

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION MEETING**

MEETING DATE: January 24th, 2019
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

NAME	TITLE	STATUS
Doug Allen	Planning Commission Chair	Present
Sandy Hunter	Planning Commissioner	Present
Blake Bingham	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Present
Jeff Larsen	Planning Commissioner	Excused
Larel Parkinson	Planning Commissioner	Excused
Bill White	Town Council Liaison	Excused
Wendy McKay	Town Council Liaison	Excused
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Excused

Citizens: See Attachment #1

1 – Roll call: Chairman Doug Allen called the meeting to order

2 – Approval of the Minutes from November 28th, 2018: **Blake made a motion to approve minutes for the Planning Commission Meeting on November 28th, 2018.** Seconded by Sandy. All vote aye. Minutes are approved.

3 – Commissioner Comment – Doug Allen: Doug wanted to recognize that Rex Harris was sitting in the audience tonight and not on the Planning Commission. He explained the Town Council has created a position to help the Land Use Permit Process as well as be a liaison with the County. Rex Harris is taking that position as Land Use Coordinator. He is also serving as the Town Engineer. Rex explained he will be ushering residents through the building process and interface with the county. The current items on the PC agenda tonight have gone back to him and not to the PC tonight. He will help the residents prepare before they go to the PC for their Land Use Permits.

Chairman Allen welcomed the audience to the meeting and explained the two ordinances in which we are discussing tonight could really affect the Town and it's residents. He is appreciative of the comments and opinions that have been submitted prior to the meeting. He is grateful to see a good turn out tonight.

4 – Approval of Planning Commission Meeting Schedule for 2019: **(See Attachment #2) Blake made a motion to change the date on the presented meeting schedule to 2019 and to move the December meeting to the 12th and the November meeting to the 14th.** Sandy seconded the motion. All votes aye. Motion passes.

4 – Motion to close the regular commission meeting and open public hearing on Title 15.6.2 Ordinance #2019-1-24-A. Blake Bingham made a motion to close the regular commission meeting and open the public hearing. Liz seconded the motion.

(See Attachment #3) Blake wanted to give a brief overview of the ordinance before the public hearing began. Blake had a copy of the proposed ordinance 15.6.2. He pointed out some housecleaning aspects of the ordinances. Many of the lines stricken are already covered in the Use Table. The PC would like to see this removed from this ordinance. Blake pointed to letter H. in the ordinance. Blake stated there has been a lot of discussion about what kind of accessory buildings should be allowed within the residential zone since there is another ordinance that states there should only be one house on one lot. The proposed ordinance allows no more than one sink, one toilet, one water heater, and one washing machine connection, total, for all accessory buildings on a residential lot. It would prohibit kitchens and cooking amenities.

Doug called for a vote on the motion. All votes aye. The regular meeting is closed, and the public hearing is open.

7. Public Hearing on Land Use Regulation Amendments, Title 15.6.2, Ordinance #2019-1-24-A.

Sandy read the comments from **Marc and Carol Raleigh (See Attachment #4).**

Sandy read the comments from **Norma Klein (See Attachment #5).**

Sandy read the comments from **Sandra Saphore (See Attachment #6).**

Sandy read the comments from **Scott Richardson (See Attachment #7).**

See additional comments sent in to the Planning Commission with **Attachment #8**

Ruston McKay: See Attachment #9 Doug Allen wanted to know if the petition he put together applied both ordinances. Ruston stated it applied to both ordinances.

Barry Whitehead: Barry Whitehead stated he wanted to add to Ruston's comments. He wanted to refer to the hotel that now exists in the center of Town. He has talked to several older residents of Huntsville who would have loved to see condos on that lot because now the cost of taxes are rising and they would like the option of staying in Huntsville in a condo. When he moved to Huntsville, he moved into a 140-year-old home and thought that he would be able to make some small modifications and add an accessory building. He thought about the pros and cons of accessory buildings. He has lived in Concord, Massachusetts where there are many accessory buildings that add to the character of the Town. It is aesthetic standards that keep that community beautiful. Barry stated he could have torn down the historical home in Huntsville and built a really big home. The accessory building keeps the Town rural and beautiful but also allows family to come and visit. Had he known that accessory buildings were not allowed, he would have torn down the home and built a really big home to have the same number of bathrooms and bedrooms he wants to have now to have accommodations for everyone. He would like his family to come and visit. Huntsville is too far for many of them to come just for dinner. They need to have a place to stay.

Ken Bair: He wanted to ask what the definition of an accessory building was.

Sandy read the definition of accessory building:

Accessory Structure or Building: a subordinate structure detached from but located on the same lot as the main structure, the use of which is incidental and accessory to that of the main structure. A detached subordinate building and/or structure clearly incidental to and located upon the same lot occupied by the main building and/or structure.

Ken Bair: He wanted to ask whether that would affect any addition to the home. The PC responded that was the next hearing on the next ordinance.

Brad Layton: He stated he believed Huntsville is already a resort town. Huntsville already has the 4th of July, the hotel, soccer tournaments and the marathon. He is not against any of these things but believes the PC needs to look at the ordinances through the eyes of this Town already being a destination Town. We are a resort town. When it comes to accessory buildings, we need to allow people to do more. It's their property and they paid for it. The taxes are ridiculous. For an ordinance to restrict him from doing anything with his property or even increasing his income, he ought to be able to do that. He believes there are other factors which should affect how they use their property, like septic tanks. He would like the PC to think about who this ordinance is targeting. Brad stated he believed that it benefits the rich because they can tear down a home and have the money to build what they want. He believes this restricts the long-time residents who don't have that kind of money. He understands how difficult it is to make these decisions being a past member of the Planning Commission. He hopes that the Planning Commission will focus on what needs to be done to maintain the integrity of the Town without restricting the rights of the property owners.

Rex Harris: Rex wanted to clarify some questions on the ordinance. He stated that Huntsville had a General Plan. As part of the plan, the citizens had input on what they wanted their Town to look like. In that plan, the ¾ acre lot and the rural feel were put forth. The General Plan does not specify what one resident should or shouldn't do with their property. The issue that the Council and Committee are trying to address is the temptation for residents of the Town to rent out accessory buildings. The renting of the accessory building can be lucrative. Rex stated if the Town wanted to change the plan and decide to divide the ¾ acre lot, then they could sublease or sell something smaller than ¾ acre lot. He stated the General Plan would have to change and it could be changed if that's what the residents want. The reason why this is an issue is because people are renting more than one home on a lot. The reason for the restrictions on plumbing and kitchens is to make it less likely the resident will rent the accessory building. If families wanted to stay, then people would be more comfortable sharing the plumbing with their families, but it would be less likely if they rented to people they didn't know.

Doug Allen wanted to ask Rex about the consequences of doubling the density of the Town. Doug wanted to know about septic. Rex replied that the County required a minimum of ½ acre. CM McKay wanted to know how many bedrooms that would accommodate. Rex stated if there are more bedrooms, then your drain field would have to be larger. CM McKay wanted to know if it made a difference whether it was one home or two structures that shared the bedrooms and/or plumbing. Rex responded that it did not.

Richard Sorenson: Richard wanted to point out the hotel had 15 bedrooms on a 1-acre lot. He wanted to thank the Commission for the advertising of the ordinance and he thought it was very helpful. However, he stated the PC did not give him enough time to compose his comments. He stated he is opposed to the ordinance and if the reason for the change is for rentals, then the PC should enforce the rental restrictions. Richard recounted the history of garages in Huntsville and how they have grown over the years. He stated, as he sees it, residents have two choices. The first is to have multiple smaller buildings on a property. Or they can have one large building. He believes either is okay. Richard stated he is not in favor of an HOA or an architect committee. He believes Huntsville has enough restrictions. He believes there are many lots with accessory buildings and different kinds of structures, like pool houses. These structures will help for family parties. He believes a kitchen would be helpful in a family setting. He is opposed to the ordinance change. He appreciates the efforts to try to not make this a resort community, but he is opposed to the ordinance change.

Dawson Hedges: Dawson stated he had attended a council meeting where CM Bill White made a presentation about the water limitations in the Town of Huntsville. He believes that anything that might double the density of the Town of Huntsville should take into consideration water availability and resources. This is a limiting factor and should be considered in the beginning before Huntsville runs out of water. If the issue is one of housing density, then Huntsville ought to also consider the building of a new home on a lot without tearing the other house down, or adding on to a home without connecting them in some way. There are a variety of ways to double the density of Huntsville.

Barry Whitehead: Barry wanted to respond to some of the things that Rex brought up. He reiterated that there already is a septic standard so subdividing $\frac{3}{4}$ acre lots shouldn't be an issue. Barry also stated Huntsville has an enforcement officer. He suggested that this enforcement officer should be able to enforce the code with regards to rentals.

Regen Sorenson: Regen stated this was about property rights, not doubling the density of Town. She commented that no one here wants to double the density of Town. They are fighting for their property rights.

Chad McKay: He asked the PC if they received a copy of his comments. He stated he is against the proposed ordinance. Chad stated we ought to be able to allow family members.

Tad Judd: He commented there had been a lot of talk about family. He, himself, is watching his family grow up and leave and is trying to figure out how to accommodate his family coming home to visit him. They have a smaller, older home. One option that they would like to consider is to have their family come and stay in an accessory building that could have bedrooms and bathrooms. He does not understand the restrictions on the plumbing. For many years his family went to a family cabin to gather that only had one toilet. He stated they spent the weekend waiting for the toilet. He believes there is a better way to handle this.

Blake asked Tad Judd what his input was on the kitchen. Tad stated he understood what the PC is intending and what they are trying to prevent. He does not have a problem limiting kitchens in accessory buildings. He is for one house on one lot in this Town.

8 - Motion to close the public hearing on Ordinance #2019-1-24-A and open regular commission meeting. **Blake made a motion to close the public hearing on Ordinance #2019-1-24-A.** Sandy seconded the motion. All votes aye. The public hearing is now closed.

9 – Discussion and/or action on Ordinance #2019-1-24-A.

Chairman Doug Allen stated he goes on vacation and rents a home from someone in the area they are visiting. He has had nothing but good experiences in those places. Each one of the places were part of an HOA. Doug believes that it would be very difficult to enforce the ordinances. If the residents wanted accessory buildings to rent, it would be very difficult to enforce. He doesn't want to limit property rights, but he wants to protect the rights of neighbors as well. What happens when the nuisance ordinances are violated when the buildings are stayed in or rented out.

Liz commented she believes that culinary water is an issue. She stated Huntsville Town is limited to culinary water. Liz commented that she is worried about driving out families if rentals start happening in Town. She recognizes that many people want their families want to come and not renters, so maybe that is not an issue.

Rod Layton asked if they were discussing accessory buildings for family members to come and stay in or if they were discussing accessory building for rentals. Doug stated yes to both situations. Doug stated this can't be regulated.

Blake stated he is concerned about property rights. He believes the Town needs to be mindful of the property rights of its citizens and that will increase the happiness of its residents. If the concern is population density, he states that the Planning Commission address these concerns through the other ordinances. Blake addressed the concern about septic. He stated that Weber County has a strict restraint on the size of a septic for its lot size. Again, the septic concern will probably resolve itself. As for culinary water, Blake stated he didn't see this as a huge role in accessory buildings. Blake stated that there are ordinances that address the rental issues. Blake recommended that the Planning Commission strike the wording limiting plumbing. But he does recommend that the PC adopt the restriction on kitchens. He understands that that is not what everyone wants, but he thinks it is a good compromise.

Sandy read comments from Larel. (See Attachment #10)

Sandy stated that she believed in property rights for land owners. She stated she doesn't have a large family but if she did, she would want them to come to stay with her and she would like to have the facilities to have them come. She does not want to restrict plumbing, but she does want to restrict the kitchens. She believes that enforcement will be an issue. She states they can address rentals in other ordinances. She stated she would like to address two/duel houses on one lot that in another ordnances. Rentals will also need to be addressed in another ordinance.

Doug wanted to know how this would increase the property tax. Blake wanted to leave that question to the land owner. Sandy also commented she really did not want rentals. Blake commented kitchens would prevent the definition of two homes on one lot.

Kristen Johnson wanted to know why the PC was opposed to kitchens. Her family home is small, and her children can't come to visit unless it is the summer. They have always talked about putting up a barn in the back with a kitchen that could accommodate their family for Thanksgiving and such. Then after everyone left, they could close it up and go back to the small house. Sandy commented to Kristen that it would be very convenient for the family, but it also makes it extremely conducive to become a second dwelling because it would have every amenity.

Blake motioned to recommend for adoption ordinance #2019-1-24-A as amended as follows; strike subparagraph H1, strike subparagraph H2 and amend subparagraph H3 to read "Kitchens and interior cooking amenities are prohibited, including but not limited to ovens, and cooking stoves." Sandy seconded the motion. Chairman Allen called for a role call vote. Three votes aye. One vote nay. Motion passes. Ordinance #2019-1-24-A has been recommended as amended to the Town Council for action.

VOTES:	
AYES:	Commissioner Sandy Hunter Commissioner Blake Bingham Commissioner Liz Poulter
NAYS:	Chairman: Doug Allen
ALTERNATE:	
EXCUSED:	Commissioner Jeff Larsen

10 - Motion to close the regular commission meeting and open public hearing on non-compliant building amendments, Title 15.17.3, Ordinance #2019-1-24-B. **Blake made the motion to close the regular meeting and open the public hearing on Ordinance #2019-1-24-B.** Liz seconded the motion. All votes aye. Public hearing is now open.

Blake introduced ordinance #2019-1-24-B. The Fact Sheet and summary was shown to the audience from the overhead projector. **(See Attachment #11).**

Rex Harris: Rex wanted to comment that this amendment of 15.17.3 lessens the restrictions on this ordinance. Rex stated this goes back to the general plan. At some point the setbacks were set on the property at 30 feet for frontage. The point of the ordinance prior to this was to bring the older homes into compliance over time. However, the Planning Commission is finding that families are moving into older homes and then wanting to keep them and remodel or add on to the home. The current ordinance prevents them from adding on to the home if it is a non-complying building. Rex summarized that if the enlargement or addition is compliant, then the addition would be allowed with the new restrictions.

Chris Bair: Chris wanted to know about the grandfathered homes. Rex explained that the Huntsville ordinances state that if you are in a non-complying home and you want to continue to live in it, then it is grandfathered. If you want to make changes to that home, then this ordinance states that you can make those changes if the changes meet the current ordinances. Chris wanted to know how to tell what zone she was in. Sandy replied that most of Huntsville is in the R-1 zone. Chris asked for more clarification regarding what constitutes non-compliance.

Wendy McKay: On behalf of **Ruston McKay** she wanted to read some comments. (See Attachment #12)

Barry Whitehead: He stated that he owns a home that is non-compliant and doesn't meet the front set back of the home. He wanted to ask the Planning Commission if he could add a 5-foot porch to his home. Rex responded if he wanted to add a 5-foot porch to the north side of his home (which is considered the side yard for set-backs) then he would be allowed to do so as long as it didn't interfere with the 30-foot set-back on the west side of his home. Barry responded he would like to make a motion for older homes to be able to add porches because it is not living space. It is just covered patio entry.

Brianna Bingham: Before she gave her comments, Blake commented that this was his wife and he has a potential conflict of interest because they are planning on doing an addition to their non-compliant home.

She stated she thought the way that the ordinance was written was fine, but she has an issue with the restriction on the size of the enlargement. She stated if she only has an 800 square foot home, then she could only expand 800 square feet. Someone with a larger home could add on a larger amount of square footage. She doesn't think this is fair to smaller home owners.

Julie Powell: She wanted to stand and comment because their family has been in the middle of this ordinance for a long time. She and Artie sent in their comments to the Planning Commission. (See Attachment #13). She apologized for it being lengthy, but they have had a lot of experience with this ordinance. Julie stated she was especially concerned about the side set-backs and side yard. She commented that because the house next door to her is not in compliance with the side yard set-back, it precludes her family from using her side-yard set-back. These side yard set-backs affect neighbors.

Julie wanted to comment on the last part of the ordinance. She believes that the ordinance discriminates against those living on a non-conforming lot. She continued to read from their statement regarding this argument. Sometimes it isn't the fault of the property owner and the Planning Commission needs to take that into consideration.

She and Artie recommended that the Planning Commission reject the proposed changes to the ordinance and instead address the front yard set-back ordinance exclusively. She stated, in her mind, there were not reasons for a few people to benefit from a variance when everyone could benefit from a reduction in the front yard set-back. She believes there needs to be a determination about why they need a 30-foot set back in the front yard. Is there a legitimate

reason for this? Or could we make an adjustment to that ordinance? Otherwise, give back a certain portion. Additional recommendations can be seen in their written comments submitted.

Rod Layton: He seconds what Julie has said. He wanted to ask the PC if he would be able to add on to his mother's home as the ordinance stands because the lot was non-conforming. The PC stated that they couldn't add on a non-conforming lot. The second question was about measuring the set-backs. He has always measured the set-backs from the foundation. Blake responded that the foundation on Barry's porch would be extended out.

Monte Stewart: He asked the Planning Commission if they knew how many non-complying homes there were in Huntsville. Sandy responded they didn't know the number but 80% has been recently thrown out as a discussion point. She doesn't believe the number is that high. The second point Monte wanted to make was that a 99 foot right of way is a very large right of way. He was wondering if it was open to discussion to change the set-back on the front because Huntsville already has a 99 foot right of way. He compared the right of way to Harrison Boulevard and Wall Avenue. He knows that it would be extremely difficult to change the right of ways around Town but adjusting the set-back would be much easier. Monte stated that the homes on his road are 6 feet off the road. His point is that even at 6 feet, it doesn't feel crowded. Blake asked a follow up question. Blake pointed out that even with the passage of this ordinance, it would not provide relief for Monte. Blake asked Monte for his opinion about the ordinance. His only point is that on a corner lot, what is the front? Blake stated it is generally where you access your home from your driveway.

Richard Sorenson: Richard stated he wants the Town to focus on the preservation of historic homes. He would like to see the restriction on the size of the enlargement done away with. He gave the example of his sister's home, which is small.

Chris Bair: She wanted to ask how the set-backs were measured. Doug answered they were measured by the property line.

Chad McKay: He stated the wide roads were originally set for the carriage turn arounds. He believed that owners used to own to the center of the road, making a full acre lot. Blake stated there was very little chance that the rights of way would change. The process is complicated.

11-Motion to close the public hearing on Ordinance #2019-1-24-B and open regular commission meeting. **Liz motioned to close the public hearing on ordinance #2019-1-24-B and resume the regular commission meeting.** Sandy seconded the motion. All votes aye. Motion passes.

12-Discussion and/or action on Ordinance #2019-1-24-B.

Doug wanted to comment. He wanted to address the reason for the 30-foot set back. He believes that it was because of the electric company or other utilities. He recommends that we not take any action on this ordinance tonight.

Blake would like to make some comments. Blake wanted to disclose that he has a conflict of interest. He is looking to expand his own home and his home doesn't meet the set-backs. He believes they ought to rely on the other ordinances to address the set-backs and other needs. The

30-foot set back is for utility easements as needed. There have been a lot of discussion on non-conforming lots in Town. He wanted to make sure that everyone understood that lots that were set prior to 1992 are grandfathered and are conforming lots. He wanted to make sure that everyone understood that. This proposed ordinance does conflict with that. He believes this is problematic. He believes there is merit to adjusting the set-backs. He believes the general plan dictates open space but a 30-foot set-back leaves more than enough space. Blake would also like to mention the gravitation of this Town toward the wealthy. He believes that when they prevent the older homes from being added on to, then they are discouraging more middle-class families from buying here. There is a definition about the front lot line. He read the definition and he stated it was ambiguous. Blake would prefer to take a vote tonight and send it to the Town Council to make the decision and proceed. He would like to see this ordinance moving forward.

Liz states that she also lives in a non-complying house that was built in 1864. It makes a lot of sense to her to remove the restriction on the gross floor area enlargement. But she would like to refer to the lot coverage ordinance for additions and enlargements, meaning total square footage can not exceed 60% of the lot size. Liz would like to see that percentage even smaller. In summary, she is in favor of striking #3 and 4. She stated that as for the non-conforming lot, it already has a building on it, so that should be honored.

Sandy stated they have been on this ordinance for years. Sandy stated she is in favor of enlarging a home where the set-backs are adequate. She expressed the need to address the discrimination that the Powell's brought up against non-conforming lots. She is thinking about the changes suggested for the set-back.

Mayor Truett commented he understood that Blake wanted to see this move forward; however; if they sent this to the Town Council, he is not sure that it would go anywhere. It is his suggestion that the action be tabled tonight and then the Town Council and the Planning Commission could meet in a work session where everyone could work together on this issue.

Doug stated he was not prepared to decide tonight. He liked the idea of a work session.

CM Wendy McKay wanted to know they couldn't vote on this tonight and then work on the set-back ordinance at a different time.

Sandy made a motion to table any action on ordinance #2019-1-24-B and schedule a work session with the Town Council meeting on February 7th, 2019 at 5:30 p.m. Blake seconded the motion. All votes aye. A work session was scheduled for February.

13 - Discussion on the addition of cargo containers and Timeshare to the Use Table. Sandy made motion to table any action for the next Planning Commission Meeting. Seconded by Blake. Doug wanted to discuss this issue. Blake stated there was a moratorium on timeshares for six months. Doug called for the vote. All votes aye. Motion passes.

14 - Citizen Comments. Mayor Truett stated he would like to add to the agenda of the work session the item of length of rentals. He requests the work session to start at 5 p.m.

Richard Sorenson: He wanted to make sure the Planning Commission understood that no one here tonight is asking for the General Plan to change. They also aren't asking that casitas be rented out. He wanted to be clear on those points.

Sandy made the motion to adjourn the meeting. Blake seconded the motion. All votes aye. Meeting is adjourned at 10:02 p.m.


Beckki Endicott, Recorder

Huntsville Town Meeting Sign in Sheet

Date: 1-24-19

Name-Please Print	Company/Position/Residence
Ron Gault	resident
Bill Wanggaard	Town Council
STEVE / KRISTIN JOHANSEN	RESIDENT
RED, - Anice Erickson	RES.
~~9AD + JENNIFER JORD~~	~~RES.~~
BRAD LAYTON	Res
Cathie Layton	Res
Mary Stullard	Res
Lewis Johnson	live here
Dale Maxwell	" "
Pauline Maxwell	" " "
Ruston, McKay	Res
Pod Layton	Res
Teresa Layton	Res
Kathy Johansen	Res.
153 ~~17~~	Res

Huntsville Town Meeting Sign in Sheet

Date: 1-24-19

Name-Please Print	Company/Position/Residence
Julie Powell	Res.
Tex Harris	
BRIAN CORWEN	Res.
Briana Bingham	Res.
Bradie Palmer	Res.
Jesse Trejo	Res.
Hilarie Trejo	Res.
BRITA W Sorensen	Res.
Nicole B Sorensen	Res.
RICHARD SORENSON	Res.
REGEN SORENSON	Res.
Ling Travers	Res.
Laurance Hedge	Res.
Roxy Hedges	Res.
Nathan & Brandon Carter	Res.
Ken & Chris Bair	Res.

Huntsville Town Meeting Sign in Sheet

Date: ~~1-23-2019~~
1-24-2019

Name-Please Print

Company/Position/Residence[illegible]

**PUBLIC NOTICE OF REGULAR MEETING SCHEDULE
FOR HUNTSVILLE PLANNING COMMISSION 2019**

Pursuant to Section 52-4-6 of the Utah Code, the Town of Huntsville hereby gives notice that the Huntsville Planning Commission will hold its regular meetings for the 2019 calendar year on the fourth Thursday of each month. The regular meetings begin at 7:00 p.m. and are held in the Huntsville Town Hall located at 7309 E. 200 S. Huntsville, Utah.

All Planning Commission Meetings and Work Sessions are open to the public unless closed pursuant to Section 52-4-4 and 52-4-5 of the Utah Code relative to the applicable provisions of the Utah Open Meetings Act. Special or emergency meetings in addition to those specified may be held, as circumstances require. A minimum of 24 hour notice will be given for such meetings.

In accordance with the Americans with Disabilities Act, the Town of Huntsville will accommodate reasonable requests to assist the disabled to participate in the meetings. Request for assistance can be made by calling the Town Hall at 801-745-3420, and leaving a voice message, at least 48 hours in advance of the meetings to be attended.

Scheduled regular Planning Commission meeting dates for the ~~2018~~²⁰¹⁹ calendar year are as follows:

January 24	July 25
February 28	August 22
March 28	September 26
April 25	October 24
May 23	November 28 ^{14th}
June 27	December 26 ^{12th}

Dated this 23th day of January 2019.

Beckki Endicott, Recorder

Fact Sheet for Proposed Land Use Regulation Amendments

Background

The General Plan adopted by Huntsville Town provides overarching conceptual guidance with respect to the future development and land use inside the municipal boundaries of the Town. Within the General Plan is a vision statement that prescribes the preservation of the Town's semi-rural and low population density character to maintain the high quality lifestyle of residents. In an effort to conform to the General Plan, only one single-family dwelling is currently allowed per residential lot (Title 15.6.2.A). However, there has been a trend within Huntsville Town to construct additional large accessory buildings that incorporate sleeping quarters, bathrooms, and even kitchens. The construction of these types of structures appears to conflict with the General Plan and potentially Huntsville Town ordinances inasmuch as they increase the building density, enable long-term habitation (essentially becoming an additional single-family dwelling on the lot), and facilitate the potential for illicit use (i.e., short term rental). In an effort to align more closely with the General Plan and remove the incentive for unauthorized habitation or use, Title 15.6.2 is proposed to be amended to limit the amount and types of plumbing fixtures that are allowed in accessory buildings on residential lots. The proposed amendment also removes redundant references to authorized uses within the Residential Zone R-1.

Summary of Proposed Changes:

- Allow no more than one sink, one toilet, one water heater, and one washing machine connection, total, for all accessory buildings per residential lot.
- Prohibit any other additional interior plumbing fixtures (including tubs, showers, etc.) within accessory buildings.
- Prohibit kitchens and other cooking amenities (including ovens, cooking stoves, etc.) within accessory buildings.

Argument in Favor of the Proposed Amendment:

Huntsville Town continues to face the challenge of balancing between preserving the flexible use of private property that residents expect and drafting ordinances that also preserve the semi-rural lifestyle that defines our small town. As development pressures continue to grow within Ogden Valley, the incentive to utilize accessory structures in ways that directly violate Town ordinances increases in commensurate fashion. Unfortunately, Huntsville Town does not have resources to effectively enforce those provisions and doing so places the Town in an untenable position of pursuing divisive enforcement actions and costly lawsuits. Prohibiting kitchens and additional hygiene fixtures in accessory buildings decreases the incentive to use the structures for long-term habitation or short-term rentals while simultaneously reducing the burden of enforcement (and the associated expense) to the Town. Ultimately, the Town is at a crossroads and must decide whether it wants to be a "resort community" by allowing multiple dwellings on residential lots or retain its small-town atmosphere while accommodating some reasonable uses of accessory buildings.

Argument in Opposition of the Proposed Amendment:

The Huntsville Town General Plan recognizes the importance of preserving the "western attitude of flexibility with the use of private property" within the residential zone. Limiting the number or type of plumbing fixtures is a severe restriction on property rights that does not directly address the concern being cited for its implementation (i.e., illicit use of accessory buildings or building density). If unauthorized rental or long-term habitation are critical concerns, then penalties and enforcement efforts relating to those violations need to be further refined—not plumbing fixtures in accessory buildings. If concerns regarding building density is the crux of the issue, then ordinances that govern the aggregate building footprint allowed on residential lots should be revised—not plumbing fixtures in accessory buildings. Furthermore, for many residents, one of the key attractions of living in Huntsville is the ability to host family and friends during holiday and seasonal events. Consequently, Huntsville Town residents should be able to have accessory buildings that are amenable to hosting those guests.

**HUNTSVILLE TOWN
ORDINANCE 2019-XX-XX**

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.6.2 USE REGULATIONS FURTHER DEFINING AUTHORIZED AND CONDITIONAL USES IN RESIDENTIAL (R-1) ZONE.

RECITALS

- A. **WHEREAS**, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. **WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. **WHEREAS**, Title 15.6.2 currently does not clearly define limitations associated with the construction and use of accessory buildings and structures in Residential Zone R-1.
- D. **WHEREAS**, issues involving the construction of accessory buildings and structures in Residential Zone R-1 has prompted this proposed change to the ordinance.
- E. **WHEREAS**, the proposed change to the ordinance specifies the extent of sanitation and cooking amenities allowed in accessory structures or buildings in Residential Zone R-1; refers to Appendix One, Table 15-1 Huntsville Town Acceptable Uses by Zone; and eliminates redundant references for permitted uses.
- F. **WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on <Month/Day/Year>, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on <Month/Day/Year>;
- G. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on <Month/Day/Year> and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

- Section 1: Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2: Amendment.** The Huntsville Municipal Code is hereby amended to read as follows:

15.6.2 Use Regulations

Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1.

In Residential Zone R-1, ~~no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses~~ the following uses are subject to the respective conditions:

A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot. No residential dwelling or a portion of a residential dwelling shall be rented for a term less than 30 days. Violations will be subject to a Class B Misdemeanor.

~~B. Churches.~~

~~C. Cemeteries.~~

~~D. Libraries, museums, public art galleries.~~

~~E. Public schools, pre-school, child day care or nursery.~~

~~FB.~~ Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.

~~GC.~~ Large animals and household pets, in accordance with the Huntsville Town Animal Control Title.

~~HD.~~ A Residential Zone Bed and Breakfast subject to the following standards:

1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare;
2. Proprietor or owner must occupy the property;
3. Meals may only be served to overnight guests;
4. Not more than three (3) guests sleeping rooms per dwelling;
5. Allowed only in existing dwellings with no exterior additions nor change in residential character;
6. Business license must be obtained;
7. No traveler or guest may rent a room for more than seven (7) consecutive nights;

~~IE.~~ Signage as regulated under Title 15.21 is restricted. ~~These regulations are contained in the Huntsville Town Signs Title.~~

~~JE.~~ Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing residence is used as a temporary residence during construction of a new residence, upon issuance of the occupation permit for the new residence, the old residence must be removed within thirty (30) days.

~~KG.~~ Home occupations as regulated under Title 15.18, ~~in accordance with the Home Occupations Title of this Ordinance.~~

LH. ~~Accessory uses~~ Structures or Buildings (e.g., garage, shop, storage, etc.) subject to the following limitations:

1. No more than one (1) sink, one (1) toilet, one (1) water heater, and one (1) washing machine connection, total, is allowed for all accessory structures or buildings on a residential parcel or lot.
2. Additional interior plumbing fixtures are prohibited, including but not limited to: tubs, showers, additional sinks, or additional toilets.
3. Kitchens and interior cooking amenities are prohibited, including but not limited to: ovens, cooking stoves, or additional sinks.

MI. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) residence, except as outlined in J. above.

N. ~~Hotels, Motels, and condominiums are not allowed.~~

VOTES:	AYES	NAYS	EXCUSED	RECUSED
Mayor Truett				
CM Max Ferre'				
CM Bill White				
CM Wendy McKay				
CM Bill Wangsgard				

PASSED AND ADOPTED by the Town Council on this <Month/Day/Year>.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this <Month/Day/Year>

12/20/2018

Gmail - Us. Accessory Buildings/Dwellings



Rebecca Endicott <b.endicott745@gmail.com>

Use of Accessory Buildings/Dwellings

1 message

Carol Raleigh

To: b.endicott745@gmail.com

Thu, Dec 13, 2018 at 2:16 PM

Dear Town Council,

As my husband and I age we are thinking of the future and will need additional care and income. Someday we would like the opportunity to be able to construct a building for our extended family to live in to take care of the property and us. Also we would like to consider the building for rental income to help defer the increasing cost of property taxes. I am concerned that not being able to include a "real" bathroom and kitchen will not meet the needs for an additional building. Personally I am more concerned that buildings will be constructed that look like they were just thrown together or not aesthetically pleasing. In St. George there are many homes with casitas. They look well, work well and are an asset to home owners.

Marc & Carol Raleigh

Attachment #4
PC meeting 1-24-19

12/17/2018

Gmail - P 1 amendment to Title 15.6.2



Rebecca Endicott <b.endicott745@gmail.com>

Proposed amendment to Title 15.6.2

1 message

NORMA KLEIN
Reply-To: NORMA KLEIN
To: b.endicott745@gmail.com

Sat, Dec 15, 2018 at 12:23 AM

Dear Ms. Endicott:

We are writing in support of the proposed land use regulation change in Huntsville (Title 15.6.2). Specifically, we are in favor limiting accessory buildings on residential lots to one sink, toilet, water heater, and washing machine, as well as prohibiting kitchen facilities, cooking facilities, and tubs/showers in these buildings.

Sincerely,

Norma Klein

Winston Eddy

369 S. 7500 E., Huntsville, UT

12/20/2018

Gmail - Us Accessory Buildings/Dwellings



Rebecca Endicott <b.endicott745@gmail.com>

Use of Accessory Buildings/Dwellings

1 message

Sandra Saphore

To: b.endicott745@gmail.com



Thu, Dec 13, 2018 at 3:28 PM

My vote

Summary of Proposed Changes:

☐ Allow no more than one sink, one toilet, one water heater, and one washing machine connection, total, for all accessory buildings per residential lot.

Sent from my iPhone

Attachment #6
PC Meeting 1-24-19



Rebecca Endicott <b.endicott745@gmail.com>

Fwd: Zoning Ordinance Feedback

1 message

Beckki Endicott <bsafam@gmail.com>

Thu, Jan 24, 2019 at 2:18 PM

To: Beckki Endicott <b.endicott745@gmail.com>

----- Forwarded message -----

From: **Scott Richardson**

Date: Thu, Jan 24, 2019 at 2:06 PM

Subject: Fwd: Zoning Ordinance Feedback

To: [REDACTED] >

Ladies & Gentlemen,

I understand that there will be a public hearing tonight regarding changes to the zoning ordinance. I will not be able to attend but would like to share my views nonetheless.

First, I feel that as a town government, we should interfere as little as possible with people and their property rights. As a general principle, I feel this is a good rule to follow.

Second, in the last couple of decades, our community has suffered with a lack of affordable housing. Because housing markets are an outreach of our economy in general, I do not foresee housing prices (either rent or purchase) coming down anytime soon. The only way we can provide affordable housing for our children and others is to allow homeowners to lease parts of their homes and/or properties such as a "mother-in-law" apartment over a garage.

Because there are legitimate concerns with unregulated leasing of properties in the community, such concerns could be assuaged by having a rule that property owners who lease out portions of their property as dwellings would themselves need to reside full-time on that property.

Finally, it is not generally good policy to create ordinances that target specific instances of concern. Rather, we should address specific instances of concern through other avenues and have ordinances address general issues or issues that broadly affect the community.

I appreciate your service to the community and recognize that your work is generally underappreciated and difficult at best. Thanks,

Scott

Scott Richardson

[REDACTED]

12/20/2018

Gmail - I oppose the proposed amendment . . . and why (Land use regulation Plumbing)



Rebecca Endicott <b.endicott745@gmail.com>

I oppose the proposed amendment . . . and why (Land use regulation Plumbing)

1 message

Chad McKay

To: b.endicott745@gmail.com,

Thu, Dec 20, 2018 at 1:40 PM

Thank you for the opportunity to give my opinion on the proposed land use regulation amendment. At the risk of waxing eloquent, I hope you will consider my comments. Thanks Chad McKay

"No State (town) shall deprive any person, of life, liberty or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws." (14th amendment of the U.S. Constitution.

Just because a town may use "due process" that does not make it right, nor does it authorize a town to take away someone's property or to control it. A wise person once said "It is the nature and disposition of almost all men, as soon as they get a little authority, as they suppose they will immediately begin to exercise unrighteous dominion." D&C 121:39 J. Smith In Camelot, By T.H. White and Alan Jay Lerner, A story about King Arthur and the Knights of the round table. One of the main ideas in this portrayal is "Might is Right, Not Might is Right!" In other words, just because we can do something, does Not mean that we Should do something. Rather towns should use their authority to help citizens not punish them.

I believe, as have many other philosophers, including many of the founding fathers. That a man's property is sacred (like his castle) and that no town should seek to try to control what a person does on his property, nor should they seek to take away his constitutionally protected rights. Rather they should seek to help protect a woman's rights to use her property as she sees fit.

Too often governments, (including towns) try to solve problems with legislation, ordinances and rules. Unfortunately, that tends to create more problems than it solves. Because you can rarely make a law that covers all individuals as all individuals are exactly that, individual as are their circumstances. Thus, the axiom "teach people correct principles and let them govern themselves" (J. Smith) is a truism upon which this country was built. Other countries have recognized this as well. Such as Japanese culture which holds to "Bushido" (meaning the way of the warrior) This ancient (between 11th and 14th centuries) samurai code of conduct included loyalty, courage, humility, forbearance, generosity and self-control. In pursuit of these moral principles, samurai maintained their dignity and Honor. (Takako McCrann Ph.D.) In other words if you treat people honorably then they will act honorably.

The treatment of people has been a constant theme in history as well as in modern entertainment. As seen in the Learner and Loewe musical "My Fair Lady". This production is merely an adaptation of the Broadway play Pygmalion by George Bernard Shaw. Its point is that even an uneducated cockney street peddler, can be transformed into a "Lady" through education and respectful treatment. And us "Huntsville Hicks" can behave in a manner to help and bless our neighbors, rather than punish and control them.

Although in thought it seems a good idea to set up restrictions, in reality if we trust people to do what's right and to be good neighbors, then the majority will be good neighbors. After all, I believe that most people are doing the best they can with what they have been given in this life. No person or group of people should be allowed to control another or to take away anyone's constitutional right to protect and to use their property as they see fit. If we are to comply with the inspired drafters of the constitution, then we must believe in our hearts that although we differ with someone else in their opinion, their opinion can be just as legitimate as our opinion even though those opinions may be opposing. Please resist the temptation to legislate or ordinance this town to death. Too many ordinances, too many restrictions, too many regulations destroy the Heart of the community, destroy the joy of a community, destroy the togetherness of where we live. Although good intentioned, it creates divisiveness in our town. "A house divided against its self can not stand" (Abraham Lincoln in a speech where he quotes Matthew 12:22-28).

We must be unified in our efforts to allow all men the same privilege to enjoy their property, enjoy their land, enjoy their buildings without restrictions or controls by a town, a person or a group of people. "We Believe in worshipping almighty God according to the dictates of our own conscience and allow all men the same privilege, let them worship how, where or what they may." J. Smith. I also believe that this principle extends to the use of our lands and properties. I believe that "all men were created equal" (Thomas Jefferson first used the phrase in the U.S. Declaration of independence 1776, but the final form of the phrase was stylized by Benjamin Franklin) These men took their inspiration for the phrase from the Old Testament Genesis 1:27 "So God created man in his own image, in the image of God created he him, male and female created he them." I believe that all men should be able to use their property as they see fit. I claim the ability to do so and would grant unto all people the same privilege.

Please vote against more regulation. Please vote against more restrictions. Please vote in favor of peoples rights to use their property to enjoy their life, their liberty and their pursuit of happiness.

For six generations my family has lived in this happy town. My great grandfather helped to establish this town and had the first home in town with indoor plumbing. He colonized this area and his wife was the first of the women settlers. He was also a legislator and he fought to give people their rights and the use of their lands for their betterment, without restriction and undue burden. My Grandfather was also a legislator and helped secure the rights of the people against intrusions by governments into peoples lives. My father was a legislator and he helped to bring the secondary water system here to Huntsville to beautify our town without encroaching on the rights of its citizens. His goal was to help make the peoples lives better not to control them or take away their rights.

I advocate that if we will follow the pattern of helping people and not try to control or punish them we will continue to have many generations of a happy, joyful, peaceful place to live. Sincerely, Chad McKay

1/11/2019

Gmail - Public hearing Jan 24th



Rebecca Endicott <b.endicott745@gmail.com>

Public hearing Jan 24th

1 message

Doug Allen

To: "b.endicott745@gmail.com"

Wed, Jan 9, 2019 at 11:01 AM

Good folks of the Town of Huntsville.

Please forgive me if there is a different portal to convey input on the proposed ordinance changes to be discussed in Jan. PC meeting. Even though I am the Chairman of the Huntsville Town Planning Commission and strive to follow all recognized procedure, I too have an opinion I would like to share as a regular Citizen, registered voter, and lifelong resident of Huntsville.

Long have I pondered how some feel that there is a certain entitlement that comes with longevity, family pedigree, or membership in particular organizations. Having read the comments of others regarding laws, ordinances, and the responsibility of municipal government, with numerous quotations from various sources, I too would offer a quote by one previously referenced:

" We believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law " J. Smith

Some who claim to believe these words, seem to have strayed from their pure and simple meaning. Let us not be confused or miscommunicate issues based on individual desire. It has been said that the world as a whole is straying from the truth. Let us be the last to do so...

I too understand that laws and ordinances change, and that the republic for which we stand, affords us a vehicle to elect official leaders and magistrates in order to accomplish needed changes for the protection and mutual benefit of all. Not just a few. There are upwards of 640 citizens in Huntsville. Around 180 who vote. A few dozen who regularly volunteer to help. A handful who regularly show up and complain.

I thank you for the opportunity to serve. I am thankful for the substantial character of our council and planning commission.

May God Bless you! The Citizens of Huntsville, and The United States of America.

Doug Allen



Rebecca Endicott <b.endicott745@gmail.com>

Title 15.6.2

2 messages

D HEDGES [REDACTED]
To: "b.endicott745@gmail.com" <b.endicott745@gmail.com>

Sat, Jan 19, 2019 at 5:58 PM

The current practice in Huntsville of adding accessory buildings such as garages/houses that contain bathrooms, bedrooms, and kitchens essentially amounts to zoning change in R1 districts from one house to a minimum of three-quarters of an acre to one house per three-eighths of an acre, resulting in increased pressure on existing septic fields and the potential to increase use of culinary water, a resource of which that Huntsville already does not have enough.

Similar to accessory buildings (that are essentially houses that increase the housing density in Huntsville) are situations in which an owner builds a new house on a lot but does not tear down the old house afterwards. Likewise are cases in which two separate houses are both connected to the same garage, an addition to an existing house that does not communicate with the existing house (that is, a variant on a duplex), and an addition to a new house that is basically a separate house connected to the existing house by an enclosed walkway or similar structure.

We urge the Town Council and Planning Commission to consider carefully these issues and draft appropriate ordinances to prevent what amounts to run-away back-door subdivision and development.

Thank you,

Lorraine Hedges
Emma Hedges
Stephanie Hedges
Roxanna Hedges
Dawson Hedges

Rebecca Endicott <b.endicott745@gmail.com>
To: D HEDGES [REDACTED]

Tue, Jan 22, 2019 at 3:22 PM

Thank you Hedges Family!

I am forwarding your remarks to the Planning Commission. I appreciate your response.

Thanks,

Beckki Endicott
[Quoted text hidden]

--
Beckki Endicott
Recorder, Huntsville Town
b.endicott745@gmail.com
508-287-5994

Comments given by Ruston McKay 1-24-19

Thank you for your service. I know that you may not feel appreciated when there is a difference of opinion from what you have spent hours working; but, for what it's worth, I want to say thank you for your efforts.

It has been proven that the way for resort developers to take over our town is to force out its full time residences. Therefore, it is imperative that our ordinances provide its full time residence every consideration to allow us stay in this town as long as possible. That is the only way to preserve Huntsville.

I saw the notice in the Dec. 15th paper about this public meeting. I wonder why permission was granted to EVERYONE to influence our town ordinances by allowing "ANONYMOUS" opinions. ONLY Town residences should have a say in town ordinances.

I went to the town website to read about the only ordinance listed in the paper: 15.6.2. While there, I saw 15.17.3. I figured that it must be related to something else since the paper only listed 15.6.2. Both ordinances were listed in this month's paper. I'm sure it was simply a mistake; however, one could also conclude that this omission was intentional since the major of the controversial changes are listed in 15.17.3. I'm not saying that is what happened but I find the omission of the most controversial ordinance interesting.

A note of concern on 15.6.2 is the references that non-complying properties will not be "grandfathered!" This is a direct violation of our constitutional rights. This ordinance as currently written will force every resident that is not in compliance to incur legal fees to protect their rights. This should never happen!

I happened to open 15.17.3 out of curiosity and I was shocked to see the blatant disregard for our property rights. Not only does this ordinance remove our right to changes our property to accommodate our needs but it also punishes residence with older homes by forcing us to incur severe financial burden to bring our properties into compliance. What better way to accommodate resort developer then forcing Huntsville residence out financially.

I was told by our mayor, council members and planning commissioners when I was expressing frustration about not being able to attend a public meeting that I should submit a letter or I should have ask someone else to speak on my behalf. With that direction, I printing the ordinances and took them to as many town residence that my time constraints would allow. When they saw the ordinances that removed their property rights, they willingly signed this letter that states "We do NOT agree with the ordinances as currently written!" I know of several more who would gladly sign this but I was not able to get to them.

These new ordinances must not be adopted as written and no ordinance can be adopted until town residences have an opportunity to make sure the new ordinances protects residences property rights, guarantee our rights to have non-complying properties be "grandfathered" and allow every property owner the right to change their property with such structures as "mother-in-law apartments" to accommodate our family needs.

I have several ideas that I would love to present at the next planning commission meeting. Thank you.

December 15, 2018

EDEN VALLEY NEWS

Our Community Newspaper

USPS MARKETING MAIL
POSTAGE PAID
PERMIT NO. 11
EDEN UT

POSTAL PATRON
EDEN-LIBERTY-84310
HUNTSVILLE-84317
OGDEN CANYON- 84401
HCR 843AO



(from left to right): Macee Palm, Maya Dean, Phoebe Nolan, Madalyn Montgomery, Maiya

Huntsville Town Asks for Public Input on Accessory Building Use & Requirements



The Huntsville Town Planning Commission would like to hear public opinion on uses of accessory buildings. A public hearing will be held Thursday, January 24, 2019 at 7:00 p.m. at Huntsville Town Hall. In the interim, the Planning Commission would like to hear from residents. Fact Sheet and proposed ordinance 15.6.2 can be found on the website at <huntsville-town.com> Please submit opinions in writing by mail or email. Residents can include their names or submit anonymously. Please mail to:

HUNTSVILLE TOWN PLANNING
COMMISSION
PO BOX 267
HUNTSVILLE UT 84317

Or, send opinions by email to
<b.endicott745@gmail.com>

Background Information - The General Plan adopted by Huntsville Town provides overarching conceptual guidance with respect to the future development and land use inside the municipal boundaries of the Town. Within the General Plan is a vision statement that prescribes the preservation of the Town's semi-rural and low-population density character to maintain the high-quality lifestyle of residents. In an effort to conform to the General Plan, only one single-family dwelling is currently allowed per residential lot (Title 15.6.2.A). However, there has been a trend within

Eden Valley's "St. Lucia" Winter Concert

As possible. Each December 13, there are
concerts in Scandinavian churches. At the
winter Christmas concert held in Eden, we

Ma

HUNTSVILLE cont. from page 1

Huntsville Town to construct additional large accessory buildings that incorporate sleeping quarters, bathrooms, and even kitchens. The construction of these types of structures appears to conflict with the General Plan and potentially Huntsville Town ordinances inasmuch as they increase the building density, enable long-term habitation (essentially becoming an additional single-family dwelling on the lot),

and facilitate the potential for illicit use (i.e. short-term rentals). In an effort to align more closely with the General Plan and remove the incentive for unauthorized habitation or use Title 15.6.2 is proposed to be amended to limit the amount and types of plumbing fixtures that are allowed in accessory buildings on residential lots. The proposed amendment also removes redundant references to authorized uses with the Residential Zone R-1.

History has shown that resort develops take over communities by driving out its full-time residence. Huntsville town proposed ordinance 15.6.2 - 15.17.3 takes away our right to modify our property so we might care for immediate family members; thus requiring us to either purchase another property in town or force us to sell and move out of town which is exactly what resort develops want.

It also seeks to take away our property rights from the Fifth and Fourteenth amendments of our constitution which grant the rights of people to acquire, use, and dispose of property freely. They seek to remove the Grandfather clause which then forces already non-compliant properties to incur the cost to bring our property to conform to this restrictive ordinance or it will require us to incur the legal fees to defend our constitutional rights.

Town ordinances should protect our rights by allowing us to modify our property to accommodate immediate family. Other cities and town's do this with what is commonly referred to as a "mother-in-law apartment ordinance."

Ordinance 15.6.2 - 15.17.3 does not protect our property or constitutional rights; therefore I am opposed to it as currently written.

Lusta G. G.

Lisa McKay

John Harris

Joseph Hamer

But A

Paul Ahlstrom

Beef

Mr. Run

Paul J. Harvey

Katherine Georgi

Danae Palm

Jennifer Georgi

Jim McKay

Robert A Palmer

Chris Palmer

Vicki C. Manfell

Julie Duke

Chad McKay

Brigham McKay

~~Brigham McKay~~ (Citizen)

David H. Jenkins

Debbie

Joan Morel

P. 1.

The town ordinance as of 4/2015 needs to be reinstated to protect property owners rights. Proposed Ordinance 15.6.2 and 15.17.3 and the changes made in August 4th of 2016 do NOT protect our constitutional property rights; therefore I am opposed to it as currently written.

Elizabeth Robles

Cary Menger

Carl Robles

Maryann Menger

Mary Stirland

Phyllis J. Wakefield

Thomas J. Stirland Yatter

Williamina Richardson

Kelley M. Hand

Debra Richardson

Cathy Laeger

Shaynell

Bruce Long

Art Buckman

John

Mara Buckman

Pamela P Johnson

JoAnn Hedges

Sara F. Rice

Ken Bair

Bruce Ahlstrom

Chris Bair

Stephan Ahlstrom

Leta Bailey

Jan Davis

Kristen Johnson

Phil Davis

John

Regina Johnson

Darshan Saurin

The town ordinance as of 4/2015 needs to be reinstated to protect property owners rights. Proposed Ordinance 15.6.2 and 15.17.3 and the changes made in August 4th of 2016 do NOT protect our constitutional property rights; therefore I am opposed to it as currently written.





Rebecca Endicott <b.endicott745@gmail.com>

Last Public Comment Letter**Larel Parkinson** [REDACTED]

Tue, Jan 22, 2019 at 7:44 PM

To: Rebecca Endicott <b.endicott745@gmail.com>

Beckki,

As I told you and the Mayor when I was appointed to the Planning Commission I have a Business Trip that will prevent me for attending this upcoming Meeting.

I have read the two different proposal and wanted to voice my concerns.

15.17.3 Non- complying buildings.

I like this change. I think this will benefit many of our Huntsville residence. However the restriction of square footage seems to me not necessary. As long as the additions conform why are we setting restriction on square footage? On new construction we have the restrictions regarding the home footprint. I thinks the same restriction should apply to adding on. I am against B.3 and B.4.

15.6.2

I know I have not been in on the study groups and am not up on all the Ordinances. I believe and have always thought we were not able to have two residence on any one lot. I am guessing there are many homes in town now that have basements that have kitchens and bathrooms that could potentially be used as an apartment.

If indeed this change is to discourage potential dual residences, the proposed change does not solve the problem. I think we should deal with the whole issue rather than just a small part.

As mentioned above, I have not been in the study groups and would want further explanation.

thanks,

Larel Parkinson

From: Rebecca Endicott <b.endicott745@gmail.com>**Sent:** Tuesday, January 22, 2019 3:48 PM**To:** [REDACTED]**From:** [REDACTED] [mailto:reporter@huntsvilleal.gov]
Subject: [REDACTED]**Subject:** Last Public Comment Letter

[Quoted text hidden]

Fact Sheet for Proposed Non-Complying Building Amendments

Background

As presently constituted, Title 15.17.3 of the Huntsville Town Municipal Code prohibits any additions or enlargements to non-complying buildings. Typically, a non-complying building is a structure that does not conform to the setback requirements or height restrictions for its respective zone. The proposed amendment to the ordinance would allow limited enlargement of a non-complying building if the addition meets certain requirements pertaining to land use regulations, gross floor area size, footprint size, and parcel conformance.

Summary of Proposed Changes:

The amendment would allow additions or enlargements to non-complying buildings if:

- The addition or enlargement complies with the land use regulations of the respective zone (i.e., setback requirements, height restrictions, etc.)
- The gross floor area and the footprint of the addition do not exceed the gross floor area or footprint of the existing building (i.e., the addition can't be larger than the existing building).
- The lot upon which the building is located must conform to the frontage and size requirements of its respective zone.

**HUNTSVILLE TOWN
ORDINANCE 2018-XX-XX**

ADDITIONS AND ENLARGEMENTS OF NON-COMPLYING BUILDINGS OR STRUCTURES

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.17.3 NONCOMPLYING BUILDINGS, NONCONFORMING USES, AND PARCELS - ADDITIONS AND ENLARGEMENTS: REVISING SUB-PARAGRAPH B TO ALLOW ADDITIONS AND ENLARGEMENTS TO NON-COMPLYING BUILDINGS OR STRUCTURES SO LONG AS SUCH ADDITIONS OR ENLARGEMENTS CONFORM TO ALL LAND USE REGULATIONS AND MEET CERTAIN SIZE REQUIREMENTS.

RECITALS

- A. WHEREAS**, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on December XX, 2018 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on December XX, 2018;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on January XX, 2019 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

- Section 1: Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2: Amendment.** The Huntsville Municipal Code is hereby amended to read as follows:

15.17.3 Additions and Enlargements

- A.** A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located.
- B.** A non-complying building or structure shall not be added to or enlarged in any manner, unless:
 - 1. Such additions or enlargements ^{comply} conform to all of the regulations of the zone in which the non-complying building or structure is located;
 - 2. A Conditional Use Permit is approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission; and

3. The gross floor area of the addition or enlargement does not exceed the gross floor area of the existing non-complying building or structure.

Section 3: 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 this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall take effect immediately upon mayoral approval and posting.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferre'				
CM McKay				
CM Bill Wangsgard				
CM Bill White				

PASSED AND ADOPTED by the Town Council on this XX day of January 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this XX day of January 2019

Bill White contacted me Saturday night about what those who had signed wanted.

Since I will not be able to be there Thursday, I wanted to make sure that those who are going to make the decision do so with the understanding of what those I had sign want.

Those that signed would like the ordinance to be the way it was as of 4/2015. If that is not possible, they would like parts 3 & 4 removed from the current proposal as outlined in the document that I showed them.

I offered to Bill that I would be willing to help gather more information about how to best slow the progress of transformation to a resort town; however, after looking carefully at the facts, I believe it would be a waste of time to continue further discussions and research on this because with homes already in town like Jeff Holts old home and Walkers new home next to Dave Morse it has already begun.

The town needs to give local full time residences every consideration to make changes to their properties to be able to stay here as long as possible. IF parts 3 and 4 are not removed and the ordinance is not finalized Thursday, it will be punishing local full time residence by restricting their rights and it will not limiting those with large amounts of money from building and buying what they want.

I purpose that the ordinance be returned to the 4/2015 version or that parts 3 and 4 be removed and it be finalized Thursday as those who signed the request I handed in at the public meeting asked for.

Thanks you.

History has shown that resort developers take over communities by driving out full time residence. Town ordinances need to help its residence be able to make their constitutional right to make changes to their properties to accommodate immediate family needs. 15.6.2, 15.17.3 do NOT provide that right. In fact, 15.6.2, 15.17.3 will FORCE ALL of the 23-29 existing non-conforming properties to be torn out if they don't have the land space or financial means to bring them into compliance! In other words, our constitutional right to be grandfathered in revoked. It also prohibits any full time resident from being able to take care of immediate family members by allowing what is commonly know as "a mother-in-apartment."

Town ordinance 15.17.3 as of 4/2015 protected our constitutional right to accommodate immediate family members in need and our constitutional right to be grandfathered into any new ordinances.

#1: ORDINANCE AS OF 4/2015 (this one is perfect)

15.17.3 Additions and Enlargements

A. A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner, unless the entire building or structure, including such additions and enlargements, is made to conform to all the use regulations of the zone in which it is located.

B. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless such addition and enlargement complies with all the regulations of the zone in which it is located. *This means that you can add on to your legally non-complying (grandfathered) home if the NEW addition and enlargement is complying with the current setbacks and heights.*

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Futhermore, #2: AMENDED Ordinance 15.17.3 AS OF August 4, 2016

15.17 Introduction

Huntsville Town desires to bring non-conforming land uses, non-conforming buildings, non-complying parcels of land, and non-complying building structures into compliance and/or conformity as soon as is practicable, but recognizes the right of existing land uses and structures to continue to exist until such time as owners no longer desire to use them in their current state.

(This opening paragraph is new and added in August of 2016, and perhaps should be taken out. The idea of bringing everything into conformity is a great idea in a new city or community but in a 160-year-old community many of the homes that give Huntsville it's charm were built before the current setbacks and regulations and are called legally non-conforming, or grandfathered. If the goal is to bring everything into conformity "as soon as is practicable," then, in essence, we are saying we encourage owners to tear down the old historical homes because they don't conform. We should be doing whatever we can to preserve them if the homeowners so desire. They should be allowed to add-on, or enlarge in any way they see fit as long as the new addition or enlargement meets the setbacks and regulations. Or, the homeowner can tear them out and build a new home if they so desire. It is their home and their land and they should have the say, not the planning commission or Town Council.

15.17.3 Additions and Enlargements

A. A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located *(This means that if your old home were too close to the sides or front of your lot, you would have to physically pick it up and move it if you wanted to add on to it.)*

B. A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with building regulations of the zone in which it is located *(AGAIN, If your old home were too close to the sides or front of your lot, you would have to physically move your old home back into the setback area if you wanted to add on to your home.)*

Needs to be removed.

HUNTSVILLE TOWN
ORDINANCE 2018-XX-XX

ADDITIONS AND ENLARGEMENTS OF NON-COMPLYING BUILDINGS OR STRUCTURES

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.17.3 NONCOMPLYING BUILDINGS, NONCONFORMING USES, AND PARCELS - ADDITIONS AND ENLARGEMENTS: REVISING SUB-PARAGRAPH B TO ALLOW ADDITIONS AND ENLARGEMENTS TO NON-COMPLYING BUILDINGS OR STRUCTURES SO LONG AS SUCH ADDITIONS OR ENLARGEMENTS CONFORM TO ALL LAND USE REGULATIONS AND MEET CERTAIN SIZE REQUIREMENTS.

RECITALS

- A. WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on December XX, 2018 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on December XX, 2018;
- D. WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on January XX, 2019 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The Huntsville Municipal Code is hereby amended to read as follows:

15.17.3 Additions and Enlargements

- A. A building or structure nonconforming as to use shall not be added to or enlarged in any manner, unless the building or structure is brought into conformance with the use regulations of the zone in which it is located.
- B. ~~A building or structure noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner unless the entire building or structure is brought into conformance with building regulations of the zone in which it is located. A non-complying building or structure shall not be added to or enlarged in any manner, unless:~~

1. ~~Such additions or enlargements comply with all of the regulations of the zone in which the non-complying building or structure is located;~~
2. ~~A Conditional Use Permit is approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission;~~
3. ~~The gross floor area of the addition or enlargement does not exceed the gross floor area of the existing non-complying building or structure;~~
 - a. ~~The calculation of the gross floor area of the existing non-complying building or structure under 15.17.3.B.3 shall exclude any gross floor area attributable to existing garage space.~~
4. ~~The building footprint of the addition or enlargement does not exceed the building footprint of the existing non-complying building or structure;~~
 - a. ~~The calculation of the building footprint of the existing non-complying building or structure under 15.17.3.B.4 shall exclude any portion of the building footprint solely attributable to existing garage space.~~
5. ~~The parcel or lot upon which the non-complying building or structure is located conforms to the current area and frontage requirements for its designated zone.~~

Section 3: 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 this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall take effect immediately upon mayoral approval and posting.

I recommend 15.17.3 be returned to the way it was written prior to August 2016 perhaps with the addition of #2 and #5

As far as 15.6.2: Accessory Dwelling Units (or bungalows, Mother-in-law apts, or whatever you want to call them), we have located around 23-29 of them in town so they seem to be something people want. If they are going to allow a toilet and a sink, maybe they should just allow a bathroom with shower/tub, toilet and sink. It doesn't seem reasonable to have them shower in your house then head back to their rooms. They are allowing laundry hook-ups so why not a small kitchen if people want that. Me personally...I don't have a problem building something your kids can stay in when they lose a job, or perhaps if they are single but don't want to live with you, but can't afford to live away, or parents who want to be independent but need daily help. Housing is becoming a shortage in Utah and the prices are only going to go up. They can't be rented out. Maybe try to hook them to your primary home with a covered walkway??

The size and setback regulations are already established by the regulations that a home and other outbuildings such as sheds and barns, may take up 60% of ones lot, leaving 40% in open space. We would support additional language as suggested in the purposed change to 15.17.3.B. #1, #2, and #5 only.

Comments on Proposed Ordinance

Changes to Title 15.17.3

In general, the proposed changes are inconsistent with past discussions and reverse the changes that have taken place in the last six to seven years. Those changes and discussions were meant to address and mitigate specific issues that arose with various properties and their remodel or enhancement, and the impact those actions have on adjoining properties. The current proposed ordinance will not address those issues and, indeed, are likely to perpetuate some aspects of those issues and creates an atmosphere that makes it likely that the town will be sued in the future. In addition, once the proposal as written is approved by the mayor the written motion appears to require residents to take issues to the courts instead of appealing to the planning commission or town council. Thus, placing a burden for grievances, an expensive burden, on residents.

15.17.3 B

The current ordinance is simple and unambiguous, and is the second or third variation of the changes over the last seven years. As originally written, other than routine maintenance, the ordinance would not allow the resident to remodel a non-conforming building if that building was situated on a non-conforming lot. It was deemed that this was overly restrictive or discriminatory and that the owner of the non-conforming lot should have the same property rights as all other property owners in town. The proposed ordinance reverts to that original restriction discriminating against owners of non-complying lots.

The second iteration of the ordinance was intended to allow all property owners (regardless of the lot configuration) to remodel non-complying buildings as long as the entire building was brought into compliance. However, upon actual application, some town officials concluded that the ordinance as written was ambiguous: did the ordinance require that the entire building be brought into compliance or only require that the enlargement or addition had to follow the setback requirements. The current ordinance clarifies this ambiguity and applies equally to all property owners regardless of lot configuration.

The proposed ordinance loosens the restriction of the entire building conforming to setback requirements as long as the lot is conforming. There are at least two fatal issues with this proposal. First, the ordinance fails to distinguish and consider all of the ordinances effecting setback requirements. Second, the proposed ordinance reverts back to the restrictions from six or seven years previous that were deemed overly restrictive and discriminatory against certain property owners.

The proposed ordinance fails to distinguish between front yard and side yard setback requirements and the impact the proposal would have on adjoining property owners. In previous meetings the discussion appeared to center on residents wishing to remodel homes that failed to meet the front yard setback requirement. The general justification for allowing an exception to the requirement was that it would be overly expensive to bring the house into compliance even though any addition would otherwise meet the other use or setback requirements. In essence, these property owners were asking the planning commission or town council to grant a variance to the ordinance, which neither the commission nor the town council have the authority to grant.

A short digression on variances. By law variances are hard to obtain and require the property owners to meet five criteria one of which is to demonstrate a hardship that is not purely economic or financial. In the instance case, the only hardship that has been discussed is one of economics. However, if the governing authority determines that an ordinance is overly restrictive or punitive, it can change the ordinance to address that issue. However, the proposed ordinance goes well beyond the apparent problem. In other words, the proposed ordinances does not just address issues with front yard setbacks (and property owners desire to remodel their homes) but includes exclusions for side yard setbacks as well.

Side yard setbacks present a unique set of issues because of the impact exceptions have on adjoining property owners. In addition to the 10-foot setback requirements found in ordinance 15.6.1 A, the second part of that ordinance, 15.6.1 B, requires a 20-foot clearance between buildings on adjoining lots. If a property owner is allowed to maintain the side yard incursion, then the adjoining property owner is prevented from fully utilizing their property. When the

two property owners acquired their property, they could or should have known of the restrictions that the ordinances imposed on each of their properties. The proposed ordinance blatantly favors the property rights of one property owner, the owner whose building intrudes on the side yard setback, over the property rights of the adjoining property owner who can no longer build out to their 10-foot side yard setback.

Considering other specific proposed changes to 15.17.3

1. As proposed, all additions and enlargements should comply fully with regulations, including setbacks, in the respective zone.
2. Conditional use permits should be obtained before construction. However, town officials will need to police construction as it progresses. Past experience indicates that Weber county or Weber/Morgan Health officials will not uniformly enforce town, county, or state ordinances unless the appropriate town officials are insistent.
3. Some restriction on the footprint of the addition may be appropriate. Other town ordinances such as those governing the total lot coverage or septic system requirements may restrict the size of an addition as well. The proposed restriction is relatively generous. Ordinances from other jurisdictions typically impose a much smaller requirement before the entire building is to be brought into compliance. A fifty percent footprint enlargement is not uncommon.

Finally, the proposed restriction against non-conforming lots reverts to language previously determined by both the planning commission and the town council to be overly restrictive and discriminatory, and contradicts statements made by current town officials supporting changes to the use of out buildings. Specifically, town officials have argued that "Huntsville town continues to face the challenge of balancing between preserving the flexible use of private property that residents expect" and the character of the town. Additionally, town officials have stated that the town is placed in an untenable position of taking divisive action that may lead to costly lawsuits. However, by adopting the proposed ordinance, the town achieves neither goal. Instead of balancing the rights of property owners against the public good (i.e., preserving the town's character), the proposed ordinance blatantly discriminates against

owners of non-conforming lots, thus failing to consider their expectations. Indeed, no legitimate argument has been articulated justifying the discrimination. Note, the ordinance does not distinguish between reasons a lot may be non-complying and fails to consider the town's role in designating the lot a building lot in the initial instance. Furthermore, the proposed ordinance will make it more likely that owners of non-complying building lots will sue the town over these issues.

For the reasons discussed herein, we recommend that the planning commission and town council reject the proposed ordinance as written. Additionally, we recommend:

1. The ordinance be rewritten to address front yard setback issue exclusively. One town council member stated that 80% of the homes in town violate this requirement. While we strongly dispute this percentage, whether it is a majority of homes or a small percentage that violate the setback, change the ordinance to allow all property owners to enjoy a lesser requirement. This would require determining a purpose for the setback, utility easements, snow removal, etc., and setting the setback accordingly.
2. Rewrite the ordinance to distinguish between front yard and side yard setbacks. Specifically, if an exemption for side yard excursions is to be granted, the ordinance must address the 20-foot clearance requirement between dwellings to balance both property owner's rights.
3. The ordinance should be written to allow all property owners the same rights, regardless of lot size. If the unstated reason is aesthetics, for example building from side-to-side, examples already exist on full lots. Adjoining property owners could follow suit supposedly disrupting the town's rural flavor, clearance or open space. However, this is no more obtrusive on a small lot as on a large lot. If the fear is overbuilding the smaller lot, then other ordinances and requirements should, if enforced, act as an adequate deterrent. For example, 15.6.10 restricts coverage to sixty percent of the area of the lot. Similarly, the septic requirements may restrict coverage to even less than this. Finally, allowing all property owners similar rights is consistent with statements or arguments made elsewhere by town officials.

Thank you for your time and consideration.

Artie and Julie Powell.