



Harrisville City Planning Commission Minutes

Harrisville City Offices
Wednesday, October 11, 2023

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| Commissioners: | Nathan Averill Chad Holbrook Bill Smith Brad Elmer Jordan Read | Staff: | Jennie Knight (City Administrator) Cynthia Benson (Deputy Recorder) Justin Shinsel (Public Works Director) |
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Visitors: Michelle Tait, Arnold Tait, Grover Wilhelmsen, Diana Wilhelmsen

1. CALL TO ORDER

Chair Averill welcomed all in attendance.

2. CONSENT APPROVAL – of Planning Commission minutes from September 13, 2023.

MOTION: Commissioner Smith motioned to approve Planning Commission minutes from September 13, 2023. Commissioner Holbrook seconded the motion.

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| Nathan Averill | Yes |
| Chad Holbrook | Yes |
| Bill Smith | Yes |
| Brad Elmer | Yes |
| Jordan Read | Yes |

All voted in the affirmative.

3. PUBLIC HEARING - In accordance with Utah Code §10-9A-205, the Harrisville City Planning Commission will hold a Public Hearing on Harrisville Ordinance 544; Repealing and Re-Enacting Title 12 Harrisville Subdivision Regulations.

Jennie Knight, City Administrator, explained during the 2023 Legislative Session, state legislators passed new requirements for municipal subdivision review processes. The deadline for cities to be compliant with the new state code requirement is February 2024. Harrisville staff enlisted Jones & Associates to help draft the proposed ordinance to repeal and re-enact Title 12 of the Harrisville Municipal Code before the deadline expires.

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

MOTION: Commissioner Holbrook motioned to open the public hearing on Harrisville Ordinance 544; Repealing and Re-Enacting Title 12 Harrisville Subdivision Regulations. Commissioner Elmer seconded the motion.

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| Nathan Averill | Yes |
| Chad Holbrook | Yes |
| Bill Smith | Yes |
| Brad Elmer | Yes |
| Jordan Read | Yes |

All voted in the affirmative.

Grover Wilhelmsen brought up his concerns about this legislation coming down from the State. He is concerned the State is taking away the ability for the public to comment on growth and the City Council to have a say in the development of the city.

MOTION: Commissioner Read motioned to close the public hearing on Harrisville Ordinance 544; Repealing and Re-Enacting Title 12 Harrisville Subdivision Regulations. Commissioner Smith seconded the motion.

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| Nathan Averill | Yes |
| Chad Holbrook | Yes |
| Bill Smith | Yes |
| Brad Elmer | Yes |
| Jordan Read | Yes |

All voted in the affirmative.

4. DISCUSSION/ACTION/RECOMMEND – to recommend approval for the proposed Ordinance 544; Repealing and Re-enacting Title 12 Harrisville Subdivision Regulations.

Ms. Knight highlighted the bulleted points of the new ordinance which will impact how the city conducts subdivision approvals. The General Provisions contained the definitions section being updated to include only definitions used in this title. The Administrative Land Use Authority is created by appointment to review applications and the City Council is removed from the subdivision approval process. New legislation requires the “Review Cycle” which allows for a maximum of four (4) total reviews during the subdivision review process. “Complete” applications must be received from the developer to initiate a review cycle. Subdivisions of thirty (30) lots or more are required to be phased developments. New deadlines are outlined for the Administrative Land Use Authority’s response to complete applications. She explained response times are now outlined at fifteen (15) days for preliminary approvals and twenty (20) days for final approvals. The submission requirements have been updated. (i.e., Digital submissions are now required). Development activity prior to plat recording has been updated to meet the city’s practice of allowing installation of infrastructure prior to the recordation of the plat which requires escrow to be established. Deferral Agreements have been updated to include two options. Flag lots have been included for consideration to help meet the Moderate-Income Housing requirements and allow for more housing options. She added this recommendation is completely up to the Planning Commission or City Council. Harrisville has historically not allowed them due to frontage availability. Exemptions for agricultural purposes have been identified.

Discussion between staff and the commission occurred on Deferral Agreements or Fee in Lieu.

Staff stated historically Harrisville has required a deferral agreement when a portion of a subdivision infrastructure is not being installed during the normal subdivision process. In the case of the Larsen Lane widening project, the city did not have to rely on deferral agreements because of federal and state funding received to complete the project. There are two proposed options: one is a deferral agreement or fee in lieu within the proposed new subdivision code. One will need to be chosen before the adoption of the new ordinance by either the commission or the council. Currently, the city has a developer set up an escrow account based on an engineer's cost estimate for remaining uncompleted items. There is a time restraint for completion along with a liability on the city during annual audits of funds. An item to consider with these two options is the areas within the city which do not have infrastructure and may not qualify for future funding. Fee in lieu would ensure the city is receiving something instead of relying on an unsuspecting property owner who may not be aware of an existing deferral agreement.

Chair Averill asked how long Harrisville had been a right to farm city. Ms. Knight answered Harrisville has always been recognized as a rural community due to our population. However, we are recognized from the state as qualifying for moderate income housing. Agricultural land is still farmed in some areas of the city.

Staff and the commission also discussed sections Flag Lots and Trails along with the new phasing requirements and how the review processes will appear. Ms. Knight concluded the new subdivision ordinance does not replace any other Land Use approval process. This code changes the subdivision review process making it an administrative action. The commission would have their reviews after site plan approval which would be completed by the current Project Management Committee serving as the Administrative Land Use Authority.

MOTION: Chair Averill motioned to recommend approval of Harrisville Ordinance 544; Repealing and Re-Enacting Title 12 Harrisville Subdivision Regulations recommending Fee in Lieu of Actual Improvements section as section 12.03.05. Commissioner Holbrook seconded the motion.

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| Nathan Averill | Yes |
| Chad Holbrook | Yes |
| Bill Smith | Yes |
| Brad Elmer | Yes |
| Jordan Read | Yes |

All voted in the affirmative.

5. PUBLIC COMMENTS - (3 minute maximum)

No Public Comments

6. COMMISSION/STAFF FOLLOW-UP.

Staff reminded the commissioners of the Annual Fall Festival, which will be held on Tuesday, October 17, 2023 starting at 5:15 pm. All are invited to come and participate.

Commissioner Holbrook asked if there were any other developments in the city. Ms. Knight replied so far, the only thing on the agenda for next month is a conditional use permit which did not meet the timeline requirements to be included on this meeting's agenda. However, there are a couple of items on the Project Management agenda which could potentially be considered, but are still under the staff review process.

Chair Averill asked if a new commissioner would be replacing Commissioner Brenda Nelson who was released at last night's City Council meeting. Ms. Knight said this decision is completely up to the Mayor.

Commissioner Holbrook asked if the city would be open to hosting the Highland Games. He would like to see the city bring in the games as part of a city festival. Commissioner Elmer added there are organizers for this kind of event. Discussion between everyone present occurred on whether to consider bringing this kind of event to the city.

7. ADJOURN.

MOTION: Chair Averill motioned to adjourn the meeting. Commissioner Elmer seconded. All voted in the affirmative. Meeting was adjourned at 8:03 pm.

Nathan Averill
Chair

Cynthia Benson
Deputy Recorder