

**WORK SESSION—APRIL 19<sup>th</sup>, 2016**

Minutes of the Huntsville Town Council Work Session, held at the Huntsville Town Hall at 6:30 p.m. April 19<sup>th</sup>, 2016.

**Present:** Mayor Pro Tempe Doug Allen  
Council Member Bill Wangsgard  
Council Member Mike Engstrom  
Council Member Bill White  
Clerk/Recorder Gail Ahlstrom  
Attorney Bill Morris

**Commissioners:** Karen Klein  
Brent Ahlstrom

**Excused:** Mayor James Truett

**Citizens:** Jeff Hyde                      Dakota Hyde                      Steve Dougherty

Development Review Meeting:

Mayor Pro Tempe Allen opened the meeting and stated that this meeting was called to discuss procedure processes for a Conditional Use Permit (CUP). The Town received a CUP from the Hyde's on March 30, 2016, for Lot 3 of the Huntsville Square Village. (See Attachment #1) Mayor Pro Tempe Allen turned the time over to Attorney Bill Morris.

Bill Morris stated that when a city receives a CUP for a development, a meeting is set up with everyone and have the town engineer review the development plans for processing the application. The Hyde's have applied for Conditional Use, their application has been turned in, and so the Hyde's are now vested to the uses that are outlined in their application. (See Attachment #2) Now that the application has been filed, the site plan should go to the Town Engineer for review. The engineer would then produce a memo that would be sent to the engineer for the Hyde's. This memo would identify any corrections or adjustments that need to take place in regards to septic and water connections. Then according to Title 15.4.3, the engineer's memo, CUP application and site plan, will be sent to the Planning Commission. The PC will review these documents during a PC meeting and forward a recommendation onto the Town Council according to Title 15.4.4.

After completion of the review the PC will pass their decision to recommend or not recommend a conditional use to the TC. In recommending any conditional use, the PC shall impose such requirements and conditions necessary for the protection of adjacent properties and public welfare. Bill said normally the conditions are outlined, but the Town's ordinances don't have any conditions that you are allowed to oppose. He felt that the Town would be hard pressed to put any conditions on this CUP.

The basis for issuance of the CUP for the site plan is under Title 15.4.5. The Huntsville Town Planning Commission shall not recommend a CUP unless evidence is presented to establish: A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and B. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs. Bill stated that these are some of the areas the Town could include as conditions.

C. The proposed use should conform to the goals, policies and governing principles for land use as stated in the Huntsville Town General Plan. D. The proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole.

Bill said the CUP should be forwarded to the town engineer for his review. CM Allen said until the Hyde's turn in a finalized site plan and final drawing the engineer won't be able to make any determination about the development. The Hyde's replied that they are actively working on the final site plan, they are hoping to have site plan, elevations, and designs completed within 60 days. Bill mentioned the Hyde's will also need a letter from the Weber Fire District showing where the hydrants should be located. All of this should be done prior to meeting with the PC, so the PC can just check the work.

The purpose of today's meeting is to wrap our arms around the process. This is called development review meeting. This gets everyone on the same page as far as what the requirements and procedures are. When the Hyde's go to the PC they will need their letters of service from utility companies, letter from fire department, site plans, and engineer's memo. The PC then reviews the documents and makes a recommendation to the TC. The TC may uphold or reverse the recommendation of the PC and impose any additional conditions that it may deem necessary if granting a Conditional Use Permit.

CM White asked about their proposed uses. Jeff replied that they highlighted all of their proposed uses on the Allowable Use Table and attached this to their CUP. Some of the uses are: banks, B&B, health care facility, hotel, museum, offices, parking lot, athletic facilities, and retail sales. Jeff stated that they were very disappointed about the referendum and losing the residential component of their development. Jeff estimated that they lost \$2.6 million from the project by not being able to do the residential. The Hyde's are working with Saunders Design & Architects and they hope to be ready with all the required documents for the site plan review within 60 days.

Jeff said their new idea is to downsize the buildings because they no longer need space for the two car garages. There will be office spaces upstairs and retail down. The building that will serve as the B&B will have rooms upstairs and will look more like a farm house and a silo that would be a landmark. They plan to stick with the mining and western architecture with big beams. There will be a lot of texture and elevation with their design. The Hyde's plan to do vouchers for the B&B where people can go downstairs to a coffee shop for breakfast or lunch. The development will remain two stories and a larger walk way. They will need parking for the B&B and a driveway for deliveries.

CM White stated that this is the first time he has heard about a B&B, when he thinks of a B&B there is a proprietor on site who can curtail any craziness that might go on, which is why the town hasn't allowed nightly rentals. CM White asked if there will be an Inn Keeper or someone on site. Dakota replied that they are looking into this. The conditional uses they applied for list B&B as an acceptable use or a hotel with up to 16 rooms. Dakota said with the pushback they received from the Chris Stevenson and Brian Cornell in regards to the residential, at that time the Hyde's plan was to have 8 residential units. Their main push against the development was that they didn't want condos or residences. That brings up the question as to whether there should be someone there overnight or not. Dakota understands this from a management position, whatever happens there will be 24 hour service of some kind. CM White stated that his concern is that this is leading back to their concern in the first place, which was a nightly rental without adult supervision. CM White wanted the Hyde's to be aware that currently the ordinances don't allow nightly rentals. These will need to be carefully managed so there aren't people partying until 3:00 am with no one there to shut them down.

CM Engstrom said he has the same concerns; the ordinance on not allowing nightly rentals refers to the residential zone not commercial. B&B's are generally set up in residential homes and the proprietor lives there and serves a breakfast. Steve replied that the Allowable Use Table shows that B&B's are allowed in a commercial zone. Jeff remarked that they will be using the term Inn instead of B&B. CM Enstrom wanted to acknowledge that the Hyde's are looking at a B&B but haven't made a final decision, he didn't know if this group wants to delve into the concerns now or after a decision is made. Jeff commented that he can't build commercial space both up and down, it is absolutely essential for his development to have some type of rental space there. Brent asked if the rooms would be like a B&B with a bathroom, sitting area, and bathroom only. Dakota said that is what they are planning, however, one suite might be larger with a kitchen in it. Jeff said before they had 8 units with two bedrooms each for a total of 16 rooms. The Inn will be a lot smaller with only 10 rooms.

CM Engstrom stated that Bill Morris enumerated the necessary items needed before the CUP would be sent to the engineer; he wanted to hear them again. Bill restated that the Hyde's will need a letter from the Fire District, will serve letters from the utilities, and a final site plan. CM Wangsgard remarked that the Hyde's are going to want a proprietor on site, he had three B&B's at one time and people come in at all hours of the day. CM Allen said he had some questions about what conditional use meant. Bill Morris replied that conditional use generally runs in perpetuity with the land.

If a conditional use is permitted for a B&B then that use continues with the land until someone wants to change the use. If they want to change the use then the process is started all over again with the PC reviewing if the proposed use is permitted or not. Each of the businesses will need to apply for their own business license. CM Engstrom said the town doesn't have that much power to restrict because the use is conditional. If the town has standards set because we are worried about noise, height, etc., then if conditions are defined already, then the use would be conditional as long as they can meet those standards. From a legal standpoint the town doesn't have a list of items that must be met to get a CUP.

Dakota said the Utah Citizens Guide to Land Use Regulation says "the presumption is that the use should be allowed since the ordinance would not provide full use if the use was not deemed desirable in the first place." The town has a table of Allowable Uses which basically says the allowable uses are deemed desirable. If the use can be conditioned to be compatible with adjoining uses then it should so be conditioned. CM Enstrom remarked that he didn't realize that before the PC goes through the CUP, how final does their final site plan need to be? Does it need to be completely engineered? Jeff stated that they want to pull a building permit within a year; they want to break ground next spring.

Dakota read from Title 15.4.7: Expiration. Unless there is substantial action under a Conditional Use permit within a maximum period of one (1) year of its issuance, the Conditional Use Permit shall expire. Jeff said within 60 days they will have elevations, a site plan, and water engineering done. Having an Inn on the property will help support the other businesses that might come in. If there are a couple small shops open with the Inn then an anchor restraint will be easier to market. Jeff said this will not be a low-income Inn. Dakota said an Inn was the closest thing they could find to replace the residential that they lost. The Hyde's are looking at financing 90% of the farm house and retaining ownership of it. The other 10% will be turned into condos and sold. Bill Morris said he is concerned with the time limits, so the application doesn't become stale. He stipulated that a deadline is needed for submitting the rest of the documents to support the CUP. Steve clarified that this is a deadline for the Town, so the town doesn't sit on an application, and the application is processed within a reasonable time. The submission needs to be complete before the clock starts ticking. The permit process has started but the town needs more information. The applicant will decide what timeline is reasonable and tell the town.

Steve said there are a couple of decisions the town government needs to make, one is to approve the use, which is separate from the building permit. This is about how the development will be situated, how will it affect adjoining properties, what will be done on the property, is there sufficient parking, is their approved septic systems, storm water, and lighting. The question is how this use will impact the town and surrounding properties. The building permit is further down the road. Business licensing is something the business owner will tackle and has nothing to do with use. Steve mentioned the separation of ownership; that's another area for decision making and will fall under subdivision rather than land use ordinances.

Jeff said site plan, elevations, square footage, and use of land, is what is needed to begin the CUP process. The other issues will be dealt with later.

CM Engstrom said all that right now all the Hyde's really have as a set target is the Inn, there are no other tenants lined up, the question is if the CUP is for the entire site or just what the Hyde's will be dealing with right now. Bill Morris replied that the town can grant conditional uses for the uses you anticipate. Brent felt that it should be for the entire site. Jeff said he is anticipating being ready with all the final documents within 60 days so just to be safe he would like to set the timeline for 120 days from today, August 19, 2016. Steve mentioned the PC will need to decide if the CUP fits the ordinances, are there issues that need to be addressed and try to mitigate them through conditions; those conditions will go into a Development Agreement.

Brent wondered how the PC can put conditions on something in the future; the town is granting use for a convenient store but doesn't want a 7-11. The Allowable Use Table will need to be amended again. CM Engstrom commented that the PC needs to discuss what standards can be set to judge conditional use against. Brent stated there is less control with a conditional use than was originally thought. Dakota mentioned that prior to September 17, 2015, the Allowable Use Table had as an acceptable use dwelling units, multi-family dwellings, condos, and mixed-use. Dakota said they needed to lock down their rights as land owners, right now, and not on a moving table.

**Meeting adjourned at 7:30 p.m.**

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Gail Ahlstrom, Clerk/Recorder

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James A. Truett, Mayor