

Harrisville City Planning Commission Meeting  
363 W. Independence Boulevard  
7:00 p.m., August 9, 2017

Commissioners: Brenda Nelson  
Roger Shuman  
Nathan Averill  
Stephen Weiss  
Bill Smith  
Chad Holbrook

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

Visitors: Jeff Pearce, Ruth Pearce, Matt Havikson, Matt Robertson, Eric Thomas, Bruce Baird, Ryan Christensen, Tyson Lund, Jessica Nessen, Preston Crowell, Mr. Johnson, Ken Rose, Gaylene Rose, Robert Froerer, Margene Walters, Boyd Walters, Brian Walters, Julie Walters, Bruce Richins, Kathy Sprouse, Gene Stephens.

### **1. CALL TO ORDER.**

Commissioner Stephen Weiss called the meeting to order at 7:00 PM.

### **2. CONSENT APPROVAL of Planning Commission Meeting Minutes July 12, 2017.**

#### **MOTION**

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

**3. 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.

#### **DISCUSSION**

Bill explains that there is a new ordinance that addresses some concerns from the previous planning commission meeting. Bill explains that this is the time for planning commission to just discuss the ordinance, not the site plan or anything else concerning this development.

Commissioner Nathan Averill is in favor of passing the ordinance in order to bring in commercial business on the frontage of the property.

#### **MOTION**

Motion by Commissioner Nathan Averill, second by Commissioner Bill Smith, to approve the mixed use ordinance 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.

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

#### **DISCUSSION**

Bill Morris asks the North Ogden and Harrisville City engineers to explain the development and what they have done to address any issues with the property.

Matt Havikson (North Ogden Engineer) reports that North Ogden has a storm water master plan that shows storm water crossing Washington and going down to Mud Creek basin. North Ogden would like to make an agreement with Harrisville City to extend their storm water pipes in order to allow flow to the Mud Creek basin. There is no storm water going through the pipe right now; it's not connected to the storm water system in North Ogden. The agreement would allow Harrisville to use the storm drain instead of form or create a new one.

Bill Morris addresses Matt Havikson with the following questions: Are you aware of the meetings concerning this storm drain? Are you aware of Ron Chandler putting on the master plan for the North Ogden? Was it put on there to address flooding concerns for North Ogden? Will this storm drain prevent flooding? If there is flooding on the property, then this storm drain would address those problems, correct?

Matt Havikson responds and states that this storm drain will prevent flooding on the current property and that it is on the master plan for North Ogden.

Matthew Robertson (Harrisville City Engineer) gives an update from the memo he wrote last month. The first concern is the geotechnical report. The geotech report would address pavement thickness and other concerns. The work has been done, but no report has been submitted. The second concern is the Chadwick ditch. Since the last meeting, the developer has decided to leave the Chadwick ditch where it is. There is an existing fence on the north side, the access road and ditch would remain the same as is now. At the end of the property, the storm drain will be collected and detained on site and then released back into the Chadwick ditch. Matthew reported that he has analyzed the site and determined that the release flow should be less than the existing site run off right now. Eventually, the idea with the storm water is to pipe it all the way to the Mud Creek basin. At that point, no run off will go towards the Chadwick ditch. The third concern is the location of the new road. The new road has been approved by UDOT. Any right of ways will need to be approved by UDOT. The developers will need to obtain a permit from them before doing any construction. At the end of the 1525 road, there is a possibility to connect to a future road. That access easement will be there. Matthew reports additional information such as the plat has been updated with addresses. There needs to be final review by the county. The engineer cost estimate will need to be reviewed by Harrisville City offices. The development agreement will

need to be approved by City Council. SWPP and other paper work will need to be turned in before the pre-construction meeting. Matthew reports that there is a concern for run off with the property to the north, however; there is a drainage system on the north side so no run off will affect that property. In addition, this development does meet the mixed use ordinance.

Commissioner Roger Shuman brings up concerns about parking shown on the site plan.

Matthew Robertson reports that there will be a 2 unit car garage per house and 2 additional cars can park outside, in the driveway.

Bill Morris addresses the parking stalls on the site plan. He explains that the parking will be considered a road as well. Those stalls should not be removed from the site plan.

Commissioner Roger Shuman states that his only concern is if there is not adequate parking and the potential for a lot of traffic is the road eventually connects with another road in the future. There's a 60 foot access, you could go from 13-14 parking spots down to 6. That's a little bit of a concern. Commissioner Roger also asks about the location of the detention basin on the west side.

Matthew Robertson states there are three detention basins. One between the commercial and residential area, one by the parking area, and two in the back. So water would be detained and then released into the storm drain.

Commissioner Roger Shuman states that last month there were lots of pictures that were provided by the public concerned about flooding. It seems like all the water from North Ogden is puddling in this area. Commissioner Roger asks where the water is coming from.

Matthew Robertson responds and states that right now there's a bit of ground water following the existing storm drain pipe. There's no storm water system, but because of the depth and the wet winter, there's ground water following the gravel and it's coming across the existing site. This project will help mitigate that.

Commissioner Roger Shuman states that if there is an agreement that is pending, between the cities, to put in this storm water pipe, it doesn't make sense to put the development in and then the storm water pipe afterwards. Commissioner Roger shows a lot of concern on this issue.

Matthew Robertson states that the developer's contractor would install the storm water pipe while they are working on the utility pipe. In other words, the storm water pipe will be put in as the development is in process, not afterwards.

Commissioner Brenda Nelson is concerned about the 250 square feet for the landscaping and open space for each unit. The ordinance states that there is a minimum of 250 square feet of landscaping. She asks if the detention pond is considered part of the landscaping. She also shows concern for the commercial area.

Matthew Robertson replies, yes to the landscaping question.

Bill Morris addresses the commercial area. He states that it will be addressed in the development agreement which will be discussed and passed in the city council. The commercial will be turned over to the people who are developing the town homes and hopefully it'll be complimentary. The City has also come up with a few ideas to assure that commercial business will come in within so many years of the residential area being built.

Commissioner Chad Holbrook asks what will be done to take care of the open grass area for kids and family. According to the site plan, there are just townhomes and a street. There is no place for kids to play.

Bill Morris asks, as a matter of professional cutesy, to invite Mr. Johnson to speak to the commissioners.

Mr. Johnson, representing Boyd Walters, has some concerns about the water problems. He is very familiar with the property and understands that the Chadwick ditch collects all the UDOT water and then floods. There might not be an outlet and that might be the problem. One thing that would help Boyd is if the ditch will be piped and cleaned out. Who will take care of that ditch though? His concerns are the water, the run off, his access, and the existing ditch.

Commissioner Roger Shuman asks if the ditch on Mr. Walter's property or the other property.

Mr. Johnson states that it looks like the ditch is on both properties, which causes an issue. If they piped the ditch, then that could avoid some problems. The run off comes down there and collects.

Commissioner Nathan Averill asks what side the ditch is on from the fence.

Mr. Johnson states it's on the south side of the fence, or north side of the lane.

Commissioner Roger Shuman asks if the new fence will be on the opposite side of the fence.

Mr. Johnson replies, yes.

Bob Froerer, representing the Cheeney property comes to the microphone. The lane will be narrowed, pushing the south boundary into the lane. Bob has been assured by the city engineer that that's not going to happen. The fence on the north side of the lane will be approximately where the existing fence is.

Bruce Baird, attorney for the developer, comes to the stand and states that the solution to the water problems is development. He trusts that the city engineer and staff will comply with the law in terms of not adding additional water problems. The solution that has been proposed will actually make things better, not perfect, but better. Between the two city engineers, the storm

water will be a storm water neutral project. There should not be any impact on the eastern side of the ditch because water will not drop into it until about two-thirds of the way down. Bruce claims that they are routing the water in historic ways, instead of adding or creating new water routes. Bruce would like this project approved so the developer can begin construction this year. To avoid disputes with the access road and ditch, Bruce said that they will just leave it alone. In addition, in reference to parking, this project parks on its own if you count the drive way. It meets parking regulations with the two car garage and the parking in front of the garage. Bruce asks on behalf of the developer for planning commission recommendation.

Ryan Christensen, the developer's engineer approaches the microphone. Ryan allows planning commission to ask any questions about the development.

Commissioner Brenda Nelson asks about handicap parking.

Ryan Christensen replies and states that each unit will have a two car garage and then two additional car spots in the driveway. There is no ADA parking, and he's not sure if it is required.

Bill Morris states that ADA parking is not required. For commercial units, it's required. In response to the complaints about parking, there is an overflow parking lot and you can add an ADA parking in this overflow parking if desired. Again, it's not required.

Commissioner Brenda Nelson asks if there is an actual drawing of the condos in order to see elevation.

Ryan Christensen states that through the development agreement, the elevation of the buildings will be discussed.

Commissioner Roger Shuman is still concerned about the excess water that is on the property. There doesn't seem to be a clear cut answer about who owns the ditch. Commissioner Roger feels uncomfortable moving forward. Commissioner Roger is concerned about passing this development and having more water issues later on. Roger asks if piping the ditch be something that is recommended to city council for approval.

Bill Morris says that he is not sure if that is something that we should be concerned about or not. Commissioner Roger can put a condition on passing this development, making sure the issues are resolved as presented.

Commissioner Roger Shuman has some questions concerning the engineering aspects of the development. Matt Havikson is asked to come up to the microphone.

Matt Havikson wants to reiterate what has been discussed. North Ogden is not sending storm water down the pipe that already exists, but the gravel that the pipe is embedded in could be picking up water and carrying that down and across Washington Blvd. This was not anticipated.

Matt understands that this is causing problems on the property currently. However, Matt says that with this development, the water will be directed and deposited into the ditch. This development allows the city to extend the piping further west and keep the water from getting into the east side of the ditch.

Commissioner Roger Shuman seeks clarification on whether the water will make it to the Mud Creek basin.

Matt Havikson states that currently the west side of the Chadwick ditch does not flow directly into the Mud Creek basin, but if the city can talk to the property owners and get some easements, they can redirect the water into the Mud Creek basin.

Commissioner Roger Shuman wants to know where the Chadwick ditch originates.

Matt Havikson reports that he believes it starts in the North Ogden canal. This canal is piped in some areas and open in other areas. Matt thinks that the open areas are the areas that are giving Mr. Walters the most problems.

Commissioner Roger Shuman states that this development is controlling the storm water and dumping it into the Chadwick ditch. He asks if there are similar developments in North Ogden that are doing the same thing.

Matt (North Ogden) recalls one development called Louis Peak in North Ogden. They took their groundwater and put it into the Chadwick ditch. At the time they did that, they approached Mr. Walters and made him aware of the situation. Mr. Walters agreed to it at the time. However, the issue is that there are several ditch users. There is no ditch company to maintain ditches. It's up to property owners to care for their share of the ditch. The difficult thing is that most people do not clean the ditch, but Mr. Walters has to in order to use it. Piping the storm drain through the property will help pull some of the water out of the ditch that is causing him problems. There is also a UDOT drainage system. They put in some catch basins on Washington Blvd and those empty into the Chadwick ditch. So there is storm water from Washington that enters into the ditch. The water coming from North Ogden is suspected to be ground water, not actual storm water.

Commissioner Brenda Nelson states that her other concern is there are no play areas for kids.

Commissioner Roger Shuman asks about the fence.

Bill Morris responds and says that fencing could be determined by staff and can be put in the motion.

## **MOTION**

Motion by Commissioner Nathan Averill, second by Commissioner Chad Holbrook, to grant approval, subject to the memo dated August 8, 2017 and subject to any staff and agency requirements for preliminary and final plans for proposed townhome development off of 1525 North Washington Blvd. Vote called with 4 in favor, and Commissioner Roger and Commissioner Brenda opposed.

**5. REVIEW/DISCUSSION/ACTION** on a conditional use permit request from Preston Crowell to run a private training program to be located at 145 W Savannah Lane.

**DISCUSSION**

Preston Crowell and Jessica Nessen come to the microphone. They explain that they would like a conditional use permit for a private training business. It is very small, and only about 20% of their clients would come on site. The training is a strength and conditioning training that is one on one with clients. The majority of the business would be located off site. All equipment will be stored in the garage and work outs will be done in the garage.

Bill Morris reads municipal code 11.10.020.09.

**MOTION**

Motion by Commissioner Brenda Nelson, second by Commissioner Nathan Averill, to approve a conditional use permit request based on the municipal code of Harrisville City from Preston Crowell to run a private training program to be located at 145 W Savannah Lane. Vote called and passed unanimous.

**6. 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 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.”*

There are no public comments.

**7. ADJOURN**

Being no further business, the meeting was adjourned at 8:09 p.m.

Steve Weiss, Chair

Laurence Boswell, Land Use Coordinator