

**MINUTES OF THE HUNTSVILLE TOWN  
PLANNING COMMISSION**

**MEETING DATE:** January 28<sup>th</sup>, 2010  
**PLACE:** Huntsville Town Hall, 7309 E. 200 S.  
**TIME:** 7:00 P.M.

<b>Present:</b>	Ron Gault	Jeff Holt	Doug Allen
	Sandy Hunter	Suzanne Ferre'	Rex Harris
	Gail Ahlstrom	Alan Clapperton	
<b>Citizens:</b>	Randy Hardy	Cole Robins	Tyson Walker
	David Storey	Eli Spurlick	Nathan Warnes
	Hyrum Hill		

Ron Gault, the Planning Commission Chairman, called the meeting to order. Ron recognized the new Planning Commission members, Doug Allen, Rex Harris, and himself, Ron Gault. Ron also welcomed the Boy Scout Troop 31 from Eden. Ron welcomes free open discussions and public input, but maintain an orderly meeting at the same time.

Approval of minutes for meeting held October 22<sup>nd</sup>, 2009:

Jeff made a motion to approve the minutes from the meeting held October 22<sup>nd</sup>. Sandy seconded. All votes aye. Minutes are approved.

Review of Commission Member's responsibilities: (See Attachment #1)

Ron mentioned that there are a lot of things in and around this town that are happening right now. The recession has helped slow some of the developments and this has given the town a window of opportunity. The River's development caused a lot of consternation for the town. Many of town residence would have been disappointed with what was being proposed. Ron commented that right now is the time for the P&Z to update the Town's General Plan, so the town can have a stronger input on what is going on around us in the future. This may mean more than one meeting a month. It will be to the Town's benefit to get some things accomplished quickly. The new Town Council is eager to work with the P&Z. Alan is currently serving on the Town Council and Suzanne, Ron, and Rex have also served on the Town Council in the past. Ron is dead set against anyone of the commission members making a decision for the planning commission. When speaking with the general public, please remember that you're speaking as a member of the P&Z, not as the commission. Any formal decisions will be made with a vote of the commission.

Ron went over the P&Z responsibilities. Ron stated that the commission is an advisory body to the town council. The commission is appointed and makes recommendations to the Town Council in a legislative role on writing the General Plan and Land Use Ordinances. The Town Council has no obligation to accept the P&Z recommendations.

When the P&Z reviews a building permit, the final administrative decision is made by the Town Council. Who has an appointed a Building Permit Official to act in their behalf. The Town Council is really the grantor of the permit. So when the P&Z reviews a building permit we look to make sure the permit meets the ordinances. An official ruling requires getting on the planning commission agenda. Sandy stated that its policy now that all building permits will come before the commission. Ron replied that this is true, and has been added to the ordinance. When summer comes and things get busy, there could be a few emergency meetings called to do building permit reviews. A quorum of three is needed to make a decision, for a majority vote. The alternate commission member can vote if anyone of the members of the commissioner is missing.

Ron went over the key areas in Town, Title 15: Land Use. The commissioners were given an updated copy of the Land Use Ordinance. Ron stated that he was the primary writer of the Town's General Plan 12 years ago, and at that time there were only 2 zones, Commercial and Residential. There are now 9 different zones and a sensitive land designation to match the county. If the town were to annex property it will give the town more flexibility for zoning of a property. The sensitive land designation could cover just a portion of property, essentially it overlays the zoning. The ordinance also covers noncompliant buildings/non-conforming uses. This would refer to buildings built a long time ago and they don't comply with current set-backs or building codes. There are a number of these buildings in town because there are a number of very old homes. Non-conforming uses are when a piece of ground is being used for a business or recreational use that wouldn't qualify under the new zoning. If you were to buy a non-conforming building, you could remodel the building, but you can't tear it down and start over and have the same non-conforming building.

There is also a section on home occupations. If you are in an R-1 zone there are issues as to whether a business is a home occupation or a commercial business being run in a residential zone. The town has landscaping, signage, and lighting standards which primarily apply to commercial buildings. There is also a section on subdivisions, the town has two classes of subdivisions, a small, two lots or less and large, three lots or more. The difference is that the large subdivision has a lot more regulations and requirements. If someone comes in asking for a permit and they comply with all the rules the town can't deny the permit. It's important for the commission to take the time to think it over and make sure the proposal is in compliance. Annex there is a long legal process that needs to be followed. There is a long legal process on annexation; this is also included in the Land Use Ordinance.

Ron continued to go over other relevant ordinances such as: nuisance, building codes, building/land use permits, trees, landscaping, culinary water, roads and right-of-ways, and excavation. Ron reported that Diane Nelson is now able to do building inspections. Doug Allen asked if residents are only required to get a building permit if they are adding footage to a home. Ron replied no. Any remodels or upgrades on safety related issues need to apply for a permit through the town, such as: gas lines, water heaters, furnace, and electrical.

Doug mentioned that there has been a lot of discussion about clearing the alleyways. One of the reasons for opening the alleyways would be for safety and use by the fire department. Doug commented that if safety issues are the basis for opening up the alleys then the town will have a responsibility to pave or gravel the alleys to hold the weight of a fire truck. The Fire Department doesn't take the big trucks off the pavement, unless it's an approved gravel road that will hold 60,000 lbs. Rex responded that the alleyways are for public use and are owned by the town. Ron asked Doug to look into the requirements the fire department has for roads. Ron stated that culinary water will be a big issue for the town if there is any annexation done, by law the town has to provide water if they annex property. The secondary water is dealt with by the Huntsville Waterworks Corp., which is a separate entity. There are requirements for excavation, which are in the ordinance. The state has requirements for demolition but the town doesn't currently have an ordinance to address this.

Ron went over the proposed tasks for the commission for the 2010 year. The P&Z will review every building permit, finish and update the general plan, and participate in work sessions with the Town Council and Ogden Valley Planning Commission. The Town needs to improve communication with the county. There are major issues coming up that will have a lot of impact on the Town: annexation, rezoning, sewer district, and the Valley School property. The Ogden Valley Commission doesn't have any legal authority but make recommendations to the county. Ron expressed his personal opinion on annexation, at first he thought it was too big of an issue and he wanted Huntsville to stay like it is forever. As he watched the proposed developments of Bison Creek, and The Rivers and realizing that these developments will have a major impact on the town and the town has nothing to say about what is going on. It would be nice for the Town to have some say over the land surrounding the town. Doug commented that he heard that The River's development is involved with a land trust. Doug also stated that he heard the Bison creek development has been sold and they are bankrupt. Doug asked if the town have a right to build ordinance. If you own ten acres you have the right to build as long as one of the acres is buildable. Jeff remarked that the town's interest should be around us. We should look at the property around the town and be more pro-active so we are not surprised. Ron suggested getting an official up to date zoning map from the county.

To summarize, Ron said he is more interested in annexation now than he was, the town should at least consider it. The town might want to initiate some conversation with property owners about annexation. The town's bargaining chip is that we have culinary water. Alan reported that the Town Council took a tour of the culinary water plant last week. It is functioning at 20% capacity. There is major updating work that needs to be done there. The infrastructure costs are exceeding the town's budget. Ron stated that the county doesn't have a sensitive land zone. Doug commented that if people don't flood irrigate there are a number of wells that run dry. Doug was told by someone at Weber Basin that if you don't use your water rights within two years, you may lose your water rights.

Ron continued to explain that he would like to build a data base on town properties that have had ordinance violations, boundary issues, etc. There are buildings on town property, it's not fair for these homes to be sold and the buyers don't know what they are getting into. Jeff asked if the town has ever recorded property violations with the county. Jeff would like to see the town and the county work together on this.

Suzanne stated that she felt the same way as Ron did about annexation and has since changed her mind as well. Alan mentioned that the Town has contracted with the Division of Water Quality, the County, and Sunrise Engineering to do a waste water feasibility study. The town has been given a non-repayable grant for \$33,500. The county's portion of the grant was \$100,000. In the future, whichever entity takes out the loan to finance the waste water plant would take over the responsibility to pay back the grant. Alan stated that Rex did a commendable job with the negotiations on behalf of the town. Doug commented that the more information you have the better decision you can make. This feasibility study will be about a six month project.

Ron asked if anyone else had anything they would like the commission to undertake. Ron would like to assign individuals to be the expert on certain issues. Alan stated that he is over Ordinance violations. Doug has building background, Sandy has worked on the trees, Jeff has good liaison relations with the state and county, Rex has engineering, sewer and streets, Suzanne has been working on the data base and size of homes, and Ron will continue with the ordinances. Doug asked Alan if the Ogden Valley Planning Commissioners enforced requirements on the construction of the new Huntsville Fire Station and the landscaping. Alan answered yes. Doug asked if the town's planning commission has the authority to dictate how people construct their roofs and buildings. Ron stated that only if the commission plans ahead. The town can control signage, lighting, and roof load.

#### Work session scheduling:

Ron would like to set up a work session with the town council to review the Town's General Plan. There is a big piece of property right in the middle of the town and the town needs to have plans on what to do with this property. The next commission meeting will be held on Feb. 25 @ 7:00 where the commission will review the General Plan.

#### Update and discussion on the old valley school property. (Jeff Holt)

Jeff reported that the old Valley Elementary School is going to be demolished by April 1<sup>st</sup>. Jeff, Jim Truett, and Richard Sorensen have been meeting with the School District over the past few months to come to some type of agreement. In all the discussions the town had with the school district it was understood that no matter what they do with the land, the school board would have to tear the building down. Through this long process the school district finally said they don't want to sale the property and brought up the idea of doing a land swap. After some research, they found that the town has 12 acres of property by the landfill, south of the river that the town wasn't aware was even there. Jeff, Jim and Richard went to work and went through a process to get access into the property, the monastery agreed to give the town two acres of their ground as access to the property in trade for one of the three, three acre building lots. That would leave two, three acre lots to trade to the school board.

The district requested an engineer's report on the school, and on the proposed land for swap. They also did a title report on the school. There was an issue about the alley on the school block and who owned it. Apparently, the alley was given to the school district in the 1960's but wasn't properly conveyed. The town attorney determined that the exchange didn't get handled properly. After the title search they found that this did go to court, there was a lawsuit, and the alleyway is owned by the school district. There is no evidence that the school district ever paid for the alley. Jeff continued to say that the counties flood maps showed half of the lots were in a flood plain. But when the engineers report came back it used the FEMA map which shows almost all of the lots are in the flood plain. After seeing this the school board said they weren't interested in pursuing the land swap. The town will continue working on ideas on how to get the school property, we have time. The town put together a Re-Use Committee who discussed different ideas on what could be done with the old school building or part of it. The committee didn't come to a consensus on what to do with the existing building. This is a six acre piece of ground. Sandy mentioned that one of the ideas was to expand the town's park. Rex asked what the school districts plans are for maintaining the property until it is sold or developed. Jeff answered that they plan to put it into grass. Doug asked where they are going to get their secondary water; they do not own enough water to irrigate the whole property. Suzanne asked if it would be smart to change the zoning on this property, it is currently zoned as R-1. The mayor wrote a letter to the school board stating that we are sorry the negotiations didn't work out, but the town would like the alley back, etc. Jeff, Richard, and Jim are going to continue to work on this matter and hopefully can come up with something positive for the town.

Suzanne made a motion to adjourn. Sandy seconded. All votes aye.

**Meeting adjourned at 9:00 P.M.**

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Gail Ahlstrom, Clerk/Recorder

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Ron Gault, Chairman

