

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

**MEETING DATE:** August 22, 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 |
| Liz Poulter     | Planning Commissioner     | Present |
| Jeff Larsen     | Planning Commissioner     | Excused |
| Larel Parkinson | Planning Commissioner     | Present |
| Allen Endicott  | Planning Commissioner     | Present |
| Wendy McKay     | Town Council Liaison      | Excused |
| Blake Bingham   | Town Council Liaison      | Present |
| Beckki Endicott | Recorder                  | Present |
| Bill Morris     | Town Attorney             | Excused |

**Citizens: Mayor Truett, Nico Otay, Gayle Allred, Brent Weil, Bruce Ahlstrom, Ken Francis, Ray Bertoldi, Lon VomBaur, Bryant & Amiee McConkie, Stuart Schultz, Jennifer Sorensen, Ron Gault, Dan Davis, Julie Powell, Artie Powell, Rex Harris**

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

2 – Approval of Minutes for Planning Commission Meeting July 25, 2019. **Liz Poulter motioned to approve the minutes for PC Meeting July 25, 2019.** Seconded by Allen Endicott. All votes aye. Minutes are approved.

3 –Discussion and/or action on preliminary subdivision approval for 6065 E 100 S, Pineview Point LLC, Aimee & Bryant McConkie, Phil Winston & Bill White, parcel #2000140013. Bill White presented the history of the recent purchase of this property. Bryant and Aimee McConkie wanted to purchase the Shepard Cabin. They had some partners that backed out and a mutual friend of Bill White, Phil Winston, suggested they get Bill involved. Bill agreed and they are now planning to subdivide the extra land into saleable lots. They had a concept plan drawn up and presented it to the Planning Commission. **(See Attachment #1)** Bill stated there is about 4.3 acres of land. They are carving off the land for the cabin. There will be three additional building lots with a road. Bill stated they are here before the Planning Commission with the concept to ask for feedback from the Planning Commission. They want to start the engineering process right away.

Chairman Doug Allen wanted to comment that the back of the lot was not an ally way, it is an easement. Rex Harris stated he would like to make some comments as the Town Engineer regarding this parcel. Rex stated this stage of subdivision development, allows for the public process to go forward. If the Planning Commission agrees with the concept, the partners/land owners, will go forward and pay for engineered plans while the Town does its due diligence to

notify the surrounding property owners. When the owners have engineered plans, they will come back to the Planning Commission for preliminary approval. Rex stated the Planning Commission needed to look at the drawings tonight to see if the lots are conforming and whether or they have frontage. Does the concept work? Are there going to be any issues getting utilities to these lots? Rex stated he believes there will be no issues getting utilities to these lots. Rex said he has reviewed their concept plan and he believes it is a good plan. He stated there will be some adjustments ahead, but the basic concept is good. The frontage and size requirements are met in this concept plan. He doesn't foresee any major problems to prevent them from going to engineering.

Sandy asked if the right of ways were 66-foot. Rex responded there were 66-foot right of ways and that meets the ordinances. Blake wanted to remind the Planning Commission and the Land Owners that the next step would require preliminary engineered plans. Blake explained 15.25 of the Huntsville Code lays out the requirements and the procedures for subdivision. Doug Allen commented that a fee and application should be submitted as well.

Aimee McConkie wanted to clarify the process. As soon as they complete the engineered plans, fill out the application, and pay the fees, Beckki will notice the surrounding land owners and schedule a time where the Planning Commission and the public can view the preliminary plans. The Planning Commission will make a recommendation to the Town Council regarding that plan and the Town Council will study that plan at their next meeting. Bill White rehearsed the procedure and asked the Planning Commission if they had any questions. No vote was taken. The Planning Commission is looking forward to seeing the engineered plans.

4 – Discussion and/or action on approval of preliminary plans for One Horse Subdivision for Jennifer Sorenson, parcel #240140042. Chairman Allen wanted to know why this was on the agenda. He stated the Planning commission reviewed the subdivision plans at the last meeting. Beckki explained that neighboring property owners needed to be notified. They have been notified and comments have been received by email.

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Sandy read the written responses to the One Horse Subdivision. The first was received by Allison Mortarotti. **(See Attachment #2)** Her primary concern was whether access would be blocked to her subdivision with construction equipment. The second letter was from Jack Davis Jr. He did not object to the proposed subdivision. A third letter was received from Chad McKay who stated he was supportive of the subdivision.

**Ken Francis** wanted to make a comment. He stated he noticed the subdivision included a cul-de-sac and was concerned that the cul-de-sac would not be able to provide a place to put the snow. Doug Allen stated that a cul-de-sac is required for the engineering. He stated fire safety and emergency vehicles need a cel-de-sac for turn around.

Ken is also wanting to know about the awkward offset of the new road and lot #3. Doug commented there is a 30-foot setback in the radius of the cul-de-sac. Rex explained that they will still have the 130-foot frontage along the arc of the 30-foot set back.

Ken wanted to know if the perk tests have been done. Doug stated the perk test is done at the time of the building permit application process. Doug explained that the Weber Morgan Health Department takes charge of the perk tests and the septic systems.

**Dan Davis** rehearsed the history of the Davis lots. He stated his father fought to try to extend 200 North into the One Horse Subdivision Concept. Dan also wanted to comment that he believed the construction of two homes wouldn't impact the neighborhood with regards to construction. The two homes will not be built at the same time, there will be enough space in time to accommodate the construction traffic.

**Sandy motioned to recommend approval on the preliminary subdivision plan for the One-Horse Subdivision for Jennifer Sorenson on parcel #240140042.** Larel Parkinson seconded the motion. All votes aye. Motion passes.

|            |                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------|
| VOTES:     |                                                                                                              |
| AYES:      | Chairman Doug Allen<br>Commissioner Larel Parkinson<br>Commissioner Sandy Hunter<br>Commissioner Liz Poulter |
| NAYS:      |                                                                                                              |
| ALTERNATE: | Commissioner Allen Endicott                                                                                  |
| EXCUSED:   | Commissioner Jeff Larsen                                                                                     |

**Allen Endicott left the meeting at 7:55 p.m.**

5- Discussion and/or action on Land Use Permit for Brent & Mikelle Weil horse/hay barn, 7320 East 100 South, parcel #240140041. Brent Weil presented the plans for a horse and hay barn on the front west side of the property. (See Attachment #3) The set backs and heights are appropriate. The design of the building includes one roof. **Sandy motioned to approve the Land Use Permit for Brent & Mikelle Weil horse/hay barn, parcel #240140041.** Larel seconded the motion. All votes aye. Chairman Allen signed the Land Use Permit.

|            |                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------|
| VOTES:     |                                                                                                              |
| AYES:      | Chairman Doug Allen<br>Commissioner Larel Parkinson<br>Commissioner Sandy Hunter<br>Commissioner Liz Poulter |
| NAYS:      |                                                                                                              |
| ALTERNATE: |                                                                                                              |
| EXCUSED:   | Commissioner Jeff Larsen                                                                                     |

**Allen Endicott reentered the meeting at 8:15 p.m.**

6 – Discussion and/or action on Land Use Permit for the American Legion addition and expansion. Lon VomBaur presented the history of his involvement with the American Legion. He is a newer member of the American Legion here in the Huntsville. The American Legion supports all active and retired military, families that support the veterans and youth groups. He has been appointed to the committee to be in charge of building improvements for this American Legion Post. A-1 construction will be donating the work, Home Depot will be donating a lot of the supplies and Bertoldi Architects have donated the planning and designing. Doug asked if they were extending the footprint of the building. Lon stated they are increasing the footprint to include a new set of bathrooms to the north side of the building. **(See Attachment #4)**

Ray Bertoldi explained they started with an exterior remodel, but then after examination, they decided to upgrade the bathrooms to make them handicapped accessible, they are also upgrading the entry to make it handicapped accessible.

Doug asked about the irrigation ditches on the north side of the property. He stated he thought there was an easement on the north side. Blake stated there wasn't an irrigation easement. Ray stated that with the addition there is still 30 feet of set-back on the north side.

**Sandy motioned to approve the Land Use Permit to add on to the American Legion, parcel #2400180004.** Liz Poulter seconded the motion.

Rex wanted to let Doug know to make sure there is an expiration on the Land Use Permit. Sandy commented the Land Use Permit is good for one year.

All votes aye. Motion is approved. Chairman Allen signed the Land Use Permit.

|            |                                                                                       |
|------------|---------------------------------------------------------------------------------------|
| VOTES:     |                                                                                       |
| AYES:      | Chairman Doug Allen                                                                   |
|            | Commissioner Larel Parkinson<br>Commissioner Sandy Hunter<br>Commissioner Liz Poulter |
| NAYS:      |                                                                                       |
| ALTERNATE: | Commissioner Allen Endicott                                                           |
| EXCUSED:   | Commissioner Jeff Larsen                                                              |

Allen Endicott commented that current ordinance states the Land Use permit is only good for 6 months. It was confirmed that the current ordinance is only good for 6 months.

7 – Discussion and/or action on Land Use Permit for Kerry Wangsgard Mobile Home. Kerry Wangsgard was not in attendance. Chairman Allen will table this item for the time being. Larel asked if the trailer was still on the property. Sandy confirmed that it was still on the property.

8 – Public Hearing on Title 4 edits.

Rex introduced the edits by stating that this title addresses the Land Use Permitting Process. The edits that are being made, it should clarify the process. **(See Attachment #5)**

Chairman Allen asked if there were any objections to a motion that would send us into public hearing. No objections. The Planning Commission is now in a public hearing.

The Planning Commission called for public comment. There were no public comments. Ron Gault will give some grammatical suggestions to Rex regarding Title 4. **Chairman Allen closed the meeting by acclamation. There were no objections.**

9 – Discussion and/or action on recommendation of adoption of Title 4 Edits. **Sandy motioned to make a recommendation to the Town Council to adopt the edits to Title 4.** Liz Poulter seconded the motion. All votes aye. Motion passes.

|            |                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------|
| VOTES:     |                                                                                                              |
| AYES:      | Chairman Doug Allen<br>Commissioner Larel Parkinson<br>Commissioner Sandy Hunter<br>Commissioner Liz Poulter |
| NAYS:      |                                                                                                              |
| ALTERNATE: | Commissioner Allen Endicott                                                                                  |
| EXCUSED:   | Commissioner Jeff Larsen                                                                                     |

10 - Public Hearing on appeals authority ordinance edits. **Chairman Allen opened the Public Hearing on appeals authority ordinance edits by acclamation.** There were no objections. The Public Hearing is now open.

Bruce Ahlstrom, Chairman of the Appeals Authority Board, presented the changes the Appeals Authority Board feels need to be adjusted. (See Attachment #6)

~~**Chairman Allen closed the Public Hearing on the Appeals Authority Ordinance Edits by acclamation.**~~ There were no objections. The Public Hearing is now closed.

11 – Discussion and/or action on recommendation for adoption of appeals authority ordinance edits. Sandy wanted to discuss the 90 days to file an appeal. She feels that 90 days is a little long. She would like to see 60 days. Doug said he supported 60 days. Liz and Allen stated they liked the 90 days. **Allen motioned to recommend for approval to the Town Council the Appeal Authority edits as discussed.** Larel seconded the motion. All votes aye. Motion passes.

11 – Public Comment.

Chairman Allen recognized there had been a lot of business done tonight. A Boy Scout, Nico Otay, has attended the entire meeting. Allen Endicott asked Nico to come forward. Nico came forward and presented himself. Allen asked if he was working on the Citizenship in the Community Merit Badge. Nico responded that he was working on that Merit Badge. Allen, being the Scout Executive of the Trapper Trails Council, presented Nico with his position coin after Nico recited the Scout Law in front of the audience.

Doug Allen reminded the Planning Commission that they will be working on a fee schedule for a new fee schedule. Doug stated, Kay Larrison is compiling the information for a discussion at another time.

Doug Allen stated that John Pierotti called Doug to amend his Land Use Permit. Doug stated when John Pierotti obtained the Land Use Permit there was a farm access on the back of his property to get to the Black's property. The irrigation company put a pipe in for the Parkinson Subdivision on the north side of that farm access. Doug and Rex stated the set-back on the Land Use Permit for the shed was at 16.5 feet. They amended the Land Use Permit to be 10 feet from the property line. Rex stated that Weber County said that Huntsville had to remove the farm access. Rex stated Huntsville has no jurisdiction over the farm access. This was a personal property issue. Huntsville can not remove the farm access. Rex didn't feel that they needed impose any additional footage on the set-back because of the farm issue.

Mayor Truett asked if John Pierotti had started building a building to house the equipment stored on his property. Doug commented he believed the Land Use Permit started over again at the time that he inspected the property, this last week. Doug stated he made the amendments on the Land Use Permit that John had. Beckki asked if he had a copy of that permit. Doug didn't get a copy. Beckki will call and get a copy of the Land Use Permit.

Sandy stated that she wasn't available on September 26<sup>th</sup> for the regular Planning Commission Meeting. Doug, Allen and Liz were also out of town. **Doug motioned to cancel the September meeting.** If there is an urgent need, they will look into having an additional meeting. Larel seconded the motion. All votes aye. No meeting will be held in September.

Larel motioned to adjourn the meeting. Allen seconded the motion. All votes aye. Meeting is closed.

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**Meeting is adjourned at 9:00 p.m.**

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Beckki Endicott, Recorder

N.W. 1/4 OF SECTION 13, T.6N., R.1E., S.L.B. & M.

IN WEBER COUNTY

SCALE 1" = 200'

TAXING UNIT: 35, 520

SEE PAGE 11

SANCTUARY  
LAKESIDE SUB

SEE PG 169

VONELDA E SHEPPARD  
& WILLIAM S SHEPPARD TR

200140013

4.14 AC±

TU 35

SEE 200140013

PAGE 22

U.S.A.  
200140016  
TU 520  
17.24 AC±

U.S.A.  
200140017  
TU 520

U.S.A.  
200140007  
TU 520

U.S.A.  
200140006  
TU 520  
16.59 AC±

U.S.A.  
200140002  
TU 520

U.S.A.  
200140004  
TU 520

U.S.A.  
200140011  
TU 520

U.S.A.  
200140010  
TU 520

U.S.A.  
200140009  
TU 520

U.S.A.  
200140008  
TU 520

U.S.A.  
200140012  
TU 520

U.S.A.  
200140005  
TU 520

U.S.A.  
200140003  
TU 520

TOWN LIMITS OF HUNTSVILLE

665'

U.S.A.  
200140001  
TU 520

SEE PAGE 13

SEE PAGE 13

SEE PAGE 13

SEE BOOK 24,



Owner: OGDEN BOAT CLUB (THE)  
Mailing Address: 2960 N 750 E OGDEN UT  
844142359  
Property Address:  
Tax Unit: 35  
Approx Land Acres: 6.61  
[More Parcel Info...](#)

2007 to

# FEED



f049

1799

8199

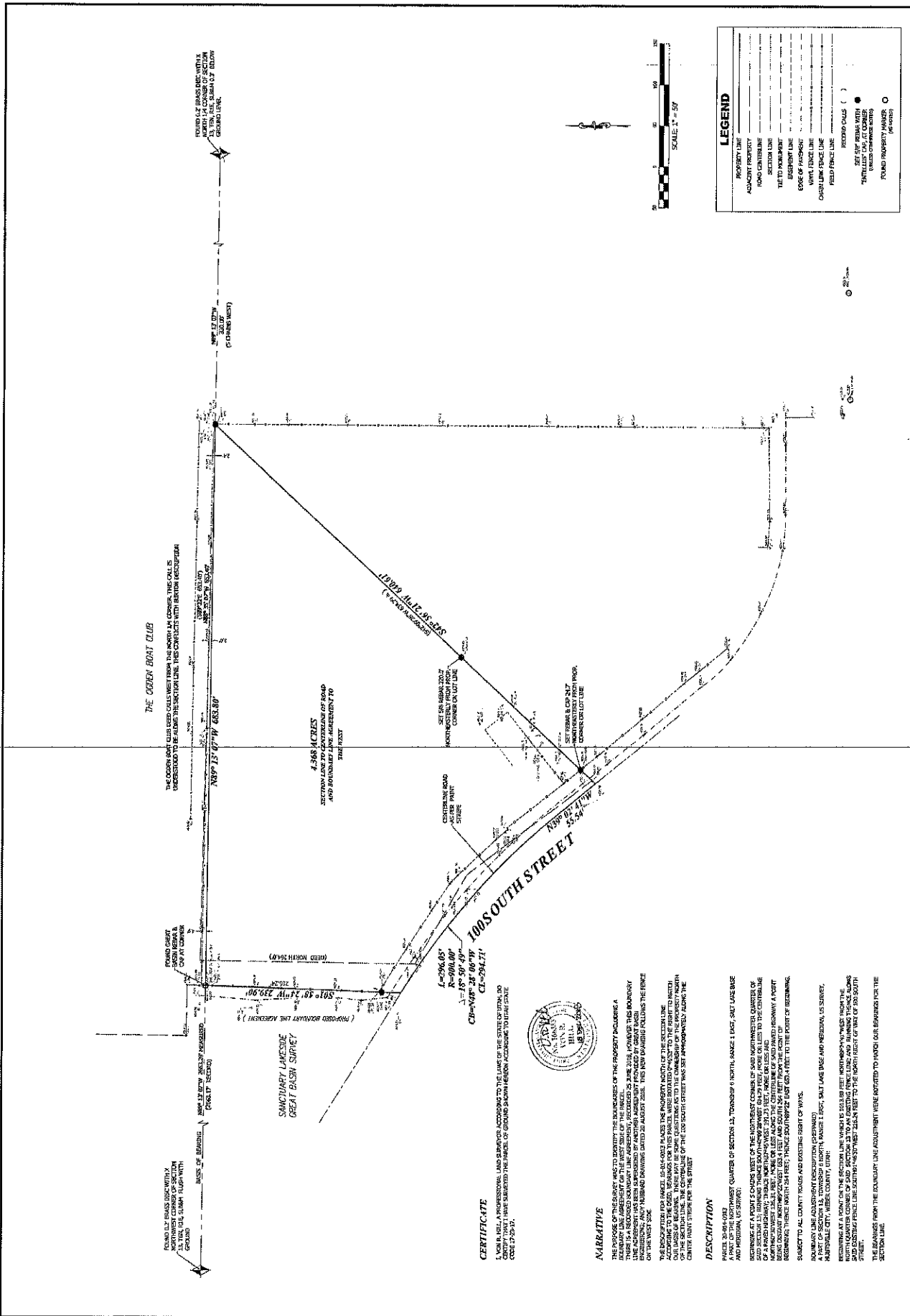
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ADDENDUM NO. 8  
TO  
REAL ESTATE PURCHASE CONTRACT



THIS IS AN ☒ ADDENDUM ☐ COUNTEROFFER to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of 22nd day of June, 2019 including all prior addenda and counteroffers, between Bryant and Aimee McConkie as Buyer, and Sheppard Trust as Seller, regarding the Property located at 6560 East 100 South, Huntsville UT.

The following terms are hereby incorporated as part of the REPC:

- 1) Response deadline on addendum 7 to be on or before August 2, 2019 at 6 PM.
- 2) It is understood and agreed that buyer hereby removes all financing contingencies.
- 3) Buyer shall have sellers permission to begin preliminary work to subdivide property. Work would include but not limited to drafting of preliminary plat and pre-marketing of potential lots and application to Huntsville City. No construction or dirt work to begin prior to closing.
- 4) Seller agrees to resolve non-compliance property issues with Weber County prior to close.

BUYER AND SELLER AGREE THAT THE CONTRACT DEADLINES REFERENCED IN SECTION 24 OF THE REPC (CHECK APPLICABLE BOX): ☐ REMAIN UNCHANGED ☒ ARE CHANGED AS FOLLOWS: Closing to be on or before August 30, 2019.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the REPC, including all prior addenda and counteroffers, these terms shall control. All other terms of the REPC, including all prior addenda and counteroffers, not modified by this ADDENDUM shall remain the same. ☒ Seller ☐ Buyer shall have until 6:00 ☐ AM ☒ PM Mountain Time on August 05, 2019 (Date), to accept the terms of this ADDENDUM in accordance with the provisions of Section 23 of the REPC. Unless so accepted, the offer as set forth in this ADDENDUM shall lapse.

Aimee McConkie  
dotloop verified  
08/05/19 2:51 PM  
MDT  
LIPW-KYNJ-RJPT-CCIL

☒ Buyer ☐ Seller Signature (Date) (Time) ☐ Buyer ☐ Seller Signature (Date) (Time)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

☒ ACCEPTANCE: ☒ Seller ☐ Buyer hereby accepts the terms of this ADDENDUM.

☐ COUNTEROFFER: ☐ Seller ☐ Buyer presents as a counteroffer the terms of attached ADDENDUM NO. \_\_\_\_.

DocuSigned by:  
Paul Burton 8/5/2019 | 5:49 PM MDT  
(Signature) (Date) (Time) (Signature) (Date) (Time)

☐ REJECTION: ☐ Seller ☐ Buyer rejects the foregoing ADDENDUM.

(Signature) (Date) (Time) (Signature) (Date) (Time)

THIS FORM APPROVED BY THE UTAH REAL ESTATE COMMISSION AND THE OFFICE OF THE UTAH ATTORNEY GENERAL, EFFECTIVE AUGUST 5, 2003. IT REPLACES AND SUPERSEDES ALL PREVIOUSLY APPROVED VERSIONS OF THIS FORM.

PART OF N. 1/2 OF SEC. 18, T.6N., R.2E., S.L.B. & M.

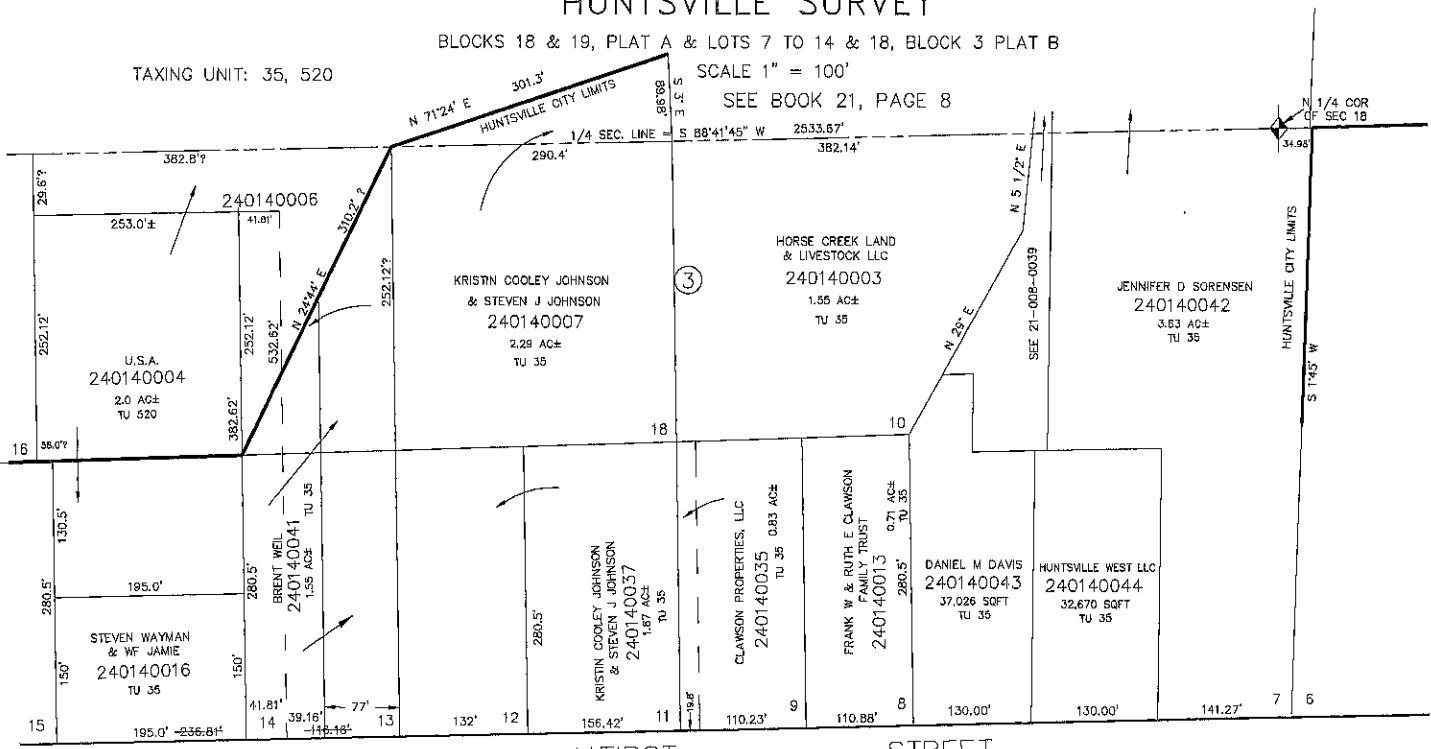
# HUNTSVILLE SURVEY

BLOCKS 18 & 19, PLAT A & LOTS 7 TO 14 & 18, BLOCK 3 PLAT B

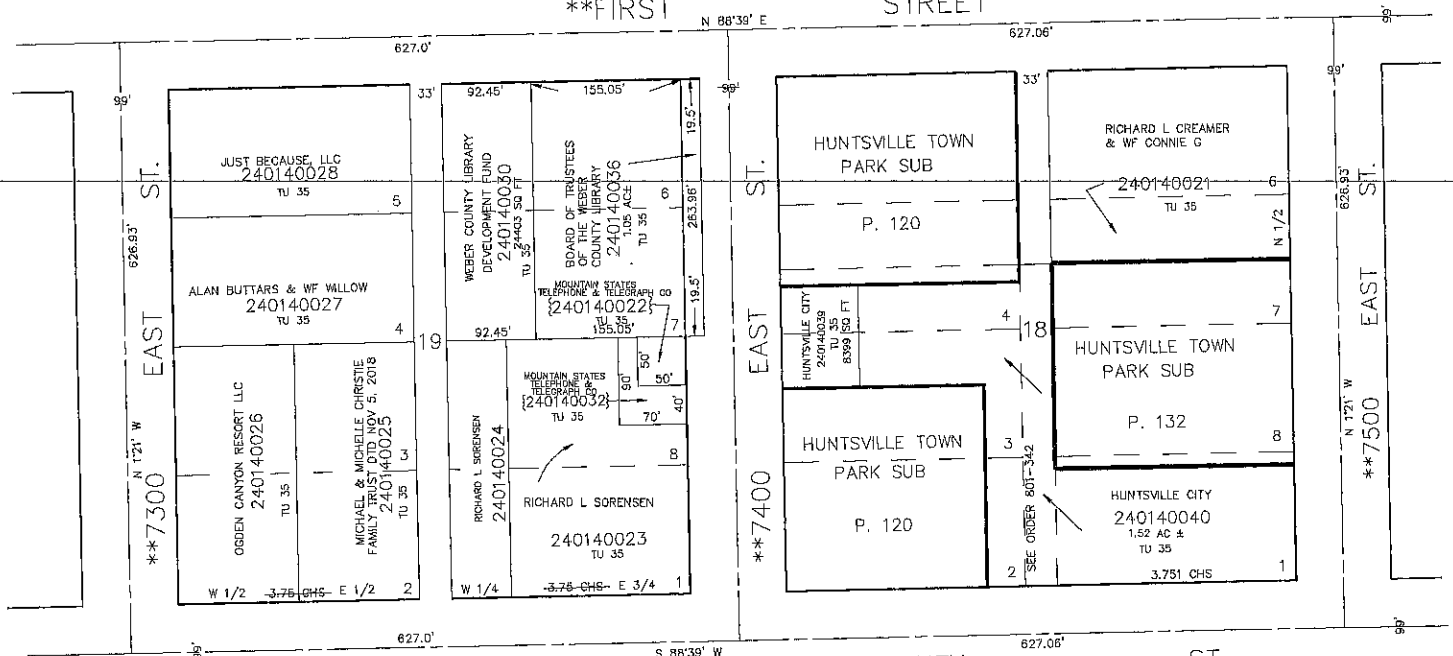
TAXING UNIT: 35, 520

SCALE 1" = 100'

SEE BOOK 21, PAGE 8



\*\*FIRST STREET



\*\*200

SOUTH

ST.

\*\*SEE STREET NAME CHANGE  
E#2195484

\*NOTE  
STREET NUMBERS ACCORDING  
TO COUNTY SURVEYOR

SEE PAGE 11

L.D.F. 5-92

SEE PAGE 13

SEE PAGE 13

## Beckki Endicott

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**From:** Chad McKay [REDACTED]  
**Sent:** Monday, August 12, 2019 4:29 PM  
**To:** Beckki Endicott; CHAD MCKAY; [REDACTED]  
**Subject:** Jennifer Sorensen Subdivision in to three buildable lots

Dear Beckki and Huntsville town planning commission: I have rented this property for the last several years (at least 5) I am very familiar with the property, its water, location, ingress/egress, frontage, neighboring properties and all other aspects of this land. Although I will be losing one of my hay pastures, I am very much in favor of this subdivision. I believe that it is a qualifying property, It will have a minimal impact on the community/ roads, water etc. And the additional tax revenue will be a benefit to the town. It is my sincerest hope that you will immediately approve this minor subdivision as I believe it meets all the requirements of the "small subdivision" provision of the town ordinances. Thanks Chad McKay If you have any questions about this please contact me. Thanks again

Huntsville West, LLC  
Jack M. Davis, Manager

[REDACTED]  
[REDACTED]  
August 14, 2019

Huntsville Town  
P.O. Box 267  
Huntsville, UT 84317

RE: Jennifer Sorensen subdivision proposal

To the Huntsville Town Planning Commission,

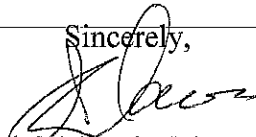
As the manager of the Huntsville West, LLC, I have reviewed the information provided by Beckki Endicott, Huntsville Town Clerk, regarding Jennifer Sorensen's request to subdivide her property located at 7478 E. First St, Huntsville. I have no objections to the proposed subdivision.

You are welcome to contact me directly via email at [REDACTED] or by US mail at the address noted above if you have any questions or comments.

Thank you very much for considering this input.

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Sincerely,



Jack M. Davis, Manager  
Huntsville West, LLC

## Beckki Endicott

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**From:** Alison.Mortarotti [REDACTED]  
**Sent:** Wednesday, August 21, 2019 5:00 PM  
**To:** Beckki Endicott  
**Cc:** [REDACTED]  
**Subject:** Jennifer Sorensen - Subdivision Property North of 7478 E 100 S at 3.63 acres

To whom it may concern-

I am writing to express my concern about the subdivision and building homes on the 3.63 acres owned by Jennifer Sorensen.

My daughter and I currently reside at 7548 E 200 N, Huntsville. My chief concern is the construction to build homes and how the construction equipment and materials will access the acres?

How the construction equipment and materials will access the acres?

As a busy single working mother I need immediate access to enter and leave my home without having my access blocked or slowed by construction or equipment.

I do not support the proposed subdivision and building unless there exists a separate construction entrance on Main street or 100 S to the proposed subdivision.

I do not support any access to the land for construction or building materials through S 7500 E.

If the subdivision does get approved, and equipment and vehicles are accessed through S 7500 E, please give names and numbers of individuals and professionals I can contact to discuss my concerns.

What are the names and numbers of individuals and professionals I can contact to discuss my concerns about construction access?

What assurances can you give me that the access to my home will not be blocked or slowed by trucks, construction equipment or building materials?

Please let me know what legal actions I can pursue to block the usage of S 7500 E for trucks, construction vehicles or building materials?

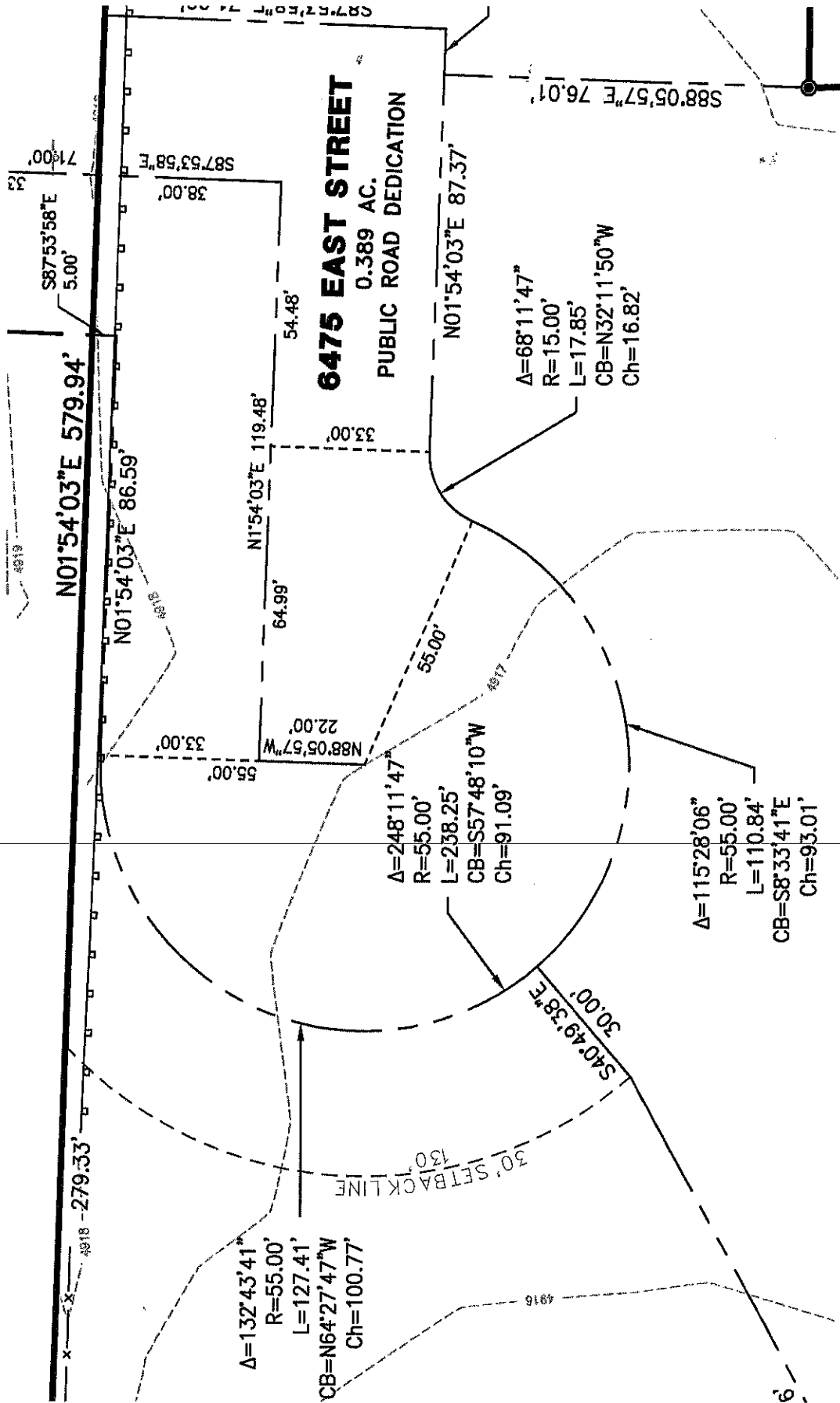
Best Regards,

**Alison Mortarotti**

Personal Banker 2

[REDACTED] 060  
[REDACTED] 1220 1 Direct Tel 125 688 1635  
[REDACTED]

[REDACTED]







PART OF N. 1/2 OF SEC. 18, T.6N., R.2E., S.L.B. & M.

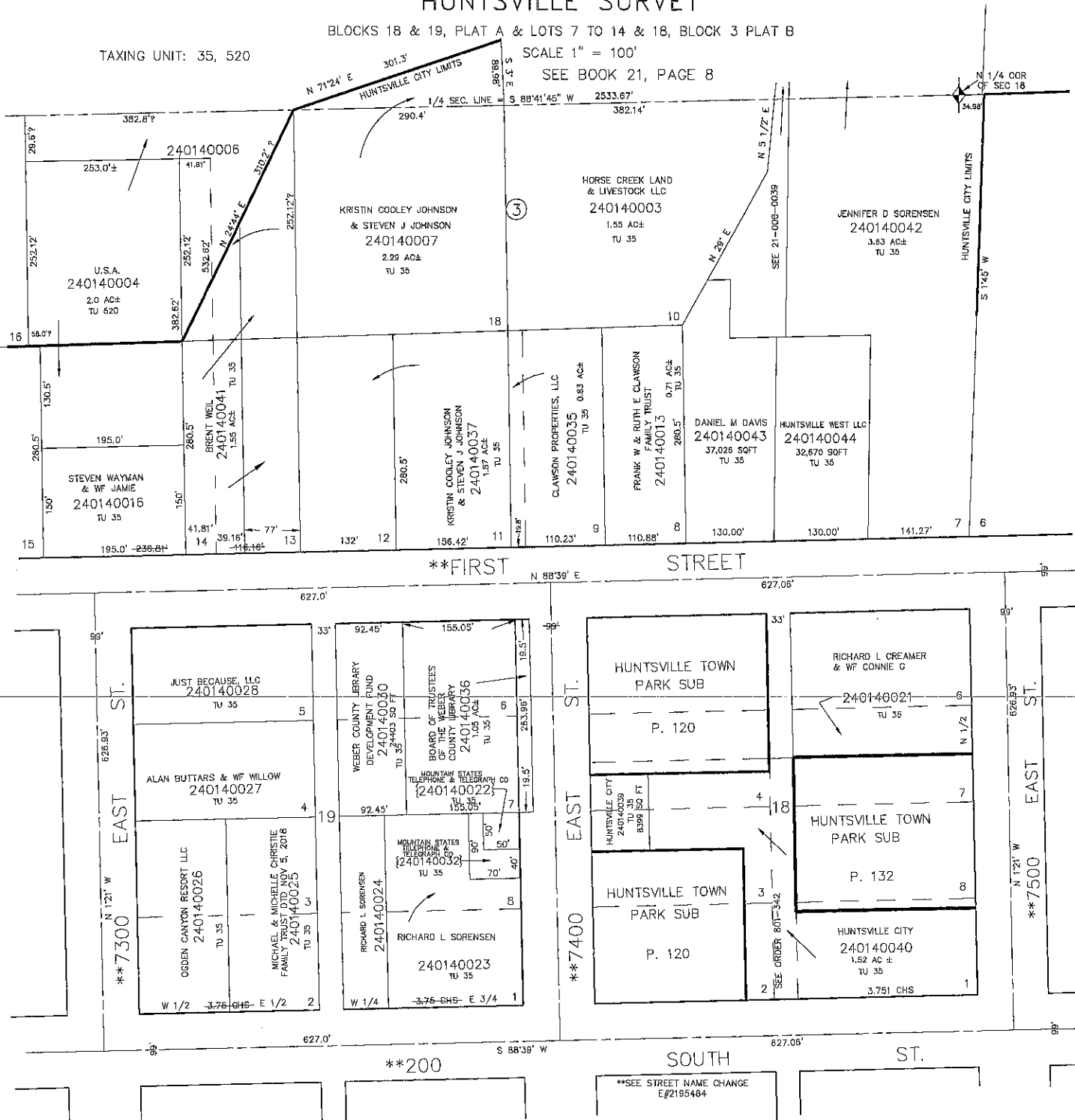
# HUNTSVILLE SURVEY

BLOCKS 18 & 19, PLAT A & LOTS 7 TO 14 & 18, BLOCK 3 PLAT B

TAXING UNIT: 35, 520

SCALE 1" = 100'

SEE BOOK 21, PAGE 8



SEE PAGE 13

SEE PAGE 11

\*NOTE  
STREET NUMBERS ACCORDING  
TO COUNTY SURVEYOR



## LAND USE PERMIT

Huntsville Town Building Inspection  
7309 E. 200 S.  
P.O. Box 267, Huntsville, UT 84317  
(801) 745-3420

Tax ID # 240140041

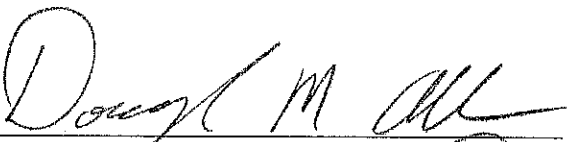
Address of Structure 7320 E 100 South Horse/Hay Basin

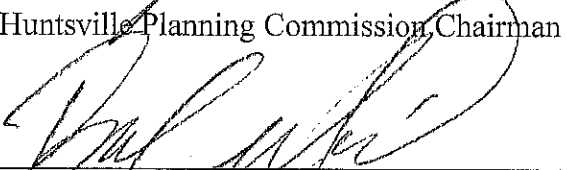
Name & Address of Owner/Owners Brent & Mikelle Wolf

The above described Site Plan has been reviewed for setback compliance by the Huntsville Town Planning Commission on: Aug 22, 2019

Set Backs Approved: Yes ☒ No ☐

Any special stipulations and conditions of the Site Plan Review: None

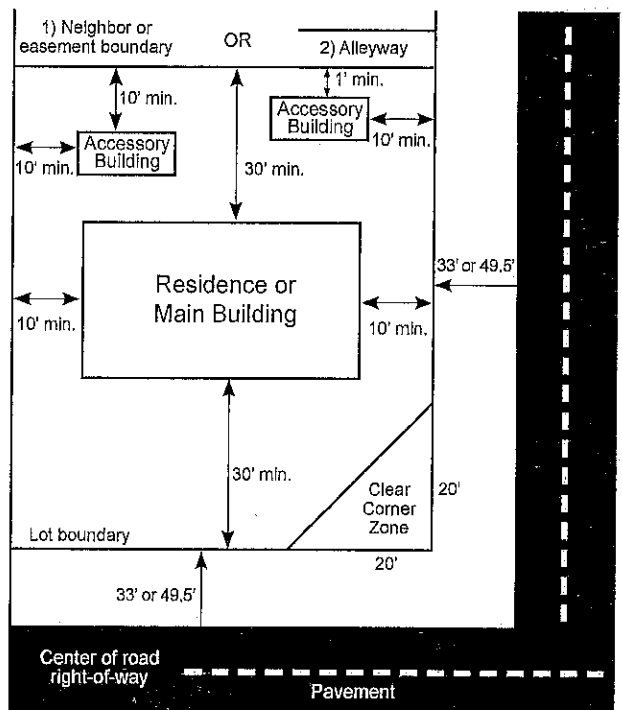
  
Huntsville Planning Commission Chairman

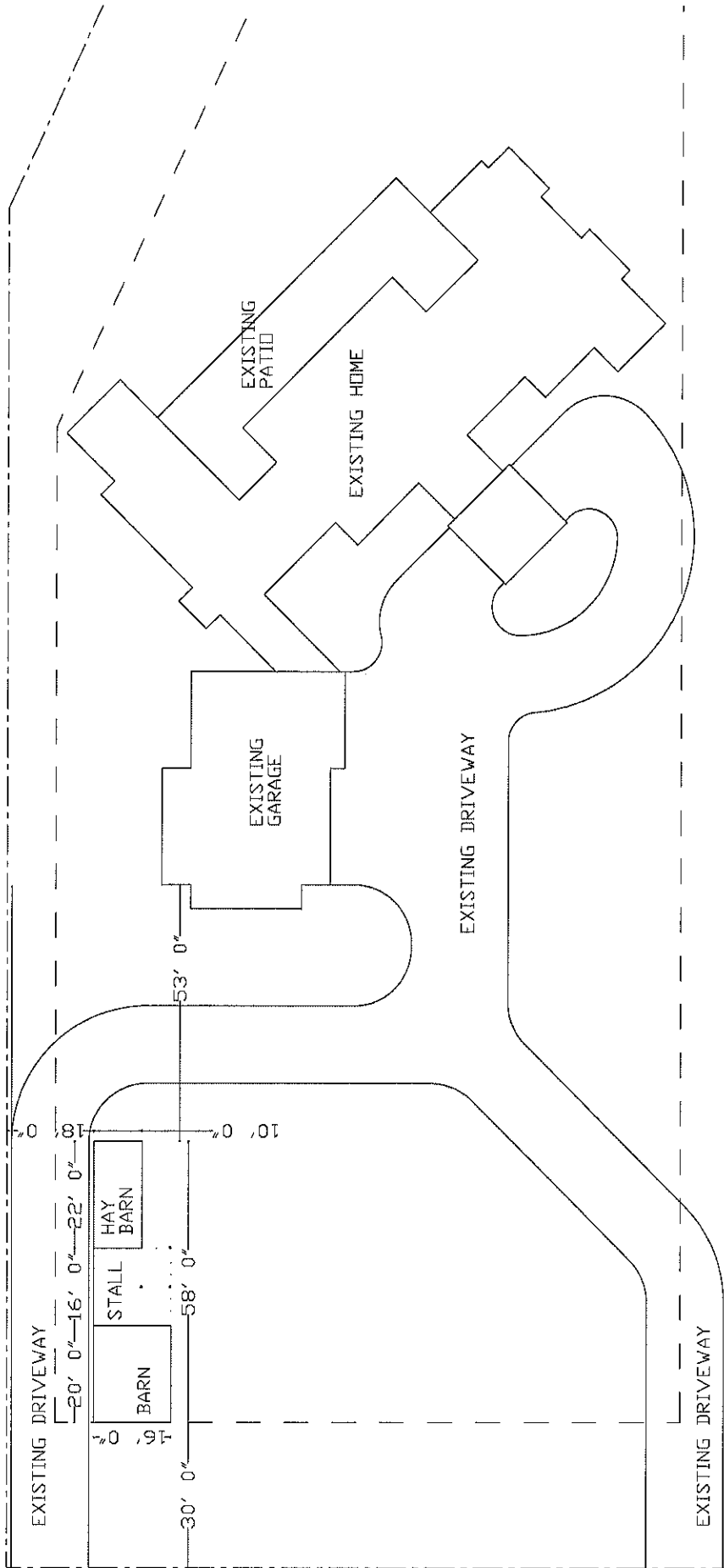
  
Property Owner Signature

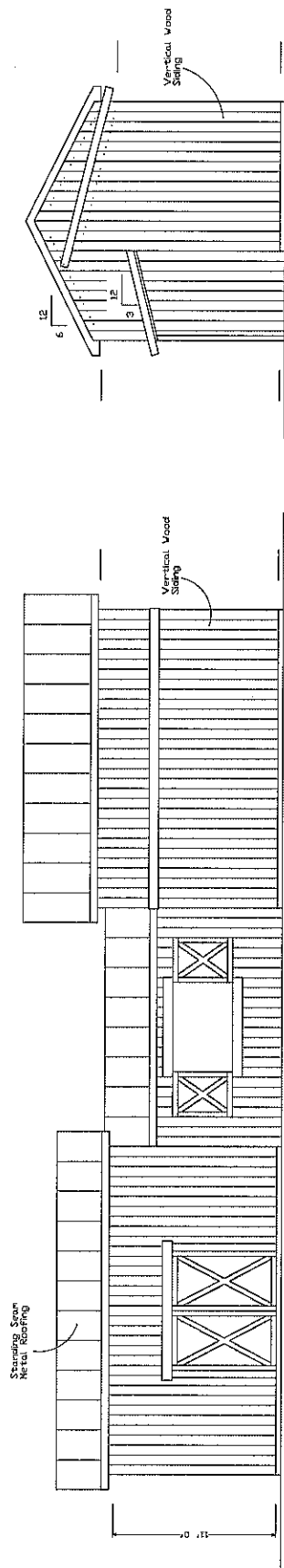
"By signing this form, the applicant agrees that they understand that the Huntsville Town R-1 zone, which their lot is zoned, only allows for one single family dwelling on the lot. The applicant also agrees that they understand that if any changes to their site plan are made after the Land Use Permit is issued, that those changes must be approved by the Planning Commission."

- Minimum lot size = 0.75 acre (32,670 sq. ft.)
- Minimum width = 130 feet (120 feet if bounded by an alleyway)

### Huntsville Town Residential Zone Setbacks

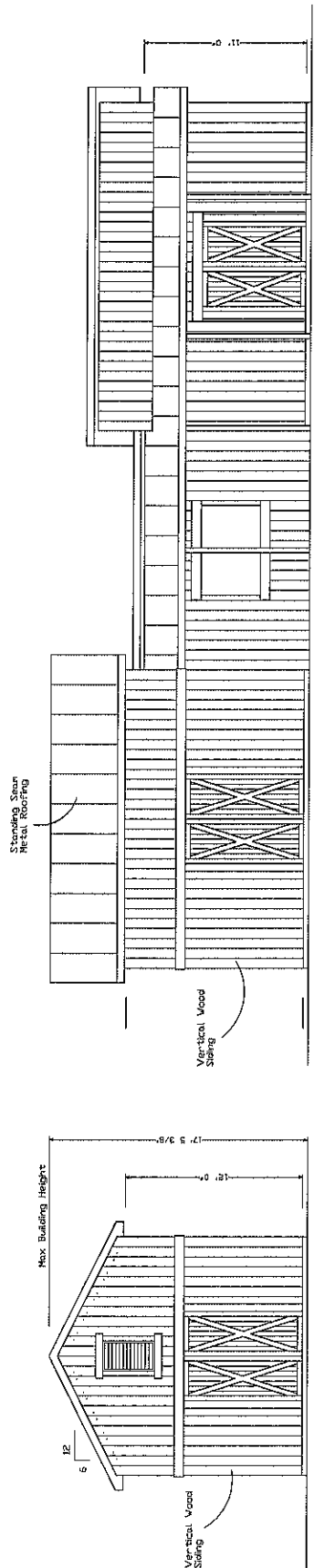






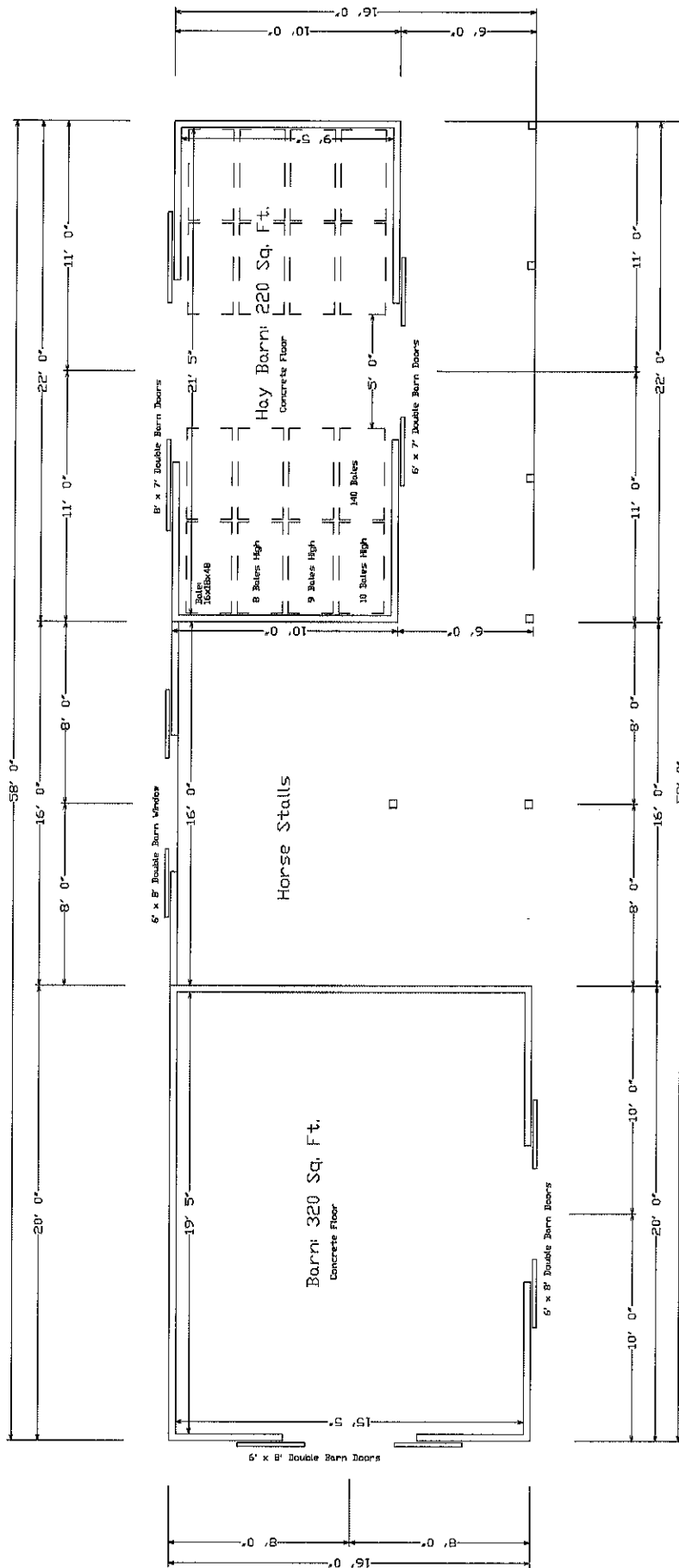
West Elevation

North Elevation



South Elevation

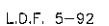
East Elevation



## Main Floor Plan

Footprint: 58' x 16'

SEE PAGE 19





## LAND USE PERMIT

Huntsville Town Building Inspection  
7309 E. 200 S.  
P.O. Box 267, Huntsville, UT 84317  
(801) 745-3420

Tax ID # 240180004

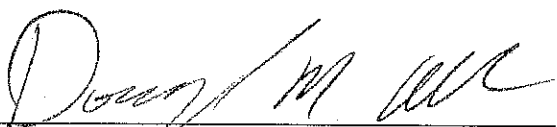
Address of Structure 583 South 7800 East - Addition and remodel

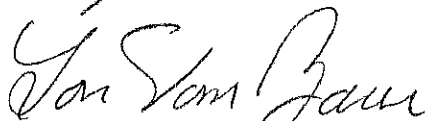
Name & Address of Owner/Owners American Legion

The above described Site Plan has been reviewed for setback compliance by the Huntsville Town Planning Commission on: 8-22-2019

Set Backs Approved: Yes X No       

Any special stipulations and conditions of the Site Plan Review: None

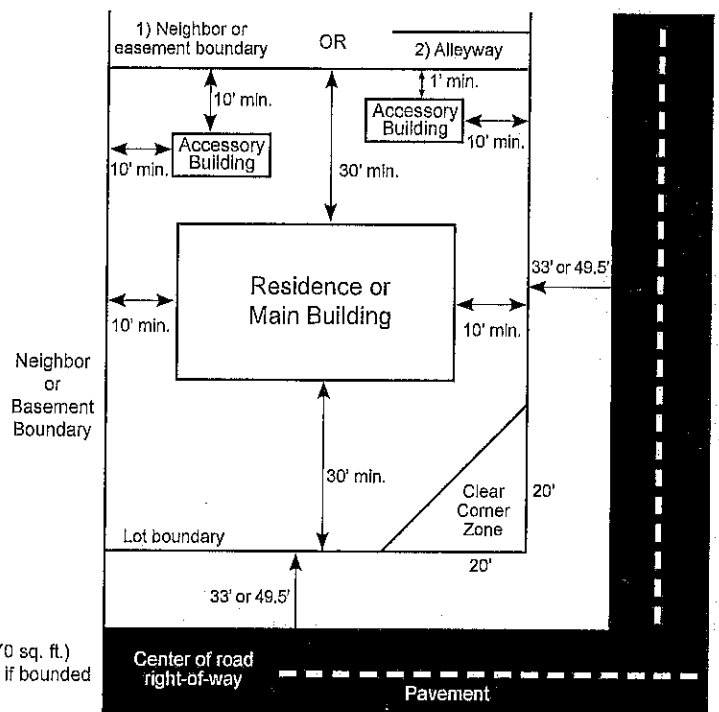
  
Huntsville Planning Commission Chairman

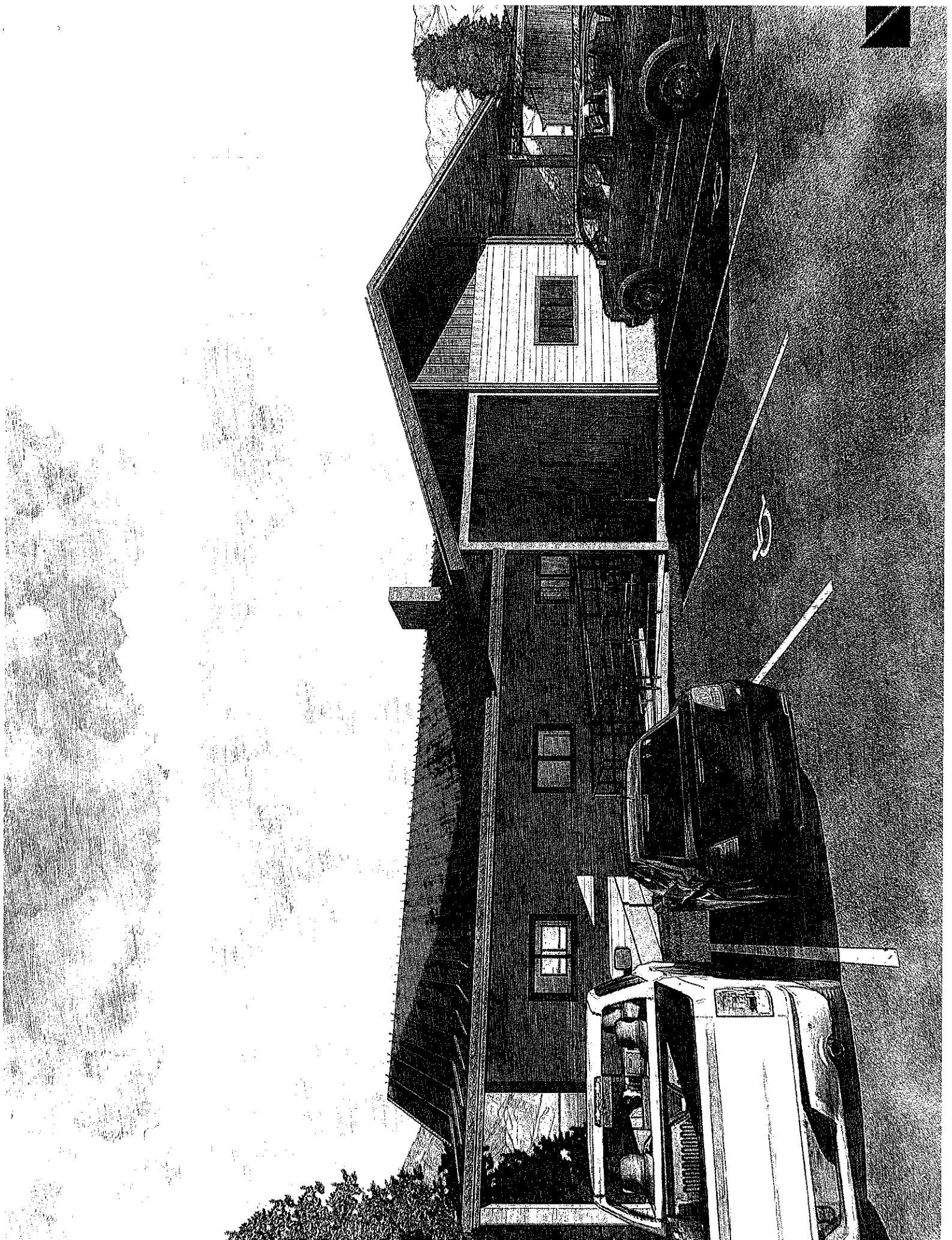
  
Property Owner Signature  
**CONTRACTOR**

"By signing this form, the applicant agrees that they understand that the Huntsville Town R-1 zone, which their lot is zoned, only allows for one single family dwelling on the lot. The applicant also agrees that they understand that if any changes to their site plan are made after the Land Use Permit is issued, that those changes must be approved by the Planning Commission."

- Minimum lot size = 0.75 acre (32,670 sq. ft.)
- Minimum width = 130 feet (120 feet if bounded by an alleyway)

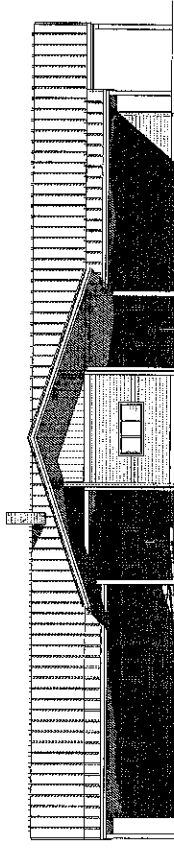
### Huntsville Town Residential Zone Setbacks





# THE AMERICAN LEGION OGDEN VALLEY POST 129

604 SOUTH 7800 EAST  
HUNTSVILLE, UTAH 84317



| SHEET INDEX |                       |
|-------------|-----------------------|
| SHEET       | SHEET NAME            |
| AS-01       | ARCHITECTURE          |
| AS-02       | FOUNDATION FLOORING   |
| AS-03       | MAJOR FLOOR PLAN      |
| AS-04       | MAJOR FLOOR ELEVATION |
| AS-05       | MAJOR FLOOR SECTION   |
| AS-06       | MAJOR FLOOR ELEVATION |
| AS-07       | MAJOR FLOOR SECTION   |
| AS-08       | MAJOR FLOOR ELEVATION |
| AS-09       | MAJOR FLOOR SECTION   |

BERTOLDI  
ARCHITECTS  
270 HARRISON BLVD. SUITE 200  
HUNTSVILLE, UTAH 84317  
TEL: 801-432-1234  
FAX: 801-432-1235  
WWW.BERTOLDIARCHITECTS.COM

THE AMERICAN LEGION  
OGDEN VALLEY POST 129  
604 SOUTH 7800 EAST  
HUNTSVILLE, UTAH 84317

NOT FOR  
CONSTRUCTION

REV. DATE  
PROJECT # 17-22  
DATE 08/17/17  
TITLE COVER SHEET  
SHEET

AG-001

### GENERAL NOTES

- ALL WORK TO BE DONE SHALL BE IN ACCORDANCE WITH THE 2015 UTAH BUILDING CODE, UTAH STATE BOARD OF ARCHITECTS, AND ALL LOCAL ORDINANCES AND REGULATIONS GOVERNING THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- GENERAL CONTRACTORS SHALL COORDINATE ALL WORK WITH THE ARCHITECT AND THE OWNER. THE ARCHITECT SHALL BE THE SINGLE POINT OF CONTACT FOR ALL QUESTIONS AND CONCERNS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- ALL DIMENSIONS GIVEN ARE TO FACE UNLESS OTHERWISE NOTED.
- ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- ALL DIMENSIONS GIVEN ARE TO FACE UNLESS OTHERWISE NOTED.
- ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
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### STANDARD ABBREVIATIONS

| SYMBOL | ABBREVIATION                           | DESCRIPTION                            |
|--------|----------------------------------------|----------------------------------------|
| AC     | ARCHITECT                              | ARCHITECT                              |
| AD     | ARCHITECTURAL DETAIL                   | ARCHITECTURAL DETAIL                   |
| AE     | ARCHITECTURAL ELEVATION                | ARCHITECTURAL ELEVATION                |
| AF     | ARCHITECTURAL FLOOR PLAN               | ARCHITECTURAL FLOOR PLAN               |
| AG     | ARCHITECTURAL GROUND PLAN              | ARCHITECTURAL GROUND PLAN              |
| AH     | ARCHITECTURAL HATCH                    | ARCHITECTURAL HATCH                    |
| AI     | ARCHITECTURAL INTERIOR                 | ARCHITECTURAL INTERIOR                 |
| AL     | ARCHITECTURAL LAYOUT                   | ARCHITECTURAL LAYOUT                   |
| AM     | ARCHITECTURAL MATERIAL                 | ARCHITECTURAL MATERIAL                 |
| AN     | ARCHITECTURAL NOTE                     | ARCHITECTURAL NOTE                     |
| AO     | ARCHITECTURAL OUTLINE                  | ARCHITECTURAL OUTLINE                  |
| AP     | ARCHITECTURAL PLAN                     | ARCHITECTURAL PLAN                     |
| AQ     | ARCHITECTURAL QUANTITY                 | ARCHITECTURAL QUANTITY                 |
| AR     | ARCHITECTURAL REFERENCE                | ARCHITECTURAL REFERENCE                |
| AS     | ARCHITECTURAL SECTION                  | ARCHITECTURAL SECTION                  |
| AT     | ARCHITECTURAL TYPING                   | ARCHITECTURAL TYPING                   |
| AV     | ARCHITECTURAL VIEW                     | ARCHITECTURAL VIEW                     |
| AW     | ARCHITECTURAL WINDOW                   | ARCHITECTURAL WINDOW                   |
| AX     | ARCHITECTURAL X-SECTION                | ARCHITECTURAL X-SECTION                |
| AY     | ARCHITECTURAL Y-SECTION                | ARCHITECTURAL Y-SECTION                |
| AZ     | ARCHITECTURAL Z-SECTION                | ARCHITECTURAL Z-SECTION                |
| BA     | ARCHITECTURAL BATH                     | ARCHITECTURAL BATH                     |
| BB     | ARCHITECTURAL BENCH                    | ARCHITECTURAL BENCH                    |
| BC     | ARCHITECTURAL BRICK                    | ARCHITECTURAL BRICK                    |
| BD     | ARCHITECTURAL BRICK DETAIL             | ARCHITECTURAL BRICK DETAIL             |
| BE     | ARCHITECTURAL BRICK ELEVATION          | ARCHITECTURAL BRICK ELEVATION          |
| BF     | ARCHITECTURAL BRICK FLOOR PLAN         | ARCHITECTURAL BRICK FLOOR PLAN         |
| BG     | ARCHITECTURAL BRICK GROUND PLAN        | ARCHITECTURAL BRICK GROUND PLAN        |
| BH     | ARCHITECTURAL BRICK HATCH              | ARCHITECTURAL BRICK HATCH              |
| BI     | ARCHITECTURAL BRICK INTERIOR           | ARCHITECTURAL BRICK INTERIOR           |
| BJ     | ARCHITECTURAL BRICK LAYOUT             | ARCHITECTURAL BRICK LAYOUT             |
| BK     | ARCHITECTURAL BRICK MATERIAL           | ARCHITECTURAL BRICK MATERIAL           |
| BL     | ARCHITECTURAL BRICK NOTE               | ARCHITECTURAL BRICK NOTE               |
| BM     | ARCHITECTURAL BRICK OUTLINE            | ARCHITECTURAL BRICK OUTLINE            |
| BN     | ARCHITECTURAL BRICK PLAN               | ARCHITECTURAL BRICK PLAN               |
| BO     | ARCHITECTURAL BRICK QUANTITY           | ARCHITECTURAL BRICK QUANTITY           |
| BP     | ARCHITECTURAL BRICK REFERENCE          | ARCHITECTURAL BRICK REFERENCE          |
| BQ     | ARCHITECTURAL BRICK SECTION            | ARCHITECTURAL BRICK SECTION            |
| BR     | ARCHITECTURAL BRICK TYPING             | ARCHITECTURAL BRICK TYPING             |
| BS     | ARCHITECTURAL BRICK VIEW               | ARCHITECTURAL BRICK VIEW               |
| BT     | ARCHITECTURAL BRICK WINDOW             | ARCHITECTURAL BRICK WINDOW             |
| BU     | ARCHITECTURAL BRICK X-SECTION          | ARCHITECTURAL BRICK X-SECTION          |
| BV     | ARCHITECTURAL BRICK Y-SECTION          | ARCHITECTURAL BRICK Y-SECTION          |
| BW     | ARCHITECTURAL BRICK Z-SECTION          | ARCHITECTURAL BRICK Z-SECTION          |
| CA     | ARCHITECTURAL CEMENT                   | ARCHITECTURAL CEMENT                   |
| CB     | ARCHITECTURAL CEMENT DETAIL            | ARCHITECTURAL CEMENT DETAIL            |
| CC     | ARCHITECTURAL CEMENT ELEVATION         | ARCHITECTURAL CEMENT ELEVATION         |
| CD     | ARCHITECTURAL CEMENT FLOOR PLAN        | ARCHITECTURAL CEMENT FLOOR PLAN        |
| CE     | ARCHITECTURAL CEMENT GROUND PLAN       | ARCHITECTURAL CEMENT GROUND PLAN       |
| CF     | ARCHITECTURAL CEMENT HATCH             | ARCHITECTURAL CEMENT HATCH             |
| CG     | ARCHITECTURAL CEMENT INTERIOR          | ARCHITECTURAL CEMENT INTERIOR          |
| CH     | ARCHITECTURAL CEMENT LAYOUT            | ARCHITECTURAL CEMENT LAYOUT            |
| CI     | ARCHITECTURAL CEMENT MATERIAL          | ARCHITECTURAL CEMENT MATERIAL          |
| CJ     | ARCHITECTURAL CEMENT NOTE              | ARCHITECTURAL CEMENT NOTE              |
| CK     | ARCHITECTURAL CEMENT OUTLINE           | ARCHITECTURAL CEMENT OUTLINE           |
| CL     | ARCHITECTURAL CEMENT PLAN              | ARCHITECTURAL CEMENT PLAN              |
| CM     | ARCHITECTURAL CEMENT QUANTITY          | ARCHITECTURAL CEMENT QUANTITY          |
| CN     | ARCHITECTURAL CEMENT REFERENCE         | ARCHITECTURAL CEMENT REFERENCE         |
| CO     | ARCHITECTURAL CEMENT SECTION           | ARCHITECTURAL CEMENT SECTION           |
| CP     | ARCHITECTURAL CEMENT TYPING            | ARCHITECTURAL CEMENT TYPING            |
| CQ     | ARCHITECTURAL CEMENT VIEW              | ARCHITECTURAL CEMENT VIEW              |
| CR     | ARCHITECTURAL CEMENT WINDOW            | ARCHITECTURAL CEMENT WINDOW            |
| CS     | ARCHITECTURAL CEMENT X-SECTION         | ARCHITECTURAL CEMENT X-SECTION         |
| CT     | ARCHITECTURAL CEMENT Y-SECTION         | ARCHITECTURAL CEMENT Y-SECTION         |
| CU     | ARCHITECTURAL CEMENT Z-SECTION         | ARCHITECTURAL CEMENT Z-SECTION         |
| CV     | ARCHITECTURAL CEMENT BATH              | ARCHITECTURAL CEMENT BATH              |
| CW     | ARCHITECTURAL CEMENT BENCH             | ARCHITECTURAL CEMENT BENCH             |
| CX     | ARCHITECTURAL CEMENT BRICK             | ARCHITECTURAL CEMENT BRICK             |
| CY     | ARCHITECTURAL CEMENT BRICK DETAIL      | ARCHITECTURAL CEMENT BRICK DETAIL      |
| CZ     | ARCHITECTURAL CEMENT BRICK ELEVATION   | ARCHITECTURAL CEMENT BRICK ELEVATION   |
| DA     | ARCHITECTURAL CEMENT BRICK FLOOR PLAN  | ARCHITECTURAL CEMENT BRICK FLOOR PLAN  |
| DB     | ARCHITECTURAL CEMENT BRICK GROUND PLAN | ARCHITECTURAL CEMENT BRICK GROUND PLAN |
| DC     | ARCHITECTURAL CEMENT BRICK HATCH       | ARCHITECTURAL CEMENT BRICK HATCH       |
| DD     | ARCHITECTURAL CEMENT BRICK INTERIOR    | ARCHITECTURAL CEMENT BRICK INTERIOR    |
| DE     | ARCHITECTURAL CEMENT BRICK LAYOUT      | ARCHITECTURAL CEMENT BRICK LAYOUT      |
| DF     | ARCHITECTURAL CEMENT BRICK MATERIAL    | ARCHITECTURAL CEMENT BRICK MATERIAL    |
| DF     | ARCHITECTURAL CEMENT BRICK NOTE        | ARCHITECTURAL CEMENT BRICK NOTE        |
| DF     | ARCHITECTURAL CEMENT BRICK OUTLINE     | ARCHITECTURAL CEMENT BRICK OUTLINE     |
| DF     | ARCHITECTURAL CEMENT BRICK PLAN        | ARCHITECTURAL CEMENT BRICK PLAN        |
| DF     | ARCHITECTURAL CEMENT BRICK QUANTITY    | ARCHITECTURAL CEMENT BRICK QUANTITY    |
| DF     | ARCHITECTURAL CEMENT BRICK REFERENCE   | ARCHITECTURAL CEMENT BRICK REFERENCE   |
| DF     | ARCHITECTURAL CEMENT BRICK SECTION     | ARCHITECTURAL CEMENT BRICK SECTION     |
| DF     | ARCHITECTURAL CEMENT BRICK TYPING      | ARCHITECTURAL CEMENT BRICK TYPING      |
| DF     | ARCHITECTURAL CEMENT BRICK VIEW        | ARCHITECTURAL CEMENT BRICK VIEW        |
| DF     | ARCHITECTURAL CEMENT BRICK WINDOW      | ARCHITECTURAL CEMENT BRICK WINDOW      |
| DF     | ARCHITECTURAL CEMENT BRICK X-SECTION   | ARCHITECTURAL CEMENT BRICK X-SECTION   |
| DF     | ARCHITECTURAL CEMENT BRICK Y-SECTION   | ARCHITECTURAL CEMENT BRICK Y-SECTION   |
| DF     | ARCHITECTURAL CEMENT BRICK Z-SECTION   | ARCHITECTURAL CEMENT BRICK Z-SECTION   |

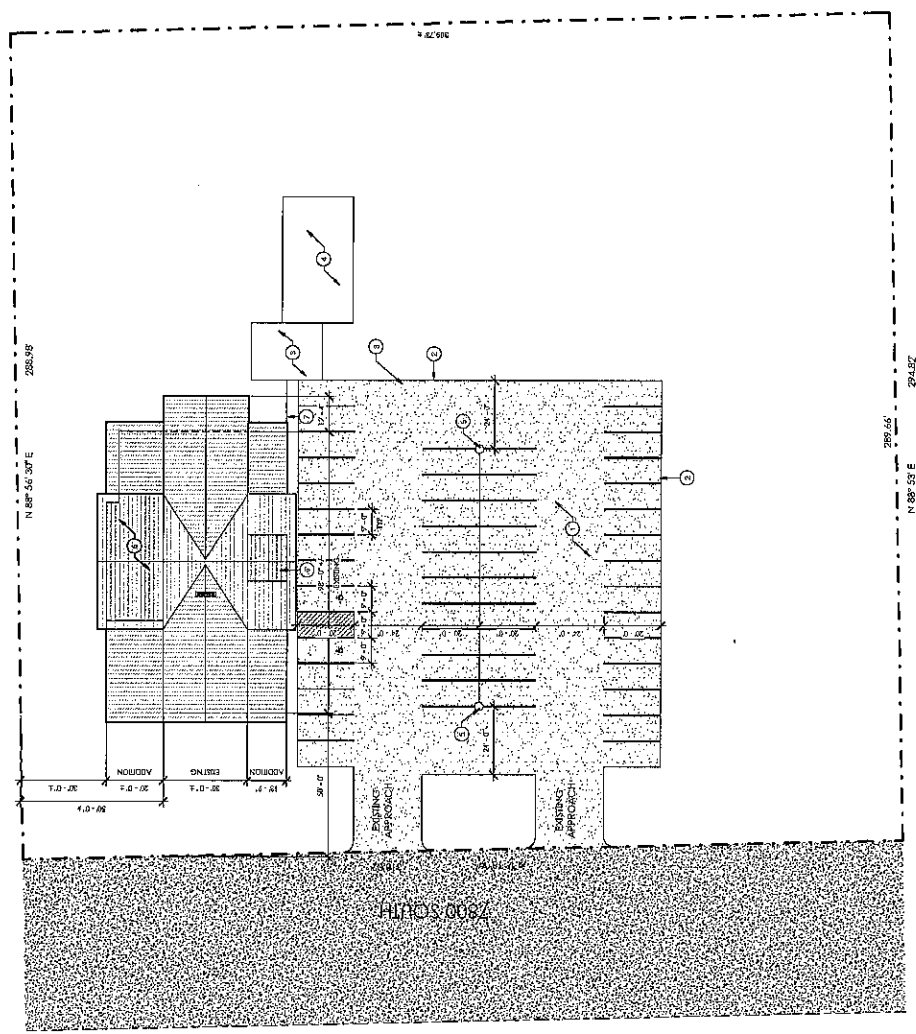
### STANDARD SYMBOLS

| SYMBOL     | DESCRIPTION           |
|------------|-----------------------|
| (A) 1/8"   | ARCHITECTURAL SECTION |
| (A) 1/4"   | ARCHITECTURAL SECTION |
| (A) 1/2"   | ARCHITECTURAL SECTION |
| (A) 3/4"   | ARCHITECTURAL SECTION |
| (A) 1"     | ARCHITECTURAL SECTION |
| (A) 1 1/2" | ARCHITECTURAL SECTION |
| (A) 2"     | ARCHITECTURAL SECTION |
| (A) 3"     | ARCHITECTURAL SECTION |
| (A) 4"     | ARCHITECTURAL SECTION |
| (A) 6"     | ARCHITECTURAL SECTION |
| (A) 8"     | ARCHITECTURAL SECTION |
| (A) 12"    | ARCHITECTURAL SECTION |
| (A) 18"    | ARCHITECTURAL SECTION |
| (A) 24"    | ARCHITECTURAL SECTION |
| (A) 30"    | ARCHITECTURAL SECTION |
| (A) 36"    | ARCHITECTURAL SECTION |
| (A) 42"    | ARCHITECTURAL SECTION |
| (A) 48"    | ARCHITECTURAL SECTION |
| (A) 54"    | ARCHITECTURAL SECTION |
| (A) 60"    | ARCHITECTURAL SECTION |
| (A) 66"    | ARCHITECTURAL SECTION |
| (A) 72"    | ARCHITECTURAL SECTION |
| (A) 78"    | ARCHITECTURAL SECTION |
| (A) 84"    | ARCHITECTURAL SECTION |
| (A) 90"    | ARCHITECTURAL SECTION |
| (A) 96"    | ARCHITECTURAL SECTION |
| (A) 102"   | ARCHITECTURAL SECTION |
| (A) 108"   | ARCHITECTURAL SECTION |
| (A) 114"   | ARCHITECTURAL SECTION |
| (A) 120"   | ARCHITECTURAL SECTION |
| (A) 126"   | ARCHITECTURAL SECTION |
| (A) 132"   | ARCHITECTURAL SECTION |
| (A) 138"   | ARCHITECTURAL SECTION |
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| (A) 1548"  | ARCHIT                |

**KEYED NOTES**

1. REPAVE & REFINISH EXISTING PARKING
2. EXISTING ROOF OF ADDITION
3. EXISTING BUILDING
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**PROPERTY INFORMATION**  
 PROPERTY OWNER: THE AMERICAN LEGION OGDEN VALLEY POST 129  
 PARCEL NUMBER: 240180004  
 PARCEL SIZE: 2.06 ACRES ±



GENERAL NOTES

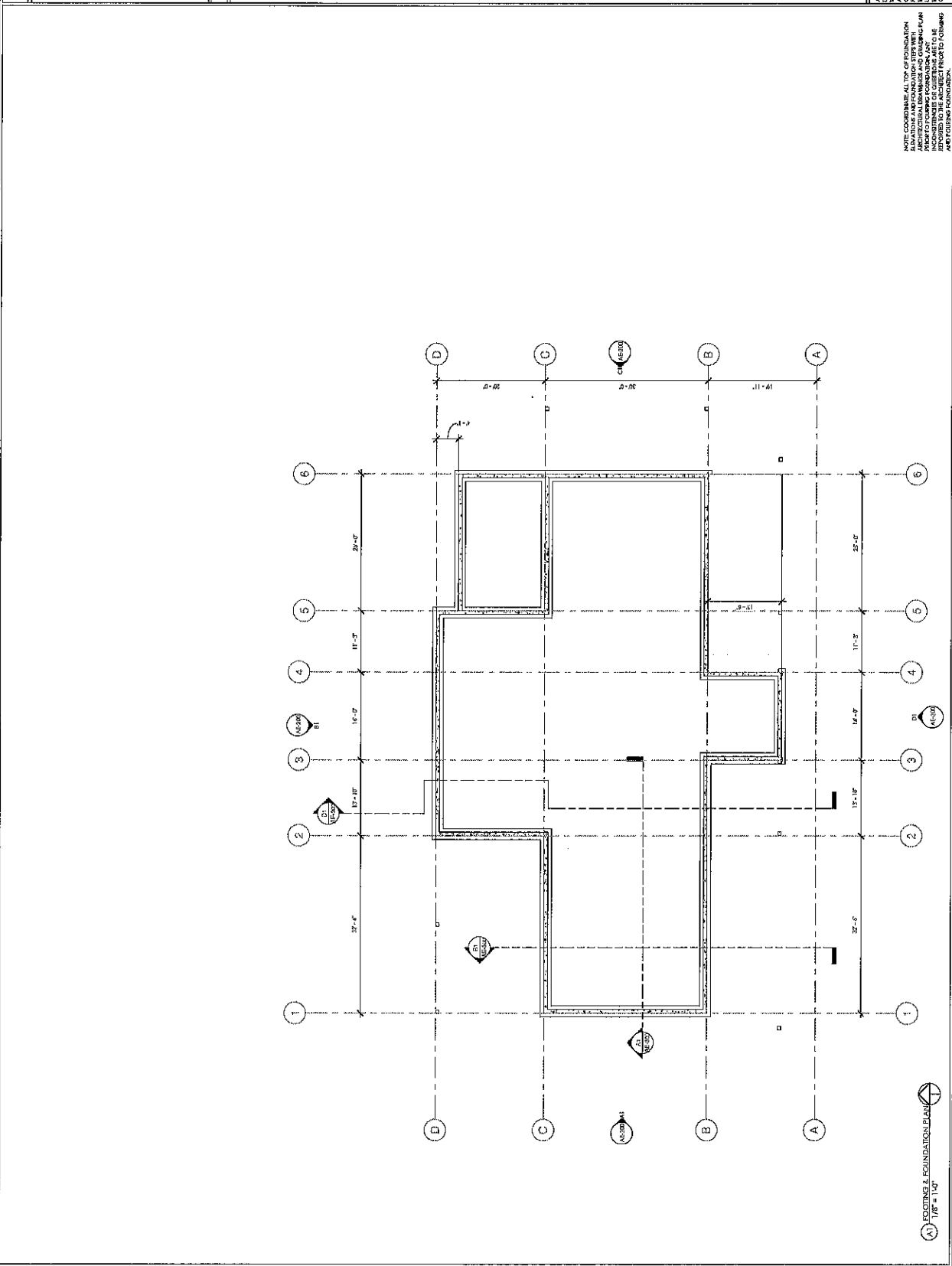
- A. DIMENSIONS ARE TO FACE OF FOUNDATION WALL.
- B. ALL WALLS ARE CONCRETE UNLESS NOTED OTHERWISE.
- C. WITH STRUCTURAL FOOTING, MINIMUM 12" TO SLOPE AWAY FROM FOUNDATION.
- D. COORDINATE WITH ARCHITECT FOR ALL OTHERS.
- E. FOUNDATION SHALL BE SET TO FINISH GRADE.
- F. FOUNDATION SHALL BE SET TO FINISH GRADE.
- G. FOUNDATION SHALL BE SET TO FINISH GRADE.
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- X. FOUNDATION SHALL BE SET TO FINISH GRADE.
- Y. FOUNDATION SHALL BE SET TO FINISH GRADE.
- Z. FOUNDATION SHALL BE SET TO FINISH GRADE.

KEYED NOTES

THE AMERICAN LEGION  
OGDEN VALLEY POST 129  
604 SOUTH 7800 EAST  
HUNTSVILLE, UTAH 84317

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|----------------------|----------|
| NOT FOR CONSTRUCTION |          |
| REV.                 | DATE     |
| 1                    | 12/14    |
| 2                    | 08/17/15 |
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AE-100



FOUNDATION & FOUNDATION PLAN  
1/16" = 1'-0"

**GENERAL NOTES**

- ALL DIMENSIONS ARE TO FINISH UNLESS OTHERWISE NOTED.
- FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
- CONCRETE FLOORS ARE TO BE 4" THICK WITH REINFORCING BARS AT 12" ON CENTER.
- CEILING IS TO BE 8' HIGH WITH 2" X 4" JOISTS AT 16" ON CENTER.
- WALLS ARE TO BE 8" THICK CONCRETE BLOCK WITH 1/2" GYPSUM BOARD.
- DOORS ARE TO BE 36" WIDE WITH 1 1/2" THICK SLABS.
- WINDOWS ARE TO BE 24" WIDE WITH 1 1/2" THICK SLABS.
- ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE.
- SEE SPECIFICATIONS FOR MATERIALS AND METHODS.
- THE DRAWING IS TO BE USED AS A GUIDE ONLY. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS OR THE COMPLETION OF THE WORK.

**FLOOR PLAN LEGEND**

- WALL TYPE MARKER
- DOOR TYPE MARKER
- WINDOW TYPE MARKER
- CEILING MARKER
- FLOOR MARKER
- ROOM MARKER

**KEYED NOTES**

- KEYED CONSTRUCTION UNITS
- UNITS CONTAINED HEREIN REFER TO FINISHES

**THE AMERICAN LEGION**  
 604 SOUTH 7800 EAST  
 HUNTSVILLE, UTAH 84317

**BERTOLDI ARCHITECTS**  
 ARCHITECTURE • PLANNING • INTERIORS  
 2220 HARRISON BLVD., SUITE 200, HUNTSVILLE, UT 84302  
 (801) 261-1234

**NOT FOR CONSTRUCTION**

DATE: 08/19/19  
 PROJECT # 1901  
 TITLE: MAIN FLOOR PLAN

**AE-101**

**MAIN FLOOR PLAN**  
 1/8" = 1'-0"

**BERTOLDI ARCHITECTS**  
ARCHITECTURE • PLANNING • INTERIORS  
4700 W. 10TH AVENUE, SUITE 100, DENVER, CO 80202  
TEL: 303.733.1100 FAX: 303.733.1101  
WWW.BERTOLDIARCHITECTS.COM

**THE AMERICAN LEGION**  
OGDEN VALLEY POST 129  
604 SOUTH 7800 EAST  
HUNTSVILLE, UTAH 84317

NOT FOR CONSTRUCTION

REV. DATE  
PROJECT # 19-14  
DATE 02/19/19  
TIME ROOF PLAN

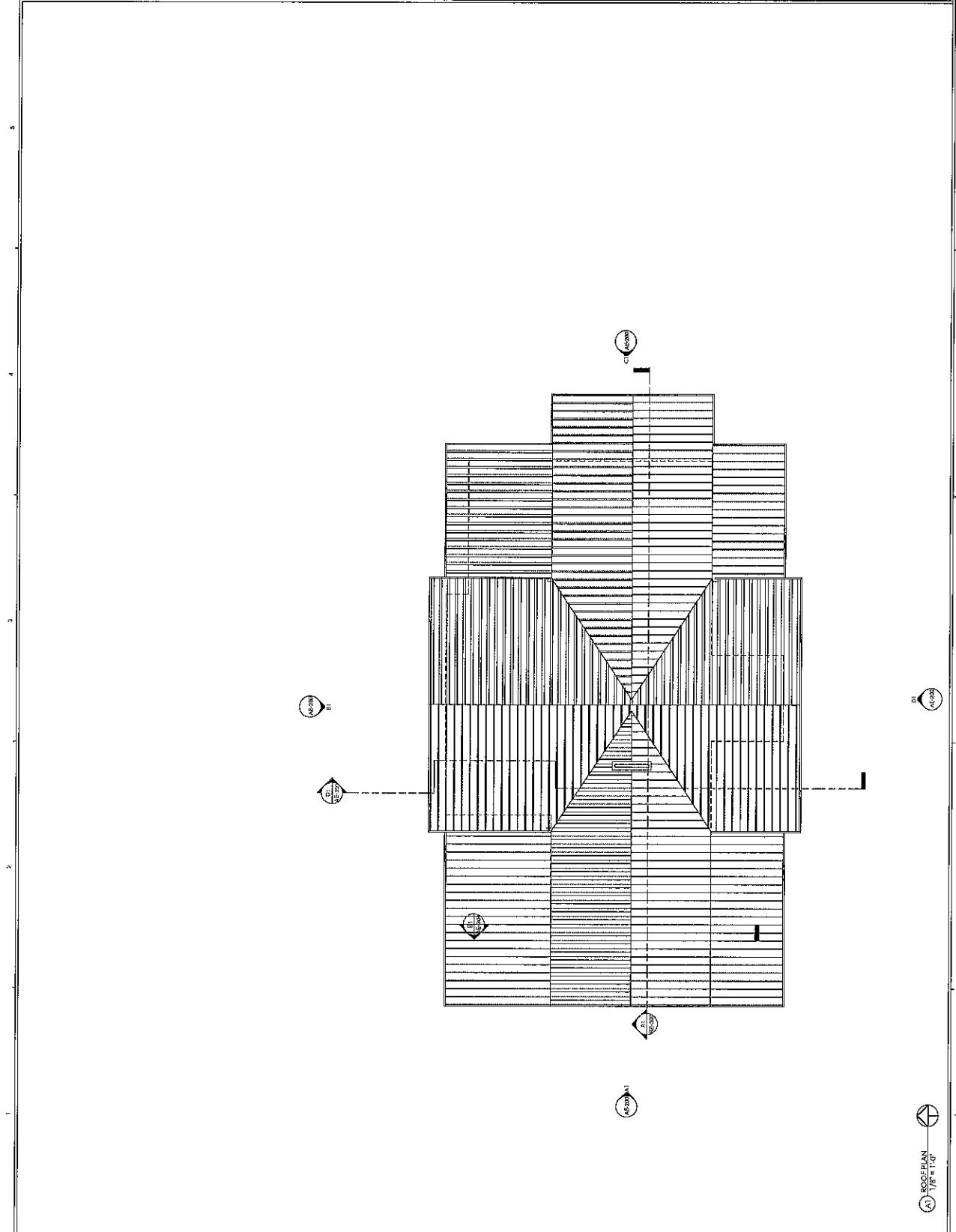
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**AE-150**

**GENERAL NOTES**

A. FLASHINGS SHALL BE INSTALLED AT ALL PENETRATIONS & TERMINATIONS OF ALL ROOFING MATERIALS. FLASHINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. FLASHINGS SHALL BE INSTALLED OVER THE ROOFING MATERIALS. FLASHINGS SHALL BE INSTALLED OVER THE ROOFING MATERIALS. FLASHINGS SHALL BE INSTALLED OVER THE ROOFING MATERIALS.

**KEYED NOTES**

ANY CHANGES OR ADDITIONS TO THIS DRAWING SHALL BE MADE BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT FOR REVIEW AND APPROVAL. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT FOR REVIEW AND APPROVAL. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT FOR REVIEW AND APPROVAL.



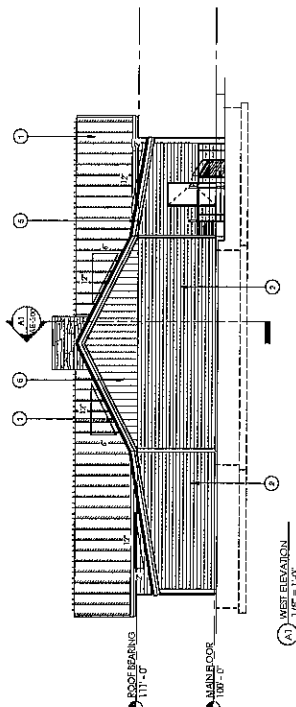
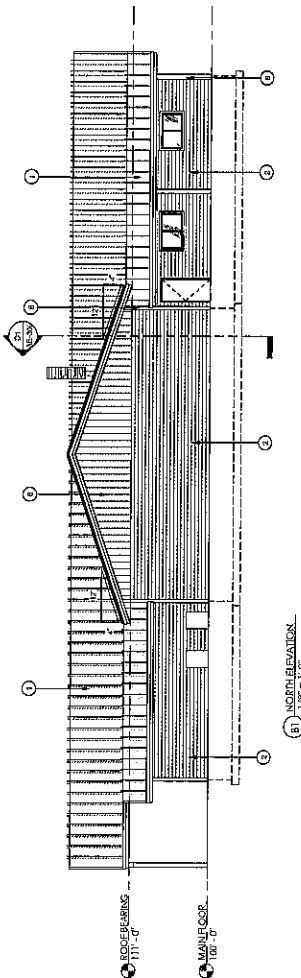
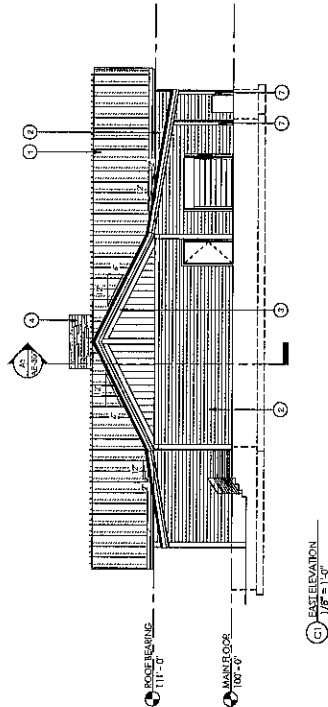
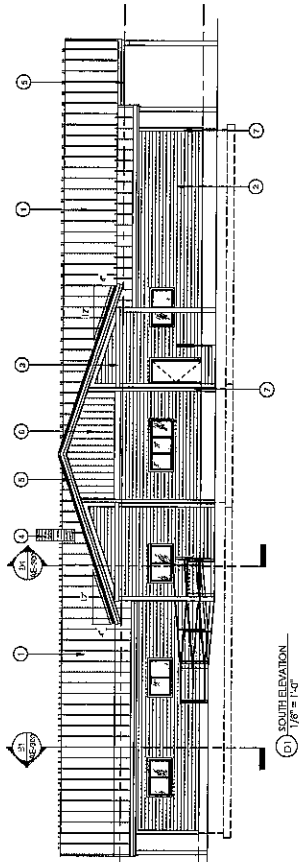
## GENERAL NOTES

1. REFER TO STRUCTURAL DRAWINGS FOR FOOTING AND FOUNDATION SETS.
2. PROVIDE FLASHING AND COUNTERFLASHING FOR ALL WINDOWS, DOORS, AND PENETRATIONS TO ROOF AND WALLS.
3. FIELD VERIFY ALL WINDOW AND DOOR OPENINGS.
4. PROVIDE FOUNDATION WATERPROOFING AT ALL CONCRETE BELOW GRADE.
5. REFER TO FINISHING SCHEDULE FOR DOOR AND WINDOW REQUIREMENTS.
6. REFER TO GRADING PLAN FOR FINISH FLOOR ELEVATIONS.
7. PROVIDE FLASHING ON ALL EXTERIOR FINISHES PRIOR TO INSTALLATION FOR ARCHITECT'S APPROVAL. FINISHES ARE NOT TO BE INSTALLED WITHOUT APPROVAL.

KEYED NOTES

- 1 NEW METAL ROOFING
- 2 HORIZONTAL HARD BOARD SIDING,  
COORDINATE COLOR WITH ARCHITECT  
FINISH
- 3 DECORATIVE HANG NAIL TRUSS,  
COORDINATE STAIN WITH ARCHITECT  
FINISH
- 4 STORE VEHICLE, COORDINATE COLOR  
WITH ARCHITECT
- 5 HARD FASCIA, COORDINATE COLOR &  
STYLE WITH ARCHITECT
- 6 VERTICAL HARD BOARD SIDING,  
COORDINATE COLOR WITH ARCHITECT  
FINISH
- 7 HARD TRIM, COORDINATE COLOR WITH  
ARCHITECT
- 8 PRE-FINISHED TRIM TYP. COORDINATE

ANY CHANGES OR MODIFICATIONS TO THE DESIGN OF THE PROJECT IS TO BE PRESENTED TO THE ARCHITECT FOR REVIEW AND APPROVAL.





## Title 4 - Land Use Permits & Building Permits

Page 1 of

- 4.1 Purpose
- 4.2 Land Use and Building Permits Required
  - 4.2.1: Land Use Permits
  - 4.2.2: Building Permit
    - 4.2.2.1 New Structures Less than 200 square Feet
    - 4.2.2.2 New Structures 200 Square Feet or Greater
    - 4.2.2.3 New Structures Greater than 200 Square Feet
    - 4.2.3: Remodel Permits
    - 4.2.4: Self-Performed Remodel Permit--Residential
    - 4.2.5: Validity Period
      - 4.2.5.1 Land Use Permit Validity Period
      - 4.2.5.2 Building Permit Validity Period
  - 4.3 Huntsville Town Building Official
  - 4.4 Permits to Comply with Title
  - 4.5 Powers and Duties of Huntsville Town Building Official
  - 4.6 Building Inspector
  - 4.7 Certificate of Occupancy Required<sup>a</sup>
  - 4.8 Zones Requiring a Land Use Permit
  - 4.9 Zones Requiring Site Plan Approval
  - 4.10 Building Permit Fees
  - 4.11 Impact Fees
  - 4.12 Plan Reviewer
  - 4.13 Licensing
  - 4.14 Penalties
  - 4.15 Responsibility for Damage to Huntsville Town Streets
  - 4.16 Appeal Authority

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### 4.1 Purpose

Building/Land Use permits are essential for the management of building, construction and land use in Huntsville Town, provide an effective vehicle for complying with State laws and adopted building standards, and are necessary to effectively administrate building and construction procedures and to cover the costs of the administration thereof.

### 4.2 Land Use and Building Permits Required<sup>1</sup>

<sup>1</sup> Amended 9-3-2009: to add "engage in new construction of a building with a footprint greater than 200 square feet. And "The Building Official will not issue the Building Permit until it has been reviewed and approved by a quorum of the Huntsville Town Planning commission. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the building plans and site plan to the Huntsville Town Council for their review and approval.



#### 4.2.1 Land Use Permits<sup>2</sup>

Any owner desiring to change (i.e.e.g. build a new residence) or add a use of their land shall not commence or proceed with, except after the issuance of a written Land Use Permit for the same by the Huntsville Town Planning commission. Any permanent structure being placed on land shall adhere to all land use regulations the setbacks established for the zone in which that land resides. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the permit application to the Huntsville Town Council for their review and approval.

#### 4.2.2 Building Permit—New Structures Greater than 200 Square Feet

##### 4.2.2.1 New Structures Less than 200 square Feet

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint less than 200 square feet shall only commence work after acquiring a Land Use Permit from the Huntsville Planning Commission. No building permit is required for a new structure less than 200 square feet unless electrical, gas, mechanical, or plumbing installation is required; then the owner or authorized agent must follow the requirements of 4.2.2.2 New Structures 200 Square Feet or Greater.

##### 4.2.2.2 New Structures 200 Square Feet or Greater

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint greater than 200 square feet or greater; shall ~~not only commence work after first, having received~~ commence or proceed with, except after receiving a Land Use Permit from the Huntsville Planning Commission, and then, secondly, upon issuance of a Building Permit from the Huntsville Building Official or authorized delegate of the Huntsville Building Official. Weber County Building Official. Exceptions to this rule can be found in 4.2.3 Remodel Permit or 4.2.4 Self Performed Remodel Permit – Residential.

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#### 4.2.3 Remodel Permits

For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town Building Codes, or to cause any such work to be done, shall ~~first make application receive a Land Use Permit from the Huntsville Town Building Official~~ Planning Commission and obtain the required a building Remodel Permit from the Weber County Building Official. Minor replacement or repair of such systems, especially to replace like kind (i.e., replace a water faucet, light switch, light fixture, toilet, etc.), replacement of roof shingles or siding does not require a permit. If the land use change involves excavating, an excavation permit may be required as specified in Title 17. Exception to these requirements can be found in 4.2.4 Self Performed Remodel Permit – Residential.

#### 4.2.4 Self Performed Remodel Permit – Residential

A Self-Performed Remodel Permit can be granted by the Huntsville Town Building Official or their designee if all of the following stipulations are met:

a. A Land Use Permit is obtained from the Huntsville Planning Commission.

a.b. Work is for a remodel/repair of an existing home or for the construction/remodel/repair of an auxiliary building greater than 200 square feet (electrical and plumbing changes for any size building). If more than 25% of the square footage of the home or auxiliary building is over 200 square feet it will be considered as a new construction and will require a Remodel Permit.

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<sup>2</sup> Title 4.2: Land Use and Building Permits Required was divided into five separate paragraphs for clarifications.



- b.c. Work is self-performed by the owner or a close associate. This means that no compensation either monetarily or in kind for work performed on the project can be tendered.
- e.d. The homeowner declares on this Self-Performed Remodel Permit form all of the work that will be performed on the project receiving the Self-Performed Remodel Permit.
- d.e. The home owner certifies by signing the Self-Performed Remodel Permit that they will abide by all of the Utah State construction Code requirements in the construction of their project (including all applicable stamped plans by professionals licensed by the State of Utah).

#### 4.2.5 Validity Period

##### 4.2.5.1 Land Use Permit Validity Period

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Land Use/Building Permits shall be valid for a period of six months one year and. If at any time the Land Use permit expires the owner or authorized agent must reapply for a Land Use Permit as outlined in 4.2.1. Land Use Permit to continue work on any unfinished items listed on the Land Use Permit. The owner will responsible to pay any fees associated with the issuance of this new Land Use Permit automatically renews with each inspection. If the permit expires, another may be purchased and the same issue of the codes will apply until the work is completed, unless the new code contains a section that is application to the work in progress.

##### 4.2.5.2 Building Permit Validity Period

Building Permits shall be valid only during the period that a valid land use permit is in effect. The owner may be subject to any penalties that may result from allowing the permit to expire before completion and final inspection of the work is completed.

#### 4.3 Huntsville Town Building Official

The Huntsville Town Building Official, appointed by the Huntsville Town Council, is hereby designated and authorized as the officer charged with the enforcement of this and other applicable titles of the Huntsville Town Ordinances in regards to all building in Huntsville Town. The Huntsville Town Council, by resolution or ordinance, may from time to time entrust such administration and enforcement, in whole or in part, to any other officer or designee of Huntsville Town without amendment to this Title. The Huntsville Town Building Official is authorized to execute the duties required herein including the issuance of building permits.

#### 4.4 Permits to Comply with Title

The Huntsville Town Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of the Huntsville Town Land Use Title, nor shall any Huntsville Town Officer grant any permit or license for the use of any building or land if such use would be in violation of this Title.

#### 4.5 Powers and Duties of Huntsville Town Building Official

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

**4.6 Building Inspector**

The Huntsville Town Building Inspector(s) shall be appointed by resolution of the Huntsville Town Council and be authorized to execute the duties of that office under the direction of the Huntsville Town Council. The appointed Building Inspector must possess a valid combination level State of Utah Building Inspector license including valid International Code Council (ICC, formerly ICBO) certificates for building, electrical, plumbing, and mechanical inspectors.

**4.7 Certificate of Occupancy Required**

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, in accordance with Utah State Law until a Certificate of Occupancy shall have been issued by the Huntsville Town Building Official stating that the building or the proposed use thereof, complies with the provisions of this Title. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for when the builder is ready. A temporary occupancy permit may be issued for a period of not more than one (1) year and shall be issued within seven (7) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed and inspected by the Huntsville Town Building Inspector to be in conformity with the provisions of this Title.

**4.8 Zones Requiring a Land Use Permit**

In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building Permit Official.

The site plan requirements for these zones are specified in the Land Use Title.

**4.9 Zones Requiring Site Plan Approval**

The location of main and accessory buildings on a site in relation to one another, the provision of off-street parking space, the provision for driveways for ingress and egress, and the provision of other open space on a requested site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, reviewed by the Huntsville Town Planning Commission prior to the issuance of a Building/Land Use permit by the Huntsville Town Building Official.

In considering any site plan hereunder, the Huntsville Town Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

**4.10 Building Permit Fees**

Building/Land Use permit and renewal fee valuations and schedules shall be adopted by resolution of the Huntsville Town Council.

**4.11 Impact Fees**

An impact fee per building lot shall be assessed of each builder at the time of issuance of a building permit. Such impact fee amount, as described in the Impact Fees Title, shall be adopted by resolution of the Huntsville Town Council.



#### **4.12 Plan Reviewer**

The Huntsville Town Planning Commission shall direct the Huntsville Town Building Official, or Building Inspector, to review building and site plans, make a recommendation on plans that are non-compliant with applicable codes to the Huntsville Town Planning Commission and the Huntsville Town Council.

The Huntsville Town Engineer shall review site plans for engineering considerations such as storm drain facilities, structural calculations, and the design of improvements.

#### **4.13 Licensing**

All departments, officials and public employees of Huntsville Town, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of the Title, shall be null and void.

#### **4.14 Penalties**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and punishable as provided by law. Such person, firm or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

#### **4.15 Responsibility for Damage to Huntsville Town Streets**

The real property owner is responsible to maintain an orderly construction site so as not to cause risk of injury to the public or to Huntsville Town streets. Any debris on or damage to Huntsville Town streets must be immediately remedied at the expense of the real property owner or their authorized agent.

#### **4.16 Appeal Authority**

In order to hear and decide appeals in orders, decisions or determinations made by the Huntsville Town Building Official and the Huntsville Town Planning Commission relative to the application and interpretation of this Title, there shall be a Huntsville Town Appeal Authority. The creation, office, and duties of the Huntsville Town Appeal Authority is described in the Appeal Authority Title. The Appeal Authority shall consist of members who are qualified to determine if the intent of the applicable adopted codes have been satisfied. They will not have authority to waive requirements of the code.



This Building/Land Use Permits Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 5th day of June 2007.

\_\_\_\_\_  
Mayor, James C. McKay

ATTEST:

Dated this 5th day of June 2007.

\_\_\_\_\_  
Clerk/Recorder, Gail Ahlstrom

| Vote of the Town Council | yea | nay |
|--------------------------|-----|-----|
| Council Member Gault     | ___ | ___ |
| Council Member Sorenson  | ___ | ___ |
| Council Member Stevenson | ___ | ___ |
| Council Member Truett    | ___ | ___ |
| Mayor McKay              | ___ | ___ |

**HUNTSVILLE TOWN  
ORDINANCE 2019-9-5**

**HUNTSVILLE TITLE 4 EDITS – LAND USE PERMIT UPDATE**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 4 – LAND USE PERMIT  
UPDATES**

**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 August 22, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on September 5, 2019;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on September 5, 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:

- 4.1 Purpose
- 4.2 Land Use and Building Permits Required
  - 4.2.1: Land Use Permit
  - 4.2.2: Building Permit
    - 4.2.2.1 New Structures Less than 200 square Feet
    - 4.2.2.2 New Structures 200 Square Feet or Greater
  - 4.2.3: Remodel Permits
  - 4.2.4: Self- Performed Remodel Permit--Residential
  - 4.2.5: Validity Period
    - 4.2.5.1 Land Use Permit Validity Period
    - 4.2.5.2 Building Permit Validity Period
- 4.3 Huntsville Town Building Official
- 4.4 Permits to Comply with Title
- 4.5 Powers and Duties of Huntsville Town Building Official
- 4.6 Building Inspector
- 4.7 Certificate of Occupancy Required
- 4.8 Zones Requiring a Land Use Permit
- 4.9 Zones Requiring Site Plan Approval
- 4.10 Building Permit Fees
- 4.11 Impact Fees

- 4.12 Plan Reviewer
- 4.13 Licensing
- 4.14 Penalties
- 4.15 Responsibility for Damage to Huntsville Town Streets
- 4.16 Appeal Authority

#### **4.1 Purpose**

Building/Land Use permits are essential for the management of building, construction and land use in Huntsville Town, provide an effective vehicle for complying with State laws and adopted building standards, and are necessary to effectively administrate building and construction procedures and to cover the costs of the administration thereof.

#### **4.2 Land Use and Building Permits Required<sup>1</sup>**

##### **4.2.1 Land Use Permit<sup>2</sup>**

Any owner desiring to change (e.g. build a new residence) or add a use of their land shall not commence or proceed with, except after the issuance of a written Land Use Permit for the same by the Huntsville Town Planning commission. Any permanent structure being placed on land shall adhere to all land use regulations established for the zone in which that land resides. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the permit application to the Huntsville Town Council for their review and approval.

##### **4.2.2 Building Permit**

###### **4.2.2.1 New Structures Less than 200 square Feet**

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint less than 200 square feet shall only commence work after acquiring a Land Use Permit from the Huntsville Planning Commission. No building permit is required for a new structure less than 200 square feet unless electrical, gas, mechanical, or plumbing installation is required; then the owner or authorized agent must follow the requirements of 4.2.2.2 New Structures 200 Square Feet or Greater.

###### **4.2.2.2 New Structures 200 Square Feet or Greater**

Any owner or authorized agent who intends to engage in new construction of a structure with a footprint 200 square feet or greater shall only commence work after first, having received a Land Use Permit from the Huntsville Planning Commission, and then, secondly, upon issuance of a Building Permit from the Huntsville Building Official or authorized delegate of the Huntsville Building Official. Exceptions to this rule can be found in 4.2.3 Remodel Permit or 4.2.4 Self Performed Remodel Permit – Residential.

##### **4.2.3 Remodel Permit**

For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town Building Codes, or to cause any such work to be done, shall receive a Land Use Permit from the Huntsville Town Planning Commission and obtain the a building permit from the Weber County Building Official. Minor replacement or repair of such systems, especially to replace like kind (i.e., replace a water faucet, light switch, light fixture, toilet, etc.),

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<sup>1</sup> Amended 9-3-2009: to add "engage in new construction of a building with a footprint greater than 200 square feet. And "The Building Official will not issue the Building Permit until it has been reviewed and approved by a quorum of the Huntsville Town Planning commission. If the Huntsville Town Planning commission deems it necessary due to extenuating circumstances, they will submit the building plans and site plan to the Huntsville Town Council for their review and approval.

<sup>2</sup> Title 4.2: Land Use and Building Permits Required was divided into five separate paragraphs for clarifications.

replacement of roof shingles or siding does not require a permit. If the land use change involves excavating, an excavation permit may be required as specified in Title 17. Exception to these requirements can be found in 4.2.4 Self Performed Remodel Permit – Residential.

#### **4.2.4 Self Performed Remodel Permit – Residential**

A Self-Performed Remodel Permit can be granted by the Huntsville Town Building Official or their designee if all of the following stipulations are met:

- a. A Land Use Permit is obtained from the Huntsville Planning Commission.
- b. Work is for a remodel/repair of an existing home or for the construction/remodel/repair of an auxiliary building greater than 200 square feet (electrical and plumbing changes for any size building). If more than 25% of the square footage of the home or auxiliary building is over 200 square feet it will be considered as a new construction and will require a Remodel Permit.
- c. Work is self-performed by the owner or a close associate. This means that no compensation either monetarily or in kind for work performed on the project can be tendered.
- d. The homeowner declares on the Self-Performed Remodel Permit form all of the work that will be performed on the project receiving the Self-Performed Remodel Permit.
- e. The home owner certifies by signing the Self-Performed Remodel Permit that they will abide by all of the Utah State construction Code requirements in the construction of their project (including all applicable stamped plans by professionals licensed by the State of Utah).

#### **4.2.5 Validity Period**

##### **4.2.5.1 Land Use Permit Validity Period**

Land Use Permits shall be valid for a period of one year. If at any time the Land Use permit expires the owner or authorized agent must reapply for a Land Use Permit as outlined in 4.2.1. Land Use Permit to continue work on any unfinished items listed on the Land Use Permit. The owner will responsible to pay any fees associated with the issuance of this new Land Use Permit.

##### **4.2.5.2 Building Permit Validity Period**

Building Permits shall be valid only during the period that a valid land use permit is in effect. The owner may be subject to any penalties that may result from allowing the permit to expire before completion and final inspection of the work is completed.

#### **4.3 Huntsville Town Building Official**

The Huntsville Town Building Official, appointed by the Huntsville Town Council, is hereby designated and authorized as the officer charged with the enforcement of this and other applicable titles of the Huntsville Town Ordinances in regards to all building in Huntsville Town. The Huntsville Town Council, by resolution or ordinance, may from time to time entrust such administration and enforcement, in whole or in part, to any other officer or designee of Huntsville Town without amendment to this Title. The Huntsville Town Building Official is authorized to execute the duties required herein including the issuance of building permits.

#### **4.4 Permits to Comply with Title**

The Huntsville Town Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of the Huntsville Town Land Use Title, nor

shall any Huntsville Town Officer grant any permit or license for the use of any building or land if such use would be in violation of this Title.

#### **4.5 Powers and Duties of Huntsville Town Building Official**

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

#### **4.6 Building Inspector**

The Huntsville Town Building Inspector(s) shall be appointed by resolution of the Huntsville Town Council and be authorized to execute the duties of that office under the direction of the Huntsville Town Council. The appointed Building Inspector must possess a valid combination level State of Utah Building Inspector license including valid International Code Council (ICC, formerly ICBO) certificates for building, electrical, plumbing, and mechanical inspectors.

#### **4.7 Certificate of Occupancy Required**

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, in accordance with Utah State Law until a Certificate of Occupancy shall have been issued by the Huntsville Town Building Official stating that the building or the proposed use thereof, complies with the provisions of this Title. A Certificate of Occupancy either for the whole or a part of a building or structure shall be applied for when the builder is ready. A temporary occupancy permit may be issued for a period of not more than one (1) year and shall be issued within seven (7) days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed and inspected by the Huntsville Town Building Inspector to be in conformity with the provisions of this Title.

#### **4.8 Zones Requiring a Land Use Permit**

In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building Permit Official.

The site plan requirements for these zones are specified in the Land Use Title.

#### **4.9 Zones Requiring Site Plan Approval**

The location of main and accessory buildings on a site in relation to one another, the provision of off-street parking space, the provision for driveways for ingress and egress, and the provision of other open space on a requested site, and the display of signs, shall be in accordance with a site plan or plans or subsequent amendment thereof, reviewed by the Huntsville Town Planning Commission prior to the issuance of a Building/Land Use permit by the Huntsville Town Building Official.

In considering any site plan hereunder, the Huntsville Town Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory and harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods.

#### **4.10 Building Permit Fees**

Building/Land Use permit and renewal fee valuations and schedules shall be adopted by resolution of the Huntsville Town Council.

#### **4.11 Impact Fees**

An impact fee per building lot shall be assessed of each builder at the time of issuance of a building permit. Such impact fee amount, as described in the Impact Fees Title, shall be adopted by resolution of the Huntsville Town Council.

#### **4.12 Plan Reviewer**

The Huntsville Town Planning Commission shall direct the Huntsville Town Building Official, or Building Inspector, to review building and site plans, make a recommendation on plans that are non-compliant with applicable codes to the Huntsville Town Planning Commission and the Huntsville Town Council.

The Huntsville Town Engineer shall review site plans for engineering considerations such as storm drain facilities, structural calculations, and the design of improvements.

#### **4.13 Licensing**

All departments, officials and public employees of Huntsville Town, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, purposes where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of the Title, shall be null and void.

#### **4.14 Penalties**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and punishable as provided by law. Such person, firm or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

#### **4.15 Responsibility for Damage to Huntsville Town Streets**

The real property owner is responsible to maintain an orderly construction site so as not to cause risk of injury to the public or to Huntsville Town streets. Any debris on or damage to Huntsville Town streets must be immediately remedied at the expense of the real property owner or their authorized agent.

#### **4.16 Appeal Authority**

In order to hear and decide appeals in orders, decisions or determinations made by the Huntsville Town Building Official and the Huntsville Town Planning Commission relative to the application and interpretation of this Title, there shall be a Huntsville Town Appeal Authority. The creation, office, and duties of the Huntsville Town Appeal Authority is described in the Appeal Authority Title. The Appeal Authority shall consist of members who are qualified to determine if the intent of the applicable adopted codes have been satisfied. They will not have authority to waive requirements of the code.

**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 Wendy McKay    |     |     |         |         |
| CM Bill Wangsgard |     |     |         |         |
| CM Blake Bingham  |     |     |         |         |

PASSED AND ADOPTED by the Town Council on this 15th day of September 2019.

\_\_\_\_\_  
JIM TRUETT, Mayor

ATTEST:

\_\_\_\_\_  
BECKKI ENDICOTT, Recorder

RECORDED this 5th day of September, 2019

## **Proposed changes to the Appeals Authority Ordinance**

Proposed additions underlined and in blue; Deletions in red, reasons in green.

### **15.5.2 Appointment –Membership, Term, and Vacancy**

#### **A. Membership:**

1. The Huntsville Town Appeal Authority shall consist of five (5) Members and (2) alternate members if the town board so chooses. More than 2 alternates would be excessive. A third or fourth alternate would almost never be used resulting in that alternate board member being unfamiliar with the responsibilities and procedures of the Appeal Board.

#### **B. Alternate Members:**

1. The Huntsville Town Council shall appoint however many alternate Members that the Huntsville Town Council considers appropriate. (delete #1 and #2. #3 becomes #1) The above makes #1 and #2 unnecessary.

### **15.5.3 Organization -Procedures**

E. The A majority concurring vote of three Members of the Huntsville Town Appeal Authority is necessary to reverse any order, requirement, decision, or termination of any administrative official or agency or to decide in favor of the appellant. 3 members could make up a quorum and with only 3 members present it would take a unanimous decision to approve an appeal or a variance. We feel an individual's property rights should not be denied by only one person.

F. Decisions of the Huntsville Town Appeal Authority become effective at the meeting in which the decision is made and a written decision will be delivered. This clears up any question about when a decision becomes effective.

### **15.5.5 Appeals**

F. Any appeal to the Huntsville Town Appeal Authority must be filed within ten (10) ninety (90) days of receipt in writing of the adverse decision being appealed from. We feel 10 days is not enough time for a property owner to appeal such an

important decision. We feel that 90 days is better and that 90 days should not start until a written decision is delivered. This provides the property owner more time to properly prepare an appeal. This more fully protects property rights.

(Delete paragraph J) Paragraph J is no longer needed with the above changes.

**15.5 APPEAL AUTHORITY**

- 15.5.1 General Considerations
- 15.5.2 Appointment – Membership, Term, and Vacancy
- 15.5.3 Organization - Procedures
- 15.5.4 Powers and Duties
- 15.5.5 Appeals
- 15.5.6 Variances
- 15.5.7 District Court Review of Huntsville Town Appeal Authority Decisions

**15.5.1 General Considerations**

In order to provide for the just and fair treatment in the administration of the Huntsville Town Land Use Title, and to ensure that substantial justice is done, the Huntsville Town hereby appoints the Huntsville Town Appeal Authority to exercise the powers and duties provided in this Title.

The Huntsville Town Appeal Authority established will hear and decide:

- A. Requests for variances from the terms of the Land Use Titles; and
- B. Appeals from decisions applying the Land Use Titles.

**15.5.2 Appointment – Membership, Term, and Vacancy****A. Membership:**

- 1. The Huntsville Town Appeal Authority shall consist of five (5) Members.
- 2. The Huntsville Town Council shall appoint the Members and alternate Members for a term of five (5) years.
- 3. The Huntsville Town Council shall appoint Members of the first Huntsville Town Appeal Authority to terms so that the term of one Member expires each year.

**B. Alternate Members:**

- 1. The Huntsville Town Council shall appoint however many alternate Members that the Huntsville Town Council considers appropriate.
- 2. No more than two alternate Members may sit at any meeting of the Huntsville Town Appeal Authority at one time.
- 3. The Huntsville Town Appeal Authority shall make rules establishing a procedure for alternate Members to serve in the absence of appointed Members of the Huntsville Town Appeal Authority.

**C. Member Removal:**

- 1. At the discretion of the Huntsville Town Council, any Member of the Huntsville Town Appeal Authority may be removed upon the receipt of written charges filed against the Member with the Huntsville Town Council.
- 2. The Huntsville Town Council shall provide the Member being considered for removal with a public hearing at a meeting of the Huntsville Town Council if that Member requests one.

**D. Vacancy:**

- 1. The Huntsville Town Council shall fill any vacancy at the next regularly scheduled Huntsville Town Council meeting.
- 2. The Member appointed shall serve for the unexpired term of the Member or alternate Member whose office is vacant.



3. Variances from the terms of the Land Use Titles.

- C. The Huntsville Town Appeal Authority may make determinations regarding the existence, expansion, or modification of nonconforming uses under the Huntsville Town Land Use Titles.

**15.5.5 Appeals**

- A. The applicant, a board or officer of the municipality, or any person adversely affected by the Huntsville Town Council's decision administering or interpreting a Land Use Title may, within the time period provided, appeal that decision to the Huntsville Town Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the Huntsville Town Council in the administration or interpretation of the Land Use Titles.
- B. The Huntsville Town Appeal Authority shall determine the correctness of a decision of the Land Use authority in its interpretation and application of a Land Use Ordinance. Only those decisions in which the Huntsville Town Council has applied the Land Use Titles to a particular application, person, or parcel may be appealed to an Appeal Authority.
- C. A person may not appeal, and the Huntsville Town Appeal Authority may not consider, any Land Use Titles amendments.
- D. The appellant has the burden of proving that the Huntsville Town Council erred in the administration or interpretation of the Land Use Titles.
- E. Appeals may not be used to waive or modify the terms or requirements of the Land Use Titles.
- F. Any appeal to the Huntsville Town Appeal Authority must be filed within ten (10) days of the adverse decision being appealed from.
- G. Any officer, department or board of town affected by the grant or refusal of a building permit or by any other decision of the administrative officer in the administration or interpretation of the Land Use Titles may appeal any decision of the Huntsville Town Appeal Authority.
- H. The Huntsville Town Appeal Authority shall hear and decide appeals from Huntsville Town Planning Commission decisions regarding conditional use permits.
- I. The Huntsville Town Appeal Authority shall respect the due process rights of each of the participants in the appeal process.
- J. A decision of the Huntsville Town Appeal Authority takes effect on the date when the Huntsville Town Appeal Authority issues a written decision. A written decision, or other event as provided by Ordinance, constitutes a final decision.
- K. The adversely affected party must present to the Huntsville Town Appeal Authority every theory of relief that it may also raise in district court.

**15.5.6 Variances**

- A. Any person or entity desiring a waiver or modification of the requirements of the Land Use Titles as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest, may apply to the Huntsville Town Appeal Authority for a variance from the terms of the Title.
- B. The Huntsville Town Appeal Authority may grant a variance only if:
1. Literal enforcement of the Land Use Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Title; and

**HUNTSVILLE TOWN  
ORDINANCE 2019-9-5-A**

**HUNTSVILLE TOWN TITLE 15 UPDATES – APPEALS AUTHORITY**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15 – APPEALS AUTHORITY**

**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 August 22, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on September 5, 2019;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on September 5, 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 15.5.2, 15.5.3, and 15.5.5 is hereby amended to read as follows:

**15.5.2 Appointment – Membership, Term, and Vacancy**

**A. Membership:**

- 1. The Huntsville Town Appeal Authority shall consist of five (5) Members and (2) alternate members if the Town Board so chooses.
- 2. The Huntsville Town Council shall appoint the Members and alternate Members for a term of five (5) years.
- 3. The Huntsville Town Council shall appoint Members of the first Huntsville Town Appeal Authority to terms so that the term of one Member expires each year.

**B. Alternate Members:**

- 1. The Huntsville Town Appeal Authority shall make rules establishing a procedure for alternate Members to serve in the absence of appointed Members of the Huntsville Town Appeal Authority.

**C. Member Removal:**

- 1. At the discretion of the Huntsville Town Council, any Member of the Huntsville Town Appeal

Authority may be removed upon the receipt of written charges filed against the Member with the Huntsville Town Council.

2. The Huntsville Town Council shall provide the Member being considered for removal with a public hearing at a meeting of the Huntsville Town Council if that Member requests one.

D. Vacancy:

1. The Huntsville Town Council shall fill any vacancy at the next regularly scheduled Huntsville Town Council meeting.

2. The Member appointed shall serve for the unexpired term of the Member or alternate Member whose office is vacant.

E. No Member of the Huntsville Town Appeal Authority shall be a Member of either the Huntsville Town Council or the Huntsville Town Planning Commission. However, a Member of the Huntsville Town Council should be present at hearings to explain the decision under appeal.

### 15.5.3 Organization - Procedures

A. The Huntsville Town Appeal Authority shall:

1. Organize and elect a Chairperson;

2. Adopt rules that comply with any Ordinance adopted by the Huntsville Town Council;

3. Notify each of its Members of any meeting or hearing of the Appeal Authority;

4. Provide each of its Members with the same information and access to municipal resources as any other Member;

5. Convene only if a quorum of its Members is present; and

6. Act only upon the vote of a majority of its convened Members.

B. The Huntsville Town Appeal Authority shall meet at the call of the Chairperson and at any other times that the Huntsville Town Appeal Authority determines it necessary to meet.

C. The Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

D. Meetings:

1. All meetings of the Huntsville Town Appeal Authority shall comply with the legal requirements of open and public meetings.

2. The Huntsville Town Appeal Authority shall: a. Keep minutes of its proceedings, showing the vote of each Member upon each question, or if absent or failing to vote, indicating that fact; and b. Keep records of its examinations and other official actions.

3. The Huntsville Town Appeal Authority may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.

4. The Huntsville Town Appeal Authority shall file its records in the office of the Huntsville Town Clerk.

5. All records of the Huntsville Town Appeal Authority are public records.

E. A majority vote of three Members of the Huntsville Town Appeal Authority is necessary to reverse any order, requirement, decision, or termination of any administrative official or agency or to decide in

favor of the appellant.

F. Decisions of the Huntsville Town Appeal Authority become effective at the meeting in which the decision is made and a written decision will be delivered.

#### 15.5.4 Powers and Duties

A. An Appeal Authority shall:

1. Act in a quasi-judicial manner; and
2. Serve as the final arbiter of issues involving the interpretation or application of Land Use Titles.

B. The Huntsville Town Appeal Authority shall hear and decide:

1. Appeals from Land Use decisions applying the Land Use Titles;
2. Special exceptions to the terms of the Land Use Titles; and Title 15 – Land Use Regulations Page 9 of 108 As approved by the Huntsville Town Council 15-9 3. Variances from the terms of the Land Use Titles.

C. The Huntsville Town Appeal Authority may make determinations regarding the existence, expansion, or modification of nonconforming uses under the Huntsville Town Land Use Titles.

#### 15.5.5 Appeals

A. The applicant, a board or officer of the municipality, or any person adversely affected by the Huntsville Town Council's decision administering or interpreting a Land Use Title may, within the time period provided, appeal that decision to the Huntsville Town Appeal Authority by alleging that there is error in any order, requirement, decision, or determination made by the Huntsville Town Council in the administration or interpretation of the Land Use Titles.

B. The Huntsville Town Appeal Authority shall determine the correctness of a decision of the Land Use authority in its interpretation and application of a Land Use Ordinance. Only those decisions in which the Huntsville Town Council has applied the Land Use Titles to a particular application, person, or parcel may be appealed to an Appeal Authority.

C. A person may not appeal, and the Huntsville Town Appeal Authority may not consider, any Land Use Titles amendments.

D. The appellant has the burden of proving that the Huntsville Town Council erred in the administration or interpretation of the Land Use Titles.

E. Appeals may not be used to waive or modify the terms or requirements of the Land Use Titles.

F. Any appeal to the Huntsville Town Appeal Authority must be filed within ninety (90) days of the receipt in writing of the adverse decision being appealed from.

G. Any officer, department or board of town affected by the grant or refusal of a building permit or by any other decision of the administrative officer in the administration or interpretation of the Land Use

Titles may appeal any decision of the Huntsville Town Appeal Authority.

H. The Huntsville Town Appeal Authority shall hear and decide appeals from Huntsville Town Planning Commission decisions regarding conditional use permits.

I. The Huntsville Town Appeal Authority shall respect the due process rights of each of the participants in the appeal process.

J. The adversely affected party must present to the Huntsville Town Appeal Authority every theory of relief that it may also raise in district court.

**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 Wendy McKay    |     |     |         |         |
| CM Bill Wangsgard |     |     |         |         |
| CM Blake Bingham  |     |     |         |         |

PASSED AND ADOPTED by the Town Council on this 15th day of September 2019.

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JIM TRUETT, Mayor

ATTEST:

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BECKKI ENDICOTT, Recorder

RECORDED this 5th day of September, 2019