

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

MEETING DATE: November 14, 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	Present
Larel Parkinson	Planning Commissioner	Excused
Allen Endicott	Planning Commissioner	Present
Wendy McKay	Town Council Liaison	Present
Blake Bingham	Town Council Liaison	Present
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Excused

Citizens: Bob Fuller, Carol Stoker, Rex Harris

1 – Roll call: Chairman Doug Allen called the meeting to order and introduced the Planning Commission.

2 – Approval of Minutes for Planning Commission Meeting October 24, 2019: Sandy Hunter **motioned to approve the minutes for PC Meeting October 24th, 2019.** Seconded by Allen Endicott. All votes aye. Minutes are approved. (See Attachment #1)

3 – Public Hearing on ordinance 2019-11-21: Corner Lot Set Backs:

Doug motioned to close the regular meeting and open the public hearing on Ordinance 2019-11-21: Corner Lot Set Backs. By unanimous consent the public hearing is open. (See Attachment #2)

Sandy read the change in the ordinance to the audience to highlight the changes. Blake commented that this ordinance would only effect corner lots where you wanted to access the house when not from the frontage.

Carol Stoker: Carol stated she was here at the meeting to see how this ordinance would affect her lot. Blake responded that Carol's lot is accessed on the frontage. This would not affect her lot.

Bob Fuller: Doug asked Bob if he had any questions. He had none.

Doug closed the public hearing by unanimous consent. The regular commission meeting is back in session.

4 – Discussion and/or action on ordinance 2019-11-21: Corner Lot Set Backs: **Liz motioned to recommend Ordinance 2019-11-21 for Town Council Approval. Sandy seconded the motion. All votes aye. Motion passes.**

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter Commissioner Jeff Larsen
NAYS:	
ALTERNATE:	
EXCUSED:	Commissioner Larel Parkinson

5 - Discussion and/or action on Dave Booth property, parcel #241170001, parcel #24117002, and parcel #241170003. Doug asked why there are three separate parcels. Sandy stated the consolidation work had not been filed at the County Records Office. Sandy also pointed out that the ownership has changed on the plat map. The parcels started as Eco Design and are now Grass Roots Wellness LLC.

Chairman Doug Allen rehearsed the history of the parcels, their rezone from R-1 to C-1 and the consolidation of the lots. Chairman Allen commented he spoke with Dave about the 2nd week in October where Dave said he had others interested in the concept development plan but has not moved forward yet. Doug stated it has become necessary to revert the zoning back to R-1.

Allen motioned the PC move their PC Meeting to December 16th and schedule the public hearing to that same date to hear the Dave Booth property Rezone. Sandy seconded the motion. All votes aye. Motion passes. Public hearing will be held on December 16th at 7 p.m.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter Commissioner Jeff Larsen
NAYS:	
ALTERNATE:	
EXCUSED:	Commissioner Larel Parkinson

6 - Discussion on amending the rezone procedure to revert back to previous zone after expiration of Concept Development Plan. Beckki explained our Legal Counsel suggested the Town amend its ordinance to make the reversion of zones back to the original zone automatic upon the expiration of the Concept Development Plan. This would streamline the process and the reversion would not have to go through another public hearing.

Blake will work on the wording and put it in ordinance form for the public hearing on December 16th.

7 - Discussion and/or action on Title 4 Edits: Rex Harris.

Rex stated he has revised the Title 4 Edits to strike the requirements for a Land Use Permit for buildings or sheds under 200 square feet.

Rex suggested the Planning Commission come up with a checklist application that would take the resident through the process of deciding whether they would need a Land Use Permit. The paperwork would be filed at the Town Office and Rex would have the opportunity to review the paperwork. The requirement of filling out the checklist would allow for some consistency and educate the residents. Rex pointed out residents will need to comply with the law when they are constructing or remodeling even if they don't need to obtain a Land Use Permit.

Blake would like to think about a way to put this into ordinance form. Rex will try to come up with a checklist or mechanism to put into effect.

There has been a public hearing already on the Title 4 edits. Rex feels the ordinance has been through enough changes that the ordinance needs to go through the public hearing process again. Beckki will schedule the public hearing for December 16th.

8 – Discussion on ordinance regarding manned aircraft.

CM Bingham drafted this ordinance. He originally thought that this could be in the Traffic section of the Town Ordinances. As he did the research, Blake found there are a lot of restrictions about the FAA and air space. The recommendation he received was to make this apart of the Land Use Title. He constructed the ordinance to fit in Huntsville's Title 15. It prohibits the landing and takeoff of helicopters within Huntsville Town with three exceptions. Those exceptions include emergency landing, search and rescue, and any takeoff and landings approved of by the Town Council with certain conditions.

Sandy wanted to ask about balloon launching. Blake stated he forgot about that prohibition. He stated that they could easily update the wording of the ordinance to prohibit balloon takeoffs and landings. Blake asked the PC if the term "manned aircraft" would be acceptable. Blake will change the wording to "manned aircraft such as..." Beckki scheduled the ordinance for public hearing on December 16th.

9 - Discussion on changing the date of December's Planning Commission Meeting.

This was already covered in previous agenda items.

10 - Chairman's Report:

Doug wanted to know if there was a work session scheduled regarding the building inspector.

11 - Public Comments:

Doug invited Bob Fuller to make any comments he would like. Bob stated he represents the Gillet Brothers who invested in the Dave Booth properties. There is a current lawsuit between

the Gillet Brothers and Dave Booth. Bob would like to know what the Town would like to see on that property.

Blake Bingham wanted to let the PC know that he has initiated the revision to Title 10 to include a water committee. Allen wanted to know who makes those appointments on that board. Allen also wanted to know how long the appointment would be. Blake responded the TC makes those appointments and there wasn't a time limit. Allen suggested that a time limit be applied to the water board.

Sandy motioned to adjourn the Planning Commission Meeting. Liz seconded the motion.

Meeting is adjourned at 8:17 p.m.

Beckki Endicott, Recorder

MINUTES OF THE HUNTSVILLE TOWN PLANNING COMMISSION MEETING

MEETING DATE: October 24, 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	Excused
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: Rex Harris, Kerry Wangsgard, Rudy Eilander, Karen Eilander, Casey Pratt, Paul Avner, Bill White, Ken Berg, Jed Hunter, Jim Truett

1 – Roll call: Chairman Doug Allen called the meeting to order and introduced the Planning Commission.

2 – Approval of Minutes for Planning Commission Meeting August 22, 2019: Sandy Hunter **motioned to approve the minutes for PC Meeting August 22, 2019.** Seconded by Liz Poulter. All votes aye. Minutes are approved.

3 –Discussion and/or action on Land Use Permit for Kerry Wangsgard: Kerry Wangsgard is here to seek a Land Use Permit to remove an old mobile home and replace that mobile home. He brought a copy of the application from Weber County for a Building Permit. He needs a Land Use Permit for this to go forward. The mobile home is from the 1980's.

Chairman Allen stated that he talked with Kerry Wangsgard this last summer. Doug stated he communicated with Kerry that replacing the mobile home did not meet the ordinances. Doug and Rex both felt that they would let Kerry appeal and skip the Planning Commission because there wasn't anything they could do, however, the Planning Commission was advised to let Kerry go through the proper process. This is Kerry Wangsgard's first appearance at the Planning Commission regarding this Land Use Permit for replacing the mobile home.

Kerry stated that he was advised by Doug and Rex to go to the Town Council. He went to the Town Council and they advised him to go back to the Planning Commission. Rex commented that he suggested to Kerry that he go before the Town Council not to get a Land Use Permit because he knew he would have to go through this process, but Rex felt that the Town Council

would look at the ordinance and see if the ordinance needs to be changed. Rex felt this "use" of replacing the trailer does not meet the ordinance.

Rex stated that he would like to clarify the reason that he advised Kerry Wangsgard to coming to the Town council instead of the Planning Commission. Rex stated that he advised Kerry to come to the Town Council because he knew that Huntsville Code would need to be changed in order for the trailer to be replaced. Current Huntsville Code does not support the replacement of a mobile home. Rex stated the Town Attorney advised that Kerry Wangsgard go through the process from start to finish.

Chairman Allen stated that Huntsville Ordinances do not allow for the mobile home. He read from the Huntsville Town Code (**See Attachment #1**). Kerry asked when the ordinance was enacted. Sandy responded that it was before 2012.

Sandy commented that the mobile home currently on the property would be grandfathered. She suggested to Chairman Allen to read from ordinance 15.17.8. Chairman Allen read the ordinance (**See Attachment #2**).

Kerry Wangsgard stated the "use" referred to is the mobile home. The intent is to take it off the property and put it back on the property. The "use" is a mobile home space. It is not a permanent structure or attached to the property.

PC Commissioner Allen Endicott responded that even if the use was acceptable, 15.6.2.M which states that "no mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (great than 30 days) residence." Kerry stated the ordinance would apply if it wasn't grandfathered in. Allen replied if the mobile home was moved, it would no longer be grandfathered.

Kerry stated as he understood it, he has a year to move off a mobile home and bring a new one back on the property. There have been three mobile homes over the years. He stated that the PC is taking a "use" that has been active for 50-60 years and saying that you cannot use that any longer. His question to the PC is "then what is he going to do with his property, grow grass on it?" Kerry stated the "use" per ordinance 15.17.8 with regards to grandfathering, that exists "at the time this Ordinance became effective, may be continued." He stated he should be allowed to continue the use because it is preventing the government from unreasonably coming in and denying a use that has been in existence for years. Now, he states, he is economically harmed by this. Kerry states that denying the use equates to a "taking" and he needs to be fairly compensated for this action.

Chairman Allen stated all the PC can do is follow the ordinances that are set forth. He recommended to Kerry that there is a process to follow. Chairman Allen recommends after Kerry is denied a Land Use Permit for a new trailer, he could go to the Town Council. Doug stated he felt there was a lot of things that Kerry could do with his land. Doug asked about building a house on the lot. Allen Endicott asked if Kerry had the frontage to build a house. Kerry responded that the Town believes the road to his home is not a public road; Kerry contends that it is a public road. Kerry stated that his lots are worth \$220,000 and now that the PC is taking away

his ability to replace a trailer, his lots are now worth \$20,000. He asked if the PC was willing to compensate him for this loss. Chairman Allen stated he is not the Mayor or the Town Attorney.

Kerry Wangsgard stated "for the record" that he is applying for a Land Use Permit and the use of the land is not changing. Under the grandfather laws he should be allowed to continue this use of a mobile home on the property. Chairman Allen asked which grandfather law he was looking at. Kerry answered in Utah under the grandfather laws, to prevent the continued use of land by an ordinance coming in to limit or restrict that use, then the government is taking that use from you. Kerry gave the example of storage units. He stated that if you had a storage unit on your property that you have used for 50 years and then pass an ordinance that there can no longer be storage units, then no longer being able to use that property for that use would result as a taking.

Chairman Allen stated they are following the proper process. Kerry Wangsgard asked when the upcoming Town Council Meetings were going to be held. Beckki responded November 7th and November 21st. Kerry stated the 7th would not work because he would be out of town on business. He also stated his tenants are wanting a new trailer, and this process was started in July. To prevent nonconforming uses from becoming blighted properties, which in his opinion is what he is trying to do, zoning codes allow for repair and maintenance. Kerry states there is no way for this trailer to be repaired. It has been repaired many times previously. The roof is caving in and needs to be replaced. He stated he is preventing blight and the law allows him in essence to repair the trailer by bringing in a new trailer.

Sandy asked how big the trailer is that is currently on the property. He stated it is 14 feet by 58 feet. Sandy asked how big the new trailer was going to be. Kerry stated 14 feet by 70 feet. Sandy stated there was an additional ordinance to look at. She pointed to 15.17.12:

15.17.12 Nonconforming Use of Land The nonconforming use of land, or a portion thereof, existing at the time this Title became effective, may be continued. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof is abandoned or changed, any future use of such land shall be in conformity with the provisions of this Title.

Kerry stated he knew he couldn't bring on two mobile homes to the property. Sandy commented that he couldn't expand past the 58 feet. Kerry stated that was incorrect. He stated there was a double-wide trailer on the property originally. He asked the PC if they would deny the trailer for 12 feet. Doug responded the PC has an obligation to follow the ordinances. Kerry requested to be put on the Town Council Agenda for November 21st.

Doug asked Kerry how a mobile home would be received in his own current neighborhood. Kerry replied with an example of the dairy farm that was in his neighborhood. He stated the dairy farm had been on the property for years and then people started building around it. The neighbors moved in and didn't like the smell or early morning hours, but the dairy farm was allowed to continue as a dairy farm. As soon as the dairy farm closed, they lost that use. He stated it was much like Doug's own father milking cows in Town. Kerry stated he remembered

people complaining about the cows in Town, but Doug's father was allowed to continue as long as he was milking cows.

Doug stated to the PC that it was his opinion that they could not approve this Land Use Permit based on the current ordinances.

Kerry Wangsgard stated he believed the PC could approve it.

Sandy Hunter motioned to deny the Land Use Permit based on 15.6.2 J & M and also 15.17.8 paragraph B and also based on 15.17.12 for the fact that the land would be expanded or extended because it would be a larger mobile home. Allen Endicott seconded the motion. Chairman Allen called for a roll call vote. All votes aye. Motion to deny the Land Use Permit for Kerry Wangsgard is passed.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter
NAYS:	
ALTERNATE:	
EXCUSED:	Commissioner Jeff Larsen Commissioner Larel Parkinson

4) Discussion and/or action on approval of Preliminary Subdivision Plan for Bill White, Pine View Point, LLC:

Jed Hunter from the Ogden Boat Club: He doesn't have any concerns about the subdivision. He does want to make sure that the property line between the Boat Club and the subdivision is correct. Jed stated the property line between the two properties is 5 feet south of the existing fence. He stated he wanted to make sure that the right of way gets expanded to where it should be when the subdivision is developed.

Sandy confirmed that the fence line he is referring to is the white fence.

Karen ? from the Ogden Boat Club: Karen stated that the boundary line is correct on the large subdivision plans but not on the plans they received in the mail. **(See Attachment #3)**

Doug quoted from the minutes from the August PC Meeting. The PC proceeded to look at the large subdivision plans. Rex and the Boat Club Members also looked at the plans with the survey provided by Ken Berg from Berg Civil Engineering. Rex commented as long as the two property owners agree on the said survey, then they can proceed.

Ken Berg stated these are the preliminary drawings. He has yet to do the engineered drawings for the road. Doug asked if there were any other comments regarding the subdivision. None of the audience voiced any additional concerns.

Liz Poulter motioned to recommend to the Town Council the Preliminary Subdivision Plans for Pineview Point, LLC. Sandy seconded the motion. All votes aye. Motion passed.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter
NAYS:	
ALTERNATE:	Commissioner Larel Parkinson
EXCUSED:	Commissioner Jeff Larsen

5) Discussion and/or action on Land Use Permit for Paul Avner, Just Because, parcel #240140028 7350 East and 100 south for additional storage units:

Rex explained this parcel has an existing storage unit on the parcel. At the time the owners purchased the property, the “use” of the storage unit on the land was allowed. Since that time, the Allowable Use Table has been amended and storage units are no longer allowed on Huntsville Town Commercial Property. The property owners would like to add an additional storage unit to the property. Rex stated his understanding would be that the grandfathered “use” would apply to the current storage building but cannot be expanded or extended. This parcel is in a commercial zone, which would allow for an overlay zone that could allow this use if the development of an additional building was acceptable to Planning Commission and Town Council. Rex admonished the owners to come and make the request of the Town Council. The parcel would have to go through a Zoning Map Amendment.

Paul Avner and Casey Pratt came forward to present their idea for an additional storage unit on the property (**See Attachment #4**). Paul stated he bought the parcel with the existing storage unit. The unit looks like a shed. He would like to change the façade of the current building and add an additional building. Paul stated this was the original intent when they bought the property. He stated the look would be very much like the Town Sheds.

Sandy wanted to know how the new building would be situated on the property. Paul responded the entrance to the new building would be on 7300 East not on 100 South. He agrees that Huntsville should not be known for “storage units” so they are calling the unit a “boat hanger.” Blake asked if the building would be used for boat storage. Paul and Casey confirmed they would be renting space for boats.

Rex recommended to the Planning Commission the action today be a recommendation to the Town Council to go through a Zoning Map Amendment process and not a Land Use Permit. Beckki stated she was unsure of the situation but knew the item needed action and that is why it is on the agenda the way that it is.

Liz asked how much bigger the new building was compared to the old building. Paul replied the building is around twice as big as the old building. Doug asked about set backs in a commercial zone. Rex stated there are no set back requirements in a commercial zone. The plans that were brought to him originally had the new roof line of the building on the property line. Rex

suggested to them they might want to accommodate snow by allowing the room for it to come off the roof. The land owners have made that adjustment.

Liz went back to the size of the building. She asked again how much of the lot they thought it would cover. Rex responded that the new building would cover the majority of the lot that was there. Paul stated the new building is 120x100 feet.

Sandy pointed to 15.8.10.

Sandy and Doug had questions about the procedure for an overlay zone. Beckki stated the land owners would now have to apply for a Rezone. As soon as an application and fee have been received, the public hearing would be set at the Planning Commission Meeting. Once the Planning Commission has the hearing and makes a recommendation to the Town Council, the Town Council will have to approve a Zoning Map Amendment Ordinance.

Blake wanted to make sure the Planning Commission is applying the Huntsville Code equitably to all residents. The PC denied a Land Use Permit for a property owner with a nonconforming use earlier in the meeting. Blake wanted to make sure Huntsville Ordinances were applied fairly to these property owners. He stated he believed their situations were a little different. Rex replied the difference is that one parcel was in a commercial zone. The Planning Commission has used an overlay zone on commercial property in the past.

Doug asked the land owners for their patience. He stated this is not something the Planning commission is used to doing and they are as familiar with the process of how this should proceed.

Paul Avner and Casey Pratt expressed frustration that they bought the parcel as a commercial property with the intent to use it as such and were unaware that the Allowable Use Table had changed.

Allen stated he is unprepared to make a determination about the building on this night. He did recommend to the property owners that if they would like to proceed, they should go to the Town Council and start the process for a Zoning Map Amendment.

Doug didn't feel there is any action that needed to be taken at this point. The next step in the process is for the property owners to apply for a Rezone. Paul stated they are here to see what the options were for developing this property. Sandy responded that an overlay zone is the only option for what they are wanting to do.

Rex stated his job is to help people go through this process. He would hate to see people invest a lot of money up front if the concept is not something the Town wants. He stated if the Town Council has no desire to be in the business for rezoning for this purpose, then he felt the PC and TC should be up front about the issues. The last thing he would like to have happen is for the land owners to file the application and have a public hearing when the PC and TC have no desire to go through the process in the first place.

Mayor Truett stated the allowable use table was changed in order to prevent open land in Town from becoming full of storage units. In this case, Paul Avner, already has a storage unit on the property. The business has already functioning storage units. He believes there is a difference between Kerry Wangsgard's situation and Paul Avner's situation. Liz stated she didn't agree when the owners are coming to triple the size of their business on that lot. Mayor Truett stated the Avner's bought the property in order to store boats.

Blake asked the land owners when they acquired the property and when the Allowable Use Table was changed. Rex stated he looked at all the dates but didn't come prepared with the specific dates to share with the Planning Commission. Paul stated they came to the Council prior to purchasing with this plan and it was after that point that the Allowable Use Table had changed.

Paul stated they are anxious to get started. They would like to start building in the Spring and have 45 customers on a waiting list. They would like to be on the Town Council Agenda on November 21st. Blake will present the plan to the Town Council. Beckki stated it would be very helpful to have a better site plan that shows the new building in relation to the new old building. Doug would like the owners to have the dates for purchase available for the Town Council.

Sandy stated the purchase of the property date was 2015. The Use Table came into effect in 2017.

6) – Discussion and/or action on Title 4 Edits: (See Attachment #5 – 4.2.2) Blake stated the Town Council appreciated the work that had been done on this Ordinance. Blake stated there was some concern regarding the new edits about requiring a Land Use Permit for structures under 200 square feet. The Town Council feels that this is overreach. Rex stated he agrees that it might seem like overreach but many of the problems that we have with following the ordinances start with a structure under 200 square feet. Rex stated he feels that it is for there protection as well. He stated there were about 4 or 5 situations this year when he helped a land owner change the placement of their small buildings. Many times, the owners put these small buildings on property lines or over drain fields. Sandy suggested that maybe the wording could be changed so that the details of the building didn't matter so much but put more emphasis on the site plan.

Blake suggested that maybe a work session would be in order. The Town Council is strongly suggesting that any wording for a Land Use Permit will be rejected by the Town Council.

Rex stated this requirement is usually to protect the neighbor not the land owner themselves.

Liz suggested changing the wording from "required" to "encouraged." Doug believed this would protect the Planning Commission and the Town. Allen suggested that instead of coming to the Planning Commission, give people an application to file with the Town. Rex could then review the placement of the buildings.

Sandy suggested that they reword the ordinance to say, anything with a footprint under 200 sq ft does not require a Land Use Permit but must follow the set-backs in Title 15.6. She stated at least it reminds the land owner they need to comply with the other building ordinances.

Doug asked Rex to reword the ordinance for next time. **Doug motioned to table the item by consent. There were no objections.** Motion passes.

7) Discussion and/or action on corner lot set back ordinance: (See Attachment #6) Allen presented the changes to the corner lot set back ordinance.

15.6.4.D Primary vehicular access to the lot shall be from the frontage, *unless the lot is on the corner of two public streets. If so, vehicular access can be from either street. If vehicular access on a corner lot is not designated as the frontage, the driveway or garage set-back should be no less than 20 feet from the property line and the frontage set-back no less than 30 feet from the property line.* Primary vehicular access is defined as the access used to access the residence the majority of the time.

Blake wanted to know if you are on a corner lot and your vehicular access is at the front of the house, what is your side set-back. Doug responded the side set back is 10 feet. Allen explained this ordinance would only apply if you wanted vehicular access to the home that was not the front of the home. Blake confirmed that if a land owner was gaining access to their home by way of something other than the frontage, then the set-back is 20 feet. Allen confirmed.

Doug stated the previous ordinance was restrictive to corner lot owners. He believes this allows a little more flexibility. Allen explained it also provided a way to have a driveway.

Blake had additional questions about determining frontage. He stated that this ordinance states that an address can be independent of the frontage. Sandy confirmed this was correct and asked if the PC was worried about determining addresses. Blake stated they could address the problem with many addresses in Town in this ordinance. Beckki stated the PC hasn't addressed the problem of addresses being incongruent with the frontage of properties. This ordinance only addressed how to handle the front and side set back of new homes on corner lots.

Allen stated the intent was only to address what to do when the owner of a corner lot is planning access to their home. Blake commented that the draft ordinance has some errors in the recitals. Beckki will correct them prior to the public hearing.

Sandy motioned to have a public hearing on 15.6.4 at the next Planning Commission Meeting. Allen seconded the motion. All votes aye. Motion passes. Beckki will add this to the next Planning Commission agenda.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Allen Endicott Commissioner Sandy Hunter Commissioner Liz Poulter
NAYS:	
ALTERNATE:	Commissioner Larel Parkinson
EXCUSED:	Commissioner Jeff Larsen

8) Discussion on adding helicopter pads and hot air balloon pads to the Land Use Table:

Sandy stated Mayor Truett brought this to her attention back in August. She stated they've heard reports of The Sanctuary helicoptering clients from Green Hills to their property here in Huntsville as well as launching their balloon from the property every weekend. The launches are early in the morning and the noise of the set-up equipment is disturbing to the neighbors. Sandy wanted to prohibit the use in the Land Use Table. Blake stated he thought someone could get around "use" by having the pads on their private property. He felt that an ordinance prohibiting launch pads would be solid. Blake suggested they could prohibit helicopters and balloons in Town with the exception of the emergency helicopters. Blake will work on drafting the ordinance and will look at fitting the new wording in Title 14 – Traffic. He will take the new ordinance to the Town Council.

9) Public Comments: There were none.

10) Chairman Comments:

Doug stated Dave Booth called him regarding his corner commercial property. The Town rezoned his lot three years ago. Doug stated that when the original proposal was made Dave was intending to retain ownership of the buildings and lease the footprints. Doug stated when he spoke with Dave a couple of days ago, Dave stated he did not want to be a landlord and own all of those buildings. Doug has thought about this plan. Dave's current concept of not owning the commercial buildings does not comply with the Concept Development Plan that the Planning Commission approved of in 2015. The time has expired for the concept to actually be developed. The Planning Commission has given Dave more time than the ordinance allows for the development to go forward. Doug fears that there has been investor complications and that the property will be sold and developed in a manner that would not meet the concept that was presented to the Planning Commission and Town Council. Doug believes the Planning Commission should take action to rezone the property back to an R-1 status.

Sandy stated that it is up to the Town Council to revert the zoning back. Sandy advised Blake to take this to the Town Council. Blake read from the Town Code. The Huntsville Town Code states they have to revert the zoning by starting the zoning process again. Sandy stated the PC has tried to get Dave and Gina to report to the Planning Commission on the status of the development and they have ignored most of their requests. Doug stated that Dave was here earlier in the year but that the Planning Commission gave him until October to get going on the project. October has now past. Blake advised to schedule the Public Hearing to revert the property. Blake also stated that the Town Council has the charge of determining an extension or a reverting of the zoning. Blake suggested the PC initiate the steps to rezone and the Town Council will make the determination.

Sandy advised that no action be taken to schedule the public hearing without having that on the agenda for Planning Commission Meeting. Beckki will contact the Booth's and let them know that they will be on the agenda for the November Meeting on Thursday, November 14th. The PC will schedule the public hearing at that time.

Sandy motioned to adjourn the Planning Commission Meeting. Allen seconded the motion.

Meeting is adjourned at 9:06 p.m.

Beckki Endicott, Recorder

DRAFT

**HUNTSVILLE TOWN
ORDINANCE 2019-11-21**

HUNTSVILLE CORNER LOT SET BACKS

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15

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

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

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on November 14, 2019 to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT this ordinance on November 14, 2019.

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on November 21, 2019 and desires to act on this Ordinance;

ORDINANCE

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

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

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

15.6.4 Frontage Regulations

- A.** The minimum width of a lot, for a single family dwelling, along the street frontage shall be one hundred thirty (130) feet. Where the lot frontage is on a cul-de-sac, the 130-foot width requirement shall be along the front property boundary line running from one radial property side boundary to the other and measured perpendicular to the circumference of the cul-de-sac. Alleys shall not be considered street frontage unless the Town designates it as such where no other street frontage is available.
- B.** The frontage requirement minimum is one hundred twenty (120) feet when an alleyway is the only reason for not being able to provide one hundred thirty (130) feet of frontage.

- C. Transverse lot splitting will not be allowed if the frontage requirements stated in items A. and B. are not met for the newly formed lots.
- D. Primary vehicular access to the lot shall be from the frontage, *unless lot is on corner of two public streets. If so, vehicular access can be from either street. If vehicular access on a corner lot is not designated as the frontage, the driveway or garage set-back should be no less than 20 feet from the property line and the frontage set-back no less than 30 feet from the property line.* Primary vehicular access is defined as the access used to access the residence the majority of the time.
- E. Primary vehicular access to lot must be identified on submitted site plan.

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 remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

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

ADOPTED AND APPROVED on this 21st day of November, 2019.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 21st day of November, 2019