



Harrisville City Planning Commission Minutes

Harrisville City Offices

Wednesday, February 12, 2025 – 7:00 PM

Commissioners: Nathan Averill
Chad Holbrook
Angie Francom
Isaac Thomas

Staff: Jennie Knight (City Administrator)
Cynthia Benson (Deputy Recorder)
Justin Shinsel (Public Works Director)
Brandon Green (City Planner)

Visitors: Randy Smith, Michelle Tait, Arnold Tait, Greg Montgomery.

1. CALL TO ORDER

Chair Averill called the meeting to order and extended a welcome to those in attendance.

2. CONSENT APPROVAL – of Planning Commission meeting minutes from November 13, 2024, and work session meeting minutes from January 8, 2025.

MOTION: Chair Averill motioned to approve Planning Commission from November 13, 2024, and work session meeting minutes from January 8, 2025. Commissioner Holbrook seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
Angie Francom	Yes

The motion passed with all voting in the affirmative.

Chair Averill adjusted the agenda items for the inclusion of Commissioner Thomas. The commission agreed to defer this item without formal motion, prioritizing inclusivity.

3. ELECT – Chair and Vice Chair for 2025

After some discussion, Chair Averill entertained nominations for Chair and Vice Chair for 2025.

MOTION: Commissioner Holbrook nominated Commissioner Francom for Chair for 2025. Chair Averill seconded the nomination.

Nathan Averill	Yes
Chad Holbrook	Yes
Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

MOTION: Chair Averill nominated himself for Vice-Chair for 2025. Commissioner Thomas seconded the nomination

Nathan Averill	Yes
Chad Holbrook	Yes

Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

4. DISCUSSION – Critical Homeownership Development Ordinance

Chair Averill began the discussion with review of his comments. He would like to add the names of the surrounding cities for clarity. Brandon Green, city planner, felt by doing this it may exclude potential homeowners who fall into the critical and essential worker definition but not in one of the surrounding cities. Commissioner Francom interjected her struggle with defining the boundaries and how far to include. She is uncertain how to define critical and essential workers. She feels this is a delicate situation. She is concerned some may feel this ordinance is not worth their time and will not desire to reside in Harrisville at all.

Commissioner Thomas arrived.

Mr. Green asked for clarity about what the concerns of the commissioners are regarding someone moving into the city from another city and working in another city. Chair Averill said the incentive is for those living and working in Harrisville to be able to afford to live in Harrisville not for others to move in. He feels what they are trying to incentivize here is people who work local to live local.

Commissioner Holbrook said not every profession we are focusing on is available in Harrisville. We must broaden our scope, if this is something we wish to pursue, by making housing available for people in those types of jobs, such as hospital workers or firefighters. He continued by asking; Is something like this really needed if we have the right kind of housing options?

Mr. Green said this is something which will be used as an option such as downsizing or upsizing. Existing homes are not always available. New homes will not be readily available as well once they are built and occupied. He sees the ordinance as a way for homeowners to progress. He sees it as a need and possible enticing or inviting for residents.

Jennie Knight, City Administrator, mentioned removing the restriction and adjusting the wording to remove the redundancy. The definition would read a “critical and essential workers” means persons who are actively employed at jobs considered critical and essential, including employees of Harrisville City, and employees in the sectors of health care, law enforcement, first responders, education, childcare, retail, construction and trade, military and veterans, and other government entities. The commissioners all agreed to the rewording.

Chair Averill asked if there needed to be a definition of which business can be considered critical or essential since during the pandemic around 90% of businesses claimed they were critical and essential. Mr. Green said if you look at it from a small business owner providing a service to the residents of Harrisville, the business could be considered critical and essential. Discussion continued with who to include, who to remove, and how long of a list of critical and essentials workers do we call out in the ordinance. Ms. Knight added the intent would be to give those listed first choice. The commissioners adjusted the wording a bit more but ultimately decided to leave this definition as is, following Mr. Green’s recommendation, since adding 'i.e.' could make the sentence more complicated.

Chair Averill asked if the staff had a chance to discover where this overlay could go within

Harrisville. In response, Ms. Knight clarified that this overlay could be implemented in any undeveloped area of the city, but it would only be applicable in residential zones according to the criteria outlined in the ordinance. She gave examples of how the by-right zoning concept, attainable housing concept, and affordable housing concept could appear on an undeveloped A-1 zoned piece of property within the city. She also gave examples of how the overlay creates flexibility. The discussion with the developer would reflect the current goal of the city and what makes sense for the area.

Chair Averill asked if this overlay would then get rid of zoning map since this would be applicable to anywhere in the city. Mr. Green said no it would not since there are still homes within zones which would still need to meet that zoning requirement. Ms. Knight added the purpose of the overlay is to allow flexibility while developing homes. There will be a lot of factors with the development such as roadway connectivity, services, etc. which will need to be discussed before a developer could simply build whatever they wanted. She reiterated the discussion with the developer would reflect the current goal of the city.

Commissioner Francom expressed how much she liked the option of flexibility. Commissioner Holbrook expressed his concern for the city staff and the workload being placed on them with this overlay ordinance. Mr. Green stated the workload would be no different for the city staff since staff is already bringing the developer to the table to discuss the city's goals. If anything, it would place more work on the developer to bring in three varying concepts showing a by-right option, affordability option, and attainability option. By the time the commission sees the development, the concepts will have been reviewed by staff and will be ready for your discussion or approval. Ms. Knight said the process would not be more work for staff, but equal to what they are already completing.

Chair Averill expressed his concern with the overlay appearing everywhere in the city. Staff stated it would not be because it would not make sense with every development. The MDA would dictate the amount of work on the staff and what would be allowed with the development.

Ms. Knight gave another example of how the overlay would work with a parcel at the north end of the city. If this property would be allowed to be developed under its current zoning it would be required to meet the RE-15 requirements. If we were talking attainable, the developer could increase the density to meet an established mark. If we were talking about affordability, then staff would discuss with the developer other options to bring the costs of homes even lower. The decision would be through negotiations. This would not eliminate the options for by-right housing. The developer could come in and say they wished to develop by-right under the RE-15 requirements.

Chair Averill preferred to stay with attainable housing and see affordable be conditioned to a percentage. Ms. Knight recommended both options be in the ordinance since there might be areas in the city where affordability makes sense. Now if legislation came in and said we had to accommodate smaller lots then the city would need to review and adopt a new general plan. However, by having this ordinance in place it provides more flexibility and protection in those areas of the city we do not want a higher density.

Commissioner Holbrook expressed his approval of flexibility. He expressed his desire to have housing consistency with what is around it avoiding pockets. Mr. Shinsel pointed out examples of parcels where by-right would be desirable more so then the overlay ordinance being applied.

Mr. Green mentioned there are several items to consider for the overlay to be utilized on a parcel. The land cost, improvement costs, roadway connections, and zoning are some of the factors. Mr. Shinsel said land value is a huge driver in housing prices. For instance, Montgomery Farms subdivision is an R-1-10 zone with housing at \$500,000. Ashlar Cove subdivision is also an R-1-10 zone but the housing is priced at \$750,000. Same density but due to land costs buyers face higher housing costs.

The commissioners and staff discussed density and housing footprints in relation to the ordinance. Randy Smith, Field Stone Homes, added that flexibility is critical for the developer to produce the end product the city desires. It is on the developer to make the adjustments to the parcel to meet the city requests. The overlay is discretionary. It will not show up everywhere simply because it will not make sense on all parcels. Chair Averill and Mr. Smith further discussed densities, the pricing of homes, land costs, and the sharing of infrastructure between homes.

Chair Averill expressed his reasons for creating a new zone with a smaller density. He feels this would create clarity for a resident living next to an open parcel which has the potential for development in the future. He feels the overlay would create ambiguity instead of giving an expectation of property potential. Mr. Green said the landowner has the right to petition the city to develop their land as they wish. The ordinance would allow the developer to create concepts meeting the city goals for that area of the city. He is concerned by labeling land or creating a new zone, it has the potential to drive land costs higher instead of having options for the developer to utilize. Commissioner Francom added she does not see this ordinance as ambiguity but as flexibility since it is market driven. It will allow the city to not price themselves out of the affordable or attainable markets. Ms. Knight clarified Chair Averill's comments by stating what she was hearing was Chair Averill desires the ordinance to be accompanied by a map of where the ordinance would apply. Chair Averill specified by stating any residential property could utilize this ordinance would create too much ambiguity. Ms. Knight added you can only control what goes on a property if you own the property.

Mr. Green reiterated the homeowner has the right to petition the city for development of their property. The city staff then has an obligation to discuss with the developer and review their petition. He expressed his concern with creating a map designating a parcel with the potential use of the overlay. If the developer knows he can get more homes on the parcel, then the value of the land increases. Staff is trying to create a fair playing field where a developer can approach the city with a plan and have options to develop their concept. If we start to label things then the property value increases. At the end of the day, we are trying to establish a fair property value without expectation of the number of lots. Mr. Shinsel added the checks and balances for the use of this overlay would be through the city staff, the Planning Commission and the City Council as the project goes through the approval processes.

The commissioners discussed potential areas for the overlay to work. Commissioner Holbrook asked if the smaller parcels throughout the city are most likely to apply for the ordinance. Mr. Smith replied that they are most likely since a lot of the smaller parcels are prime for the overlay due to roadway connections being stubbed into the lots and utility availability. Commissioner Holbrook added the more we restrict the less likely the city will obtain what they desire.

Mr. Smith gave another example to show how the costs of a development are generated to reach attainability within the moderate-income housing. Commissioner Francom expressed her appreciation for giving an example of how housing costs are calculated. Commissioner Holbrook asked if there was a way to reduce the cost. Ms. Knight said the short answer is not a lot. The same

inflation which has hit the market has also impacted the city with the growing costs of infrastructure. To replace what we currently are using has quadrupled.

Chair Averill said if we do not create a map this overlay could potentially be across the whole of Harrisville. Mr. Green thinks the best way to approach this is to allow the developer to petition the city and then discuss what options they may have to develop the property. We as staff are looking out for the best interest of the city. We walk a fine line when a developer comes in or a property owner decides to sell. If we start putting a designation on developable property, then there is an expectation for the property to sell for what it was designated for. We want to create something which would work well and fit our community without inflating the prices. The staff would work with the developer to find a recommendation which would be best for the city.

The commissioners and staff continued to discuss the map concept and potential for inflation. Mr. Green stressed a developer could utilize the ordinance. However, there is nothing saying the developer is entitled to utilize the ordinance

Chair Averill asked the commission if they had any issues with changing the name of the ordinance to Essential Worker Homeownership Zone (EWHOZ) instead of Critical Homeownership Overlay Zone (CHOZ). Staff suggested Homeownership Overlay Zone (HOZ).

Chair Averill would like to see this be ten (10) to twenty (20) years for the deed restriction to exceed the length of time a homeowner may occupy the home. He felt this would ensure the deed restriction of ownership would apply to subsequent homeowners. Mr. Smith thought it was to be reduced to five (5) years. Mr. Green clarified his understanding by saying the main reasons for the deed restrictions were for the preference of homeownership to be for essential and critical workers. After some discussion it was agreed to extend the restriction to twenty (20) years.

The target price zone shifted from city limits to a 4-mile radius around properties, aiming for a diverse median home price sample. Concerns were raised about data availability in smaller radius were discussed. Further discussion continued with how a homebuyer may home shop, diverse median home prices, the radii, and the target price. The commissioners decided to have the city planner prepare a map for them to review to see what the best option would be. Ms. Knight asked the commissioners if the intent of the radius is to make certain the median home price is potentially higher or lower in different parts of the city or is the intent to include the median home price of the county. Chair Averill would like to see the target price for the initial sale as a set price instead of a percentage. Mr. Smith cautioned if you place a set price within the document the developers will hit that set price or percentage every time. Chair Averill would like to see one price not two. Mr. Smith explained how the set price would work by saying a developer would tell the city a comfortable target price, including the anticipation of increased costs, all while attempting to reach the target price the city desires. This is where flexibility comes in.

Commissioner Holbrook began the discussion on the next section, section D, in the approval process. He mentioned a verbiage concern with the terms essential and critical. It was discovered that the words Critical Homeownership Overlay Zone are throughout the document and will need to be changed to the corrected title of the ordinance. Commissioners recommended a verbiage change to the last sentence in this section. They would like it to read; the site plan and the developer's agreement can be simultaneously granted in the same meeting as long as they are separate agenda items.

Ms. Knight replied to a timeline question presented during the discussion by Commissioner

Thomas. Since this is a land use ordinance there will be a public hearing. Staff were anticipating public feedback in March. If the Planning Commission feels it is ready. It would be recommended to City Council for their review in May. There is no rush to get this approved. The commission can still table it if they feel it is not ready for a recommendation. This is not an action item on the agenda tonight.

Chair Averill offered another verbiage change in the preliminary applications requirements paragraph. At the end of the first sentence, he suggested changing 'latter two' to 'former'. He would like to see the code controlling the outcome more than the others when conflicts arise between the code, the concept plan, or the development agreement in order to discourage the developer from finding a loophole to get around the ordinance with the developer's agreement. Ms. Knight said she will check with the city attorney on the best practice for this resolution.

Since the commissioners had no more comments, Ms. Knight said if there are any continuing comments, please send them to Mr. Green or herself to avoid conversations between the commissioners. Mr. Green expressed his appreciation with the commissioners, talking through the ordinance.

5. PUBLIC COMMENTS – (3 minute maximum)

Greg Montgomery quoted a Berkley professor from the 1970's where he said to keep things simple. The more things you add to it; the more is going to go wrong. He feels the simplest way to define the median house income is to use the HUD publications which is published annually to determine what is affordable or attainable housing. He stressed for the commissioners to keep in mind the median is defined by 50 homes or less or 50 or more. It is not an average of prices. He then asked the commissioners to determine which the city is trying to achieve, reminding them to keep it simple.

6. COMMISSION/STAFF FOLLOW-UP

Commissioner Holbrook asked if there were any updates to the golf course. Ms. Knight replied in the affirmative. The city met with the builder and held the pre-construction meeting for development. The new owner is Flagship Homes. They are starting to move dirt and develop the lower half of Phase 2A. MDA was updated in October to allow some flexibility with the commercial element. They are completing a market analysis to see what would be best. UDOT permits were updated as well along with updates on the signal light.

As you are aware the city is building the connecting road, 1750 North. The city has requested bids for construction. We are hoping for construction this season 2025. Last night, the City Council approved funding for \$2 million in appropriation funding from the Federal Government and \$600,000 from the Governor's Office of Economic Opportunity for 1750 North. The signal will be determined by the number of housing units going in and the time frame of them being built.

a) Annual Training – Non-Discrimination, Public Meetings, Social Media. [Jennie]

Ms. Knight gave training on the Public Meetings Act and Social Media Regulations the cities need to follow, which included the topics of what constitutes a meeting, what is a quorum, what a meeting is not, and social media best practices. She also covered a Harassment and Discrimination Prevention training which covered topics such as protected classes and definitions, governing laws including Federal, state, and local laws, types of discrimination and/or harassment, who is a victim, and how to report.

7. ADJOURN

MOTION: Commissioner Holbrook motioned to adjourn the meeting. Chair Averill seconded.

Nathan Averill	Yes
Chad Holbrook	Yes
Angie Francom	Yes
Isaac Thomas	Yes

The motion passed with all voting in the affirmative.

Meeting adjourned at 8:47 PM.

Nathan Averill
Chair

Cynthia Benson
Deputy Recorder