curves on 700 North. The trees that are part of the buffer for Walmart have grown so that drivers cannot see down around the road for the trees. He was recently involved in a crash there because of that. He mentioned rules for site triangles at intersections, and he suggested the commissioners make some recommendation to have Walmart take down the trees to allow cars to be able to see.

**8. ADJOURN:** At 8:25 p.m., Commissioner Holbrook motioned and Commissioner Smith seconded with unanimous approval to adjourn. Planning Commission will hold a special meeting September 28, 2016, 7:00 p.m. at the city hall. The next regularly scheduled planning commission meeting will be held October 12, 2016, 7:00 p.m. at the city hall.

Shanna C. Edwards  
Secretary

Steve Weiss  
Chairman