HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.harrisvillecity.gov

MAYOR:
Roger Shuman

COUNCIL MEMBERS:
Grover Wilhelmsen
Blair Christensen
Jason Hadley
Greg Montgomery
Annette Prall

CITY COUNCIL AGENDA
October 13th, 2026

6:00 PM Work Session.

7:00 PM City Council Meeting

Presiding: Mayor Roger Shuman
Mayor Pro Tem: Jason Hadley

1. **Call to Order** [Mayor Shuman]
2. **Opening**
   a. Pledge of Allegiance [Council Member Christensen]
3. **Public Comments**
4. **Oath Of Office**
5. **Consent Items**
   a. Approval of meeting minutes for September 8th and September 22nd, 2026 as presented.
6. **Business Item**
   a. Public Hearing – to take public input for Resolution 26-25; Fiscal Year 2026-2027 Budget Amendments. [Jill Hunt]
   b. Discussion/possible action to approve the Dixon Creek Basin Project. [Glen Gammell]
   c. Discussion/possible action to approve the purchase of a Cat 926M loader. [Glen Gammell]
   d. Discussion/possible action to approve Fiscal Year 2026-2027 Road Projects. [West Hoskins]
   e. Discussion/possible action to approve sidewalk replacement/repairs. [West Hoskins]
   f. Discussion/possible to adopt Resolution 26-25; Fiscal Year 2026-2027 Budget Amendments. [Jill Hunt]
   g. Tree policy and side walk policy discussion. [West Hoskins and Kevin Wilbur]
   h. Western Irrigation Presentation. [Western Irrigation Representative]
   i. Discussion/possible action for Fall Festival. [Jennie Knight]
   j. Discussion/possible action to adopt Ordinance 577; Amending Title 1.08 of Harrisville City Code regarding disposition of Municipal Real Property. [Brody Flint]
   k. Discussion/possible action to adopt Ordinance 578; Designation of Appeal Authority. [Brody Flint]
   l. Discussion/possible action to surplus equipment. [Bryan Fife]
   m. Discussion/possible action to adopt Ordinance 575; adopting a Master Development Agreement for Weber County parcel number 11-21-0009 located at 640 West Harrisville Rd. [Sarah Wichern]
   n. Discussion/possible action to review and reconsider previously adopted Ordinance 569; Land Use Amendments. [Sarah Wichern]
7. **Mayor/Council/Staff Follow-up**
8. **Closed Executive Session –** A Closed Executive Session for the purposes described under UCA § 52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation and UCA § 52-4-205(1)(e)strategy sessions to discuss the sale of real property, including any form of water right or water shares, if: (i) public discussion of the transaction would: (A) disclose the appraisal or estimated value of the property under

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consideration; or (B) prevent the public body from completing the transaction on the best possible terms; (ii) the public body previously gave a public notice that the property would be offered for sale; and (iii) the terms of the sale are publicly disclosed before the public body approves the sale.

9. **Adjournment**

The foregoing City Council agenda was posted and can be viewed at City Hall, on the City's website harrisvillecity.gov, and at the Utah Public Notice Website at http://pmn.utah.gov. Notice of this meeting has also been duly provided as required by law. In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Requests for assistance may be made by contacting the City Recorder at (801) 782-4100, at least three working days before the meeting.
Posted: By: Jack Fogal, City Recorder.

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MINUTES
HARRISVILLE CITY COUNCIL WORK SESSION
September 8, 2026
363 West Independence Blvd
Harrisville, UT 84404

Minutes of a Harrisville City Council Work Session meeting held on September 8, 2026 at 6:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

Present: Mayor Roger Shuman, Council Member Blair Christensen, Council Member Jason Hadley, Council Member Grover Wilhelmsen, Council Member Annette Prall.

Excused: Council Member Montgomery.

Staff: Jennie Knight, City Administrator, Jack Fogal, City Recorder,

Visitors: Sarah Wichern, Kevin Varble, Janet Varble, Jay Behunin.

1. **Call to Order.**

Mayor Shuman called the meeting to order.

2. **Land Use Work Session.**

Sarah Wichern with Jones and Associates stated she received some comments from Council Member Montgomery. She is happy to discuss those questions or address your concerns. Mayor Shuman asked to be given an overview of this ordinance. Sarah Wichern explained the state is requiring the city to adopt an ordinance addressing detached accessory dwelling units. The state provided guidelines we could consider. This ordinance defines what an accessory dwelling unit is and lot size guidelines. There is 1 accessory dwelling unit per single family residence. The property owner must live on the property in the home or accessory dwelling unit. It cannot be used for short term rentals. She reviewed what are other cities doing. She asked what is causing issues and what is working well. The biggest complaint is having an accessory dwelling unit on a property line where the people in the accessory dwelling unit could look into a neighbor's property. It is different for a barn where someone is not living. We are trying to allow latitude for residents to have accessory dwelling units without infringing on someone's privacy. Internal accessory dwelling units would not be permitted on lots under 6,000 square feet, and external accessory dwelling units would not be permitted on lots under 10,000 square feet. The state would allow you to restrict accessory dwelling units to lots under 11,000 square feet. The size of the accessory dwelling unit is limited to 10% of the property size. The accessory dwelling unit is limited 10% of the property size. For example, a 10,000 square foot lot could have a 1,000 square foot accessory dwelling unit. The proposed minimum rental period is 30 days. Sarah Wichern stated that the minimum rental period for an external accessory dwelling unit could be changed to 90 days pursuant to state statute. This ordinance would not eliminate the need for building permits. If the accessory dwelling unit is being rented, they would need to get a rental license. An accessory dwelling unit would not be allowed in a mobile home park per state code. Council Member Wilhelmsen inquired whether a 2-story accessory dwelling unit would allow 1,000 square feet on the first floor and 1,000 square feet on the second floor. Sarah Wichern stated the total square footage would be based on the lot size. Council Member Wilhelmsen inquired about mobile tiny homes. Sarah Wichern stated this ordinance would not address that issue. We can look at adding that to the ordinance. The design standards would

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stop you from putting an RV on your property and calling it an accessory dwelling unit. Mayor Shuman stated there are RVs that look like tiny homes or mobile homes. He questioned how do we differentiate. Sarah Wichern stated we could add a section for those or just leave it to code enforcement. Council Member Prall inquired is there state law that has covered this. Sarah Wichern stated we don't really have guidance from the state on tiny homes yet. Jennie Knight stated there are state statutes that the unit must be hooked into utilities like sewer and electric. Sarah Wichern stated the ordinance as written would require the accessory dwelling unit would need to be a permanent structure. She would need to do more research before giving an opinion on mobile tiny homes and what we would need to require. Mayor Shuman stated he has seen buildings that are nice that used to be on wheels. People permanently connected to utilities and have skirting put around it. He questioned do we address this in detail or is it more general. Sarah Wichern stated the design standards must meet existing design standards. Council Member Christensen inquired could we require that if they are registered with the DMV as vehicles, it would not qualify. Sarah Wichern stated as currently written a mobile could potentially qualify if the wheels were removed and it went through the permitting process. Council Member Wilhelmsen inquired why is the state pushing this ordinance. He questioned what is the purpose. Council Member Christensen stated it allows you to have your parents or children live on your property. Sarah Wichern stated we wanted to give the residents opportunity to use their property as needed while protecting their neighbors from detriment. Council Member Wilhelmsen he is concerned about the borderline. People will try to push the limit like with electric bikes. Sarah Wichern stated she feels the definition we have defines the line well. Council Member Wilhelmsen stated he is concerned with how we monitor this. What stops someone from listing the accessory dwelling unit as a short-term rental. Sarah Wichern stated that is complaint driven. We would like them all to be registered but the concern was the burden on people who are building them for the use of family. People renting them to non-family would be required to get a license. Council Member Wilhelmsen inquired how do we keep track of it. What happens if someone builds an accessory Dwelling unit and sells the property 5 years down the line. Sarah Wichern stated we could track them with building permits. No matter what happens people will rent illegally if they want. It happens with single family homes currently. Mayor Shuman inquired about the size of the accessory dwelling unit in relation to the home. He questioned can it be larger than the original home. Sarah Wichern stated it must maintain the setbacks of the lot or an accessory dwelling structure setback. There are different requirements based on that. Mayor Shuman inquired if you have a multi acre property can you have multiple accessory dwelling units. Sarah Wichern stated it would still be limited to 1 accessory dwelling unit per residence. The intent is for the accessory dwelling unit to be smaller than the home on the property. Mayor Shuman questioned would the accessory dwelling unit affect the utility services for the lot. He questioned could the accessory dwelling unit affect the water rate for example. Sarah Wichern stated our minimum size would cover some additional accessory dwelling units in the city. If every home gets an accessory dwelling unit that would look different. There is a provision in the ordinance that if the utility provider rejects them due to capacity, they cannot have an accessory dwelling unit. Council Member Wilhelmsen inquired is Bona Vista looking at this issue. Mayor Shuman stated they are not. Sarah Wichern stated that is why that caveat was added. Mayor Shuman inquired have we looked at the standards to see how complicated it is to put them in. As an example, what happens if half the homes in Ashlar Cove decided to have accessory dwelling units. They would go from 23 homes to 33 homes. The infrastructure would still be the same. How do we deny one resident when their neighbor has an accessory dwelling unit. Sarah Wichern stated we will probably have that issue at some point. With our current standards we can cover more density that Harrisville City has currently. Council Member Wilhelmsen inquired does the ordinance allow it to be clarified more. For example, a newer home with larger infrastructure instead of an old home with smaller infrastructure. Sarah Wichern stated we do have provisions in the ordinance that if the primary dwelling is being

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served by a failing utility line it must be addressed before it can be approved. Council Member Wilhelmsen inquired what does utilities cover. Sarah Wichern stated water, sewer, and power are the normal. Council Member Wilhelmsen stated he understands there is a provision that utility providers can deny them but can we add more to cover the city. Sarah Wichern stated she can review it to see if it would be allowed but is unsure if the state will allow it. Usually, these accessory dwelling units use such a small scale of the utilities that it has not been an issue. Council Member Wilhelmsen inquired what stops someone from adding sewer to their barn which has water and power. Sarah Wichern stated you can convert a barn as an example to an accessory dwelling unit. Based on its setbacks would affect the ability to convert it. Council Member Prall inquired is the additional parking a requirement. Sarah Wichern stated the additional parking is required for an external accessory dwelling unit. By state law we cannot require additional parking for an internal accessory dwelling unit. Council Member Prall inquired it states additional beyond requirements, would it count if the home has extra parking. She questioned what would be additional. Sarah Wichern stated it depends on how much parking they have available. Council Member Prall inquired what is the number of required parking. Sarah Wichern stated the original must have two off street parking spots. Council Member Prall stated it says it needs to be unobstructed parking. Sarah Wichern clarified that the driveway could not be counted if the parking space would obstruct access to the garage. The only parking that will count in the current front yard setback is anything from the side of the house to the side of the yard. Council Member Prall stated this part of the parking ordinance about off street parking is confusing. It states they may not park or store additional vehicles unless there are two parking spaces that are not the driveway. Sarah Wichern clarified the original building would need to have a 2-car garage or 2 car parking space that does not block access. State law allows tandem parking but it is not used very often. Council Member Prall stated it appears the goal of this is to make sure there is adequate parking for the accessory dwelling unit that does not obstruct the primary residence or allow parking in the backyard. Sarah Wichern stated we don't really regulate the back yard as much but we do want to control the front yard and there is off street parking available for the home and accessory dwelling unit. Mayor Shuman inquired do they have to be parked on a hard surface. Sarah Wichern stated Planning Commission was hoping for the possibility of using gravel. The proposed ordinance would allow gravel parking. Council Member Prall stated parking can cause a headache for neighbors. This is a big concern for her. Council Member Hadley inquired what would happen if there is not cut in for the side driveway. Sarah Wichern stated we have an ordinance that regulates that already. Jennie Knight stated the curb cut can be 1 foot from the property line. Council Member Hadley stated for example his property has 8 feet between his house and the property line he would not be able to add the curb cut. Jennie Knight stated the curb cut would be allowed if the spacing is far enough from the property line. Council Member Hadley inquired about short term rentals and enforcement. Sarah Wichern stated it is difficult. It is complaint driven. The state has recently relaxed some of the restrictions and that the city could monitor short-term rental listings. Council Member Hadley inquired why not allow short term rentals. Sarah Wichern stated the purpose from the state was to add additional housing and stop the constant rotation of new people coming in and out. Jennie Knight stated it was not in the scope required by the state. We can address short term rentals in a different ordinance. Council Member Hadley stated he has heard we have ordinances on the book but we cannot enforce it. He questioned how do we enforce these rules we set. Sarah Wichern stated enforcement ultimately comes down to funding and that cities can enforce regulations to the extent they are willing to dedicate resources toward enforcement.

3. Adjournment

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Motion: Council Member Wilhelmsen motioned to adjourn the meeting, second by Council Member Christensen.

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	Excused

The motion passed unanimously.

The meeting adjourned at 6:56 P.M.

MINUTES
HARRISVILLE CITY COUNCIL
September 8, 2026
363 West Independence Blvd
Harrisville, UT 84404

Minutes of a regular Harrisville City Council meeting held on September 8, 2026, at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

Present: Mayor Roger Shuman, Council Member Blair Christensen, Council Member Jason Hadley, Council Member Grover Wilhelmsen, Council Member Annette Prall, Council Member Greg Montgomery.

Staff: Jennie Knight, City Administrator, Jack Fogal, City Recorder, Jill Hunt, City Treasurer, Brody Flint, City Attorney, Assistant Chief Nick Taylor.

Visitors: Sarah Wichern, Matt Robertson, North View Fire Chief Maxfield, Cody Peterson, Kevin Varble, Janet Varble, Jay Behunin, Joyce Stoddard, JeNeal Shaw, Lisa LaRose, Danny Hammon, Mike Delpias, Mike Devries, Lea Ross, Jorge Rivero, Cindy Owens, Jeremy Owens, Marvin Farrell, Rod Dopp, Lynnae Dopp.

1. **Call to Order.**

Mayor Shuman called the meeting to order and welcomed all in attendance.

2. **Opening Ceremony.**

Council Member Prall opened with the Pledge of Allegiance.

3. **Public Comment**

Mayor Shuman opened the public comment period.

Mike Devries shared concerns about the widening of West Harrisville Rd. His brother and dad recently met with Shannon Wixom and the team for the project. He had some questions about why the city is paying for infrastructure. If the city truly owns the property, they would not need to waste taxpayer money on it. They have requested the survey and not received it. Why do we need to waste taxpayer money on a bike lane. The sidewalks are 7 feet in the design. The

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standard design is 4 feet. The irrigation head gates would sit in the sidewalk. All the resident mailboxes would be located in the sidewalk. This would create a safety hazard. This increases the burden on residents to maintain the sidewalks.

Danny Hammond works with the Young Automotive Group. He is here to discuss what they can do for the city. He used to work for a city and was in charge of a fleet. On October 1st the new state contracts will go into effect. They would love the chance to earn the city's business. The next item he would like to discuss would be collision repair. They have a local facility that can perform those repairs. They also do upfitting for public works vehicles. They can build the cab and chassis locally in Centerville. When he worked for a city, they were always required to have state contract or 3 bids. Not all state contract pricing is the same. They make their money in volume not in large markups. His team sold almost 9,000 vehicles last year.

Kevin Varble lives on North Harrisville Road. He wants to enter a formal objection to Ordinance 575. The properties on North and West Harrisville Road are agricultural. The city is trying to assert an illegal right-of-way with the West Harrisville Road widening. You are trying to push an illegal amendment without eminent domain filing and just compensation. The city is opening themselves up to legal problems. The city is entering into dangerous traffic modeling. They have yet to provide the traffic models. There are no curbs or sidewalks on North Harrisville Rd. West Harrisville Rd can handle the traffic. There are no studies being done or filed.

Marvin Farrell has a property on West Harrisville Road. He understands there is not a discussion tonight. He sent an email to Council and the Mayor about this project. About 6 months ago there was a discussion about an 1885 right-of-way dedication. He contacted the state ombudsman but nothing was accomplished. Cody Peterson with ESI Engineering and Shannon Wixom have had discussions with him. He wants to talk about the warranty deed. If they did not sign the warranty deed, they would not receive money for their trees and fences. Along West Harrisville Road the city has approved the setbacks. Everything he can find is an 80-foot roadway. If we do an 80-foot road it will accomplish what the city needs.

Mayor Shuman closed the public comment period.

4. Consent Items

a. Quarterly Budget Audit and Financial Review.

Jill Hunt stated she provided a report in the packet. Two dates were picked at random. This audit was focused on our electronic time cards. The process ran smoothly except for some employees who failed to submit their time cards. We have implemented a new process to ensure the time cards are submitted on time. We did have an issue with URS submission but it was due to URS being down while transitioning to a new system.

b. Approval of Meeting Minutes for August 11, 2026.

Council Member Prall stated she sent Jack Fogal some grammar and spelling changes. She also requested some clarifications in the minutes regarding the budget approval discussion, where it states that she wanted her reservations noted. She stated she would like to see funds added for sidewalk repairs. Necessary sidewalk repairs should be a priority over traveling to St. George for training. She recalled a comment from Bryan Fife as well which said these sidewalks repairs are expensive and we could easily spend $60,000 on them in one year.

> **Motion:** Council Member Montgomery made a motion to approve the meeting minutes for August 11, 2026 with revisions, second by Council Member Wilhelmsen.

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The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	Yes

The motion passed unanimously.

5. **Business Items.**
   a. **Discussion/possible action to adopt Ordinance 569; Accessory Dwelling Unit and Parking Amendments.**

Sarah Wichern stated a memo was included in the packet for Council. Over the last few years, the state has required cities to adopt accessory dwelling unit ordinances. We adopted an internal accessory dwelling unit ordinance a few years ago. This ordinance would allow external accessory dwelling units. This ordinance addresses accessory dwelling units, design standards, compatibility, parking, and setbacks. Right now, residents are not allowed to build detached accessory dwelling units. We are creating an avenue for residents to build detached accessory dwelling units while trying to limit the impact to their neighbors. Council Member Montgomery stated he has three issues. The first is formatting. In 11.20 it states we are providing further restrictions or requirements for certain items elsewhere in the code. Sarah Wichern stated the definitions can be moved. Council Member Montgomery stated the code does not match what is in the ordinance and exhibits. Sarah Wichern stated we can fix those. Council Member Montgomery inquired about the discussion from Planning Commission about the limit of 25% maximum accessory dwelling units in the city. Sarah Wichern stated their discussion was more based on the lot size then limiting the number of accessory dwelling units based on area. Council Member Montgomery stated we can record a certificate with the county stating the requirements of what is allowed with the accessory dwelling unit and that it is not a duplex. He has seen this type of certificate be a beneficial in the past. Sometimes we do not catch all the issues or illegal accessory dwelling units. He questioned if there was discussion about this. Sarah Wichern stated it was not discussed much. She viewed the building permit as a form of that certificate. Through the building standards we would help to limit that confusion. We can include the requirement for recording certificates if you would like. Council Member Montgomery stated a lender will not look at building permits. They will look at recorded documents. He recommends adding certificates. Sarah Wichern clarified you would like a section added about a certificate and it needs to be recorded with the county. Council Member Montgomery questioned how do we address an accessory dwelling unit in a zone where the homes are nonconforming. We have some homes in commercial zones and homes in an SAP zone which don't have standards or regulations. He questioned how those properties would be treated. Sarah Wichern stated if it is listed only for the residential properties there is a process. If they are in the commercial zone, it would not be allowed. In 11.17 it goes over what is allowed in a non-conforming use. If we use that section, it would cover this situation in the code. Council Member Montgomery inquired about the residential zones that are repealed. Sarah Wichern stated this would apply to all residential zones they would be eligible for an accessory dwelling unit. We are working on an ordinance to update those zones. Council Member Montgomery inquired would we want to allow that in these zones. If you take the cottages for example which is an SAP zone, would we allow it with 6,000 square foot lots and town homes. Sarah Wichern stated it would be covered as residential zones. Council Member Christensen stated the lots need to be over 10,000 square feet for an external accessory dwelling unit those would not be applicable. Sarah Wichern stated we cannot regulate internal units by state code. Council Member

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Montgomery inquired how do we stop townhomes from having an accessory dwelling unit. Sarah Wichern stated there is a minimum of 6,000 square foot lots. Townhomes generally do not have individual lots exceeding 6,000 square feet. Council Member Montgomery stated some townhomes have multiple homes on one lot and the lot size is 8,000 square feet. Brody Flint clarified state code has preempted that by defining it as detached from the single-family home. Council Member Montgomery inquired about the thought behind both external and internal having 30 days rental minimum. Sarah Wichern stated for simplicity. Planning Commission felt 30 days was sufficient. Council Member Montgomery stated you take out the maximum lot size to home size. He questioned if we want an existing limit on home size. Sarah Wichern stated it was not a discussion item during Planning Commission. Council can add that provision if they would like. It did not seem beneficial when we were discussing. Council Member Montgomery stated he has an issue with the definition of an accessory dwelling unit where household is used instead of single-family dwelling. Sarah Wichern stated we can change that. Council Member Montgomery stated we use lot and parcel. We should use one term consistently. Sarah Wichern stated we can change that. Council Member Montgomery inquired about the accessory dwelling unit being subordinate to the house. Sarah Wichern stated the intent was to allow an upstairs in a barn for example. We would count the livable space not the entirety of the barn. Council Member Montgomery inquired would it be better to separate 11-2-260-4.a to differentiate between internal and external accessory dwelling units. Sarah Wichern stated the standards are similar for both and either would need to meet their respective codes. Council Member Montgomery inquired what it means that it meets standards. Sarah Wichern stated this referred to building standards and she did not believe it was necessary to specify the building standards in the ordinance. Council Member Wilhelmsen stated this discussion is a one on one maybe this item should be tabled until this is clarified. Council Member Montgomery stated it needs to be passed by October 1st. Brody Flint stated he is correct. The issue would be that if someone applied before the ordinance was adopted, the City would not have a regulating ordinance in place. They could build whatever they want. Mayor Shuman inquired for an internal accessory dwelling unit do they need a separate door. Sarah Wichern stated they would not need a separate door and we cannot require it. Council Member Montgomery inquired what is the difference between an external accessory dwelling unit needing to meet family dwelling setbacks instead of a man cave as an accessory dwelling unit. Sarah Wichern stated the difference is someone living in the unit. The biggest complaint statewide is privacy. If you have an accessory structure, you will not be living in it 24 hours a day. We tried to limit the setbacks to help the neighbors maintain privacy. Council Member Montgomery inquired how does that affect approvals the city is providing. Jennie Knight stated the difference is an accessory building can be 1 foot away from the property line. Even 10 feet would give some more privacy than a 1 foot. There will be some limitations of people converting them to living spaces. For example, pole barns do not meet building code. Council Member Montgomery stated most homes would not qualify to have an external accessory dwelling unit. Sarah Wichern stated it is possible but design would need to be incorporated. You could not put windows and be right up against the property line. Council Member Hadley stated he would like the certificates to be included. Council Member Prall questioned if an accessory dwelling unit is mishandled by the first owner would the burden fall on the second owner. Council Member Montgomery stated with a demolition you would need a new loan. Council Member Prall stated that is not always true. Council Member Wilhelmsen stated sometimes we get stuck in the what ifs. We can't always regulate all the what ifs. Council Member Prall asked for clarification we are concerned about people demoing their property and bypassing the building permit process. Council Member Montgomery stated it is more for resale purposes so people know they cannot buy it and rent it as a duplex. Council Member Hadley stated there are benefits both ways. It can help protect the city. If someone does an accessory dwelling unit illegally it can help to protect the next homeowner. Council Member Wilhelmsen stated he likes the idea. It could help the homeowner

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and the buyer. It would provide a record. Council Member Prall stated we would still have a record. She favors homeowners over potential homeowners. Council Member Montgomery stated in the proposed ordinance it would eliminate the ability of homeowners to shorten setbacks for an addition. Sarah Wichern stated that code is strange. We were cleaning it up and keeping the standard setback whether new or old development. You can do the accessory dwelling unit portion of this amendment then do the text change at a later date. Council Member Hadley inquired could we make it part of the motion to schedule a time to work on it. He is afraid if we just pass ordinance and say we will address it later we will not come back to it. Council Member Prall stated she feels setting another date does not solve the problem. Council Member Hadley stated he is meaning having another work session to finish this. Council Member Prall inquired does this become obsolete if we pass that deadline. Council Member Hadley stated we would pass this ordinance and circle back to those concerns. Council Member Prall inquired what are the revisions we are not comfortable passing. Council Member Hadley stated his concern is we could discuss this another hour by debating definitions.

> **Motion:** Council Member Christensen made a motion to approve Ordinance 569; with the addition of certificates and the list of changes taken by Sarah Wichern, second by Council Member Prall.

Sarah Wichern stated Council could pass the ordinance with revisions discussed while leaving out the parking sections that still need to be updated. Brody Flint stated you have a motion and a second legally you must hold a vote on the original motion. For clarity the motion should be restated but you most vote on the original motion first.

The vote on the motion was as follows:

Council Member Wilhelmsen,	No
Council Member Prall,	Yes
Council Member Christensen,	No
Council Member Hadley,	No
Council Member Montgomery,	No

The motion failed 4-1.

Council Member Wilhelmsen clarified we are adopting Ordinance 569; Accessory Dwelling Unit and Parking with plans to revise it. Brody Flint advised you cannot make a motion about future action from Council. Sarah Wichern clarified should would change it to adoption of Ordinance 569; accessory dwelling unit and other land use amendments. Council Member Prall inquired the other land use amendments are being made to clarify language when dealing with accessory dwelling units. She inquired are we changing existing ordinances. Sarah Wichern stated there are a variety of things being changed. Some are substantial like the setback changes. Some changes are for consistency some are to match state code. Brody Flint stated as it was noticed in a way that you can pass it, you can pass the accessory dwelling unit portion, or you can pass the other revisions. Council Member Prall inquired if we do not pass the parking with the accessory dwelling unit code how do we regulate the parking for an accessory dwelling unit. Sarah Wichern stated it would revert back to the current code which does have provisions governing parking for an accessory dwelling unit. It would be beneficial to pass parking but will not be detrimental. Council Member Prall clarified if we pass the accessory dwelling unit portion, we will still be able to regulate parking due to the current code. Sarah Wichern answered affirmatively.

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Motion: Council Member Wilhelmsen made a motion to adopt Ordinance 569; Land Use Amendments. Brody Flint asked a point of order clarification; your motion is to pass the ordinance as proposed. Council Member Wilhelmsen answered affirmatively. Second by Council Member Christensen.

Motion: Council Member Montgomery made a substitute motion to approve revisions to the Land Use Code regarding accessory dwelling units, including revisions to the chapters addressing definitions, land use, and special regulations; moving the provisions regarding accessory dwelling units to the appropriate land use section; placing the definition of accessory dwelling units in the external and internal accessory dwelling unit definitions section; revising the definition to more closely conform with State law; and adding a requirement to Section 11.22.260 for the City to record a certificate when an accessory dwelling unit is approved. Motion died for lack of second.

Council Member Wilhelmsen inquired why are we adding it now and not approving the ordinance now. It has been discussed already. Council Member Montgomery stated he would like this worked on and does not want us to approve things that are not relevant. Council Member Prall stated there is nothing stopping us from making amendments if we pass this ordinance if full tonight. If we pass it in full tonight, we will be in compliance with the state and we will have rules in place to regulate accessory dwelling units while we get the necessary amendments worked out. This one is on us to take our time to research and get the changes we would like made. She is in favor of passing the motion from Council Member Wilhelmsen.

Motion: Council Member Wilhelmsen made a motion to adopt Ordinance 569; Land Use Amendments, second by Council Member Christensen.

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	No

The motion passed 4-1.

b. Right of Way Width for West Harrisville Road Discussion.

Mayor Shuman stated this item came up due to discussion about width of the proposed road. We wanted to have a discussion about the right-of-way width and the design standards. The design standards currently planned to match the 80-foot right-of-way. Council Member Montgomery stated his concern when he came into office in January is there has been confusion and miscommunication about this project. State law allows a partial street vacation. We would need to notice a public hearing and determine if there is a good cause to make a right-of-way width adjustment. Council Member Montgomery stated if the City were to vacate a portion of the right-of-way, it would not necessarily affect an easement for public utilities. This is strictly a discussion on the right-of-way for roadways. He looked at our standards and the Wasatch Front Regional Council's plans. They list the road as a collector. In the Harrisville General Plan, we have it mapped as a 66–80-foot right-of-way. In our General Plan we have it listed as a minor arterial. A minor arterial needs to be 84 feet. There are so many conflicting issues with this project. We should get this to 80 feet to meet our standards. There is so much confusion going on. We need to set it by ordinance what the standard is. This used to be a state

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road then a county road and now a city road. We need to discuss the vacations. Let's settle it by having a public hearing and an ordinance to establish the right-of-way at 80 feet. Council Member Prall inquired about the comments about the payment to owners for trees and sprinklers. Mayor Shuman stated there is a right-of-way on the road. Some say 99 feet and some say 80 feet. If a landowner puts in a fence within that right-of-way area, we technically do not have to pay them for it. It is standard practice to pay for those removals. There will also be a slope from the road into some driveways. We are paying for construction easements to match that slope into their driveway. Council Member Prall inquired if we change the roadway width, we would not need to pay homeowners for that impact. Cody Peterson with ESI Engineering stated we would need to proceed regardless due to the slope of the yards. Mayor Shuman stated the impact is such that the slope will need to be addressed regardless of 99 feet or 80 feet. The 99 feet is in question but the road is being designed to 80 feet. Council Member Prall inquired are all homeowners being offered a settlement as part of this process. Mayor Shuman stated the ones that are impacted. Council Member Prall stated the documents are not a land transfer. Cody Peterson stated we are saying we already own the land. We are asking them to provide temporary construction easements, paying them for trees and fences that are disturbed in the right-of-way, and signing the deed cleaning up the property line issues. Council Member Prall inquired the benefit is less property and a lower tax bill. Cody Peterson stated it is one benefit. Matt Robertson stated we have worked with UDOT and the warranty deed is not necessary to continue with the project. Cody Peterson stated if property owners do not sign the warranty deed, they could still receive a construction easement and compensation for items disturbed during the construction process. Matt Robertson stated due to this funding coming from the federal government we must follow the process setup with UDOT. Council Member Prall inquired what happens if the property owner signs that paper, do they forfeit the ability to take legal recourse. Cody Peterson stated he believes they would. Council Member Prall stated it is a difficult decision for the homeowner to give up the property or fight the road. Council Member Wilhelmsen inquired how vague are the easements. He questioned will utilities still be able to run into the property. Cody Peterson stated if you move to the 80-foot right-of-way there are some utilities outside of the right-of-way like power poles. That would need to be a discussion with those utility providers. Council Member Montgomery stated as he reads state law the utility companies still have a right to the easement. If we vacate the right-of-way, we are forfeiting our right to put in public infrastructure such as roads or sidewalk. Council Member Prall inquired with the access would it limit trees or other items. Council Member Montgomery stated it could affect it. Council Member Prall inquired if we reduce it to 80 feet would we no longer have access to complete the road. Brody Flint stated we are discussing different things. If we follow with Council Member Montgomery's plan, we shrink our right-of-way and give the property owners land. The city is no longer able to use that 19 feet for any improvement ever unless we pay for it later on. Council Member Prall inquired would the utility companies still have access. Brody Flint stated not necessarily. If there needs to be other utility improvements, we may not have the ability to do that if we vacate the right-of-way. Council Member Christensen inquired if we keep the 99 feet, we would not build on it currently but if needed in the future it could be used. We are currently building on 80 feet not utilizing the full 99 feet. Brody Flint answered affirmatively. Council Member Prall stated so this is not about the current project it is about future use. Brody Flint stated currently there is a 99-foot right-of-way, there are some property owners who disagree. There is nothing that prohibits the property owner from trying to clear it up at any point even prior to this. What Council Member Montgomery is suggesting to change the right-of-way from 99 feet to 80 feet. We would give that 19 feet to the respective property owners. Council Member Prall inquired what is forcing us to do that now. Brody Flint stated nothing is. Council Member Prall inquired did this come up because we were asking property owners to give up property. Brody Flint clarified no this came up because Council Member Montgomery asked to have this discussion. Council Member Prall stated so if we were

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not doing this project this would not be an issue today. Council Member Hadley stated the issue is we are already close to the front porch of some homes at 80 feet. If we go to 99 feet, we would be on their front porch. This will give the owners property rights to protect their homes. Mayor Shuman stated there are professional surveys that show 80 feet and some that show 99 feet. Matt Robertson stated the 80-foot rights-of-way are more recent and were made to the existing improvements. Documents on record at the county show all properties on the road have a 99-foot right-of-way in 1973. There has been no documentation showing the right-of-way width was vacated or changed. The confusion comes from a proposed UDOT project in the 1960s which would have utilized 80 feet for the project. The project was abandoned in 1969. It did not vacate the 99-foot right-of-way. Mayor Shuman inquired how many of the 16 homes show the 99-foot right-of-way. Matt Robertson stated 10 have current legal descriptions that agree with the 99 feet. Some have legal descriptions that show 80 feet and some show ownership to center of the road but they can be researched to show it was 99 feet before more recent surveys. Mayor Shuman inquired where would Council like to go with this item. Council Member Montgomery stated he would like to set a public hearing to set the right-of-way width. Brody Flint stated you can hold a public hearing if the plan is to vacate city property. We need a direction or plan. Council Member Prall clarified we need a plan of action then hold a public hearing. Brody Flint stated you can do a townhall to receive input but you need to set some direction for a public hearing about the specific item. Council Member Hadley asked we can hold a townhall to get public input if it is noticed. Brody Flint stated you are correct. You can hold a special meeting if 3 of you agree. Council Member Prall inquired would we need a plan of action to hold a townhall. Brody Flint stated we could not make a decision at the townhall but you would not need a definitive plan to hold one. Matt Robertson stated you could do this but it would change the right-of-way documents for this project and construction easements. It could have a big impact on this project. This would have a big impact on the project being able to move forward. We are not changing the roadway design we are building to 80 feet. Council Member Christensen stated we own the land to 99 feet but are building to 80 feet. To clarify we would be giving up land. Brody Flint stated you are giving the property owner land. Why it matters is UDOTs right-of-way team have to redo every right-of-way to comply with their and federal standards. If this is done currently it could mess up the project and it may not happen. Council Member Montgomery stated if we approved a reduction of the right-of-way, it would be from center line. He questioned if we change the right-of-way is the project done from centerline. Cody stated the double yellow sits 1-2 feet north of the center line. It is not a perfect 40 feet on either side. Council Member Prall inquired if we choose not to vacate the property and homeowners do not sign the documents what happens with the project. Cody Peterson stated we would not be able to get on their property to tie in their driveways to fix the slope. Matt Robertson stated we would go through the condemnation process to get access to tie in their driveway. The matter would go before a judge for a decision. Council Member Prall inquired have we reached out to the residents and spoken to them about their options. Matt Robertson stated Shannon Wixom has been contacting the residents and meeting with them. Council Member Prall, Montgomery, and Hadley requested that a townhall be held. Jennie Knight inquired about a date for the townhall. Council requested the townhall be scheduled for September 22.

c. North View Fire Station 23 Presentation.

Chief Maxfield with North View Fire District presented on Station 23. He explained he spent 25 years with the West Valley Fire Department. His area of expertise was resource analysis. That was the first thing he dove into when he became chief. He looked at where the departments call outs were located. Our highest concentration area is around station 21 in North Ogden and along the Highway 89 corridor. They looked at how long it takes to get to a call. The goal is to arrive at an emergency call within 4 minutes. He looked at a computer model to see what areas

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they struggled to get to in that time frame. The worst areas are along Highway 89 in the south towards Wal-Mart and in the North East part of North Ogden. They identified 3 potential locations for future stations. He tried to look at future planning and zoning and future infrastructure projects. There have been talks for a fire station in Harrisville since 1981 when they joined the fire district. Station 23 in Harrisville looks like the most prudent location. Initially they were going to have a combined building with the police department to save tax payer money. The more we went through the design process the more sense it made to separate the buildings. The lot their building is going on has been subdivided, appraised and utilities have been stubbed. He does not want the District's station to be ostentatious. He wants the building to be strong, trustworthy, and frugal. The building will have 3 bays, 7 bedrooms, and a fitness area separate from living quarters. The plan would be to share the fitness area with the police department. We designed the facility to match with the new public works and public safety building. The benefit to the community is faster response times. Right now, 80% of our calls are handled by station 21 and 20% are handled by Station 22. We have received an increase of 281 calls in the first half of 2026. Our models project Station 23 will handle about 30% of the calls, Station 21 will handle 50%, and Station 22 will handle 20%. We are looking at early summer of 2027 for ground breaking. They are hopeful the station will have its grand opening in January or February of 2029. Council Member Montgomery inquired are the red dots on the map still going to be red with this station. Chief Maxfield stated those would not. They were included on the map to show the historical data. We do need Harrisville to decide if they would like to participate in the shared space. It would be approximately $350,000 for the shared space. If you do not want to participate let him know so they can reduce the size. Council Member Prall inquired if the increased call density could be due to an aging population. Chief Maxfield stated that could be a factor but is not sure if that is the overall cause.

d. Council Meeting Frequency Discussion.

Council Member Wilhelmsen stated he was trying to look at some options due to our long meetings. He was unsure if we need to have a second meeting. He does not think it is the answer but we can look at it. Could we do more work sessions if we know some items will have a lot of discussion. He does not feel we are doing justice to our citizens with these long meetings. He stated Council's effectiveness decreases during late meetings. He questioned how we can streamline these meetings. Council Member Montgomery inquired why his comments could not be sent out before. He asked Jack Fogal to explain why. Jack Fogal stated your comments are discussion points for Council. The purpose of the Open and Public Meetings Act is to ensure that discussion are held during public meetings rather than through email. Council Member Montgomery stated we could do work sessions. Council Member Prall stated a work session or a second meeting could help. Mayor Shuman stated he has spoken to other Mayors and they feel work sessions are a benefit. Council Member Hadley stated it would be good to get the documentation sooner. Sometimes he gets the amendments at the last minute. He spends his time in the evenings researching but work has been busy. He came with a lot of the questions that were answered during the discussion. He could have answered some of the questions on his own if the information was provided sooner. Council Member Wilhelmsen stated we do need to be respectful of staff's time. He questioned what if we swap Planning Commission for Council. He questioned would holding the meeting on Wednesday be beneficial. It would be a benefit to Planning Commission and may benefit Council. He wants to have an effective discussion while still being able to go home at a decent hour. Council Member Hadley stated he does not feel more time in a meeting will be beneficial. We have all been part of meetings where adding extra time does not make the meeting better. He needs more preparation time to answer questions. Mayor Shuman stated he would propose that we add a work session so we start at 6 PM instead of 7 PM. He has been part of making the agenda and it gets hard because you cannot cut people off from applying for Council. He meets with Jennie

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on Tuesdays and it can be difficult to set the agenda. He did like the work session discussion today. If we can streamline the meeting it would be a benefit to the public. Council Member Montgomery inquired if we can vote on the consent items as a whole. If we have enough background information, can we vote on them on bulk. Council Member Wilhelmsen stated he did enjoy the comments from Jill Hunt. He appreciates hearing about the audit and seeing where we need to improve. Sometimes we need to go down rabbit holes but it is not always appropriate for the agenda as a whole. Council Member Prall inquired is there an alternative like emailing the presenter. Mayor Shuman stated we need to be careful about having that discussion outside of the public meeting. If we do a work session we can get some of that discussion done before the meeting. Council Member Montgomery questioned can we adjust items to allow the shorter items to be in the front of the agenda. Jennie Knight stated it is beneficial if you email your questions to staff, we can come prepared to answer them. We try to allow the contractors to be first to be respectful of their time. Council agreed to hold work sessions before Council Meetings.

e. Rules of Procedure Discussion.

Brody Flint stated he has been working on this for a while. He has some drafts he has been preparing. He spoke about the Open and Public Meetings Act. Council Members can ask staff to answer questions but cannot direct staff. You need to be careful it is a gray area. Sending the questions to Council might not necessarily violate the Open and Pubic Meetings Act but discussion from those questions would. If you sent it to staff it can be made part of the record. Council Member Prall inquired can we send a partial packet and agenda or does it need to be done together. Brody Flint stated it needs to be done together as much as possible. Doing it piecemeal would cause issues. Our rules of procedure need some updates. One item he found is in if someone wants to abstain from a vote. If someone does abstain is it a no or a yes or does it go to the Mayor as a tie. Council Member Christensen stated he was voted in by the citizens and feels they should not abstain from a vote unless there is a conflict of interest. Brody Flint stated this would cover voluntarily abstaining not conflict of interest. Council Member Prall inquired how do we differentiate between those two. Brody Flint stated you can contact him and discuss it with him. Council Member Prall inquired what happens if it happens in the meeting and you are not here. Brody Flint stated if I am here, you can ask for a recess and discuss it with him. If he is not here you would have to make that decision. He would recommend erring on the side of abstaining over the conflict. Council Member Montgomery inquired about presenting the conflict to Council and Council can decide if it is or not. Brody Flint stated he does not advise doing that. Ultimately the decision is on you not the Council. If Council says you are fine but you are challenged the consequences, are yours not Council's. Council Member Montgomery recommended if someone abstains it should go to the Mayor. Brody Flint inquired do you want to allow someone to abstain for non-conflict interest reasons. Council Member Hadley stated he does not believe you should be able to abstain. Brody Flint stated he feels it should not be allowed. Council Member Prall inquired how do we know if we are allowed or not. She questioned do we have consequences either way. She inquired could we add language allowing us to declare the conflict. Brody Flint stated the language is already in place for that. Council Member Prall clarified what happens if I declare a conflict and at a later date it is decided there was not a conflict. Brody Flint stated it is your conflict to declare. Council Member Prall inquired would we be in trouble if we don't vote due to a perceived conflict. Brody Flint stated there is not really a guideline to saying you have a conflict or not. If you feel it is a conflict you would declare that and abstain. The scrutiny tends to be more on the side of failure to declare a conflict. Council agreed that Council Members should be required to vote unless they have a conflict of interest.

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f. Discussion/possible action to adopt Resolution 26-24; Special Event Permit.

Jennie Knight explained this is a continuance from last month. She had reached out to the Trust, which handles the City's insurance. They reviewed the policy and liked it. We did change some of the language requiring a mass gathering permit if there will be over 500 people. We also identified some excluded activities. This list calls out some examples but it is not all-inclusive. We cannot plan for everything someone could ask for. This relates to city property as well. Any of these events are not covered with our insurance. Council Member Prall inquired it states motor vehicle events would that cover events such as car shows. Jennie Knight explained our insurance would cover car shows where the vehicles are not moving but would not cover moving vehicles. Council Member Montgomery inquired about the little train at an event a few years ago. Jennie Knight stated because the train would be moving, it would not be covered by the City's insurance. The Trust suggested limits for liability insurance would be $2,000,000 combined single limit for personal injury and property damage. We did add language to the permit that states application for the permit does not guarantee approval. Council Member Montgomery inquired about the 4th of July Parade and the insurance requirement. Jennie Knight stated our insurance will not cover it. Council Member Hadley inquired about weddings at a church house or a school event. He questioned what if someone has a wedding in their backyard. Will they be required to file a permit and get the $2,000,000 insurance. Jennie Knight stated the distinction will be use of city resources. If they close a road they would need to follow our guidelines. Council Member Hadley inquired can we clarify the language. Jennie Knight answered we can add whatever language you would like. Council Member Hadley inquired about a church meeting with over 200 people. Brody Flint answered churches are protected and we could not require a permit. Council Member Hadley inquired does any event with more than 200 people need a permit. Council Member Prall clarified you can have a wedding without a permit if you are not utilizing city resources. Council Member Hadley stated the ordinance states any event with more than 200 people. He questioned could we add language that exempts church buildings, school property, and private property that does not require city resources. Jennie Knight answered we can add that language. Council Member Hadley stated he has had to get a rider on his insurance to pay for a policy when doing photography at the state capitol. It can be difficult for people to get the $2,000,000 policy. Council Member Prall stated she has done some research and a normal person can purchase a single-day event policy. Council Member Hadley stated he has been to weddings with 500 people. Brody Flint stated there is no penalty for not getting a permit. This policy does not have an enforcement provision. We can't go out and give them a ticket. Council Member Hadley stated what stops the police from going and giving them a ticket. Brody Flint stated any law that does not have an enforcement provision cannot be enforced. As it is currently written, it cannot be enforced. Council Member Hadley inquired can the public enforce this in a different way. Can we make this clearer to not tie up police resources. Council Member Montgomery inquired about the parade. There is no enforcement but the city is setting a rule you need to follow. This is the only parade the city sponsors. Council Member Prall inquired are there any events you think should have a permit. Council Member Montgomery stated closure of streets. Council Member Hadley stated large events on city property. Council Member Prall summarized an event with road closures or an event on city property would require a permit. Council Member Montgomery inquired about the parade and if a permit would be required. He questioned who would cover the insurance for this event. Council Member Prall stated they would need to get a permit and insurance. There have been fatalities in parades nearby. Jennie Knight inquired do you want to require a household notification or a flyer for an event. Council agreed a flyer would be sufficient. Jennie Knight inquired do we want to include signature blocks from the department heads. Brody Flint advised we should have department heads sign off on the permit especially public safety. Council agreed to have signature blocks on the permit for department heads.

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Council Member Prall inquired we want to change the wording to state on city property or in the event of road closures. Council Member Hadley stated he would like to add the exemption of houses of worship, school facilities, private property where no road closures or city services are utilized. Council Member Prall inquired are there any other property beside city property that we do want to require a permit for. Jennie Knight explained we do have these events as listed requiring a permit fun run, walks, parades, festivals, public gathering, celebrations, outdoor concerts, any event requiring a mass gathering permit. Council Member Prall inquired do we want to provide a more specific definition for a celebration. Council Member Hadley stated if we include the exemption discussed earlier of houses of worship, school facilities, private property where no road closures or city services are utilized it would provide the needed clarity. This would exempt events like a trunk or treat at a church. Council Member Prall inquired are schools' part of this decision, don't they have their own rules to follow. Brody Flint stated schools have their own rules to follow and do not have to follow our permitting process typically. Council Member Prall inquired on the permit it states it must be turned in within 60 days; would it be better to change it too at least. Jennie Knight stated the recommendation is between 45-60 days. We should change it to state 45 days before the event. Council Member Prall clarified that the permit would need to be filed 45 days before the event. Jennie Knight recommended not establishing 60 days as the maximum submission deadline. She explained that the City is already receiving inquiries about events several months in advance and that allowing applications to be submitted earlier would provide additional time for review. She recommended changing the language to establish a minimum submission deadline of 45 days before the event.

Motion: Council Member Hadley made a motion to adopt Resolution 26-24, Special Event Policy/Permit, with the revisions and guidance discussed by the Council, including clarifying that a permit is required for events utilizing City property or requiring a road closure or City services; exempting houses of worship, school facilities, and private property where no road closure or City services are utilized; adding department head signature blocks to the permit; requiring a flyer for household notification when applicable; and revising the application deadline to require submission at least 45 days prior to the event, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	No

The motion passed 4-1.

6. **Closed Executive Session – A Closed Executive Session for the purposes described under UCA § 52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation and UCA § 52-4-205(1)(d); strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the public body from completing the transaction on the best possible terms.**

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Motion: Council Member Hadley motioned to enter a Closed Executive Session for the purposes described UCA § 52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation and UCA § 52-4-205(1)(d); strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the public body from completing the transaction on the best possible terms, second by Council Member Montgomery .

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	Yes

The motion passed unanimously.

Motion: Council Member Prall motioned to adjourn a Closed Executive Session for the purposes described UCA § 52-4-205(1)(c); strategy session to discuss pending or reasonable imminent litigation and UCA § 52-4-205(1)(d); strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the public body from completing the transaction on the best possible terms**,** second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	Yes

The motion passed unanimously.

7. Mayor/Council Follow-up

Assistant Chief Taylor explained we have a new School Resource Officer who is doing a great job. We had our Night Out Against Crime. Mayor Shuman inquired who participated in the event. Assistant Chief Taylor stated that the Harrisville Police Department, Weber County Sheriff's Office, North Ogden Police Department, North View Fire District, Pleasant View Police Department, Weber FOP, and other agencies participated.

Jennie Knight explained the Utah League of Cities and Towns conference registration opens this week. Early bird registration is available through the end of September. Please let staff know if you would like to attend.

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Council Member Montgomery inquired if we participate in license plate readers. Assistant Chief Taylor stated we do not have any. We have an MOU in place with Ogden which we can use if needed but we do not have any. Council Member Montgomery inquired about Flock Cameras in the city. Assistant Chief Taylor stated we do not have any. We have applied for a grant for Flock Cameras. When reviewing the grant application, they will do a study looking at blind areas on Flock Maps and assign funds to fill those blind spots. The City may be able to obtain a camera through the grant. Council Member Montgomery inquired about inspections and the 3-day rule. There are some misunderstandings of how the community does inspections. Jennie Knight stated we have not had any issues with our building inspector. We contract through a third party; they have multiple inspectors. Council Member Montgomery explained there is a push to eliminate property tax and a push to allow 5,000 square foot lots regardless of zones. He inquired whether the City could set up meetings between Council and its legislative representatives. Jennie Knight stated we have in the past. Brody Flint stated if you contact the representatives, they usually value your opinion because you are a Council Member. They may come speak in a meeting to you.

Council Member Wilhelmsen reminded Council last month they discussed allowing the orchestra to use the cabin for rehearsal. They are working on creating a 501(c)(3). Council Member Hadley explained the North Ogden Band utilizes their city facilities but they are a part of the city and not a separate organization. Council Member Prall inquired would it be a conflict if we voted and are a member of the orchestra. Brody Flint stated unless you are making a lot of money from the orchestra it would not be a conflict.

Council Member Hadley stated he has been meeting with representatives from Pleasant View and North Ogden regarding the possibility of creating a joint economic office. The thought process would be that we would advertise as a Tri-City economic team. The benefit is we would be 60,000 residents instead of separate entities trying to go alone. Farr West has also expressed interest in joining as well. This could be a great opportunity for our cities. We are close to the point of setting up an interlocal agreement to move forward. Council Member Montgomery stated it is a good idea. We have more power as a region and not an individual city. Council Member Wilhelmsen agreed it would be a good idea.

8. Adjournment

Motion: Council Member Hadley motioned to adjourn the meeting, second by Council Member Wilhelmsen.

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	Yes

The motion passed unanimously.

The meeting adjourned at 11:07 P.M.

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Roger Shuman
Mayor

ATTEST:

Jack Fogal
City Recorder
Approved this 13th day of October, 2026

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MINUTES
HARRISVILLE CITY COUNCIL OPEN HOUSE
September 22, 2026
363 West Independence Blvd
Harrisville, UT 84404

Minutes of a Harrisville City Council open house meeting held on September 22, 2026 at 7:00 P.M. in the Harrisville City Council Chambers, 363 West Independence Blvd., Harrisville, UT.

Present: Mayor Roger Shuman, Council Member Blair Christensen, Council Member Jason Hadley, Council Member Annette Prall, Council Member Greg Montgomery.

Excused: Council Member Wilhelmsen.

Staff: Jack Fogal, City Recorder, Bryan Fife, Parks, Recreation, and Public Works Director, Mark Wilson Chief of Police, Assistant Chief Nick Taylor.

Visitors: Shannon Wixom, Marvin Farrell, Cody Peterson, Lynette Shuman, Chris Cope, Lynnae Dopp, Rod Dopp, Matt Robertson, Dan Bateman, Randy Beck.

1. **Call to Order.**

Mayor Shuman called the meeting to order.

2. **Opening Ceremony**

Council Member Hadley opened with the pledge of allegiance.

3. **West Harrisville Road Widening Project Discussion.**

Mayor Shuman explained during the last Council Meeting, there was some discussion about this project. Council felt it would be best to hold a townhall to help address questions. He asked that the questions be directed to him and he can ask the appropriate person to answer them.

Marvin Farrell stated he does not know where to begin due to the size of this project. He apologized if he has offended anyone. He gets passionate about this project. He intent is not to offend; he is not the best at communicating in a political way. He thanked Council for holding this meeting to listen to the residents. It has been stated that there is an 1885 easement on the road. He has been conducting research about this project. Everything he can find shows an 80-foot road. The 1885 document starts as a 6-rod road then changes to a 4-rod road after the red school house in a westerly direction. The City says there is a 90-foot right-of-way. Maybe the road should have been a 66-foot road. He has worked with the ombudsman. The conversation was over email and it was not resolved. The City claimed there is a deed for a 99-foot right-of-way. He received a description which goes back to the 1885 easement. He asked is there a paper deed. He had to get a warranty deed before they would talk to him at the City or with the project team. There is a claim that the City has a right-of-way. He questioned what is the City right-of-way and can it be shown. The City would own a right-of-way but not an easement. The City has the right to put utilities in an easement but does not own it. Mayor Shuman stated there are 2 types of easements. Utility easements own the rights to those easements. You are asking about a roadway easement if he is understanding correctly. The roadway design is 80 feet. There are 10 properties that show the 99-foot right-of-way and 6 that show 80 feet. Matt Robertson clarified not all of the 6 show 80 feet. Some show ownership to the center of the

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road. Mayor Shuman stated the intent of the City right now is an 80-foot roadway. It measures back of sidewalk on the north side to back of sidewalk on the south side. It would be the same if you drive west past the railroad tracks. Cody Peterson stated it is approximately 50 feet of pavement. Matt Robertson stated overall the project is under 80 feet. A question from the audience was asked what is the back of sidewalk. Council Member Hadley stated it is the end of the sidewalk closest to your house. Marvin Farrell stated he has only found information showing an 80-foot right-of-way. Even though in the 1885 description it is 66 feet. He questioned how do we argue it is not an 80-foot roadway. He has had his property surveyed twice and it was the same both times. Stephen Devries asked how do we know where that center line truly is. If we assume the center is correct, how do we know it is true. The south side of the road is taking the brunt of the development. How can the north side share in the burden. Marvin Farrell asked for information about the 99-foot right-of-way. There are power poles within the 99-foot right-of-way claim. There are power poles within the irrigation ditch. He stated he has contacted Rocky Mountain about the power pole. He asked why is the power pole in easement. They told him they placed the power pole within the City right-of-way. Where is the City right-of-way if they placed it in there. He questioned is it 99 feet or 80 feet. Documents he has found shows the center of the road shifted 10 feet to the south. If the 99-foot right-of-way does exist and you shifted it, how can you do that. There is a monument that was found when Dan Bateman was getting his property surveyed. It says Utah State Road Right of Way. Dan Bateman lives on West Harrisville Rd. He researched the marker with UDOT. There are markers on his property and on the north side of the road 80 feet away. There is another set down the road at the same distance. He understands that this project is going to happen. UDOT confirmed it is an 80-foot right-of-way. Marvin Farrell has done the research stating it is a 66-foot right-of-way with 7 additional feet on each side to get to 80 feet. When he installed his house 50 years ago the city said it was a 66-foot road. Marvin Farrell stated he has contacted his title company and they are unable to find any easements or right-of-way on his property. They are coming back with the same question. They requested documentation from the city proving the 99-foot right-of-way.

Stephen Devries is a trustee for the Ron and Diane Trust. The survey for his property states he owns to the center of the roadway. He has read through a lot of the minutes and understands there has been a lot of discussion. He feels like this project has been in flux and constantly changing. This project has always been on the transportation plan. It does not get talked about until activity starts. There was an open house in December and it caught them by surprise. He was told you have to sign this warranty deed and when they refused, they received a letter stating legal action would be taken. He questioned why he would need to sign a warranty deed conveying property without compensation. The project has been in constant fluctuation. He has heard there will be a retaining wall then grading then a retaining wall. He met with Cody Peterson and Shannon Wixom and does not have confidence. He has asked for documentation and not received it even though he has submitted a GRAMA request. There are some aspects of this project that do not make sense. He questioned why do we have a 6-foot bike lane and a 7-foot sidewalk. There is no benefit to this. It costs money to pour that concrete. He understands you were not the City leaders then but you are now. You should slow down and think about this. You have the right to put a pause on this. You need to ask does this make sense today not 10 years from now. He understands every city is always searching for money. He understands the City has a grant, but you have matching funds. He questioned are the residents benefiting. He does not think there is a benefit. In accounting there is a term called a sunk cost. He stated continuing the project solely because funds have already been spent would be inappropriate. He inquired why has the survey not been provided. Jack Fogal stated Stephen Devries filed a GRAMA request and the City had responded with a completion date of Friday. What you asked for requires us to sort through thousands of documents. Stephen Devries stated he received the communication but not the documents. He stated he was told some people are getting them

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without a request. Shannon Wixom stated she told him she would ask Jennie Knight about the process to get the documents not that they were getting them without a GRAMA request. Mayor Shuman stated the survey will be provided. When he was appointed Mayor people kept reaching out to him asking about information. It takes time to get that information. He understands the argument about the 99-foot right-of-way, but to him it is a dead issue. When he purchased his property, he knew there were discrepancies with the roadway. He got those fixed shortly after purchasing the property. Stephen Devries asked them to think about what kind of city we are. This project is designed as an urban approach. We don't have sidewalks like these in our City. Mayor Shuman stated we have them on Highway 89 right down the road from this project. Stephen Devries stated there will be mail boxes in the sidewalk. Kids will hit it and get hurt. If we need to replace a mail box, will we need to cut the concrete. Think about what is best for the City. You are the leaders now. He questioned can we remove the sidewalk and the bike lane. Mayor Shuman stated he is open to looking at matching the sidewalk to the north sidewalk. He questioned does 7-foot sidewalks make sense. Matt Robertson stated the intent was to minimize the impact to the properties on the south side of the road. A normal home has a 4-foot sidewalk and a 5-foot park strip. When you do sidewalk next to curb 6 feet is the standard. The 7 feet came from UDOT standards when you are approaching a driveway it must be 7 feet. Instead of doing constant transitions from 6 feet to 7 feet, it made more sense to do a constant 7 feet. He stated the mailboxes in the sidewalk is common in cities around here. If you look at Larson Ln, they have stamped concrete except for Council Member Montgomery's house which has some slope issues. Stephen Devries stated it does not matter if it has been done other places. You are lowering the aesthetics of his property. He will have a massive slab of concrete. You are asking senior citizens to shovel 7 feet of sidewalks. Council Member Hadley inquired whether residents would need to clear all 7 feet of sidewalk of snow. Matt Robertson stated residents would clear the 4 feet intended for pedestrian use, while the remaining 3 feet would be used for snow storage. Stephen Devries inquired is there interest in re-evaluating the project. Council Member Montgomery stated at this point he is still gathering information and cannot answer. Council Member Hadley stated there is a lot in flux about this project. He has had a lot of conversations with citizens. He is always looking to listen and learn. He is willing to listen to the people's voice. Stephen Devries stated he does not want to hear our hands were tied. He would rather hear we evaluated this instead and made a decision. Mayor Shuman stated we do have to keep in mind our money that was spent already. Stephen Devries stated that is a sunk cost. Mayor Shuman stated we had to make some of these decisions years ago. We presented to the federal government and WACOG. We cannot give you an answer today. Stephen Devries stated we do not want to throw good money after bad.

Randy Beck has several concerns. He thanked Council for their thoughts on the housing development on West Harrisville Rd. He lives there and sees the officers pulling people over. He sees people speeding down the road. If we put in a wider road with a center lane it will only get worse. Pulling in and out of our driveways is dangerous. He uses his tractor to clear in front of several homes along the road. The City stores snow between their driveways. With the sidewalks there will be nowhere for it to go. How do we know the north side is correct. He would like to know how we have confirmed it. The people on the south side of the road are going to lose a lot of property; it is not fair. He lived in Salt Lake and remembers when they widened the roads and put them right to his doorstep. He wants West Harrisville Rd to be inconvenient so people do not use it. He wants the 99-foot right-of-way established now so you do not widen the road further. This project is not clear. There are rumors and changes. Shannon Wixom and Cody Peterson have been great to get clarification. He would like to have an ongoing dialogue between Council and the citizens. Do not start any construction without consulting citizens. Bona Vista tore up his property. They removed his decorative rocks and piled them up. He

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asked that the project be put on hold until a clear picture is provided. He appreciates the work that is being done.

Lynnae Dopp inquired have you seen a master plan for this project. Council Member Hadley stated we have not seen a final plan. Lynnae Dopp stated you only have a 90% completed design. Mayor Shuman stated that is part of the process. When he was elected it was 40%. Lynnae Dopp inquired who is the person in charge of the project. Mayor Shuman stated the design comes from the engineers and UDOT handles the funds for the projects. Lynnae Dopp inquired will you sign off on any piece of information they present. Mayor Shuman stated not necessarily. Lynnae Dopp inquired have you walked the construction done by Bona Vista. Mayor Shuman stated we have. Bona Vista would have a utility easement they were trying to match the water line to the future project. What you are seeing at the meter is where the potential slope will be or rock wall to support the dirt. Those things are being addressed by Shannon Wixom, Cody Peterson, and Matt Robertson. We have to do matching funds with the state. As Mayor he has to sign off when Shannon negotiates with the residents. What Shannon is negotiating is the construction easement. The city is paying you so we can match your slope for your existing roadway. Shannon Wixom stated everyone's property is different. Lynnae Dopp stated she is having an appraiser come out. Shannon Wixom stated they have been working with Council. We are not asking residents to sign warranty deeds. Lynnae Dopp inquired about the appraiser reaching out. Shannon Wixom stated your house does not have a warranty deed. It would be a construction easement, if the appraiser said property deed that is incorrect for your parcel. Council and her team have been trying to work with property owners. Lynnae Dopp inquired do I need to reach out to the appraiser. Shannon Wixom stated she will talk to her individually about her property because each one is different. She is not an engineer so she works with the engineering team to keep bids updated. Nothing has changed regarding the easements. Lynnae Dopp inquired is the bike lane necessary on both sides. Mayor Shuman stated he does not believe it would change the width of the road if we lose the bike lane. It would be matching up with the rest of West Harrisville Rd.

Marvin Farrell stated he does not have all the answers about this project and the ditch. The Western Irrigation Ditch has been a controversial issue for this project. He has been working with Cody Peterson and Matt Robertson for a while to get the issue resolved. Not all of the issues have been resolved, but they are working towards solutions. Mayor Shuman stated he was part of some of the conversations and believes they are close to being resolved. Marvin Farrell stated due to the elevations it raised some more questions. Western's engineer has been working with them to get things finalized. There is a meeting next week. Clint Farrell has been more involved than he has. He has attended some of the meetings with the City. Matt Robertson stated anything disturbed in relation to the water system would need to be restored. Lynnae Dopp inquired who would be in charge of removing trees. Cody Peterson stated the roadway contractor will be removing the trees. Any damage done to the ditch will be repaired. Lynnae Dopp inquired whether any damage to the ditch would be repaired. Cody Peterson clarified any damage caused by the construction company would be repaired. Lynnae Dopp inquired will these be resolved before more construction is completed. Mayor Shuman stated approximately 25 of the 30 issues have been resolved. Marvin Farrell stated that was a fair approximation. There are a lot of shareholders who do not know a lot of the information. He is trying to pass on information when he can. There are discussions going back and forth to resolve these issues. There have been concerns about the city easement in regards to the ditch. Mayor Shuman stated there is certainly some of the ditch that is right in the middle of the project and some of it that is outside of the right-of-way. We would not be disturbing those portions. His job as Mayor is to make sure, they still provide you with the water you had before. We do not want to dismantle your pipes, we are hoping you will have better flow due to

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replacement of pipes that are 70-plus years old in some areas. Marvin Farrell stated if everything works out as planned the irrigation system will be better. There are some kinks that need to be worked out. Matt Robertson has involved Western Irrigation with plans. They are trying to look at different avenues to save money and use it to get some of the cleanup taken care of. There is not a complete plan yet but it is being worked on right now. Mayor Shuman stated the key part is we have been communicating and having those meetings. He feels good about the progress being made. Have all the questions been answered no, are they working towards resolution yes. At the end of the day the updated pipe will be better than what it is currently. An audience member inquired about the project budget being online. Cody Peterson stated there is some general information from the Wasatch Front Regional Council on their website. Stephen Devries inquired what is the funds for the project. Matt Robertson stated it is approximately $3,400,000. The City has a match of 7%. If the project is scrapped today the cost will be on the City. The federal funds will not cover it. Stephen Devries stated why not extend the grant like we have in the past. Matt Robertson stated we can but the issue we are running into is construction costs are rising. If we wait too long, we may not be able to fund the project.

Council Member Hadley stated he received information from Shanna Edwards about 2 rock pillars. She is concerned that they could be destroyed because they are historic. Shannon Wixom stated they have been working with the Batemans about those rock pillars.

Member of audience inquired who is responsible for his driveway that was torn apart for the water project. Matt Robertson stated it would be Bona Vista.

Marvin Farrell stated the dollar amount has been discussed. He questioned what the cost would be if we abandon the project. He questioned how do we know you are listening. He wants Council to look at the residents' side. Put yourself in our shoes and look at the impact. He has invited all of the City Council to come over and look at his property. He asked that you physically walk the road and talk to the residents. It is better if you visually see it with the residents. If you do 25 surveys, they should all be the same. He stated the primary question is the difference between the 99-foot easement and the 80-foot roadway. The 99-foot easement still stays in place. His problem is the 99-foot easement. He has asked for some surveys. Cody Peterson's company has placed stakes on his property. If a different surveyor does the same survey, will they come up with the same result. The 99-foot easement today takes 19 feet of his property. All the information he brought today show an 80-foot easement. He also raised concerns regarding the grade. His property has been leveled to the correct grade so he can get in and out. If the grade is raised to match the water meter, he would need to bring in more fill. How is the grade going to affect his property and the water runoff. We all have complaints. He inquired can we come up with a comparable solution to help this problem. They want to put the ditch under the sidewalk. He asked who would be responsible for the cost if the ditch needed to be repaired. He presented a plot map of a neighboring property. It shows an 80-foot road. The proposed plan will shift the ditch under the sidewalk for 3 feet. This would prevent people from driving over the irrigation box. His proposal is to put the irrigation ditch along the property lines. He wants to shorten the road. He is not sure which part would be shortened, that would be up to the engineers. If the ditch is put in a park strip, would it help with elevations. You have 11-foot passing lane with a 12-foot center lane. Can we shorten that center lane. Can we bring utilities through the road. The plat map shows a public utility easement, could we put some of the utilities in the easement instead of the road. Mayor Shuman stated there are 2 numbers that are very confusing. Those numbers are the 99 feet right-of-way and the 80 feet right-of-way and the placement of the right-of-way. The ditch will need to be located in an easement not in a right-of-way. Council seems ok with an 80-foot right-of-way. He stated that there had been discussion regarding the right-of-way based on Marvin Farrell's research. Mayor Shuman stated that he

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was not trying to minimize the residents' concerns. His concern is we cannot have the road change from 66 feet to 80 feet based on a person's opinion. He wants to accommodate as much as possible. He wants to get everything worked out with Western Irrigation Company. Mayor Shuman stated that Western Irrigation collects fees like other utility providers and should bear some of the cost if it wants its lines moved outside the scope of the project Council does need to look at this and decide do we need to adjust this project, scrap it, or move forward. There are a lot of considerations to take in. Dan Bateman brought up the monuments and he wants to make sure both sides bear the responsibility as well. Marvin Farrell stated if you keep the 99-foot easement and want to widen the project you will be in the same boat. We are just trying to help our shareholders on the ditches. They cannot afford a $100,000 project. That is why we are trying to work with the city to protect our shareholders.

Council Member Montgomery clarified that a right-of-way is owned by a government and includes the infrastructure needed for the roadway. He stated that an easement is a private use for utilities. This discussion is about the right-of-way. He inquired are we using the centerline for the project. Cody Peterson confirmed we are not perfect to the centerline. Council Member Montgomery inquired is more of the project is taking place on the south side of the road. Matt Robertson stated when looking at the 99-foot right-of-way it is off center slightly. The road improvements are fitting in either right-of-way 80 feet or 99 feet. If you use the markers found by Dan Bateman, we are still 2.5 feet within the right-of-way.

Mayor Shuman left the meeting and Council Member Hadley assumed his responsibilities as Mayor Pro-Tem.

Council Member Montgomery inquired are we removing the road totally and redoing it. Cody Peterson stated the road would be milled 2 inches and then new road would be added on top. Council Member Montgomery inquired we will have about 13-14 feet of new concrete. Cody Peterson answered affirmatively. Council Member Montgomery inquired in the new design he does not see parking lanes. Cody Peterson stated there will be no on street parking lane. Council Member Montgomery stated the first time he heard about this was in the December meeting. Council Member Montgomery questioned whether there had been an open house for the project previously. Matt Robertson stated that an open house was not required as part of the environmental study. Council Member Montgomery stated UDOT's website says we needed to have an open house. Matt Robertson stated UDOT's team determined there was not an open house needed. Shannon Wixom stated that there are various levels of environmental studies and that this project did not require an open house. Council Member Montgomery stated it helps him understand what kind of outreach we had for the public. As he understands if you use the shoulder where there is a solid white line you would be making an illegal maneuver. Assistant Chief Taylor stated you are correct. Council Member Montgomery stated if we are taking up a parking lane and having a middle lane, we are now causing more congestion if residents are making a right-hand turn. Matt Robertson stated you would not be pulled over turning into your driveway from a solid white lane. Chief Wilson stated you can pull into a driveway and cross a white line; there are provisions in the law allowing that Council Member Montgomery inquired whether there would be an increased cost for Public Works and whether it had been incorporated into the budget. Bryan Fife stated yes, it would increase the cost and they do account for it. Council Member Prall stated she does not feel we will be able to stop people from using West Harrisville Rd. We should not bottle neck ourselves if data backs up the need for the widening. Matt Robertson stated we do the traffic studies and have a Transportation Master Plan. They all identified this road as needing to be widened. Council Member Prall inquired if those studies are public. Matt Robertson stated they are public record. Council Member Prall stated this road is used already for vehicles and bikes. She has ridden a bike down the road to

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the fair grounds and Pioneer Elementary. Matt Robertson stated the Wasatch Front Regional Council has a plan to have a bike lane from Highway 89 to Fremont High School. We want to make sure we have our portion at the same width. Council Member Montgomery inquired will all the water flow to the west. Matt Robertson stated there is a high point on the north side at approximately Lefler's Tree Service. We will match the existing slope. Council Member Montgomery stated all the road runoff has to go somewhere, he questioned where will it go. Matt Robertson stated it will tie into our existing storm water system. Council Member Montgomery inquired is that cost part of this project. Cody Peterson stated it is included. Council Member Montgomery wanted to ensure the cost is included and we are not leaving out an important part.

Council Member Prall stated she has heard 2 large concerns. The first is Bona Vista has not been diligent about fixing their projects issues. We won't be able to force them to fix things as a City. She was trying to put herself in the residents' shoes. She understands their frustrations. If we are still updating the plan and working with residents, we will have some changes that need to be communicated. Council Member Hadley inquired whether the information could be consolidated and placed on the City's website for easier viewing. Jack Fogal stated that he could add a webpage but would need to work with City Attorney Brody Flint to verify what information could be posted. Council agreed to have a web page added.

Cody Peterson invited members of the public to speak with the project team after the meeting if they had questions specific to their properties.

4. Adjournment

Motion: Council Member Hadley motioned to adjourn the meeting, second by Council Member Christensen.

The vote on the motion was as follows:

Council Member Wilhelmsen,	Yes
Council Member Prall,	Yes
Council Member Christensen,	Yes
Council Member Hadley,	Yes
Council Member Montgomery,	Yes

The motion passed unanimously.

The meeting adjourned at 9:14 P.M.

Roger Shuman
Mayor

ATTEST:

Jack Fogal
City Recorder
Approved this 13th day of October, 2026

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DRAFT

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HARRISVILLE CITY
RESOLUTION 26-25

A RESOLUTION ADOPTING THE FISCAL YEAR 2026-2027 AMENDED BUDGET FOR HARRISVILLE CITY, UTAH, FISCAL YEAR ENDING JUNE 30, 2027.

WHEREAS, Harrisville City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated §10-6-128,* as amended states in effect:

"After the conclusion of the hearing, the governing body, by resolution or ordinance, may amend the budgets of the funds proposed to be increased, so as to make all or part of the increases therein, both estimated revenues and appropriations, which were the proper subject of consideration at the hearing. Final amendments in the current period to the budgets of any of the funds set forth in Section 10-6-109 shall be adopted by the governing body on or before the last day of the fiscal period."

WHEREAS, the City adopted its Fiscal Year 2027 budget previously and desires to amend the budget according to the terms of the amended budget presented herein, with the referenced changes;

WHEREAS, Title 10, Chapter 6, of the Utah Code Annotated provides the procedure for the City to amend its budget;

WHEREAS, Council in accordance with state law held its public hearing on October 13, 2026, to take public comment regarding the amended budget for the above referenced fiscal year and such budget was presented as contained herein;

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

Section 1: Budget Amendment.
The Harrisville City Council amends the budget for FY 2027 as per the attached budgetary forms incorporated herein by this reference, with the changes indicated herein.

Section 2: Compliance and submission.
That staff is authorized to make any modification to said budget to conform with the submission requirements of state law. That said amended budget adopted herein in accordance with the requirements of laws of the state of Utah shall be immediately forwarded by staff to the State Auditor within thirty (30) days.

Section 3. Effective Date.

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This Resolution shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED by the City Council on this 13th day of October, 2026.

_____

ROGER SHUMAN, Mayor

ATTEST:

_____

JACK FOGAL, City Recorder

Roll Call Vote Tally	Yes	No
Grover Wilhelmsen	____	____
Jason Hadley	____	____
Blair Christensen	____	____
Greg Montgomery	____	____
Annette Prall	____	____

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HARRISVILLE CITY
FISCAL YEAR 2026-2027 BUDGET
FY27 - AMENDMENT #1

FUND 10 - GENERAL FUND

ACCOUNT	ACCOUNT TITLE	BUDGETED	AMEND. REQUEST	INC/(DEC)	INC/(DEC)		
REVENUES							
TAXES							
10-31-110	GENERAL PROPERTY TAXES	1,054,490	1,121,780	67,290	6.38%	New Growth	
	TOTAL TAXES	3,814,490	3,881,780	67,290	1.76%		**REVENUE**
CONTRIBUTIONS & TRANSFERS							
10-39-950	USE OF FUND BALANCE	88,075	183,298	95,223	108.12%		
	TOTALS CONTRIBUTIONS & TRANSFERS	1,659,474	1,754,697	95,223	5.74%		
NON-DEPARTMENTAL							
10-45-303	CITY NEWSLETTER	3,500	5,000	**1,500**	**42.86%**	INCREASE TO COVER NEWS LETTER	
	TOTAL NON-DEPARTMENTAL	**346,250**	**347,750**	**1,500**	**0.43%**		
PUBLIC WORKS							
10-61-431	BUILDINGS & GROUNDS	50,000	70,000	20,000	40.00%	ADDITIONAL AMOUNT FOR A/C UNITS IN OLD CITY HALL	
	TOTAL PUBLIC WORKS / MAINTENANCE	**342,500**	362,500	**20,000**	**5.84%**		
ROADS							**EXPENDITURES**
10-63-435	SIDEWALK REPAIRS	25,000	92,290	67,290	269.16%	NEW GROWTH ALLOCATED FOR SIDEWALK REPAIR	
10-63-500	MOTOR POOL PAYMENTS	142,911	146,127	3,216	2.25%	ADDING LOADER	
	TOTAL PUBLIC WORKS / ROADS	**1,461,399**	**1,531,906**	70,507	4.82%		
PARKS							
10-71-510	MOTOR POOL PAYMENTS	38,491	41,707	3,216	8.36%	LOADER	
	TOTAL PARKS & RECREATION	**758,255**	761,471	**3,216**	**0.42%**		

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HARRISVILLE CITY
FISCAL YEAR 2026-2027 BUDGET
FY27 - AMENDMENT #1
FUND 50 - SEWER

	DESCRIPTION	BUDGETED	AMEND. REQUEST	INC/(DEC)	INC/(DEC)	DETAILS
REVENUES						
50-30-800	USE OF FUND BALANCE	108,514	111,731	3,217	3%	
	TOTAL REVENUES	**1,177,546**	**1,180,763**	3,217	0%	
EXPENDITURES						
50-62-500	**New line item - MOTOR POOL PAYMENTS	0	3,217	3,217	100%	LOADER
	TOTAL EXPENDITURES	**1,177,546**	**1,180,763**	3,217	0%	

HARRISVILLE CITY
FISCAL YEAR 2026-2027 BUDGET
FY27 - AMENDMENT #1
FUND 53 - STORM WATER FUND

	DESCRIPTION	BUDGET	AMEND. REQUEST	INC/(DEC)	INC/(DEC)	DETAILS
REVENUES						
53-30-800	USE OF FUND BALANCE	364,024	367,241	3,217	0.88%	
	TOTAL REVENUES	**1,122,924**	**1,126,141**	3,217	0.29%	
EXPENDITURES						
53-62-500	MOTOR POOL PAYMENTS	3,699	6,916	3,217	46.52%	LOADER
	TOTAL EXPENDITURES	**1,122,924**	**1,126,141**	3,217	0.29%	

HARRISVILLE CITY
FISCAL YEAR 2026-2027 BUDGET
FY27 - AMENDMENT #1
FUND 61 - MOTOR POOL FUND

	DESCRIPTION	BUDGET	AMEND. REQUEST	INC/(DEC)	INC/(DEC)	DETAILS
REVENUES						
61-30-300	INTERNAL LEASE REVENUE	350,000	362,866	12,866	4%	
61-30-900	TRANSFER FROM MOTOR POOL FUND	0	252,114			
	TOTAL REVENUES	**408,000**	**672,980**	264,980	39%	
EXPENDITURES						
61-40-620	ASSET PURCHASES	250,000	442,980	192,980	44%	LOADER
	TOTAL EXPENDITURES	**480,000**	**672,980**	192,980	29%	

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HARRISVILLE CITY

363 West Independence $ Harrisville, Utah 84404 $ (801) 782-4100

MAYOR:

Roger Shuman

COUNCIL MEMBERS:

Grover Wilhelmsen
Annette Prall
Blair Christensen
Jason Hadley
Greg Montgomery

MEMORANDUM

To: City Council
From: Bryan Fife
Department: Public Works
Date: October 7, 2026
Re: Dixon Creek Basin Expansion

The purpose of this memorandum is to provide information about and seek approval for the Dixon Creek Basin Expansion Project. Harrisville City Assistant Public Works Director Glen Gammell will be presenting this item and will be able to provide more specific information.

Explanation:

This basin receives storm water from Harrisville, UDOT and Ogden City. Staff are concerned that if this project is not completed in a timely manner, larger flooding issues will occur, potentially causing extreme flood damage to nearby homes and properties.

The water detention volume needed is 276,200 cubic feet. Currently, the basin holds 153,315 cubic feet of water. This deficit of 122,885 cubic feet (919,243 Gallons) of water.

Work will consist of; grading the top layer of soil/vegetation and stock piling for later use, after the vegetative material has had time to break down, re-grading the basin floor material allowing more water volume detention, use the graded floor material to create a wider dam wall which will reinforce the existing wall as well as create a wider top surface for vehicle access and future trails, and after breakdown the top layer of soil/vegetation will be used to reinforce the remaining section of dam wall which will be self-performed by staff. This project will dramatically improve water volume detention as well as allow staff adequate access to perform needed and required maintenance.

Work Already Self Performed:

Approximately 200 Russian Olive and Cotton Wood trees have been removed already, with approximately 40 more to be removed in the future. The trees were removed due to the damage they have caused in the dam walls as well as the daily work performed by staff to remove leaves, deadfall/limbs and other debris from the waterways and outlet grates.

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Funding:

This project was added to the IFP in 2020 and will be funded by Impact Fees. The Storm Water Impact Fee account currently has $1,800,000.00. The original IFP cost for this project was $378,700.00, impact fee eligible is $329,525.00. With staff performing a portion of the work we can complete this project for approximately $143,359.00 over a 2-year period. Most of the dirt removal and shaping of the dam walls will be done by a third-party contractor. Three bids were received, the lowest of which is included in the total $143,359.00 cost. Staff have acquired road base and asphalt millings which will be used to cap the top of the dam road/walking path. Hundreds of tons of millings have been generously donated to the city by various contractors which have saved the city thousands of dollars in material.

Bids:	Blue Rock Enterprises:	$92,118.00
	Regency Excavation:	$93,000.00
	Montgomery Excavation:	$170,989.85

Community Outreach:
Staff will attempt to meet with every property owner adjacent to this property to explain the scope of the project and answer any questions. This project will also be posted on the city website with detailed information.

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HARRISVILLE CITY

363 West Independence Harrisville, Utah 84404 $ (801) 782-4100

MAYOR:

Roger Shuman

COUNCIL MEMBERS:

Grover Wilhelmsen
Annette Prall
Blair Christensen
Jason Hadley
Greg Montgomery

MEMORANDUM

To: City Council
From: Bryan Fife
Department: Public Works
Date: October 7, 2026
Re: CAT 926M Loader

The purpose of this memorandum is to provide information about and seek approval to purchase a CAT 926M Loader. Harrisville City Assistant Public Works Director Glen Gammell will be presenting this item and will be able to provide more specific information.

Explanation:

Staff have identified the need to purchase a CAT 926M loader. The need for this machine is due to staff performing more and more larger projects to save money, as well as the loading of salt material into our larger trucks for snow plowing. Although staff would like to retain the current backhoe we have, many city projects have outgrown the capacity and safety capability of the backhoe.

Funding:

MSRP: $293,134.00
State bid: $192,980.00
Equity: $100,154.00

The loader will be purchased from the Motor Pool Fund, and paid back using Sewer, Roads and Storm Water utility funds.

Rental V's Purchase:

Rental cost: $648.00 per day. Public Works employees are assigned many different duties to perform daily. Pulling employees away from their current duties for projects that take an extended amount of time to compete is difficult and causes other duties to suffer.

If rented, while other duties are being completed, the equipment may sit for a short to extended period while we are paying for it with no return on investment, which over time will cost more. Purchasing the loader will allow staff to work on projects at our own pace while allowing us time to complete other duties already assigned. Purchasing will also allow us sufficient equipment to work on other large projects as well as assist with snow removal functions.

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Future Projects:

- Construct a walking track on top of the reconstructed Dixon Creek berm.
- Ashlar Cove secondary water basin fill.
- Dixon Creek Phase 1 roadway for maintenance and dam walls.
- Dixon Creek Phase 2 Dam walls and secondary basin, roadways, tree/stump removal.
- Rice Creek dredge, concrete/asphalt removal, creek edge repairs.
- Large Salt truck loading.
- Snow stacking and removal from roadways.
- Culvert/concrete pipe removal and installation.
- Stack salt in salt bay higher for more storage.
- Material removal at Independence Park.
- Harrisville Park sidewalk removal.
- Remove old dredge tailings from creek edges.
- Removal of old berms/culvert by volley-ball court.
- Millings for roads and temporary parking/storage areas.
- Harrisville Fields road/trail.
- Large grapple bucket for larger tree removal.
- Stock pile products higher for more capacity/using less room on property.
- Lifting large salters safely into large trucks.

By adding this loader to our fleet, we will have many more opportunities to self-perform work, save the city money and allow us to perform work more efficiently.

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HARRISVILLE CITY

363 West Independence $ Harrisville, Utah 84404 $ (801) 782-4100

MAYOR:

Roger Shuman

COUNCIL MEMBERS:

Grover Wilhelmsen
Annette Prall
Blair Christensen
Jason Hadley
Greg Montgomery

MEMORANDUM

To: City Council
From: Bryan Fife
Department: Public Works
Date: October 7, 2026
Re: 2026 – 2027 Road Improvement Projects

The purpose of this memorandum is to provide information about and seek approval to move forward with Road Improvement Projects. Harrisville City Roads Lead, West Hoskins will be presenting this item and will be able to provide more specific information.

Project #1: 450 West / Approximately 2392 N to 2550 N

Explanation:

A mill and overlay are necessary to remove damaged upper asphalt layers and replace them with a fresh, smooth surface without paying for a full road reconstruction. This process removes surface level flaws like cracks, ruts, raveling, uneven transitions created by patches as well as increases the lifespan of the road. A mill and overlay typically extends the lifespan of the road by 10-12 years. Harrisville City Roads Lead, West Hoskins will be presenting this item at city council meeting and will be able to provide more specific information at that time.

Bids:	LaRose Paving Inc:	$78,203
	Morgan Pavement:	$86,300
	Slate Canyon Asphalt:	$92,820

Project #2: 700 N / Approximately 136 East to 316 East

Explanation:

A secondary water line project is currently underway on 700 North where the line is being installed from Oak Hollow Subdivision to Warren Hollow Subdivision. This project requires a trench to be created to bury the line. During this project the contractor broke several sewer lateral connections which were not identified by blue stakes due to the age of the connections. To make the appropriate repairs, additional asphalt has been removed and will be patched. These patches create uneven surfaces and introduce seam areas where water/moisture can enter the subgrade and cause future issues because of freezing and thaw.

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The idea of this project is to partner with the current contractor and as they re-asphalt the trench areas, the city would overlay entire road width through the length of roadway that has been affected by the work. Approximately 1,000 linear feet.

Bids:

Jones & Associates
Engineer Cost Estimate: $31,092.26

$31,092.26 represents an independent overlay project, without the partnership of the current contractor. Partnering with the contractor could potentially reduce this estimate by half. More information

Funding:

Road project funds have been approved in the 2026-2027 budget, however, I prefer to individually identify large projects and obtain a second formal approval to expend large amounts of funds.

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HARRISVILLE CITY

363 West Independence $ Harrisville, Utah 84404 $ (801) 782-4100

MAYOR:

Roger Shuman

COUNCIL MEMBERS:

Grover Wilhelmsen
Annette Prall
Blair Christensen
Jason Hadley
Greg Montgomery

MEMORANDUM

To: City Council
From: Bryan Fife
Department: Public Works
Date: October 7, 2026
Re: Sidewalk Repairs

The purpose of this memorandum is to provide information about and seek approval to expend funds for sidewalk repairs. This will allow council members to learn of the most egregious cases that have been identified and determine which cases staff will move forward with repairing. Harrisville City Roads Lead West Hoskins will be presenting this item and will be able to provide more specific information.

Explanation:

Staff have completed sidewalk inspections throughout the city. During the inspection process, areas of concern are identified and documented into a GIS mapping system where certain information including photos are entered. Staff assess each issue and assign them a grade based on separation, lift, settlement, chip or spalling, etc.

Grades:
Level 1 – High Priority (3/4 inch or more
Level 2 – Moderate Prioroty (1/4 inch – 3/4 inch)
Level 3 – Low Prioroty (1/4 inch or less) Level 3 priority are a watch/grind grade.

Several examples of the most extreme cases will be shown at the October 13, 2026 meeting to assist council members in determining which cases staff should immediately pursue.

Funding:

Sidewalk repair funds have previously been approved in the 2026-2027 budget, however, I prefer to individually identify large projects and obtain a second formal approval to expend large amounts of funds.

The sidewalk repair budget balance is $25,000. This will change if additional funds are allocated to this line item during the budget amendment.

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Example of one of the most egregious and time sensitive cases:

Virginia Avenue cul-de-sac.

Sidewalk and curb/gutter removal and replacement:
Wilson Concrète: $22,880

Tree/root removal:
Lefler's Tree Service: $2,650

Asphalt removal and replacement:
LaRose Paving: $1,000

Total: $26,530 (NOTE: These bids were created prior to the recent fuel price increases.)

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HARRISVILLE CITY

363 West Independence $ Harrisville, Utah 84404 $ (801) 782-4100

MAYOR:

Roger Shuman

COUNCIL MEMBERS:

Grover Wilhelmsen
Annette Prall
Blair Christensen
Jason Hadley
Greg Montgomery

MEMORANDUM

To: City Council
From: Bryan Fife
Department: Public Works
Date: October 7, 2026
Re: Damaged Sidewalk / Tree Issues

The purpose of this memorandum is to provide information about sidewalks which have been damaged by tree roots as well as other issues. Harrisville City Parks Lead Kevin Wilbur and Roads Lead West Hoskins will be presenting this item and will be able to provide more specific information.

Explanation:

Staff have completed sidewalk inspections throughout the city. During the inspection process, areas of concern are identified and documented into a GIS mapping system where certain information including photos are entered. Staff assess each issue and assign them a grade based on separation, lift, settlement, chip or spalling, etc.

Many of the sidewalk issues documented were caused by tree roots, because a tree was planted in the park strip or on private property, but too close to the sidewalk.

Items to discuss include;

- How to address sidewalk issues.
- Discrepancies and conflicting information in sidewalk codes.
- Requirement for a tree planting permit which would identify the tree to be panted and the approval of that tree by the Public Works Director or community forester based on the approved tree list.
- Notice given to homeowners.
- City or homeowner responsibility for work to be completed and paid for.
- Possible payment options from homeowners to the city.
- Tree value assessments.
- Does the city replace any tree that is removed with a legal tree based on the adopted tree on the approved tree list?
- Current city code, ordinances and resolutions.

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HARRISVILLE CITY
ORDINANCE 577

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING TITLE 1, CHAPTER 1.08 OF THE HARRISVILLE MUNICIPAL CODE REGARDING THE DISPOSITION OF MUNICIPAL REAL PROPERTY; UPDATING THE DEFINITION OF A SIGNIFICANT PARCEL OF REAL PROPERTY; ESTABLISHING PROCEDURES FOR THE SALE, LEASE, CONVEYANCE, JOINT VENTURE, EXCHANGE, OR OTHER DISPOSITION OF MUNICIPAL REAL PROPERTY; PROVIDING FOR NOTICE, PUBLIC COMMENT, AND CITY COUNCIL APPROVAL CONSISTENT WITH UTAH LAW; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City ("City") is a municipal corporation and political subdivision of the State of Utah;

WHEREAS, Utah Code § 10-8-2 authorizes a municipality to purchase, receive, hold, sell, lease, convey, and otherwise dispose of real and personal property for the benefit of the municipality when the action is in the public interest and complies with applicable law;

WHEREAS, Utah Code § 10-8-2 requires municipalities disposing of certain significant parcels of real property to comply with procedures established by Utah law;

WHEREAS, during the 2026 General Session, the Utah Legislature enacted Title 11, Chapter 1, Part 2, Disposal of Public Property, establishing additional requirements applicable to local governmental entities disposing of public property;

WHEREAS, Utah Code §§ 11-1-201 through 11-1-205 establish procedures concerning significant parcels, notice of intent to dispose of public property, physical posting, public-meeting requirements, approval of dispositions, and statutory exceptions;

WHEREAS, those statutory changes became effective May 6, 2026;

WHEREAS, Harrisville Municipal Code Chapter 1.08 presently establishes procedures concerning City property, including the disposition of significant parcels of real property;

WHEREAS, the City Council finds that amendments to Chapter 1.08 are appropriate to conform the Harrisville Municipal Code to current Utah law and establish a clear and transparent procedure for the disposition of City-owned real property;

WHEREAS, the City Council desires to retain reasonable discretion concerning the terms, conditions, consideration, and public purposes associated with the disposition of municipal property to the extent permitted by Utah law; and

WHEREAS, the City Council finds that the amendments contained herein promote

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transparency, responsible management of public assets, and the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HARRISVILLE CITY, UTAH, AS FOLLOWS:

SECTION 1. AMENDMENT TO SECTION 1.08.010 — DEFINITIONS.
Subsection 4 of Harrisville Municipal Code § 1.08.010 is hereby amended to read as follows:

4. "Significant parcel of real property" ~~for the purposes of Utah Code Annotated §10-8-2, means any real property owned by the municipality that is not a road, street, public right-of-way, or utility easement.~~ means any real property owned by Harrisville City that is not a road, street, public right-of-way, or utility easement.

Notwithstanding any other provision of this Chapter, any parcel or interest in real property that is required by Utah Code § 11-1-202, as amended, to be classified as a significant parcel shall constitute a significant parcel for purposes of this Chapter.

The City may classify property as a significant parcel even when state law would not otherwise require the property to be so classified.

SECTION 2. AMENDMENT TO SECTION 1.08.050 — ACQUISITION AND DISPOSITION OF PROPERTY.
Harrisville Municipal Code § 1.08.050 is hereby amended to include the following provisions governing the disposition of City-owned real property:

1. Authority and Governing Law.
~~Governing law. The appropriation, acquisition, or disposal of property shall conform to the applicable requirements of Utah Code Annotated §10-8-2, 1953 as amended, and the provision of this chapter.~~
The City may acquire, purchase, receive, hold, improve, protect, sell, lease, convey, exchange, enter into a joint venture concerning, or otherwise dispose of real or personal property as authorized by Utah law.

Any disposition of City-owned real property shall comply with: (1) Utah Code § 10-8-2, as amended; (2) Utah Code Title 11, Chapter 1, Part 2, Disposal of Public Property, as amended; (3) this Chapter; and (4) any other applicable provision of federal, state, or local law.

Except where otherwise expressly provided by law, the City Council shall determine whether a proposed disposition of City property is in the public interest.

2. Determination of Significant Parcel.
~~Real property disposition. The disposition of municipal real property is as follows:~~

1. ~~The sale, lease, encumbrance, or other conveyance of real property owned by the municipality shall be made by the majority vote of the city council subject to this section.~~
2. ~~The city shall comply with the requirements of Utah Code Annotated §10-8-2 (4), 1953, as amended, for the disposal of "a significant parcel of real property" owned by the city.~~
    1. ~~Before approving an action disposing of a significant parcel of real property owned by the city shall provide reasonable notice of the proposed disposition at least fourteen (14) days before the opportunity for public comment under Utah Code Annotated §10-8-2 (4)(a)(ii).~~
    2. ~~"Reasonable notice," for purposes of Utah Code Annotated §10-8-2(4)(a)(ii), constitutes the publication of at least one (1) legal notice in a newspaper of general circulation in the municipality that:~~

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~~1. Indicates the city proposes to dispose of a significant parcel of real property owned by the municipality.~~
~~2. Describes the significant parcel of real property owned by the municipality proposed for disposal.~~
~~3. Indicates the date, time, and place of the public hearing before the city council which will be held no sooner than fourteen (14) days after the publication of the legal notice.~~

Before commencing the disposition of City-owned real property, the City shall determine whether the property constitutes a significant parcel of real property as defined by this Chapter and Utah Code § 11-1-202.

The City may rely upon an appraisal, assessed value, broker opinion, market analysis, staff analysis, or other reasonable evidence when determining the estimated fair market value of property when valuation is relevant under state law.

3. Significant Parcels — Notice of Intent and Offering Period.
Before selecting a proposed purchaser, lessee, joint-venture participant, or other proposed recipient of a significant parcel, and before making a proposed disposition as defined by applicable state law, the City shall comply with Utah Code § 11-1-203.

Unless an exception provided by state law applies, the City shall, at a minimum:

a. Online Notice. Publish an announcement of the City's intent to dispose of the significant parcel on the City's official website or a real-estate offering website for not less than forty-five (45) consecutive days;
b. Physical Posting. Post a physical sign on the property indicating that the property is available for sale, lease, joint venture, or other applicable disposition and that offers or proposals may be submitted to Harrisville City; and
c. Public Meeting Announcement. Announce the City's intent to dispose of the property during a public meeting satisfying applicable Utah law.

No purchaser, lessee, joint-venture participant, or other recipient shall be finally selected, and no proposed disposition containing material terms such as price, consideration, or closing terms shall be made, before the City has complied with the requirements of this subsection, except where otherwise permitted by state law.

4. Offers and Proposals.
During the applicable notice and offering period, the City may receive and evaluate offers, proposals, letters of interest, or other expressions of interest concerning the property.

Unless otherwise required by law or by a solicitation issued by the City, the City is not required to accept the highest monetary offer or any offer. The City may negotiate with one or more interested parties following completion of any process required by Utah law; reject any or all offers or proposals; determine that continued City ownership is in the public interest; and consider both monetary and nonmonetary consideration and other factors reasonably related to the public interest.

Relevant considerations may include purchase price or other financial consideration; development or redevelopment commitments; infrastructure improvements; economic-development benefits; compatibility with City plans and policies; proposed use; timing and certainty of performance; environmental or site conditions; restrictions, easements, covenants, or other terms affecting the property; preservation of public facilities or public purposes; financial capacity of a proposed purchaser or recipient; and any other lawful factor the City Council determines relevant to the public interest.

5. Proposed Disposition of Significant Parcel — Notice and Public Comment.
After completing the procedures required by subsection C and after identifying a proposed disposition of a

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significant parcel, the City shall comply with the notice and public-comment requirements of Utah Code § 10-8-2.

The City shall provide Class A notice in accordance with Utah Code § 63G-30-102 and Utah Code § 10-8-2 for at least fourteen (14) days before the opportunity for public comment; describe the proposed disposition with sufficient information to inform the public of the nature of the proposed transaction; and provide an opportunity for public comment regarding the proposed disposition as required by Utah law.

The City may provide notice in addition to the notice required by state law when the City determines that additional notice would promote the public interest.

6. City Council Approval of Significant Parcels.
Except when an applicable statutory exception applies, the disposition of a significant parcel shall be approved by majority vote of the City Council at a public meeting.

At or before the meeting at which final approval is considered, the City shall disclose the information required by Utah Code § 11-1-204, including, for a sale, the identity of the proposed purchaser and proposed purchase price; and, for a lease, joint venture, or similar transaction, the material terms of the proposed transaction and the identity of the proposed lessee, conveyee, joint-venture participant, or other recipient.

The City Council may approve, deny, continue, or, to the extent permitted by applicable law, modify a proposed disposition. Approval may be made subject to conditions, execution of definitive agreements, satisfaction of due-diligence requirements, or other conditions determined appropriate by the City Council.

7. Public-Interest Determination.
Before approving the disposition of a significant parcel, the City Council shall determine that the disposition is in the public interest.

In making that determination, the City Council may consider the total value received by the City, including monetary and nonmonetary benefits, and is not required to determine that the proposed transaction represents the highest possible monetary price unless otherwise required by law.

The City Council's findings may be reflected in the motion approving the transaction, a resolution, the minutes of the meeting, the agreement governing the transaction, or another official City record.

8. Non-Significant Parcels.
Before disposing of City-owned real property that is not classified as a significant parcel, the City shall comply with Utah Code § 11-1-203 and other applicable law.

Unless a statutory exception applies, the City shall post a physical sign on the property indicating that the property is available for sale, lease, joint venture, or other applicable disposition and that offers may be submitted to Harrisville City.

Nothing in this subsection prevents the City from using additional notice, competitive bidding, requests for proposals, brokerage services, or other methods to market or dispose of the property.

9. Exchanges of Real Property.
An exchange of City-owned real property shall comply with Utah Code § 11-1-205 and any other applicable law.

Where state law exempts an exchange from some or all of the procedures otherwise required by Title 11, Chapter 1, Part 2, the City may proceed under the applicable statutory exception.
When required by law, the City Council shall make findings concerning the relative value of the properties involved in the exchange.

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10. Statutory Exceptions.
The procedures established by this section are subject to all exemptions and exceptions established by Utah Code § 11-1-205 or other applicable law.

Such exceptions may include, where statutory requirements are satisfied, conveyances to another governmental entity; property required by law to be offered or reconveyed to a prior owner or other party; cemetery plots; abandonment or vacation of a public street pursuant to applicable Utah law; qualifying exchanges of real property; and any other transaction exempted by state law.

Nothing in this section shall be interpreted to impose procedures from which the City is expressly exempt under state law.

11. Additional Procedures Authorized.
Nothing in this section prohibits the City Council from requiring additional procedures for a particular disposition, including an appraisal, independent market analysis, use of a licensed real-estate broker, competitive bidding, a request for proposals, a request for qualifications, additional public notice, environmental or engineering review, title review, development or performance agreements, or other procedures reasonably designed to protect the City's interests.

12. No Right to Purchase or Receive City Property.
Publication of notice, receipt of an offer or proposal, negotiation with an interested party, designation of a preferred proposal, or consideration of a proposed disposition does not create a vested right, contractual right, property interest, entitlement, or other right to acquire City property unless and until all approvals required by law and City ordinance have occurred and a definitive agreement has been properly approved and executed by authorized representatives of the City.

The City may terminate consideration of a disposition at any time before a binding agreement is executed, subject to applicable law and any existing contractual obligations.

13. Authority to Execute Documents.
Following approval of a disposition by the City Council, where Council approval is required, the Mayor is authorized to execute deeds, leases, purchase and sale agreements, easements, closing documents, affidavits, certifications, and other documents reasonably necessary to complete the approved transaction, subject to review by the City Attorney.

Minor or nonsubstantive modifications necessary to complete a transaction may be approved administratively, provided that such modifications do not materially alter the consideration, recipient, property, or principal terms approved by the City Council.

14. Additional Notice.
The notice requirements contained in this section constitute minimum City requirements. The City may provide additional newspaper notice, mailed notice, posted notice, electronic notice, direct solicitation, real-estate marketing, or other notice when determined appropriate. Additional voluntary notice does not replace any notice specifically required by Utah law.

15. Compliance With Amendments to State Law.
References in this section to provisions of the Utah Code include those provisions as subsequently amended or renumbered.

If a requirement of this section conflicts with a mandatory requirement of state law, the mandatory requirement of state law shall control, and this section shall be interpreted, to the extent reasonably possible, in a manner consistent with state law.

SECTION 3. EXISTING PROVISIONS REGARDING NEWSPAPER NOTICE.

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Any provision of Harrisville Municipal Code § 1.08.050 that defines or requires "reasonable notice" for the disposition of a significant parcel solely through publication in a newspaper and a subsequent public hearing is hereby repealed and replaced by the procedures set forth in this Ordinance.

Nothing herein prohibits the City from providing newspaper notice in addition to any notice required by Utah law.

SECTION 4. SEVERABILITY.
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance.

The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more portions may be declared invalid, unconstitutional, or unenforceable.

SECTION 5. CONFLICTING ORDINANCES.
All ordinances, resolutions, policies, or portions thereof in conflict with this Ordinance are hereby repealed or superseded to the extent of such conflict.

Nothing in this Ordinance shall be interpreted to repeal or supersede a City requirement that provides additional protection or procedure beyond that required by state law unless the provisions are irreconcilably inconsistent.

SECTION 6. CODIFICATION.
The City Recorder is authorized to make nonsubstantive formatting, numbering, cross-reference, punctuation, capitalization, and codification changes necessary to incorporate this Ordinance into the Harrisville Municipal Code, provided that such changes do not alter the substantive meaning of this Ordinance.

SECTION 7. EFFECTIVE DATE.
This Ordinance shall become effective upon posting or publication and completion of all other requirements provided by Utah law.

PASSED AND APPROVED by the City Council on this_____ day of_____, 2026

_____
Roger Shuman, Mayor

ATTEST:

_____
JACK FOGAL, City Recorder

RECORDED this____day of_____. 2026.
PUBLISHED OR POSTED this____day of_____, 2026.

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CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

_____ **DATE**: _____

City Recorder

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HARRISVILLE CITY
ORDINANCE 578

APPEAL AUTHORITY AMENDMENTS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING SECTION 2.01.020 OF THE HARRISVILLE CITY CODE REGARDING THE DESIGNATION OF APPEAL AUTHORITIES:SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City ("City") is a municipal corporation and political subdivision of the State of Utah; and

WHEREAS, the Utah Legislature has established statutory requirements governing municipal appeal authorities for land use matters, including the establishment and designation of appeal authorities by municipal ordinance; and

WHEREAS, Utah Code § 10-20-1101 provides that each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities; and

WHEREAS, Utah Code § 10-20-1101 provides that an appeal authority shall hear and decide requests for variances, appeals from land use decisions applying a land use ordinance, and appeals from certain fees charged in accordance with Utah law; and

WHEREAS, Utah Code § 10-20-1101 authorizes a municipality to designate separate appeal authorities to hear requests for variances, designate separate appeal authorities to hear distinct types of appeals of land use authority decisions, and provide for the manner in which specified appeals are heard; and

WHEREAS, Harrisville City Code § 2.01.020 establishes an Appeal Authority to hear and decide land use appeals and other appeals as provided by the municipal code; and

WHEREAS, the City Council desires to amend the designation of the Appeal Authority to provide the City with greater flexibility in selecting qualified individuals or entities to perform the duties of an Appeal Authority; and

WHEREAS, Council finds that allowing the City to designate one or more Appeal Authorities, alternate Appeal Authorities, or other qualified persons or entities will provide the City with the flexibility necessary to administer land use appeals and variances in accordance with applicable law and the qualifications, terms, duties, and order of service established by the City; and

WHEREAS, the City Council finds that the amendments contained herein are in the best interest of the health, safety, and general welfare of the residents of Harrisville City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HARRISVILLE CITY, UTAH, AS FOLLOWS:

Section 1. Amendment to Harrisville City Code § 2.01.020 Appeal Authority

1) **Establishment.** In accordance with Utah Code §10-9a-701, the City hereby establishes an Appeal Authority to hear and decide land use appeals, and other appeals as provided by the

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municipal code.

2) **Appointment.** ~~The Mayor shall appoint an individual, including alternates, as the Appeal Authority subject to the advice and consent of the City Council.~~ The City Council shall, by resolution, establish a list of qualified persons or entities eligible to serve as the Appeal Authority, including alternates. The City Council shall review and adopt the approved list every three years and may amend the list by resolution at any time. The approved list shall remain effective until superseded by a subsequent resolution. The Mayor shall appoint one or more Appeal Authorities or alternates from the approved list, subject to the advice and consent of the City Council. The City Administrator shall designate an appointed Appeal Authority to hear each appeal, taking into account qualifications, availability, and any conflict of interest.

3) **Qualification.** The individual appointed should have qualified experience in land use as a professional surveyor, attorney, civil engineer, educator, or other land use related field.

4) **Compensation.** The Mayor may fix per diem and compensation as established by the City Council.

5) **Authority.** The Appeal Authority is quasi-judicial and serves as the final arbiter of issues involving the interpretation or application of the municipal code in the course of hearing and deciding all appeals, including:
   a) Appeals set forth in Utah Code §10-9a-701(1)(b)
   b) Variances in accordance with Utah Code §10-9a-702.
   c) Appeals regarding geological hazards shall be administered in accordance with Utah Code §10-9a-703.
   d) Any other appeal specified in the municipal code.

6) **Time.** In accordance with Utah Code Annotated §10-9a-704, a written appeal of any land use decision shall be filed with the City Recorder within ten (10) calendar days of the decision issued by the land use authority. An applicant, present at a meeting where a decision is made, is presumed to have actual notice of the decision which shall be deemed as the commencement of the ten (10) calendar day appeal period.

7) **Burden.** In accordance with Utah Code Annotated §10-9a-705, the appellant has the burden of proving error.

8) **Due Process.** Due process is afforded in accordance with Utah Code Annotated §10-9a-706.

9) **Scope.** Subject to the scope set forth in Utah Code Annotated §10-9a-707, the standard of review for the appeal authority is as follows:
   a) For factual matters, the Appeal Authority may review the matter de novo.
   b) The Appeal Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application.
   c) An appeal may be made where a Land Use Authority has applied a land use regulation to a particular application, person, or parcel.
   d) All other standards for making an appeal shall be based upon the preponderance of the evidence.

10) **Final Decision.** The Appeal Authority shall issue a final decision in accordance with Utah Code §10-9a-708.

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11) **District Court.** No person may challenge in district court any land use decision of the City until that person has complied with Utah Code Annotated §10-9a-801, and otherwise exhausted all administrative remedies and in accordance with Utah Code Annotated §10-9a-701(2). The following limitations apply:
   a) No adversely affected parties shall present a theory of relief in district court that was not first presented to the appeal authority.
   b) Adversely affected parties are precluded from pursuing duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies.
   c) The Appeal Authority may provide that a matter be appealed directly to the district court.

Section 2. Severability.
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date.
This Ordinance shall take effect in accordance with applicable law upon its adoption and publication or posting as required by law.

PASSED AND APPROVED by the City Council on this_____ day of_____, 2026

_____
Roger Shuman, Mayor

ATTEST:

_____
JACK FOGAL, City Recorder

RECORDED this____day of_____. 2026.
PUBLISHED OR POSTED this____day of_____, 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
According to the provision of UCA §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that the foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North, and 3) Harrisville Cabin on the above reference dates.

_____ **DATE**: _____
City Recorder

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HARRISVILLE CITY
ORDINANCE 575

AN ORDINANCE OF HARRISVILLE CITY, UTAH, ADOPTING A MASTER DEVELOPMENT AGREEMENT FOR WEBER COUNTY PARCEL NUMBER 11-21-0009 LOCATED AT 640 WEST HARRISVILLE RD.

WHEREAS, Harrisville City (hereinafter "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 allow municipalities in the State of Utah to exercise certain police 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, Utah Code Ann. § 10-20-501 provides that a legislative body is authorized to enact a land use regulation and enact a land use regulation by ordinance;

WHEREAS, Utah Code Ann. § 10-20-508 authorizes a municipality to enter into a development agreement containing terms the municipality considers necessary or appropriate to accomplish the purposes of Title 10, Chapter 20 of the Utah Code, including terms relating to a planned unit development;

WHEREAS, Utah Code Ann. § 10-20-508(2)(a)(iii) provides that when a development agreement would allow a use or development of land that applicable land use regulations would otherwise prohibit, the legislative body must approve the development agreement in accordance with the same procedures for enacting a land use regulation under Utah Code Ann. § 10-20-502, including review and recommendation by the Planning Commission and a public hearing;

WHEREAS, the City has received an application from Fieldstone Land Investors LLC concerning property located at approximately 640 West Harrisville Road, identified as Weber County Parcel Number 11-021-0009, consisting of approximately 4.95 acres;

WHEREAS, the proposed Master Development Agreement is intended to provide a framework for the future development of the property while maintaining the City's authority to enforce applicable laws, ordinances, regulations, and development standards except as specifically addressed by the Agreement;

WHEREAS, the proposed Master Development Agreement is attached hereto as Exhibit "A" and is incorporated herein by reference;

WHEREAS, after providing the required notice, the Harrisville City Planning Commission held a public hearing on September 9, 2026, to receive public comment regarding the proposed Master Development Agreement and considered the Agreement before making its recommendation to the City Council;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on October 13, 2026, to act upon this Ordinance;

DRAFT

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

Section 1: Adoption of Master Development Agreement.
The Plan Map and Master Development Agreement attached as Exhibits "A" through " " which are hereby adopted and incorporated herein by this reference are adopted as required Plan Maps and Master Development Agreement. Any Development must substantially conform to this Plan Map and Master Development Agreement.

Section 2: Severability.
If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of the ordinance, shall be severed from the remainder which remainder shall continue in full force and effect.

Section 3: Effective Date.
This Ordinance takes effect immediately after approval and posting.

PASSED AND APPROVED by the City Council on this_____ day of_____, 2026

_____
Roger Shuman, Mayor

ATTEST:

_____
JACK FOGAL, City Recorder

RECORDED this____day of_____. 2026.
PUBLISHED OR POSTED this____day of_____, 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
According to the provision of UCA §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that the foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North, and 3) Harrisville Cabin on the above reference dates.

_____ **DATE**: _____
City Recorder

DRAFT

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HARRISVILLE CITY

363 W. Independence Blvd Harrisville, Utah 84404 801.782.4100
www.cityofharrisville.com

MAYOR:
Roger Shuman

COUNCIL MEMBERS:
Grover Wilhelmsen
Blair Christensen
Karen Fawcett
Jason Hadley
Greg Montgomery
Annette Prall

Staff Report

Sunflower Master Development Agreement
October 8th, 2026

MEMORANDUM

To: Harrisville City Planning Commission
From: Sarah Wichern, City Planner
Agenda Date: October 13, 2026
Subject: Consideration of a Master Development Agreement to Property Located at 640 W. West Harrisville Road (Sunflower Development)

Summary

The applicant requests a Master Development Agreement (MDA) to permit 13 single-family homes on an approximately 5-acre lot at 640 W. West Harrisville Road. This updated proposal replaces a previously rejected 30-unit overlay request and aligns more closely with the surrounding neighborhood. In exchange for increased density, the developer will fund critical public infrastructure improvements.

Background

- June 2026 Proposal: The applicant originally requested a Housing Affordability Overlay Zone (HAOZ) for 30 homes (15 deed-restricted and set price limit). The Planning Commission issued a negative recommendation due to density concerns.
- Revised Proposal: The applicant reduced the scope to 13 total homes (12 additional units) on the 5-acre site.
- City Context: To combat rising infrastructure costs and meet state-mandated density targets, the City considers tailored development agreements that may not align with existing or future zoning.

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Staff Analysis

- **Neighborhood Compatibility:** While existing zoning requires 40,000 sq. ft. lots, 9 of the 31 existing nearby properties along West Harrisville Road are already non-conforming with smaller lot sizes or frontages. (See Exhibit A)
- **Infrastructure Benefits:** At sole expense, the developer will install ~700 feet of storm drainpipe along West Harrisville Road, construct an on-site detention basin, and preserve existing irrigation waterways for neighboring properties.
- **Tax Revenue:** Standard zoning yields only 3 additional lots. Adding 12 net-new residential properties will likely yield over 3 times the property tax revenue, helping offset long-term municipal maintenance costs.

Planning Commission Recommendation

At its September 9 meeting, the Planning Commission forwarded a negative recommendation to the City Council by a vote of 4-1.

> **Note:** ***This matter is a legislative decision; therefore, staff findings and recommendations are advisory and non-binding. The Planning Commission's recommendation and the City Council's final determination rest entirely within the discretion of those governing bodies.***

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Exhibit A - Non-Conforming Lots on W. Harrisville Road from HWY 89 to UPRR

WHEN RECORDED RETURN TO:
Fieldstone Homes
Randy Smith
12896 S Pony Express Road #400
Draper Utah 84020

DEVELOPMENT AGREEMENT
FOR
SUNFLOWER IN HARRISVILLE, UTAH

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into on this _____ day of _____, 2026 ("**Effective Date**"), by Fieldstone Land Investors LLC, a Utah limited liability company ("**Developer**"), and Harrisville City, a political subdivision of the State of Utah ("**City**"). City and Developer are the "**Parties**" to this Agreement, and individually each is a "**Party**" hereto.

RECITALS

A. Developer owns a 5-acre parcel of property located in Weber County Utah, legally described on the attached and incorporated Exhibit A ("**Property**"), and known by Weber County Tax ID number 11-021-0009.

B. Developer desires to develop the Property into a single family detached residential subdivision consisting of Thirteen (13) single family residential lots ("**Project**") to be known as Sunflower, as generally depicted on the preliminary concept plan ("**Concept Plan**") attached hereto as Exhibit B and incorporated herein.

C. City desires to cooperate with Developer to permit development of the Project.

D. The Property is currently designated within the *A-1 (Agricultural) Zone*. The Parties intend that this Agreement be applied over the Property's existing zoning designation, and that no rezone, zone change, or overlay zone designation of the Property is required, contemplated, or a condition of this Agreement or the Project.

E. The Concept Plan, together with the lot typical and roadway section drawings included therewith, is intended to establish the development standards governing the Project.

F. The Parties desire to enter into this Agreement to more fully specify the rights and responsibilities of Developer to develop the Project as expressed in this Agreement and the Concept Plan, and the rights and responsibilities of City to allow and regulate such development pursuant to the requirements of this Agreement, the Concept Plan, and all other applicable laws.

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NOW, THEREFORE, in consideration of the foregoing recitals (which recitals are incorporated into this Agreement) and the covenants hereafter set forth in this Agreement, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

AGREEMENT

1. Interpretation. Whenever in this Agreement:

   1.1. the consent or approval of any person is required, such consent or approval shall not be unreasonably withheld, conditioned or delayed, unless expressly provided to the contrary;

   1.2. there is a reference to "days," such reference shall be deemed to be to "calendar days" unless the phrase "business days" is expressly stated;

   1.3. the date on which any payment or performance is due under this Agreement is not a business day, such payment or performance shall be due on the immediately following business day; and

   1.4. there appears a reference to a consent, approval, description, designation, estimate, notice, request, demand, response, statement, warning, correspondence, Agreement, schedule or other communication, such reference shall be deemed to require the same to be in writing, unless otherwise expressly stated.

2. Zoning & Vesting.

   2.1. Upon adoption of this Agreement by City, the Property will vest as to the City ordinances in place as of the Effective Date, including the existing zoning designation of the Property, the provisions of this Agreement, and the Concept Plan, all without further action or approval by City. City acknowledges that approval of this Agreement includes approval of the Concept Plan, and developer is vested in the right to develop the Project in substantial conformance with the Concept Plan and existing City ordinances.

   2.2. The Parties intend that the rights granted to Developer and the entitlements for the Project under this Agreement are both contractual and provided under the common law concept of vested rights and pursuant to Utah Code § 10-20-902. To the extent this Agreement and Concept Plan conflict with City ordinances, the terms of this Agreement and Concept Plan shall control, those terms having received legislative approval by City. Nothing in this Agreement shall be interpreted to deprive City of its legislative authority nor interfere with a City's police power.

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2.3. In accordance with Utah vesting laws, laws and ordinances adopted by City after the Effective Date ("**City's Future Laws**") shall not apply to the Project, except as follows:

2.3.1. City's Future Laws that Developer agrees in writing apply to the Project;

2.3.2. City's Future Laws that are both generally applicable to all properties in the City's jurisdiction and that are required in order to comply with state and federal laws and regulations affecting the Project;

2.3.3. City's development standards, engineering requirements, approval, and supplemental specifications applicable to public works, and any City's Future Laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AASHTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the state or federal governments and are otherwise required to meet legitimate concerns related to public health, safety or welfare;

2.3.4. Lawful taxes, or modifications thereto, provided that nothing in this Agreement shall be construed as waiving or limiting in any way Developer's right to challenge taxes imposed by City, which right to challenge is hereby reserved;

2.3.5. Changes to the amounts of utility rates, service fees or charges, or fees for the processing of Development Applications that are generally applicable to all development within City's jurisdiction and that are adopted pursuant to state and local law; and

2.3.6. Changes authorized under Utah Code §10-20-902, or its successor statute.

2.4. This Agreement shall become effective on the Effective Date and shall remain in effect until the earlier of: (i) ~~final buildout and completion of the Project in accordance with this Agreement~~issuance of the final certificate of occupancy for a unit in the Project, or (ii) 5 years from the Effective Date ("**Expiration Date**"), unless extended by mutual written agreement of the Parties.

2.5. If the Project has not been completed prior to the Expiration Date, this Agreement shall automatically terminate and be of no further force or effect, and all rights, approvals, entitlements, and other benefits granted under this Agreement shall expire except for those portions of the Project for which final plat approval has been recorded. The development rights and approvals applicable to such recorded final plats shall remain vested and may be developed in accordance with this Agreement and applicable law.

~~2.3.6.~~

3. Development Standards.

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3.1. The development standards governing the Project — including minimum lot area, lot width and frontage, front, side, and rear yard setbacks, building height, lot coverage, and street cross-sections and roadway design — are established exclusively by the Concept Plan and by the lot typical and roadway section drawings attached hereto as part of Exhibit B, which together constitute the complete and exclusive development standards for the Project.

3.2. To the extent any standard established by the Concept Plan or Exhibit B conflicts with or differs from any dimensional, design, or improvement standard of the Property's underlying zone or any other City ordinance, the standard established by the Concept Plan and Exhibit B shall control, City having granted legislative approval of such standards through its approval of this Agreement.

3.3. Modifications to the layout that remain consistent with the lot configuration and development standards established by the Concept Plan and Exhibit B shall not be considered material modifications, shall not require amendment of this Agreement, and may be approved by City staff.

3.4. Land uses in the Project will be residential.

3.5. The existing single family dwelling located on the Property (the "Existing Home") shall remain and shall be situated on a lot as generally depicted on the Concept Plan. The Existing Home, and the lot on which it is situated, are hereby approved as conforming to this Agreement and the Concept Plan, and neither shall be deemed nonconforming or a nonconforming use or structure by reason of lot area, lot width or frontage, setbacks, building placement, or any other dimensional or design standard of the underlying zone.

4. Approval Procedures.

4.1. Following the approval and adoption of this Agreement, Developer shall apply for preliminary plat approval. Preliminary plat review and approval is administrative in accordance with the terms of this Agreement. Preliminary plat approval shall only be granted when there is reasonable certainty that the Project will conform in substance to the Concept Plan and Exhibit B and otherwise comply with this Agreement.

4.2. Following preliminary plat approval, developer may apply for one or more final plat approvals. Review and approvals of a final plat is an administrative process, in accordance with the terms of this Agreement.

5. Phasing and System Infrastructure.

5.1. Developer may, but is not obligated to, develop the Project in phases. Developer reserves discretion to determine when to develop a particular portion or phase of the Property based upon Developer's business judgment, provided that phasing

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shall follow a logical path allowing for continuity and infrastructure connection between phases.

5.2. Developer shall design and construct all system infrastructure, including roads, water, sewer, and storm water, in accordance with City infrastructure and public works standards, except for the following exceptions, which are expressly approved by the City:

5.2.1. The roadway section included in Exhibit B, which governs the design, dimensions, and construction of all streets within the Project in lieu of the corresponding City standard street cross-section, as established under Section 3 (Development Standards).

5.3. Developer shall be responsible for installation of system improvements and if appropriate, dedication thereof to the public.

5.4. In exchange for the increased development rights and deviations from City standards identified in the concept plan, developer shall at its sole cost and expense design and install a storm drain line connecting the development to the existing storm drain system at or near 589 W Harrisville Road. Developer shall also be responsible for all necessary improvements to the affected properties and roadway. The City shall not require the Developer to "upsize" any improvements (i.e., to construct the improvements to a size larger than required to service the Project) unless suitable arrangements are made in advance for reimbursement to Developer for costs beyond Developer's proportionate share.

6. Default.

6.1. If Developer, a Sub-developer, or a City fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a Default has occurred shall provide Notice to the other Party. If a City believes that the Default has been committed by a Sub-developer, then that City shall also provide a courtesy copy of the Notice to Developer.

6.2. The Notice of Default shall:

6.2.1. Specify the claimed event of Default;

6.2.2. Identify with particularity the provisions of any applicable law, rule, regulation or provision of this Agreement that is claimed to be in Default;

6.2.3. Identify why the Default is claimed to be material;

6.2.4. Propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

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6.3. If the Parties are not able to resolve the Default, then the Parties have all rights and remedies available at law and in equity, including, but not limited to, injunctive relief and/or specific performance. may have the following remedies:

Commented [1]: This gives zero remedies to the Developer in the case of City breach. We are happy to discuss remedies, but cannot accept zero remedies.

~~6.2.5.~~6.4.

6.5. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the Default.

6.6.

6.7. The right to withhold all further review, approvals, licenses, building permits and/or other permits for development of the Project in the case of default by Master Developer, until the default has been cured or a bond has been posted to secure satisfaction for the default. A subdivision improvement agreement is required as part of subdivision approval in a separate action and form from this Agreement. The rights and remedies in the subdivision improvements agreement govern over this Agreement, and in case of conflict the stricter applies as determined by the City.

~~6.3. The Party prevailing in any action arising from an uncured Default, or in any dispute concerning the meaning or interpretation of any provision of this Agreement, shall be awarded its reasonable and actual costs and expenses incurred in enforcing or establishing its rights hereunder, including court costs and reasonable attorney fees.~~

~~Limitation of Remedies~~

~~Exclusive Remedy. Notwithstanding any other provision in this Agreement, the parties hereby agree that the sole and exclusive remedy for any breach or violation of this Development Agreement shall be limited to those remedies provided under the Land Use Development and Management Act (LUDMA), Utah Code Ann. § 10-20-101 et seq., as amended from time to time.~~

~~Waiver of Contract Claims. The parties expressly waive any right to pursue a breach of contract claim or any other common law remedy not specifically authorized by LUDMA in connection with this Agreement.~~

~~Acknowledgement. The parties acknowledge that they have read and understand this limitation of remedies provision and have voluntarily agreed to its terms after consultation with legal counsel or having had the opportunity to consult with legal counsel.~~

~~6.4.~~6.8. If a Default remains uncured following the applicable cure period, the Party asserting Default may provide Notice of its intent to pursue remedies under this Agreement, including termination. If the City elects to consider termination of this Agreement, the matter shall be scheduled for consideration and review by the City's legislative body at a duly noticed public meeting, and the Party allegedly in Default

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shall have the right to attend and to offer written and oral evidence prior to or at such meeting.

~~6.5.~~6.9. If the City's legislative body determines that a Default has occurred and is continuing, and elects to terminate this Agreement, City shall send written Notice of termination of this Agreement to Developer by certified mail, and this Agreement shall thereafter be terminated.

~~6.6.~~6.10. If any Default cannot reasonably be cured within sixty (60) days, the defaulting Party shall not be deemed in Default so long as it commences cure within the sixty (60) day period and thereafter diligently pursues such cure to completion.

~~6.7.~~6.11. A default of any obligations assumed by an assignee or Sub-developer shall not be deemed a default of Developer.

~~6.8.~~6.12. All notices required or permitted under this Agreement shall, in addition to any other means of transmission, be given in writing either by certified mail, hand delivery, overnight courier service, or email to the following addresses:

To Developer:

Fieldstone Homes
attn: Randy Smith
12896 S Pony Express Road #400
Draper Utah 84020
notices@fieldstonehomes.com

With a copy to:

Dentons Durham Jones Pinegar
c/o Brent N. Bateman
1557 Innovation Way, Ste 400
Lehi, UT 84043
brent.bateman@dentons.com

To City:

With a copy to:

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~~6.9.~~6.13. ~~Notwithstanding the termination of this Agreement for any reason, any applications, development entitlements, approvals, or improvements, on any portion of the Property in accordance with this Agreement and the Concept Plan ("Development Activities") shall remain fully vested under this Agreement, and the fee owner of the parcels on which such Development Activities pertain shall be entitled to continue the Development Activities on its parcel in accordance herewith.~~

7. Assignability.

7.1. Developer may elect to sell one or more portions of the Project to a sub-developer ("Sub-developer"). Any portion of the Property (each a "Portion") sold by Developer to a Sub-developer shall include the transfer of the right and obligation to develop such Portion in accordance with this Agreement and the Concept Plan.

7.2. The rights and responsibilities of Developer hereunder may be assigned in whole or in part, by Developer. Developer shall give the City Notice of any assignment within ten (10) days after the event has occurred. Such Notice shall include providing the City with all necessary contact information for the newly responsible party. Developer's assignment of all or any part of the Developer's rights and responsibilities hereunder to any entity not "~~related~~affiliated" to Developer~~ (as defined by regulations of the Internal Revenue Service in Section 165)~~, shall be subject to the City's approval, which shall not be unreasonably withheld, conditioned or delayed. Unless the City objects in writing within twenty (20) business days of Notice, the City shall be deemed to have approved of and consented to the assignment. As used in this Section, an entity is "affiliated" with Developer if it controls, is controlled by, or is under common control with Developer or with any entity that controls Developer as of the Effective Date. For this purpose, "control" means the power, directly or indirectly, to direct or cause the direction of the management and policies of an entity, whether through ownership of voting interests, by contract, by designation as manager or managing member, or otherwise.

7.3. If any proposed assignment is for less than all of Developer's rights and responsibilities, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such partial assignment, Developer shall be released from any future obligations as to those obligations that are assigned.

7.4. Any assignee of all or any part of Developer's rights and responsibilities under this Agreement shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment. Any assignee is required to consult and participate in a pre-construction meeting requested by any of the City.

Commented [2]: We are happy to discuss this but wholesale removal of the ability to assign, and sole and absolute veto power or assignment will not work.

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~~Developer shall not assign this Agreement, transfer its rights or obligations under this Agreement, sell or transfer ownership or control of the Project, or assign or substitute any subdeveloper or successor developer, without the prior written consent of the City, which consent may be withheld in the City's sole discretion. Any attempted assignment, transfer, sale, or substitution without such consent shall be void and shall constitute a material default under this Agreement. Upon such unauthorized assignment, transfer, sale, or substitution, this Agreement shall automatically terminate unless otherwise agreed to in writing by the City.~~

8. General Provisions.

8.1. This Agreement begins on the Effective Date and will run with the land during its term, subject to the expiration and termination provisions of this Agreement.

8.2. This Agreement has been drafted by legal counsel for the Developer and the City, and no presumption or rule that ambiguities shall be against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

8.3. Each Party hereto agrees to cooperate in good faith with the other, and to execute and deliver such further documents and to take all further acts reasonably necessary in order to carry out the intent and purposes of this Agreement and the actions contemplated hereby. All provisions and requirements of this Agreement shall be carried out by each Party as allowed by law.

8.4. Both Parties understand that any legislative action by the City Council is subject to referral or challenge by individuals or groups of citizens, including approval of development Agreements. If a referendum or challenge relates to the approval of this Agreement, and the referendum or challenge is submitted to a vote of the people pursuant to Utah Code § 20A-7-601, then Developer may deliver a Notice of rescission to the City to terminate this Agreement. Upon Developer's delivery of a Notice of Termination pursuant to this Section, this Agreement shall automatically terminate with respect to that City only, whereupon the Parties shall have no further rights or obligations hereunder.

8.5. The Parties intend that the administration, but not the approval, of this Agreement and any amendments, shall be processed through administrative land use applications to be decided by the land use authority, as those terms are defined in Utah law. Any development fee, impact fee, building fee, and/or other fees that are part of this Project shall be in the legally compliant amount of the higher of the two City.

8.6. This Agreement shall be recorded by any party in its entirety, at Developer's expense, in the Official Records of Weber County, Utah, and this Agreement shall run with the land.

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8.7. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

8.8. This Agreement is made and entered into for the sole protection and benefit of the Parties and their assigns. No other person shall have any right of action based upon any provision of this Agreement whether as third-party beneficiary or otherwise.

8.9. This Agreement may be executed in multiple counterparts, each of which is deemed to be an original.

8.10. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by City or Developer for the breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

8.11. If City approval of the Project is held invalid by a court of competent jurisdiction this Agreement shall be null and void. If any provision of this Agreement shall be held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction or as a result of any legislative action, such holding, or action shall be strictly construed.

8.12. Developer shall not be liable for any delay or failure in the keeping or performance of its obligations under this Agreement during the time and to the extent that any such failure is due to causes beyond the control and without the fault or negligence of the Party affected, including but not limited to, acts of God, acts of the United States Government or the State of Utah, fires, floods, strikes, materials shortages, embargoes, wars, terrorist acts or unusually adverse weather conditions. Upon the occurrence of any such cause, Developer shall notify City and shall promptly resume the keeping and performance of the affected obligations after such cause has come to an end.

8.13. Developer shall be the sole owner of all names, titles, plans, drawings, specifications, ideas, programs, designs and work products of every nature developed, formulated or prepared by or at the request of Developer in connection with the Project.

8.14. This Agreement shall not be modified or amended except in written form mutually agreed to and signed by each of the Parties.

[Signature Page Follows]

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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

DEVELOPER:

Fieldstone Land Investors LLC,
a Utah limited liability company

By: _____
Name:
Its: *Manager*

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
:ss.
COUNTY OF _____)

On the _____ day of _____, 2026, personally appeared before me _____, who being by me duly sworn, did say that he/she is the _____ of Fieldstone Land Investors LLC, a Utah limited liability company, and that the foregoing instrument was executed on behalf of said company.

_____

NOTARY PUBLIC

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Approved as to form and legality:

_____
City Attorney

Attest:

_____
City Recorder

HARRISVILLE CITY,

a Utah political subdivision

By: _____

Name: _____

Its: _____

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EXHIBIT A

LEGAL DESCRIPTION

A parcel of land, situated in the Southeast Quarter of Section 6, Township 6 North, Range 1 West, Salt Lake Base and Meridian, said parcel also located in Harrisville City, Weber County, Utah. Being more particularly described as follows:

Beginning at the Northwest Corner of Everts Estates Subdivision Amendment 1 (as monumented by a 5" metal post called for on said plat), said point being South 89°46'35" West 1027.23 feet and South 00°13'25" East 138.20 feet from the East Quarter Corner of said Section 6 and running thence along the westerly line of Everts Estates Subdivision Amendment 1 and its accompanying Boundary Line Agreement the following five (5) courses and distances:

1) South 19°27'13" West 181.65 feet;

2) South 18°34'48" West 79.16 feet;

3) South 19°04'40" West 310.25 feet;

4) South 19°07'42" West 164.60 feet;

5) South 19°18'31" West 155.11 feet to the northerly right-of-way line of Harrisville Road;

thence North 65°56'39" West 267.00 feet along said northerly right-of-way line of Harrisville Road;

thence North 22°19'21" East 898.11 feet along an old barb wire fence;

thence South 63°16'15" East 218.38 feet to the Point of Beginning.

Contains: 216,248 square feet or 4.964 acres.

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EXHIBIT B

CONCEPT PLAN, LOT TYPICAL, AND ROADWAY SECTION

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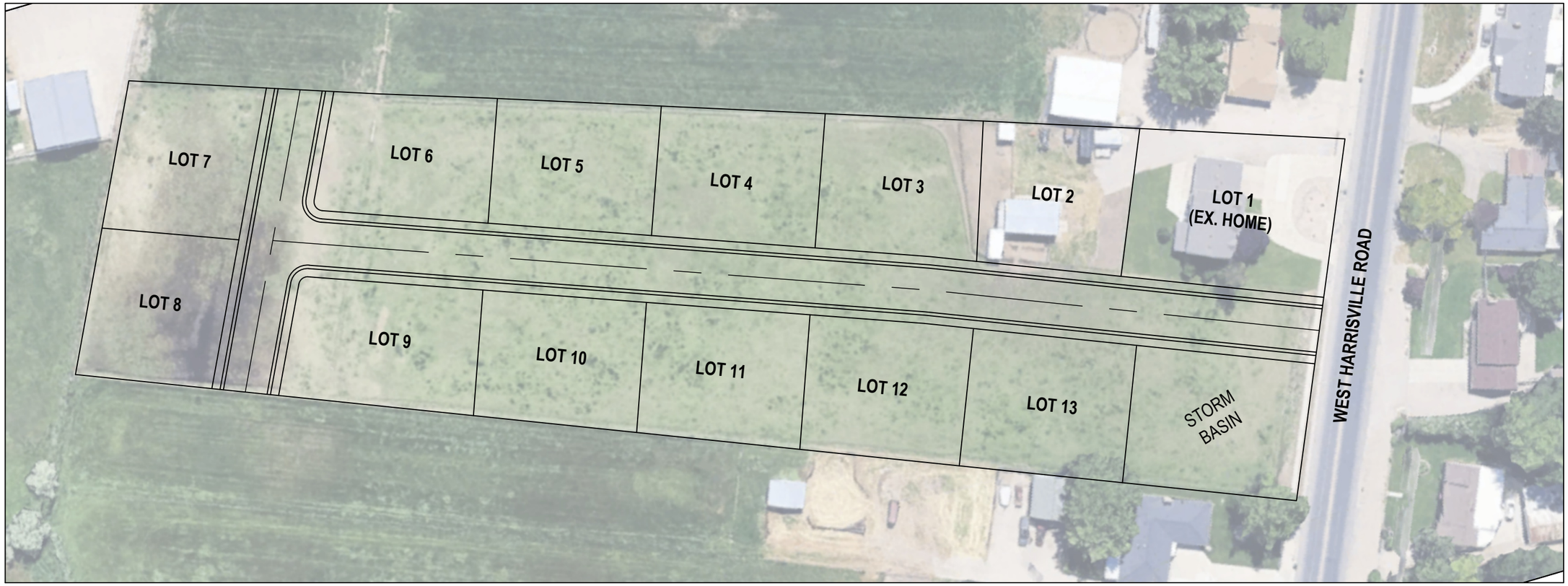
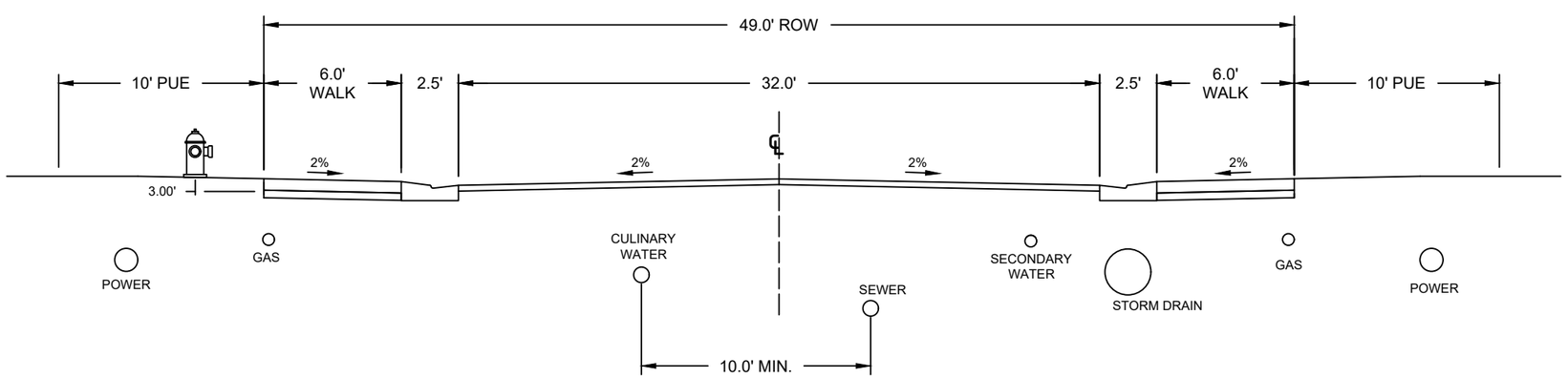
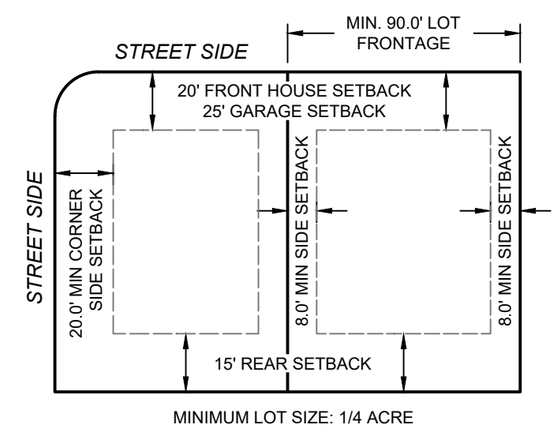


PUBLIC ROAD SECTION



LOT TYPICAL



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Harrisville City Planning Commission

Harrisville City Offices
363 W Independence Blvd – Harrisville
Wednesday, September 9, 2026 – 7:00 PM

Commissioners: Angie Francom, Chair
Chad Holbrook, Vice Chair
Isaac Thomas
Christina Palmer
Steven Hempel

Staff: Jennie Knight, City Administrator
Sarah Wichern, City Planner
Cynthia Benson, Deputy Recorder
Bryan Fife, Public Works Director

Excused: Commissioner Ruben Morales

Visitors: Stephen K Everts, Luke Lynch, Charles Lynch, Shawn Douglas, Jan Douglas, Gayle Dalpais, Mike Dalpais, Kevin Varble, Janet Varble, Joyce Stoddard, JaNeal Shaw, Lisa LaRose, Andy Bick, Norma Wakayama, Frances Hood, Warren Child, Kathryn Child, Shari Malan, Lynnae Dopp, Rodney Dopp, Clair Christensen, Mishelle Ensign, Lee Ensign, Shanna Edwards, Kirk Nigro, Shauna Iverson, Mikel Iverson, Tim Feltner, Randy Smith, Jay Behunin, Preston Mobius, Regine Hoanson, Ashkeya Hanes.

1. **CALL TO ORDER**

Chair Francom called the meeting to order and welcomed all in attendance. Commissioner Ruben Morales was excused from the meeting.

2. **CONSENT APPROVAL –** of Planning Commission meeting minutes from August 5, 2026.

MOTION: Commissioner Hempel motion to approve the Planning Commission meeting minutes of August 5, 2026. Commissioner Palmer second the motion. Motion passed with all in favor.

3. **PUBLIC HEARING** – to take comments for/against Ordinance 575: an ordinance adopting a master development agreement for Weber County Parcel Number 11-021-0009 located at approximately 640 West Harrisville Road.

Sarah Wichern presented the history of the application. The applicant originally applied to apply an overlay zone to this parcel with a request for thirty (30) new single-family homes with one (1) existing. This request received a negative recommendation. Reasoning, inconsistent with the neighborhood. The applicant applied again this time as a development agreement. This new application presented tonight is for twelve (12) new single-family homes with one (1) existing. By-right development, which would be consistent with the current zone, would be able to build three (3) one (1) acre lots. The city is requiring in the developer agreement for a storm water management system with the provision to move storm water offsite. The applicant considered the neighborhood compatibility, infrastructure benefits, and tax revenue.

Staff feel this proposal aligns more in the direction of the neighborhood then prior concepts due to nine (9) of the thirty-one (31) existing nearby properties along West Harrisville Road are already non-conforming with smaller lot sizes and/or frontages.

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The option the developer chose to present this time, which is different from the last proposal, is with a standard street section consisting of curb and gutter attached to a wider sidewalk with no park strip. The concept plan reflects this.

Sarah Wichern added that this matter is a legislative decision. Therefore, staff findings and recommendations are advisory and non-binding. The Planning Commission's recommendation and the City Council's final determination rest entirely within the discretion of those governing bodies.

Chair Francom said when discussing administrative actions items are subject to the Harrisville Municipal Code, Planner / Engineer Memos, and other staff or agency requirements. Administrative actions include site plan approvals, preliminary / final approvals, etc. Legislative Actions are not subject to the same as administrative actions unless there is a specific item to change, add, or remove from the code. Legislative actions include recommendations to the City Council, etc. She then read the rules for a Public Hearing adding all comments sent into the city prior to the meeting have been recorded as part of the public record. These comments have been reviewed by staff and by the commission. Out of respect, she asked for those comments not to be repeated.

MOTION: Commissioner Thomas motion to open the public hearing. Commissioner Holbrook second the motion. Motion passed with all in favor.

Jay Behunin said I submitted written comments on Ordinance 575 and ask they be included with the official minutes. My comments reflect my opposition. This proposal is much better than the previous one. The developer listened and reduced the number of homes. I appreciate that but better does not necessarily mean appropriate. I am not anti-growth nor anti-construction. I make my living in construction. My concern is how and where we grow. I live in Harrisville because I value a slower pace of life, ground work, animals to raise, and a way of life that comes with real chores and real messes. I work through the night because the hay was finally ripe. I have gotten up at ridiculous hours because that is when the irrigation came. And I have been out late at night when a surprised skunk delivered its package of plenty. Cows stink. Horses stink. Skunks really stink. This is agricultural land. Tractors run when the work needs to be done, irrigation makes mud, and sometimes animals have to be dispatched. Those are not complaints about where I live, they are part of why I choose to live here. My concern with putting small subdivision lots in this environment is not just for those already living here, nor the fairness to the people buying those homes either. Eventually normal agricultural activities become conflicts between neighbors and someone calls Harrisville's finest, people we know, love, and appreciate, to sort it out. Except the supposed offender may not be doing anything wrong. He may be simply irrigating, running equipment, attending animals, or dealing with predators. Activities he has every right to be doing and that have been done here for generations. We should not knowingly create conflicts through incompatible development. Would I rather see this property remain agricultural? Absolutely! But it is not my property and I respect the owner's right to develop it. I also recognize the right to ask for greater density. They bought this property intending on developing knowing it was agricultural ground. That is a legitimate business decision, but it is also a calculated risk. Sometimes greater density will be approved and sometimes existing zoning should stand. The existing A-1 zoning already allows development at approximately one (1) acre lots. That is the compromise already established by the existing zoning. I do not support maintaining agricultural zoning in name while using a development agreement to create substantially smaller residential lots in practice. This is not about stopping growth. It is about allowing growth without erasing the character of the community that is already here. I respectfully ask you to recommend denial of Ordinance 575.

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Shanna Edwards began comments by addressing the non-confirming lots. The reason these lots are non-conforming is because they are historical homes that were here in the late 1800's before there was any zoning or anything else. North Harrisville Road and West Harrisville Road is the historic area of Harrisville. But since some of you are new to the commission, I want to use my three (3) minutes to give a quick background in addition to what has already been given on Ordinance 562. Ordinance 562 is what is allowing this kind of development because it overlays and ignores the protection of the zoning and general plan maps by allowing pockets of spot zoning like what is being proposed in any residential zone including agricultural. It allows such development with a developer's agreement which puts the developer in the driver's seat not the city elected and appointed officials. The developer purchased the property as A-1. March 12, 2025, Ordinance 562 was presented at a public hearing. Many of the people here tonight were present and opposed what was being proposed. Planning Commission listened to the people and did not recommend it to the City Council for approval but on May 14, 2025, the Planning Commission held a work session before their meeting and city staff suggested the Planning Commission schedule a work session with City Council on this proposed ordinance. September 9, 2025, was a joint work session with Planning Commission and the City Council and at the next Planning Commission meeting, October 8, 2025, the Planning Commission recommended approval of 562 with revisions as outlined in the city planner's memo. On November 18, 2025, the City Council discussed the ordinance and tabled it. Then again on December 9, 2025, on the previous administration's way out, the City Council held another work session before the regular meeting and added additional amendments. Then during the regular meeting the City Council passed the ordinance 562 including the additional amendments. The public never got to review or comment on the final ordinance 562 which allows this kind of development. Ordinance 562 needs to be repealed, and the cluster development ordinance also needs to be removed. As long as these are on the books, we will continue to see these proposals like the one we are reviewing tonight and soon rural Harrisville will no longer be recognizable. I know this is true because I read the project management meeting agenda for tomorrow and there is another track of land in our agricultural land wanting to do the same in this historical area.

Shawn Douglas said it is my understanding, of a city having a Planning Commission, is to create a general plan and zoning in accordance with the general plan which you have done. Everyone in the neighborhood likes and agrees with the general plan and zoning with this neighborhood. I will never understand why the Planning Commission goes through process of creating a general plan if we are going to change it every time a developer comes in and spot zone in the middle of a zone. The current proposal matches neither the general plan nor the zoning for the neighborhood. Currently, we have thirty-two (32) homes in the neighborhood between the railroad tracks and Highway 89. The proposal puts thirteen (13) new homes on small lots which is a 40% increase in homes for the neighborhood. The way it is being presented and done also skips the normal steps of zoning and rezoning even though it may be legal. Typically, when a city does a master development agreement there are benefits for the city, current residents, and the developer. In this proposal everything seems to be gear driven towards the developer concessions. I do not see anything the city is receiving back. I did hear the city will be getting a new storm drain system which may be a benefit. If they developed on the site with the current zoning, they could easily retain the storm water on site. Storm water retention is easy on that site. The other thing is the concessions. The sidewalk behind the curb and gutter is legal, yah, and, in the plans, but it creates problems. It takes away the curb appeal. It does not soften the front of the homes. The guys when snowplowing are gonna fill the sidewalks with snow all winter. The residents are not going to be able to shovel it off. If they do, it is going to be troublesome for them. The sidewalks will not be useable during the winter because of all the snow from the roads is stacked on them. The narrow width of the road also creates areas where it would be single lane, pretty much. The dead ends at the end of the cul-

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de-sac, not a cul-de-sac but a hammerhead, everyone that goes in there, whether it is a snowplow or a garbage truck or whatever will have to back out. There is no way for them to back out at the dead end. There are two (2) dead ends. They cannot get out of either one. Snowplow drivers, delivery drivers, all of them have to create an illegal activity to get out of the end of the subdivision with no turnarounds. You should ask the city staff what benefits the city and residents receive from this master development agreement besides the storm water. It seems it is geared towards the subdivider. The subdivision will look and totally feel out of place in the existing neighborhood. All of the concerns previously raised about farming activities will still be a problem with the residents and a huge concern. I have spoken with the councilmembers and the mayor and all of them are in favor of following the general plan and current zoning for this neighborhood. If the developer brings in a proposal that meets the current zoning you will not hear a word from me.

Charles Lynch said I did email in comments to you folks. This is the same topic but a different one. Thank you for your time and consideration in this matter. When we applied for a building permit it was denied by Harrisville for eight (8) months due to parcel numbers. This cost our family thousands of dollars, had to live with my in-laws plus pay the mortgage. Weber County had to step in to say the two (2) parcels were combined. One of the reasons my family moved from West Haven was the former mayor of West Haven decided that our acre lots could be split in half allowing an additional home to be built on corner lots. This of course was an attempt to boost housing and increase city revenue. The residents stood their ground and stated the property was not for sale, and it did not meet the cities master plan. She, the mayor, was forced to come to alternative plan. Of course, high-density housing quickly followed and if we want high-density housing then this is what will happen to Harrisville. And that is a choice you folks get to make.

Mike Iverson said in the last sessions, the commission is familiar with the water issues and the desire of Harrisville residents. I would like to address the impact developments have in general on the overall water and air quality crisis we are now facing. Quote; *"I tell you gentlemen you are piling up a heritage of conflict and litigation over water rights for there is not sufficient water to supply these lands."* – John Wesley Powell in 1893 after he had completed his survey of what he called the arid west. Over the past 130 years, Powell warned us that we would need to eventually place a moratorium on water use in the west. Ironically, the reservoir named after him is now drying up precisely because we did not heed his warning. I have a couple of questions for the room. How many have noticed what you would consider an excessive amount of both traditional and high-density housing being built along the Wasatch Front? This is development that will add to the water and air quality crisis now confronting us. I also want you to think about the limited amount of water and the fact the only source of that water is the mountains to our East. We are already exceeding the limit of sustainable water use and it is apparent by the water level of the Great Salt Lake. I believe it is safe to say anyone willing to believe their own eyes can easily see that this is true. As we look at the Great Salt Lake, many of us have come to the realization that the time to put a moratorium on expanded water use along the Wasatch Front was probably at least ten (10) years ago. Not now and certainly not the future. If you need proof just think of the toxicants already blowing in our communities from the dry lake bed. I know the development before you is the preverbal drop in the bucket, at least compared to the crisis we are now facing, but we have to take a stand sometime. That time is now!

Lynnae Dopp said my husband and I have lived in Harrisville for the past forty-six (46) years. We have reared our family there. We live on two and a half (2 ½) acres. West of us is a house on two and a half (2 ½) acres. East of them is a home on two (2) acres. In the last meeting, there was an ordinance mentioned that the developer needs five (5) acres in order to build and that plot is short of five acres. This area of

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our city is a rural neighborhood. There are cows, horses, and smells. A development of this kind across the street from us would be a total anomaly in this area and spoil our country feel. There is huge low-income terribly dense neighborhood the city sanctioned being built across the highway on the old golf course land. This should satisfy any state mandate for affordable housing in our small city. Please do not allow this development in our area.

Steve Everts said I think the zoning should stay the same. We like our neighborhood. This would be a bad development for our neighborhood. We do not like it. It would just be trouble. The zoning is one (1) house on one (1) acre. That is the way it ought to stay.

Kirk Nigro said the concern I have is if someone comes and says hey, I want to buy your car but you say it is not for sale. I want to buy your car. You say it is not for sale. I do not want to sell may car. I do not want to change the rules. We have rules in place. This is my car, I like it, and the guy goes okay but then comes back and says, I want to buy your car. Well no. I do not want to sell my car. I am willing to give you more for it or I am willing to negotiate with you. You need to negotiate with me. We do not need to negotiation. This does not need to be a negotiation. They came with an idea which was rejected. Which we said does not fit our neighborhood. They came back with a counter. We do not need to negotiate our ordinances and our zoning. They are in place to protect our community. No is okay. In my position I tell people we have to protect everyone. We have to be fair with everyone. So, the answer is no. There is no negotiation. As soon as we negotiate, we have to negotiate with everyone, and that creates chaos. The whole point of a community is to have a sense of reason, a sense of culture, a standard. I reject the idea of violating what we hold dear in our ordinances and what we have accepted and what we can live with. I strongly object to this ordinance. If they want to abide by the rules, and they want to try and appeal the zone, go for it. They can follow those rules for the do-process. They can do that. But at the end of the day, we have a long-term planning map. Just because the space is available, we do not need to negotiate. I firmly believe that.

Warren Child said I am immediately adjacent to this property. The draft agreement says it leaves A-1 in place. It does not. Recital A calls this a five (5) acre parcel. Exhibit A of the same agreement says it is 4.964 acres. A-1 requires 40,000 square acres per lot with one hundred (100) feet frontage, thirty (30) foot front and rear setbacks. This plan is square acre lots, ninety (90) foot frontage, and twenty (20) for the setbacks. On 216,248 square feet, the A-1 allows for the most dwellings including houses already there. December, Fieldstone told the Project Management Ccommittee that the by-right plan under the current zoning is four (4) lots. This is thirteen (13). I am a business man, when I make a deal to buy something I do it for a reason. They bought this lot knowing they could make money with four (4) lots. It was in their statement not mine. It was thirty (30), now it is thirteen (13). Four (4) lots are profitable. This is way beyond that. 2019 General Plan still governs this area. In Land Use element, rural residents is very low density not more than one (1) dwelling for 4,000 square foot. Typically zoned agricultural. Land Use policy #1 requires consistency with the plan. Land Use policy #2 requires to weigh the impact of the adjoining uses, infrastructure, and flood control. Land Use policy #11 calls for housing that litigates storm water. Environmental considerations policy requires projects hit high grounds water areas to show they will not create further or ongoing problems. Thirteen (13) small lots with a storm basin against an already existing home is not rural residential. Ordinance 571 already asks the extra density here through the housing. This commission did not recommend it. Basin sits on our east land. Our crawl space already floods with responsible irrigation ditch and storm water. Our problem is groundwater and hydrostatic pressure which means as that pressure builds in that storm water basin and creates pressure, the pressure goes somewhere. It is coming into our house. It is pretty obvious.

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Randy Bick said I am listening to all my neighbors and their comments and I cannot agree with them more. We do not need this in our neighborhood. Like Kirk said, they keep trying to up sale us something we do not want. We do not want this. They bought this knowing they could put certain amount of homes in there. We like our neighborhood. We want it to stay the same. I strongly oppose this. They knew what they bought and now they are trying to cram as many homes in. That is business and I get it, but this is our community and we are neighborly people. We will accept the neighbors who move in here if they are following our ordinances. We want them to fit into our community.

Mike Dalpias said these are the same people, same concerns, same objections, same everything. Everyone cares about the community. I just do not think this is compatible with the existing stuff that is there. The other thing that I will say bothered me is in the developer's presentation, when he talked about the house bill that did not pass, I felt threatened. I took this as a threat that there is going to be another one. I do not take threats very well and hope you do not. That does not go well. At some point, as a city, we need to stand up and tell them, the people in Salt Lake, that we know what Harrisville needs. Quit telling us what we need to do.

Michelle Ensign said the past Harrisville leadership chose a master plan for vacant lots. We all understood the zoning limitations of our property purchases when we decided to buy our homes. This new plan is still three (3) times in more housing lots then the current zoning lots. If this area was devaluating or blighted area and the homes were not being kept up or it looked like there needed to be some new energy put into this area, I could see putting in a new subdivision like this. We have houses on that road that are brand new and they are huge and they got farms, agricultural plans, and it is a really special place that keeps rebuilding. The older homes keep rebuilding. I think that right now this would be a bad decision to have even thirteen (13) homes come in. You have seen the area. You know how close those houses will be and they would be smaller homes then the homes that surround it right now. I would vote no. I will still continue to fight as long as you have these meetings about having a subdivision. The houses he put up last time were great, but they just do not look like places that you should put an area that is still live with agriculture things going on.

Kevin Varble said I am not on West Harrisville Road but with all the studying and contacting the contractors in the state, my concern, and I realize we have talked about the state at length, we was here until ten o'clock last night. The Planning Commission is here to hear the voice of the people. I will do my best. I believe in one ear is out the other and both ears it stays. So, I will say it again. Our concern is not only the existing, which has been covered well. My concern is the overflow onto North Harrisville Road and if we do this with this contractor who bought it for four (4) homes. My concern is we have to listen to his request, but we do not have to keep overlaying to accommodate his request. His request becomes almost valid if we keep overlaying it to make it easier for him. I do not believe that should be done. My concern is based upon the road studies, we had Mr. Robertson here saying this has to happen, this has to happen. The road is handling the flow right now. If we put that in there is safety hazards. Before it was mentioned we could park down by JB lanes but that is against city code for parking. Where are these cars going to park? That cannot park on the road. There is not enough room to park on the road to have two-way traffic especially with multiple emergency vehicles. My concern is it feels like with all this widening, even with Bona Vista and Western Irrigation. Last time we discussed the costs and who pays for it and who does not pay. It feels like we are fighting over the width of the road because it is not the city taking responsibility then Bona Vista would have to take responsibility and Western Water for the property. With the Rod's, it has been a long time ago, there has been plenty of evidence since. My request is the Planning Commission listens to it and forgoes the overlays and the requests and simply looks at, listens to the people, and it is not viable to the community.

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MOTION: Commissioner Hempel motion to close the public hearing. Commissioner Thomas second the motion. Motion passed with all in favor.

4. **DISCUSSION/ACTION/RECOMMEND** – to recommend Ordinance 575: an ordinance adopting a master development agreement for Weber County Parcel Number 11-021-0009 located at approximately 640 West Harrisville Road.

Jennie Knight made a point of clarification on the ordinances referenced in public comments. This application is an application for a development agreement. It is not falling under the HOAZ ordinance or affordable housing. That element was removed from this new application. In staff's effort to make certain the public knew this was a new development agreement, staff renumbered the ordinance from the last public hearing. Staff did not want any confusion about what was being presented. Again, to be clear, this is a new development agreement proposed. The concept has been updated from the original proposal and under state law we are allowed to receive applications for development agreements. This is a new ordinance being presented and it is not under the HOAZ.

Sarah Wichern said to be clear, with any municipality, with any set of code, a developer can come and propose a developer agreement or a rezone, and the city is required to hear it. She reiterated, the city suggested the storm drain be included in development agreement.

Randy Smith, Fieldstone homes, was invited to the podium. The city staff are excellent. They watch out for the interests of the city. We can request a zoning with lots sizes and setbacks. If it is approved, then those are the rights we have. We can also request a development agreement when it does not fit exactly under a zone. That is what we have requested which comes with lots sizes, setbacks, and standards that apply to that such as road sections. Standards that are not addressed in the development agreement will refer to current city standards. We are asking for approval of this development agreement that says the lots sizes, the setbacks, and shows this is how it is going to fit onto this specific property.

With the development agreement, we have talked about the offsite storm sewer. It will be about 760 feet down West Harrisville Road. It will serve the whole community. The development agreement says that we as a developer will pay for that with no reimbursement. This is one of the benefits or a tradeoff for the city. The development agreement says in exchange for higher density or a change in setbacks this is what we are requesting.

When we first met with staff and talked about a cul-de-sac here, it was suggested making the road a hammerhead which is in the fire code standards. This will set the future road network up for future connectivity. This is another benefit to the city. We have talked about five (5) acres or 4.96 acres. This pertained more to the HOAZ ordinance. This development agreement is independent of that. Unfortunately, this is not an affordable product. This is defiantly a different application.

We are excited about it and have talked with Mr. Childs. I have been in his home and seen the issue. I am an engineer and understand hydrostatic pressure. We anticipate the development will greatly improve that situation since we will stop flood irrigating this property. There will be a storm water basin but because of the offsite storm water sewer we are installing the water will be carried away. The basin will be dry within six (6) hours. It depends on how big the storm is but that will be as long as the water is in there. This is another improvement for the region.

We love Harrisville. They love Harrisville. We love building homes. Those missing tonight are the future homeowners who cannot be here tonight to represent themselves. He said he would love to answer the

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commission's questions and address any concerns they may have. He would like to see this go for approval to City Council. He added if this does not feel right, if this feels like something where you will say no I will not recommend this, he asked the commission to think about what they would recommend. The motion can say something a little more or a little different or recommend approval on the condition they make this change or these changes. My preference is to make a motion to recommend approval. This is legislative, it is discretionary, and you get to decide.

Commissioner Thomas asked how large he thought the homes would be and what price point. Randy Smith replied he did not have all that information. These homes will not have basements because we know the ground water is shallow here. The lots are a quarter (¼) acre or larger lots. These homes are not going to fall into affordability or attainable. Building homes in any market will increase supply and demand problems which create affordability.

Commissioner Hempel asked what kind of density the developer would categorize this to be. Randy Smith said everyone defines it differently, but he would defiantly not call this high density, not even medium density. Based on other developments, this falls in low density. Each city defines density on its own. There is lower density then and higher density then, but this will end up being thirteen (13) homes on 4.96 acres.

Commissioner Palmer asked for clarification on the future connectivity for the roads. Randy Smith replied the stubs are city roads stubbed so that in the future, if the neighboring properties nearby want to sell, then they now have another point of connection with utilities stubbed to those properties ready to go with pressured irrigation, culinary water, sanitary water, sewer, power, and gas. While in the interim they will be fenced and blocked so people are not messing with the neighboring properties. But provides future connectivity as opposed to coming in and doing a cul-de-sac and have no connectivity beyond this property.

Commissioner Hempel asked if the developer was having any discussions with nearby property owners. Randy Smith said they are not.

Chair Francom asked the developer to remind the commission if there was sidewalk being installed on the south side of the property. Randy Smith said there is existing sidewalk. Jennie Knight said the road widening plans are not affecting them.

Chair Francom said she likes the project and feels it integrates well with the community. She knows not all agree with that statement. She felt it is important to consider for future needs of the city. It is a good step for the area and potentially a good happy medium. It is important to consider the storm basin and water infrastructure which is part of the development agreement if this moves forward. It is a need for this area and will make a huge difference.

Commissioner Holbrook asked how large the storm basin was going to be. Randy Smith said that it was not engineered yet. This is a place holder. It is most likely going to be a quarter (¼) to a third (1/3) of an acre with landscape and dedicated to the city as part of the storm water system.

Chair Francom said she knows there are a lot of concerns about the road configuration, but there are a lot of steps from the time the application is introduced to it being finalized. They have meetings with the Project Management Committee, with Fire, and utility management. There is nothing being presented that does not meet city regulations.

Commissioner Palmer respectfully disagreed. She said to see the lot sizes, the potential for future connectivity, the road, to even think of what it will do to the surrounding properties, and to the City of Harrisville, I am fully against. We have enough new buildings, new houses, at the golf course down the way

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creating more townhomes in Harrisville. Let us keep building there. Let us leave West Harrisville Road alone. I think about the new people who do not live in Harrisville now. We do not need conflict in this peaceful area. There are people not used to growing up around agricultural. Different noises at early times would be disruptive to them, if this were approved, but it is also disruptive to them that have lived here for years and years. Randy Smith said he would respectfully challenge this a little bit. Development does not automatically create conflict. Commissioner Palmer added technically it has already created conflict with the residents who are here now because of the lot size, because of the one-way in and one-way out safety seems to be something the developer does not care about with the backing in and backing out. She said it does not fit in this location for her.

Chair Francom asked the developer to sit back down with the reserved right to call him back up while the commission deliberates. She said this is agricultural vs suburban communities. She knows of a number of people who buy homes in agricultural or adjacent to agricultural areas because they like farms. They want to be around the horses. They want to be around the cows. They want to be around the alfalfa. She feels this is something to consider as well. For as many who may not like it, others seek it out. She does understand the concerns for the community and the neighborhood and for the lifestyle on West Harrisville Road.

Commissioner Hempel asked what the city would define this density as. Jennie Knight replied if they are about a quarter (1/4) acre lot then they would fall into our R-1-10 which would be our highest single-family density without going to mixed-use. The R-1-10 zone is the smallest lots allowed for a detached single-family home other than the new HOAZ ordinance just adopted. The commission and staff discussed the levels of density. They discussed examples of the density throughout the city.

Commissioner Thomas said he feels it is a good plan with a lot of good elements and noticeable improvements. His main concern is it goes against the long-term general plan. He is concerned with changing the neighborhood for those who live there and for those who moved into it. Otherwise, he feels it is an overall good plan with lots of benefits.

Commissioner Hempel said he echoed Commissioner Thomas' concerned. This type of neighborhood would be very concerning for him to have this many homes in my backyard. He did not feel he could support this. This does not fit the character of the rest of the area. Perhaps maybe four (4) to five (5) homes instead. He was adamant that six (6) homes would be too much and felt even five (5) homes would be pushing the limits.

Commissioner Holbrook added maybe wrong place. He liked the idea of larger lots of a third (1/3) acre lots with eight (8) to nine (9) homes instead. The commission continued to discuss the development and what would be an alternative for the number of lots.

Chair Francom asked the developer if the commission recommended up to five (5) homes instead of twelve (12) would he still include the storm water off-site infrastructure. Randy Smith said he thinks it would be an issue. The idea of taking the storm water off-site versus sending it to a spot and waiting for it to infiltrate, especially with a place with high ground water. When discussing four (4) lots or eight (8) lots, at that point you look at each lot doing its own stormwater retention. This is a typical system. When the lot count gets too low, the project no longer has the budget for a quarter of a million dollars for off-site items. This is the tradeoff. He did not have the exact number he needed, but with this small number of homes then it would be own lot retention. Sarah Wichern said on lot retention is a maybe. If it is not feasible, based on the soil analysis, this is the option available based on our code. If they increase the density at all then this would be mandatory. If not, then the developer would have the option to go with the development agreement or to abandon ship and develop by-right and roll the dice with on-site retention. Randy Smith said if the on-site retention does not work, then it becomes the developer's obligation to build a storm water system. He would still need to build the storm water system for my project but then it becomes reimbursable through

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proportionate share. He would rather see a recommendation then table. Going month to month is not feasible. He really wants to build the storm water system while the road is cut up and have it in place by next spring.

Sarah Wichern said she would recommend keeping the development agreement as is with any other agency requirements or based on legal negotiations. The development agreement does include the storm drain. She recommended regardless of what the commission determines for density she asks they keep the storm drain mandatory. The commissioners discussed the motion.

MOTION: Commissioner Holbrook motioned to recommend a negative recommendation to adopt Ordinance 575: an ordinance adopting a master development agreement for Weber County Parcel Number 11-021-0009 located at approximately 640 West Harrisville Road. Commissioner Palmer seconded the motion.

ROLL CALL VOTE:

Steven Hempel	**Yes**
Christina Palmer	**Yes**
Isaac Thomas	**Yes**
Chad Holbrook	**Yes**
Angie Francom	**No**

The motion passed with voting being four (4) in the affirmative and one (1) in the negative.

Chair Francom paused the meeting to allow the audience to leave to limit the disruption of the remaining meeting proceedings.

5. **DISCUSSION/ACTION/RECOMMEND** – to grant Preliminary Plat for Dixon Creek 2B located at 1243 North Washington Blvd.

Jennie Knight said there is not a lot of new to report on the plat itself. The flood plain is still going through the process with FEMA. They are looking for preliminary plat approval. These are the buildings removed from the original Phase 2. We are asking that the approval be subject to the LOMR approved by FEMA and Weber County approval. Jennie Knight gave a brief explanation of the project for the new commissioner. Dixon Creek is located off Washington Boulevard. It has a flood plain running through the development as shown by the hatching. They have been working with FEMA for the past two (2) years to get this area remapped. While they were waiting, they have pretty much completed Phase 1 of the project and are building Phase 2A now. This concept is for Phase 2B.

MOTION: Commissioner Palmer motioned to grant Preliminary Plat for Dixon Creek 2B located at 1243 North Washington Blvd subject to Harrisville Municipal Code and any other staff or agency requirements and subject to LOMR approval from FEMA. Commissioner Hempel seconded the motion. Motion passed with all in favor.

6. **DISCUSSION** on residential zoning requirements for repealed R-3 and R5-6 Land Use Zones.

Sarah Wichern said she wanted to get a baseline of what the Planning Commission is thinking. The R-3 zone was geared towards 3,000 sq foot lots. Harrisville in its history did have zones that were much denser then we currently building out. In 2010, the General Plan changed and these zones were repealed. The problem is the city did not have a replacement zone and we are running into some conflicts such as

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entitlements made before the rezone happened. Due to this, we need to come up with standards for a higher density zone. Not that we will apply it to any land. It may come into effect for any of the grandfathered properties. Right now, we have the HOAZ overlay that is meant for single family detached attainable homes. We also have a mixed-use ordinance were we see townhomes possibly apartments. She feels the HOAZ will work well for the R5-6 zone. R-3 for the townhomes code which we can apply when the mixed-use ordinance is updated. The HOAZ gave us a standard if someone wanted an affordable single-family home. We have not found a suitable place to apply this yet, but we may in the future. At least we have the mechanism in place when developers come in asking for townhomes.

For townhomes she has seen around eleven (11) units per acre. If you get any higher than that then the units are too tight with too many linked together. Sarah Wichern asked the commissioners what they would like to see in a townhome community by way of parking or community amenities when dealing with attached homes. These are HOA communities. We would like them to be affordable to a certain degree and an asset to the community.

Chair Francom said the preference she has heard in the community is that townhomes look a lot better if they have at least one car garage rather than all open parking. Some say they do not care about carports. Townhomes generally sell better if they have a garage. A lot of developers feel pressure of a garage is an extra room. We are discussing how much parking per unit is required or design preferences.

Commissioner Hempel said he loves the garage concept and does not think anyone should be without one. Commissioner Holbrook agreed. Commissioner Hempel said the best neighborhoods to live in where when the garage access was at the back of the home. It was safer for the community. Sarah Wichern agreed as well and said she is insistent on this because she does not feel it is very safe to have a row of garages in a row on a public street. She would want to see in the code garages must be accessed via an alley way. Garage doors aligned with public streets are not as safe.

Sarah Wichern asked the commissioners what they would like to see for a setback from the front of the townhome to the street. Chair Francom gave an example of an apartment complex in Ogden where there is no setback from the road outside of the sidewalk. Commissioner Thomas said as we are considering this, it would depend on what street they are on. He gave an example of the town homes he saw in New York City recently and an example of another set of town homes he once lived in Ogden. He pointed out the setbacks, the fact the community was always outside, and the rear garage access as positive highlights.

Sarah Wichern said for a house right now it is twenty-five (25) feet for houses. We do need ten (10) feet for public utility access. Fifteen (15) feet is the closest she feels comfortable in allowing for the front setback. The commissioners agreed that fifteen (15) feet for the front setback sounded good.

Commissioner Palmer asked if the garages were single car or double. Sarah Wichern said our ordinance requires two (2) parking spaces. A single car is not in ordinance. We may look at this as an overlay for some affordability aspect later on. Jennie Knight added existing townhomes require two (2) car garages such as those across from Orion or on 2550 North. The only ones we allowed single car garages are in Dixon Creek. They have a smaller middle unit with a single car garage to make units more affordable. We did make some concessions there. Ironically, the data coming back said their three-story units sold fastest. They were super popular. As you are talking about density, as brought up tonight on the golf course, in 2019, when we started negotiations with the gold course developers none of the moderate-

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income housing legislative mandate existed. We were targeting an unknown number. When it did role out, we landed right on with what the state requirements are, which is six (6) units per acre. The golf course was built on this number of six (6) units per acre. Golf course development is a good example of a variety of homes. This was intentional to give those living in the neighborhood a chance to move up and stay in their same community. But when we talk about townhomes what is the target the commission would feel comfortable with as in number of units per acre.

Sarah Wichern stated that the six (6) units per acre are what the Council is comfortable with for a single family detach home. We may not see much by-right. We will pattern our mixed-use overlay based on these codes. An overlay will always come with a development agreement. With a development agreement, we can then mandate things by state we cannot mandate otherwise. These zones will be the framework for our mixed-use overlay. Her recommendation is to use the HOAZ framework to replace the R5-6 zone with the standards we put in the HOAZ. Then for the R-3 zone, let us look at our townhomes, which will be mixed-use, and put those standards together. Then we will place those standards in our mixed-use overlay.

Sarah Wichern asked the commission when they lived in a townhome what were the amenities they liked having. Commissioner Holbrook said a grassy or open space for families together. Commissioner Thomas said a grassy area similar to a public park with connectivity to the rest of the community. Serves community primarily. Chair Francom said playground equipment despite objections to it in the past and green space. Another would be no common laundry. Sarah Wichern said the items she would like to work towards are setbacks between buildings, how many units can be together, and have a target for what percentage of the area needs to be open and contiguous. If it is a larger development then the percentages would be for this, you would have to have this. And detention basins do not count as greenspace.

Commissioner Hempel said with all the talk on water in the conference today, do we need to mandate grass. Sarah Wichern said the city does not normally do this, but we can in a development agreement. Jennie Knight said there are a variety of drought resistant grasses being developed. This can be an amenity we can request or something we can negotiate with the developer in a development agreement. Chair Francom asked if we have rules like this already where there is a percentage of open space required. Sarah Wichern said this is something we need to look at. There is a balance. We do not want so much that it will be unaffordable for both the purchase price and the HOA, but big enough that there is somewhere to go.

Sarah Wichern to draw up various designs on the percentages of open space. They discussed four (4) or five (5) connected together. Six (6) units if they are mini mansions. She also mentioned she is thinking a minimum of four (4) parking stalls per unit or two (2) parking stalls per unit or one (1) per bedroom. They all agreed there is never enough parking in townhome subdivisions and that walkability is a big deal.

7. **PUBLIC COMMENTS** – (3 minute maximum)

Jay Behunin said thanks for doing this. I really do appreciate it. This is a big deal, and it is a big job and sometimes it is a thankless job, but we do appreciate it. We appreciate you looking out for our best interest and thinking. Put fits where it fits and put what does not fit somewhere else. I appreciate you. That is all. He added if we are going to go to dense then we need to rezone so everyone knows what they expect. We have people who just moved here and say they are doing what next door? That is my

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backyard for them. Zoning is a process. If our land use changes to be more dense then we need to adapt to that. But if we are not then we need to abstain.

Commissioner Holbrook said it is important to know how hard the staff work and how hard we all work to make Harrisville a beautiful place. Sometimes, it does not look like it, but there are so many powers in the back end of these things. I have been on the Planning Commission for over eleven (11) years. I have seen evidence, after evidence, after evidence of the effort our city makes to try and make this a beautiful place to live.

Kevin Varble said he is grateful as well. I can look and know a fair amount of you over time, and I do appreciate the time. I think about, I do not know the hours you spend, but I do know the hours we spend as citizens talking to our neighbors, researching, praying, crying, getting mad, all those feelings, maybe both sides. I understand that part. So, we do appreciate the work you do. We truly do and as mentioned, we appreciate you representing the city. More importantly listening to the voice of the people even when there are objections. I thank you for that. I thank you for the time spent.

8. COMMISSION/STAFF FOLLOW-UP

Sarah Wichern expressed her thanks to the citizens who stayed to express their appreciation. She has been in all the various seats of this process and appreciates the citizen input. It is important to the process. Dixon Creek is very dense, but it produced some of the most affordable housing. What some do not realize, including other developers who come in asking for 250 townhomes, is in order for them to reach this density they donated nine (9) acres of land. They were not handed the density. There was an ask, a give, and an exchange. Jennie Knight added they not only donated the park but there will be commercial pads along Washington Boulevard.

9. ADJOURN

MOTION: Commissioner Holbrook motioned to adjourn the meeting. Chair Francom seconded the motion. Motion passed with all in favor.

Meeting adjourned at 8:53 PM.

Angie Francom
Chair

Cynthia Benson
Deputy Recorder

DRAFT

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Attachment “A”

Public Hearing comments pertaining to Planning Commission Meeting of September 9, 2026.

Attachments are as follows:

1. Charlie Lynch
2. Darrel Koupal
3. Jeralyn Koupal
4. Kenny Loveland
5. Kevin Varble – first set of comments
6. Kevin Varble – second set of comments
7. Nathan Averill
8. Jay Behunin
9. Roger Shuman
10. Shanna Edwards
11. Warren & Kathryn Child

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Outlook

Subdivision project proposal @ 640 W. Harrisville Rd.

From Charlie Lynch <clynch@weber.edu>
Date Thu 9/3/2026 8:04 AM
To Jack Fogal <jfogal@harrisvillecity.gov>

Jack,

As a resident of Harrisville City, we were grateful for the opportunity to build a home in such a wonderful community.

In 2018 we completed our home in Harrisville City.

Our home sits on 2.15 acres.

At the time of the completion of our home, I noticed that we had just over 1.25 acres of land that was not being utilized.
Seeing the under utilized land, I applied to Harrisville City to build an additional home on our acreage.

This home would serve as a Mother-in-Law residence. Possibly, ending up as a home for one of our children.

Each home would have a minimum of 1.0 acre in compliance with the A-1 zoning code in Harrisville City.

I was told no by the City of Harrisville.

Reasons given were these;

They quoted the Harrisville City Codes;

I needed two curb approaches, I have two.

As per code, I needed 140’ of frontage per house, A-1 zoning frontage code.

Finally, there would need to be a common road for both residences.

This road would need to be deeded over to the City.

Given that our property only had 140’ of frontage, Harrisville stated that I was not able to build an additional home.

As I look as the design plans from the Contractor.

Harrisville does not allow any acreage smaller than 5.0 acres to be subdivided.

All lots must be an acre, or larger.

There are a minimum of 4 codes that Harrisville City has in place to protect the City & its residents from High density housing in A-1 zoned areas.

Harrisville City pulled 4 codes out to tell me no.

I would expect that the City would use at a minimum the same 4 City codes to tell the Contractor, “No, you may not build multiple houses on this property.”

They must be in compliance with the A-1 zoning regulations.

There must be a minimum of 100’ frontage per code.

11.09.020 Main Building Development

Each property must be an acre or larger.

Thank you,
Charles Lynch

My name is Darrel Koupal. I cannot attend the public hearing regarding Ordinance 575 Wednesday evening, September 9th, 2026. I live at 1475 North Highway 89 in Harrisville, UT, and oppose Ordinance 575. This ordinance would transform an idyllic hay field next to my property into 13 homes, and introduce suburbia into an otherwise rural setting.

I am a program manager and work for one of the largest defense contractors in our nation. In my profession, Change Management is essential for profitable and successful business operations. The same concept applies to this ordinance.

In this case there are previously established rules which govern development of the property under consideration. Surrounding property owners comply with and accept these previously established rules. Yet the developer who purchased this property doesn't want to comply with or accept these previously established rules. Instead, they placed a bet that you, the planning commission, would be willing to change the previously established rules in order to increase their profit. They have no interest in living on the property. They have no interest in the betterment of the community. They have no interest in impacts to the surrounding neighbors. Their interest is in increasing their profit. Why else would someone purchase a property and immediately seek to change the previously established rules for development of the property? And so here we are again in front of you, the planning commission, arguing against a proposal to change the previously established rules.

In my profession, the person ***proposing*** a change carries the burden of convincing stakeholders and a decision authority that sufficient rationale exists to change an established baseline. It's the decision authority's role to carefully guard the existing baseline unless the person proposing a change can demonstrate a substantive benefit to the business and its stakeholders that far exceeds the benefits realized by the existing baseline. Typically, the person proposing the change thoughtfully coordinates with effected stakeholders and prepares rationale for the decision authority that clearly demonstrates the benefit of change. Normally, an analysis outlining pros and cons would accompany the change proposal.

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Yet in this case, who is proposing this change? Where are they? Why haven't they sought to coordinate with the neighbors impacted by this change? What is their rationale for proposing this change? Have they provided an analysis of pros and cons to the decision authority for review?

Instead of advocates for Ordinance 575, before you, I suspect, are adversaries to this change proposal. Community members who reject a transformation of their neighborhood. Those who carefully guard the existing and previously established rules governing development of land in this community. I, like them, bought property in this area because it is rural and want to see it remain that way. I oppose Ordinance 575.

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My name is Jeralyn Koupal. I cannot attend the public hearing regarding Ordinance 575 Wednesday evening, September 9th, 2026. I live at 1475 North Highway 89 in Harrisville, UT, and oppose Ordinance 575. A picture is worth a thousand words. You could place the planned development picture in front of any small child that you know and ask that child to point out the property that does not fit in the picture and that child could identify the parcel easily. Thirteen homes on one small acreage completely changes the lifestyle that the surrounding property owners sought out and purchased. We and our neighbors deliberately chose to move from city postage-stamp-sized lots to rural acreages with elbow room and breathing space. We chose a neighborhood that matched our goals and desired lifestyle. We didn't purchase our acreage with the end goal of imposing our ideas onto our neighbors' property rights. A developer is endeavoring to change the area to fit their bottom line, to force a square peg into a round hole. Any developer who looked around before buying that property would have seen with one glance that plans to hyper-develop that plot of land would not be what the neighbors would want. That simple act is part of due diligence. The buyer chose to buy it anyway without speaking to the neighbors. Residents in this area work together with watering, neighborhood shared chores, and calls for help in time of need. This proposed developer did not take any of that into consideration and did not visit with the people who lived in the neighborhood before they purchased the property to see exactly what the property owners thought about putting 13 homes on one small acreage. That speaks volumes. That investor didn't care about the people who live here when they bought the property and doesn't care about what they leave behind when the dust settles. I oppose changing the character and atmosphere of this neighborhood. I oppose Ordinance 575.

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Outlook

sept 9th public hearing for 640 w harrisville rd, ordinance 575

From annette loveland <kennynannette@gmail.com>
Date Sun 9/6/2026 9:35 AM
To Jack Fogal <jfogal@harrisvillecity.gov>

Hello Planning Commission members. My name is Kenny Loveland. I live at 1103 n Harrisville rd. I am very concerned about the proposal to subdivide the property located at 640 w harrisville rd. My understanding is that you need 5 acres or more to change from A-1 to smaller lot sizes. This parcel is 4.95 acres which is not 5 acres. The **standard** set by the City of Harrisville is 5 acres, not 4.95. I do not believe as a Planning Commission that you should override the **standards** set forth by the City of Harrisville. Once you make an exception for one developer then how do you tell the next developer no. Please keep in mind that this parcel is zoned A-1 and was such when the developer bought it. All emotion aside, I am only asking that you follow the rules and **standards** set forth by our City. Thanks for listening to me as a citizen of Harrisville. Also thanks for serving our City and its citizens.
Sincerely Kenny Loveland

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Outlook

Harrisville's concerns over safety of residence.

From popsvarble.kv@gmail.com <popsvarble.kv@gmail.com>
Date Thu 9/3/2026 9:39 AM
To Jack Fogal <jfogal@harrisvillecity.gov>

Date: September 3, 2026
To: Jenny Fogal, City Recorder (jfogal@harrisvillecity.gov)
From: Concerned Residents of Harrisville
Subject: Formal Opposition to Ordinance 575 / Master Development Agreement Framework (640 W. Harrisville Road)

Dear Harrisville City Recorder, Planning Commission, and City Council Members,

Please accept this letter as a formal, written objection on behalf of Harrisville residents regarding the proposed Master Development Agreement (MDA) and layout changes under Ordinance 575 for the 4.95-acre property located at 640 W. Harrisville Road.

We strongly urge the Planning Commission and City Council to recommend denial of this framework due to critical, unresolved safety deficiencies and an aggressive overdevelopment plan that threatens the safety of our neighborhoods. Furthermore, we are deeply concerned by the systemic precedent this dynamic sets for the future of Harrisville's zoning integrity.

1. Critical Road and Traffic Safety Concerns
The initial engineering and community evaluations for this site under Ordinance 571 clearly documented that the developer's layout did not meet traditional municipal street standards. While the City Engineer mandated an absolute minimum road width of 30 feet to allow for adequate emergency vehicle navigation and safe two-way neighborhood traffic, squeezing this width onto a highly dense 4.95-acre parcel remains a severe hazard. This site sits along West Harrisville Road between Highway 89 and the active railroad tracks—a corridor already facing significant traffic pressure. Forcing an influx of high-density traffic onto compromised road widths directly compromises response times for emergency services and creates a daily hazard for existing residents and pedestrians.

2. Inadequate Infrastructure and Drainage Risks
The parcel in question is plagued by existing localized drainage and stormwater issues. Forcing an over-saturated, high-density development onto this acreage drastically increases impermeable surfaces, threatening to flood neighboring,

established properties. The current layout fails to prove that the surrounding infrastructure can safely handle this intense shift in volume.

3. A Dangerous City-Wide Precedent on Safety Overlays
Beyond this single parcel, this proposal raises a fundamental question about the future of Harrisville: **Is the city preparing to systematically rewrite established safety overlays and pre-planned street width standards across our entire community just to accommodate dense development?**

Safety overlays and traditional road widths were established after careful planning to protect human lives, ensure evacuation routes, and maintain the structural integrity of our city. Rewriting these baseline standards sets a dangerous precedent. If the city continuously bends its safety rules and accommodates developers who demand variance from traditional street layouts, our established master plans mean nothing. This opens the floodgates for high-density, unsafe developments to encroach on neighborhoods throughout Harrisville, permanently degrading our infrastructure and safety margins.

Conclusion and Request for Action
The Planning Commission and City Council have a legal and ethical duty to prioritize the safety and welfare of current tax-paying residents over the profit margins of private developers. We expect our city officials to hold the line on safety. We formally request that the Planning Commission issue a recommendation of denial for Ordinance 575, and that this letter be entered into the permanent public record for the upcoming public hearing.

Thank you for your time, service, and attention to this critical matter.

Sincerely,

[Kevin Varble]
[930 N. Harrisville Road]
Harrisville, UT

801-309-7926 ANYTIME!

Sent from my iPhone

Outlook

Violation of local, state and federal safety standards already established by bypassing the safety and life of Harrisville residence.

From popsvarble.kv@gmail.com <popsvarble.kv@gmail.com>
Date Thu 9/3/2026 10:14 AM
To Roger Shuman <mayorshuman@harrisvillecity.gov>; Jack Fogal <jfogal@harrisvillecity.gov>; Jennie Knight <jknight@harrisvillecity.gov>; Grover Wilhelmsen <gwilhelmsen@harrisvillecity.gov>; Blair Christensen <bchristensen@harrisvillecity.gov>; Karen Taylor-Fawcett <kfawcett@harrisvillecity.gov>; Jason Hadley <jhadley@harrisvillecity.gov>; Greg Montgomery <gmontgomery@harrisvillecity.gov>; Questions <questions@harrisvillecity.gov>

Date: September 3, 2026
To: Mayor Roger Shuman, City Recorder Jack Fogal, and Members of the Harrisville City Council and Planning Commission
Subject: Written Public Record Objection: Critical Safety Deficiencies of Ordinance 575 (640 W. Harrisville Road)

Dear Mayor Shuman, Recorder Fogal, and Honorable Commissioners and Council Members,

Please accept this letter as a formal written objection submitted on behalf of the residents of Harrisville regarding the proposed Master Development Agreement (MDA) under **Ordinance 575 for the 4.95-acre parcel located at 640 W. Harrisville Road**. We strongly urge city leadership to hold the line on public safety and issue a recommendation of **denial** for this high-density layout.

While neighborhood opposition initially forced the tabling of Ordinance 571, the revised Ordinance 575 framework fails to resolve the fundamental structural constraints of this unique parcel. This site sits within a severe, multi-jurisdictional bottleneck that directly triggers safety violations across state, federal, and county guidelines:

1. **UDOT Access Management & Traffic Queuing:** Squeezing high-density housing onto this tight segment of West Harrisville Road directly violates the intent of the **Utah Department of Transportation (UDOT) Access Management Rules**. Funneling high volumes of peak-hour residential traffic directly into the tight corridor between Highway 89 and the railroad tracks will cause hazardous "queuing." Backed-up vehicles waiting to turn onto the state highway will paralyze the intersection, creating an immediate t-bone and rear-end collision hazard.

2. **Federal Railroad Safety & Vehicle Storage Failures:** Because an active **Union Pacific Railroad** line borders this property, development must respect the **Federal Highway Administration (FHWA) Railroad-Highway**

Grade Crossing standards. The primary safety metric here is "Informed Storage Distance." If a train blocks the tracks, there is insufficient physical road space to safely line up high-density traffic without backing vehicles up directly onto Highway 89 or trapping cars on the tracks. Forcing an infrastructure bottleneck here is an unacceptable safety risk.

3. **Weber County Fairgrounds & Emergency Evacuation Gridlock:** This parcel sits immediately adjacent to the **Weber County Fairgrounds and Golden Spike Event Center**, which regularly draws thousands of vehicles, horse trailers, and heavy machinery to our surrounding roads. Squeezing substandard 30-foot subdivision roads into an active, heavy-regional event corridor introduces catastrophic traffic friction. **Weber County's Emergency Operations Plan (EOP)** depends on these clear arterials. If a fire or medical emergency occurs during a major fairgrounds event, high-density neighborhood street parking will gridlock emergency vehicles and obstruct wide-axle fire trucks.
4. **The Dangerous City-Wide Precedent:** Beyond this single parcel, we formally challenge the systemic trend of altering established safety overlays and narrowing street layouts just to accommodate the profit margins of private developers. Safety overlays were established through expert planning to protect human life. If the city continuously bends these rules, our master plans mean nothing, and neighborhoods across all of Harrisville will soon face the same unsafe, encroaching density.

We formally request that this letter be integrated into the permanent public record for the public hearing on September 9, 2026. We expect our elected and appointed officials to prioritize the safety of current tax-paying residents over high-density development.

Sincerely,
Concerned Residents of Harrisville

Cynthia Benson

From: Nathan Averill <nathan.averill@gmail.com>
Sent: Thursday, September 3, 2026 7:20 PM
To: Cynthia Benson
Subject: Comments for/against Ordinance 575

Cynthia and Planning Commissioners,

I want to submit written comments for the public hearing on your amended agenda for Wednesday September 9th.

"PUBLIC HEARING – to take comments for/against Ordinance 575: an ordinance adopting a master development agreement for Weber County Parcel Number 11-021-0009 located at approximately 640 West Harrisville Road"

I would like to make the commission aware that the project is inconsistent with both current zoning and the city's future land use map. The concept also fails to make use of any applicable overlay zone. Staff highlighting other non conformance in the area doesn't make the concept more conforming.

I would also like to point out that spot zoning is very bad planning. This is true regardless of whether the spot zone results from an actual zone change or from an MDA.

For these reasons I ask that you please give a negative recommendation to City Council on this item.

Thank you,

Nathan Averill

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Written Comments in Opposition to Ordinance 575

Sunflower Master Development Agreement - 640 West Harrisville Road

To the Harrisville City Planning Commission:

I respectfully request that the Planning Commission recommend **denial of Ordinance 575** and the proposed Sunflower Master Development Agreement at 640 West Harrisville Road.

My objection is not based on opposition to residential development. It is based on a straightforward land-use question:

> **Why should Harrisville make a parcel-specific exception to both the existing A-1 zoning standards and the City's adopted Rural Residential land-use policy when neither has been changed?**

Utah law gives Harrisville the authority to consider such an exception through a legislative Development Agreement. It does not require the City to approve one. The decision therefore rests on whether the proposed exception represents sound planning for this property and for Harrisville as a whole.

1. Harrisville has already established a development pattern for this property

The subject property is currently **A-1 Agricultural**.

The City's September 9 staff report states:

> *the current zoning requires 40,000 sq. ft. lots and 100-foot frontages*

The same report acknowledges that development under the existing zoning would yield only:

> *3 additional lots.*

Harrisville's adopted Future Land Use Map separately designates this area **Rural Residential**, defined as:

> *Rural Residential (min. 1 acre)*

These are two separate City land-use policies reaching substantially the same conclusion: this property is planned for approximately one-acre, low-density development.

The proposed Development Agreement instead permits substantially smaller residential lots while leaving both the A-1 zoning designation and Rural Residential Future Land Use designation unchanged.

That is not a minor adjustment to an existing standard. It is a materially different development pattern.

2. The Development Agreement expressly substitutes its standards for A-1 standards

The proposed Development Agreement states:

> *The Property is currently designated within the A-1 (Agricultural) Zone.*

It further provides that:

> *no rezone, zone change, or overlay zone designation of the Property is required, contemplated, or a condition of this Agreement or the Project.*

Section 2.2 provides that when the Agreement and Concept Plan conflict with City ordinances, the Agreement and Concept Plan control. Sections 3.1 and 3.2 establish the Project's development standards through the Concept Plan and likewise provide that those standards control when they differ from the underlying zone or other City ordinances.

The practical result is clear:

> **The property will remain A-1 on the zoning map while the standards ordinarily associated with A-1 development are replaced on this parcel by the Development Agreement.**

If Harrisville has concluded that substantially smaller residential lots are now the appropriate development pattern for this portion of West Harrisville Road, that should be addressed as a broader planning question.

It should not be accomplished one parcel at a time without considering what those individual exceptions will ultimately mean for the City's remaining Rural Residential and A-1 areas.

3. Utah law permits an exception, but approval remains Harrisville's policy decision

Utah Code §10-20-508 governs municipal development agreements. Section 10-20-508(2)(a)(iii) provides that a development agreement may not allow land development that applicable land-use regulations would otherwise prohibit unless the legislative body approves the agreement using the same procedures for enacting a land-use regulation under §10-20-502, including:

> *a review and recommendation from the planning commission and a public hearing.*

Utah law therefore provides a mechanism through which Harrisville may approve development inconsistent with otherwise applicable land-use regulations.

But the existence of that authority does not establish that it should be exercised in this particular case.

The September staff report states:

> *This matter is a legislative decision; therefore, staff findings and recommendations are advisory and non-binding. The Planning Commission's recommendation and the City Council's final determination rest entirely within the discretion of those governing bodies.*

Accordingly, the question before the Commission is not simply whether Ordinance 575 **can** be approved.

> **What compelling planning reason justifies departing from both the existing A-1 development standard and the Rural Residential - minimum one-acre Future Land Use designation on this particular property?**

4. The history of this application demonstrates why that question matters

This is the second substantially different development proposal for this same property in a matter of months.

In June, City staff recommended a positive recommendation for the earlier Sunflower proposal of approximately 30 additional dwelling units. That proposal sought approximately 6.25 units per acre and requested deviations from Housing Affordability Overlay Zone standards, including density, minimum lot area, roadway width, right-of-way width, and setbacks.

The Planning Commission did not approve that density proposal; the current staff report describes the prior application as having received a negative recommendation due to density concerns.

The current application is unquestionably a significant reduction in density. That is a meaningful improvement. But reducing a proposal that was previously too dense does not establish the appropriate density.

The relevant comparison should not be **30 homes versus 13 homes**. The relevant comparison should be **the proposed development versus the development pattern Harrisville has already adopted for this property**.

> **The appropriate density should not be determined by negotiating downward from whatever density was most recently proposed. It should begin with the development pattern Harrisville has already adopted.**

5. Existing nonconforming properties do not establish the desired future development pattern

The September staff report notes that **9 of 31 nearby properties** along West Harrisville Road are nonconforming because of smaller lots or frontages and uses this as support for the proposed density.

That means approximately **71 percent** of the properties identified in that same analysis are not included in the nonconforming group.

More importantly, existing nonconforming lots document what has occurred historically. They do not establish what Harrisville has determined should occur in the future.

Harrisville's adopted Future Land Use Map identifies Rural Residential as **minimum one acre**. The existence of older exceptions should not, by itself, become justification for creating additional exceptions.

6. Required development improvements should not be treated as consideration for additional density

The staff report identifies approximately 700 feet of storm drain, an on-site detention basin, and preservation of existing irrigation waterways among the benefits associated with the proposed development.

Those improvements should be considered in their proper context. The existing irrigation and water systems serve existing properties and agricultural uses and must remain functional as this property is developed. Likewise, stormwater generated or altered by a new residential development must be appropriately managed so that the development does not adversely affect neighboring properties or public infrastructure.

To the extent the proposed storm drain, detention facilities, irrigation modifications, or related work are **necessary to develop this property and mitigate the impacts created by that development**, they are not an independent planning justification for increased density. They are part of responsibly developing the property.

The proposed Development Agreement itself reinforces this distinction. Section 5.2 requires the developer to design and construct system infrastructure, including roads, water, sewer, and storm water, and Section 5.3 recognizes that if system improvements go beyond the Project's proportionate impact, the City may assist with reimbursement or credits.

> **The Commission should distinguish improvements required because the property is being developed from improvements that go beyond the Project's proportionate impact and provide a genuine independent public benefit.**

7. Increased tax revenue is not a sufficient reason to depart from low-density zoning

The September staff report states that standard zoning yields only three additional lots and estimates that 13 net-new residential properties would create nearly three times the property-tax revenue.

Higher-density residential development will generally produce more property-tax revenue than lower-density development. Therefore, this reasoning does not distinguish this property from other A-1 property.

If thirteen smaller lots are preferable to three one-acre lots because they produce more tax revenue, the same argument can be made for essentially every remaining low-density parcel in Harrisville.

Fiscal impact is a legitimate consideration. But increased tax revenue cannot, by itself, answer the fundamental land-use question of **where higher density belongs**. That is what zoning and the General Plan are intended to address.

8. Ordinance 575 creates a repeatable policy for future A-1 properties

Approval of Ordinance 575 would not legally require Harrisville to approve an identical request on another A-1 property. Nevertheless, future applicants could reasonably request comparable treatment.

Another property owner could argue that smaller or nonconforming lots exist nearby; additional homes will increase City revenue; the developer will construct infrastructure necessary for the development and perhaps additional improvements; and the proposal is a reasonable compromise from a greater density initially requested.

None of those circumstances is unique to this property.

> **What objective characteristic of this property justifies an exception that Harrisville would not be prepared to grant to another similarly situated A-1 property?**

If that distinction cannot be clearly identified, Ordinance 575 creates a readily repeatable model for increasing density on Harrisville's remaining agricultural properties while leaving their underlying zoning and Future Land Use designations unchanged.

That is not necessarily a binding legal precedent. **It is, however, a significant policy precedent.**

9. Harrisville's recent agricultural policy should be considered

At the August 5, 2026 Planning Commission meeting, staff explained that Harrisville's agricultural parcels are generally small and can be difficult to maintain as economically viable agricultural operations. The proposed amendments were intended to give property owners additional opportunities to market and sell agricultural products.

Later in that discussion, staff described the ordinance as:

> *a way to promote agricultural uses in Harrisville*

while also protecting surrounding neighborhoods. The Commission unanimously recommended the ordinance changes.

That policy discussion occurred only weeks before consideration of Ordinance 575.

> **If Harrisville has determined that its remaining agricultural properties are worth helping remain viable, the City should be cautious about simultaneously establishing a repeatable mechanism for converting those same A-1 properties to substantially greater residential density.**

10. This approval would create vested rights

The proposed agreement is not merely approval to continue exploring a concept.

Section 2.1 states that upon adoption the Property will vest and that the developer is vested in the right to develop the Project in substantial conformance with the Concept Plan. Section 4 then makes preliminary and final plat review administrative.

The agreement also provides that it will run with the land and be recorded against the property.

The legislative decision concerning density is therefore being made **now**. Once those rights vest, later administrative review is not the appropriate point to reconsider whether this density belongs at this location.

11. The documents should agree on what is being approved

The current documents appear inconsistent regarding the number of residences being authorized.

The September staff report describes **14 total homes (13 additional units)** and elsewhere discusses **13 net-new residential properties**.

The proposed Development Agreement, however, describes a subdivision consisting of **Thirteen (13) single family residential lots**, and Section 3.5 states that the existing home will remain on one of the lots.

Before creating vested development rights, the staff report, Development Agreement, and Concept Plan should consistently identify exactly how many lots and dwelling units are being authorized.

Conclusion

The case for denying Ordinance 575 does not require an argument that Harrisville lacks legal authority to approve it. Utah law gives Harrisville that authority. **It also gives Harrisville the discretion to say no.**

The City has already made two relevant land-use decisions concerning this property: **A-1 zoning requires approximately one-acre lots**, and **the Future Land Use Map designates the area Rural Residential - minimum one acre**.

Ordinance 575 proposes to leave both of those policies in place while establishing a substantially different development standard for this individual parcel.

The reasons offered for doing so - existing nonconforming lots, development-related infrastructure, increased tax revenue, and a substantial reduction from the developer's previous proposal - do not demonstrate why this particular property should receive an exception that would not also be available to other similarly situated A-1 properties.

The previous proposal demonstrates the importance of this issue. Only a few months ago, approximately 30 additional homes were recommended by staff for this same property. Today the proposal is substantially smaller.

> **The appropriate density should not be determined by negotiating downward from whatever density was most recently proposed. It should begin with the development pattern Harrisville has already adopted.**

If Harrisville determines that quarter-acre or similar residential development is appropriate along this portion of West Harrisville Road, the City can reconsider the General Plan and zoning for the area through a comprehensive and transparent process.

Until that occurs, the existing A-1 zoning and Rural Residential - minimum one-acre Future Land Use designation provide a clear, reasonable, and predictable standard for the property owner, neighboring residents, future developers, and the City.

For these reasons, I respectfully request that the Harrisville City Planning Commission **recommend denial of Ordinance 575**.

Jay Behunin

Sources and Authorities

1. Harrisville City Planning Commission - September 9, 2026 Amended Meeting Packet. Staff report for Ordinance 575/Sunflower MDA. Relevant pages: packet pp. 9-10 (PDF pages 9-10). Supports the 14-home/13-additional description, 40,000-sq-ft zoning standard, 9-of-31 nearby parcel analysis, three-lot standard-zoning yield, infrastructure and tax-revenue findings, positive staff recommendation, and statement that the decision is legislative and discretionary.

2. Sunflower Development Agreement - August 24, 2026 draft. Recitals B and D; §§2.1-2.3, 3.1-3.5, 4.1-4.2, and 5.2-5.3. Supports the 13-lot description, A-1 designation, no-rezone language, vesting, conflict/control provisions, exclusive development standards, administrative plat review, existing-home treatment, and infrastructure obligations.

3. Harrisville City General Plan / Future Land Use Map. The Future Land Use Map legend defines Rural Residential as "min. 1 acre."

4. Harrisville City Ordinance 501 / HCMC §10.01.010. Adopts the August 2019 General Plan as the City's comprehensive, long-term planning document together with its policies, goals, maps, elements, and other information.

5. Harrisville City Planning Commission - June 10, 2026 Meeting Packet and Minutes. Records concerning the earlier Sunflower/Ordinance 571 proposal, including the approximately 30-unit HAOZ request, requested deviations, staff's interest/support for the housing type, public comments, and subsequent Planning Commission consideration.

6. Harrisville City Planning Commission - August 5, 2026 Minutes. Records the City's discussion of making small agricultural parcels more economically viable and staff's description of Ordinance 573 as "a way to promote agricultural uses in Harrisville."

7. Utah Code §10-20-508 - Development agreements (current 2026 numbering). Subsection (2)(a)(iii) provides the legislative procedure for a development agreement that allows land development otherwise prohibited by applicable land-use regulations, including Planning Commission review/recommendation and a public hearing. **Note:** this provision was formerly numbered §10-9a-532; Utah's municipal land-use statutes were renumbered effective in late 2025.

8. Utah Code §10-20-502 - Preparation and adoption of land use regulation. Referenced by §10-20-508 and by Harrisville's Ordinance 575 public-hearing notice.

9. Official Public Hearing Notice - Ordinance 575. Harrisville/Utah Public Notice Website notice for the September 9, 2026 hearing, identifying the property as approximately 4.95 acres and citing Utah Code §§10-20-502 and 10-20-508.

Official source locations:

Harrisville documents: https://harrisvillecity.gov/documents/

Utah Public Notice - Ordinance 575: https://www.utah.gov/pmn/sitemap/notice/1104553.html

Utah Code Title 10, Chapter 20: https://le.utah.gov/xcode/Title10/Chapter20/C10-20_2025110620251206.pdf

To: Members of the Harrisville Planning Commission

From: Mayor Roger Shuman

Subject: Opposition to Proposed Development Agreement and Rezone Request at 640 West Harrisville Road

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Dear Planning Commission Members,

I am writing to you in my capacity as Mayor and as a concerned resident of Harrisville. I strongly oppose the proposed land development agreement, rezone, and change of use for the property located at 640 West Harrisville Road.

As a general planning policy, Harrisville should avoid spot zoning—particularly for parcels under 30 acres—and refrain from executing custom development agreements created to bypass standard zoning density limits.

The core principles of the Harrisville General Plan cited below remain directly applicable to this proposal:

- **Rural Residential (Page 17):** Designates areas for very low-density residential and agricultural preservation, setting a strict maximum density of no more than one dwelling unit per 40,000 square feet. Its explicit intent is to protect these zones from incompatible land uses.
- **Semi-Rural Residential (Page 17):** Functions as a designated buffer between rural and low-density areas, preserving large-lot residential living and light agricultural activity with lot sizes between 20,000 and 40,000 square feet.
- **Land Use Goal #1 (Page 18):** Directs the City to maintain a balanced mix of land uses that serves existing residents and local business needs.
- **Land Use Goal #2 (Page 19):** Requires every proposed development to be thoroughly evaluated for its impact on adjoining properties, infrastructure capacity, and flood control.
- **Land Use Goal #4 (Page 19):** Mandates land use standards that emphasize neighborhood compatibility, impact mitigation, and appropriate land use transitions.
- **Land Use Goal #12 (Page 19):** Commits the City to maintaining and enhancing the appearance and residential quality of existing and future neighborhoods.

Granting higher density through a specialized agreement at 640 West Harrisville Road directly conflicts with these established goals and compromises the rural character of the surrounding neighborhood. I ask that you recommend denial of this agreement and rezone request.

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Thank you for your dedicated service to Harrisville and your thoughtful consideration of this matter.

Sincerely,

Roger Shuman

Mayor, Harrisville City

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Outlook

Proposal for 640 West Harrisville rd.

From Shanna Edwards <shanna.edwards1068@gmail.com>
Date Sun 9/6/2026 6:43 PM
To Cynthia Benson <cbenson@harrisvillecity.gov>; Jack Fogal <jfogal@harrisvillecity.gov>

Dear Members of the Planning Commission,

I am writing to express my strong opposition to the proposed zoning change that would allow the project at approximately 640 West Harrisville Road to be developed under a Development Agreement.
Allowing this property to be developed under a Development Agreement essentially hands over control of how our city grows to private developers. Instead of protecting citizens and current homeowners by upholding the standard zoning ordinances and the General Plan, this approach creates what is essentially a "spot zoning" loophole in disguise.

Furthermore, the proposed plan is entirely incompatible with the surrounding agricultural area. The high-density development criteria of Ordinance 562 requires a larger land allocation, yet the property in question is less than five acres. Because it does not qualify under standard regulations, the developer is attempting to bypass them by utilizing Ordinance 562. This ordinance, which allowed for this specific type of high-density overlay, was passed by a previous administration on their way out of office. This land use amendment needs to be rejected. Ordinance 562 should either be repealed or strictly limited; otherwise, we will see future developments that completely erode what remains of the rural character in Harrisville.

Please do not recommend this agenda item favorably. Overriding the traditional zoning rules to accommodate 13 single-family residential small lots is a drastic shift from the current A-1 zoning. A zoning change of this magnitude and the current concept plan do not represent a layout that fits our community.

Thank you for your time, consideration, and dedication to protecting our city's future.

Sincerely,
Shanna Edwards
1068 North Harrisville Road

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September 8, 2026

Mayor Roger Shuman
Harrisville City Council
Harrisville City Planning Commission
363 W. Independence Blvd
Harrisville, UT 84404

Subject: Opposition to Ordinance 575 and the proposed Development Agreement for Sunflower (Weber County Parcel 11-021-0009 / 640 W. Harrisville Road)

Dear Mayor, council members and commissioners:

We own 664 W. Harrisville Road (parcel 11-021-0064), immediately west of the Fieldstone parcel. We oppose Ordinance 575 and the draft Development Agreement for Sunflower. The agreement does not "leave A-1 in place." It replaces A-1 lot size, frontage, setbacks, and density with a private concept plan, on a 4.964-acre agricultural parcel the city already declined to overlay earlier this year.

1. The parcel is 4.964 acres, not 5 acres.

Recital A of the draft agreement calls the property a 5-acre parcel. Exhibit A of the same agreement states: "Contains: 216,248 square feet or 4.964 acres." The city should not adopt findings that rest on an incorrect acreage.

2. The proposal violates the A-1 zone requirements.

Harrisville Municipal Code § 11.09.020 sets these A-1 standards:

Standard	A-1 requirement	Sunflower lot typical
Minimum lot area	40,000 sq ft	¼ acre (10,890 sq ft)
Minimum frontage	100 ft	90 ft
Front setback	30 ft	20 ft house / 25 ft garage
Interior side	12 ft	8 ft
Rear	30 ft	15 ft

On 216,248 square feet, A-1 density is one dwelling per 40,000 square feet; at most five dwellings on this parcel, including the existing house. Fieldstone itself told the Harrisville Project Management Committee in December 2025 that a by-right concept under current zoning is four lots. Thirteen lots is more than double what A-1 allows.

Sections 3.1 and 3.2 of the draft agreement make the point explicit. They declare the Concept Plan the "complete and exclusive" set of development standards for the project. They then provide that if any of those standards "conflicts with or differs from any dimensional, design, or improvement standard of the Property's underlying zone," the Concept Plan controls. That is a rezone by contract that would effectively convert the parcel into medium density residential.

3. The proposal conflicts with Harrisville City's 2019 General Plan.

The Land Use element for Rural Residential describes these areas as intended for "very low-density residential uses," to "maintain a residential/agricultural environment," and to "protect the residential/farming areas from incompatible and conflicting land uses." Maximum density is "not … more than one dwelling unit per 40,000 square feet," and such areas "are typically zoned as Agriculture."

General Plan Land Use Policy 1 requires that development proposals be considered "in conjunction with the goals and policies set forth in this General Plan." Policy 2 requires evaluation of impact on adjoining

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uses, infrastructure, and flood control. Policy 11 calls for housing approaches that mitigate storm water. The Environmental Considerations policy requires projects in high-groundwater or flood-prone areas to show they will not create “future or ongoing problems.”

Thirteen quarter-acre lots plus a storm basin against an existing A-1 home is not Rural Residential and is not consistent with those policies. Approving it without a General Plan amendment treats the Plan as optional.

4. This is the same project Harrisville City has already rejected, minus every public-benefit condition.

Ordinance 571 sought the Housing Affordability Overlay (HAOZ) on this same parcel. Public comment was uniformly against it. The Planning Commission did not recommend it. HAOZ (HCMC § 11.16.050) exists precisely so the city can grant smaller lots only if the project is at least 5 acres, is in a General Plan-supported location, and delivers deed-restricted, owner-occupied, target-priced homes.

This agreement drops the overlay, drops the 5-acre floor, and drops every affordability or owner-occupancy obligation. It keeps small lots, reduced setbacks, narrowed street, and the basin in the same place. If HAOZ was the lawful path for extra density, a development agreement that grants similar or greater relief with none of HAOZ’s public conditions is not a lesser request. It is an end-run.

Utah’s Office of the Property Rights Ombudsman states that if a development agreement contains terms that conflict with existing land-use regulations, it must be approved by the same process used to enact a land-use regulation, and that using an agreement to “contract around zoning requirements” is contract zoning. Wallingford v. Moab City, 2020 UT App 12, condemned an agreement that used contract to evade required land-use procedure. Recital D (“no rezone … is required, contemplated, or a condition”) cannot be reconciled with Sections 2.2, 3.1, and 3.2.

5. It is spot zoning.

The surrounding land remains A-1 / Rural Residential. This ordinance would confer unique lot sizes and density on one 4.96-acre tract for one developer, after a failed overlay application, with no citywide A-1 amendment and no General Plan change. That is the definition of a special privilege, not a generally applicable rule.

6. The storm basin will worsen documented damage on the adjoining lot.

Since we bought 664 W. Harrisville Road in November 2024 we have had repeated crawlspace flooding from flood irrigation and stormwater in the ditch immediately east of our foundation. We have already spent tens of thousands of dollars on pumps, grading, and structural repair. The concept plan places the STORM BASIN in the same location as the Ordinance 571 detention pond; directly against our east property line.

Staff comments on Ordinance 571 addressed detention pond overflow. Our issue is infiltration and hydrostatic pressure, not overflow. Concentrating stormwater in a basin on high-groundwater soils next to an existing crawlspace will increase saturation against our foundation. The General Plan identifies storm drainage and flooding as ongoing city problems and requires new development to mitigate them, not shift them onto neighbors. The draft agreement contains no liner standard, no setback from adjacent foundations, no groundwater study, and no neighbor-protection condition. Vesting that basin location before those facts are studied is inconsistent with Policy 2 and the Environmental Considerations policy.

Request

We ask the Planning Commission to recommend denial of Ordinance 575, and the City Council to deny it, unless and until:

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1. The project complies with A-1 lot area, frontage, setbacks, and density;
2. A licensed geotechnical/hydrogeologic analysis addresses groundwater, the existing irrigation ditch, and impact on 664 W. Harrisville Road, with the basin relocated or lined if infiltration risk remains; and
3. The city stops using a development agreement to grant the density and dimensional relief that HAOZ and A-1 do not allow on this parcel.

Thank you for your time and consideration.

Sincerely,

Warren and Kathryn Child
664 W Harrisville Road
Harrisville, UT 84404

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HARRISVILLE CITY

363 W. Independence Blvd Harrisville, Utah 84404 801.782.4100
www.cityofharrisville.com

MAYOR:
Roger Shuman

COUNCIL MEMBERS:
Grover Wilhelmsen
Blair Christensen
Karen Fawcett
Jason Hadley
Greg Montgomery
Annette Prall

Staff Report

September 3, 2026

MEMORANDUM

To: Harrisville City Council
From: Sarah Wichern, City Planner
Agenda Date: September 8, 2026
Subject: Consideration of changes to the HVC Land Use Code regarding Accessory Dwelling Units and Residential Design Standards, Ordinance 569.

BACKGROUND

Recent state legislation has established requirements for municipal regulations governing Accessory Dwelling Units (ADUs). Harrisville previously adopted regulations for Internal ADUs and is now required to address External ADUs. Because Harrisville currently does not permit External ADUs, staff drafted a new code section to allow and regulate them. During this review, staff also identified residential design and parking provisions that require updates to comply with state law, along with minor changes for clarification and consistency.

OVERVIEW

Section 11.20.260 Accessory Dwelling Units

- Defines **Internal and Detached ADUs**.
- Establishes **minimum lot sizes and size limitations** for ADUs.
- Limits properties to **one ADU per primary dwelling**.
- Requires the **property owner to live on the property**.
- Prohibits **short-term and vacation rentals**.
- Establishes **utility, addressing, permitting, and licensing requirements**.
- Establishes **design, height, setback, and compatibility standards** for ADUs.

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Section 11.09 Residential Design Standards

11.09.020 Main Building Development Standards

- Eliminates exceptions to setback standards for home expansions.
- Eliminates size and design specifications for single family homes (as required by Utah Code §10-9a-534)

11.09.040 Parking Regulations

(1) Adjustments to the required parking regulations to eliminate the side-by-side requirement (as required by Utah Code §10-9a-534(4)) and specify that all required parking is to be located behind the front setback.

(4)d. Updates minimum size requirements to the largest size allowed by Utah Code §10-9a-534(4) and specifies minimum garage door sizing requirements.

ANALYSIS

Accessory Dwelling Units can provide additional housing opportunities while also creating potential impacts related to property appearance, neighborhood compatibility, parking, and City infrastructure. The proposed ordinance establishes standards intended to allow ADUs while maintaining impacts similar to those associated with accessory structures currently permitted by the City. The ordinance also includes utility and other requirements intended to address potential impacts to City infrastructure.

During the review of ADU regulations, staff identified provisions of the existing code that needed to be updated to comply with state law. State law limits a municipality's ability to regulate certain architectural design elements and parking requirements for residential dwellings. The proposed ordinance removes the architectural requirements that are restricted by state law and modifies the parking provisions accordingly, while retaining standards intended to ensure that required off-street parking is adequately sized and accessible.

RECOMMENDATION

Planning Commission forwarded a positive recommendation of Ordinance 569 with modifications that staff has included in the packet for City Council. Staff recommends the City Council:

1. Review the draft ordinance 569 and discuss and consider any revisions.
2. Adopt (with possible revisions based on discussion) Ordinance 569.

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HARRISVILLE CITY
ORDINANCE 569

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING HARRISVILLE CITY CODE CHAPTER 11 TITLE 9 AND CHAPTER 11 TITLE 20; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville 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 allow municipalities in the State of Utah 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, Title 10, Chapter 20 of the *Utah Code Annotated* enables municipalities to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held a public hearing on May 13, 2026 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 September 8, to act upon this ordinance;

WHERAS, the City Council finds the proposed update contains all elements mandated by Utah Code and has been updated to meet current and future needs of the City;

WHEREAS, the specific amendments to Harrisville City Code are set forth in exhibit "A" attached hereto and incorporated herein by this reference;

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

Section 1: **Repealer**. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Exhibit "A", attached hereto and incorporated by this reference is hereby adopted and shall constitute the official amendments *to Harrisville City Code* Chapter 11 Title 9 and 20.

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 8 day of September, 2026.

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Roger Shuman
Mayor

Jack Fogal
City Recorder

RECORDED this 9 day of September, 2026.
PUBLISHED OR POSTED this 9 day of September, 2026.

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) Harrisville Cabin and 3) 2150 North on the above referenced dates.

City Recorder

DATE: 9/9/26

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Harrisville City Municipal Code

Section 11.20.260 Accessory Dwelling Units

1. Definitions

a. **Accessory Dwelling Unit (ADU)**
A self-contained residential dwelling unit that is secondary to a primary dwelling on the same lot. An ADU includes independent living facilities for one household, including a kitchen, bathroom, and sleeping area.
b. **Internal ADU**
An ADU located entirely within the footprint of the primary dwelling (e.g., basement, attic, or interior conversion) at the time the ADU is created.
c. **Detached ADU**
An ADU located within a separate, freestanding structure on the same lot as the primary dwelling and not physically attached to it.

2. General Limitations

The following limitations apply to the creation and occupancy of any ADU:

a. Only one (1) ADU per primary dwelling shall be permitted.
b. No Internal ADU shall be permitted on a parcel that is six thousand (6,000) square feet or less in area.
c. No Detached ADU shall be permitted on a parcel that is ten thousand (10,000) square feet or less in area.
d. The maximum gross floor area of a Detched ADU shall not exceed the lesser of
    i. ten percent (10%) of the lot area or
    ii. the gross floor area of the primary dwelling.
e. ADUs shall be used only for residential occupancy of thirty (30) consecutive days or longer and shall not be used as vacation rentals or short-term rentals.
f. The property owner shall occupy either the primary dwelling or the ADU as the owner's primary residence.
g. The owner shall obtain all required permits, inspections, and approvals from the City and any other applicable agency prior to occupancy.
h. No ADU shall be created or occupied within a mobile home as defined in Utah Code § 57-16-3

3. Local Requirements

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a. **Licensing**. If the ADU is rented, the owner of the ADU shall obtain and maintain a business license in accordance with Title 3, Chapter 3.15 of the Harrisville Municipal Code.

b. **Utilities**:
   i. No Detached ADU shall be approved if the primary dwelling is served by a failing lateral utility line.
   ii. Detached ADUs must have adequate access to required utilities including water, sanitary sewer, and electricity.
   iii. A Detached ADU application may be rejected if a utility service to which the ADU must make a connection does not have sufficient capacity to support the addition of the ADU.

c. **Addressing**:
   i. ADUs with separate utility meters shall be assigned a separate address.
   ii. ADUs with shared utility meters may utilize a distinguishing suffix to the primary address, as approved by the County.
   iii. Address signage shall be visible from the street and comply with applicable City standards.

4. Design Standards

a. **All ADUs Shall**:
   i. Meet existing standards for residential homes as set forth in Harrisville City Code.
   ii. Comply with the setback requirements of their zone.
   iii. Be designed to preserve the appearance of the property as a single-family dwelling. Entrances to an accessory dwelling unit shall be located and designed so as not to detract from the single-family character of the primary residence, particularly when visible from the front of the property.

a. **Detached ADUs**:
   i. Design: Detached ADUs shall complement the architectural style, materials, and character of the primary dwelling.
   ii. Height Limitations. Detached ADUS shall not exceed:
      (1) One (1) story in height for ADUs on lots smaller than fifteen thousand (15,000) square feet or
      (2) Two (2) stories in height for ADUs on lots fifteen thousand (15,000) square feet or larger.
   iii. Attic Space**.** Habitable or living space fully contained within a roof attic shall not be counted as a story for purposes of this subsection.
   iv. Scale and Massing. Detached ADUs shall be subordinate in scale and massing to the primary dwelling, except on lots greater than one (1) acre where barn- or garage-style accessory structures may exceed the size of the primary dwelling.
   v. Setback Exceptions. Detached ADUs may be located closer than the setbacks of the underlying zoning district, provided that:
      (1) The structure complies with Accessory Building Development Standards set forth in HVCC §11.09.030; and

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(2) No windows or openings are permitted on any wall facing a shared property line within the required setback for primary dwellings in the applicable zone.

5. Parking

a. Regardless of whether the primary dwelling is existing or new construction:
   i. One (1) additional on-site parking space shall be required for an Internal ADU or a Detached ADU of less than six hundred fifty (650) square feet of living space.
   ii. Two (2) additional on-site parking spaces shall be required for any Detached ADU exceeding six hundred fifty (650) square feet of living space.

b. Required ADU parking shall be in addition to the parking spaces required for the primary dwelling.
c. ADU parking shall not reduce or interfere with required parking for the primary dwelling.
d. All parking areas shall comply with the Additional Off Street Parking Requirements of HVCC §11.09.040(2) and the Parking Size/Garage Door Requirements of section HVCC §11.09.040(4).
e. Any required parking spaces eliminated due to ADU conversion shall be replaced.

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