

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

MEETING DATE: April 23, 2020

PLACE: Electronic Zoom Meeting,

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
Blake Bingham	Town Council Liaison	Present
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Excused

Citizens:

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

2–Approval of Minutes for Planning Commission Meeting February 27, 2020. (See Attachment #1) PCM Liz Poulter and PCM Sandy Hunter had several questions and corrections. PCM Sandy Hunter motioned to approve the minutes from February 27, 2020 with the corrections discussed. PCM Liz Poulter seconded the motion. Roll Call Vote. Four votes aye, one abstention. Votes reflected below. Motion passes.

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

3–Discussion on outside permit requests for home repairs and upgrades. Beckki asked the Planning Commission if they had any advice for companies seeking a permit from the Town. For example, to replace a water heater, our code requires a permit. Beckki wanted to know how the Planning Commission would envision that process, or what should happen. There is no fee or process associated with this. She asked Rex how to handle this and Rex suggested that she ask the Planning Commission.

PC Chairman Doug Allen suggested the Huntsville Code has requirements in Title 4. PCM Liz Hunter suggested the app Rex was working on might help her work through the process.

PC Chairman Doug Allen commented his previous assignment on the Town Council was to oversee excavation permits. He stated it only happened one time. He believes there is a form and excavation permits should be overseen by the Town Council Member in charge of roads. He believes this is for those that desire to cut the road in the Town right of way. TCM Blake Bingham stated the TC Member Max Ferre should sign off on excavation and third party permits. He stated it didn't make sense to have the customer come in for a Land Use Permit for a water heater.

TC Blake Bingham would like to make some recommendations regarding some requirements and edits in Title 4. PC Chairman Doug Allen stated he would like to see an update.

4-Discussion on new Building Permit Process. Blake explained he had drawn up the new Building Permit Application based on several applications that Beckki had given him from other cities. **(See Attachment #2)** Beckki explained more about the new software, iworq. She stated as soon as a Land Use Permit is issued, she uploads all the permits and plans to iworq. From there she submits a Building Permit with the attachments to Sunrise through the software. Sunrise does the plan check and then issue the fee for the building permit. Once the fees are paid, she can issue the permit and that will also be indicated in iworq.

Larel asked about using the form with a remodel. Beckki stated she had an applicant for a basement finish this week. Blake asked if it was a self-remodel permit. Beckki replied it was for a regular remodel with hired contractors. She stated she had done a self-remodel in previous weeks. Blake asked about the Land Use Permit. Beckki replied she didn't require a Land Use Permit because the project was finishing a basement and didn't alter or expand the use of the Land. She also stated that a Land Use Permit cost \$50 but the applicant would still have to pay for a plan review and building permit for his remodel. PCM Jeff Larsen suggested looking at the title to be able to update this requirement.

Beckki also described the self-remodel permit done in the past couple of weeks. Rex recommended the applicant have inspections for electrical upgrade. Because there isn't a self-remodel permit fee, she recommended the applicant pay for the electrical inspection. She didn't ask the applicant to get a Land Use Permit.

PCM Liz Poulter asked if the remodel would include plumbing and whether they needed to be concerned about the septic. TCM Blake Bingham explained that these changes would be addressed in the building permit and involve Weber Morgan Health for sign off. Beckki explained she felt like this was going to happen at the time of plan review. When she sends the building permit to sunrise, they determine what inspections will be needed. If a septic upgrade will be needed, they should know at that point. Beckki will keep reviewing this process. She will also check with Sunrise about the septic check point.

TCM Blake Bingham oriented the PC to the rest of the Building Permit Form.

5-Discussion and/or action on Ordinance 2020-4-23: Update of 15.31.5 Penalties. **(See Attachment #3)** Sandy commented that the wrong numbering system is in the body of the ordinance. It should read 15.31.5 and it reads 15.30.1.4. These ordinance changes were

recommended by our Town Attorney, Bill Morris. Beckki posted a public hearing notice for this ordinance for May 28, 2020. TCM Blake Bingham stated that in subsection A. The new ordinance has added the language to read “In addition to all other remedies as authorized by law, *including but not limited to removal, abatement, injunctive relief, revocation of any permit, or otherwise*, any respective owner(s) of record on file in the office of the Weber County Recorder, violating or permitting the violation of any land use provision established by the Town. *The Town is also entitled to reimbursement of all costs relating to enforcement, including, but not limited to: removal, abatement, injunctive relief, or otherwise, including all court costs and attorney fees.*”

PCM Sandy Hunter motioned to hold a public hearing to amend Ordinance 2020-4-23 which updates Land Use Title 15.31.5, Land Use Penalties. PCM Jeff Larsen seconded the motion. Roll Call Vote. All votes aye. Motion passes. Votes are reflected below.

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

6-Discussion and/or action on revision of the General Plan. Ron Gault has been working on some edits to the General Plan but was not able to be here tonight. Each member of the PC has received a copy of the edits. Chairman Allen asked TCM Blake Bingham to prepare the Council for the edits. He will send a draft to the TC. The PC requested hard copies of the General Plan. PC Jeff Larsen would like to have Ron be able to comment on the changes to understand the intent. **PCM Liz Poulter motioned to table this item until the next meeting.** PCM Larel Parkinson seconded the motion. All votes aye. Motion Passes.

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

7-Discussion and/or action on 15.6.2.A & L regarding Accessory Buildings.

The Planning Commission reviewed the definitions of “single family dwelling” and also “family” in the Huntsville Municipal Code. PCM Sandy Hunter stated section 15.6.2.A is defined by the definitions reviewed by the Planning Commission. She read the definition of Single-Family Dwelling: *building arranged or designed to be occupied exclusively by one (1) family, the structure having only one (1) dwelling unit.*

15.6.2.A states:

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

PCM Sandy stated that her objective was to have only one single family dwelling on one lot. She thinks that changing the wording to single-family dwelling *unit* might be a good idea so that it isn't misinterpreted. She doesn't want single family dwelling to mean that there is one-unit upstairs and one-unit downstairs. TCM Blake Bingham feels that the current definition is clear. As the discussion progressed, PCM Sandy Hunter believes the current wording is good. PCM Jeff Larsen stated Doug's comment from the last meeting which stated the PC is not trying to prohibit accessory structures that have bedrooms or bathrooms, it's the Use down the road gives this discussion more clarity. The PC is trying to prohibit short term rentals. PC Chairman Doug Allen stated he stated this is about structures and space and not about enforcement issues and rentals.

TCM Blake Bingham reviewed the ordinance regarding accessory buildings which was sent to the Town Council the last year. The ordinance contained wording for one sink and one toilet. The TC didn't like the ordinance and sent it back to the Planning Commission. At the public hearing, the public didn't want to put restrictions on what was in the building.

PCM Sandy Hunter stated they should discuss “Use.” PCM Larel Parkinson stated the “Use” in the Huntsville Code is no rentals shorter than 30 days. The wording for both structure and “use” are clear. PCM Liz Poulter stated if the intention is to prevent rentals, then they needed to be clear that accessory buildings couldn't be rented. TCM Blake Bingham and PCM Sandy Hunter agreed with PCM Poulter.

TCM Bingham stated he will work on the wording to prevent rentals of accessory buildings and the rentals of portions of the home in which you already live. He would like to put the prohibition of rentals on accessory buildings on that section.

8-Land Use Coordinator Update: Rex Harris. Rex was not available for comments.

9-Chairman's Report. Chairman Allen expressed appreciation for the Planning Commission Members and asked if there were improvements to be made that they be able to come to him. They are always looking for ways to improve.

10-Public Comment. There were none.

11-Motion to adjourn. **PCM Sandy Hunter motioned to adjourn.** PCM Larel Parkinson seconded the motion. All votes aye. Meeting is adjourned at 9:17 p.m.


Beckki Endicott, Recorder

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

MEETING DATE: February 27, 2020
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	Excused
Wendy McKay	Town Council Liaison	Excused
Blake Bingham	Town Council Liaison	Present
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Excused

Citizens: Rex Harris, Laurie Van Zandt, Casey Pratt, Paul Avner, Jeff Hyde, Dakota Hyde, Brian Saunders, Brooke Saunders, Willow Butters, Red Erickson, Brenda Hadley, Bill White, Alane White, Trina White, Cody Hadley, Amanda Hadley, Ron Gault, 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 January 23, 2020. (See Attachment #1) **PCM Sandy Hunter motioned to approve the minutes from January 23, 2020.** PCM Jeff Larsen seconded the motion. All votes aye. Motion is approved.

3 – Public Comment regarding the Specific Overlay Zone Application submitted by Club Rec. Chairman Allen invited Club Rec to come forward and make their presentation regarding their application for a Specific Overlay Zone and the building project they are pursuing. Paul Avner introduced himself from Club Rec. He stated they would like to add an additional building to the commercial lot they already have a storage unit on. They want to make it look like a horse barn, and have it blend in with the surrounding area. They would also like to give a “facelift” to the current building. Paul stated they have been storing boats in the existing building. When they purchased the lot, they came before the Planning Commission and stated what they would like to do, to add another building. Since the time they purchased the property, the Acceptable Use Table has changed to disallow boat storage in a commercial zone. He stated he would like to address the concerns of the neighbors but would also like to develop his business. He believes they have addressed the concerns about lights in the windows with regards to the way in which the building is situated. The entrance would be on 7300 East. The boat trailers would enter, back into their unit and pull forward out of the storage onto 100 South. If the Specific Overlay Zone was approved, they would like to come back and work with the Town Council and neighbors about how they design and develop the building.

Chairman Allen asked how many boats are currently stored. Paul stated they have 10 boats in the current storage, but there is a need for this service in the area. They have a list of 50 individuals who are requesting storage.

Casey Pratt showed an example of what the "horse barn" would look like. He emphasized that it would look like a pole barn.

PCM Liz Poulter asked about the size of the new building. Paul explained the original drawings were 120 ft x 115 ft. The original building is 120 ft x 65 ft or 70 ft width. Paul stated these were the dimensions of the original drawings, but they are willing to work with the Council on what the building will look like. The existing building is 12 bays for boats and the new building would have room for 20 bays. He explained that it would have to be taller in height because of the "horse barn" design. Paul wanted everyone know that they would like to work with the neighbors to find an acceptable design.

Chairman Allen explained there are criteria for a Specific Overlay Zone in the Huntsville Code. He also explained some history behind the code on the Specific Overlay Zone. Chairman Allen wanted Club Rec to know that public input was important to the Planning Commission. He believes when the public is involved, the process goes better. PCM Hunter would like to hear from the neighbors first.

Brian Saunders: Brian explained that he lives just west of the storage sheds. He stated that he does not want to be near commercial businesses. Brian likes the residential feel of Huntsville Town. The proposed "horse barn" looks nice, but the additional building will bring commercial business even closer to his home. Brian is concerned about his and his in-law's property being devalued. Aside from headlights in his home, he is concerned about the noise at night of backing up the boats and people yelling to each other. Usually when people put their boats away, it is late at night. Brian added that he believes the use table changed because the residents of Huntsville didn't want additional storage units in Town. He doesn't see any reason for this to change back to allowing storage units. Brian has some concerns with the Specific Overlay Zone. Any time that someone doesn't like the use on their property, it seems they can just add an Overlay Zone to change it. He supports the current use table and believes it to be in the best interest of the Town.

Willow Buttars: She would like to echo the comments of Brian Saunders. She is concerned about safety, increased traffic, noise and the economic impact to surrounding properties. Willow explained they have a piece of property for sale right next to Club Rec. They have had a lot of interest in the property but when they ask about the commercial property next door, the interested parties are concerned. Willow owns the lot just south of Club Rec. Doug pointed out that the Town Shop was built right in front of Willow's own home. Now, there is another proposed commercial building in front of her other property. Willow stated that while the Town Shed is nice looking, having it in the residential neighborhood is not ideal. The same goes for the current project on Club Rec's property.

Laurie Van Zandt: She asked the Planning Commission about the history of the lot and the change in the zoning. Sandy rehearsed the history of the lot. **(See Attachment #2)** She stated that it was a residential lot until 2008. Thompson's owned it from 2004-2014 when it was sold. Cory Thompson owned an asphalt company and ran the business out of his home. Cory Thompson built the shed to store equipment for his business. Sandy stated in order to store commercial equipment, it would have to be zoned C-1. Laurie Van Zandt wanted to know if a C-1 lot had the same setbacks as a residential lot. Sandy answered there is no setback requirement on a commercial lot. PCM Hunter pointed out that there is a coverage requirement of 60% on the entire lot. Laurie asked Club Rec if they had worked out the turning radii with the new set up. Club Rec confirmed that they have worked on those details.

PCM Hunter went on to say that the majority of 2015 in Planning Commission Meetings the Commission had worried about the "conditional use" status in a commercial zone. The Planning Commission expressed concern that conditional use permitted all the uses instead of just designing those purposes. The Planning Commission worked through those changes to the Use Table during most meetings of 2015. Sandy stated that there wasn't a discussion about Club Rec with regards to the Acceptable Use Table. She explained that each meeting they would talk about the use and whether it was in the Town's best interest. PCM Hunter said that the middle of 2015 that the storage unit use table changed from conditional use to not permitted on storage units.

Ron Gault: Ron introduced himself as the former Planning Commission Chair. He wanted to add additional history to the discussion. November 2014, a new Club Rec came before the Planning Commission with their plan for running their business out of the storage shed. Ron stated that there was not a proposal made for a building and nothing was agreed upon. Club Rec did present an idea of an additional building in their plans, but there wasn't a formal proposal or motion made or any other official agreement. Ron stated he has gone through his notes for several years after that and there was not any appearance by Club Rec. Ron stated that 2015 was a year the Planning Commission evaluated the use table one use at a time. That was when they changed the table.

Bill White: Bill wanted to ask Ron and other members of the committee what the intentions of Club Rec was at that first meeting. Bill White was serving on the Planning Commission at the time. It was his recollection that Club Rec wanted to store their own boats and equipment in the building at the time. He doesn't recall a discussion about commercial storage of boats.

PCM Hunter stated that October 30, 2014 Club Rec's realtor appeared before the Planning Commission. Then November 19, 2014 Casey, Paul and Levi came to the Planning Commission Meeting. Sandy quoted from the minutes "right now they have plans to rent out storage unit space like it is currently being used...but in the future if they needed to they want to know if they could run their rental business out of the storage unit." Sandy said that in 2014 they did talk about using the storage unit as a rental.

TCM Bingham wanted to ask a follow up question. He wanted to know if there was a Land Use Permit issued for the use of a rental space. Chairman Allen responded that Beckki has been looking for such a document and hasn't been able to find any reference to that kind of document.

Beckki wanted some clarification on TCM Bingham's question. TCM Bingham replied he wanted to know if there was a Land Use Permit issued to change the nature of the use for that property.

Bill White: He was on the Planning Commission at the time that Club Rec bought this commercial piece of property. He wanted to express publicly he appreciated Club Rec is making an effort to make the project look nice, fit in with the neighborhood and work with the neighbors.

Bill has heard from others there was a past agreement and promises made to Club Rec. Bill White commented he believes this is not relevant. When a use changes on a property and there is a Land Use application, the change in use becomes a public issue. The public has the right to comment on the change in use. If the use isn't noticed in a public way, the change in use isn't valid. The public needs a chance to comment.

The other comment he hears a lot is that if we don't allow this to happen, then Club Rec will build something much worse. He doesn't think that this could happen because our ordinances don't allow permitted use on most commercial uses. Almost everything in the commercial zone is conditional. The Town Council has control of the circumstances surrounding the use in that zone. Regarding the status of the uses, Bill referred to the months of meetings regarding the changes in the use table. There was much discussion, thought and public input before all these uses were changed. The Planning Commission at the time was very convinced that storage units were not right for the Town.

Bill White stated several years ago Kerry Wangsgard came before the Planning Commission and wanted annexation into Town to build storage units. The Planning Commission and Town Council told him no. They believed that the storage units were unsightly and not conducive to the old rural farmhouse style of Huntsville Town. Sandy commented that specific event occurred in June 2015. It was a few months after Club Rec bought their property.

Kerry has gone on to develop those storage units and they are unsightly in his opinion. Bill White stated the problem with Huntsville Town is it really is a residential subdivision and you have people who own very valuable property right next door. He believes it wasn't a good idea to zone Thompson's property commercial because he had unsightly vehicles stored all over the property anyway. He stated the surrounding property would be devalued. The Buttars lot now has a view of the lake, but if approved, they will be looking at a giant storage shed. He doesn't feel we need to accommodate boat owners who come from Salt Lake over the residents who live here full time.

Jake Songer: He wanted to address the Planning Commission. He stated there was discussion from the public when the Allowable Use Table was changed. When the Buttars bought their lot two years ago the Use Table reflected no storage sheds in Town. He pointed out that the Buttars had an expectation of that shed not expanding. Jake asked what the purpose of a Specific Overlay Zone is.

Chairman Allen related the purpose and intent of a Specific Development Plan Overlay Zone in 15.29.

Jake stated he didn't see this as a benefit to the residents of Huntsville Town. He would have the Planning Commission uphold the current use table.

Brent Weil: He owns the home directly across the street from Club Rec. When he bought his lot, his realtor assured them that there wouldn't be additional storage on that lot because of the ordinances in place at the time. He stated his home would be devalued if there is additional storage added to the Club Rec property. He believes if we are to make an exception in Town, it should benefit those that live here.

Rex Harris: Rex explained that in June last year, as the Land Use Coordinator, he was approached by Club Rec about storage units. He explained to them that storage units were not allowed in Huntsville Town and they were surprised at the change. Rex gave them the option to petition the Town on the Specific Development Plan Overlay Zone.

Rex was on the Planning Commission in 2015 and there was a lot of discussion about conditional use versus not permitted use. He stated the Planning Commission reviewed this and then took this to the public. Rex wanted to correct what Jake stated. The public didn't petition the Planning Commission. The plan of changing the Use Table was taken from the Planning Commission to the public for public comment. Rex stated they had the public hearing and the hearing wasn't that well attended.

Paul Avner: He stated he bought his commercial property with the expectation that he could make some money. He stated he has looked through the Use Table at what was allowed. Paul stated the Use Table allows him to do repair service. He thinks that boat storage would be less of an impact on the neighborhood.

Casey Pratt: Casey stated he sympathizes with the property owners who are adjacent to them. He recognizes they have concerns with their property values. Casey stated that Club Rec has the same problem. Their company will not be able to expand its value if the decision goes the other way. They bought this property to be able to make some money.

Beckki asked Chairman Allen to make sure that the letters they received are read and recognized. PCM Poulter read a letter from the Michelony's. **(See Attachment #3)** There are two additional letters in the packet. One of the authors is here tonight and had the opportunity to comment **(Laurie Van Zandt – See Attachment #4)**. The other letter is a Town Council Member and will have the opportunity to express himself during Town Council Meeting **(Richard Sorensen – See Attachment #5)**.

4) Discussion and/or action on recommendation to Town Council regarding the Specific Overlay Zone Application submitted by Club Rec. Chairman Allen explained to the public that the role of the Planning Commission is to research issues and make recommendations based on the current Huntsville Ordinances to the Town Council. The Planning Commission can draft new ordinances through a public process and make those recommendations to the Town Council. It is the role of the Town Council to approve the recommendations or not. After the Planning

Commission has researched the history and heard from the public, Chairman Allen wanted to know what the individual Planning Commissioners think.

PC Member Jeff Larsen stated he is new on the Planning Commission. He stated that it was unfortunate that Club Rec purchased the property as the Use Table was changed. CM Larsen stated there is a general plan and feels that the Planning Commission needs to adhere to the General Plan. That said, there is a process for applying for exceptions.

PC Member Liz Poulter commented that she feels that the guidance is given in 15.8.10.B. She read from 15.8.10.B:

B. In order to approve an SDP Overlay zone, at least one of the following findings shall be made by the Town Council:

- 1. The SDP Overlay zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through C-1 zoning.*
- 2. The SDP Overlay zone provides equal or greater compatibility with surrounding land uses than what would likely occur with C-1 zoning.*
- 3. The SDP Overlay zone promotes efficient land use by allowing housing and commercial development at densities that are deemed appropriate for the area.*
- 4. The SDP Overlay zone would encourage mixed-use development where appropriate. where the boundary is a natural stream or river corridor, see Huntsville Town Sensitive Lands Title.*

She believes the Club Rec application doesn't meet any of these requirements laid out in the code and these requirements.

PCM Sandy Hunter agrees with PCM Poulter that the standards in 15.8.10.B can't be met with this application. She also cited 15.29.1 and read from number 4 (purpose and intent):

(4) It is the Town's intent to use SDP Overlay zones to encourage imaginative and efficient utilization of land, to develop a sense of community, and to insure compatibility with the surrounding neighborhoods and environment.

She believes the Club Rec Application doesn't apply to this standard either. PCM Hunter explained as a member of the Planning Commission during the Use Changes in 2015, it certainly wasn't their intent to change the Use Table to keep Club Rec from developing. She stated Club Rec could have another kind of development on that piece of property, but she didn't see a large building was something that Huntsville wanted for their Town.

Chairman Allen stated the Allowable Use Table is different now then in the past. There isn't a formal agreement between Club Rec and the Town. Chairman Allen sympathizes with Club Rec. He thinks it was a mistake to rezone this property to commercial for Cory Thompson. The

Planning Commission tried to remedy a problem by rezoning the Cory Thompson property to legalize what was happening on the property on the time. Chairman Allen stated he was on the Council when Club Rec came to them. They had also proposed mixed use to the Town. The Town explained the process they would need to go through in order to change the Use, and yet, there is no formalized agreement. He doesn't support moving forward with this application.

PCM Liz Poulter motioned to not recommend to the Town Council the overlay zone for Just Because, LLC. (Club Rec). Seconded by Jeff Larsen. Roll call vote. Motion passes.

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

5) Discussion on subdivision and Right of Way for parcel #240130021 and #240130018 for Cody Hadley. Rex started the presentation. He stated that Cody Hadley came to him wanting to build a home on his mother's property. There is a little over 2 acres of land. It would meet the acreage requirement for two homes. However, the frontage is limited. The ordinance requires 130 feet. Rex has been working with the family on some solutions to this problem. (See Attachment #6)

Cody Hadley wanted his driveway to come off the cul-de-sac at 200 North. Rex tried to figure out a different configuration on the block system. However, in the end, Rex drew up a potential lot off a cul-de-sac on 200 North. Depending on the single point of the radius there is enough frontage, but it intersects with the neighbor's property. Rex showed the lot line configurations.

Rex is purposing that the cul-de-sac be shifted east. The land the Town owns could shift with that in exchange for property that the neighbors own. Both neighbors would have to agree with the swap, but essentially nothing physical would change on the property, just the boundary lines. Brenda Hadley will have to negotiate with the neighbors if this is something the Town is willing to do. If the Town is willing, the Hadley's will draw up engineered plans for the exchange. There would be boundary line adjustments. Rex stated the new home would have to be situated on the south side of the lot. The north side of the lot is too wet.

PCM Hunter commented the Planning Commission would not want an orphan lot on the north side. PCM Jeff Larsen recommended splitting the lot in two but not three lots. Rex agreed.

Rex is here with the Hadley's to see if the Town is willing to enter into an MOU with the Hadley's in this regard.

Beckki stated that it is not an action item on the agenda. TCM Blake Bingham commented twihle he was a consultant, if someone wanted to add on to the subdivision, they would have to pay for the road improvements to add on to that subdivision. This may be an issue. Rex stated that they are just at the feasibility part of this project.

Chairman Allen stated this is not an action item, so they are not taking a vote tonight. TCM Blake Bingham suggested the Hadley's come before the Town Council to see if this situation would be acceptable. Mayor Truett is the executive agent and would be able to start the ball rolling on an MOU. TCM Blake Bingham asked the Hadley's to get the neighbors on board first. Brenda stated she would be out of Town for a couple of more days and will then approach the neighbors.

6) Discussion and/or action on Land Use Permit for Reuben & Aimee Erickson, 6650 East 100 South. (See Attachment #7) Rex presented the plans Reuben submitted. The Erickson's are seeking to expand their home. Rex explained the addition fits well within the setbacks. He has also checked the location of the drain field. In terms of the Land Use Permit, Rex doesn't have any reservations. Sandy wanted to confirm they were only adding to the west side of the home. Rueben confirmed they were adding just on the west side. Liz asked if any height was being added to the home. Reuben stated no height was being added to the home. **PCM Hunter motioned to approve the Land Use Permit for Reuben & Aimee Erickson parcel #240220006.** Seconded by PCM Poulter. All votes aye. Motion passes.

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

Reuben stated that they are planning to start the addition in the Spring or Summer. Beckki stated there is a fee for the Land Use Permit and will coordinate.

7) Ethics and Disclosure agreements for Planning Commission Members. Beckki reminded the Planning Commission about getting their Ethics and Disclosure forms to her.

8) Discussion and/or action on update to the General Plan. Chairman Allen explained there are several references in our General Plan regarding Weber Pathways. The organization is changing its name a little. He believes we need to update this document. TCM Blake Bingham believes that only the last sentence needs to be stricken from the General Plan. Ron Gault stated the plan has not been revised for years. He thinks there are other things that need updating. Ron volunteered to go through the plan and make some changes.

The changes to the General Plan would need a public hearing.

9) Discussion on the Annexation Proclamation. Chairman Allen stated in the current General Plan there is a document which describes land that Huntsville Town would like to annex. Ron explained that document is in the General Plan in case other municipalities wanted to annex the same property. The intent of it being included in the General Plan is to make sure that Huntsville would have a vote in what happens with lands on its borders. It is Ron's opinion that the Annexation Proclamation should be left in the General Plan. TCM Blake Bingham stated he felt the Annexation Proclamation is completely viable based on his current discussions with Weber County.

10) Land Use Permit Link. Rex has been developing an online questionnaire that can answer the question about whether a resident would need a Land Use Permit. He is just showing that it can be done. It would up to the Town to adopt this for the website, etc. He stated that this type of device would capture the data people would enter even if they did not need a Land Use Permit.

PCM Liz Poulter thought this tool would be helpful. Rex stated this is a prototype. It could be helpful for pre permit information. Beckki thought it was a great tool for the website.

11) Land Use Coordinator Update: Rex Harris.

- a) UDOT doesn't build roundabouts on State route. Rex stated that there are some safety benefits which the State is starting to recognize. UDOT is going to study and possibly build 4 roundabouts throughout the Wasatch Front. One of the locations is the 4-way stop at Valley Market. The other location is 100 South in Huntsville. They are also looking at the potential signalization at both locations.
- b) Last Fall we talked about the potential for a roundabout in the Town. Rex has been in contact with Jones & Assoc. to engineer some of the possibilities to update the lighting, crosswalks, bulb outs and other items that would beautify the Town. If the Planning Commission has any other ideas to pass on to Rex, they would welcome any ideas.

12) Chairman's Report: Chairman Allen thanked the Planning Commission for their input tonight. He thanked Rex for all that he is doing to help make the Planning Commission's job easier. He turned the time over to PCM Sandy Hunter for comment.

- a) She wanted to comment that Club Rec's lot is commercial and they are still allowed to build repair services on their site. Sandy wanted the Planning Commission to think about what kind of conditions would be appropriate for a repair services business.
- b) PCM Sandy Hunter wanted to look at 15.8.10.A.2. She was thinking it would need an amendment. She asked the Planning Commission to think about if they wanted to include a public comment period in the procedure. Beckki recommended that they look at the rezone and make the procedures consistent. Beckki let the PC know that the courtesy notice to surrounding property owners will be generated upon a Land Use Application. TCM Blake Bingham and PCM Liz Poulter think this would be a

good idea. Rex wanted the Planning Commission to know that they have the option of gathering information and researching any way that they like. TCM Blake Bingham suggested the detail of the public hearing in step 6 be conducted at the Planning Commission level. Beckki will put this on the agenda for the next meeting.

- c) PCM Hunter wanted to comment on the Land Use Permit that was denied to Kerry Wangsgard. She stated she and Liz went over to the current mobile home to make sure of the size. 52 feet 2 inches long by 13 feet 10 inches wide. She wanted to make note of the size. The Appeals board voted to be able to have Kerry Wangsgard replace his trailer but with one that was no bigger than the current size. PCM Hunter wanted to make sure we knew what the size was when he approaches the Planning Commission again.

PCM Sandy Hunter motioned to adjourn. Chairman Allen seconded the motion. All votes aye. Meeting is adjourned at 9:11 p.m.

Beckki Endicott, Recorder

HUNTSVILLE TOWN BUILDING PERMIT APPLICATION

THIS APPLICATION DOES NOT BECOME A PERMIT UNTIL SIGNED, ALL FEES ARE PAID, AND PERMIT NUMBER IS ISSUED

Date of Application		Date Work Begins		Date Permit Issued		Permit Number	
Proposed Use(s) of Structure ☐ Residence ☐ Basement ☐ Mechanical ☐ Plumbing ☐ Garage ☐ Remodel ☐ Electrical ☐ Addition ☐ Commercial ☐ Recreational ☐ Accessory Bldg ☐ Other (Specify)				BUILDING FEE SCHEDULE ☐ Rough Basement Building Fee ☐ Finished Basement Electrical Fee Garage sq. ft. Occupancy Group Plumbing Fee Walls Roof Mechanical Fee			
Building Address		Bldg Type		R Value		Plan Review Fee	
Parcel/Tax ID #		# of Bldgs				Culinary Impact Fee	
Lot #		Subdivision Name (if applicable)		# of Stories		# of Bedrooms	
Total Parcel Area (acres or sq. ft.)		Total Building Footprint (sq. ft.)		# of Dwellings		# of Stories	
Property Owner Name		Phone		Type of Construction ☐ Frame ☐ Brick Var. ☐ Concrete ☐ Brick ☐ Block ☐ Steel		Culinary Connection Fee	
Mailing Address						State Fee (1%)	
Email				Max Occ. Load		Fire Sprinkler (Y/N)	
Architect/Engineer		Phone		Bond Required (Y/N)		Bond Amount	
General Contractor		Phone		Weber Fire District Fee Receipt Number		Date Paid	
Business Address, City, Zip				Building Official Notes: 			
Email		License Number					
Electrical Contractor		Phone					
Business Address, City, Zip							
Email		License Number					
Plumbing Contractor		Phone		Building Official Approval _____ Date _____			
Business Address, City, Zip				<i>This permit becomes null and void without a current Land Use Permit. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a building permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. This permit does not approve any violations or mistakes that could be found during inspections. Approved building plans are required on the job site at time of each inspection. No work on any part of any building or structure requiring inspection shall be covered or concealed in any manner whatsoever, without first obtaining the approval of the Building Official in writing. Advance notice of no less than 24 hours is required for all inspections.</i> <i>I hereby certify that I have read and examined this application, know the same to be true and correct, and agree to the provisions herein.</i>			
Email		License Number					
Mechanical Contractor		Phone					
Business Address, City, Zip							
Email		License Number					
LAND USE REVIEW CHECKLIST				Signature of Contractor or Authorized Agent _____ Date _____ Signature of Owner (if owner) _____ Date _____			
Zone	Lot Area	Lot Frontage	Building Height				
Front Setback	Left Side Setback	Right Side Setback	Rear Setback				
Land Use Notes:							
_____ _____ _____ _____							
Land Use Coordinator Signature _____ Date _____				Payment of Fees \$ _____ ☐ Cash ☐ Check _____ Date _____			

**HUNTSVILLE TOWN
ORDINANCE 2020-4-23**

**LAND USE ADMINISTRATION AND ENFORCEMENT
PENALTIES UPDATE**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, ADOPTING UPDATES TO
TITLE 15.31.5 OF THE HUNTSVILLE TOWN CODE PRESCRIBING FINES AND
PENALTIES**

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**, The Town desires to update penalties for land use violations.
- C. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on May 28, 2020, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on May 28, 2020;
- D. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on June 4, 2020 and desires to act on this Ordinance;

ORDINANCE

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

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

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

15.31.5 Penalties

~~15.30.1.4 Penalties~~

The following penalties apply to any violation of the land use regulations of the Town as follows:

- A. **Civil Penalty.** In addition to all other remedies as authorized by law, including but not limited to removal, abatement, injunctive relief, revocation of any permit, or otherwise, any respective owner(s) of record on file in the office of the Weber County Recorder, violating or permitting the violation of any land use provision established by law may be fined up to \$750.00, per violation, per day, in addition to reasonable attorney's fees and costs incurred by the Town. The Town is also entitled to reimbursement of all costs relating to enforcement, including, but not limited to: removal, abatement, injunctive relief, or otherwise, including all court costs and attorney fees.
- B. **Criminal Penalties.** In addition to other remedies as authorized by law, any respective owner(s) of record on file in the office of the Weber County Recorder, violating or permitting the violation of the provisions of any land use provision established by law shall be guilty of a class C misdemeanor and punishable as provided by law, each day being a separate offense.

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.

PASSED AND ADOPTED by the Town Council on this 4th day of JUNE, 2020.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this 4th day of JUNE, 2020

15.31 LAND USE COMPLIANCE AND ENFORCEMENT⁵¹

- 15.31.1 Applicability
- 15.31.2 Compliance
- 15.31.3 Enforcement
- 15.31.4 Notice
- 15.31.5 Penalties

15.31.1 Applicability

Provisions of this Chapter shall apply to all land use regulations in the municipal code.

15.31.2 Compliance

Any land use permit granted shall comply with the approval granted by the Planning Commission, Town Council, other governing agency, and as follows:

- A. No permit or license is valid to the extent that it conflicts with any approval of the municipal code.
- B. Any Permit or license issued that is in violation of the municipal code is deemed null and void.
- C. The Building Inspector shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all regulations then in the effect.

15.31.3 Enforcement

The Town Council shall designate one or more enforcement officials to enforce the land use regulations of the Town. Enforcement of any land use regulation shall be in accordance with municipal code, as amended. The Town, including its officials, employees, contractors, agents, and volunteers—when acting in their official capacity—retain full governmental immunity and are not subject to the enforcement or penalties in the municipal code.

15.31.4 Notice

To commence an enforcement action under this section for land use violations, the Town shall adhere to the following provisions.

- A. Upon commencement of an enforcement action, the Town shall provide:
 - 1. Written notice, by regular mail or hand delivery, of each ordinance violation to the address of the respective owner of record on file in the office of the Weber County Recorder; and
 - 2. A schedule of civil and criminal penalties that may be imposed upon the expiration of the period of time required under 15.31.4.B.
- B. The Town shall allow no less than sixty (60) calendar days – from the date upon which written notice was served – to cure the noticed violations(s) prior to imposing any penalties. One 30 day extension may be granted on due cause.
- C. The expiration of the period of time required under 15.31.4.B shall constitute a final decision for any uncured violations for which written notice was served.
- D. Written notice under 15.31.4.A is considered served the date of mailing or hand delivery.

15.31.5 Penalties

The following penalties apply to any violation of the land use regulations of the Town as follows:

- A. Civil Penalty. In addition to other remedies as authorized by law, any respective owner(s) of record on file in the office of the Weber County Recorder, violating or permitting the violation of any land use provision

⁵¹ 15.31 Land Use Compliance and Enforcement adopted 11-1-2018.