

Harrisville City Planning Commission Meeting  
363 W. Independence Boulevard  
7:00 p.m., July 12, 2017

Commissioners: Brenda Nelson  
Kevin Jensen  
Roger Shuman  
Nathan Averill

Staff: Bill Morris (City Administrator)  
Laurence Boswell (Coordinator)

Visitors: Jeff Pearce, Ruth Pearce, Mr. Johnson, Brian Walters, Mrs. Walters, Gaylene Rose, Ken Rose, Boyd J. Walters, Frances Shaffer, Sharron Belliston, Kathey Sprouse, Julie Walters, Mike Murtha, Suni Ritchie, Kristy Stone, Matt Ritchie, Tyson Lund, LaTonya Jackson, Gary Robinson, Gaby Sprouse, Nick Sprouse, Gene Sprouse.

**1. CALL TO ORDER.**

Commissioner Roger Shuman called the meeting to order at 7:13 PM.

**2. CONSENT APPROVAL of Planning Commission Meeting Minutes June 14, 2017.**

**MOTION**

Motion by Commissioner Kevin Jensen, second by Commissioner Brenda Nelson, to approve minutes of Planning Commission meeting held June 14, 2017, as written. Vote called and passed unanimous.

**3. PUBLIC HEARING. REVIEW/DISCUSSION/ACTION on Ordinance No. 492 – Construction Codes and Standards Amendment.**

**MOTION**

Motion by Commissioner Brenda Nelson, second by Commissioner Nathan Averill to open public hearing. Vote called and passed unanimous.

**PUBLIC HEARING**

No public comments.

I, Laurence Boswell, certify that I am the Land Use Coordinator of Harrisville City, Utah, and that the foregoing Planning Commission agenda was posted at the following locations: City hall, on the City's website [www.cityofharrisville.com](http://www.cityofharrisville.com) and the State Public Meeting Notice website at <http://pmn.utah.gov>.

## **MOTION**

Motion by Commissioner Kevin Jensen, second by Commissioner Nathan Averill to close public hearing. Vote called and passed unanimous.

## **DISCUSSION**

Bill Morris states that the Harrisville building code was very outdated and needed to be rewritten from scratch. The State updates the building codes every couple of years. Bill reviews the changes with the planning commissioners. Bill asks if there are any concerns. Commissioner Roger Shuman does not have any concerns. There are no additional comments from the planning commissioners. Bill recommends that the City passes the ordinance.

## **MOTION**

Motion by Commissioner Brenda Nelson, second by Commissioner Nathan Averill, to pass Ordinance No. 492 – Construction Codes and Standards Amendment and sent to City Council with any corrections to typos. Vote called and passed unanimous.

**4. PUBLIC HEARING. REVIEW/DISCUSSION/ACTION** on rezoning from an RE-15 and CP-2 zone to an R-1-6 and CP-2 zone for a property to be located at 1525 N Washington Blvd.

## **MOTION**

Motion by Commissioner Nathan Averill, second by Commissioner Brenda Nelson to open public hearing. Vote called and passed unanimous.

## **PUBLIC HEARING**

Brian Walters, representing Boyd Walters's property, asks why he was not notified about this proposed development back in May. He feels that he needs more time to see the plans and go over changes that will be made to the nearby irrigation ditch, along with utilities. Brian suggests that this development needs to be tabled and that the planning commissioners and city council members need to come out on site to address concerns. Such concerns include a fence that is placed up against the right away and has been there since the 1800s. Brian is also concerned about snow removal on the right of way and if there will be a gate so it can't be used as a short cut. The main concern is the ditch. Brian's father maintains the ditch and it receives a lot of run off from Washington Blvd. Brian is concerned about this new development and how it will affect the ditch. There have been multiple cases where the ditch has flooded due to past subdivisions/commercial lots that were developed and created more run off. Brian Walters presents some images of the property being flooded.

Mike Murtha explains that the city has enough rooftops. Mike states that the City Council shouldn't even consider it because the City has other problems, like deficits.

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Commissioner Roger Shuman asks Mike Murtha to keep the subject to the rezoning instead of other topics.

Mike Murtha continues stating that this property is proposed, by Better Cities, as a \$30 million development. Mike reiterates that the City does not need rooftops. He states that this particular area, a 30 million dollar mixed area, is something the City needs. The traffic on Washington is controlled by UDOT. The City needs commercial not residential.

Sharron Belliston claims that she has an easement that goes right through the proposed property.

Matthew Richie asks if this development will make our taxes go up in that area. He's concerned with tax increase.

Boyd Walter states that he had a meeting with other local officials, none of which were in Harrisville, regarding ditch cleaning. He also met with Pineview Water about some concerns with the ditch, including the banks destroyed by motorcycles.

#### **MOTION**

Motion by Commissioner Brenda Nelson, second by Commissioner Nathan Averill to close public hearing. Vote called and passed unanimous.

#### **DISCUSSION**

Bill states that after reviewing the code, the City does not have an R-1-6 zone, but it is referred to for lot size. It is proposed that the frontage (approximately 2 acres) will be commercial. The rest of the property (approximately 4 acres) will be residential. This ordinance is in compliance with the Better Cities study that was mentioned earlier. The notices were sent and public notices were made. Bill recommends that the Walters attend the project management meeting next week. Bill suggests that Mrs. Belliston attend as well. The City does not build houses. The City approves or rejects projects according to City code. The re-zoning approval tonight will not be final. The City Council will approve or reject it. Bill suggests that it wouldn't be bad to pass the re-zoning ordinance tonight.

Commissioner Roger Shuman makes a statement: "I've been on planning commission for about 17 years. I've dealt with the Walters in the past and some of the others. What's interesting is that number one, we had a public hearing about three or four months ago regarding this type of use – mixed use. There were zero comments about the mixed use ordinance. Our residents seem to only pay attention to developments that are developed right next to them. I'd suggest looking at the newspaper, looking at the city website for up to date information. Pay attention to what happens in the city and you'll be able to see those changes. There were a lot of issues on this list that had to do with developmental issues, but this hearing was for rezoning, something different. A good portion of this development will be commercial in the front. This is not a development that the

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city is doing. We are assigned to listen to what people have to say and make a decision that we feel is best for the City.”

Commissioner Brenda Nelson agrees with the public about the traffic issues.

Bill Morris states that as a City, we have no authority over Washington Blvd. That road is maintained by UDOT. Bill agrees with the public’s concerns. Bill considers traffic coming in and out of the proposed development. There are 44 units, and traffic will increase 10 fold. There will be 440 cars coming in and out of the property. Bill states that for residential units, we account about an average of 10 trips in a car per unit.

Commissioner Roger Shuman asks the public to remain quiet since the public hearing is no longer in session.

Commissioner Nathan Averill states that the problem is that the City now has an ordinance that allows a mixed use development. The public could have stopped this ordinance from passing months ago, but no one did. Nathan states that that’s not something that is going out to individuals, it’s a public notice.

Commissioner Brenda Nelson reminds everyone that the discussion is for rezoning. She asks if there will be a motion or if the project will be tabled. Brenda likes the idea of tabling it.

Bill Morris states that in any event we will meet with the developers next week for project management meeting and address some of the development issues. We are dealing with water issues because of North Ogden. The engineer needs to talk about the development and the drainage. Bill trusts that the engineers will do the job correctly. From a legal standpoint, Bill states that we have done everything to notice the public about this development. If planning commission passes the rezone now, it will go to the City Council for final approval. If planning commission passes the site plan, then it’s a quasi-judicial decision and will receive final approval.

Commissioner Kevin Jensen proposes that the planning commission hold off on making a decisions about the rezoning and move onto the next agenda item.

Commissioner Roger Shuman moves onto the next agenda item.

## **MOTION**

Motion by Commissioner Nathan Averill, second by Commissioner Brenda Nelson, to table rezoning from an RE-15 and CP-2 zone to an R-1-6 and CP-2 zone for a property to be located at 1525 N Washington Blvd. Vote called for and passed unanimously.

**5. REVIEW/DISCUSSION/ACTION** on preliminary and final plans for proposed townhome development off of 1525 North Washington Blvd.

## **DISCUSSION**

Commissioner Roger Shuman calls Tyson Lund to the microphone.

Bill Morris reviews the Engineer's memo for the proposed development. Some items in the memo may need to be addressed now instead of later. Bill suggests to the planning commissioners that they can table this project because of these issues, or approve it and make sure these issues are taken care of.

Commissioner Roger Shuman is concerned about the property being landlocked at the end of this proposed development. Bill Morris explains that there will be a temporary cul-de-sac that will allow for a temporary turn around. If the resident needs more details about access, Bill suggests coming to the next project management meeting.

Tyson Lund clarifies a few issues. The first one is a right of way easement that is granted to the Walters. This easement access was agreed upon with a property owner beforehand. This allows Walters to use the water in the ditch that is located near the proposed development. Tyson also addresses the issue with the water table. The land currently drains into the Chadwick drains and will continue to do so with the development. Tyson's engineer can address further issues. He explains that all ditches will be built to accommodate water flow in the area. Bill Morris adds that a retention basin will be built, according to the 100 year flood ordinance. However, Bill is concerned with State law 73-14 73-15, which requires a written permission to use someone's ditch. Violating this law could result in a Class A misdemeanor. Bill states that Tyson Lund and Eric Thomas would need permission from Mr. Walters to use the ditch. Tyson also addresses some concerns about traffic and road access onto Washington Blvd. Tyson claims that UDOT granted preliminary permission for the road access and that he will get that information to the City as soon as possible. Bill Morris also adds that UDOT might put a stop light on Washington in order to help with traffic.

Tyson states that the commercial developments to the south of the property will not be landlocked. Also, in regards to who will maintain the ditch and fence, that will be determined in a development agreement. Tyson feels the best option is to table this project for now, meet with the project management council and possibly be considered for a special session with planning commission in order to develop the property before winter hits.

Commissioner Roger Shuman asks the size of the road that would give access to the proposed development. Tyson Lund replies and states that the road will be a sixty (60) foot right away.

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Other issues, such as building height and set back requirements will be considered in the development agreement.

Commissioner Roger Shuman asks if there are any comments from the other planning commissioners.

Commissioner Kevin Jensen states that there are a lot of things that are unclear and recommends to table this proposal until more information is available. Commissioners Nathan Averill and Brenda Nelson both agree.

### **MOTION**

Motion by Commissioner Kevin Jensen, second by Commissioner Brenda Nelson, to table preliminary and final plans for proposed townhome development off of 1525 North Washington Blvd. Vote called for and passed unanimously.

**6. REVIEW/DISCUSSION/ACTION** on a conditional use permit request from LaTonya Jackson for visiting clientele inside her home located at 384 W 2300 N.

### **DISCUSSION**

LaTonya Jackson explains that she is running a website selling hair extensions. The conditional use would allow in house management and inventory and on occasion people coming in and visiting. The maximum number of clients coming to the house would be about five (5) per month. Commissioner Kevin Jensen asks if there is plenty of parking.

LaTonya explains that there is a lot of parking since her house is located on the corner of 2300 N and 390 W. There is additional parking in the driveway. LaTonya states that her business is more web based, therefore parking shouldn't be an issue due to a low volume of clientele visiting her home. In addition, LaTonya states that most of the traffic will be UPS trucks coming to the house.

Bill Morris reminds the planning commissioners that this is a conditional use and therefore should abide by the codes and regulations found in the Harrisville Municipal Code 11.10.020, section 9.

### **MOTION**

Motion by Commissioner Brenda Nelson, second by Commissioner Nathan Averill, to approve conditional use permit request from LaTonya Jackson for visiting clientele inside her home located at 384 W 2300 N. Vote called and passed unanimous.

**PUBLIC COMMENTS:** *"This is an opportunity to address the Planning commission regarding your concerns or ideas on land use issues. Comments are limited to three minutes. The Planning*

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*commission cannot take action on any item brought to the planning Commissions' attention except to instruct staff to place this item on a future agenda."*

Gary Robinson: "A couple of things have been brought up. Legally, we do things by books. Integrity is not something we are considering.."

Commissioner Brenda Nelson states that this development seems like a mess, therefore she felt comfortable tabling it.

## **7. ADJOURN**

Being no further business, the meeting was adjourned at 8:54 p.m.

Roger Shuman, Vice Chair

Laurence Boswell, Land Use Coordinator

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