



Harrisville City Planning Commission Minutes

Harrisville City Offices

Wednesday, October 9, 2024 – 7:00 PM

Commissioners: Nathan Averill
Chad Holbrook
Jordan Read
Angie Francom
Isaac Thomas

Staff: Jennie Knight (City Administrator)
Cynthia Benson (Deputy Recorder)
Justin Shinsel (Public Works Director)
Brandon Green (City Planner)

Visitors: Michelle Tait, Arnold Tait, Scott Kirkland, Brandon Bennet, Fred Quintana, Karla Quintana, Lucinda Wayment, Sandy Shaw, Debra Call, Blaine Barrow, Stacy Ward, Katherine Berrett, Blair Christensen, LaRae Stuart, Cecil Satterthwaite, Steve LaFevre, Kathryn Kilpatrick, Chris Kilpatrick, Chris Cope, Valerie Gallegos, Mike Gallegos, Jed McCormick, Sherry Farrell, Mike Farrell, Joanna Richardson, Jeff Richardson, Shullyn Vise, Pat Collinsworth, Lisa Castleton, Jude Ranski, Eleanor Jenson, Mary Beus, Art Miller, Lauri Miller, Jim Flint, Richard Steele, Harold Smoot, Kathleen Hohosh, Terri Christopher, Dawn Murray, Regina Hokanson, Peggy Alvord, Iris Yates, Cheryl Quilty, Stacy Ward, Robert Mechling, Roger Shuman.

6:00 PM WORK SESSION

1. BEN LOMOND VIEW MDA DISCUSSION

Chair Averill called the work session to order and thanked everyone for coming. Jennie Knight, City Administrator, gave an introduction beginning with the request by Fieldstone Homes, the potential new buyers of the Ben Lomond Development represented by Jason Harris, to amend the Ben Lomond Master Development Agreement (MDA) which was approved on June 22, 2021. Recently, the lender has begun making some of the improvements such as the sewer line installation across Highway 89 and Millenium Park. Several phases of the project have already received final approval through the City Council under our old subdivision ordinance. Mr. Harris is here tonight to present those proposed changes to the MDA.

The first item Mr. Harris proposed to the commission was the land use plan for the project. Some of the modifications proposed in the document are for more flexibility in how the plan looks. The proposal idea states there is a vesting associated with the MDA and that vesting accounts for 664 units. Chair Averill clarified there are 649 vested in the MDA with 15 additional which is contingent on the Flood Plain mitigation giving a total of 664 units in all. Mr. Harris accepted the clarification and stated they are proposing ways within the plan to take advantage of all the units. He gave examples of how to interchange items within the MDA to best work in other areas of the development while keeping the vested number of units for an overall better design. One idea was to move the clubhouse to the flood plain area. Another was to move the commercial around to give the use a better location and higher viability.

Chair Averill reported on a seminar he viewed on town centers. In the webinar, he was taught that a town center is not car centered. The purpose is to get people into the center by other means. He feels the redlines have removed all the timing of putting the commercial in. Mixed-use is not mixed-residential, it is commercial and residential. He then asked, without the commercial being committed to, is the city still

getting a mixed-use development. By moving the commercial around there will be no center point for the development.

Commissioner Holbrook mentioned part of a discussion in the last MDA committee meeting where Mr. Harris suggested moving the commercial to the north more on Highway 89. He asked if there will be commercial in the center or will all the commercial completely be removed from the middle and place on Highway 89.

Mr. Harris replied he would like to create flexibility in the plan to allow for what the market requires. He is not asking to remove the commercial from the plan only to place the commercial where the market will sustain it. Mr. Harris shared several trip counts per day to validate his reason for the flexibility. Based off his research from UDOT and varying traffic studies, he feels there are not enough traffic counts to sustain a commercial component within a town center. He feels the goal is to have a successful commercial component to the project and is asking for the flexibility to obtain this goal.

Commissioner Holbrook asked if Mr. Harris was planning on removing the commercial element from the center of the project to the highway or to utilize both the center and the highway for the commercial. Mr. Harris replied he was uncertain where the commercial would end up. He questioned whether the town center will achieve the traffic it needs to be sustainable without adding more units. Chair Averill stated firmly he prefers to keep the commercial interior in the town center with professional services. The other issue to consider is access to commercial from the highway since UDOT placed a moratorium on Highway 89 for the next three (3) years. Mr. Harris stated they were planning on utilizing the traffic light for access into the commercial area. He pointed out a possible location which is within the already approved Phase 2A for the project.

Commissioner Francom asked Mr. Harris if the look and feel he desired was more like that of what is seen on Riverdale Road where the main access point to the commercial area is at a light with limited access points along Riverdale Road. Mr. Harris replied it is hard to describe exactly what will happen since it is too early in the process. He is asking for the flexibility to place the commercial where it will most benefit the project, city, and the business. He stated his concerns with the way the current plan is laid out.

Mr. Harris continued by saying he is proposing the removal of the timing since it was based on the completion points of the project elements and not what the market demands. This is another reason he is asking for flexibility. He feels promoting a set up for business to succeed rather than simply filling the units to fill them. He reiterated he is not removing the commercial aspect. He is asking for flexibility and the timing of element completion to be removed. Chair Averil responded that the timing of the residential development is based off a percentage of housing completed which would influence the market.

Commissioner Holbrook expressed his understanding of what Mr. Harris was saying and added the purpose of the town center was to create a unique family friendly kind of space for our community and others. He would like to maintain that vision and create the financial benefits Mr. Harris is looking for. Mr. Harris acknowledged the vision and asked what the matrix was for creating it. Commissioner Holbrook replied it was based off the growth of the development; thus the reason the residential and commercial were tied together in the timing. Chair Averill stressed the reason they put the commercial into the center was to create something unique and not another strip mall or big box area.

Commissioner Read added this center area will be foot traffic and not car traffic, a functional space to bring your family and stay awhile. The city is looking for something more family centric then business

centric. Do we want the businesses, yes, but we want this area to be more of a hometown feel. A business area that is inviting and complementary to the community. He feels they are asking for flexibility, but feels they are not providing reasons as to why the city should grant flexibility.

Mr. Harris quoted, *“he who is convinced against his will, is of the opinion still.”* If one were to notice where Mom and Pop shops are located, they are normally found in major corridor areas. This is why he is asking if this vision is more about the business or the community. He asked for the commission to think about the business and what the needs are. Chair Averill answered the question by stating it is more about the community.

Mr. Harris reviewed numbers for smaller businesses in response to how to make a town center viable through the data. Daybreak has taken years to become viable in its town center with the higher density it has. This area does not have that kind of density.

Commissioner Francom asked if flexibility is more of an option base and what exactly is the flexibility he was seeking. Mr. Harris replied he is proposing the 2 ½ acreage of commercial could go anywhere in the project. Commissioner Read asked for more information to know what they are looking for with the commercial.

Ms. Knight informed commissioners her findings with traffic totals after going through a training module this past week. The module showed we currently have millions of visits to the Harrisville Shopping Center. There are vacant pads in that shopping center. Based on this we can conclude the current population in this area is not enough to sustain the current shopping hub. If we are married to a plan we know is unsustainable, then why not consider a new plan which would make the commercial a more viable part of our community. From her understanding, Mr. Harris is not changing the amount of commercial element or the density in the housing.

There was some discussion on whether the proposal is changing the density of the housing by asking for lot minimums to be 3,000 square feet. Mr. Harris stated he is not changing the density, only asking for the flexibility to move items around to a more viable location. He added there are certain elements which are fixed in the project such as Millennium Park, the flood plain, and the number of housing units. There are planned items which are also fixed such as a planned traffic signal and planned street. However, if items like upsizing the culvert does not happen, then what happens to this area. He does not feel they are reimagining the project. He is asking for the ability to adjust how the units are laid out.

The commissioners discussed the changing of the components and what would be the deciding factor for the change. Mr. Harris gave several ideas of what could happen for the commission to see the benefits to moving components around within the project and still create the unique feel the city desires. Chair Averill expressed his concerns about not knowing what to expect. Commissioner Francom added she does not feel the city is getting something totally different. The developer is asking for the ability to move the components around to get a different layout.

Mr. Harris asked the commissioners to state their concerns about the proposal. Chair Averill began by stating the proposals are changing the components and the land use or intended use for the project which could result in the city not receiving the proposed mixed-use development. If the options are taken out, then there will be less variety of residential. He also stated the proposed lot size minimum is far too small. The 4,000 square foot lot size in the original MDA was a negotiation. Commissioner Francom asked if Mr. Harris could add into the MDA what the deciding factor is to change the twin-homes to single-family.

Would it only be based on the current market demand or something else.

Mr. Harris apologized for the wording conflict with the land use. He will clean up the wording by removing any language which sounds as if they could change the land use to whatever they would like. They are not proposing a change to the current land use which is spelled out in the MDA. He gave an example of flexibility which gave the homeowner a better living option.

Commissioner Francom asked for more clarity on his example with the northeast corner of the project. For instance, would all the twin homes go away and be replaced with single homes or would the flexibility create a mixed use between the two residential homes.

Mr. Harris responded that the defined current plan has massive phasing which will be platted causing a fixed plan. With each plat / phase, there will be an accompanying report accounting for the vested units. Projects with diversity create a better lifestyle and community. It would not serve the project to do all the same thing. He would like more buyers and not less buyers. He is not asking to restrict the options for future homeowners.

Commissioner Holbrook added the idea with the northeast corner of the development was to have something for the 50+ folks for downsizing or smaller homes. He does not want a cookie-cutter development.

Mr. Harris agrees but also wants to build houses for those individuals who cannot afford homes. If we allow flexibility, we give the people what they want and need. When we place restrictions on the development we are limiting the options for future homeowners. Be careful not to dictate the market demand for the area. This project is ridiculously expensive to create. They need flexibility and the ability to create what the people want. Chair Averill said he felt more comfortable having updated drawings on what the developer wants to change.

Commissioner Francom thanked him for answering so many questions.

Commissioner Holbrook believes he understands the point of view of Mr. Harris. In essence, let the market drive what is placed. However, what the market may want may not be how the council/commission would like to see the city developed. They desire quality and an experience based commercial, not just another restaurant or subdivision.

Mr. Harris encouraged the commission to think about what part of the plan is their opinion and what part of it is more open-minded regarding this project. He stressed to be careful not to project what you feel should happen without evidence. He would like to create homeownership opportunities. If the town center is what you want, then what should you be doing to get it. Challenging them to step back and view if this plan is their opinion or what the market truly needs.

2. ADJOURN

MOTION: Commissioner Holbrook motioned to adjourn the work session. Commissioner Francom seconded the motion.

Nathan Averill Yes
Chad Holbrook Yes

Jordan Read **Yes**
Angie Francom **Yes**
Isaac Thomas **Yes**

The motion passed with all voting in the affirmative.

Work Session adjourned at 6:57 PM.

7:00 PM PLANNING COMMISSION MEETING

1. CALL TO ORDER

Chair Averill called the meeting to order and extended a welcome to those in attendance.

2. CONSENT APPROVAL – of Planning Commission minutes from September 11, 2024.

MOTION: Commissioner Francom motioned to approve Planning Commission minutes from September 11, 2024. Commissioner Thomas seconded the motion.

Nathan Averill **Yes**
Chad Holbrook **Yes**
Jordan Read **Yes**
Angie Francom **Yes**
Isaac Thomas **Yes**

The motion passed with all voting in the affirmative.

3. PUBLIC HEARING – for Ordinance 559: an ordinance amending the General Plan Map and Official Zoning Map for certain parcels on 750 West.

Chair Averill reviewed the rules for a public hearing. Brandon Green, City Planner, reviewed the Staff Report dated October 1, 2024. This property is located at the north end of the city at 2535 N 750 W. This property is currently zoned Agriculture (A-1). The applicant is proposing this be rezoned to Commercial (CP-2). The General Plan calls for this area to be Commercial (CP-2). This request fits the city’s General Plan as adopted. To the north of this property is Pleasant View, who have added a commercial element along 2550 N. CP-2 zone is a planned community commercial zone. The applicant is proposing office space which is allowed in the CP-2 zone. The purpose and intent of this zoning is to provide areas of selected commercial activity for the sale of goods and services to the general public in a community and regional market. The location of the zone should be along selected locations adjacent to the arterial streets which run through Harrisville and that provide good access with limited disturbance to the residential areas of the community.

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

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

Angie Francom **Yes**
Isaac Thomas **Yes**

The motion passed with all voting in the affirmative.

Lucinda Wayment wanted to know how this use would affect the horse arena, and horse property, which is next door to the property. There will be dust. There is another arena adjacent. She also wanted to know how the traffic would be on the road and how this would affect her property, her fence line, and her animals. She added she was not for the development.

Jeff Richardson expressed his concern with rezoning this property as commercial when there is so much commercial which is sitting in waste land. He feels the current commercial areas should be developed first before any more agricultural land is zoned commercial. He does not see how this parcel is advantageous for any business when there is no traffic on or around it. His suggestion is to rezone it to residential because it is already there. By rezoning this to commercial, he feels it will disturb the little peace they have in their neighborhoods now.

LaRae Stuart thanked the commissioners for the chance to voice her concerns. She would like to think this property she owns would be available for her grandchildren. Her biggest concern is safety. There are no sidewalks on 2550 North. The maintenance on 2550 is a mess. This would create an unsafe situation. She also wanted to know how this would affect her taxes. She feels Harrisville is a desirable place and would like to see this property zoned residential and not commercial.

Cecil Satterthwaite answered the public comment by Ms. Wayment on her horses and the dust. He said he understands it is horse property and plans to place a 6ft privacy fence along the southern border. If there is dust, they will deal with it. The plans have been submitted to Pleasant View. They would be committed to their standards, one of which would be the curb and sidewalk. He would like to create affordable spaces for businesses to come into Harrisville.

Chris Cope stated her concerns were with the utilities. Where is the city water coming from? What about the other services such as sewer, storm sewer, etc.? It was her understanding 2550 North maintenance is split down the middle. Pleasant View owns the north half, Harrisville the south. Since the street is Pleasant View's to maintain, then who will have the expense for the infrastructure to install and maintain? She felt the access points off 2550 North were a positive to the development but how will the left turn in and out of the parking lot be accommodated. The concept plan does not show the proposed height of buildings or front elevations. Are there ordinances to govern the lighting impact? Will the city receive revenue for costs to the city to meet the policing or other costs? Will the developer or tenants receive tax incentives to develop or occupy? She agrees with Mr. Richardson regarding the vacant commercial in the city.

Jeff Richardson added to his earlier comments about improving the safety of the citizens with only a fraction of the curb, gutter, and sidewalk is senseless and pointless.

MOTION: Commissioner Read motioned to close the public hearing for Ordinance 559: an ordinance amending the General Plan Map and Official Zoning Map for certain parcels on 750 West. Commissioner Thomas seconded the motion.

Nathan Averill **Yes**
Chad Holbrook **Yes**

Jordan Read Yes
Angie Francom Yes
Isaac Thomas Yes

The motion passed with all voting in the affirmative.

4. DISCUSSION/ACTION/RECOMMEND – to recommend Ordinance 559: an ordinance amending the General Plan Map and Official Zoning Map for certain parcels on 750 West.

Chair Averill addressed some of the comments by starting with the access points. The curb, gutter, and sidewalk will only be in the development area. The intent is as other properties develop, they will add to the curb, gutter, and sidewalk. Justin Shinsel, Public Works Director, stated the city has no jurisdiction on 2550 North. The requirement of curb, gutter, and sidewalk will be up to Pleasant View. Harrisville City will only require and be able to enforce the developer to add curb, gutter, and sidewalk along 750 West. The utilities run from 750 West currently since they run to the house on the parcel. However, the sewer main is out at 2550 North. It is a Central Weber sewer main. There is potential for secondary through Pineview Water. There is culinary through Bona Vista Water already connected. The utilities are there. The cost will be completed by the developer. The city will not incur any expense for the infrastructure installation. Laterals are always maintained by the property owner.

Ms. Knight reminded commissioners this is a rezone application. Chair Averill stated the development is not at the stage to answer questions regarding height, utilities, etc. However, the city does have a zone coding which gives the requirements for items mentioned in the public comments.

Mr. Satterthwaite added they do have the Will-Serve letter from Bona Vista. They are working on the others. He also has the affidavit from the current real property owner allowing him to apply for the rezone. The elevations and such will be approved later during further reviews. He is still waiting for Pleasant View’s review for the access points on 2550 North. The storm drain will be underground with part of it being retention to accommodate the LID. They will custom build for the tenant with all entrances to the back. The front will be more store frontage.

Discussion on rezone among the commissioners on the future land use for the property and the surrounding existing commercial. They also discussed the general traffic in the area. Review the consistency with the general plan and Harrisville being a right-to-farm area.

MOTION: Commissioner Holbrook motioned to recommend approval of Ordinance 559: an ordinance amending the General Plan Map and Official Zoning Map for certain parcels on 750 West subject to Harrisville Municipal code, Staff Memo dated October 3, 2024, and other municipal requirements. Chair Averill seconded the motion.

Nathan Averill Yes
Chad Holbrook Yes
Jordan Read Yes
Angie Francom Yes
Isaac Thomas Yes

The motion passed with all voting in the affirmative.

5. PUBLIC HEARING – for Ordinance 560: an ordinance amending and restating the Master Development Agreement (MDA) for Ben Lomond Views Subdivision.

Ms. Knight said this application comes as an amendment to the original June 2021 MDA for Ben Lomond Subdivision. The original developer is no longer involved with the project. The lender and potential buyer of the property have already begun development improvements on the project according to the approved plans. There are three (3) portions of the MDA which have received complete approval through the City Council. The proposed buyer is requesting an amendment to the MDA since there are several items that are out of compliance due to the timeframe lapsing. There was a work session held at 6:00 PM this evening. The work session was based on these changes.

MOTION: Commissioner Francom motioned to open the public hearing. Commissioner Thomas seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
Jordan Read	Yes
Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

Chris Kilpatrick asked what these amendments are and where he can find them. The commissioners immediately answered the packet with the amendments can be found on the city website under the Planning Commission agendas and packets or under the Public Notice Website.

Fred Quintana expressed his concerns about the changes in the apartment structures allowing for more levels than what was initially approved. He understands the man is a businessman with the object to make money. He is also concerned about the traffic congestion or the city turning into another Roy. Rights to the consumer. Rights to the homeowner. Rights to choose to live in a place that is a delight to live in.

Cheryl Quilty is concerned about the fencing bordering the property. She would like more information on what type of fence will be placed.

Karla Quintana stated her concern is with the structures being built behind her home. She does not like the height of the apartments being three (3) levels. She would like to know if the homes will be rentals or owner occupied.

Stacy Ward mentioned he is concerned about losing his view of the mountains with the height of trees and buildings.

Robert Mechling said his biggest concern is the drainage. The surface water on the property comes right up to the window wells ever since the stream was covered over. Several of his neighbors have the same concern.

Chris Kilpatrick was curious if there were going to be access points from the Golfview Townhomes onto the proposed golf course development and what kind of fencing or barrier will be installed between the developments.

Valerie Gallegos said her main concern is with the ditch on the north end of the golf course. It has been diverted, sort of. Since then, the ditch sometimes flows creating stagnant water and moss. What is the plan with the ditch? What happens to the properties that had the ditch to begin with? What happens to the hole which is left? She feels if the ditch is going to be diverted then the developer should help fill in the hole left on her property.

Roger Shuman stated his frustrations with the development from the beginning are with the irrigation rights which come across the property. He said for the first few years there was no flow of water to their property. It was not until the new developer and Sun Rock came in before the flow occurred. Development of a large property should consider those using the rights to the land. Currently there are ginormous holes in the property from where the pumphouses were torn out. It may have been garbage before, but now they have worse garbage with the possibility of massive amounts of water moving onto the neighboring properties. There has been some mitigation done to make certain those who have rights to the water can still use the water. Some of the changes look like they are trying to take out commercial. He feels the city would be better off if it could come up with a good commercial development to track sales tax. He would like to see more commercial developed and less residential, so residents are not faced with high tax increases they cannot afford.

Lisa Castleton stated her concerns are with the flooding. She had to buy flood insurance last year. Why did the boundary of the flood zone change? Is the golf course still considered a flood zone?

Commissioner Read was excused at 7:52 PM.

Dawn Murray stated her concerns are with the fencing. The current fencing is in disrepair.

Harold Smoot expressed his concern with the handling of water in the area is critical. He suggests the city holds the contractor to the water problem. Do we have a city inspector? He aired his concern with a developer near him who promised to not raise the ground level. The developer did and now his backyard is the storm water retention area. He urged the commission to keep in mind those moving into the area and to be responsible.

Mike Farrell stated the holding pond for water is not big enough. By diverting all the water down 6-mile creek it will flood his brother out and everyone on 750 West. They need more holding ponds otherwise they will flood people out.

Kathy Hohosh came in response to the prospects of the development being made into a PID. She suggests the city looks over and research this carefully. We are supposed to have affordable housing in our area, but in all the reading she has completed on PID's it has cost the homeowner more. It may benefit the city in the way of infrastructure but is it a benefit to the homeowners to live in a PID.

Harold Smoot asked the commission if they knew anything about PID's. He feels they are not a savvy concept. They create a property tax higher than the rest. These are our neighbors. Before the council decides on this concept then they need to do some more research. The new Governor's initiative for moderate-income housing is for starter single family homes. He wanted to know how this meeting works. This is not a discussion if no one is able to answer more questions once the hearing is over.

Commissioner Holbrook thanked everyone for their comments.

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

Nathan Averill	Yes
Chad Holbrook	Yes
Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

6. DISCUSSION/ACTION/RECOMMEND – to recommend Ordinance 560: an ordinance amending and restating the Master Development Agreement (MDA) for Ben Lomond Views Subdivision.

Chair Averill responded to the concerns brought up in the public comment period. He saw no changes dealing with the fencing requirements. Regarding the Flood Plain, there is no building allowed here. The PID is not the commissioner’s jurisdiction. Commissioner Francom mentioned her notation of the water. Chair Averill has the same notation. He also had the height of the street trees mentioned. He feels the developer is attempting to amend out the street trees and he feels they need to be kept in. He offered a suggestion on Exhibit O-4; Landscaping. The MDA becomes the city standard/code for the parcel.

Justin Shinsel informed the commissioners the reason the landscaping exhibit is being revisited is because the city is looking at a new city street standard addressing the placement of the trees to be more fiscally responsible with water use. It is not eliminating the street trees. This exhibit is addressing the placement of them. The standard for this in the Public Works Standards. The sections which have not been approved will still need to go through the appropriate approvals. The MDA is an overall look of the development, but it will still need to meet the city standards.

Commissioners addressed the concern with the fencing and housing being placed behind the existing homes. They pointed out in the original MDA there were to be single-family homes, two-story at most. Townhomes should be more to the middle.

Ms. Knight added the comments during the Public Hearing were concerning the subdivision requirements. Tonight, we are dealing with the amendments to the MDA. There was an hour-long work session geared towards these amendments on the agenda for your approval or recommendation. There are a few we did not get to in that discussion.

Chair Averill addressed the concern dealing with access from Golfview to the golf course and the FEMA updates to the Flood Plain maps. There was further discussion on which recommendations to forward to the City Council. Such as dealing with the lot sizes, the number of vested units, ambiguity in the language, and spelling errors.

Mr. Harris reviewed the changes to Millennium Park for the commission. Commissioner Holbrook asked for clarification on the removal of language concerning the HOA maintaining the park which was mentioned at one of the committee meetings for the development. It was his understanding that the park would be maintained by the city once the improvements were completed by the developer. Mr. Harris

clarified that the relationship between the HOA and the City created a conflict with maintenance. It is proposed Millennium Park will be maintained by the city to solve this conflict. The other parks within the subdivision will be maintained by the HOA as private parks. He also clarified with the landscaping exhibit the plan is to remove all the added items which were fluff and unnecessary within the agreement. They would like to reference the city code instead and follow the city standards as they relate to landscaping.

Commissioner Holbrook asked if there were any amendments to the fencing requirement. Mr. Harris said he not proposing any amendments to the fencing requirement. Chair Averill said in Exhibit O-5, mentions the design of the berms and related fencing. He feels it needs to be one or the other; not both with removal of “if you choose”. Mr. Harris said he would address those verbiage issues and any spelling errors. At the end of the day, they want to create a viable product, thus the reason they are asking for flexibility. They will look at the flooding and water issues as well.

Chair Averill asked about the movement of the clubhouse. Mr. Harris clarified by saying flexibility is what they are asking for. Moving the clubhouse was a possible solution if they were unable to mitigate the flood plain and build the fifteen (15) vested lots for that area. He said it could also be another park. In relation to the vested unit count, they are not proposing to increase the density. They are asking for the flexibility to move some of the units, these possible fifteen (15) lots, to other areas to create a better product. Also, they are not removing the commercial element. They are trying to find ways to make it viable for the project. In the document they found a lot of issues. The way a good contract works is when the document spells out the details and the exhibits accompany those details. The current MDA was a reversed document. The amendments to the MDA are trying to fix this along with add in items, like the clubhouse, which were only in the exhibits. The redlines are to add elements which were missed, not remove.

Commissioner Francom asked for more detail on the flexibility and where to find it in the MDA along with any amendments the commission has not discussed. Mr. Harris answered by saying the flexibility is in the definition of intended uses, section 2.3, where it states the land use plan may be altered as long as the intended uses and other development rights permitted herein comply with the intent of the MDA and that the Maximum Residential Units, 664 units, shall not be exceeded for the overall project. He further stressed they are intending on creating something new. The intent of the MDA is clear. They are asking for the flexibility to operate within the intended uses.

Further discussion occurred on the recommendation to the council and what to include. The commission had additional discussion about the fifteen (15) vested lots, minimum lot sizes, clarification on the flexibility, repair of missing items in the MDA, possible road changes such as removal of alleyways, the town center viability, and the housing crisis. Chair Averill and Commissioner Holbrook spoke about the overall look and feel of the subdivision during initial committee meetings. Commissioner Holbrook reaffirmed the overall look and feel in this area was somewhere people would want to come and stay. The vision was to make it family friendly, community centered, and unique.

MOTION: Commissioner Holbrook motioned to recommend Ordinance 560: an ordinance amending and restating the Master Development Agreement (MDA) for Ben Lomond Views Subdivision subject to the Harrisville City Municipal Code, and other staff or agency requirements including lots size minimum be 4,000 sq ft, vested units stay at 649 unless mitigation of flood plain for the additional fifteen (15) lots, borders on Southeast side stay as single-family homes, specify berm or fence along Highway 89, keep a commercial component in the center and allow for the flexibility of other options along Highway 89, keep in verbiage “timely manner” in section 2.7.1, and

remove the column regarding clubhouse specifications in exhibits. Commissioner Francom seconded the motion.

Nathan Averill Yes
Chad Holbrook Yes
Angie Francom Yes
Isaac Thomas Yes

The motion passed with all voting in the affirmative.

- 7. **DISCUSSION/ACTION/RECOMMEND** – to grant Final Site Plan approval for Family Promise property located at approximately 1105 North Washington Blvd. – Nolan Karras

Ms. Knight introduced the discussion by saying this is a final site plan review with an engineer’s memo addressing two items; complete a Storm Water Pollution Prevention Plan (SWPPP) and file a Notice of Intent (NOI) with the state, and prior to construction, the Developer and Contractor must hold a pre-construction meeting with City Staff. The final review is in reference to the landscaping plan. It will have pressurized secondary water service through Pineview. This is a very clean memo.

MOTION: Commissioner Francom motioned to grant Final Site Plan approval for Family Promise property located at approximately 330 E 1100 North subjected to Engineer’s Memo dated October 3, 2024, Harrisville Municipal Code, and any other staff or agency requirements. Chair Averill seconded the motion.

Nathan Averill Yes
Chad Holbrook Yes
Angie Francom Yes
Isaac Thomas Yes

The motion passed with all voting in the affirmative.

- 8. **DISCUSSION/ACTION/RECOMMEND** – to grant Preliminary/Final Site Plan approval for Furever Friends property located at approximately 1755 N 750 W. – Eleanor Jenson

Brandon Green, City Planner, introduced the project by reviewing the City Engineer memo and Planning and Zoning comments. The site plan is compliant with Harrisville City Ordinances. They are wanting to add an addition to the existing building to create some additional space. They are also adding a water line and sewer line to site. Mr. Green reviewed placement of addition, sewer line, and water line. The memo requires the developer and contractor to provide a patch of asphalt from the road to the right-of-way line for storm water purposes. Verification of a recorded easement. As it stands, the property of 1761 North 750 West no longer shows frontage on a dedicated street.

Steve LaFevre, Contractor, said the house property did sell, and they do have a recorded easement. The items on the sewer line in the engineer’s line will be added. The fire department did approve the fire access as it currently stands but will get the review completed. They do have water on the property but will verify with Bona Vista for their review.

Mr. Shinsel clarified there is a meter on the property. Anything past the meter is their responsibility. Their

property has what is required for culinary water.

MOTION: Chair Averill motioned to grant both Preliminary and Final Site Plan approval for Furever Friends property located at approximately 1755 N 750 W subject to the City Planners memo dated October 7, 2024, Harrisville City Municipal Code and any other staff or agency requirements. Commissioner Francom seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

9. PUBLIC COMMENTS – (3 minute maximum)

Iris Yates commented on the need to consider sidewalks with the building on 2550 North and 750 West. There is no safe way for residents to walk in that area. The roads are not structured for traffic.

Chris Cope echoed one of the items Mr. Smoot mentioned in his comments dealing with the frustration the public has not being able to speak after the public hearing is closed. She realizes the meeting is set up according to state law but that does not help. The storm water was not appropriately addressed for the 2550 North 750 West. This is a flood area. Underwater retention is problematic. She feels the city is jumping the gun on the approval of the project. Why are we approving anything before Pleasant View gives their approval? Despite this is pink on the land use map, we are not obligated to change anything. This was asked to stay A-1 when the land use map was changed. According to her research, no resident in the area wishes their property to be commercial.

Chair Averill addressed the public comments by saying the sidewalks are a development-by-development item. We have no control on 2550 North. Any development along 750 West will be required to put in sidewalk. The water issues on the property do not change because of the zoning change. When the developer returns to the Planning Commission for Site Plan Approval then the commission will deal with the water issues. Most of the issues we deal with are multiple meetings. He recommends the residents subscribe to the public notice website to stay informed.

10. COMMISSION/STAFF FOLLOW-UP

Ms. Knight introduced Brandon Green, the contracted City Planner. He will be helping with the developments as they come into the city for reviews. The city received good news this week. The State gave the City compliance on the moderate income housing report.

Chair Averill said he completed another hour for his training requirement from the Wasatch Regional Council on Town Centers. Ms. Knight asked him to forward any completion certificates, emails, or screen shots to her for proof of training.

Commissioner Holbrook asked if they could make changes to the agenda regarding moving the presentations of an item to before the public hearings. Ms. Knight replied this is up to the commission on

how the agenda is presented. Commissioner Francom added sometimes the public comments are more about the project as a whole and not the specific issues. She would love to see the whole area of 750 West and 2550 North in curb, gutter, and sidewalk, but this area is complicated. Ms. Knight added the city had updated the classification of 750 West to apply for funding to add improvements in this area. There are three phases to the improvements for 750 West. The plan is to apply for funding at each phase to develop the improvements.

11. ADJOURN

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

Nathan Averill	Yes
Chad Holbrook	Yes
Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

Meeting adjourned at 9:28 PM.

Nathan Averill
Chair

Cynthia Benson
Deputy Recorder