

HUNTSVILLE TOWN PLANNING COMMISSION

DATE: DECEMBER 28th, 2017
PLACE: Huntsville Town Hall, 7309 E. 200 S.
TIME: 7:00 P.M.

NAME	TITLE	STATUS
Ron Gault	Planning Commission Chair	Present
Brent Ahlstrom	Planning Commissioner	Excused
Preston Cox	Planning Commissioner	Present
Rex Harris	Planning Commissioner	Present
Sandy Hunter	Planning Commissioner	Present
Karen Klein	Planning Commissioner	Present
Mike Engstrom	Town Council Member	Present
Ramona Clapperton	Recording	Present

Citizens: Liz Poulter Doug Allen Larel Parkinson
 Kerry Wangsgard Blake Bingham Clark Wangsgard
 Dawson Hedges John Pierotti Julie Powell

1-Ron Gault called the meeting to order and welcomed everyone; there is a quorum present.

2-Discussion and/or action on Final Approval of Larel Parkinson's Subdivision: (See Attachment #1) Rex said since the last time Larel Parkinson met with the PC he and Ron met with Larel's engineer and reviewed the plans. There were a couple of items that were addressed. The PC will get the highlights of those items tonight. Larel is looking for Final Approval from the PC tonight so he can move ahead with the County.

Item 1: Rex commented that utilities will be brought into the subdivision there will be two water lines, one for culinary and one for secondary, they will be on either side of the road to provide separation and cross contamination. Those are generally installed 10' off the pavement. Gas, power, and cable lines will be as close to the easements as possible. The secondary water company wanted their line looped, using an agricultural easement on the south side of Gary Anderson's property on 6800 E.

Historically this was a 16' agricultural easement that ran into the Davis' property and the property Larel owns. Since that time, a right-of-way was secured for public usage of that 16' easement that would allow the secondary water company to use. Right now there is a 2" secondary line there as a service connection for the Davis'. The proposal is to replace the 2" line with a 6" line placed in the same location.

Item 2: The next item was the drainage. Everything drained to the northwest toward the lake. Generally the road requirement is to be built the road section above the ground for positive drainage. Culverts will be needed in the low spots.

Item 3: Rex was concerned about the connection to the roadway. Initially they had the road coming off at a 4% grade. Ideally the grade should be 3%.

Ron asked about fire hydrants. There will be two fire hydrants 500' apart. The PC reviewed the subdivision plat. This is a four lot subdivision. Mike asked Rex if he feels that the PC has required all the steps from Larel as outlined by the ordinances. Rex replied yes. Larel stated that the County has already reviewed the subdivision; they are waiting for final approval from the Town. The PC is approving the frontage, road, lot size, and subdivision requirements of the Town. The road will be longer than a traditional block, about 700'.

Rex motioned that the PC recommends Larel Parkinson's Subdivision to the Town Council as presented. Ron seconded the motion. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Commissioner Ron Gault Commissioner Preston Cox Commissioner Sandy Hunter Commissioner Karen Klein Commissioner Rex Harris
NAYS:	
EXCUSED:	Commissioner Brent Ahlstrom

3-Motion to adjourn the Regular Commission meeting to hold a public hearing:

Ron motioned to adjourn the Regular Commission meeting to hold the public hearing. Karen seconded. All votes aye. Motion passed.

4-Public Hearing on proposed Ordinance amendments to Land Use Definitions and Subdivision regulations to eliminate and repeal access right of way from the municipal code: (See Attachment #2) Ron opened the meeting for public comment on the proposed amendments to Land Use Title 15. Two changes are in Title 0: Definitions. The deletion of the definitions of "Private Access Right-of-way", and of "Private Streets", because there are no private accesses or private streets in the town. The proposed changes to Title 15 are: Title 15.25.3.2.D: delete private streets and private access rights-of-way. Title 15.21.10.A: delete signs "in a private road right-of-way", Title 15.21.13.B.12: delete "or approved private road", and Title 15.25.1.8.B.7: delete "or private road".

John Pierotti: John asked if the proposed changes will eliminate the requirement to have 130' frontage.

Kerry Wangsgard: Kerry mentioned he owns property located at approx. 7600 E. and 600 S. before the PC deletes these provisions in the ordinances, he feels that this matter should be further discussed and tabled. The PC is indicating that the Town does not have any private roads, yet as you know, he is in litigation about this matter right now. He is arguing that there is a public road along the west side of his property, and the Town is saying it's a private right-of-way. The decision made tonight could impact him greatly. He would like this matter tabled. Kerry asked what the purpose was for doing this. Kerry asked where these items might apply, are there any examples? He doesn't see the point of doing this.

5-Motion to close the public hearing and re-convene to the regular Commission meeting:

Ron motioned to close the public hearing and re-convene to the regular Commission meeting. Sandy seconded. All votes aye. Motion passed.

6-Discussion and/or action on proposed Ordinance amendments to Land Use Definitions and Subdivision regulations to eliminate and repeal private access right-of-way from the municipal code: (See Attachment #2) Ron re-convened the regular PC meeting. He would like to continue the discussion on the proposed amendments. Ron stated that he wrote the ordinances 15 years ago and followed Weber County ordinances. The definitions were standard and they were adopted. The same thing happened with the ordinances. The PC has not come across the need to review a definition of roads and streets until a couple of issues came up recently. The PC noticed that we have definitions for private streets or private rights-of-way and the town doesn't have any and has no intention of generating any.

The Town does not intend to allow private accesses to homes. The PC is requiring Larel Parkinson to build a road to get access to his lots. Mike said if the Town had private roads in the ordinances then the PC would have allowed Larel to build a 33' wide road and then Larel would have been required to maintain it. The ordinances don't have regulations regarding private roads or rights-of-ways, only a definition. If the Town ever annexed property the Town would require the people annexing to build a road if the Town is going to take over the maintenance. Rex stated that the town's road regulation is 99' wide, however, a couple of subdivisions were put in and a 66' wide street was approved. This has caused some confusion. The ordinance only allows for 99' road but the definitions had conditions for a 66' wide secondary road. The PC wants to clarify the definition of what would require a 99' right- of-way and a 66' right-of-way; these are the only two sizes of roadways the PC will approve to be built; 99' for primary access and 66' for subdivisions.

Kerry Wangsgard expressed his opinion that he understands the reasoning; he still feels it's too early to take action. Mike replied that there is a definition for a private road but no ordinance that would allow one. Kerry felt that the definition alone would allow for a private road, if private roads are deleted then private roads aren't even recognized. Kerry said by deleting private roads from the ordinances the Town has basically taken away access to his property, which is unconstitutional. Rex stated that the Town has never had jurisdiction or control over private roads, and we have no desire to change that. The PC wants to delete a definition that doesn't relate to anything in the ordinances.

Doug Allen commented that he is the Council Member in charge of the roads. Doug mentioned that the town is almost built out; most of the vacant lots are on the current block system. What is being discussed now is property on the edges of the town. When the dam was built it literally changed the boundaries of the Town. To answer Kerry's comment about constitutionality, Larel Parkinson owns substantial property that is currently land locked and the PC forced him to build a road in order to access the property. Kerry asked if under the definition of a private road if he would have been allowed to build a private road; the answer was no. Larel gave up almost a full $\frac{3}{4}$ acre lot to build the road on.

Doug mentioned that Steve Johnson will also need to build a road before he can sale any of his property. Rex stated that Larel’s road will be deeded to the town as a public right-of-way. Kerry argued that Larel was fortunate to own enough property to build a road. What about his property, that only access he has is by a private drive, why would the town be against something like that. Rex reiterated that the ordinances have never allowed for a private road. Kerry said allowing a flag lot to his property would add to the town’s tax base. Flag lots in certain areas make a lot of sense to him. Rex replied that if the Town Council wants to allow flag lots they can change to ordinances to allow them. Mike remarked that the Town doesn’t have the responsibility to help someone develop access to their property.

Ron motioned to propose to the TC that they delete the definitions of “private access rights-of-way” and “delete Street private” in Title 0, and to recommend in Title 15 the following proposed changes: Title 15.25.3.2.D: delete private streets and private access rights-of-way. Title 15.21.10.A: delete signs “in a private road right-of-way”, Title 15.21.13.B.12: delete “or approved private road”, and Title 15.25.1.8.B.7: delete “or private road”. Rex seconded. All votes aye. Motion passed.

VOTES: APPROVED	
AYES:	Commissioner Ron Gault Commissioner Preston Cox Commissioner Sandy Hunter Commissioner Karen Klein Commissioner Rex Harris
NAYS:	
EXCUSED:	Commissioner Brent Ahlstrom

7-Citizen Comments:

Dawson Hedges brought up the matter with the edge properties. He has noticed that a lot of the property owners have taken their fences down which makes it difficult to determine where the Forest Service property ends and public land begins. In some cases it appears that there has been encroachment onto the Forest Service property. This makes it easier for people to drive their ATV’s onto Forest Service land. Dawson brought this up as a potential concern and as an encroachment issue.

Rex said he totally agrees with Dawson, there has been encroachment over time. This is a boundary issue between the property owners and the Forest Service. It might be in the best interest of the Town to send a recommendation to the TC and have them contact the Forest Service and express the Town’s concerns about the encroachments and ask them to look into the matter. Doug mentioned that in the past four years there have been issues between some property owners and the Forest Service. This is the perfect time to address this because the Town and Forest Service have been working together on the Pineview Committee which is trying to tackle issues related to parking, garbage, and alcohol around the lake. Ron mentioned that historic fence lines are establishing boundaries between properties. The Town doesn’t have jurisdiction over boundary matters.

8-Approval of PC minutes for meeting held October 26th, 2017.

Ron motioned to approve the PC minutes for meeting held October 26th, 2017 as amended. Karen seconded. All votes aye. Motion passed.

9-Approval of PC minutes for meeting held November 28th, 2017.

Ron motioned to approve the PC minutes for meeting held November 28th, 2017 as prepared. Sandy seconded. All votes aye. Motion passed.

Rex wanted to make sure the record showed that the PC is losing some really great commissioners. Ron, Karen, Preston, and Brent have served dutifully over the years, especially Ron, who has served the Town for over 24 years. Rex expressed his appreciation for all the service they have given to the residents of this Town.

Rex motioned to close the meeting. All votes aye. Motion passed.

Meeting adjourned at 8:20 p.m.

Gail Ahlstrom, Clerk/Recorder