

WORK SESSION – November 16, 2021
Town Council – Planning Commission Possible Annexation and Sage Development

Attending: Artie Powell, Shannon Smith, Beckki Endicott, Sandy Hunter, Allen Endicott, Liz Poulter, Steve Songer, Doug Allen, Max Ferre', Kevin Anderson, Mayor Truett, Todd Meyers

Attending on Zoom: Attorney Bill Morris, Jared Anderson – Town Engineer, TCM Wendy McKay and TCM Richard Sorensen

Mayor Truett called the meeting to order. He stated that the Planning Commission and Town Council are meeting to address some of the questions the PC had during their Preliminary Plat Meeting with Sage Development. The following are questions that were asked by the PC members during and after the denial of the preliminary plat and distributed at the work session.

Question #1: Flag Lots, they are in the annexation agreement. Age is in a A-3 zone and per the Town Code there is a frontage requirement. Can the Town allow flag lots in the annexation agreement if it goes against Town code? If we do proceed with allowing flag lots in the annexation agreement does this set a precedent for flag lots in Town?

Todd Meyers, project manager for Sage stated up to 4 flag lots are allowed for this subdivision under the annexation agreement. Todd stated the 130 feet of frontage would be measured after the flag lot.

Attorney Morris stated the flag lots were now a part of the ordinance and is now law because it was a part of the Annexation Ordinance.

PC Chairman Doug Allen asked about fire hydrants because the roads to the homes were about 500 feet. Todd Meyer stated the Weber Fire District would dictate to them where the fire hydrants would be needed. They will know more when they go through the review process between the Preliminary and Final Plat.

PCM Sandy Hunter states that in our ordinance it states that we have to have 130 feet of frontage. She is wondering, for the future, if Huntsville Town needs an ordinance that addresses flag lots. Attorney Morris stated that this agreement should not set precedent because it applies only to this Annexation Agreement. Attorney Morris advised the PC to address flag lots in the Huntsville Town Code.

Question #2: Do we need to set up a development agreement? What are key things to include in this agreement?

Todd Meyers stated CW Lands was asked by Huntsville Town to actually go through two separate agreements. The first is the annexation agreement. The second agreement will be the development agreement. The reason why the Town asked them for two agreements is because of the size of the development and as time goes on there will be things the Town will need to address after the annexation agreement has already been approved. For example, the entrance to the subdivision will need maintenance and hasn't been fully drawn. The Town will want CW Lands to make provisions for maintenance of that entrance.

TC Kevin Anderson commented that he would like to know the reasons for a development agreement. He stated there is an annexation agreement for density. He does not want to a development agreement that would do away with any other planning requirements.

Attorney Morris stated that there are outstanding areas that haven't been addressed in the annexation agreement. For example, whether the road is public or private. Gates, trails, and subdivision improvement language need to be put in the development agreement. Jared Anderson also commented that the Town Code does not address all of areas of interest and needs with a subdivision of this size.

TC Kevin Anderson stated he believes all issues cited are important but doesn't want to see any other code requirements modified and watered down.

Todd Meyers commented that CW Lands has studied the Town Code. They wanted to make sure that whatever exceptions to the code would be brought up prior to the annexation agreement so that they could work out the differences with the Town.

Question #3: The Army Corps approval, we need a little more insight on this. In the Town code this is not stated as a requirement for the Preliminary Plan. Can the PC request it now based on the wet land issue they are concerned about?

Todd Meyers stated the Army Corps were last on site in September. There are two issues being addressed by the Army Corps. The first was the wetlands. They did require additional testing. There was an additional area that was added to the wetlands. As soon as CW Lands received that report, it was forwarded to Jared Anderson for his review. It effects lot #2 on the east side and may go into lot #3. The lots are still buildable lots. As far as wetlands go, CW Lands is farther along than is usual in the plating process. It was submitted to the Army Corps of Engineers in May or June, and they have been studying the wetlands ever since that time. Jared Anderson has also been in touch with the Army Corps recently. Todd Meyers stated the number of lots, 21, will not be reduced even after the additional wetlands area has been added.

PCM Liz Poulter asked Todd about how much area of the wetlands they are disturbing. Todd Meyers replied that the areas that are being disturbed are the stream crossings. Even then, some of the stream crossings are up on columns.

TCM Kevin Anderson asked about the middle lots that look like they are enveloped by wetlands. Todd responded that the lots are approximately 5 acres and still have reasonable building space on the lot.

Todd Meyers also wanted to comment on the stream alteration permit. He stated the permit for stream alteration was filed for and received. Huntsville Town has a copy of that permit.

PC Chair Doug Allen stated landowners surrounding this development have received letters from UDOT regarding the upcoming roundabout. He is concerned about the wetlands that will have to be exchanged for land that they will be disturbing. He believes that this will affect the number of lots. Jared stated he was at a brief meeting with UDOT regarding the upcoming roundabout. They are currently working on the environmental assessment. He has preliminary drawings of the roundabout and will forward those to the Town Council. Jared also confirmed that in the occurrence of wetlands delineation it is a 2 for 1. For every tenth of an acre that is disturbed, you will need to pay for double the area that you disturbed for mitigation. Jared stated this is very preliminary and UDOT is going through the notification process. Jared stated the construction of the roundabout is estimated to begin in the Fall of 2022 and will end in the Fall of 2023. Todd stated UDOT has all of the plans for the Sage Development.

Question #4: Is there any requirement for CW Lands to submit the CC&R's? If so when or can the Town request them? Todd Meyers explained that CW Lands will submit CC&R's with the Final Plat. Todd stated that the Town will not have any enforcement with regards to the CC&R's but understands that there will be issues delineated in the CC&R's that will be of interest to the Town. The street will be built to the Town Standards, but will be maintained by the home owners association. PCM Allen Endicott asked if the street would be dedicated to the Town and who would own the street. PCM Sandy Hunter commented that our ordinances are based around the Town owning the street. The question becomes, can we still control frontage if we don't own the street. Attorney Morris stated the ownership can still be retained by the Town. However, the development has volunteered to pay for the road.

Todd addressed Sandy's concern. He stated that on plat where there is a private road, the owners property lines would come to the middle of the road. However, on the Sage Development's plat the property lines have only come up to the road. Through the development agreement Sage will dedicate the street to the Town but require the HOA to maintain the road.

Artie Powell wanted to know how the water system would be maintained. Would it be like the road? Todd stated the development would design and pay for the connection and installation of the water system. Through the annexation agreement, they have agreed to pay the connection fees. There will be a period of one year and then the Town will accept the development. The culinary system will be the responsibility of the Town after the year period.

PCM Allen Endicott asked about having an easement on the property and Todd Meyer confirmed there would be easements on all the lots.

Question #5: Water rights also came up. There is documentation showing they have secured 32 shares of irrigation water. There were questions if this was sufficient. Working on the water side of things, in Town all residents are required to have 2 irrigation shares. And they have the option to purchase more. Also, the lots in Sage are larger than most lots in town.

Todd Meyers stated they have been working with Huntsville Irrigation on the secondary water rights. Todd pointed out the different connections on the proposed plat. Since CW is in their district, they are working through Huntsville Irrigation. They have 32 shares that were transferred to the irrigation company, but CW Lands has additional shares in Spring Creek. Rex Mumford is working with CW Lands to work on converting these Spring Creek shares to the Huntsville Irrigation Company.

Doug Allen explained that Huntsville Waterworks, which is the secondary water district for most of Huntsville Town. Sage Development will have shares in the Huntsville Irrigation. The Town will not have a say in the management of shares. The residents of Huntsville Town are required to have two shares in Huntsville Waterworks for every .75-acre lot. With the new annexed area, these requirements don't apply to the Huntsville Irrigation Company and the lot size is different.

Attorney Morris suggested that in the development agreement the water shares can be transferred to Huntsville Town to hold in a trust. He explained the shares are paid for and run by the HOA, but the Town would hold those shares. Attorney Morris explained that per the State Code, once the municipality holds those shares, the shares can never be sold.

PCM Allen Endicott asked about how the development agreement is written. Who writes it and what is the process? Beckki explained that as soon as the annexation was sent to the Lt. Governor's office Attorney Morris, and Todd initiated a conversation with CW Lands attorney. Attorney Morris commented that he sent the CW Lands attorney an outline of what he likes to see in development

agreements, and they will negotiate the drafts from that point. Mayor Truett asked if there would be opportunity for feedback from the Planning Commission or Town Council. The Town ordinance doesn't mention any requirements for development agreements. Beckki asked if the agreement would come to the Town Council in Ordinance form. Attorney Morris responded that it would not come to the Town Council in Ordinance form. The subdivision will be adopted through administrative approval, but the development agreement doesn't have a place within Huntsville Code. Attorney Morris stated that HB 60 was passed in 2006 and addressed subdivision development agreements. TCM Kevin Anderson asked that the development agreement be submitted with the final plat.

TCM Kevin Anderson wanted to thank the Planning Commission for addressing their comments in the letter to the Town Council. He wanted to hear more about why the denial for incomplete information at the Preliminary Plat approval vote.

Chairman Allen responded that they received many documents with the petition for preliminary subdivision a week before the meeting and the review/report from our Town Engineer just four days prior to the meeting. CW Lands was missing a few items as noted in his review. Chairman Allen stated they wanted CW Lands to come back to a Planning Commission Meeting in the future with more completed engineering requirements. PCM Steve Songer stated the PC wanted more information from UDOT and the Army Corps of Engineers prior to the meeting.

Mayor Truett asked if the Army Corps of Engineers needed to issue an approval prior to the subdivision plat being submitted for preliminary approval. Town Engineer, Jared Andersen, explained that the Huntsville Town Code does not state that it needs Army Corps of Engineers approval for preliminary approval. It states that the Army Corps of Engineers approval is needed for final plat. He also wanted everyone to be clear about how this process works. CW Lands hired a firm that would do a study to delineate the wetlands. The study is then submitted to the Army Corps of Engineers for approval. Part of that study includes the amount of wetlands that the development company is disturbing. Once that review is completed the Army Corps comes back and says, yes or no, the developer did this correctly. Jared is surprised that the Army Corps came back to add additional wetlands to the delineation; however, they have the right to do this. This addition of wetlands is unusual.

Jared also wanted to speak to the process of the review. He stated this was his first engineering review for Huntsville Town. He asked Todd for all the information that he could get. He did the review on the information received. As soon as Jared submitted his findings, CW Lands and Todd Meyers forwarded additional documents to meet the requirements in the review. These documents meet most of the requirements that Jared has outlined. To his knowledge, CW Lands has currently met all of the requirements with the exception of the letter of feasibility from Weber Morgan Health Department.

Mayor Truett and Jared Anderson met with the Weber Morgan Health Department to review the documents for this development. Huntsville Town's definition of a feasibility letter state that we need "recommendations" for septic systems from the Weber Morgan Health Department. This is preliminary plat only. The Weber Morgan Health Department's definition of feasibility follows the State guidelines and are more stringent. The WMHD are going to monitor wells on the Sage Development property. Jared Anderson explained that he would recommend preliminary approval for Sage because they are working directly with the WMHD on a standard of septic that will be ready for final plat.

PCM Allen Endicott addressed TCM Kevin Anderson stating that he did not attend the meeting where this vote was taken; however, it is his understanding that the Planning Commission didn't understand that they could have tabled this action. If they would have tabled the action, Sage would have had to

come back to the Planning Commission with completed documents. PCM Liz Poulter felt she didn't have enough time to review the documents and didn't fully understand the process of preliminary and final plat.

Beckki showed the preliminary sketches from UDOT at the roundabout. She received these during the meeting from Jared Anderson. The roundabout covers an area of land for Sage that is not covered in wetlands.

Todd Meyers left the meeting.

Mayor Truett stated he invited Randy Day, who owns the 50 acres south of Huntsville Town known for grazing cows, to present his development concept to the Town Council and Planning Commission. The land is in a flood plain. Randy Day's concept is to put 50 homes on the properties. He wanted to provide affordable housing.

Mayor Truett recalled he had talked to Rick Grover, head of the planning department for Weber County. Rick advised Mayor Truett to get with Randy Day to get up to speed on the proposed project. Weber County has expressed an interest in trying to install a sewer system in Huntsville Town. Mayor Truett wants to support septic because of the costs.

Mayor Truett met with Summer Day and Brian Cowen from Weber Morgan Health Department to talk about mandating nitrate reducing septic. Brian Cowen stated those systems were twice the cost at about \$20,000. These systems also need to be serviced twice a year which is more additional cost. Gage Froerer, County Commissioner, was at the meeting and stated that he was going to push sewer systems for the valley. Mayor Truett expressed his concerns over a sewer system on the Randy Day land because of the flood plain. He doesn't believe that this would be a good place for a sewer system.

Randy Day has promised Weber County that he will provide a sewer system in exchange for additional units or density allowed on his property.

Huntsville Town put the Randy Day property into our Annexation Policy years ago. Because the land is in our Annexation Policy Plan, Weber County is compelled to refer Randy Day to Huntsville Town for possible annexation. Randy Day does not want to annex with Huntsville Town because he is being promised additional density from Weber County. Randy Day has requested a letter from Huntsville Town stating that they are not interested in annexing. This action would allow Randy Day to start working with Weber County on his development.

Commissioner Gage Froerer advised Mayor Truett not to send Randy Day a letter. Commissioner Froerer stated a developer wanted to build 850 homes in the unincorporated area between Plain City and Farr West. Neither city wanted to annex such large developments. Weber County approved the development for 775 homes. Now Plain City and Farr West are fighting each other in trying to annex the property. Mayor Truett stated that if we don't annex, we won't have control over the development. Mayor Truett stated that per Rick Grover, Huntsville can not force Randy Day to annex with the Town.

Mayor Truett stated the density of the project would be 110 homes on 50 acres of land. Randy Day stated he didn't need Huntsville water.

There are many concerns about annexation of this piece of land. The items that were discussed are:

- 1) Access – there are very few access points along this land and the perception is that a turn off from highway 39 would be dangerous. The other concern with access is that there would be requests to access the development through Huntsville Town. This would cause increase traffic and road use.
- 2) The land is in a flood plain. It is under water every spring/summer. The Forest Service has decommissioned their campground because of the flooding. Mayor Truett made this point with Gage Froerer and Rick Grover, and they responded that you can build anything with money. The PC and TC members are concerned about liability.

TCM Kevin Anderson commented that a flood plain is the worst place to put a sewer system. In addition, it is located on the boarder of Pineview. He believes the government would have a very hard time getting an environmental assessment that would allow them to do that. The political solution is to hire a lobbyist to lead a campaign to take this to the legislature and the press. TCM Kevin Anderson suggested talking to Spencer Stokes regarding the situation.

TCM Sandy Hunter suggested going to the federal agencies regarding the environmental impact. Mayor Truett offered to talk to Representative Blake Moore regarding this development and placing the sewer system next to the reservoir.

Mayor Truett received a voicemail from Randy Day on November 8th and hasn't responded to him yet. He will call Randy Day and Blake Moore.

TCM Wendy McKay motioned to adjourn the work session and open the 2022 municipal canvass. TCM Max Ferre' seconded the motion. All votes Aye.

Meeting is adjourned at 7:47 p.m.


Beckki Endicott, Clerk