

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, February 2, 2023, 6:50 p.m.
Huntsville Town Maintenance Building Office
165 South 7500 East, Huntsville, UT 84317

Name	Title	Status
Richard L. Sorensen	Mayor	Present
Bruce Ahlstrom	Council Member	Present
Kevin Anderson	Council Member	Excused
Sandy Hunter	Council Member	Present
Artie Powell	Council Member	Present
Beckki Endicott	Clerk	Present
William Morris	Legal Counsel	Excused

Zoom: Tommy Christie

Citizens: Corey Shuman, Ron Gault, Sheree Evans – Treasurer,

1-Mayor Sorensen called the meeting to order. There is a full quorum present.

2-Pledge of Allegiance led by TCM Sandy Hunter.

3-Opening Ceremony given by TCM Artie Powell.

4-Public Comments: Corey Shuman introduced himself. He has been doing business in Salt Lake for 22 years. The nature of the business is mining claims. Corey Shuman and his wife are opening an office at the Lodge, next to the history museum. In addition, they are selling old mining pictures that have been collected and displayed in a gallery. The Shuman's moved into Monastery Cove a couple of years ago. They have a lot of ideas about doing business in Huntsville and want to be a part of the community. The Huntsville Town Council will see the business license application on the next agenda.

5-Sheriff's Report: None given.

6-Discussion and/or action on Resolution 2023-2-2-A: Appointment to the Weber Fire Board. Mayor Sorensen explained that he has really enjoyed being a part of the Weber Fire Board and he would like to be more involved with the Board. However, their meetings are on Tuesday and have not worked well with his work schedule. Mayor Truett volunteered and applied to take Huntsville's place on the board. The position was published and advertised. No additional applications were received. **(See Attachment #1) TCM Sandy Hunter motioned to approve Resolution 2023-2-2-A: Appointment of Jim Truett to the Weber Fire Board.** TCM Artie Powell seconded the motion. Roll Call Vote. All votes Aye. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED	
Mayor Richard L. Sorensen	X				
CM Bruce Ahlstrom	X				
CM Kevin Anderson				X	
CM Sandy Hunter	X				
CM Artie Powell	X				

7- Discussion and/or action on Resolution 2023-2-2-B: Fees for Huntsville Park 2023. (See Attachment #2) During a recent review of the documents governing the Ogden Valley Parks District, Beckki discovered the fees for Huntsville Park were out of compliance with the bylaws of the district. Currently, Huntsville Town is charging Town residents one rate and anyone else an out-of-Town rate. The bylaws state residents of the Ogden Valley must be charged at the same rate. TCM Hunter proposed \$85 for the out of valley residents. She proposed \$50 for the valley residents. A cleaning deposit was discussed. Logistically this would be hard on staffing and returning cleaning deposits. One of the hardships is cleaning the facilities in the middle of the day on the weekend. If we are receiving \$50 for the bowery, Huntsville could potentially pay someone for approximately half the fee. **TCM Artie Powell motioned to approve Resolution 2023-2-2-B setting the new fees as follows:**

- **Half Day for Ogden Valley Resident - \$50**
- **Half Day for Ogden Valley Non-Resident - \$85**
- **Full Day for Ogden Valley Resident - \$100**
- **Full Day for Ogden Valley Non-Resident - \$170**

TCM Hunter seconded the motion. Roll Call Vote. All votes Aye. Motion passed. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED	
Mayor Richard L. Sorensen	X				
CM Bruce Ahlstrom	X				
CM Kevin Anderson				X	
CM Sandy Hunter	X				
CM Artie Powell	X				

8-Discussion and/or action on Resolution 2023-2-2-C: Appointment to the Ogden Valley TV Board. (See Attachment #3) Brett Allen has been serving on the Ogden Valley TV Board for many many years. The service district is reorganizing in the valley. Brett Allen would like to continue serving. **TCM Bruce Ahlstrom motioned to approve Resolution 2023-2-2-C: Appointment of Brett Allen to the Ogden Valley TV Board.** TCM Artie Powell seconded the motion. Roll Call Vote. All votes Aye. Motion passed. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED	
Mayor Richard L. Sorensen	X				
CM Bruce Ahlstrom	X				
CM Kevin Anderson				X	
CM Sandy Hunter	X				
CM Artie Powell	X				

9-Discussion and/or action on adoption of the General Plan Update. (See Attachment #4) Ron Gault has been working on an update of both the General Plan and the Annexation. TCM Bruce Ahlstrom had some additional comments he wanted to add to the document. There was a discussion about putting statements in the General Plan regarding property rights and individual rights. The Town Council members engaged in a discussion about whether political statements and declarations of patriotism have a place in a General Plan.

The Town Council went through all the current red lines made by Ron Gault and others. One of the additions Ron Gault made was to add that culinary water rights must be brought to the Town to have a culinary water connection. There was discussion regarding water rights and capacity. Ron suggested that he go back and work with Bill White on these statements. The Town Council discussed wording and changes throughout the rest of the documents. They touched on annexation, incorporation, and sewer systems.

TCM Sandy Hunter motioned to adopt the changes to the General Plan with the changes discussed with Ron Gault with the condition that any changes made to the Annexation Policy Plan map be included in the General Plan Update. TCM Bruce Ahlstrom seconded the motion. Roll Call Vote. All Votes Aye. Motion Passed. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED	
Mayor Richard L. Sorensen	X				
CM Bruce Ahlstrom	X				
CM Kevin Anderson				X	
CM Sandy Hunter	X				
CM Artie Powell	X				

The Town Council took a 5-minute break at 8 p.m.

The Town Council reconvened and Beckki read the Utah State Code regarding Annexation without a petition. Huntsville Town is looking at annexing property without a petition because of the incorporation movement and feasibility study which has been recently enacted.

10-Discussion and/or action on adoption of the update of the Annexation Policy Plan. (See Attachment #5) The Town Council discussed the redlines made by Ron Gault in the editing of the document. The Town Council discussed whether the alleys are maintained by Huntsville Town. Ron Gault also discussed the annexation map. Weber County does not like the randomness of the annexation boundary. They would like Huntsville Town to follow property

lines. Mayor Richard Sorensen stated he felt the map was probably mute because the Town would not want to annex so far south on the map.

Weber County has reviewed the annexation plan and the annexation map. Mayor Sorensen attended a meeting with Weber County Commissioner Gage Froerer and staff regarding the annexation boundaries. Commissioner Froerer related that the valley incorporation has filed a request for a feasibility study with signatures from valley residents. The request is currently being reviewed. At that time, Huntsville Town will be forced to solidify its boundaries because the incorporation movement, known as Ogden Valley City, has drawn its border up to Huntsville's current boundary. The Town Council discussed that any property that they would not like included in the new Ogden Valley City must be annexed into Huntsville prior to the feasibility study being verified. TCM Artie Powell requested a closed session to discuss strategies that would pertain to the annexation and incorporation. These would also include strategies that would include real estate and potential income and negotiation.

TCM Powell motioned to leave the regular session and go into a closed session to discuss bargaining and negotiation for property. TCM Sandy Hunter seconded the motion. All votes Aye. Motion passed.

The meeting was adjourned at 9:21 p.m. to a closed session.

The closed meeting was adjourned at 9:30 p.m. and reconvened into an open and public meeting.

Mayor Sorensen welcomed back the Town Council and they continue to discuss the annexation policy plan map. The option of gaining commercial property along SR39 and Trappers Loop was discussed as part of the annexation. Mayor Sorensen stated that Snowbasin has their own development ideas for that intersection. He suggested keeping the map that went through the public hearing. The Huntsville Town Council will have options if the annexation area is larger.

TCM Bruce Ahlstrom motioned to adopt the annexation policy plan with the amended changes. TCM Sandy Hunter seconded the motion. Roll Call Vote. All votes Aye. Motion passed. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Kevin Anderson				X
CM Sandy Hunter	X			
CM Artie Powell	X			

11. Discussion and/or action on approval of expenditures for New Town Hall Design for Creations West and Engineering by York Engineering. (See Attachment #6)

Wendy McKay and Steve Songer have been working on the plans for the new town hall for the last several months. They have worked on renderings and floor plans. They are currently working on professional designs and engineering from the renderings.

Mayor Sorensen stated that \$125,000 was approved for the architecture and engineering originally in 2022. The Town cancelled their contract with them when the price for the plans got to be more than the Town was comfortable paying. The total expenditure on the services to Wadman Corporation was \$13,000. Steve Songer and Wendy McKay have interviewed many engineers and architects since that time. They chose York Engineering and Creations West to draw out the concepts they had come up with and the Town Council approved. Both companies are highly recommended. The price was very competitive. The design and engineering would come in at approximately \$40,000 compared to the original \$125,000. The final number will be based on the square footage of the building.

TCM Sandy Hunter motioned to approve up to \$45,000 for expenditures associated with Creations West and York Engineering for the design of the new town hall. TCM Bruce Ahlstrom seconded the motion.

TCM Artie Powell commented he would like to see on an agenda, a cost analysis for how the Town is going to pay for the new town hall. He would like to see financing in place.

Roll Call Vote. All votes Aye. Motion passed. Votes are reflected below.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Kevin Anderson				X
CM Sandy Hunter	X			
CM Artie Powell	X			

The Town Council discussed the finance committee for the town hall and possibilities of private fund raising and going to the legislature. Jeff Holt has been advising on the financing of the Town Hall. Mayor Sorensen has asked TC Kevin Anderson to work on a fundraising plan.

12. Discussion on Ordinance 2022-11-16: Appeal Amendments, Non-Conforming Lots and Wastewater. (See Attachment #7) Beckki put this on the agenda as a discussion. Currently there is a moratorium on building permits for non-conforming lots. The moratorium will expire in the middle of March. This is the ordinance that has given the Huntsville Appeals Authority the building lot determination case that is currently being heard on their agenda. Beckki sent the code to Mr. Keller, the attorney representing the Town in the Appeal, to make some redlines and suggestions on the non-conforming lot code.

TCM Hunter wanted to point out a few suggestions that she had on the ordinance. She would like to see the wording "legally created" in the ordinance. The date in the ordinance to be considered for "grandfathered" lots is 1992. Huntsville Town committees were advised by Mr. Morris that they could pick any date they wanted for consideration in "grandfathering" non-conforming lots. TCM Hunter wants to consider the dates that Huntsville required 130 feet of frontage and .75 acre lots. Ron Gault stated that the date is at least 1984 and probably prior to that date. TCM Artie Powell stated that the Utah State Code required zoning in 1992. This would be a good date. TCM Hunter stated that 1992 was the date in the code currently.

There was a discussion about how the term "legally created" is used and defined. TCM Artie Powell is flexible with the date, he would just like to see good reasoning behind it and consistent with other parts of the code. Also, "legally created" needs to be defined in Huntsville Town's definition. TCM Hunter would like to do more research on when Huntsville Town adopted zoning ordinances. Beckki explained that in order for a lot to be legally created it would have to abide by the zoning ordinances in place at the time of the creation of the lot. Ron Gault stated that this date would be prior to 1986.

TCM Hunter would also like to see some additional details in paragraph D when parcels would come into Town with an annexation. She also addressed the language for wastewater. She would like to see the term "user" defined. Beckki believes that this section was added by Bill Morris at the request of TCM Kevin Anderson. TCM Hunter commented that our code does not acknowledge sewer systems. She believes that this language helps to define septic systems. Standards have not been added to the Town code. TCM Artie Powell suggested some additional wording for this section of the ordinance.

The Town Council will not meet in the middle of February. The meeting will be cancelled in the middle of February.

There were no department updates.

TCM Hunter motioned to adjourn the meeting. TCM Bruce Ahlstrom seconded the motion. All Votes Aye. **Meeting is adjourned at 10:15 p.m.**



Beckki Endicott, Town Clerk

**HUNTSVILLE TOWN
RESOLUTION 2023-2-2-A**

APPOINTMENT TO WEBER FIRE BOARD

**A RESOLUTION OF HUNTSVILLE TOWN, UTAH, GRANTING THE
ADVICE AND CONSENT TO THE MAYOR'S APPOINTMENT TO THE
WEBER FIRE BOARD**

WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, there exists a vacancy on the Weber Fire Board;

WHEREAS, the Town desires to appoint a representative to this vacancy;

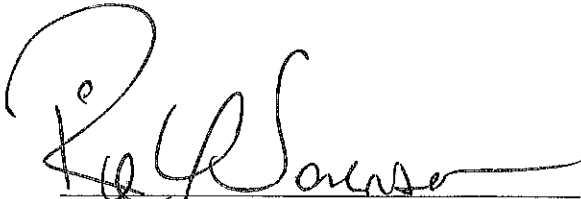
WHEREAS, the Mayor has made an appointment and now seeks the advice and consent of the Town Council;

WHEREAS, the Town Council desires to give its advice and consent to the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Town Council hereby gives its advice and consent to the Mayor's appointment of Jim Truett to the Weber Fire Board. This Resolution is effective immediately on passage and approval.

PASSED AND APPROVED by the Town Council this 2nd day of February 2023.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Richard Sorensen	X			
CM Kevin Anderson				X
CM Sandy Hunter	X			
CM Artie Powell	X			
CM Bruce Ahlstrom	X			


RICHARD SORENSON, Mayor



ATTEST:


BECKKI ENDICOTT, Clerk

RECORDED this 2nd day of February 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal clerk of Huntsville Town, hereby certify that foregoing resolution was duly passed and published, or posted at 1) Town Hall 2) www.huntsvilletown.com 3) pmn.gov


Town Clerk

Date: 2-2-2023

Your Honorable Mayor Sorensen,

This email to let you know that I would like to fill the vacancy for the Weber Fire Board as a representative of Huntsville Town.

As you know I was on the Weber Fire Board for about 10 years, representing Huntsville Town and our citizens.

I held many positions on the Weber Fire Board as a Member, Treasurer, and most recently Executive Board and Co-Chair.

I feel like I understand the needs of our town and citizens as being mayor for the past 12 years and on the Huntsville Town Council for 18 years. I was a part of many committees within the fire board in helping to write new ordinances, policies, procedures, and procurement guidelines for the District. I had a key part in bringing the Weber Fire Paramedic program back to the valley from Ogden City which they maintained for many years and making sure that station 65 had the latest equipment and funding to purchase new fire tenders and trucks.

One thing I'm most proud of is Lobbying for two consecutive years at the Utah State Capital with Chief Sullivan to create and pass a Bill to allow first responders to receive mental health aide for Post Traumatic Stress Syndrome (PTSD) when they retire. I learned of PTSD firsthand from When talking with Doug Allen as it was clear that he was going through some complication because of this. We finally got the Bill HB-23 created and passed and it's called the First Responders Mental Health Services Bill.

I know all the board members and would be able to pick right up where I left off. I would be happy to come and report to the Town Council at TCM or provide you with updates periodically when decisions impacted Huntsville.

Knowing what I do about Weber Fire District and the importance of having the right representative is paramount in making decisions for Huntsville Town and the valley.

I must say that I do miss the comradery of the Weber Fire Board Members and would be honored to represent Huntsville town once again.

If you have and questions, please let me know.

Thanks, gain for this possible opportunity

Jim Truett

Jim Truett

Northwest Regional Manager

Miller Electric Mfg. LLC An ITW Welding Company

P.O. Box 487 Huntsville, Utah 84317 Mobile: 801 540-2083

**HUNTSVILLE TOWN
RESOLUTION 2023-2-2-B**

**A RESOLUTION OF HUNTSVILLE TOWN, UTAH, ADOPTING
HUNTSVILLE TOWN PARK RENTAL FEES.**

WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-3-717 authorizes the governing body of Huntsville Town to exercise all administrative powers by resolution, including the use and operation of municipal property;

WHEREAS, the Town desires to adopt a Park Fee Schedule consistent with the Ogden Valley Park Special Service District;

WHEREAS, the Town desires to adopt this Resolution to establish uniform fees for Ogden Valley residents and non-residents;

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

Section 1: Repealer. This Resolution supersedes any previously adopted Park Fee Schedules for the fees set forth herein purpose contained herein. Any other fees or fee not specifically specified in this Resolution shall continue.

Section 2: Amendment. The Huntsville Town Park rental rates are amended as follows.

East/West Bowery & Stage Rental:

Half Day for Ogden Valley Resident - \$ 50.00

Half Day for Ogden Valley Non-Resident - \$ 85.00

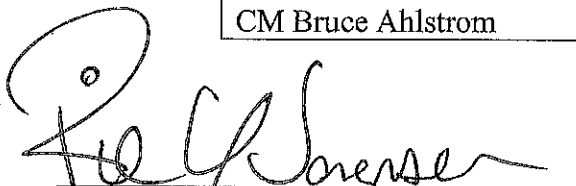
Full Day for Ogden Valley Resident - \$ 100.00

Full Day for Ogden Valley Non-Resident - \$ 170.00

Section 3: Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council on this 2nd day of February 2023.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Richard Sorensen	X			
CM Kevin Anderson				X
CM Sandy Hunter	X			
CM Artie Powell	X			
CM Bruce Ahlstrom	X			


 RICHARD SORENSEN, Mayor



ATTEST:


 BECKKI ENDICOTT, Clerk

RECORDED this 2nd day of February 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal clerk of Huntsville Town, hereby certify that foregoing resolution was duly passed and published, or posted at 1) Town Hall 2) www.huntsvilletown.com 3) pnn.gov


 Huntsville Town Clerk

DATE: 2-2-2023

Treasurer within three business days after collection by OVPSA. The Treasurer is required to give or cause to be given to every person paying money to OVPSA a receipt or other evidence of payment specifying, as appropriate, the date of payment and upon which account paid, and is to file the duplicate of the receipt as required by law. The Treasurer and/or any other person authorized by the Board shall sign all checks provided, however, that the person maintaining the financial records of OVPSA may not sign any single signature check. Before signing any check, the Treasurer or other designated person shall first determine that a sufficient amount is on deposit in the appropriate District bank account to honor the check. The Treasurer shall promptly deposit all District funds in the appropriate bank accounts of OVPSA.

Records Officer. A Records Officer shall be appointed in furtherance of OVPSA's Records Access and Management Policy and the requirements of Utah Code Ann. Title 63G, Chapter 2, the Government Records Access and Management Act, serve as the custodian of Ogden Valley's records, and exercise such rights and perform such duties in the classification, preservation and oversight of District records as may be assigned to the Records Officer by law, by the Executive Director or by the Board.

Other Officers/Duties. There shall be such other officers and the officers shall perform such duties as determined by the Board.

RESIGNATION

Any officer may resign at any time by giving verbal or written notice to the Board. Any resignation shall take effect upon receipt of such notice or at any later time specified therein. Unless otherwise specified in the notice, acceptance of the resignation shall not be necessary to make it effective.

REMOVAL OF OFFICERS

Any officer elected by the Board may be removed by a majority vote of the Board of Trustees whenever, in the Board's judgment, the best interests of OVPSA would be served by such removal.

ARTICLE POLICIES AND PROCEDURES

POLICIES OF OGDEN VALLEY

Formal Rules and Regulations. From time to time, the Board shall adopt rules and regulations for the governance and operation of OVPSA, which may, but

need not, be designated as policies and procedures. Rules and regulations may cover subjects included in these Bylaws and may be more detailed than these Bylaws provided, however, in the event of any conflict between these Bylaws and any rule or regulation of OVPSA that cannot otherwise be reconciled, these Bylaws shall control.

Informal Rules and Regulations. In addition to the formal rules and regulations of OVPSA, "informal," but nonetheless binding, rules and regulations and policies and procedures may be adopted by the Board or approved by the Executive Director where such authority has been specifically delegated by the Board. The informal rules and regulations shall be in writing in such form as the Board and/or the Executive Director, as appropriate, shall desire. In the event of a conflict between the informal rules and regulations and the formal rules and regulations adopted by the Board, the formal rules and regulations shall control unless declared otherwise by the Board of Trustees.

Amendments. All rules and regulations and other enactments of OVPSA may, from time to time, be amended by majority vote of the Board.

Prohibited Acts. Any District patron, customer or other person who violates any of OVPSA' rules and regulations (especially safety rules and regulations), or conducts himself or herself in such a manner as to endanger the person's own life or safety or that of anyone else, or who damages or conducts himself or herself in such a manner as to cause a risk of damage to OVPSA' property or private property belonging to any other person may, in the discretion of the Board, the Executive Director, or any authorized employee of OVPSA, be barred or prohibited from using any of OVPSA' facilities. This right to exclude any such person from use of OVPSA' facilities shall be in addition to any other rights or remedies OVPSA may have against the person.

Enforcement. The Executive Director of OVPSA is authorized to enforce all rules and regulations of OVPSA. The Executive Director may delegate to OVPSA staff, including but not limited to lifeguards, authority to enact and enforce rules concerning any immediate health or safety hazard as perceived by the staff member.

4.1.6 Distribution of Funds. Any fees, tax receipts, grants, or any other revenue derived from any source shall be disbursed as follows:

- a. Tax Receipts. Any receipts from property taxes for tax years 2018, 2019 and 2020, including contributions from Huntsville Town equal to the property tax of its residents for those tax years, shall be expended equally on all parks for the calendar years 2019, 2020 and 2021. Following that period, funds shall be

expended as determined by the Board, but in no event shall any park not have sufficient funds for its operation and maintenance.

- b. Fees. Any fees charged by a park for an event held at that park shall be dedicated to the use or improvement of that park, unless that event is held at more than one park, in which case the fees shall be shared equally by all parks used for the event.
- c. Grants. Any grants obtained for the specific use or improvement of a particular park shall be used for the improvement of that park.
- d. Other Revenue. Unless specified as a donation to a specific park, all other funds derived, from any source, shall be disbursed equally to all parks, subject to the discretion of the Board.

4.2.7 Charging of Fees. Any fees charged by any park in the OVPSA, including Huntsville Town, shall be equal for any person who is a property owner or resident within the boundaries of OVPSA, including Huntsville Town.

4.2 MANAGEMENT OF OVPSA

4.2.1 Committees. OVPSA Board may appoint, by a majority vote, individuals to serve on a Committee or Committees, consisting of any reasonable number of members, to manage the affairs of any park within its boundaries. Huntsville town shall have the authority to appoint its Committee, one half of which may be residents of Huntsville Town, and these appointments shall be accepted and ratified by the Board, unless the Board, in its reasonable discretion and pursuant to its fiduciary and statutory obligations under local, state and federal laws and regulations, objects to the appointment of any member, in which case the Board shall have final authority of appointment of any such individual.

4.2.1.1 Responsibilities of Committees. The Committees shall have the authority, subject to the Board, to perform the management activities of each park, generally including but not limited to: scheduling events, contracting for maintenance, requesting funds for capital improvements, and other such administrative duties as the Board shall designate from time to time and as permissible under State and Federal law.

4.2.1.2 Committees and OVPSA Board. Each Committee shall have one member of the Committee serving on the OVPSA Board. However no officer of the OVPSA Board may serve in the same or a similar position on any Committee organized pursuant to these bylaws.

ARTICLE SEAL

SEAL

**HUNTSVILLE TOWN
RESOLUTION 2023-2-2-C**

APPOINTMENT TO OGDEN VALLEY TV DISTRICT BOARD

**A RESOLUTION OF HUNTSVILLE TOWN, UTAH, GRANTING THE
ADVICE AND CONSENT TO THE MAYOR'S APPOINTMENT TO THE
OGDEN VALLEY TV DISTRICT BOARD**

WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, there exists a vacancy on the Ogden Valley TV District Board;

WHEREAS, the Town desires to appoint a representative to this vacancy;

WHEREAS, the Mayor has made an appointment and now seeks the advice and consent of the Town Council;

WHEREAS, the Town Council desires to give its advice and consent to the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Town Council hereby gives its advice and consent to the Mayor's appointment of Brett Allen to the Ogden Valley TV District Board. This Resolution is effective immediately on passage and approval.

PASSED AND APPROVED by the Town Council this 2nd day of February 2023.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Richard Sorensen	X			
CM Kevin Anderson				X
CM Sandy Hunter	X			
CM Artie Powell	X			
CM Bruce Ahlstrom	X			

Richard Sorenson
RICHARD SORENSEN, Mayor



ATTEST:

Beckki Endicott
BECKKI ENDICOTT, Clerk

RECORDED this 2nd day of February 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal clerk of Huntsville Town, hereby certify that foregoing resolution was duly passed and published, or posted at 1) Town Hall 2) www.huntsvilletown.com 3) pnn.gov

Beckki Endicott
Town Clerk

Date: 2/2/2023

GENERAL PLAN

for

HUNTSVILLE TOWN, UTAH

The Utah State law requires every community to adopt a general plan that states the present and future needs of a town and plans for the growth and development on the lands within that town. This general plan outlines the objectives selected for guiding Huntsville Town's future development. In this regard, it reflects the present and predicted future needs and desires of the residents of Huntsville as expressed in a comprehensive survey regarding the community's growth and development of its land.

This plan is organized to:

- 1) State a Town vision statement,
- 2) Break that vision statement into **objectives**,
- 3) Describe the **current status** of Huntsville Town,
- 4) State the **general approach** selected to meet the objectives.

February 2023

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1. HUNTSVILLE TOWN VISION STATEMENT

Huntsville Town is a small, semi-rural town located in the Ogden Valley of the State of Utah. With improved transportation access, and the rapid growth of Northern Utah, the entire Ogden Valley is experiencing its own rapid growth. This growth is affecting the demographics and lifestyle of the Ogden Valley. While it is impossible to remain a town undergoing no changes, the citizens of Huntsville Town desire to grow in a planned and orderly manner that strives to maintain its unique character. The Town's architecture is a blend of everything from original pioneer to large, modern home styles. The Town's recent growth reflects the benefits and desirability of life in Ogden Valley with the emergence of large vacation homes and the rapid escalation of the average home price. These results are changing the Valley's demographics to that of an older, higher income population (median age in 2020 is 48 years), with many of the newcomers possessing different viewpoints than long term residents on some issues.

The most striking feature of the Town is generally considered to be the visual perspective given via the large lots, deep house setbacks, and no curb and gutter, which combined with numerous trees and varieties of vegetation, imparts a quiet village atmosphere. The small, quaint downtown, large central park and surrounding mountain vistas provide the feelings that come from a spacious, comfortable, western country living environment. The Town's character has been deeply influenced by the pioneer spirit, tolerance for and support of individual rights and sense of working together for the common good. It is not uncommon to see people on horseback on the streets, or to spot migrating birds or even an occasional deer or moose. The Town was originally laid out around a farming/agricultural grid format, with large lots, wide streets, and alleyways. It recognizes the shortage and escalating cost of housing ownership these features entail; **but in order to maintain the lifestyle that has made the Town so livable and popular, the Town desires to continue maintaining the current regulations of a single family on a lot and no overnight rentals.** The Town recognizes this will place burdens on some residents, but believes it is an unfortunate result of growth that must be accepted to maintain the desired lifestyle.

Therefore, the **primary theme** of the Vision Statement is to preserve as much of this semi-rural character of Huntsville as possible in the coming years. **A resident survey result emphasized that this is the essence of Huntsville Town and that residents want to preserve this character.**

Commented [RG1]: Should we reword this to delete the mention of the survey?

Vision Statement for Huntsville Town

Huntsville Town residents enjoy a low population density, outdoor influenced, mountain country lifestyle conducive to raising families and fostering positive community spirit. Huntsville Town residents realize that growth is taking place all through Ogden Valley and welcome the diversity that new residents offer the Town. The residents are desirous of maintaining our high-quality lifestyle by managing and shaping our future growth via ordinances that encourage and preserve this lifestyle.

2. GENERAL PLAN OBJECTIVES

In order to enact the goals of the vision statement in Huntsville Town, its main components have been converted into objectives for this General Plan. While no plan will satisfy the desires of every resident on every issue, recommendations herein were established to attempt to follow a majority consensus where one has been expressed via a Town survey which is on file at the Town Hall and prevalent concerns and comments from numerous Town meetings. Many residents share an opinion that reflects a desire for very little government control over what transpires in the Town. This General Plan attempts to compromise with that opinion while also reflecting the desires of other residents to enact governmental actions to preserve the quality of life in the Town.

When appropriate, this plan is harmonious with the overall General Plan for Ogden Valley prepared for and approved by the Weber County Commissioners. This General Plan is not so detailed that it stands alone, rather it provides a written statement of the theme/goals to guide decision making and ordinances through the upcoming years.

Overall Objectives for the Huntsville Town General Plan

- 1) Protection of Individual Rights**
- 2) Managing and shaping growth via land use planning**
- 3) Wise management of our natural resources**
- 4) Increasing community involvement of residents**
- 5) Optimizing the quality of our public facilities and services**

3. CURRENT STATUS OF HUNTSVILLE TOWN

3.1 Physical Description

Huntsville Town is a small community located in the southern part of Ogden Valley, twelve miles east of Ogden City near the head of Ogden Canyon. It is the only incorporated community in Ogden Valley, which offers the residents more direct control over what happens in their immediate surroundings. Two unincorporated communities, Liberty and Eden are located in the north and central regions of the Valley. Most of the Valley's open land is used as pasture; land that is farmed is mostly irrigated fields of alfalfa or small grains. The Town lies on a mostly level terrace on the Eastern Shore of Pineview Reservoir, at an elevation of nearly 5,000 feet. There is a small peninsula jutting into the reservoir on the western edge of Town, which includes the Town cemetery, several very popular swimming beaches, and boat launching ramps. The U.S. Forest Service administers the beaches and shoreline as a fee area, subcontracting the operation of concessions and boat launching.

The incorporated area of Huntsville Town is primarily west of State Highway Route 39, a designated scenic highway passing through Ogden Canyon, running south of Pineview Reservoir, turning north and heading east of Huntsville Town until it intersects with County Road 166 where it turns east again and heads to Monte Cristo and Woodruff in Rich County. County Road 166 follows the northern half of Pineview Reservoir and connects with Eden and the North Ogden Pass Road. The intersection of State Highway Route 39 and County Road 166 is one of the busiest in the entire valley. There are only two streets that access the Town, both coming off the north-south running portion of State Highway Route 39, which currently forms a large portion of the eastern Town boundary. All traffic entering or leaving Town uses one of these two streets, both which are very busy during the summer season. The Town's streets are paved, but alleys running north-south midway through some of the blocks are not. All streets and alleys are owned and maintained by the Town. To the north, south and east of State Highway Route 39 lies unincorporated Weber County land. To the south is a steep escarpment of about 40 feet, portions of it that are within the 100-year flood plain of the South Fork of the Ogden River. An additional connector road to Ogden Valley is State Highway Route 167 commonly referred to as Trapper's Loop Highway that winds over the mountains to the south and connects the Valley with Mountain Green and Interstate 84 in Morgan County.

Weber County's population was 268,369 in July 2022, with a growth rate of nearly 1% per year. According to the U.S. Census, Huntsville Town's population was 553 in 1970, 557 in 1980, 541 in 1990, 649 in 2000, 608 in 2010 and 645 in 2020. As of the date of this document, there are approximately 350 dwelling units in Huntsville Town, with approximately 327 occupied by year-round residents. At this point, the Town is continuing to grow at a slow pace due to a shortage of moderate-cost vacant lots, there being few remaining building lots available in Town without resorting to subdividing. Should Huntsville's population exceed 1000, Utah State law would require a transition to a Class 5 city, which would require a new form of municipal government.

3.2 Current and Proposed Land Use in Huntsville Town Boundaries

Huntsville Town currently has nine classes of zoned land use: 1) Residential (R-1), 2) Commercial (C-1), 3) Commercial Resort (CR-1), 4) Agricultural (A-3), 5) Park (P), 6) Shoreline (S), 7) Open Space, 8) Flood Plain (FP), and 9) Recreational (RC). Figure One is a zoning map of the Town that shows currently only R-1, C-1, AV-3, S-1 and CR-1 zones exist. The potential for a C-2 zone is being considered to allow for uses in certain areas that are not allowed in C-1. Using a Geographic Information System (GSI) and a base map provided by Weber County Planning Department, the following acreage of various land uses were estimated:

Acres Per Land Use

Residential	259 acres
Commercial	13 acres
Agriculture/ Open Space	134 acres
Institutional and Parks/Recreation	24 acres
Roads	111 acres
Shoreline	12 acres
Reservoir/Wetland	46 acres
Culinary waterworks property	3 acres
Ogden Boat Club property	7.6 acres
Cemetery	9 acres

Total 618.6 acres in Town boundaries

Water treatment plant and storage reservoir	1.3 acres
Landfill	40 acres

Total: 41.3 acres additional land owned by Town

3.2.1 Residential

Although residential is by far the largest category of land use, it comprises slightly less than half of the total area (47%). The residential areas are zoned R-1, with a minimum lot requirement of $\frac{1}{4}$ acre, which dates back to the original Town survey. The large lots include features such as gardens, pastures, barns, corrals and other farm out buildings. Multifamily dwellings or multiple dwellings are not allowed on a single lot. In compliance with State law, the Town allows a residence to establish an Internal Accessory Dwelling Unit (IADU) with certain restrictions. The Town does not allow for short term rentals, e.g., Air B&B, nightly rental, etc. in the R-1 and A-3 zones due to the impact such accommodations can have on the tranquility of a neighborhood. There are a few smaller lots that historically exist and are grandfathered to allow residential use, but if existing structures on these lots are replaced or remodeled, the new construction must comply with current building ordinances. The Town maintains a property database that lists all properties in

town, the legal owner, and if any known issues i.e., boundary

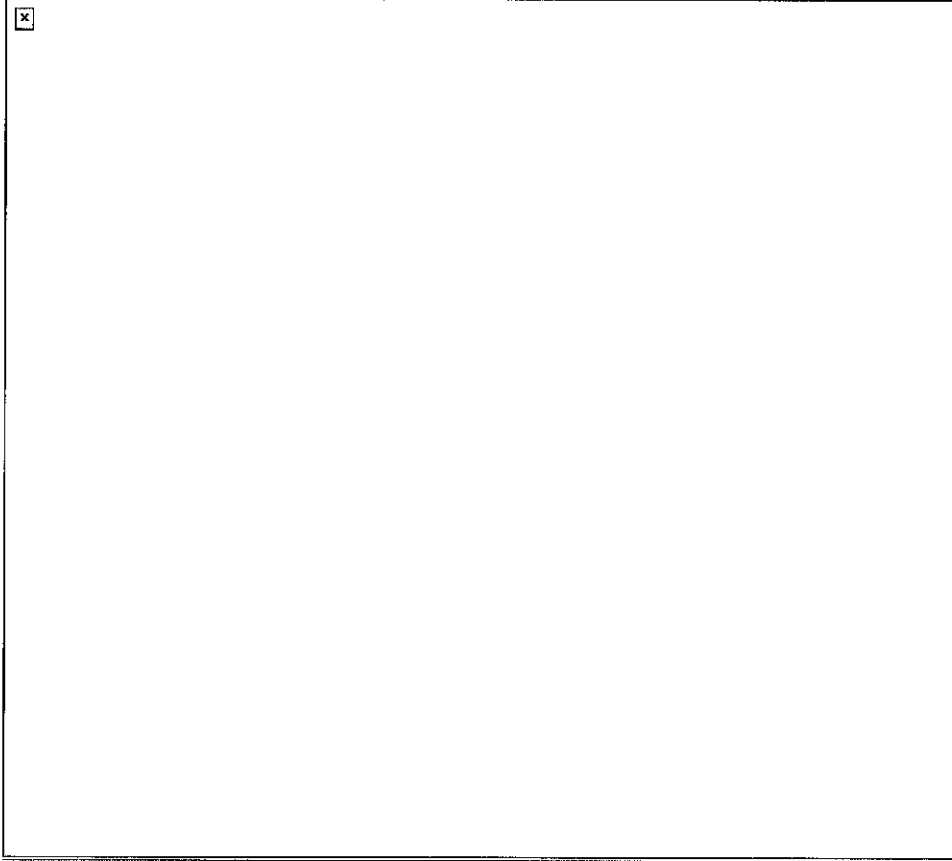


Figure One – Huntsville Town Zoning

disputes, non-conformances, etc. exist on the property. This information is available to the public via the Town Clerk. The residential area includes two buildings listed on the State Register of Historic buildings. They are the birthplace and home of David O. McKay, former President and Prophet of the Church of Jesus Christ of Latter-Day Saints, located at the corner of 200 South and 7600 East and the "Valley House" at 200 South and 7318 East, now a bed and breakfast inn.

3.2.2 Commercial

Commercial zones are located in two areas, the traditional center of Town and land along the southeastern corner of Town. The traditional Town center is small (8.5 acres) and provides the Town with a small amount of property and sales tax revenue. This area includes several small stores, the well-known Shooting Star Saloon, a reception hall, a small restaurant, two small Town-owned buildings, a storage barn, and the Compass Rose Lodge. The southeastern commercial area on the east side of Town houses the South Fork Village; the US Post Office, the American Legion, and a parcel due north of the post office that was rezoned to C-1 and rezoned back to R-1 in 2019. The area may be considered for a rezoning back to C-1 in the future. A C-2 zone is under consideration to allow further controlling what types of commercial enterprises can be allowed in commercial zones, especially when surrounded by residential zoning.

3.2.3 Agriculture and Open Space

Huntsville originated as a Latter-day Saint agricultural village where the residents lived in Town and farmed the surrounding area. Agriculturally available space within the Town boundaries is relatively small (approximately 134 acres), currently composed of undeveloped R-1 and A-3 lots. These areas are mostly used for light agriculture purposes such as gardening, grazing, or maintaining small animals.

3.2.4 Institutional, Parks and Recreation

Institutional use (24 acres) refers to public and government buildings, facilities or land (e.g., the library, church, post office, town hall, town maintenance building, etc.), and a community park encompassing a square block bounded by 200 to 300 South and 7400 to 7500 East and an approximately .8 acre playing field in the SE corner of the block due north of the park. Pickle ball courts were built in 2018 in this area. There is also an area zoned RC for private recreation owned by the Ogden Boat Club.

3.2.5 Roads

Roads, street right of ways, and alleys comprise the second largest land use in the community, 111 acres (21%). The width for the combination of street and right of way is generally 99 feet, with some 66-foot secondary roads. The width combined with the required building setbacks, increases the overall setback of homes, adding to the open feeling. The width for the paved portion of roads itself varies from 18 to 20 feet depending on the location in Town. For example, the paved portion of 100 South (First Street) is wider than the rest of the Town's streets because it is the primary road to Pineview Reservoir from State Highway Route 39 and sees heavy use. Many residents use the unpaved portion of the right of way (the verge) as part of their yards. The alleys were originally created to give access to barns, corrals, and outbuildings, by providing a 33-foot-wide easement where animals could be driven from home to pasture without using the main streets. Today, they are used by some residents for property access and by the Town and Huntsville Water Works Corporation for utilities (underground culinary and secondary water lines). The Town intends to maintain the streets as they are, with the current width requirements, and without curb and gutter, to maintain the rural feel.

3.2.6 Reservoir and Wetland

The northern-most area of the Town, comprising 45 acres (8.5%) maintains the overflow volume for Pineview Reservoir. The water level varies from season to season and year to year, creating a wetland area during times of high water.

3.2.7 Shoreline

A small portion of land around Huntsville is shoreline along Pineview Reservoir. Portions of this shoreline attract very large crowds during the summer months.

3.2.8 Cemetery

Huntsville's cemetery consists of 9 acres and is located at the tip of the peninsula, which juts out into the reservoir.

3.2.9 Landfill

The Town owns 40 acres of land approximately 4 miles east of Town that straddles the South Fork of the Ogden River. A portion on the north side of the river is used for a green waste landfill and 11 acres on the south side of the river is potential buildable land, although it is in the 100-year flood plain. The landfill has been utilized as a licensed Class 4 landfill, which allows dumping yard waste and some approved demolition materials. Currently Town ordinances allow only yard waste. The soil/rock displaced from the holes dug at the landfill have been used as backfill and road base material in Town projects. Yard waste burns are scheduled once a year.

3.2.10 Water Treatment Plant

The Town added a water treatment plant to its culinary water system in 2000, with a 1,000,000-gallon storage reservoir. The plant uses inline filtration and chlorine injection to provide excellent quality water to the community and a few customers outside of Town that purchase Town water in an exchange arrangement for easements necessary to run piping from the treatment plant to the Town.

3.3 Generating Zoning Regulations

The Town land use ordinances are created in coordination between the Town Planning Commission and Town Council and legislated by the Town Council. Current land usage in Huntsville Town consists of property zoned in three of the nine zones, Residential, Commercial and Recreational. As mentioned in paragraph 3.2. above, with the exception of three commercial zones, a newly annexed A-3 development, two small S-1 zones and one CR-1 commercial resort zone, the entire town is zoned R-1. The Town land use ordinances contain additional zones that allow for flexibility with any land that might be annexed by the Town. The R-1 (3/4-acre lot minimum) zone requirements reflect the western attitude of allowing for independence and flexibility with the use of private property. The commercial areas are zoned C-1. The C-1 ordinance regulates business types, signage, and lot use issues under a conditional use arrangement. A C-2 zone is under consideration to allow further controlling what types of

commercial enterprises can be allowed in commercial zones, especially when surrounded by residential zoning.

No site construction is allowed until land use and building permits are approved. The Building Official cannot issue a building permit if a Land Use permit hasn't been obtained first or if the proposed structure does not conform to the Town ordinances. A certificate of occupancy must be applied for along with an application for a building permit. A Building Inspector approved final inspection is required before a house may be occupied.

3.4 Community Services

3.4.1 Transportation

Traffic counts on local roads show a steady increase over the past decade in the number of vehicles using the roads and that Huntsville Town residents account for only a small percentage of daily traffic in the vicinity of the Town. At busy times during the summer season, the congestion at the intersections of Highway 39 and First and Fifth South is extreme. Traffic within the Town boundaries has seen a similar increase, with some problems resulting due to speeding in residential areas.

a. Road Maintenance

Huntsville Town obtains its road maintenance monies from the State Class B and Class C Road Funds. This State B & C Fund is maintained by taxes collected from gasoline sales and is distributed by a formula that divides monies among all roads in the state. Different categories of roads receive a specified number of points, which determines how much money can be obtained from the fund. This money must be used for buying road equipment, road materials, maintenance, and snow removal expenses, etc. Huntsville Town has received grant or low-cost loan monies in the past to help with its road maintenance funds. As the roads age and the traffic increases, roads have become the largest budget item in the Huntsville Town budget and future projections are there will be a shortage of money to maintain the roads in good condition.

In 1998, the Utah Technology Transfer Center at Utah State University conducted a survey and presented the Town a written report recommending several possible road maintenance plan options. Several of the recommendations were adopted by the Huntsville Town Council, thereby forming a basic road maintenance plan. With the consistently increasing costs of road maintenance and the changes that the roads have undergone since 1998, the Town needs to review the plan and adopt a revised/new Master Road Plan. The most significant road maintenance is required on First Street which sees large volumes of traffic in the warmer months since the addition of a boat ramp established Cemetery Point as the gateway to the Pineview Reservoir recreational area. After lengthy negotiations with the Cemetery Point concessionaire, Huntsville Town receives a portion of the entrance fees to help with the maintenance of First Street.

Alleyways, which are Town property, are a persistent problem. There are 23 alleyways in Town which a recent survey found 4 blocked with resident's belongings or illegally fenced off. The general consensus is for the alleys to be open and remain Town property, which will require some enforcement actions to accomplish.

b. Pedestrian needs

Walking is a popular pastime in Town and poses a conflict at times due to unleashed dogs (see Animal Control). There are no sidewalks in Town and streets are often narrower and very slick in the wintertime.

c. Parking

There are no Town parking lots. The LDS church building in the center of Town and the streets around the Town Park are used to park vehicles during large events, such as the Fourth of July. The Town has considered using a lot it owns across the street to the east of the Weber County Library for additional parking should the need arise in the future. The Town has an ordinance that does not allow camping in vehicles overnight on public streets. During the summer season, visitors to the reservoir often park on Town streets and walk to gain access to the water or the facilities at Cemetery Point to avoid paying an entrance fee. This creates issues with trash, sanitation, vandalism, trespassing, and traffic congestion. The Town has passed a parking ordinance and now posts 'No Parking' signs around Town that don't allow for reservoir visitor parking during the busy reservoir usage season.

3.4.2 Public Safety

a. Law Enforcement

Huntsville contracts with the Weber County Sheriff's Office for police protection. The Weber County Sheriff offers a wide range of resources, especially backup officers for the occasional large crowds experienced during summer (May through September) recreational activities. Crime has traditionally been non-violent and infrequent, but with the increase in expensive, often vacant homes in the Valley, burglary has increased. The Town has occasionally contracted a part-time Ordinance Control Officer to aid in dealing with ordinance enforcement, primarily nuisance, animal control and land use issues. A Volunteer in Policing Program (VIPS) supports the Weber County Sheriff's Office by training volunteers to help patrol Ogden Valley.

b. Fire

Huntsville Town chose to be annexed into the Weber Fire District and contracts with them for emergency services. A new fire station recently opened several blocks east of Town. The response time to Huntsville Town from this station is approximately 1-2 minutes, while crews traveling from Ogden City take approximately 15-20 minutes depending on urgency and location of the emergency. Some Town alleyways are illegally blocked to an extent that they would prevent fire vehicles from getting close to buildings.

c. Animal Control.

At the present time, Huntsville Town employs Weber County Animal Control to handle domestic animal control concerns within the Town, supplemented by an Ordinance Control Officer. Huntsville Town has a dog leash requirement in its Animal Control ordinance that prohibits allowing dogs to roam freely, but occasional encounters with unleashed dogs occur.

d. Lighting

The Town has a lighting ordinance that specifies the type, size, and location of lighting with the intent of protecting open (dark) skies. Overhead streetlights are located at numerous intersections, but there are no traffic lights in Town. The Town supports the Dark Skies movement, and the lighting ordinance requires certain restrictions on outdoor lighting in support of reducing light pollution.

e. Signing

The Town has a sign ordinance that specifies the use, type, size, quantity, and location of signs.

3.4.3 Public Utilities

a. Culinary Water Supply

Currently Huntsville Town receives its culinary water supply from three springs, flowing out of what is known as Bennett Springs, located on unincorporated property southeast of Town previously owned by the former Abbey of Our Holy Trinity. Huntsville Town owns portions of water rights out of two of the springs and shares the rights to the third spring with the current property owners. The Town also owns a non-producing well near the culinary water plant and Hawkins Springs that is currently not in use. **Owners of lots in Town must purchase shares in the Town's culinary water system. Property being annexed must bring their own water rights and transfer them to the Town.** The Town has a modern water treatment plant housing three styles of filters (media, bag, and cartridge), which allow for filtering down to the one-micron level. The plant is currently undergoing refurbishment to replace obsolete equipment. After the filtration process, the water is treated with chlorine and pumped to a one-million-gallon storage tank. In the 2000s, follow-on CBD grants allowed for several new water lines in Town to be installed, replacing, and upgrading old lines and fire hydrants. In 2015, the Town contracted for a Hydrogeological Evaluation and Assessment of Groundwater Development Potential. It identified areas where a second source of culinary might be achievable. 2018 CBDG and CIB grants allowed using this information in drilling for a Utah State mandated secondary water source. On April 9, 2018, the Town entered into an agreement with Huntsville Abbey Farm, LLC, the owner of the former Monastery farm, that allowed the Town to drill a culinary water well on Abbey property. Under the terms of the agreement, the Town is only allowed to withdraw water from the well during times of drought and if the total discharge of all the Town's spring sources falls below 150 gallons per minute. The Town is limited to a maximum withdrawal rate of 100 gpm and Huntsville Abbey Farm owns all the well's capacity beyond the first 100 gpm. After one unsuccessful attempt, a good production well was developed that is under testing for State approval as a permanent source. **The state has informed the Town that it is currently exceeding the calculated user limit, so if any future**

development requiring hookups were to take place, upgraded facilities and distribution infrastructure might be required.

b. Irrigation Water Supply

The Town receives irrigation water from a holding reservoir east of Town fed by the South Fork of the Ogden River. An underground delivery system supplies water to the Town. The system is owned by the Huntsville Waterworks Corporation, composed primarily of Town residents, but independent of the Town government. Low pressure issues exist on the far west side of Town during busy watering times. Recent drought conditions may introduce the need for rationing in the future. Residents are being requested to follow a voluntary schedule of days they can water. Metering may become a state requirement and the Town could be forced to comply.

c. Power

The Town obtains electrical power from Rocky Mountain Power. Natural gas is available in Town from a natural gas feeder line paralleling the Trapper's Loop Highway from Mountain Green. A gas regulator station is located east of State Highway Route 39 near the north side of the American Legion building, reducing the gas pressure to 50 psi, supplying Interim High Pressure (IHP) lines routed throughout the Town. At the edge of each property, the IHP line is tapped and fitted to a service line (1/2" to 3/4" diameter at 15 psi, depending on household needs) which is then connected to a gas meter. The lines within the house or structure are reduced down to flow with four ounces of pressure.

d. Refuse

Huntsville Town contracts refuse disposal to a private company, which picks up containers at each household and exports the refuse to the Weber County Transfer Station who delivers it to the East Carbon County Landfill. The Town also contracts with the same company for a second container provided for recyclable waste materials.

e. Sewage

All homes in Town are currently on individual septic systems. Due to continuing Valley growth, especially around the perimeter of Pineview Reservoir, the State of Utah has been promoting a Valley-wide sewer system to hopefully mitigate a declining Pineview Reservoir water quality. The Ogden Valley General Plan points out that Weber County is seriously encouraging a Valley-wide sewer district to be instituted in the future. The Huntsville Town Council joined Weber County in contracting for a sewer feasibility study that provided recommendations and a Wastewater Capital Facilities Plan in 2012. After review of the benefits vs. the impacts to Town residents, the Council decided to continue using the current septic systems in the foreseeable future.

3.5 Environment

3.5.1 Soils

Huntsville Town contains three major soil types as defined by the US Soil conservation Service-Utaha cobbly loam, warm (UbA), Phoebe fine sandy loam (PhA); and Parley's

loam, high rainfall (PaA). Soils are important to the future development of Huntsville because of their permeability or absorption rate, surface runoff, rate of erosion, and depth of the soil to the water table. The Utaba cobbly loam, warm is a soil type formed by alluvium from stream flooding. It is characterized by the large rock fragments found on or close to the surface. Flooding on Utaba soils occurs mostly during late winter and spring. Most of the land is abandoned or fallow cropland, which can support fields of alfalfa and small grains with the use of commercial fertilizers and manure. Flooding potential has hampered urban and recreational development of this soil, even though the threat for flooding has been greatly reduced with the introduction of Pineview and Causey reservoirs. In the Town, the Utaba soils are found mostly along the north boundary and along the northern shore of the peninsula leading to the cemetery. The water table is at a depth greater than six feet and is good for septic tanks unless flooded. There is also the possibility of ground water contamination.

The Phoebe fine sandy loam is found in the eastern half of Huntsville, bordered on the north by the Utaba soils and to south by a steep escarpment with the South Fork flood plain below. It is also found in the northwest part of Town near the reservoir. This soil is good for homesites and other development; however, problems with septic tank drainage may occur during flooding, and contamination of ground water in such instances is likely.

Parley's loam, high rainfall is a soil that has a slow permeability and a slow runoff because it is mostly flat, although some of the soil must be leveled to insure proper distribution of irrigation water. It lies mainly on the western side of the Town including most of the peninsula and the cemetery. While flooding is not an immediate threat because of its location above the South Fork floodplain, the slow absorption of water may cause septic tank problems. Contamination of ground water is also possible with the use of cesspools for sewage.

Immediately to the east of State Highway 39 the soils are mostly Eastcan loam (EaA), Canburn silt loam (Cb), and Crooked Creek silty clay loam (Ct). These soils have a slower permeability than the soils to the west, and also have a shallow depth to the water table, making them more susceptible to flooding. Of these three soils, the Eastcan loam has the best potential for building homes; however, it has a low load support, and septic tank problems can readily occur. Much of the Crooked Creek soil is classified as wetlands or wet meadows because the clay in the soil and lack of slope retards normal drainage. It occurs mostly to the northeast of the present Town boundaries, close to Huntsville Spring Creek.

In the areas lying to the south of Huntsville Town are three very different soils: the Sunset loam (SwA), Nebeker clay loam (NrA), and the Ostler-Casey complex (OcG). The sunset loam is the floodplain of the south fork of the Ogden River and is rich in gravel and other sediments. While there is a possibility for future development, the high-water table makes flooding a potential problem, especially during the spring runoff. The high-water table also makes it difficult to have septic tank drainage, and cesspools may pollute ground water supplies. Much of this land is under consideration by the US Army Corps of Engineers for possible wetlands.

The Nebeker clay loam is found around the junction of State Highway Routes 167 and 39 (Trapper's Loop) near the south shore of Pineview Reservoir. While suitable for homesites, it is a clay soil and therefore slow absorption, and runoff poses a slight flooding hazard. Septic tanks can also pose a threat to water quality. The Ostler-Casey complex occurs along the foothills of the mountains along State Highway Route 39 near the intersection with SR 167. Because it is a soil formed on the sides of mountains and foothills, it is susceptible of high erosion and slippage. Roads built in this area must conform to the low load capacity, and therefore high-density urban development is unlikely. Its location on the mountain makes it an excellent possibility for water storage; however, cesspools or septic tanks should not be used in this area.

3.5.2 Climate

Because of its location in a 4940 ft mountain valley, Huntsville's climate is slightly different than that of Ogden City. Ogden Valley receives on average about 30 inches of precipitation a year, most of it as snow. During the spring and winter, cold mountain air frequently settles into the valley, creating a temperature inversion with temperatures that often dip well below zero. The coldest month is January with an average temperature of about 17 degrees Fahrenheit. Snow can occur anytime from September to early May, and heavy snowstorms have closed access to Ogden Canyon for several hours. Despite the cold winters, Huntsville does enjoy a warm summer. The frost-free season of approximately 110 days makes it difficult to grow temperature sensitive fruits and vegetables. July is the warmest month when the temperature averages 70 degrees.

a. Air Quality

The State of Utah Division of Air Quality is part of the Utah Department of Environmental Quality. Huntsville air quality must meet the standards set for Weber County, and the Federal government, which has not been a problem to date, although poor quality air from west of the Wasatch Mountains occasionally enters the Valley. Reduced use of wood as a primary source of winter heat has reduced the particulate emissions, which result. Since Huntsville residents register their cars with Weber County, they are required to pass vehicle exhaust emission standards.

3.5.3 Sensitive Areas

a. Wetlands

Jurisdiction and management of wetlands are dependent upon the U.S. Army Corps of Engineers. Wetlands can become centers of controversy and therefore it is very important that the Corps of Engineers is contacted before development on any questionable land begins. The Corps has the right to condemn any structure or use that is not in accordance with wetland legislation. They also have the power to coordinate a mitigation plan with the property owner, e.g., replacing a wetlands spot by creating a similar wetlands area on another part of their property.

A small stream runs through pastureland in the northeast corner of the Town and eventually joins the Huntsville Spring Creek on its way to Pineview Reservoir. Since the area there is

very flat and is inundated with water most of the year, this pasture classifies as a wetland. The North Branch of the South Fork of the Ogden River, which lies in a floodplain south of Town, also might be classified as wetland. If annexation of either area was to occur, care must be taken to resolve the wetland issues. The recently annexed land to the east of Highway 39 contains wetland that is under development and must be reviewed and adjudicated by the Corps.

a. Floodplain

The only areas currently identified that are within a Federally determined floodplain are located south of Town where the South Forks of the Ogden River enter Pineview Reservoir. This floodplain and the associated shoreline areas are classified Zone A (probable 100-year flood occurrence) with no houses or development allowed without approved mitigative measures in place.

b. Slope

Most of Huntsville Town lies within the 0-8% slope classification, which is suitable for all forms of development. Proposed annexation to the east of Town would also fall into this category. Development on the escarpment dropping off to the South Fork flood plain and on the floodplain should be approached carefully.

c. Erosion

Because the townsite is on a flat lakebed of ancient Lake Bonneville, there is very little slope to the land and little erosion. The exception is near the southern boundary of the Town, where an escarpment drops approximately 40 feet to the South Fork flood plain. The slope is quite well vegetated and does not appear to have serious continuing erosion problems.

3.6 Financial Condition

The Town has a history of sound fiscal responsibility, consistently maintaining a balanced budget in the range of \$540,000/yr. The Town has no large sources of revenue, the largest ongoing amounts coming from intergovernmental sources reflecting a proportional distribution of monies collected by the state and county in property, gasoline, and sales taxes. Beyond these revenues are charges for Town services such as refuse collection and culinary water. Larger projects, such as a new Town Hall are paid for with grants, sale of the old Town Hall and Town owned properties, and loans. The following are the categories of current revenue sources for the town:

- a. Taxes – property, franchise, sales, liquor, and gas.
- b. Rental income from Town owned property (two small buildings in the Town center, landfill area).
- c. User/permit fees (park, building, cemetery, portion of boat ramp/beach fees). It's important for the Town to charge enough for the use of the park to cover all costs to the Town, including a fee for the inconvenience, and then a profit on top of that. Each year

there are many requests for use of the park for special events. The park is a valuable asset and outside users represent a depreciation of this asset that needs to be accounted for in the fees.

- d. Enterprise funds (water and refuge). These are handled in separate funds and used for capital improvements and future infrastructure maintenance. The funds are supported by the rates charged for culinary water and based on the actual cost to produce plus an allotment that goes towards growing these funds such that the adequate amount is available when needed.
- e. Fines and penalties. The Huntsville Town council assigns fines and penalties via ordinance actions.
- f. Donations, grants, 4th of July, and Huntsville Utah Marathon. The marathon, which is a Valley-wide collaboration, has been a very successful endeavor and resulted in a significant revenue source for the Town. It was suspended due to the Covid pandemic, and it is undetermined if it will be continued in the future.

4. APPROACH TO MEETING GENERAL PLAN OBJECTIVES

4.1 Managing and Shaping Growth via Land Use Planning

The single most expressed desire from Town residents is conserving the small-town character. While it enjoys a good relationship with the Weber County Commissioners, Huntsville Town has little influence over how surrounding land in Weber County is developed. Residing within incorporated Huntsville Town offers residents the opportunity to play a greater role in how the/their property is developed. **As the town considers land use planning and establishing new ordinances, the protection of property rights will be a priority.** Based on results of a Town survey and experience with developers, the Town considers annexing nearby land a potential option that would allow greater control over the growth in its immediate vicinity. The Town desires to preserve its existing grid system lot layout as much as land conditions and topography allows to maintain the feel of the historic Town. Where it represents the preservation of natural resources or open space, the Town supports placing land into trusts such as the Ogden Valley Land Trust. No annexation petition will be accepted without first assessing the Town's ability to deliver critical infrastructure (culinary water, traffic safety, road maintenance, etc.) currently provided to existing residents and ensuring the potential deficit of revenue vs. expense to the Town does not place the financial burden on current residents. If the impacts required would be substantial enough in cost, the Town would reflect that cost in impact fees on the developers of that land as a condition of the annexation approval. The Town does not own the secondary water system and being annexed does not have any bearing on whether a property can be hooked into the secondary irrigation system. Culinary water is not permitted for irrigation purposes. Property would be annexed into Town under its current zoning. The Town ordinances have similar zones to Weber County but does not have a RE-20 (20,000 sq ft lot size) zone.

A large tract (~72 acres) was recently annexed immediately east of Highway 39, bounded by Highway 39 where it turns and heads north and 500 South on the south. The annexation also included the Weber County Fire Station on 500 South. The developer who purchased the land has negotiated approval for development of large homes on 3-acre minimum lots with the Town Planning Commission/Town Council. A major impact that could result from further annexation is the State law requiring a town whose population exceeds 1000 to transition to a Class 5 city, which would require a new form of municipal government. This would require extensive planning, reorganization, hiring, costs, etc., as well as have a significant impact on the character of the Town.

4.1.1 Land Currently Qualifying for Annexation

The land currently qualifying for annexation is immediately north, east, and south of Town bordering either side of State Highway Route 39 which roughly circles the Town and represents the major transportation corridor for this end of the Valley. **No development will be allowed by the State that requires the main vehicular access off State Highway Route 39 unless safety and traffic concerns are adequately addressed with the Utah Department of Transportation. Even if the developer would agree to providing the needed infrastructure, it does not mean the Town would necessarily accept an annexation petition. Based on Town survey results, the Town**

showed a majority preference to remain a small community and only accept an annexation request from nearby land if that status can be maintained and critical infrastructure (culinary and secondary water, traffic safety, road maintenance, etc.) can be provided without increased burden on current residents. The primary determining factor is Huntsville Town's ability to provide and delivery culinary water, which the Town has limited additional capacity to do so. Prior to any annexation, Huntsville Town will determine if it is feasible to serve the proposed new area with these utilities and other municipal services within a reasonable amount of cost. For areas it does not have the capability to provide municipal services, annexation would not be approved unless the property owners in the area agree to pay impact fees that would allow for the necessary expansion of existing service capabilities. In the case of culinary, that might mean developing a new source of water. All agreements would be formalized in a written Memorandum of Understanding prior to starting the formal annexation process.

A critical factor to the Town's future is that the current Town boundaries will keep the Town population under 1000 so a reorganized government would not be required, maintains the character of the Town, would not pressure the Town into annexing land due to islands created by Valley-wide incorporation, and not require major infrastructure upgrades to culinary water or potential sewer system development.

4.1.2 Three Critical Locations That Will Affect the Town's Future Character

4.1.2.1 Several pieces of Weber County property along the east side of Highway 39 to the immediate south of South Fork Village are currently zoned as commercial by Weber County. With the building of the US Postal facility on the southwestern corner of the intersection of 500 South and Highway 39, this area was further established as one of two future hubs of the Town's commercial development. This area has been identified by Weber County as a potential receiving zone for transferred development rights. The Town does not have an ordinance allowing transferring development rights. The Town is not in favor of a long commercial mall-type spread along Highway 39, rather believing that this land would best be developed with a mix of residential, commercial, and open spaces in park-type uses.

4.1.2.2 The area immediately south of the current Town boundary and west of Highway 39 has been proposed to the Town for annexation and development in the past, although the current owners have stated they are not interested in development. This area contains areas zoned RE-20 and S-1 in Weber County and incorporates a FEMA-designated flood plain. Any development would require careful planning to accommodate the natural features that do not lend to easy development. Due to the increased infrastructure and management costs that would result on behalf of the Town, the Town has not annexed the land.

4.1.2.3 Huntsville Town will continue to encourage suitable public and commercial development in the historic commercial center of Town, with a goal of maintaining its unique character. The demolition of Valley Elementary School made a significant negative impact on this area. The Town was able to negotiate the purchase of this land and rezoned it C1. The northeast corner of 200 South and 7400 East was sold to a developer and now houses the Compass Rose Lodge and space for another building, which they plan build in the near future. The building on the northwest corner of the intersection has been remodeled and is now the Huntsville Mercantile

Reception Center. The Town recently completed a beautification project for all four corners of the intersection. The Town owns two lots on the southeast corner of 100 South and 7400 East that it is considering for several potential uses. A new Town Hall/Community Center is planned for the property along 200 South east of the Compass Rose. The Town Hall was sold, and the Town currently uses various buildings for offices and meetings **until a new Town Hall is built.**

4.1.3. Annexation Proclamation Boundary

The area that would be considered for annexation in the Huntsville Town Annexation Policy Plan is contained at the end of this section as Figure Two. Residents in unincorporated Ogden Valley are currently considering incorporation. Any land not within Huntsville's Annexation Proclamation Boundary could be part of this incorporation effort but **any within the boundary** would have to receive the approval of Huntsville Town. **The boundary includes the area around the intersection of Trappers Loop Road and Highway 39 due to the possibility of commercial development in that area, which the Town might want to include in its boundaries.**

4.1.4 Specific Development Plan (SDP) Overlay Zoning

An SDP overlay ordinance specifically for the C-1 zone was adopted to allow more flexibility in bringing about the goals and objectives of this General Plan in future developments. The regulations and development standards of an SDP overlay may vary from the those of the C-1 zone, but only after a detailed review and approval of the Town government. The Town Council may establish an SDP Overlay zone when it deems it beneficial, or a developer may propose an SDP Overlay zone be established to support a proposed development.

4.2 Wise Management of our Natural Resources

Huntsville Town recognizes that wildlife specific habitat, wetlands and open space are necessary to support the maintenance of the Valley's wildlife species, which in turn enriches the quality of life in the Valley. Of primary concern are the impacts involving wetlands, water aquifers and floodplains.

4.2.1 Undeveloped Land

The Town recognizes there are natural sensitivities existing on much of the surrounding undeveloped land and feels it necessary to require appropriate sensitive land studies (e.g., wetland assessment, etc.) be conducted to evaluate the impacts of any rezoning or development prior to issuing building permits. Sensitive lands analyses must consider the impacts to both human and wildlife habitats. The Town has a Sensitive Lands ordinance and supports maintaining a cooperative relationship with the State Division of Wildlife Resources and Army Corp of Engineers to foster continuing a sustainable wetlands and wildlife populations.

4.2.2 Trails

Huntsville Town believes that trail systems support improved quality of life through better health and enjoyment of our natural resources. The Town supports participation in groups promoting the development of trail systems throughout Ogden Valley. The Town received a RAMP grant and in cooperation with the Trails Foundation of Northern Utah, built a trailhead kiosk in the SE

corner of the field just north of the Town park. The Town also added a restroom facility to the park playground in the NE corner of the park. The Pineview Loop trail now routes through Town including the kiosk as a trailhead/parking location and the Winter's Grove trail on the southwest boundary of the Town.

4.3 Increasing Community Involvement of Residents

A broad range of skills exist within the Town's citizenry. Huntsville Town encourages greater involvement of its citizenry in helping to achieve our mutual goals and supports efforts to foster community service, good will, spirit, etc. Many of the amenities that exist in Town would not have been possible without the gracious donation of citizens' time and skills. The annual Fourth of July celebration is well known throughout Northern Utah as an example of a community that lives and plays together. The Huntsville Marathon has been a resounding success, involving many residents, and hopes to continue to be a perennial standout event. The Town supports the fostering of activities such as this that brings citizens together in a mutually beneficial manner but with some restrictions on the quantity and size of such events. Essential in this effort is communications to the populace and the Town is maintaining a website and email list for announcements regarding Town events, activities, etc. The Town also utilizes a newsletter in the water bill, and the local newspaper, the Ogden Valley News, for communications to the larger Ogden Valley populace.

4.4 Optimizing the Quality of Public Facilities and Services

Public facilities are important to the residents of Huntsville Town. The Town plans to maintain, improve and develop new facilities in a prudent manner and as budgets allow. The Town maintenance buildings west of the library were replaced with a new Maintenance building funded by a CBDG grant on the northeast corner of the former Valley Elementary school property purchased by the Town. The old maintenance facility was acquired by the Weber County Library System to use the land for enlarging their current facilities. The Town park continues to see frequent use and an investigation is underway to explore the possibility of running the power lines underground alongside the park to avoid having to cut trees for line clearance.

4.4.1 Sewage

The Ogden Valley General Plan identifies the possibility of a valley-wide sewage system in the future. The Huntsville Town Council recognized that prudent planning required a detailed definition of the issues and impacts involved. The Town Council, in coordination with the Weber County Commission, agreed to conducting a wastewater collection and treatment capital facilities study, completed in 2012. Due to the enormous impact on residents and indefinite benefits to water quality identified in the study results, the Town Council does not support building a town or valley-wide sewage system at the present time, **believing that at the current buildout the Town's septic systems are adequate and the financial burden of installing a town sewer system would not be reasonable. All new homes are under recently increased requirements levied by Weber-Morgan Health.** In 2022, separate Ogden Valley water and sewer studies funded by Weber Basin Water Conservancy District and Weber County Commissioners respectively, were conducted. The water study recommended no new wells be drilled in the Valley due to the existing water supply being unable to support more development and a Valley-

wide culinary system be developed. The sewer study recommended an Ogden Valley-wide sewer system be built to reduce the pollution to ground water feeding Pineview Reservoir. Both studies identified significant negative impacts from further Valley growth to both the environment and costs to residents.

ANNEXATION POLICY PLAN

for

HUNTSVILLE, UTAH

February 2023

1. HUNTSVILLE TOWN ANNEXATION POSITION

Huntsville Town is a small, semi-rural town located in the Ogden Valley of the State of Utah. With improved transportation access, the rapid growth of Northern Utah, the entire Ogden Valley is experiencing its own rapid growth. This growth is affecting the demographics and lifestyle of the Ogden Valley. While it is impossible to remain a town undergoing no changes, the citizens of Huntsville Town desire to grow in a manner that strives to maintain its' unique character. The Town's architecture is a blend of everything from original pioneer to large, modern home styles. The Town's recent growth reflects the benefits and desirability of life in Ogden Valley with the emergence of large vacation homes and rapid escalation of the average home price. These results are changing the Valley's demographics to that of an older, higher income population (median age in 2020 is 48 years), with many of the newcomers possessing different viewpoints than long term residents on some issues.

The Town was originally laid out around a farming/agricultural grid format, with large lots, wide streets, and alleyways. It recognizes the shortage and escalating cost of housing ownership these features entail; but in order to maintain the lifestyle that has made the Town so livable and popular, the Town desires, which is reflected in its General Plan, to continue maintaining the current ordinances that support this desire. The Town recognizes this will place burdens on some residents, but believes it is an unfortunate result of growth that must be accepted to maintain the desired character and lifestyle of the Town. As stated in the Huntsville General Plan, the **primary theme** of the Town's Vision Statement is to preserve as much of this semi-rural character of Huntsville as possible in the coming years. From the General Plan:

Vision Statement for Huntsville Town

Huntsville Town residents enjoy a low population density, outdoor influenced, mountain country lifestyle conducive to raising families and fostering positive community spirit. Huntsville Town residents realize that growth is taking place all through Ogden Valley and welcome the diversity that new residents offer the Town. The residents are desirous of maintaining our high-quality lifestyle by managing and shaping our future growth via ordinances that encourage and preserve this lifestyle.

Commented [RG1]: Does Bruce have a reword suggestion for "via ordinances"?

This Annexation Policy Plan reflects the Town's position to be open to considering annexation in the future, but under conditions that reflect the planning goals reflected in the Vision Statement and the Huntsville General Plan. **In general, the Town will consider annexation of areas surrounding the Town when such annexation supports the maintenance of its unique and desirable lifestyle. The Annexation Policy Plan herein is intended to reflect this position as it considers annexation in the future under conditions that reflect the planning goals as stated in the Vision Statement and the Huntsville General Plan.**

Commented [AP2]: This is only a first stab at a general annexation policy. Others can and should refine as needed.

2. CRITERIA FOR DECISIONS ON FUTURE ANNEXATION

- A. As part of its ongoing effort to anticipate responsible growth, Huntsville Town has identified land adjacent to its present Huntsville Town boundaries that could possibly be annexed, including where some property owners have expressed an interest in possibly becoming a part of Huntsville Town in the future. Areas considered for annexation must fall within the boundary designated for future possible annexation contained in this Huntsville Town Annexation Policy Plan. Even though property proposed for annexation is located within this boundary area, there is no guarantee that any annexation request will be approved by the Huntsville Town Council or that the Town Council would initiate one of its own.
- B. Huntsville Town will determine prior to any annexation if it is feasible to serve the proposed new area with utilities and other municipal services within a reasonable amount of cost and time. The primary determining factor is Huntsville Town's ability to provide and deliver culinary water. The Town has limited additional capacity to do so. For areas it does not have the capability to provide municipal services, annexation would not be approved unless the property owners in the area agree to pay sufficient impact fees that would allow for the necessary expansion of existing service capabilities.
- C. The character of the Huntsville Town community is primarily residential, with a small mix of commercial, recreational, and agricultural. Areas considered for annexation should be compatible with this character.
- D. Annexation will eliminate existing, and not create islands or peninsulas of unincorporated territory. When the determination of a peninsula is in question, the Weber County Surveyor will make the determination.
- E. Areas considered for annexation shall not be located within the corporate limits of another incorporated town, be within another annexation proclamation boundary, or be part of a previously approved annexation petition.
- F. Annexation should prevent overlapping functions of government, promote efficient delivery of services, and encourage the equitable distribution of community resources and obligations.
- G. Annexation should give consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within Huntsville Town, to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within Huntsville Town.

Commented [RG3]: Artie's comment on better wording

3. CURRENT STATUS OF HUNTSVILLE TOWN

A. Physical Description

Huntsville Town is a small community located in the southern part of Ogden Valley, twelve miles east of Ogden City at the head of Ogden Canyon. It is the only incorporated community in Ogden Valley, which offers the residents more direct control over what happens in their immediate surroundings. Two unincorporated communities, Liberty and Eden are located in the north and central regions of the Valley. Most of the Valley's open land is used as pasture; land that is farmed is mostly irrigated fields of alfalfa or small grains. The Town lies on a mostly level terrace on the Eastern Shore of Pineview Reservoir, at an elevation of nearly 5,000 feet. There is a small peninsula jutting into the reservoir on the western edge, which includes the Town cemetery and several very popular swimming beaches and boat launching ramps. The U.S. Forest Service administers the beaches and shoreline as a fee area, subcontracting the operation of concessions and boat launching.

The incorporated area of Huntsville Town is primarily west of State Highway Route 39. State Highway 39 is a designated scenic highway passing through Ogden Canyon, running south of Pineview reservoir, turning north, and heading east of Huntsville until it intersects with County Road 166 where it turns east again and heads to Monte Cristo and Woodruff in Rich County. County Road 166 follows the northern tip of Pineview and connects with Eden and the North Ogden Pass Road. The intersection of State Highway Route 39 and County Road 166 is one of the busiest in the entire valley. There are only two streets that access the Town, both coming off the north-south running portion of State Highway Route 39, which currently forms a large portion of the eastern Town boundary. All traffic entering or leaving Town uses one of these two streets. Most of the Town's streets are paved, but alleys running north-south midway through some of the blocks are not. All streets and the alleys are owned and maintained by Huntsville Town. To the north, south and east of State Highway Route 39 lies unincorporated Weber County land. To the south is a steep escarpment of about 40 feet, portions of it that are within the 100-year flood plain of the South Fork of the Ogden River. An additional connector road to Huntsville is State Highway Route 167 commonly referred to as Trapper's Loop Highway that winds over mountains to the south and connects the Valley with Mountain Green and Interstate 84 in Morgan County.

Weber County's population was 268,369 in July 2022 with a growth rate of nearly 1% per year. According to the U.S. Census, Huntsville's population was 553 in 1970, 557 in 1980, 541 in 1990, 649 in 2000, 608 in 2010 and 645 in 2020. There are approximately 350 dwelling units in Huntsville, with approximately 327 occupied by year-round residents. At this point, the Town is continuing to grow, however the growth has slowed due to the recent recession and is contained by natural and man-made barriers or boundaries. Due to there being few remaining building lots available in Town, unless the Town annexes more land, growth will stagnate. One important consideration of annexation is the impact on the Town's population and its effect on the cost of

Commented [RG4]: Alleys are owned by the Town vs. right of ways

administering and managing the Town and its resources and services. Should Huntsville's population exceed 1000, Utah State law would require a transition to a Class 5 city, which would require a new form of municipal government.

B. Current and Proposed Land Use in Huntsville Town Boundaries

Huntsville Town has nine classes of zoned land use: 1) Residential (R-1), 2) Commercial (C-1), 3) Commercial Resort (CR-1), 4) Agricultural (A-3), 5) Park (P), 6) Shoreline (S), 7) Open Space, 8) Flood Plain (FP), and 9) Recreational (RC). Figure One is a zoning map of the Town that shows currently only the R-1, C-1, AV-3, S-1 and CR-1 zones exist. The potential for a C-2 zone is being considered to allow for uses in certain areas that are not allowed in C-1. Annexation will be considered as an opportunity to gain greater control over the growth in the immediate vicinity of Huntsville Town. No annexation will be undertaken without first assessing the ability to deliver services currently provided to residents and ensuring the potential deficit of revenue against expense to the city is not unreasonable. A 70+ acre parcel of land immediately east of the Town boundaries, bounded on the north by 100 South and on the south by 500 South, was recently annexed with its' existing zoning of A-3.

1) Residential

Although residential land use is by far the largest category of land use, it comprises slightly less than half of the total area (47%). It includes large garden areas, pastures, barns, corrals and other farm or utility out buildings. There are currently no multifamily dwellings, nor do the ordinances allow such. The residential area is zoned as R-1, with a minimum lot requirement of $\frac{3}{4}$ acre, which dates back to the original Town survey.

2) Commercial

Commercial zones are located in two areas, the traditional center of Town and a strip of land along the southeastern corner of town. The traditional Town center is small (8.5 acres) and provides the Town with small amount of property and sales tax revenue. This area includes several small stores, the well-known Shooting Star Saloon, a reception hall, a small restaurant, two small Town-owned buildings, a storage barn, and the Compass Rose Lodge. The southeastern commercial area on the east side of Town houses the South Fork Village, the US Post Office, the American Legion, and a parcel due north of the post office that was rezoned to C-1 and back to R-1 in 2019.

3) Agriculture and Open Space

Huntsville originated as a Latter-day Saint agricultural village where the residents lived in Town and farmed the surrounding area. Agriculturally available space within the Town boundaries is relatively small (134 acres), currently composed of undeveloped R-1 lots. These areas are mostly used for light agriculture purposes such as gardening, grazing, or maintaining animals.

4) Institutional, Parks and Recreation

Institutional use (24 acres) refers to public and government buildings, facilities or land (e.g., the library, church, post office, town hall, town maintenance building, etc.), and a community park encompassing a square block bounded by 200 to 300 South and 7400 to 7500 East, and an approximately .8-acre field in the SE corner of the block due north of the park. There is also an area zoned RC for private recreation owned by the Ogden Boat Club.

5) Roads

Roads, street right of ways, and alleys comprise the second largest land use in the community, 111 acres (21%). The width for the combination of street and right of way is generally 99 feet, with some 66-foot secondary roads. The width combined with the required building setbacks, increases the overall setback of homes, adding to the open feeling. The width for the paved portion of roads itself varies from 18 to 20 feet depending on the location in Town. For example, the paved portion of 100 South (First Street) is wider than the rest of the Town's streets because it is the primary road to Pineview Reservoir from State Highway Route 39 and sees heavy use. Many residents use the unpaved portion of the right of way (the verge) as part of their yards. The alleys were originally created to give access to barns, corrals and outbuildings, by providing a 33-foot-wide easement where animals could be driven from home to pasture without using the main streets. Today, they are used by some residents for property access and by the Town and Huntsville Water Works Corporation for utilities (underground culinary and secondary water lines). The Town intends to maintain the streets as they are, with the current width requirements, and without curb and gutter, to maintain the rural feel.

6) Reservoir and Wetland

This area of the Town, comprising 45 acres (8.5%) maintains the overflow volume for Pineview Reservoir. The water level varies from season to season and year to year, creating a wetland type area during times of high water.

7) Shoreline

A small portion of land around Huntsville is shoreline along Pineview Reservoir. Portions of this shoreline attract very large crowds during the summer months.

8) Cemetery

Huntsville's cemetery consists of 9 acres and is located at the tip of the peninsula, which juts out into the reservoir.

9) Landfill

The Town owns 40 acres of land approximately 4 miles east of Town that straddles the South Fork of the Ogden River. A portion on the north side of the river is used for a green waste landfill and 11 acres on the south side of the river is potential buildable land, although it is in the 100-year flood plain. The landfill has been utilized as a licensed Class 4 landfill, which allows dumping yard waste and some

approved demolition materials. Currently Town ordinances allow only yard waste. The soil/rock displaced from the holes dug at the landfill have been used as backfill and road base material in Town projects. Yard waste burns are scheduled once a year.

C. Generating Zoning Regulations

The Town land use ordinances are created in coordination between the Town Planning Commission and Town Council and legislated by the Town Council. As identified in 3.B., they contain numerous zones that allow for flexibility with any land that might be annexed by the Town. The R-1 (3/4-acre lot minimum) zone requirements reflect the western attitude of allowing for independence and flexibility with the use of private property. The commercial areas are zoned C-1. The C-1 ordinance regulates business types, signage, and lot use issues under a conditional use arrangement. A C-2 zone is under consideration to allow further controlling what types of commercial enterprises can be allowed in commercial zones, especially when surrounded by residential zoning. No site construction is allowed until a building permit is approved. The Building Official cannot issue a building permit if the proposed structure does not conform to the Town land use ordinances. A certificate of occupancy must be applied for along with an application for a building permit. A Building Inspector approved final inspection is required before a house may be occupied.

D. Community Services

1) Transportation

Traffic counts on local roads show a steady increase over the past decade in the number of vehicles using the roads and that Huntsville Town residents account for only a small percentage of daily traffic in the vicinity of the Town. At busy times during the summer season, the congestion at the intersections of Highway 39 and First and Fifth South is extreme. Traffic within the Town boundaries has seen a similar increase, with some problems resulting due to speeding in residential areas.

a. Road Maintenance

Huntsville Town obtains its road maintenance monies from the State Class B and Class C Road Funds. This State B & C Fund is maintained by taxes collected from gasoline sales and is distributed by a formula that divides monies among all roads in the state. Different categories of roads receive a specified number of points, which determines how much money can be obtained from the fund. This money must be used for buying road equipment, road materials, maintenance and snow removal expenses, etc. Huntsville Town has received grant or low-cost loan monies in the past to help with its road maintenance. As the roads age and the traffic increases, roads have become the largest budget item in the Huntsville Town budget and future projections are there will not be enough money to maintain the roads in good condition.

b. Pedestrian needs

Walking is a popular pastime in Town and poses a conflict at times due to unleashed dogs (see Animal Control). There are very few sidewalks in Town and streets are often narrower and very slick in the wintertime.

c. Parking

There are no Town parking lots. The LDS church building in the center of town and the streets around the Town Park are used to park vehicles during large events, such as the Fourth of July. The Town is planning to develop a 40+ car stall parking lot immediately east of the Weber County Library. The Town has an ordinance that does not allow camping in vehicles overnight on public streets. During the summer season, visitors to the reservoir often park on Town streets and walk to gain access to the water or the facilities at Cemetery Point to avoid paying an entrance fee. This creates issues with trash, sanitation, vandalism, trespassing, and traffic congestion. The Town has passed a parking ordinance and now posts "No Parking" signs around Town that don't allow for reservoir visitor parking during the busy reservoir usage season.

2) Public Safety

a. Law Enforcement

Huntsville contracts with the Weber County Sheriffs Office for police protection. The Weber County Sheriff offers a range of resources, especially well-coordinated backup officers for the occasional large crowds experienced during summer (May through September) recreational activities. Crime has traditionally been non-violent and infrequent, but with the increase in expensive, often vacant homes in the Valley, burglary has increased. The Town has occasionally contracted a part-time Ordinance Control Officer to aid in dealing with ordinance enforcement, primarily nuisance, animal control and land use issues.

b. Fire

Huntsville Town chose to be annexed into the Weber Fire District and contracts with them for emergency services. A new fire station recently opened several blocks east of Town. The response time to Huntsville Town from this station is approximately 1-2 minutes, while crews traveling from Ogden City take approximately 15-20 minutes depending on urgency and location of the emergency. A recent survey of Town alleyways discovered several that are illegally blocked to an extent that they would prevent fire vehicles from getting close to buildings.

c. Animal Control.

At the present time, Huntsville Town employs Weber County Animal Control to handle domestic animal control concerns within the Town, supplemented by the Ordinance Control Officer. Huntsville Town has a dog leash

requirement in its Animal Control ordinance that prohibits allowing dogs to roam freely, but occasional encounters with unleashed dogs occur.

d. Lighting

The Town has a lighting ordinance that specifies the type, size, and location of lighting with the intent of protecting open (dark) skies. Overhead streetlights are located at numerous intersections, but the Town has no traffic lights. The Town supports the Dark Skies movement, and the lightning ordinance requires certain restrictions on outdoor lighting in support of reducing light pollution.

e. Signing

The Town has a sign ordinance that specifies the use, type, size, quantity, and location of signs.

3) Public Utilities

a. Culinary Water Supply

Currently Huntsville Town receives its culinary water supply from three springs, flowing out of what is known as Bennett Springs, located on unincorporated property southeast of the Town previously owned by the former Abbey of Our Holy Trinity, the "Monastery". Owners of lots in Town must purchase shares in the Town's culinary water system. Property being annexed must bring their own water rights and transfer them to the Town. Huntsville Town owns portions of water rights out of two of the springs and shares the rights to the third spring with the owners of the Monastery property. The Town also owns a non-producing well near the current culinary water plant, and Hawkins Springs, that is currently not in use. The Town has a modern water treatment plant housing three styles of filters (media, bag, and cartridge), which allow for filtering down to the several micron levels. The plant is currently undergoing refurbishment to replace obsolete equipment. After the treatment process, the water is pumped to a one-million-gallon storage tank. In 2015, the Town contracted for a Hydrogeological Evaluation and Assessment of Groundwater Development Potential. It identified areas where a second source of culinary might be achievable. 2018 CBDG and CIB grants allowed using this information in drilling for a Utah State-mandated secondary water source. On April 9, 2018, the Town entered into an agreement with the owners of the Monastery that allowed the Town to drill a culinary water well on their property. Under the terms of the agreement, the Town is only allowed to withdraw water from the well during times of drought and if the total discharge of all the Town's spring sources falls below 150 gallons per minute. The Town is limited to a maximum withdrawal rate of 100 gpm and Huntsville Abbey Farm owns all the well's capacity beyond the first 100 gpm. After one unsuccessful attempt, a good production well was developed that is under testing for State approval as a permanent source. The state has informed the Town that it is currently exceeding the calculated user

limit, so if any future development requiring hookups were to take place, upgraded facilities and distribution infrastructure might be required.

b. Irrigation Water Supply

The Town receives irrigation water from a holding reservoir east of Town fed by the South Fork of the Ogden River. An underground delivery system supplies to water to the Town. The system is owned by the Huntsville Waterworks Corporation, composed primarily of Town residents, but independent of the Town government. Low pressure issues exist on the far west side of Town during busy watering times. Recent drought conditions may introduce the need for rationing in the future. Residents are requested to follow a voluntary schedule of days they can water. Metering may become a state requirement and the Town could be forced to comply.

c. Power

The Town obtains electrical power from Rocky Mountain Power. Natural gas is available in Town from a natural gas feeder line paralleling the Trapper's Loop Highway from Mountain Green. A gas regulator station is located east of State Highway Route 39 near the north side of the American Legion building, reducing the gas pressure to 50 psi. Interim High Pressure (IHP) lines were routed throughout the Town. At the edge of each property, the IHP line is tapped and fitted to a service line (1/2" to 3/4" diameter at 15 psi, depending on household needs) which is then connected to a gas meter. The lines within the house or structure flow to appliances with four ounces of pressure.

d. Refuge

Huntsville Town contracts refuse disposal to a private company, which picks up containers at each household and exports the refuse to the Weber County Transfer Station who delivers it to the East Carbon County Landfill. The Town recently began a recycling program with a second container provided for recycle materials.

e. Sewage

All homes in Town are currently on individual septic systems. Due to continuing Valley growth, especially around the perimeter of Pineview Reservoir, the State of Utah has been promoting a Valley-wide sewer system to hopefully mitigate a declining Pineview Reservoir water quality. The Ogden Valley Master Plan points out that Weber County is seriously encouraging a Valley-wide sewer district to be instituted in the future. The Huntsville Town Council agreed to conduct a sewer feasibility study that provided recommendations and a draft Wastewater Capital Facilities Plan. After review of the benefits and the impacts to Town residents, the Council decided to continue using the current septic systems for the foreseeable future.

4. HUNTSVILLE TOWN ANNEXATION PROCLAMATION

A. Current Development Status of Huntsville Town

Huntsville Town recognizes most of the open space available for Town growth is east of State Highway Route 39, which roughly circles the Town. Several pieces of Weber County property along Highway 39 to the immediate south of South Fork Village are currently zoned for commercial development. With the building of the US Post Office building on the southwestern corner of the intersection of 500 South and Highway 39, this area was further established as one of two hubs of the Town's future commercial development. A large tract (~72 acres) was recently annexed alongside Highway 39, bounded by Highway 39 where it turns and heads north and 500 South on the south. The annexation also included the Weber County Fire Station on 500 South. Huntsville Town accepts this general area will be one to experience growth, and offers ideal conditions for commercial uses, but will continue to encourage suitable public and commercial development in the traditional commercial center of Town, in hopes of maintaining its unique character. A new Town Hall/Community Building is currently under consideration for this area. The Town's character will be reinforced or redefined by what happens at these two critical locations.

The single most expressed desire from Town residents is preserving the small-town character. A critical factor to the Town's future is that the current Town boundaries will keep the Town population under 1000 so a reorganized government would not be required, maintains the character of the Town, would not pressure the Town into annexing land due to islands created by Valley-wide incorporation, and not require major infrastructure upgrades to culinary water or potential sewer system development.

B. How Extension of Town Services Would Be Financed

Huntsville Town currently receives a tax levy in addition to the amount charged unincorporated property in Ogden Valley. It amounts to approximately .08% of the taxable value. That portion is used to help Huntsville Town finance the services identified in Section 3.D of this document and would be attached to any land annexed into Huntsville Town. In addition, the Town would levy impact fees on the developers of that land to provide the necessary services. Even if the developer would agree to providing the needed infrastructure, it does not mean the Town would necessarily accept an annexation petition.

C. Huntsville Town Annexation Proclamation

Huntsville Town has little say over how surrounding land in Weber County is developed. Being within incorporated Huntsville Town offers residents the opportunity to play a greater role in how property within Town boundaries is developed. Based on Town survey results, the Town showed a majority preference to remain a small community and only accept an annexation request from nearby land if that status can be maintained and

critical infrastructure (culinary and secondary water, traffic safety, road maintenance, etc.) can be provided without increased burden on current residents. The primary determining factor is Huntsville Town's ability to provide and delivery culinary water, which the Town has limited additional capacity to do so. Prior to any annexation, Huntsville Town will determine if it is feasible to serve the proposed new area with these utilities and other municipal services within a reasonable amount of cost. For areas it does not have the capability to provide municipal services, annexation would not be approved unless the property owners in the area agree to pay impact fees that would allow for the necessary expansion of existing service capabilities. In the case of culinary, that might mean developing a new source of water. All agreements would be formalized in a written Memorandum of Understanding prior to starting the formal annexation process.

Huntsville Town's annexation proclamation boundary is depicted by the black border in Figure One. If the Valley residents outside of Huntsville Town decide to incorporate some portion of the unincorporated area in the Valley, the Town does not desire to be merged into that area. Should any land within Huntsville's Annexation Proclamation Boundary be part of this incorporation effort, it would have to receive the approval of Huntsville Town. The Town desires to preserve its existing grid system layout as much as land conditions and topography allows. The Town further recognizes there are natural sensitivities existing on much of the surrounding undeveloped land and feels it necessary to require appropriate sensitive land studies be conducted to evaluate the impacts of any rezoning or development. Of primary concern are the impacts involving wetlands, water aquifers and floodplains. Should property be annexed into the Town, it would come in with its current zoning if the Town has the same zone. The Town ordinances have similar zones to Weber County but does not have a RE-20 (20,000-sq foot lots) zone. Huntsville Town supports the use of land trusts such as the Ogden Valley Land Trust. No development will be allowed that requires the main vehicular access be off State Highway Route 39 unless safety and traffic concerns are adequately addressed with the Utah Department of Transportation.

Commented [RG5]: Do not delete these sentences?
Bruce suggests deleting support of OV Land Trust if we reinstate.

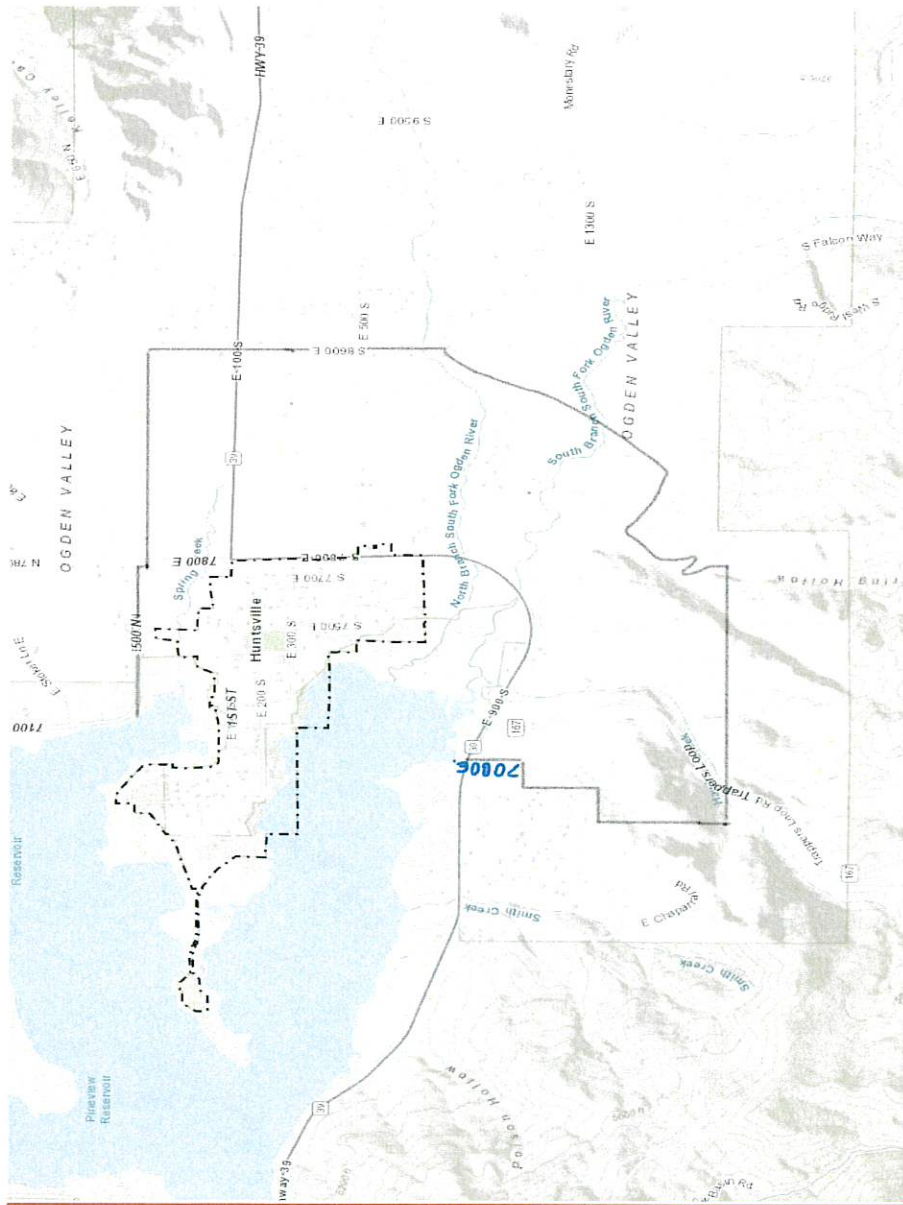


Figure One – Annexation Proclamation (in bold line) showing land areas that would be considered for annexation.

York Engineering Inc.
4883 Old Highway Road, Suite A
Morgan, UT 84050 US
(801) 876-3501



INVOICE

BILL TO

Beckki Endicott: (508) 287-
5994.
bendicott@huntsvilletown.com

INVOICE # 55740
DATE 01/20/2023
DUE DATE 03/06/2023
TERMS Net 45

DESCRIPTION OF SERVICES	QTY	RATE	AMOUNT
Huntsville City Community Center - 50% Bill	1	2,250.00	2,250.00
BALANCE DUE			\$2,250.00

Customer Information

Date: 1/18/23

Name: <u>Huntsville Town</u>	Home/Cell Tel:
Address:	EMAIL:
City, State, Zip	Builder:

Lot Location

Subdivision Name:	Lot Number:
Address:	City/State

Services		Total
CW Plan #:		\$
Custom Design Details 2D(CAD) or 3D-REVIT <u>Basement @ \$100/sqft</u>		\$ 2800
Commercial Design Details <u>8700 Huntsville Town Hall \$3/sqft</u>		\$ 26,340
Design Options	Cost	Quantity
Plan Modification	\$95 hr.	
Reuse Plan Fee	\$895 small - \$1095 LG	
Reverse Plan	\$250	
Site Plan (plot plan)	Basic \$300 with SWPPP \$500	
Rendering/Modeling		Total
Hand Rendering existing CAD	\$200	\$
3D Exterior Single View	About \$650 with existing CAD	\$
3D Exterior new design	Ask Designer about \$3/sqft with new plan	\$
3D Interior new design	Ask Designer Hourly	\$
		\$
Engineering		Total
Complete Engineering	\$0.60 Sq. Ft.	\$ <u>Other.</u>
Updated Engineering	Rambler \$895 Large Rambler/2Story \$1295	\$
Suspended Slab or Print Engr	\$500	\$
Res. Check -Energy Analysis	\$ 350	\$
Printing		Total
Bid Set - 1/4" Scale	50% of plan fee Non Refundable Deposit	\$
PDF File-ailable	\$No Charge	\$ Included
Manual J & D & Manual S	J&D Min \$500 \$0.30/total sqft S + \$150	\$
Estimated Lead Time for Custom or Plan Modifications: Standard Lead time = 4-6 weeks Expedite 2 weeks = +50% of cost Expedite 1 week = +100% of cost		
		Total Estimated Costs \$ <u>29220</u> <u>cc</u>
		Less 50% deposit \$ <u>15,000</u>
		Remainder Due on Receipt \$ <u>Balance</u>


estimate
Actual
sqft to
be used.
for final
payment

estimate

TERMS ON REVERSE IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the Effective Date by their respective officers thereunto duly authorized.

CREATIONS WEST

CUSTOMER

Creations West Home Design Agreement

This Home Design Agreement (this "Agreement"), dated as of [DATE] (the "Effective Date"), is entered into by and between CWD Corporation, a Utah corporation doing business as Creations West ("CW"), and [CUSTOMER NAME] ("Customer").

1. Services. CW shall provide to Customer home design services (the "Services") pursuant to this Agreement and as described in the "Order Form" attached and incorporated hereto.

2. Fees and Expenses. For the Services to be performed hereunder, Customer shall pay to CW amounts entered in the Order Form (the "Fee") with 50% as a deposit before any work will begin and the remainder within thirty (30) days of the complete work and design plans (the "Plans") being sent to Customer. All late payments shall bear interest at the lesser of the rate of 1.5% per month or the highest rate permissible under applicable law, calculated daily and compounded monthly.

3. Intellectual Property. The Plans are not "work made for hire" and shall be owned exclusively by CW. CW grants Customer a license to use the Plans on a non-exclusive, non-transferable, non-sublicensable, fully paid-up, royalty-free and one-time basis, solely to the extent necessary to enable Customer to make reasonable use of the Plans. Customer acknowledges and agrees that the Plans shall only be shared with the parties necessary to implement the Plans for the Customer's own real estate. If Customer shares the Plans in breach of this Section 3, Customer consents to liquidated damages of \$20,000 to CW for each instance.

4. Architectural and Engineering Services. CW is not a licensed engineer or architect, and does not hold itself out as such. As an added service, CW may retain engineers or engineering services to provide engineer stamps and reviews of the Plans ("Engineering Services"). The Engineering Services are provided as is, and Customer hereby releases CW from any issue or loss related to or arising from the Engineering Services.

5. No Warranty. SERVICES ARE PROVIDED AS IS, AND ALL OTHER WARRANTIES, EXPRESS AND IMPLIED, ARE EXPRESSLY DISCLAIMED.

6. Limitation of Liability. IT IS THE CUSTOMER'S RESPONSIBILITY TO ENSURE THAT THE DESIGN IS CONSISTENT WITH THEIR SPECIFICATIONS. CW IS RELYING ON INFORMATION PROVIDED BY CUSTOMER AND THIRD PARTIES, AS APPLICABLE, AND CW SHALL NOT BE RESPONSIBLE FOR ANY INCORRECT INFORMATION PROVIDED BY CUSTOMER OR THIRD PARTIES. IN NO EVENT SHALL CW BE LIABLE TO CUSTOMER OR TO ANY THIRD PARTY FOR ANY LOSS OF USE, REVENUE, OR PROFIT OR FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES WHETHER ARISING OUT OF BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), OR OTHERWISE, REGARDLESS OF WHETHER SUCH DAMAGE WAS FORESEEABLE AND WHETHER OR NOT CW HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND NOTWITHSTANDING THE FAILURE OF ANY AGREED REMEDY OR OTHER REMEDY OF ITS ESSENTIAL PURPOSE. IN NO EVENT SHALL CW'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHETHER ARISING OUT OF OR RELATED TO BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), OR OTHERWISE, EXCEED THE AGGREGATE AMOUNTS PAID TO CW PURSUANT TO THIS AGREEMENT.

7. Relationship of the Parties. The relationship between the parties is that of independent contractors. The details of the method and manner for performance of the Services by CW shall be under its own control, Customer being interested only in the results thereof. CW shall be solely responsible for supervising, controlling and directing the details and manner of the completion of the Services. Nothing in this Agreement shall give the Customer the right to instruct, supervise, control, or direct the details and manner of the completion of the Services. The Services must meet the Customer's final approval.

8. Termination. Either party may terminate this Agreement by giving written or emailed notice to the other party. Provided, however, if Customer terminates this Agreement, CW shall be paid for all work performed up to the date of termination.

9. Miscellaneous Provisions.

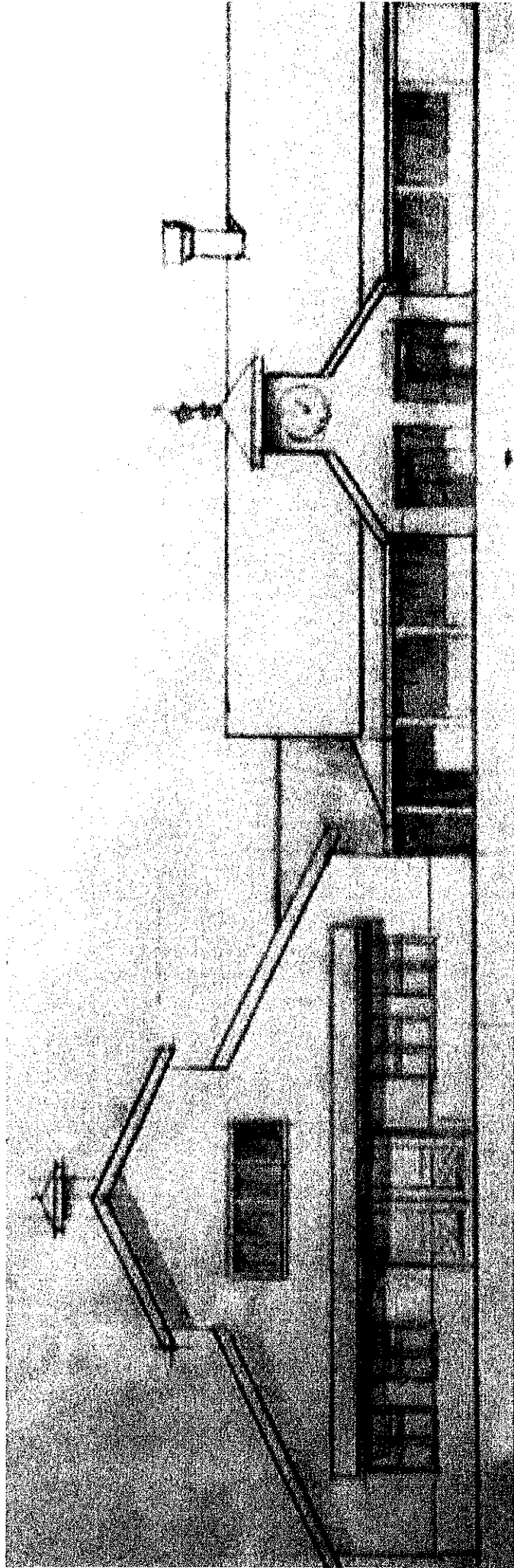
9.1 Arbitration. If any dispute, including a class action proceeding, arises between Customer and CW the parties shall first attempt to negotiate the dispute in a peaceful manner. If the dispute cannot be resolved informally, the parties agree to submit the dispute to binding arbitration administered by the American Arbitration Association and held in Salt Lake City, Utah. The parties agree to solely on an individual basis and that this Agreement does not permit class arbitration.

9.2 Entire Agreement. This Agreement with the Order Form represents the complete agreement and understanding of the parties, and supersedes all prior and contemporaneous agreements, representations and warranties, both written and oral, regarding the subject matter.

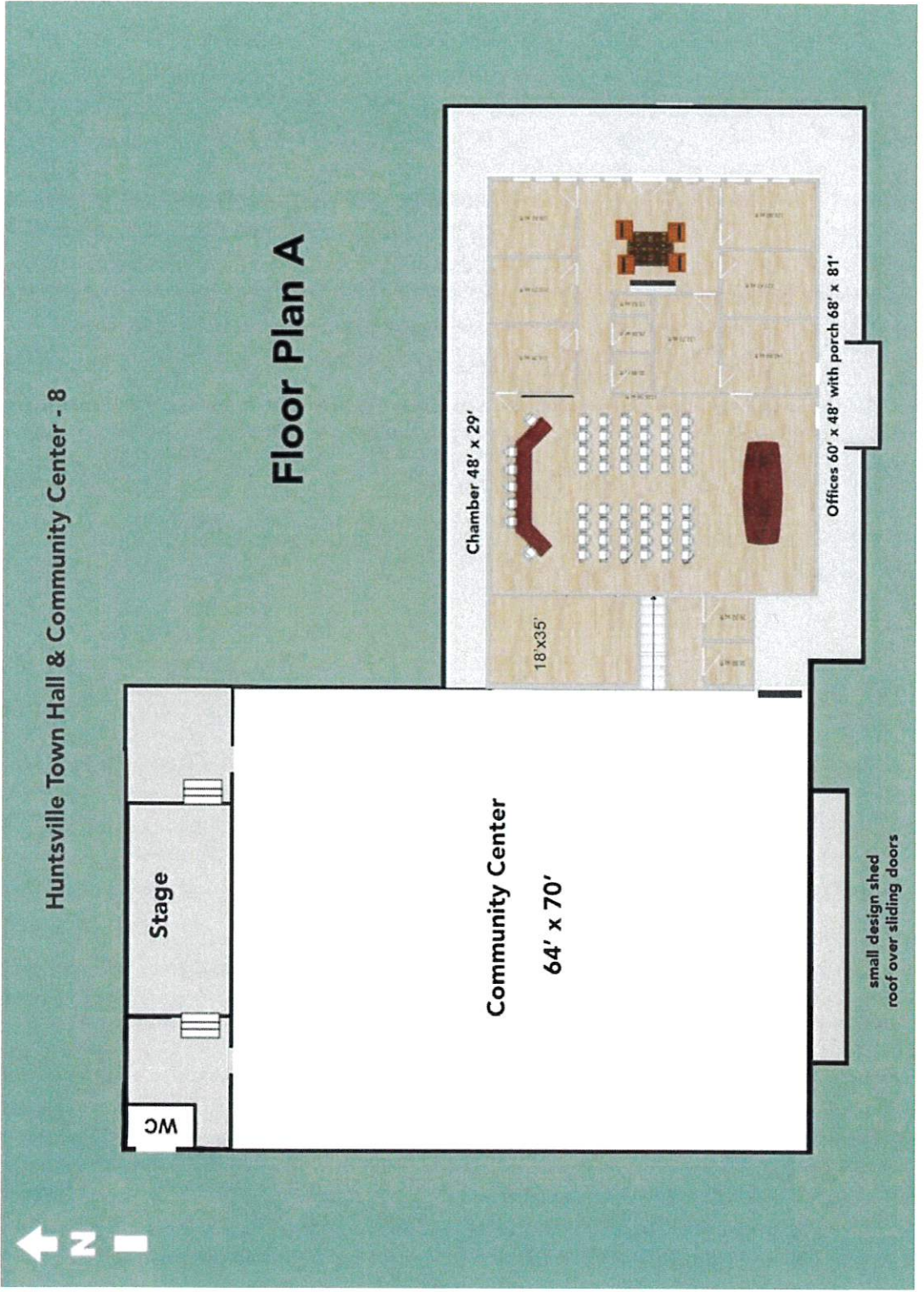
9.3 Choice of Law. This Agreement, and all matters arising out of or related to it, shall be governed by and construed in accordance with the laws of the State of Utah.

9.4 Choice of Forum. Each party irrevocably and unconditionally agrees that it will not commence any action, litigation or proceeding of any kind whatsoever against the other party in any way arising from or relating to this Agreement in any forum other than the courts of Salt Lake County, State of Utah.

south elevation

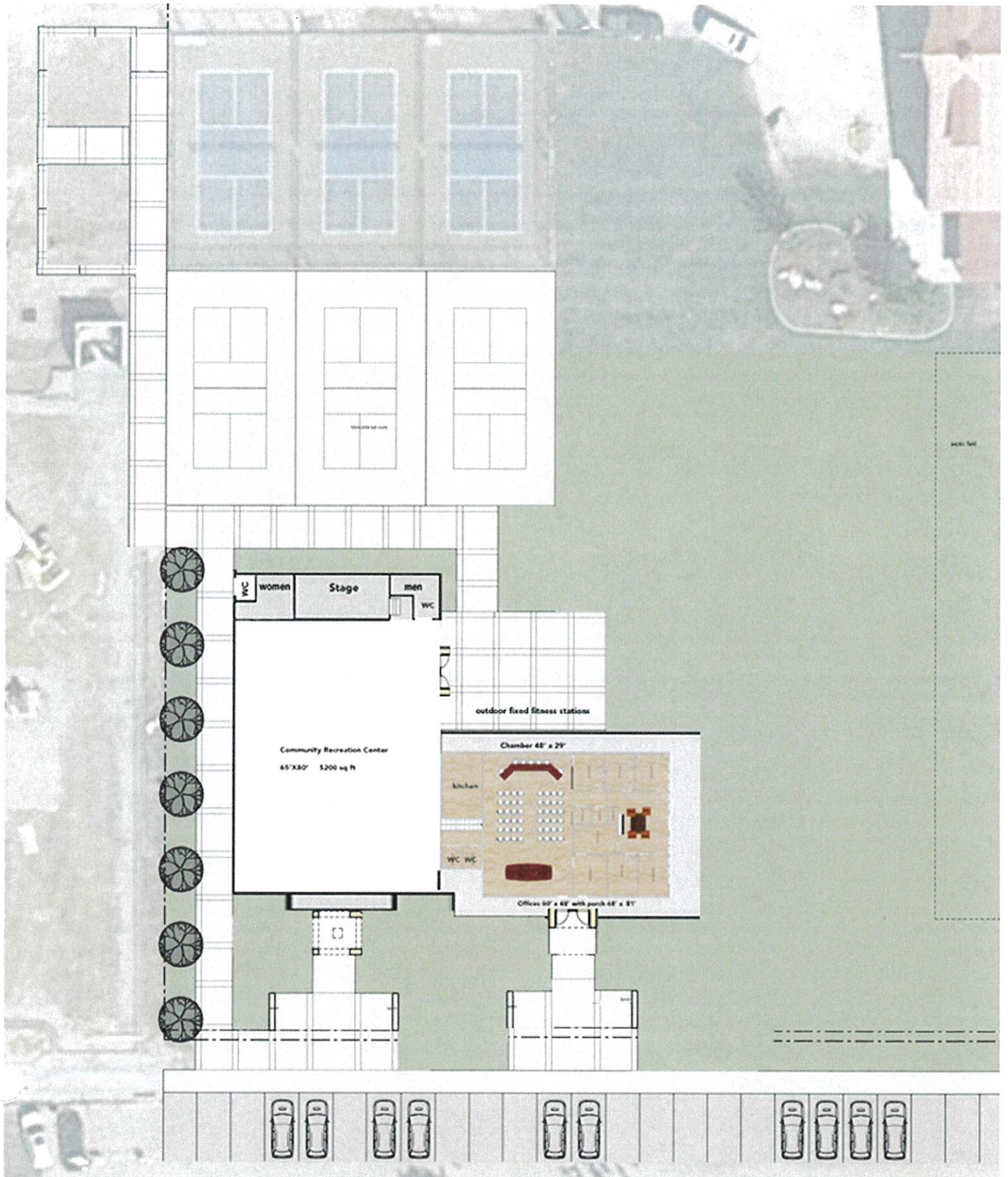


floor plan



Huntsville Town Community Recreation Center

Site Map for "L" shape layout
Flatwork 7020 square feet





NOTICE OF ACTION

TO: Huntsville Town Council
FROM: Huntsville Town Planning Commission
DATE: January 26, 2023
RE: Recommendations for Approval of Ordinance 2022.11.16
Appeal Amendments. Nonconforming Lots and Wastewater

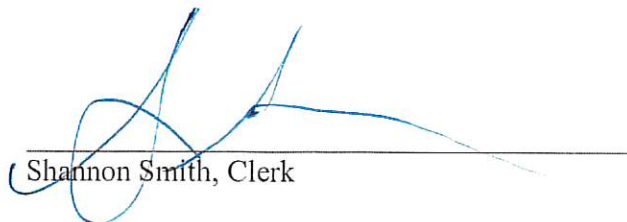
In accordance with *Utah Code* 10-9a-202, or any similar notice that may be required under State Law or the Municipal Code, notice is hereby given that the Planning Commission, at its meeting on January 26, 2023 reviewed the Ordinance 2022.11.16: Appeal Amendments. Nonconforming Lots and Wastewater, and in that meeting took the following action:

 X RECOMMEND APPROVAL to the Town Council:

1. With revisions made at the Planning meeting on January 26th 2023. Also to be reviewed by Attorney Mr. Keller for additional suggestions, comments and changes as he sees fit. PC also recommends adding definitions of the term used "User" in the wastewater section and "legally created" in the nonconforming lots section. In addition adding clarification to the section that refers to the zoning requirements for the lots previously created.

Ordinance 2022.11.16 will be reviewed for approval by the Huntsville Town Council at the next Huntsville Town Council Meeting. The date of the Town Council Meeting is Thursday, February 2nd, 2023, 6:45 p.m.

The decision of the Planning Commission may be appealed to the Town's Appeal Authority by filing a written such appeal within ten (10) calendar days from the date of the decision on the Application. The Appeal Authority must follow the code requirements. The Appeal Authority may uphold, modify, or reverse the decision of the Planning Commission or impose any additional requirements consistent with the Municipal Code. The decision of the Appeal Authority is final.



Shannon Smith, Clerk

**HUNTSVILLE TOWN
ORDINANCE NO. 2023-2-2**

APPEAL AMENDMENTS, NONCONFORMING LOTS, AND WASTEWATER

**AN ORDINANCE OF HUNTSVILLE TOWN AMENDING THE
HUNTSVILLE MUNICIPAL CODE TO ELIMINATE DUPLICATIVE OR
SUCCESSIVE APPEALS; AMENDING NONCONFORMING LOTS OR
PARCELS OF RECORD; ADOPTING WASTEWATER REGULATIONS;
SEVERABILITY; AND EFFECTIVE DATE.**

WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

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

WHEREAS, the Town finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, the Utah Department of Environmental Quality adopted R317 to govern wastewater systems which the Town seeks to implement by this Ordinance;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on 16th of November 2022, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance on 26th of January, 2023;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on 2nd of February 2023;

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

- Section 1:** **Repealer.** Any code, chapter, or section in conflict with this Ordinance is hereby repealed in its entirety and referenced thereto vacated.
- Section 2:** **Appeals.** In accordance with *Utah Code* §10-9a-701(4), and comply with the state law to eliminate "duplicate or successive appeals", the Huntsville Municipal Code

is amended to repeal all instances of the Town Council hearing or deciding any appeal. Appeals of any Planning Commission decision shall be forwarded directly to the Appeal Authority.

Section 3: Adoption. Section 15.17.14 of the *Huntsville Municipal Code* are hereby adopted to read as follows:

15.17.14 Nonconforming Lots or Parcels of Record.

- A. A parcel nonconforming as to area and frontage requirements, containing a single-family residence that has not been abandoned, and was **legally created within Huntsville Town limits** and recorded prior to **1992** the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., ~~Subdivision Law~~; shall be considered to be a legally complying lot entitled to the same rights as lots conforming to current Huntsville Town area and frontage requirements.
- B. A parcel nonconforming as to current area and frontage requirements which **was of record as a legally created lot within Huntsville Town limits** and recorded prior to ~~the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., Subdivision Law~~; and met area and frontage requirements for the zone in which it was created at the time it was created; may submit an application for subdivision approval provided that it meets all other current applicable requirements of the Huntsville Town Subdivision and Zoning Titles. The Landowner will have the burden to prove that their lot met area and frontage requirements for the zone in which it was created at the time it was created.
- C. ~~A non-conforming lot shall be considered a legal building lot entitled to the same rights as a conforming lot, if the lot was created prior to _____ July 1992.~~ **A parcel non-conforming as to current area and frontage requirements which was legally created and recorded prior to 1992(?) in the Town of Huntsville; and met area and frontage requirements per Huntsville Town Municipal Code for the zone in which it was created at the time it was legally created, will be determined to be a buildable lot and have the same rights as a conforming parcel.**
- D. A parcel annexed into Huntsville Town that is non-conforming as to the current area and frontage for the Huntsville Zoning Title in which it is annexed at the time it is annexed is determined non-conforming until it meets the area and frontage requirements of its current zone, or it is approved for a rezone and meets the area and frontage requirements of the zone for which it is rezoned.

Commented [SH1]: legally created within Huntsville Town Limits

Commented [SH2]: all references to "created" should be changed to "legally created"
We can use 1992 if we want. Our Ordinances were written in 1992 I believe

Commented [SH3]: See suggestions

Chapter 15.33
Regulations Applicable to More than One Zone

15.33.010 Approved Septic System Required.

The Town only permits lawful septic systems as mandated and to the extent required by state law and the regulations of local health department. Only one user is permitted to connect to a septic system which shall be wholly operated and lawfully maintained by the user.

local health dept regulations -

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- B. A parcel nonconforming as to current area and frontage requirements which **was of record as a legally created lot within Huntsville Town limits** and recorded prior to the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., Subdivision Law; and met area and frontage requirements for the zone in which it was created at the time it was created; may submit an application for subdivision approval provided that it meets all other current applicable requirements of the Huntsville Town Subdivision and Zoning Titles. The Landowner will have the burden to prove that their lot met area and frontage requirements for the zone in which it was created at the time it was created.
- C. A non-conforming lot shall be considered a legal building lot entitled to the same rights as a conforming lot, if the lot was created prior to _____ July 1992. **A parcel non-conforming as to current area and frontage requirements which was legally created and recorded prior to 1992(?) in the Town of Huntsville; and met area and frontage requirements per Huntsville Town Municipal Code for the zone in which it was created at the time it was legally created, will be determined to be a buildable lot and have the same rights as a conforming parcel.**
- D. A parcel annexed into Huntsville Town that is non-conforming as to the current area and frontage for the Huntsville Zoning Title in which it is annexed at the time it is annexed is determined non-conforming until it meets the area and frontage requirements of its current zone, or it is approved for a rezone and meets the area and frontage requirements of the zone for which it is rezoned.

Commented [SH1]: legally created within Huntsville Town Limits

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Chapter 15.33

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The Town only permits lawful septic systems as mandated and to the extent required by state law ~~and the regulations of~~ local health department. Only one user is permitted to connect to a septic system which shall be wholly operated and lawfully maintained by the user.

regulations

**HUNTSVILLE TOWN
ORDINANCE NO. _____**

APPEAL AMENDMENTS, NONCONFORMING LOTS, AND WASTEWATER

**AN ORDINANCE OF HUNTSVILLE TOWN AMENDING THE
HUNTSVILLE MUNICIPAL CODE TO ELIMINATE DUPLICATIVE OR
SUCCESSIVE APPEALS; AMENDING NONCONFORMING LOTS OR
PARCELS OF RECORD; ADOPTING WASTEWATER REGULATIONS;
SEVERABILITY; AND EFFECTIVE DATE.**

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

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

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

WHEREAS, the Town finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, the Utah Department of Environmental Quality adopted R317 to govern wastewater systems which the Town seeks to implement by this Ordinance;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on _____, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to _____ this Ordinance;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on _____;

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

Section 1: Repealer. Any code, chapter, or section in conflict with this Ordinance is hereby repealed in its entirety and referenced thereto vacated.

Section 2: Appeals. In accordance with *Utah Code* §10-9a-701(4), and comply with the state law to eliminate “duplicate or successive appeals”, the Huntsville Municipal Code is amended to repeal all instances of the Town Council hearing or deciding any appeal. Appeals of any Planning Commission decision shall be forwarded directly to the Appeal Authority.

Section 3: Adoption. Section 15.17.14 of the *Huntsville Municipal Code* are hereby adopted to read as follows:

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- A. A parcel nonconforming as to area and frontage requirements, containing a single-family residence that has not been abandoned, and was **legally created within Huntsville Town limits** and recorded prior to 1992 ~~the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., Subdivision Law;~~ shall be considered to be a legally complying lot entitled to the same rights as lots conforming to current Huntsville Town area and frontage requirements.
- B. A parcel nonconforming as to current area and frontage requirements which **was of record as a legally created lot within Huntsville Town limits** and recorded prior to _____ ~~the July 1992 amendments to the Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101 et. seq., Subdivision Law;~~ and met area and frontage requirements for the zone in which it was created at the time it was created; **(A&E)** may submit an application for subdivision approval provided that it meets all other ~~applicable requirements of the Huntsville Town Subdivision and Zoning Titles. The Landowner will have the burden to prove that their lot met area and frontage requirements for the zone in which it was created at the time it was created.~~ **-Current**
- C. ~~A non-conforming lot shall be considered a legal building lot entitled to the same rights as a conforming lot, if the lot was created prior to _____ July 1992.~~ **A parcel non-** **conforming as to current area and frontage requirements which was legally created and recorded prior to 1992(?) in the Town of Huntsville; and met area and frontage requirements per Huntsville Town Municipal Code for the zone in which it was created at the time it was legally created, will be determined to be a buildable lot and have the same rights as a conforming parcel.** **Def.**
- D. A parcel annexed into Huntsville Town that is non-conforming as to the current area and frontage for the Huntsville Zoning Title in which it is annexed at the time it is annexed is determined non-conforming until it meets the area and frontage requirements of its current zone, or it is approved for a rezone and meets the area and frontage requirements of the zone for which it is rezoned.

Chapter 15.33

Regulations Applicable to More than One Zone

15.33.010 Approved Septic System Required.

The Town only permits lawful septic systems as mandated and to the extent required by state law and the regulations of local health department. Only one user is permitted to connect to a septic system which shall be wholly operated and lawfully maintained by the user. **Def.**

Section 4: 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 5: Effective date. This Ordinance take effect immediately upon mayoral approval and posting.

(Signatures on the following page)

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2022.

Mayor

ATTEST:

Town Clerk

RECORDED this ____ day of _____, 2022.

PUBLISHED OR POSTED this ____ day of _____, 2022.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) Town Hall, 2) _____, and 3) _____ on the above referenced dates.

Town Clerk

DATE: _____