

Harrisville City Planning Commission Meeting

363 W. Independence Boulevard

7:00 p.m., October 9, 2019

Commissioners: Kevin Jensen

Nathan Averill

Chad Holbrook

Brenda Nelson

Staff: Laurence Boswell (Land Use Coordinator)

Ronda Kippen (Community Planner)

Douglas Larsen (Community Consultant)

Visitors: Blaine Barrow, Paul Neilson, Michelle Tait, Arnold Tait, Randy Edmunds, Dyllan Norman, Ty Daley, Marvin Farrell, Holin Wilhanks, Cliff Hokanson.

1. CALL TO ORDER

Chair Chad Holbrook called the meeting to order at 7:00 PM.

2. CONSENT APPROVAL of planning commission meeting minutes from September 11, 2019. Commissioner Jensen motioned and Commissioner Averill seconded the motion to approve the planning commission meeting minutes from September 11, 2019. Vote called and passed unanimous.

3. PUBLIC HEARING on the proposed update of the Harrisville City 2019 Annexation Policy.

Chair Holbrook opened the Public hearing on the proposed update of the Harrisville City 2019 Annexation Policy.

DISCUSSION

Douglas Larsen gave updates on the annexation policy plan. The City had an existing annexation plan, and recently decided to update it. The City notified the affected entities about the plan update. The City received comments from the affected entities, including individuals associated with business in the Weber Industrial Park. The City, as required by statute, provided a 10-day period for the public to make comments. The City received two responses. The policy includes four areas that are currently in unincorporated Weber County. Douglas referenced the map located in the 2019 Annexation Policy packet. Douglas stated that staff recommends a favorable vote for this policy plan.

PUBLIC COMMENTS

Tom Wood - Tom has a business in the Weber Industrial Park. Tom explained that he never received any notification about the annexation policy update. Tom called the City when he first heard about the annexation policy update, and asked what would happen to his address since his current address is labeled as being in Ogden. The address is an important part of the shipping process for Tom. Tom made comments about the boundaries of Harrisville City. Tom suggested having areas west of Rulon Blvd. to be located in Farr West City and everything east be in Harrisville City. Tom stated that he is comfortable with the services provided by Weber County and asked what more Harrisville could provide. Tom stated he was against the annexation proposal.

Paul Nelson - Paul addressed some concerns in the written portion of the annexation policy plan. Paul mentioned that it is too general, and suggested there should be more details about each area being annexed. Paul mentioned that in the plan it states that the City will take on all costs of services for all areas in the annexation map. Paul suggested changing that so that property owners of undeveloped land are forced to pay their own improvements and then dedicate the improvements to the City. Paul wanted to know what the incentive was for Harrisville to implement these annexed parcels.

Holin Wilbanks - Holin reads the resolution that was passed by Weber County Commission October 8, 2019. Holin stated that she received several emails supporting the resolution. Holin stated that the Weber Industrial Park was set aside for economic growth. She mentioned that the county has been taking care of the industrial park and does not want to see a change in tax rates by moving over to Harrisville City.

Randy Edmunds - Randy stated that he is a business owner in the Weber Industrial Park. Randy stated that he is very happy with the services he receives from Weber County. Randy wanted to know what he will get in return for paying more in taxes by being annexed into Harrisville. Randy is against annexation if there is no good support for it.

DISCUSSION

Mr. Morris stated that Jed McCormick is in favor of the annexation plan and annexing his property into Harrisville. Mr. Morris reads a comment from a business owner over at the industrial park favoring the annexation plan. Mr. Larsen stated that the City is evaluating expenditure and revenue, and other factors in order to provide a better environment for Weber Industrial Park. Mr. Morris asked if the City could use measures to reduce taxes or provide direct cash incentives. Mr. Larsen stated yes. Mr. Morris asked if there are any CRA or CDA in affect with Weber County. Mr. Larsen indicated that he did not believe there were any active incentive agreements. Mr. Larsen stated that there are a few vacant lots currently for sale and limited land adjacent to existing facilities that could be developed. Mr. Larsen stated that the weber county un-incorporated tax rate is slightly lower than Harrisville's and noted surrounding city rates are slightly higher than Harrisville's. As well, Mr. Larsen sited a number of measurably higher tax rates in surrounding communities wherein business and industry is thriving as a means to dispel concern that an increased tax will drive business away. Mr. Morris states that he is confused by Weber County's involvement. Mr. Larsen also acknowledged the Weber County Commissioners concern over an increase in tax to business in the park but expressed optimism that the City can develop a plan that can be accepted by business in the park and the County.

Mr. Morris stated that there was some interest in breaking out sections of the annexation plan to include more detail for each area. Bill asked the commissioners to allow Mr. Larsen to break out the plan on its way to city council. Bill stated that the infrastructure portion in the annexation plan can be updated. It does not supersede the City's ordinances though, so the city will still require developers to put in their own infrastructure.

Commissioner Jensen asked what the requirements were in order to complete the annexation procedure. Mr. Morris stated that the county commission cannot stop the annexation and referenced the Utah state code 10-2-418. Chair Holbrook stated that he feels comfortable approving the plan and moving forward.

MOTION

Commissioner Jensen motioned and Commissioner Averill seconded the motion to approve the proposed update of the Harrisville City 2019 Annexation Policy and plans with the break out of each section and give permission to staff that they can make the modifications. Vote called and passed unanimous.

4. DISCUSSION/ACTION on the amended site plan for HHI located at 736 W Harrisville Rd.

DISCUSSION

Ronda gave a staff report and presented a PowerPoint on the amended site plan proposal. Ronda stated that staff's recommendation is to approve the site plan based on four conditions: Providing planning staff with an updated sheet C-203 showing the 10 foot set back on the eastern side of the parking lot, providing staff with landscape plan for the 10 foot setback strip, keeping all mature trees in the front of the property, and adherence to all local state and federal statutes and regulations stated in the 2019 adopted general and all other reviewing agencies.

Cliff Hokenson – Mr. Hokenson stated he is one of the owners of HHI. Mr. Hokenson explained that the parking lot has been in place since the early 1900s. He stated that he wants to put new asphalt over the existing parking lot. Mr. Hokenson stated he was confused as to why he needed a site plan amendment. Ronda Kippen explained that whenever a business owner makes changes to their site, a site plan amendment is required. Ronda also explained that when site plans are amended, the City asks that any improvements comply with code. Mr. Hokenson showed concern for the curb and gutter on the east side of the property. Mr. Hokenson stated that it would cost him too much to put that curb and gutter in and asked if his site could be grandfathered in. Commissioner Jensen showed concern for putting the parking slots into the flow of traffic if Mr. Hokenson is required to meet the 10 foot setback requirement on the east side. Mr. Morris stated he believes that site has been in the exact state as it currently is prior to Harrisville becoming a city; therefore, the site is considered legal non-conforming and the 10 foot landscaped setback would not be required on the site plan. Mr. Morris stated that if the proposed site plan is better than the current condition, then it is okay.

MOTION

Commissioner Nelson motioned and Commissioner Jensen seconded the motion to approve the amended site plan for HHI located at 736 W Harrisville Rd. This motion for approval is based

upon the conditions in the staff planning report and city engineer memo with the condition of removing item number one from both the city engineer memo and the planning department staff report based on the finding that the site plan is considered a legal, non-conforming site; therefore, the requirement for a 10 foot side yard landscaped setback on the site is not applicable on this site. Additional landscaping along the frontage of Harrisville Rd will be installed as part of the parking lot, and the preservation of all mature trees and landscaping as indicated by items two and three of the city engineer memo will be required. Vote called and passed unanimous.

5. COMMISSION AND STAFF FOLLOW-UP

Mr. Morris met with an attorney representing the developer of the Ben Lomond Golf Course. Mr. Morris had a productive discussion with the attorney about City expectations for the golf course. The attorney stated his client might put off development until the beginning of next year. The attorney suggested proposing a new mixed use ordinance. Commissioner Nelson was concerned about letting the developer drive the discussion for the use of the land. Mr. Morris explained that the City will be looking into form based code. The focus is on the appearance of buildings and landscaping. The use of the buildings will be up to the developer. Mr. Morris stated that the rough draft of the mixed use ordinance was too complicated and specific. Bill stated that he will set up another meeting with the attorney about the golf course. Mr. Morris stated that the City Council adopted the new general plan.

6. ADJOURN



HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-1449 Fax

PLANNING COMMISSION:

Kevin Jensen
William Smith
Stephen Weiss
Nathan Averill
Chad Holbrook
Blair Christensen
Brenda Nelson
Roger Shuman
Laurence Boswell – Sec.

November 8, 2019

Planning Commission,

Staff is currently working on updating an ordinance that removes the word “animal shelter” from the Harrisville Municipal code and replacing it with “animal boarding establishment.” The draft ordinance is not ready to view. The ordinance will be sent out at the beginning of next week.

Thanks,

Laurence Boswell

**HARRISVILLE CITY
ORDINANCE 503**

MIXED-USE AND IN-FILL DEVELOPMENT

AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEAL SECTIONS 11.10.20.10, 11.10.020.11, AND 11.14.020.2; ADOPTING CHAPTER 11.11 CREATING MIXED-USE AND IN-FILL DEVELOPMENT ZONING AND REGULATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City desires to meet the challenges presented by growth and development by adopting provisions for mixed-use and in-fill development;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on _____, 2019, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2019, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: **Repealer.** *Harrisville Municipal Code* §11.10.20.10, §11.10.020.11, and §11.14.020.2 is hereby repealed. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Chapter 11.11 of the *Harrisville Municipal Code* is hereby adopted to read as follows:

Chapter 11.11
Mixed-use and In-fill Development Regulations

Sections:

- 11.11.010 Enabling Act and Purpose.**
- 11.11.020 Findings.**
- 11.11.030 Sub-zoning.**
- 11.11.040 Process.**
- 11.11.050 Application.**
- 11.11.060 Development Agreement.**
- 11.11.070 Administration of Sub-zone.**

11.11.010 Enabling Act and Purpose.

This Chapter shall be known as “Mixed-use and In-fill Development Regulations” for the purpose of enabling the City to manage and regulate the development of large parcels and in-fill properties as identified by the City.

11.11.020 Findings.

The City Council finds that standard zoning practices such as single-purpose base zones, planned unit developments, and other traditional zoning classifications are inadequate to address the development of larger parcels and in-fill development within the City to ensure that these developments are well-planned, sensitive to the needs of the City and, also, successful in recognizing the rights of property owners to develop their land. This is especially true when the property involves issues of infill and configuration, and when the development of the property may take several years. The City Council has carefully researched the state-of-the-art practices for how to deal with such larger projects. Based on that research the City Council has determined that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner and those agreed-upon regulations being enforced and assured by the terms of a development agreement. The purpose of this ordinance is to create enabling provisions for adopting such specialized zones and applying them to particular properties.

11.11.030 Sub-zoning.

Eligible parcels under this Chapter maybe zoned as a sub-zone as follows:

1. Mixed-use Large Project (MU-LP) Sub-zone. This Sub-zone is designed for a “Large Project Master Planned Community” as provided in this Chapter.
 - a. Eligibility Requirement. The MU-LP Sub-zone only applies to development projects over one hundred (100) contiguous acres in size, and designated for mixed-use in the General Plan.
 - b. Plan Map. A proposed plan map showing the area of the project and proposed uses is required as part of the application.
 - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.

- d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.
2. Mixed-use Commercial (MU-C) Sub-zone. This Sub-zone is designed for a “Commercial In-fill Planned Community” as designated in the City’s General Plan.
 - a. Eligibility Requirement. The MU-C Sub-zone only applies to development in areas designed for mixed-use or in-fill in General Plan, and requires that the first level of all buildings provide for commercial uses. The secondary level of each building may contain commercial or residential uses. For a third level of commercial or residential uses, a fourth level is required consisting of rooftop amenities such as: recreation, conference space, business center, clubhouse, shops, café, and similar uses.
 - b. Plan Map. A proposed plan map showing the area of the project and proposed uses, including adequate landscaping and open space, is required as part of the application.
 - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.
 - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.
 3. Mixed-use Residential (MU-R) Sub-zone. This Sub-zone is designed for “Residential In-fill Planned Community” as designated in the City’s General Plan.
 - a. Eligibility Requirement. The MU-R Sub-zone only applies to development in areas designed for mixed-use or in-fill in the General Plan, and the proposed project shall include residential amenities that foster community, including but not limited to: clubhouse, recreation, pathways, conference space, business center, personal services, café, and similar amenities as set forth in the Development Agreement.
 - b. Plan Map. A proposed plan map showing the area of the project and proposed uses, including adequate landscaping and open space, is required as part of the application.
 - c. Development Agreement. A proposed Development Agreement must be prepared and submitted with the application.
 - d. Fee. A fee equal to the costs incurred by the City for the processing the application shall be paid by the applicant. This fee is related to this Chapter only and does not include other fees imposed the City during the totality of the development process.

11.11.040 Process.

The property owner(s) initiate the process under this Chapter by filing a written application with the City Recorder to create one of the Sub-zones provided in this Chapter. The Planning

Commission shall consider the application for possible recommendation to the City Council in the same manner as any other zoning map amendment at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the Sub-zone, map such to the property, and approve the required Development Agreement. The application for a Sub-zone creates no rights in the property owner until any such Sub-zone and the Development Agreement are approved by the City Council and recorded against the property.

11.11.50 Application.

Any application for a Sub-zone shall include the following and such other materials as the City may require:

1. The proposed Sub-zone;
2. Complete plan map of the property proposed for the Sub-zone as provided in this Chapter and including topographical information at 2' contours or more detailed;
3. The proposed Sub-zone Ordinance specifying the permitted, conditional, and accessory uses as more fully detailed in the required Development Agreement.
4. A proposed Development Agreement.

11.11.060 Development Agreement.

1. Contents. The proposed Development Agreement shall include the items specified in this Section.
2. Legislative Action. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering and may make any modifications to the proposed Development Agreement that it deems appropriate before approving the Development Agreement and applying it to the property as a part of the creation and mapping of the Sub-zone.
3. Required Elements. The Development Agreement shall include:
 - a. A master development plan for the entire property of the project showing:
 - i. The general areas of each intended use and the approximate intensity of each such use such as the approximate number of each type of residential or support use.
 - ii. The general areas of each intended use and the approximate intensity of each use such as the approximate number of each type of commercial, office, or retail use;
 - iii. The approximate location of infrastructure such as roads, parking, storm water facilities, flood control, utilities, and other infrastructure; and
 - iv. The general location size and type of support uses, open space, recreational amenities, pathways or trails, and related amenities.
 - v. Designation of any present or postponed FEMA floodplain.
 - b. Proposed development standards for the various types of residential, commercial, retail office, or other uses proposed including parking areas, dimensions and setbacks.

- c. Proposed design standards addressing building height, massing and orientation, open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
- d. Proposed plan for maintenance of the project including appropriate costs for the same to be incurred by an owner's association, that accounts for implementation costs and long-term maintenance projections.
- e. Proposed plan for implementing, administering, enforcing the proposed project.
- f. A hold harmless provision ensuring that the City, and other public entities servicing the project, cannot be held liable for any damages arising out of the Development Agreement.
- g. Any other items that the City Engineer or City Attorney deems appropriate.

11.11.070 Administration of Sub-Zone.

It is the intent of the City that after the policy considerations by the City Council in adopting the proposed Sub-zone, applying that Sub-zone to the property, and entering into the Development Agreement that any implementation of the Sub-zone or Development Agreement is administrative in nature and not a legislative function. However, modification or amendment of the Development Agreement is a legislative function that requires approval of the City Council.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20____.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JENNIE KNIGHT, City Recorder

RECORDED this ____ day of _____, 2019.
PUBLISHED OR POSTED this ____ day of _____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) Harrisville Cabin on the above referenced dates.

_____ DATE: _____
City Recorder