

**MINUTES OF THE HUNTSVILLE TOWN
PLANNING COMMISSION**

Minutes of the Huntsville Planning Commission, held in conjunction with the Huntsville
Town Council, at the Huntsville Town Hall.

MEETING DATE: May 29th, 2008
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 6:30 P.M.

Present: Jack Cox Paul Newey Carol Stoker
 Suzanne Ferre' Gail Ahlstrom

Citizens: James McKay Max Ferre' Kent Clawson

Work Session on Huntsville Town's General Plan:

Jack Cox called the meeting to order. The Planning Commission started their review of the General Plan on page 9. They have made amendments to the first eight pages in a prior meeting. Air quality is regulated and controlled by Weber County. The U.S. Army Corp of Engineers only takes up wetland issues when it's brought to their attention. There are areas bordering Huntsville that could be considered wetlands. The Town has a Sensitive Land Ordinance, and Ron Gault has recommended that the Town conduct a study, however, the study will be quiet expensive and so the Town hasn't moved forward with this. The Town should identify these areas as subject to being wetlands so if someone wanted to build there then the town would have identified the properties without doing a study on the property. Jack thought it would be good to have an overlay identifying these properties as potential wetlands. The Town could require that they facilitate a study to prove whether or not there was something there that would be adverse.

Paul read from the Sensitive Land Ordinance, "Wet land boundaries are determined on a case by case basis, by the U.S. Army Corp of Engineers. Areas that may be suspect to containing wetlands shall be addressed by the U.S. Army Corp of Engineers and provided with a statement from the applicant. Fees, costs, and expenses if any shall be borne by the applicant." Scott Wangsgard was working on his property and was stopped by the U.S. Army Corp of Engineers. Scott had two irrigation ditches that ended on his property and he allowed that to continue over a period of years, this created wet lands. Jack felt that the town needs an overlay or it is putting itself in jeopardy of a potential lawsuit. The Town can prepare an overlay to indicate suspected wetland and flood plain areas, but the U.S. Army Corps of Engineers would have to verify this at the applicant's expense. Flood plains are also determined by the U.S. Army Corp of Engineers. The local residents who live here have a better idea of where a flood plain or wetland area is than Weber County officials.

The Two River's development was brought up because the commission believes this property is in a flood zone. Part of the issue with this development was the septic tank issue. The other problem is whether or not they can construct roads there. Another issue is whether or not they can maintain the integrity of the river banks. The river is more contained now than in past years. These are issues the town needs to be careful about because it could put the town in a liability position. Jack recommended that on the Town creates the overlay for the Sensitive Land Ordinance immediately.

Max Ferre' had a question about erosion at the cemetery. Does the Forest Service take care of this? The only problem with erosion is on the north side of the cemetery. Mayor McKay explained that as part of the contract in 1958, when the dam was raised and the trade of property occurred, the Forest Service agreed to do a rip rap of rock and perpetually maintain that. If there was ever a problem with erosion the Federal Government would be obligated to shore this up. Paul asked if the Town owns the road leading to the cemetery. The Town annexed the road leading to and including the cemetery. However, the ground under the road still belongs to the Federal Government. In the 1958 agreement they agreed to perpetually maintain the road leading to the cemetery. They have graciously paved the cemetery parking area. The Forest Service is planning on re-surfacing all the cement part of the road leading to the cemetery.

The commission went through each paragraph and deleted sections that referred to the Olympics, and made other minor updates and revisions. The commission would like to see the town maintain the grid system with the roads. Currently the town receives about \$38,000 in B & C road funds. This amount is about ½ of what the town's road budget actually is.

The commission went over Appendix 1, which are action statements of how the town will pursue what is included in the General Plan.

Jack asked if the town council would like the commission to update the zoning ordinances to allow for rental units and make it legal by defining the regulations, or if they are not going to allow it. This needs to be addressed or the town will lose control on this issue. Right now the zoning allows for one family, one residence. To have multiple families in a single family residence is not allowed. Jack remarked that if this is going to be allowed to happen, the town needs to take a logical look at this, and write an ordinance to define how it should be done. There could be more and more people renting out rooms, or apartments due to economics.

Jack stated that it appears it would be desirable to keep the statement that the town wants to keep with the traditional wide roads and the grid system. Jack remarked that eventually the town will have to face the idea of having smaller building lots so people can afford to live in Huntsville. This will, however, force the town into a sewer system. Jack recommended having the town establish a committee to look into this topic. The county is allowing developers to put in sewer systems in a haphazard manner with no apparent plan or foresight.

Having forward planning would negate being forced to hook up to other developers sewer systems. Mayor McKay commented that the most logical place for the sewer would be down in the river bottoms because of gravity.

Suzanne suggested the town pass an ordinance that would prohibit the building of a home as a second residence. Jack felt that this would help to establish a family based community not a resort community. Jack asked the Mayor for authorization from the town council to go ahead and work on an ordinance of this type. The Mayor asked if there is precedence for this type of ordinance, and what does the town do with the existing conditions. How does it affect the sale of real estate, this would restrict who they could sell to. Paul replied that anytime you deal with people's property rights you can violate their rights and they can sue. Paul also mentioned there are multiple issues with this, what if a couple leaves town for a couple of years and rents out their home, or a family owned home where the original owner has passed on, and family members own it and use it as a summer retreat. There could be some problems for the town if it interfered with these types of things. Paul sees some real issues along with property rights.

Jack asked Suzanne if she had copies of the ordinances that restrict a home to being your primary residence. Suzanne has a copy of a newspaper article. Realtors are marketing this valley across the world using the internet. The demographics of the town is changing, we are losing our family base. None of our children can afford to buy property in the valley. There has been discussion by the council and the commission on the changing complexion of the community. There are entire blocks in town where people are not living here and are not part of the community. Mayor McKay commented that the town council generally sees this as a problem and would be interested in looking into this issue further.

Mayor McKay suggested seeing what other communities are doing and what they are experiencing with their ordinances. Huntsville has a long term heritage to allow people to have a lot of freedoms with minimal restrictions. We need to be careful about impeding or interfering with people's rights. There are fewer young families with children in the town. Houses are being sold and torn down. It is definitely a paramount concern about what can be done. Max Ferre' agreed with the Mayor that this would be an issue that the council would openly consider. Jack summarized the General Plan, and would like to have the plan edited and submitted to the town council for their review. Work session was adjourned.

Approval of Planning Commission meeting minutes for April 24th, 2008:

Paul made a motion to approve minutes. Carol Seconded. All votes aye. Minutes are approved.

Approval of Huntsville Town General Plan:

Paul made a motion to accept the General Plan as revised and have it retyped and submitted to the town council for review and approval .Carol seconded. All votes aye. Motion does pass.

Jack suggested, based upon the work session just held that two items for next agenda would be to consideration regarding ordinances to preserve the family atmosphere within the town. Jack made some assignments for next month's meeting. Suzanne will bring a copy of the ordinance regarding requirements for a home to be your primary residents. Paul will call the Utah League of Cities and Towns and speak with David Church about this same topic. Gail will send out an email search to all the clerks in the state to see if any of the towns have ordinances relating to this topic as well.

Suzanne asked if the commission was going to address the height restriction on homes. Right now the restriction is 35 feet high from ground level. The question is what if someone wants to build up around the house before building. The measurement should be taken from the existing level of the surface before it is disturbed. This would be done as an amendment to the ordinance.

Carol mentioned that on Donna Allen's property there is a realtor sign that is advertising the property as commercial. This property is still zoned residential. Gail offered to call the realtor.

Kent Clawson's request for conditional use permit:

Kent Clawson addressed the commission about the ability of families being able to maintain and stay in the community. His family is grown and has moved on. He is finding it increasingly more difficult to pay their bills. Kent has done some studies on water and power usage of renting out their basement apartment. They have a separate entrance and a complete apartment in the basement of their home. They have followed the current ordinances and have not rented out this apartment. Kent is here tonight to ask for a conditional use permit to rent out his apartment, and be a test case for the town. He would keep a data lot of exact water usage and extrapolate what waste would be into the environment. To see what the difference would be from a normal family unit, in comparison to a two family unit. Jack knows of several homes where there are rentals taking place. The people in this town are being faced with new obstacles.

Jack asked the rest of the planning commission for their comments. Jack thought it would be better to have an ordinance allowing for rental units in place first. Paul feels it's worth the commission's time to see if allowing for rentals is a feasible idea, he agreed that it should be done by ordinance. Carol feels that there needs to be a lot of thought put into something like this. There is definitely a need for this, but it could really affect the town. Suzanne agreed the commission needs to look at this; Kent won't be the last person asking the towns permission to rent out part of their home.

Kent offered to volunteer helping the town out with sewer system if it is ever needed; he has a lot of experience in this area. There are unique challenges facing the town with the potential of a gravity sewer system. Jack thanked Kent for his offer. Jack replied to Kent's earlier request for a conditional use to have a renter in his apartment. The planning commission would like to work from an ordinance stand point first. If we do a conditional use, the town will be inundated with requests for conditional use permits.

This will be a dramatic departure from what the town has allowed. If the town doesn't act now, things will be done underground.

Paul made a motion to adjourn. Suzanne second. All votes aye.

Meeting adjourned at 8:35 p.m.

Gail Ahlstrom, Clerk/Recorder

Jack A. Cox, Chairman