

WORK SESSION – Thursday, July 21, 2022, 6:00 p.m.

Minutes of the Huntsville Town Council work session held at the Ogden Valley Library at 131 South 7400 East, Huntsville, Utah at 6:00 p.m. The work session was held to discuss the proposed Bill & Michaelene Wangsgard subdivision. The subdivision was recommended by the Planning Commission but tabled by the Town Council in a previous meeting.

Attending: Bill and Michaelene Wangsgard, Beckki Endicott – Clerk, Mayor Richard Sorensen, TCM Artie Powell, TCM Sandy Hunter, TCM Kevin Anderson, TCM Bruce Ahlstrom

Mayor Sorensen welcomed those in attendance and then turned the time over to Michaelene Wangsgard for a presentation on why they should be able to subdivide their property. She referred to minutes for a PC meeting dated June 25, 2009, pages 3 & 4. In the minutes Jeff Holt is question the Planning Commission chair about building on a right of way that had not been accepted by the Town (**See Attachment #1 & 2**)

Michaelene stated that 15.6.5 states “Every dwelling shall be located and maintained on a “lot” as defined in this ordinance; such lot shall have the required frontage on a public street or on a right-of-way which has been approved by Huntsville Town.” In 1990 the Town approved their right-of-way in order for them to build their home. She stated they could not have built their home without the right-of-way.

On September 13, 1990, Jim Hasenyager wrote a letter to the Town Council stating that the Wangsgard’s be issued a building permit as soon as possible. The letter also states that Mr. Wangsgard has agreed to deed to the town a 45 ft. right of way running along the south edge of the property from 6800 E. to the end if the town decides to put a street at that location.

In 2004 Michaelene Wangsgard met with Rex Harris about the process of deeding the right of way to the town. Rex wrote two very supportive letters to the Town Council, and they put the issue on the agenda. The night of the meeting, the item was taken off the agenda for personal reasons. The Wangsgard’s were upset because their neighbors had been allowed to subdivide on the road but Bill and Michaelene were being prevented from taking the same action. In addition, Bill and Michaelene were allowing the neighbors access on the right of way they owned.

Michaelene went on to say that their family has a valuable building lot. They would like one of their children to build on this family land. Their land is now in a trust. Their son, Joshua Wangsgard would have to be the one who deeds the right of way over to the town. The right of way is valued at \$9.00 per square feet. The total right of way the trust holds is valued at \$157,000. They believe they could work with their trust to deed over the land to the town, but they would need a guarantee that the right of way would be recognized

an approved frontage for their building lot. Michaelene stated they have been working on this project for a long time. If neighbors were able to use their right of way for approved frontage for a road, then Michealene believes that they should have the right to have that approved frontage as well.

Michaelene stated that she didn't want to hurt the Town and she does not want to have bad feelings with the neighbors. She feels that this would be a win-win for everyone involved. Her family would be able to build on a conforming lot which would be family property. The Town would be able to loop the roads and the water system.

She wanted to close her presentation by reminding the Town Council that years ago her father-in-law, Harold Wangsgard, annexed his entire piece of property into the Town of Huntsville because he wanted the Town to profit from his property taxes that their family has paid for many years. Michaelene asked the Town Council to help make this right of way a public right of way and a legal building lot for their family.

TCM Sandy Hunter motioned to adjourn the meeting. TCM Bruce Ahlstrom seconded the motion. All votes Aye. Motion passed.

Meeting adjourned at 8:19 p.m.

A handwritten signature in cursive script, reading "Beckki Endicott", written over a horizontal line.

Beckki Endicott, Huntsville Town Clerk

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

OK

MEETING DATE: July 30th, 2015
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

Commissioners:	Ron Gault Karen Klein	Sandy Hunter Brent Ahlstrom	
Admin. Staff:	Gail Ahlstrom	Mike Engstrom	
Excused:	Bill White	Rex Harris	
Citizens:	Bill Wangsgard Jeff Holt	Michaeline Wangsgård	Larel Parkinson

Ron Gault called the meeting to order there is a quorum present.

Discussion on Jeff Holt's request for a Land Use Permit and Lot Line Adjustment:

(See Attachments #1) Jeff Holt passed out a packet to the Commissioners. Jeff stated that he made this presentation at the last PC meeting, but didn't get the Land Use Permit that he needs. The plat is at the County Surveyor for the redline review. This plat shows all the up to date changes. The shed will be built along the west property line about $\frac{3}{4}$ of the way back along the length of the lot. This will be a temporary shed; it will be a steel building. It is basically a 30' X 40' garage to store their stuff in while they build their new home. Brent asked where the new home will be, Jeff replied that they haven't finalized that yet. The lot is 135' wide by 322' long. Ron asked about the dotted blue lines. Jeff stated that this is the dedicated turn around circle. Jeff is going to dedicate the rest of the road, to the end of the Wangsgard's property. The turn circle will need to be moved into the Lot 3, so he can access his lot. The turn circle has road base on it already. It's bigger than other turn arounds in Town. The Fire Code is a 50' radius or a 100' circle. Sandy clarified that the shed will be set off the property line 10 feet. Jeff replied yes. Sandy asked about the red lines. Jeff remarked that the original survey lines were all messed up and when the entire neighborhood was resurveyed, they ended up changing the lot lines on some of the properties. By then, the Mau's barn had already been built across the line. Marilyn Keyes had to deed them a small wedge of property. When Jeff purchased the property he combined it all into one piece. The other property owner didn't combine theirs and when the property went into receivership Jeff was able to purchase the excess property. Later, Jeff had a discussion with Wells Fargo and exchanged property on the north for property on the east, moving the property lines from the red line to the blue line, creating a larger width for Jeff. Brent asked about Lot 3. It is .95 acres. Jeff is here tonight to ask for a Land Use Permit for the shed.

Ron made a motion to approve the Land Use Permit, with the stipulation that it is based upon W.C.'s approval of Ticklehook's Subdivision 2nd amendment. Brent seconded. All votes aye. Motion passed.

<i>Vote:</i>	Ron Gault	<u>Yea</u>	Karen Klein	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Bill White	<u>Excused</u>	Rex Harris	<u>Excused</u>	Brent Ahlstrom	<u>Yea</u>

Discussion on storage container on Zeleznik property: (Approx. 200 N. 6750 E.) (See Attachment #2) Ron informed the Commissioner's that Nathan Zeleznick called him and want to put a storage container on his lot. This would be considered an accessory building and there are some conditions in the ordinances. Ron told him the structure would need to meet setback requirements. He is not at the meeting tonight. Gail stated that there is a barn built in the alley on that block. The Zeleznik's will need to be careful where they place the container. Ron's concern is that he doesn't want to see a permanent structure built there without them going through the proper procedures. Ron stressed that he did not tell them they could build a permanent structure, or that anything the Zeleznik's wanted to do was approved, only that there were setback requirements.

from

PC Minutes 7/30/15

Review of Bill Wangsgard's request to re-plat his property: (Approx. 400 N. 6800 E.)

(See Attachment #3) Ron reported that Bill Wangsgard came over to his home this past week. His son would like to build a home in the future. Bill said this property was his father's and he sold two acres to Bill and the other two acres to his sister Barbara Cox. Back then, at that end of Town, that property was the only parcel that had been annexed into Town. When they raised the lake in 1958 they took 100 feet of the Wangsgard property behind their home. So, there wasn't really room to have four building lots and a road. Bill spoke with the TC and PC back then, and was told that as long as there was a permanent access with a deeded 25' right of way, for a driveway, and utilities they could build their home. Bill said that was no problem, the width of the current right of way is 45'. So that's what Bill did at that time. They have been hoping that at least one of their kids would want to build on the other lot. In 2008, Bill consolidated the two lots into one lot to ease the cost of property taxes. Now, one of their sons is interested in building a home here. The west lot is .88 and the east lot is .95 acres. Bill just wanting to discuss this with the PC so any issues can be addressed. Ron had suggested that Bill extend the right of way to the east end of the Wangsgard's property so it could connect with 6900 E. Bill stated he didn't think that would be an issue. Ron said the issue is that the current R-1 zoning says you need 130 feet of street frontage. This right of way is not a street, it is a private road, but it is use by three residences. The Wangsgard's will need to subdivide the property again. Gail asked if their garage was on the west property line. Bill replied no, their lot is 191 feet wide and is 1.83 acres.

The utilities are in the right of way. Bill said the secondary water line comes down the opposite side of the driveway. Ron asked when the agreements were made with the Town. Bill replied that in 1991 a variance was given for the Wangsgard's to build their home. Ron asked Bill to summarize again what the gist of the agreement was. Bill explained that the Forest Service took so much of their property that the Town allowed them to have a 45' wide driveway, the utilities run down the right of way. They made sure their lot complied with the ordinances. Michaeline stated that between their house and the garage, there is an asphalted driveway for fire, snow, and ambulance trucks to turn around on. Gail asked if the Town plows this road. Michaeline replied that they do sometimes; they use their driveway to turn around.

Brent asked who owns the easement property. Bill said he does. When Preston Cox built his home, he had to provide a written statement from the Wangsgard stated that they could have perpetual access to the right of way to their property. This document will stay with the Cox's property. Ron commented that this could be considered a flag lot since the pavement ends and there is no road. The Town has disallowed flag lots in the past. But precedence was set some time ago, and permission was given for access to these properties. There is no street frontage for any of the four lots. Karen said they will need to deed part of the right of way to their son, like they did for the Cox's. Karen asked if there were two lots there when they built their home. Bill replied yes. Karen remarked that if you can combine two lots you should be able to subdivide them. Sandy said the difference she sees is if someone comes in with two lots and its private property and they want access to it. That's like brand new and they would have to deed the road over to the Town and put in a road. This situation is that the right of way was already there and it is on the County maps that way. Ron asked if the Commissioners thought it would be cleaner if the Town asked the Wangsgard's to deed the right of way over to the Town and make it a Town road. Sandy replied yes. Michaeline asked where the road will go. It is a dead end. The Town would have to claim part of Jack Cox's and Preston Cox's land to make the road wide enough. Sandy stated that they would also have to deed enough space for a turn around.

Ron thought the right of way could be considered an alley. Alleys could be 33 feet wide; the ordinance allows you to use an alley as frontage, however, the Town isn't encouraging this. There are some people in town using an alley for their driveway. Bill asked if they can just leave the right of way as it is. Brent stated that deeding over the 33' would meet the ordinance. Sandy said, without doing that the Wangsgard's will have to seek a variance. Sandy asked why they wouldn't want to deed it over to the Town as an alley. Michaeline' commented that she is concerned about turning the 33' over to the Town; because once the Town owns the right of way they can turn it into a road. No one knows what will happen to it if the Town takes ownership. Karen asked if there is something in the ordinances that state only so many homes can be on a private road. Ron replied no. The ordinance says frontage has to be on a street or an alley. The key issue here is that this was allowed at some point, so it would make this situation grandfathered. If this was one piece of land and the owners came in today, the PC would have to tell them it doesn't meet the ordinances. Bill was able to get a building permit at one time, and the excess property was considered a separate lot, plus there is a deeded right of way. Precedence was set and it was approved. The PC could approve the residential lot based on the designated right of way to access the lot. Michaeline questioned what if their son doesn't build for another 10 years? Ron said it would be best to get this subdivision approved now because they know what they are dealing with. Ten years from now there will be a new Town Council and a new Planning Commission. The PC can record that they have reviewed this property and agree that it is a buildable lot. Gail stated that a new commission is not bound by a past commission's decision. She asked if a Memorandum of Understanding would be more binding. Ron remarked that it probably would be but the PC has never done one before. **Ron made a motion that the PC has reviewed the plat map for Bill Wangsgard's property and that the PC agrees that the proposed subdivision would allow for a new buildable lot on his property, based on the fact that it had been considered a buildable lot in the past.** Brent seconded. All votes aye. Motion passed.

Vote:	Ron Gault	<u>Yea</u>	Karen Klein	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Bill White	<u>Excused</u>	Rex Harris	<u>Excused</u>	Brent Ahlstrom	<u>Yea</u>

Ron made a motion that he will prepare a letter outlining the conditions previously discussed for the Wangsgard's records. Sandy seconded. All votes aye. Motion passed.

<i>Vote:</i>	Ron Gault	<u>Yea</u>	Karen Klein	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Bill White	<u>Excused</u>	Rex Harris	<u>Excused</u>	Brent Ahlstrom	<u>Yea</u>

Review of Larel Parkinson's request to re-plat his property: (Approx. 200 N. 6677 E.)
(See Attachment #4) Larel said when they originally subdivided his property years ago, the original subdivision of his property was two lots, there was a one acre lot on the East side, and then all the rest of the property was another lot. When Larel built his house he switched the subdivision so that his home was on a one acre lot on the West side of the property. Larel would like to flip the subdivision back to its original location with the one acre lot in the East corner and his home will be on the remaining property. Larel said he spoke with Jack Cox back in 2002 and Jack signed the Mylar Larel had prepared. Larel didn't follow through with this subdivision at that time. Larel would like to make that switch now and asked the PC for their approval. Ron stated that there is no ordinance that would prevent Larel from re-platting his property as long as the subdivision meets the Town setback requirements. The existing home needs to be on a conforming lot. Gail said the biggest question as far as paperwork goes is to check with the County surveyors to make sure the Mylar would still be valid, the date on it is 1997, and it has Jack Cox's signature. Larel will contact the County to make sure they will accept the Mylar. Gail recommended that Ron fill out a Lot Line Adjustment form for Larel to take to the County as well.

Review of draft Noise Ordinance: (See Attachment #5)
The Commissioners reviewed the proposed Noise Ordinance and suggested minor changes to the verbiage. Ron will make the changes and format the draft ordinance to match all the other ordinances. **Ron made a motion to submit the revised Noise Ordinance to the Town Council for their review.** Karen seconded. All votes aye. Motion passed.

<i>Vote:</i>	Ron Gault	<u>Yea</u>	Karen Klein	<u>Yea</u>	Sandy Hunter	<u>Yea</u>
	Bill White	<u>Excused</u>	Rex Harris	<u>Excused</u>	Brent Ahlstrom	<u>Yea</u>

Review of Kerry Wangsgard's annexation request: (Hwy 39 and 700 S.) (See Attachment #6)
Ron reported that he contracted Kerry Wangsgard's about annexation of his property along Hwy 39. Kerry said he is interested and wants to add another row of storage units on his property. Ron told Kerry that the process is that he needs to annex his property first. Then Kerry would need to apply for a building permit in order to do that. Currently the Town's zoning doesn't allow for storage sheds. If the Council decided to annex his property the storage sheds he already has would be grandfathered. If Kerry wants to add more he would have to ask for a variance. Karen said she agrees with Bill white in that there would be no advantage to annexing this property. Ron hasn't heard back from Kerry since he shared this information with him. Gail said if his reason for requesting is a financial one, his request will be turned down; you can't get a variance for financial reasons. The County is forcing Kerry to add a privacy wall if another row of storage units is added. Sandy said she would be ok with the annexation but not with the addition of new storage units. Ron asked if the Town would allow other uses on property outside of Town that we wouldn't allow inside of Town. If the Town annexes property, this will need to be addressed in the future.

Sandy suggested zoning what the Town has right now as historical and this would have its own restrictions, and the outer rings of potential annexed property would have different zones and requirements.

Review FEMA Flood Damage Prevention Ordinance:

This item was tabled.

Approval of minutes for PC meeting held June 25th, 2015:

Karen made a motion to approve the minutes for the PC meeting held June 25th, 2015, as prepared. Sandy seconded. All votes aye. Motion passed. Minutes were approved.

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

Meeting adjourned at 8:50 P.M.

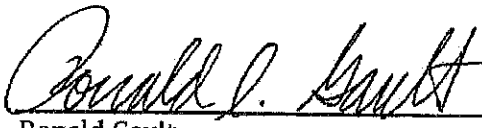
Gail Ahlstrom, Clerk/Recorder

Ron Gault, Chairman

Memorandum for the Record

1. On July 30, 2015 the Huntsville Planning Commission reviewed the plats of their property with William and Michaeline Wangsgard (parcels 200100022 and 200100041).
2. William Wangsgard explained that in the pre-1970's his father Harold W. Wangsgard annexed approximately 4 acres located at the end of 6800 East into Huntsville Town. At that time, the portion of 6800 East ending at the property was a county road, there being country properties between the Wangsgard property and the Town boundaries. So the annexed property was an island, with Weber County property between the property and the Town boundaries belonging to the Harold W. Wangsgard ETAL Trust.
3. In the 1970's Jack and Barbara Cox (William's sister) built a house on the western-most quarter of the property, obtaining permission from Harold Wangsgard and the Town to access their house via 6800 East and crossing Harold's property. Jack and Barbara's house is now recorded as parcel 20-010-0043.
4. In the 1991 time frame, the 4 acres of property was divided into four lots, roughly equal in size, with the third from the west lot containing a 45-foot wide by 389-foot long rectangular piece along the southern portion of the three western-most lots (recorded as parcel 20-010-0022). Also in the 1991 time frame Bill and Michaeline Wangsgard obtained a building permit from the Town and built their house on the eastern-most lot (parcel 20-010-0031).
5. Later the Wangsgards acquired the third from the west lot, and a new parcel number was assigned to the main portion of the lot (20-010-0040) with the rectangular piece continuing with the same parcel number (20-010-0022). This parcel has served as a driveway and contains a 25-foot right-of-way (ROW) granted and recorded by the Wangsgards.
6. Also in the intervening years, the property between these four parcels and the Town boundary was annexed into Town and 6800 East was paved up to the SW corner of the properties. The Town's obligation for snow removal only extends to the end of 6800 East, but the Wangsgard's have allowed the snowplow to use the ROW and their driveway to turn around.
7. Preston Cox purchased parcel 20-010-0042 and built a house on the property in approximately 2010.

8. In 2008 the Wangsgard's platted the two properties (20-010-0031 and 20-010-0040) into one parcel for tax purposes. It received a new parcel number (20-010-0041).
9. The Wangsgard's are now contemplating re-dividing parcel 20-010-0041 into two Town compliant-sized lots (minimum .75 acre and 130 foot frontage) and selling the western most parcel for the building of a home.
10. The Planning Commission reviewed the above information with the Wangsgard's at their regularly schedule September 24, 2015 meeting and while they are not applying for a building permit at this time on the vacant lot that would exist after the boundary change, it was the consensus of the Planning Commission that a building permit would be acceptable since the re-platted lot was originally platted and allocated as a buildable lot. The Commission did point out to the Wangsgard's that this is a grandfathering recommendation under the current ordinances, and if these properties were being annexed into Town today, they would have to provide a Town road with road frontage on each lot.

 *Oct 2, 2015*

Ronald Gault
Chairman, Huntsville Town Planning Commission

N 2°10' W 366.0'

S 2°10' E 321'

JOHN A COX JR
& WF BARBARA

200100030

1.91 AC± TU 35

260'

260'

25' R.O.W.

WILLIAM H WANGSGARD & wf MICHALINE A

200100022

17,424 SQ. FT
389.04'

N 2°10' W 321'

WILLIAM H WANGSGARD

& wf MICHALINE A

200100040

38,333 SQ FT

239.26' TU 35

VILLE

20.7'

154.27'

130.74'

200100041

32,670 sq ft
in 3/4 acre

SOUTH 284.26'

WILLIAM H

WANGSGARD

& MICHAELINE

200100031

41,382 SQ. FT.

235.79'

390'

This plat shows Belle received parcel #200100022 from parcel that included the driveway. We divided the driveway from a building lot which received a new parcel #20 010-0040

This plat shows Barbara's 2 parcels now as one #20-010-0030

146.78'

#1

June 25, 2009

necessary, whether it be addressed by the Board of Appeals or the Town Council, to revert the property back to its original lot configuration as originally laid out. Alan made a motion to write a letter to the town council as stated. Jeff seconded. All votes aye. Motion does pass. Jack recommended that Patti get on the town council's agenda and present her case with them. Jeff commented that to protect the town in the future, any line change that takes places, whether minor or major, or a lot line adjustment should come before the planning commission and the town council for approval. Alan remarked that the town council has the authority to make that type of change to the ordinances.

Discussion of the processes of internal ordinance review and official oversight used to approve road access, subdivision, lot frontage, other ordinance compliance and the granting of a building permit for the Preston Cox home on 400 North:

Jeff mentioned that this issue was raised to him by a couple of town residents. The issue is that Preston Cox got a building permit, how did that happen. Jeff stated that if there is something that benefits me or my family, and I am the approving person on the issue, I have an ethical and a legal responsibility to say I am entitled to approve this but I better include other people in the decision making process. If there is a conflict of interest, the issue needs to be completely legal, ethical, and transparent. Alan remarked that the Planning Commission doesn't issue building permits. Jeff asked who opines if the lot is a conforming lot so a building permit can be issued. Diane Nelson is the town's building permit official. Jack answered that Diane comes to him, if the lot is a conforming lot. Jeff has an issue with this process, there should be four more people brought in to make the decision, especially when it relates to a family member's request. Jeff's issue is that the official in charge of deciding should not decide for his own family. Jack replied that this stipulation should be included in the building permit. Jeff reiterated that this may very well have been legal in regard to the ordinances, but he can't image that there wasn't a peer review to make sure things were completely above board. Jeff suggested that the planning commission go back through the permitting process and conduct a peer review on issuance of the Preston Cox building permit.

Jim suggested adding to the bylaws: that anybody on the planning commission or member of their family who is seeking a building permit, must be reviewed by the planning commission. Jack stated that right now this wording is not included in the ordinances. This would be a more ethical way of doing things.

Jeff asked to be taken through the process of how it was decided that Preston's lot was conforming. Jack replied that the lot is 130 foot wide and is 9/10's of an acre. Jeff asked if lot lines were changed. Jack answered yes. Jack and his wife inherited the property, and he made one lot out of it, it was 260 feet wide and 400 plus feet deep. Jeff asked when the lot was split, how does it then becomes conforming if it's not on a public road. The ordinance reads, 130 ft. frontage on a public street or right away approved by the town. There was an exception made for Bill Wangsgard to build his home on that right of way. Jeff isn't sure that the right of way was accepted by the town. Jeff feels that there should be evidence that the town accepted this right of way for all building lots, not just as an exception for Bill Wangsgard. If the right of way was not accepted then Preston needs to go through the process of making this a public street.

Jack commented that the right of way was approved for all of the building lots along that road. Jeff disagreed. Jeff feels that Preston's building lot doesn't comply. Jack does. Jack doesn't know how you will find that evidence, records were not kept properly during that time, around 1985.

Jeff repeated, who approved that the lot was larger than $\frac{3}{4}$ acre with 130 foot frontage and was on a town approved right of way. Jack stated that he assumed the town would approve it. Jeff read from the town building permitting regulations. The problem is that the town has a liability going forward, if it looks like you have to be the chairman of the planning commission to get something approved. Jack asked what Jeff would like to see done. Jeff responded that the right of way needs to be acknowledged by the town as a legal street. Jack replied that he can't do that because the right of way belongs to Bill Wangsgard. Max asked if the town removes snow from the road does the town acknowledge the right of way. Jeff wants the town to acknowledge the right away as a legal street in order for the lots to be buildable.

Sandy asked in order for it to be an approved right of way, does the town have to own it. Jack answered no. So, Preston could ask the town to recognize it as a town right of way. This decision is made by the town council. The right of way would have to meet all standards set by the ordinance. Jeff feels that the town has a real liability here, if we don't go back and do this the right way the town could end up being sued. The right of way is 45 feet wide and is a graded gravel road. This is wide enough for a public street, but Bill would have to agree to this stipulation because he owns the property. Jeff suggested that Preston needs to make a presentation to the planning commission for some resolution and then make a recommendation to the town council.

Jack asked for a recommendation from the planning commission to accept this right of way, being 450 N., as a private right of way for access to the three existing homes and one proposed home on that right of way. Alan commented that this item wasn't specifically on the agenda, so the planning commission can't take any action at this meeting. Alan also stated that the planning commission doesn't have the authority to stop a building permit; this would be up to the town council.

Discussion on proposed amendment to Land Use Ordinance: 15.6.9.A, an addition to the existing ordinances to define how building height is measured: (See Attachment #6) Jack explained that the following recommendations came from Ron Gault. "Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade existing at the time a building permit is requested." Alan made a motion to approve this recommendation. Suzanne seconded. All votes aye. Motion does pass.

Discussion on proposed amendment to Land Use Ordinance: 15.6.16, a refinement of the existing ordinance to require fencing OR a power cover for swimming pools: (See Attachment #6) The Planning Commission reviewed and made changes to the recommendation from Ron Gault relative to family swimming pools. Alan doesn't feel that a pool cover is a good substitute for a fence; it's a good addition to a fence, but not

MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION

MEETING DATE: June 25th, 2009
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

Present: Jack Cox Jeff Holt Billy Wall
 Sandy Hunter Suzanne Ferre' Gail Ahlstrom
 Alan Clapperton Jim Truett Franco Mortarotti
 Max Ferre' Patti T-Guard

Citizens: Narl Allen Jolene Allen T.R. Morgan

Jack Cox called the meeting to order.

Approval of minutes for meeting held April 23rd, 2009:

Alan made a motion to approve the April 23rd, minutes as prepared. Sandy seconded. All votes aye. Minutes are approved.

Discussion on boundary change to property located at 7700 E. and 230 S. (See Attachments #1, 2, 3, & 4)

Jack received an email from Jeff Allen's Attorney, T.R. Morgan, to the planning commission that states there is a problem with this request. Narl Allen does not own, nor is Narl Allen the sole trustee for the Allen Trust. According to the settlement agreement Narl and Jeff Allen are co-trustees of the Allen Family Trust and both must act unanimously concerning any matters that relate to the trust. Jeff Allen was not consulted concerning this matter. The email was signed by T.R. Morgan. The P & Z can't take action until this is resolved. Jeff Holt asked to hear issue anyway.

Narl handed out copies of the proposed property line adjustment that was prepared by Hansen and Assoc. in Brigham City. Narl stated that he has been trying to negotiate a sale of the property since his parents passed away. Narl hired Hansen and Assoc. to do a lot line check, to see if property lines were correct. There were some discrepancies found. Narl commented that there were three changes made. One piece of the property, to the south, is Brett Allen's inheritance. Narl stated that Jeff Allen lives in Alaska. Narl thinks it's a clean lot alignment change. Narl is in the process of resolving a boundary line issue with the Hadley's, and will follow old fence lines, relinquishing some of the Allen property to the Hadley's. If the property is sold as it is now, it would create a problem with the neighbors. Hansen and Assoc. have guided Narl through this process.

Suzanne asked for clarification on the proposed plot map. Jeff Holt asked Jack if someone can make these types of changes without going through the subdivision process. Jack replied yes, but when Narl is ready to sale the property, then he will be required to follow subdivision requirements.

Huntsville Town

Planning Commission

September 13, 1990

Huntsville Town Board
Huntsville Town Hall
Huntsville, UT 84317

Members of the Board:


The Huntsville Town Planning Commission met on September the 12th, 1990 at 7:00 P.M. The purpose of the meeting was to discuss the proposed building of Mr. Bill Wangsgard's home on his father's property.

We found Mr. Wangsgard to be very well informed and cooperative. Bill Wangsgard has assured us that all is in order to build this home and that every detail will be in strict compliance with all laws, codes, and ordinances involved in such a project.

Therefore, it is the recommendation of the Huntsville Town Planning Commission that Mr. Wangsgard be issued a building permit as soon as possible. Mr. Wangsgard has agreed to deed to the town a 45 ft. right of way running along the south edge of the property from 6800 E. to the end in the event that the town decides to put a street there. Bill has also assured us that all utilities will be installed underground and that the property will pass the perk test.

Thanking you for your consideration in these matters, I remain

Sincerely,



Jim Hasenyager

Chairman, Huntsville Town Planning Commission

JH/la

CC: Mr. Bill Wangsgard

April 1, 2004

Open Letter to the Town Council,

I met with Jim Truett on March 31, 2004 at and near the location 6800 E. ⁴⁰⁰ 450 N. to discuss the possibility of creating a town roadway on what would be 450 N. From meeting with Jim and from thinking about this situation for a long time, I would like to make some recommendations in regard to this issue directly and also some master planning issues surrounding the area.

⁴⁰⁰
450 North Issue:

1. In order to maintain the integrity of the Huntsville block system I think that it is a prudent idea to open up negotiations with the Wangsgard Family to create a public roadway that would be along 450 N. The main driving motivation for the Wangsgard Family is to turn a 40 foot right of way over to the town in return that the town maintain that right of way particularly for snow removal during the winter.
2. Before the town acquires any land, I would suggest that all the issues involving the right of way and ownership of 6800 East from 300 North to 450 North be resolved.
3. A dialogue with the Forest Service would be wise to see if they would abandon or sell 40 feet at the end of 6800 East to match the property width being given up by the Wangsgards. Presently, the Wangsgards own to the centerline of 6800 East on the North end of the Road.
4. Wangsgards are willing to provide the 40 foot Right of Way to point approximately 100 feet from their garage. I would suggest that when the town acquires this right of way that they perform two separate transactions. First, they acquire the land as town property, and then secondly dedicate the right of way as a roadway section.
5. A turn around will be constructed at the end of this roadway that will require a slightly larger area than the 40 foot area. I would suggest that by easement that we have a 20x40 (making 60 foot total width) foot area set aside to complete the turn around. This easement should be abandoned if and when the extension of 450 N. take place in the future.
6. Some trees at the west end of 450 N. would need to be removed to build the new roadway. Care should be taken to leave as many trees as possibly while still providing for the safety and functionality of the road.
7. As soon as practicable, this new roadway should receive a hard surface (asphalt) no greater that 14 feet wide. All drainage for this road should drain to the north. The south edge of this road should be placed 3 feet from the property line. Thus if the property to the south is ever subdivided the town should acquire an additional 26 feet from this landowner completing a 66 foot right of way. An addition roadway width of 6 feet should then be constructed to the south. At no point should the 14 foot road be extended to create a connectivity to 6900 East or any other roadway without widening

- the existing road and right of way.
8. I would square off the 14 foot road leaving the additional area needed for width of the turn around as a hard packed gravel surface.
 9. Before this Hard surface is ever laid down, I would complete the replacement of the culinary lines along 6800 East and extending along 450 North. This waterline should be able to accommodate for the placement of hydrants in the appropriate locations and be able provide for additional connections and a looping of the system in the future.
 10. The hard surfacing of 6900 East should be completed prior to or in conjunction with the surfacing of 450 N. The completion of these roadways will actually present a cost savings for the future of due to the ability to maintain the hard surface at a cheaper cost (for snow removal, drainage, etc) than to maintain a gravel surface.
 11. I understand that there may be some concern that the 40 foot width may create a precedence for narrowing right of way widths in the future. I believe that these concerns are addressed in the following ways. First, the town needs to master plan this roadway to be a 66 foot right of way. Second, as described above the narrower road way segment and placement should be built. These will be upgraded to meet the final desired roadway cross section if and when future developments take place. Thirdly, if for some reason that 450 North does not become a primary roadway in the block system, such as if 400 North is deemed appropriate to build. Then 450 north would take on the designation of being an paved alleyway. Alleyways within the town are 33 feet, and we do have a number of paved alleyways within town. I would suggest from the discussion to be had below that this third item be avoided.
 12. Lake Access is controlled to the end of 6800 East. I would recommend that no parking signs be placed at appropriate spots along the 14 foot roadway to eliminated parking issues on this narrower section of right of way.

General Discussion for the Area:

I would suggest that the integrity of the town block system remain in place so in order to do this I would make the following suggestions:

1. It likely that the two pieces of property that I will refer to as the Burkman piece and the Keyes piece which are the undeveloped parcels of land that lie between 300 North and 450 North, east of 6800 East will be developed either by subdivision or by single home dwellings. I believe that it would be in the Town's interest to encourage both of these land owners to work together in developing accessibility to their properties. This would be aided by Huntsville Town master planning the location of where we deem appropriate future roads to be. My suggestion is that 6900 East should be extended to the north to intersect with 450 north that would be extended up from 6800 East. This would actually create an oversize block, but would require the least amount of roadway development to establish a block system.
2. I would encourage the Burkman and Keyes owners to work out a compromise in extending 6900 East. This road would most likely run on the Keyes side on the south end and then shift to the Burkman side as it runs to the north toward the Wangsgards. Thereby, the frontage for the east side property of the Burkman property if developed

- can be accessed off of 6900 East and the West side properties on 6800 East. Cost to build 6900 East would be borne by both.
3. The Town's master plan to develop the north east end of the Burkman property would require the connection of 450 North and 6900 East, which would require that the full 66 foot right of way be developed on 450 North.
 4. When and if the Burkman property be developed, that the Town require that additional property be given to the Town to make 6800 East along this property to make up a total of 66 feet for the right of way.
 5. Development of an alleyway system for this block system should be encouraged but not ultimately probably cannot be required due to the elimination of alleyways to the subdivision to the south.
 6. Appropriate signage should be considered to control access and parking issues regarding the lake. There are two access points to the lake, one at 6800 East and 450 North, and at 6900 East and 300 North.
 7. Special consideration should be made to not negatively impact the existing structure on the Truett property. Since the Burkman and Keyes properties do no line up on the south side, when 6900 East is extended to the North, it should remain tangent to the present alignment until it has passed the northern extent of the Truett property before any curves should be placed in the alignment.

If there are any questions regarding these issues please feel free to contact me.

Signed,

Rex N. Harris, P.E.
Acting Huntsville Town Engineer

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April 2, 2004

Councilman Jim Truett,

I thought it might be appropriate for me to address some issues that were addressed at the Town Council meeting last night concerning 450 North and the surrounding area. Please feel free to distribute this to the Council or any concerned citizen if you feel it is appropriate.

I believe the first and foremost issues involves the Towns Master Plan for roadways. I feel that it is paramount that the Council decide where they feel future roads, development, zoning, etc. should be for future development. If the Council knows where they would like to see future roads, get it down in a formalized plan. If the Town does not show that they feel that 450 North should be shown as a location to build a road, then the whole discussion becomes mute. This also eliminates the arguments that we are building roads to benefit private land owners. If it is in the plan, that is where we want a road; if it is not, stay clear of it.

Only if the above issue is clear will the following discussion become relevant. It is still my opinion that if 450 North is master planned that it would be a benefit to acquire the property from the Wangsgards. It appears to be a win-win situation. It eliminates that need for the Town to have to back out the snowplow when removing snow by providing an area for a turn around. It helps the Town move toward meeting their master plan goals and in return the adjacent land owner receive a service that is provide to all the other members of the Town, really at no additional cost to the Town.

How in turn we decide to manage that roadway segment can be left up to debate. It is my opinion that the Town would best be served by creating a hard surface as soon as it is practicable. Again all issues involving 6800 East need to be resolved, waterlines replaced, funding budgeted, etc. I would surface it as explained in my letter to the council. This would provide for accommodation for the future full right of way width and for paying for the addition expansion.

In talking with some of my fellow colleagues they suggest that paving the road could be delayed and try to have the developer bear the costs of the roadway if and when the Burkeman property was developed. I would tend to back off of this idea because I think that it would be hard to justify that that developer should bear all of this costs seeing that they could develop their land without the need for 450 North to exist. Also, there are not guarantees that that property would ever be subdivided.

Another option would be to have Wangsgards bear the cost of building the road. I don't think that we really have any basis to force them into doing this and that they could simply remove their offer to give us the land.

The last alternative is to simply ^{leave} the road unpaved. This could be done, but I think that it can be shown that the cost to maintain a road in that condition would be more expensive than to provide the hard surface. We also have a policy in the last few years to upgrade our roads to a common standard. Thus increasing the amount of money that we receive in B&C road funds and also lowering overall our costs to maintain our roads.

Now I would like to address the question asked last night regarding why we would require the developer to pay for a road and not the Wangsgards. This is a valid question that I would like to address. I think the answer needs to be broken into two parts because there are two separate issues. First, why do we require developer to pay for costs to upgrade infrastructure in their development. Second, will be a discussion of who should pay for 450 North.

When a city annexes a piece of property there are certain obligations that the city takes on such as police protection, fire protection, etc. In return the city picks up the additional tax base. All property within a city's limits must be zoned for the intended usage. A city must take this into consideration when considering whether to annex and later on to approve of developments such as subdivisions. Sometimes the cost outweighs the benefits, such as in the case where Eden scaled back the area of which they are going to seek for incorporation. Generally, with subdivisions the costs if borne by the city far exceed the benefits. Along with subdivision comes the added responsibility by the city to provide services such as water, sewer, garbage, snow removal, etc. Therefore, to "earn" the right of citizenship into a municipality the developer is required to bear the costs for the upgrades to the infrastructure that the city will own. These costs are passed on to the homeowners when they purchase their lots. Often a city will also have other charges such as connection fees and impact fees. Fortunately, for Huntsville residents the town has not implemented impact fees. Impact fees generally go towards the upgrade of infrastructure not directly tied to the physical address of the property but impact the ability for the city to provide services. These could include things such as for parks, water treatment facilities, police protection, etc. Also, cities may also include special district "taxes" for improvements after homes are built and lots developed. Such as assessment for curb&gutter and sidewalk. Again, fortunately for Huntsville residents we do not have any of these types of fees in place. Though, this may change in the future as the costs to provide services are analyzed. So, along with the costs that are borne by the development comes certain rights that each property owner in the city has such as access to services.

Now as for the 450 North issue. The Wangsgard and Cox family are all ready citizens of Huntsville Town with all the rights that any other Huntsville Citizen should enjoy.

The issue that complicates this situation is that these homes do not have frontage such as is required by the town. The reason why they do not is not at some point in time, they were issued a variance by the Town. If they had not been issued this variance, they would have been required by the Town to build a road and dedicate it to the Town which would give them the required frontage (now it is 130 feet). I will not debate if it was a good decision at the time to have issued that variance, but what I will say is that there are some very important ramifications because of it. The Town basically said that we will

not require you to spend all that money that it would have required to build the road. In return they accepted a lower level of service from the Town. Now if the town desires build the road now, there is some justification for the Town to go back to the homeowners and say that we will require them to pay for the road. There are several problems with this. First, we really have no "teeth" in requiring this. They could simply say that they will not give us the property and the deal is off. They could also say that they didn't ask for the road to be paved. Secondly, there becomes a grey area of how to fairly implement cost sharing for upgrades to existing roadway rights of way. For instance when we have paved other dirt roads in town did we go to all of the adjacent homeowners and asked them individually to pay the direct cost of the improvement? Or, when we crack seal, pot hole patch, or overlay any other road do we send the bill directly to the adjacent home owner: The answer is no. Can the argument be made that this development of 450 North fall under the same category? That is a decision for the council to decide, but I would contend that there may be some valid arguments there. Thirdly, does the Town not have some obligation to make whole the rights of these owners as compared to the rest of the Town Citizens in a manner that is judicious and when the opportunity affords itself? Here again is a question to be answered by the Council.

Ultimately, if the Town decides to create 450 North the Town Council will need to decide of how best to manage this roadway.

Another question that I have heard asked, but not directly last night was is it appropriate to build a road just for a couple of homes. Here again the question can be debated, but I believe that there is some justification for it. When we look at the roads in our town, there are no block segments that serve more than eight homes exclusively. For example, must places in town if you block off the road at either intersection on your street the rest of town could get to their homes and leave town by alternative routes (a good reason for the block system). Therefore, your individual street really only exclusively serves your home and maybe a couple more. This is not different from the situation on 450 North were there are two existing homes with two exiting empty lots and potential for several more on the property to the south. So is there justification to build the road...I would say there is some justification.

Another suggestion brought up is could you have the people who build on the existing empty lots pay impact fees to help pay for the road. The answer is yes, but you may set a bad precedence. The reason being that the whole rest of Huntsville is made up of about 30% empty lots. Would it seem appropriate for them to pay for the road along their frontage, even though the road may have been there in one form or another for a hundred years. No one else ever has when they have built on an existing building lot.

The last issue that I would like to touch on is the issue about the Forest Service property at the end of 6800 East. I do not know what the Forest Service would require to have the small piece of land fall within the roadway. The State of Utah has many roads that are built over federal land which are there by easement. Therefore, there may not be any

need to purchase any land. The Town of Huntsville is all ready not exempt from this situation. One example is the road going to the Cemetery. The majority of this road is on federal land not owned by the Town, but all of the road is a dedicated roadway and is annexed into the Town. So I believe that there is not a problem with asking the questions to find out what would be required.

If there are any questions regarding this letter feel free to contact me.

Sincerely

Rex N. Harris, P.E.
Huntsville Town Engineer