

Harrisville City Planning Commission Meeting
Held at Harrisville City Hall
7:00 p.m., February 10, 2010
Conducting: Chairman Pearce

Secretary: Shanna C. Edwards

Attendance: Jeff Pearce
Ed Saunders
Bob Howard
Steve Weiss
Darla Fowers (City Council)
Mike Junk (City Attorney)

Visitors: Ruth Pearce

Chairman Pearce called the meeting to order and asked for a motion to open the meeting. MOTION: Commissioner Howard motioned and Commissioner Saunders seconded with unanimous approval of those present to open the meeting. Commissioner Norseth was excused. Commissioners Shuman, Knighton and Hohosh were not in attendance.

1. Review/action on city council referral back to the commission of the CE Butters/SPS Tire and Service Center appeal concerning the time limit on the temporary unpaved parking - Attorney Mike Junk.

City Attorney Mike Junk reminded commissioners that Butters came before the Planning Commission October 8, 2008. At that time, they presented a crude hand drawn site plan, essentially resubmitted from one presented in 2002. The plan indicated some temporary overflow parking. There have been discussions with Butters about several issues, but Attorney Junk said the focus is on that particular meeting and the parking surface. City ordinances require hard surfaces for parking. Kevin Butters argued to the planning commission the area where they show temporary overflow parking occurring, they have future plans for a strip mall or restaurant, so it would be a financial burden to pave the area and then when they develop it, they would have to dig out the hard surface. The planning commission agreed to allow three-year temporary period for a gravel surface and then readdress the hard surface after three-years. Kevin Butters was not satisfied with the three-year temporary period of time before hard surface compliance. He appealed that issue to the city council and the city council asked Attorney Junk for a legal opinion. He ruled that granting a temporary period was outside the authority of the planning commission. Mr. Junk reported that he corresponded back and forth with Joe Chambers, Butters' Attorney. The city council ruled to not accept the three-year exception for unpaved parking, but instead send the issue back to the planning commission to essentially bring Butters into compliance with the ordinance for hard surface parking. Butters threatened to sue so the city officials decided to go to the state property rights ombudsman for a further opinion. This was a lengthy process but the city eventually received the advisory opinion. Commissioners were provided a copy of his report prior to this meeting. The issue went back before the city council in January 2010, and they upheld their previous ruling to send it back to planning commission. The ombudsman's opinion was that the planning commission was not that far off; however, rather than grant the three-year period for unpaved parking, they could have entered into a deferment agreement between the planning commission and Butters that three years was a reasonable amount of time for the temporary parking, then it could have been acceptable. At this point, Attorney Junk stated that Butters must comply with the city ordinance and provide hard surface

parking. He proposed giving them another opportunity to meet with the planning commission to discuss the issues, realizing that this is not the season to put in hard surface. If they do not make the effort to come, the city could then take action against the zoning violation through the court. Attorney Junk stated that the city does need a site plan and that plan should address storm drainage concerns. He said it is a twofold issue: (1) when will the city have the site plan to comply with what we are asking and (2) what is a reasonable time when a hard surface will be on the property?

Chairman Pearce wondered if there is even room for the new buildings they are projecting with the required setbacks. Attorney Junk said when Butters bring in a plan with that proposal, the city will be glad to look at it, but right now commissioners need to look at how to bring the present condition into compliance. They cannot look at how this may interfere with Butters possible future plans.

Commissioners Saunders did not want to wait for Butters to come to a meeting. He suggested they be notified that the city requires a site plan so they can get going on it now. Commissioner Weiss suggested that the requirement for addressing drainage issues be included in the letter. After some discussion, commissioners agreed that April 1, 2010, would be a reasonable time for them to provide an engineered site plan. That would give Kent Jones time to review the plan and provide a letter before the planning commission meeting April 14, 2010. Commissioners asked what the course of action would be if Butters does not follow through, and Attorney Junk mentioned some of the legal options available to bring about compliance that he may include in the letter.

The issue of the access on Larsen Lane was brought up. Attorney Junk said that when the site plan is provided, issues with the access can be part of the discussion and he said there are some enforcement options if that access is approved.

MOTION: As directed by the city council to review the issue concerning bringing Butters into compliance with the hard surface ordinance, Commissioner Saunders motioned to have the city attorney send a letter to Butters stating that the planning commission is requiring that a site plan be submitted. The letter should include that Butters are given notice that they are to have a site plan that complies with our ordinances, including an engineering plan, by April 1, 2010, so that this plan can then be submitted to the city engineer for his review prior to the planning commission meeting April 14, 2009. The motion was seconded by Commissioner Howard.

Attorney Junk said that he may include in the letter that it was discussed and requested by the planning commission that Butters attend on April 14, 2010. The city wants to bring them into compliance, but the city also wants to work with them. He said that is part of why we are asking for the site plan. With that we can talk about deadlines and times when these things will be done. Without that site plan and without Butters here, it does put the city into a position of looking at other options.

VOTE ON THE MOTION: Commissioners Saunders, Howard, Weiss, and Chairman Pearce voted aye.

2. Review proposed Chapter 11.24 Architecture, Landscaping and Screening - Bill Morris.

Bill Morris did not attend the meeting. Commissioners agreed with the proposed ordinance. Secretary Edwards mentioned that the ordinance establishes a “Forester” position. The forester is appointed by the city and will have the responsibility to develop, update, and maintain a listing of acceptable trees and shrubs permitted for use in the city under this chapter. A list has already been developed and accepted by the city entitled “Trees for Weber County - Urban Forestry.” The forester could make recommendations based on this list and maintain the list to include new varieties that may be developed that are acceptable. Some commissioners mentioned a few citizens that have qualifications for the position, but they agreed that if the ordinance is approved, notice should be put in the city news letter inviting citizens to apply for the position of forester. Commissioners agreed that this ordinance be noticed for public hearing and recommendation as an agenda item for the meeting March 10, 2010.

3. Approval of Minutes of meeting held January 14, 2010.

MOTION: Commissioner Saunders motioned and Commissioner Weiss seconded to approve minutes of the Planning Commission meeting held January 14, 2010, as written. Voting was unanimous.

4. Public Comments. None

5. Adjournment.

At 8:50 p.m., the meeting adjourned. The next Planning Commission meeting will be held March 10, 2010, at 7:00 p.m. at the city hall.

Shanna C. Edwards
Secretary

Jeff Pearce
Chairman