

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

MEETING DATE: June 29th, 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	Present
Preston Cox	Planning Commissioner	Present
Rex Harris	Planning Commissioner	Present
Sandy Hunter	Planning Commissioner	Excused
Karen Klein	Planning Commissioner	Present
Mike Engstrom	Town Council Member	Present
Gail Ahlstrom	Clerk/Recorder	Present

Citizens:

Richard Sorensen	John Pierotti	Dakota Hyde
Jeff Hyde	Dawson Hedges	Lorraine Hedges
Tim Charlwood	Andy Hedges	Doug Wilson
Dave Booth	Gary Anderson	Doreen Anderson
Bill Wangsgard	Artie Powell	Brit Sorensen
Jennalee Anderson	Joe Farr	Addison Hedges
Sam Hedges	David Delight	Larel Parkinson
Emma Hedges		

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

2-Jeff Hyde: Update on Huntsville Town Square Development:

Jeff Hyde presented the Commissioners with his stamped W.C. plan review. Their engineering and architecture plans are complete. Jeff expects to get final approval from W.C. by mid-July. They have turned in their Health Department septic applications. The Lodge will be named the Compass Rose Lodge. Jeff is here tonight with a few requests. The Hyde's need letter stating they will have culinary from the Town. The Hyde's plan to set up temporary power from the power pole just off their property, this will need to be inspected by Rocky Mtn. Power and W.C. They will need approval from the Town to cut a foot long trench in the street over to the center of their property. The Hyde's will also need a secondary water hook-up for construction.

Dakota stated that the grain silo feature in their development will become an observatory as an amenity to the inn. This will be the second hotel in the nation to have an observatory. This will help people find interest in the skies. The dome will swivel and have shutters that open and shut. They plan to have a telescope available for use. A professor at WSU has donated one of the schools older observatory telescopes to the Hyde's. The observatory won't have outside doors; you will enter from the second floor with a spiral staircase leading up.

3-Mack DeVries: Questions about Self-Performed Building Permit:

Mike Engstrom reported that he touched base with Craig Browne at the County about Mack DeVries's building permit. The fee was quite high and they were willing to refund Mack \$100. Huntsville Town's fees were \$160, plan review was \$75, and inspection fees were \$200.

4-Review and Preliminary Plan approval of Joe Farr's request for a minor subdivision:

(Boyd Farr Property 7065 E. 200 S.) (See Attachment #1) Joe Farr wants to turn one large lot into two lots. After the last PC meeting, Joe had the surveyor add an easement for the utilities on the plat map as requested. That's the only change that was made on the plat map from last month. The perk testing is in process, this will need to be completed before the County will record the subdivision. **Ron motioned that the Boyd Farr subdivision was reviewed by the PC and the requested easement has been added to the plat map, it complies with the Land Use Ordinance.** Karen seconded. All votes aye. Motion passed.

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

5-Review and Preliminary Plan approval Larel Parkinson's request for a major subdivision:

(See Attachments #2) Ron Gault said the PC has received a couple letters from citizens in regards to Larel Parkinson's proposed subdivision. Ron questioned whether the PC has discretionary power to deny a subdivision if it's in compliance with the ordinances. Rex agreed, especially not over the items of complaint that were mentioned in the letters. Ron said the PC has approved subdivisions in the past, and he doesn't see any difference with this one, after Larel met the requirements in the ordinance.

Rex stated that the General Plan mentions that whenever possible we would maintain the grid system with our roads; however, the grid system doesn't work in every situation. The Town doesn't have the power to condemn a property and force a block system. The PC tries to stick with the grid system if possible but if not go a subdivision can have a cul-de-sac. Another matter that was brought up was the strain on the secondary water system. Larel spoke with Lewis Johnson and Bill Wangsgard and there is a 6" line down there which they thought would be sufficient. Doug said they will need to verify that these properties fall within the secondary water district. Rex asked if these properties had secondary water shares assigned to them already. Larel remarked that the Davis' said they bought secondary water shares from the Osmond's. Doug Allen said they will need documentation; two water shares are required per lot. This is an indirect issue for the Town because the Town doesn't own the secondary water company. It is a policy for the Town that a building lot must have secondary water so culinary water isn't used for irrigation. The PC also received a letter from Weber/Morgan Health about perk testing that has not been done. Rex said he wasn't surprised that they didn't know about the subdivision yet because Larel is still working through the process. (See Attachments #2)

Another question was in regards to environmental impacts with the homes being built on a shore line. Rex said if there is specific requirements with a Shore Line Zone the county would enforce that. The Town has a Sensitive Land Zone but there is no property in that zone yet. Preston asked if the PC is reviewing Larel's preliminary plan or discussing citizen comments. The answer was both. Preston said he can commiserate with secondary water pressure, but that's not a reason to deny a subdivision. Rex said the reason for impact fees is to address infrastructure costs. Ron mentioned that there was another comment about there being no alleyway. There isn't any requirement in the ordinances that require alleyways in a new subdivision. The Mountain Water subdivision doesn't have any alleys. Ron opened the meeting up to public comment.

John Pierotti: John said he lives next to Larel, and has lived there for 30 years; it's always been nice and peaceful. John stated that he is opposed to the development of this property. The proposed subdivision will create at least 4 lots with a potential for 7. Three of the lots abut his property. There would actually be five new lots because one of them has already sold. John stressed that he is opposed to this proposal and request for a subdivision but understands that it is within the owner's legal options, assuming all engineering, infrastructure, and building regulations are met. John's principle concerns are: One, the reduction in quality of life resulting from significantly increased levels of background noise, traffic, and loss of local habitat. There will be more pollution, due to combustion of liquid fuels and woodstoves, increase biologic waste loads imposed by more septic systems adjacent to a primary water resource. Two: Further demand and impact to presently inadequate infrastructure and town services, snow removal, and vehicular access. Three: increased property taxes as a result of new development. John stated that culinary water pressure in his neighborhood is already substandard and secondary water pressure drops to a point that it is useless. John asked who will pay for the upgrades to accommodate even more users. Will impact fees be calculated and applied to cover any and all expenses for associated costs for these new demands on the systems.

Andrew Hedges remarked that it was mentioned that the PC tries to avoid cul-de-sac, but he doesn't see any evidence and an effort was made to avoid a cul-de-sac. Rex said he and Larel have had many discussions. Andy said the PC should be looking with a critical eye at a developer's plans and see if there are other options. Rex asked if Andy had an idea the PC would be happy to look at it. Rex said there is a 16' easement that goes along the north side of the Pierotti property and the Town would require 66', this would require adjoining property owners to give up property for the road and the Town cannot require that. Andy doesn't see evidence that everything else has been tried. Andy brought up the secondary water issues, he understands that there is a 6" line down there and it doesn't work, he is paying for water they aren't getting. This could lead to a law suit. Andy suggested that the Commissioners not add to the problem, before the problem that already exists is fixed. The way this subdivision is laid out, takes traffic onto 200 N., Andy doesn't feel that this street is wide enough to absorb the traffic that will be created. Andy asked how frontage works with a cul-de-sac. Rex replied that the measurements are taken along the curve; frontage is 130' on the right of way line, not the pavement. Most roads are only paved 20' wide. Andy expressed his final concern; who would be voting to approve this subdivision? He can see a conflict of interest. There are three people who attend the same church ward as the developer and one serves in the bishopric with him. Andy is concerned that there would be an unbiased view point and decision.

Preston said he considers Larel and friend, but what he is voting on doesn't involve his personal feelings, his decision will be made on whether the proposed development meets the ordinances. Andy remarked that the potential for a conflict of interest is undeniable. Rex interjected that there is a difference between perceived conflict of interest and a real conflict of interest, in order to have a conflict of interest there needs to be some form of advantage. You would be hard pressed to show that any of the Commissioners, who are all friends and neighbors are benefiting unruly from allowing this to happen. If there is a perceived conflict, the law only requires someone to recuse themselves for the vote.

Brent commented that it's hard to not be emotionally attached to something that affects our Town; we all live here and we are all neighbors. In this situation, the question should be, is this subdivision in compliance with the ordinances, and if it is, it's not the PC's right to deny someone their personal property rights. Mike pointed out that final approval of this subdivision doesn't rest with the PC. Artie interjected that there is a citizen here who is expressing his concerns and the Commissioner's need to be respectful. Brent replied that it's tough to not have a personal interest in any decision that's made regarding the Town. Ron said the Commissioner's job is to look at proposals and see if they meet requirements of the ordinances and make a recommendation to the TC as to whether they do or don't. Ron reported that the PC started discussions with Larel back in July of 2016. Larel has met with the PC multiple times. The concerns that have been brought up are valid, no one wants to increase density, pollution, and traffic, but the Town has a set of ordinances. Larel has a right to do this with his property, but he has to meet the regulations in the ordinances. Ordinances can be changed that make subdivisions harder in the future.

Doug Wilson said he would like to bid adieu to the PC and Ron Gault and to include the town of Huntsville, it will never be the same as it is right now.

Gary Anderson said he is also an adjoining property owner and he too shares concern about secondary water issues. Gary expressed his opinion that the drawing of the subdivision is just an artist rendition and does not reflect the actual property lines. Gary believes that the fence line is the property line. He is referring to the fence line that abuts his property. It appears that the Parkinson's subdivision has acquired his green house. If the property line is the fence line then this issue is resolved. Rex said if there is a dispute over property lines the two property owners need to work that out, it is not a Town issue. Gary's second concern is the easement that goes across his property, he has lived there for 11 years, and has owned the property for 20 years, that easement has probably been there for over 40 years, and has never been used. According to the development plans, the property will change from agricultural to residential; if this is the case there is no longer a need for this easement to exist. Gary wants as part of this deal for the easement to disappear. John Pierotti stated that he understood that easement was created for access to the Black's property, when Mountain Water Subdivision was put in. Gary mentioned that part of the problem is that every three years or so the Davie's think the easement gives the authority to build a road across his property, and Gary doesn't believe this is true. Rex remarked that often times when title searches are done when properties are sold, they will show any encumbrance on the property. If there is a dispute about the easement it is not the Town's matter to solve.

This easement crosses multiple properties so everyone along that easement would need to agree to abandon it and draw up a lot lines agreement or quit claim deed and that would get rid of the easement.

Lorraine Hedges brought up the secondary water, she feels there is big a problem. The Commissioners have said the Town is not in charge of the secondary water, but they are in charge of what happens to the people already hooked up and to make sure water is there for the people who are paying for it. Lorraine asked what the plans were for 6700 E. This would be the address for the new street going in for the subdivision, this street should also extends south to 100 S. All traffic created by this subdivision will be direct down 6800 E. 200 N. Lorraine said when properties are tweaked to get as many lots as possible, maybe it shouldn't be developed.

Dawson Hedges said the impression he gets from everyone is that they wants to maintain the current atmosphere in Town. Dawson said right now the Town is a magnet for development. The question is if there are things that can be done to maintain the shoreline areas.

Andrew Hedges wanted to bring up the grid system again, if the Town is serious about that, the Town should require the developer to put in a road from 6700 E. 100 S. north and bring traffic into the subdivision that way. The existing roads, 6800 E. and 200 N. are inadequate to absorb this much traffic. Rex said that we are talking about 5 building lots, and there are plenty of streets in town the same width that carry more traffic than that. Andy said if the Town is serious about maintain the grid system; this is the time to do it. Don't just put in part of 6700 E. but do all of it. Even if 6700 E. was built it wouldn't change what the subdivision looks like. Andy agreed, but it will change the impact it would have on the surrounding neighbors, those who use 6800 E. Andy said the PC has the ability to require the developer to put in 6700 E. from 100 S. Rex replied that the PC could force a developer to put in a road but he doesn't see how that impacts anyone. Andy said it impacts those using 6800 E. and 200 N. Rex agreed, but only by one or two homes. Rex said this is a legitimate topic to address. Ron reminded everyone that the PC only makes recommendations to the Town Council; the TC would be the ones who would make the final decision.

Doug Allen said he walks this neighborhood almost every night. He remembers when 6800 E. was a dirt road with one house on it. He helped build John Bowen's house, it was the first home down there. Will Ferrell had a big farm down there. Doug pointed out that if the TC, 23 years ago, wouldn't have been willing to look at some options, none of you would be living here. Doug commended Lorraine; she came to an annual secondary water meeting. Lorraine is the only one who has come to a meeting and mentioned the low water pressure. The secondary water company spent \$60,000 a few years ago looping the system. They thought they had fixed the problem, they hadn't heard that there was a problem with the pressure. Their intention is to make things better with the irrigation water. Please don't think that the PC and TC members who attend these Town meetings and discuss town issues can't stay friends. Residents didn't want the Mountain water subdivision either, but things change. There are still about 50 empty lots in town; there isn't enough water for that many new hookups. The Town is working on solving this problem. Doug invited the public to please come to the meetings and participate.

6-Discussion with Tim Charlwood about property located at 6500 E. 100 S. (See Attachment #3)

Tim Charlwood commented that when he had the survey done of his newly acquired property it became apparent that all of the property lines are wrong. His remedy for this is to adopt all of existing fences and get things platted in the right way. He is giving up a significant amount of land by doing this. The ordinances require 130' of frontage and ¾ acres per building lot. Tim said he would like to bury the power lines. Tim would like to tie in what they are doing up in the Sanctuary above Green Hills with this property. Tim asked if he should be looking at applying for a change in use for the land. Tim would like to do a lodge for recreational use. He would like to have nightly rentals. Rex stated that adjacent zoning won't impact what Tim does with his property, it may impact if zoning is changed. Tim needs to make sure that what he plans to do on the property is allowed in that zone. Tim could re-zone the property, but it could be controversial. Rex reminded Tim that the Town does not allow nightly rentals. There is not much sentiment in the town for another Inn or hotel right now. A single family home could be rented out long term but not a multi-family unit. The Town would be against a boutique hotel with 6-10 bedrooms. Something like that would require a change in zoning. The ordinances do not allow for hotel/motels or inns anymore.

7-Request for Land Use Permit, George Abetti: (369 S. 7500 E.)

Was not at the meeting.

8-Dave Booth: presentation of business idea for property located at the corner of 500 S. 7700 E.

(See Attachment #4) Dave Booth said as has been talking with people in the community to try to figure out a business we don't have in this valley. Dave doesn't want to compete with the Hyde's. Dave is proposing to use his property as a landscape center. Some trees will be on the property permanently. Dave will be slowly developing the ground and use the east property for the landscaping business. Rex said this area was slated for septic system, Dave said there is another area that runs along the west side. Dave said the community center will most likely be the first building built on the property, then the grocery store on the corner. The trees on the outside will buffers for sound. A landscape center can be noisy on the weekends with the loading of gravel, sand, and mulch.

Rex asked Dave to explain the business in more depth. Dave replied that nothing in the landscape area will be a permanent structure. The trees he just planted have root balls on them; they can be easily moved if needed. There will be sand, top soil, and road base that the community can buy. Look like? Ron asked what it will look like. Dave answered that it will look like a nursery. There will be concrete block bins to store material; these will be inside trees so it's harder to see. Equipment will be small tractors to load materials onto trucks. Along the north side of the property he has planted a row of pine trees to create a sound buffer on the north. Dave will put in a gravel road, but nothing permanent, in the same location as previously planned. Dave would like to do the nursery, so the property can create some revenue while waiting for the development. The property along the highway will be the area for the landscape company. The bins will be made out of concrete blocks that are 36" X 24" that are movable. There isn't anything like this in the valley and Dave feels that it will be successful. Rex said this type of the use is way different than what was presented originally. Rex is nervous about Dave utilizing areas of the development where septic was proposed.

Dave replied that if he had to use the area for septic, he will remove the trees. Nothing he is planning will be permanent structure. Dave will not do anything to the ground that would interfere with the septic. Rex mentioned that the health department frowns on putting septic in ground that has been disturbed. Ron mentioned that the residents won't want a bunch of construction equipment on the corner entry into the Town.

The original plan was that this area would be office or retail space, now the business will be outside. Dave thought that as his development progresses the landscaping center will probably go away. He needs to generate some type of revenue on that property. Ron thinks this could be a viable business. The trees were handpicked and dug out from an Oregon tree farm and delivered to this property. The business will be called Pineview Landscape Center.

Ron motioned that the PC recommends that the TC approves a business license for Dave Booth to have a landscape center on his property. Preston seconded. All votes aye. Motion passed.

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

9-Scott Anderson's request for Land Use Permit: Presented by Dave Delight: (See Attachment #5) Dave Delight said he is here on behalf of Scott and Jesselee Anderson. The Anderson's want to build a barn on their property. The proposed barn will be built at a 21' setback on the side yard. In years past Dave has torn down some the buildings that were clustered together. Their address shows frontage along 100 S. The front of the house is facing First Street. It will be a storage garage for snowmobiles. Ron said the proposed site plan meets all current setback requirements. Rex mentioned that the ordinances say a residence's main access should be from their frontage; however, this home would be grandfathered. **Ron motioned that the PC has reviewed the Anderson's proposal for a barn to be built on their property, and it meets the setbacks, he motioned to grant them a Land Use Permit.** Karen seconded. All votes aye. Motion passed.

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

11-Review requirements on Flood Insurance:

This item was tabled.

12-Review of proposed wording for Title 4.2: In regards to standards for pre-fab structures:

This item was tabled.

13-Review of proposed wording for Title 4.2: In regards verbiage added for Self-Performed Permit: (See Attachment #6) Ron presented proposed verbiage to add to Title 4.2 in regards to Land Use Permits, Building permits, remodel permits, and self-performed remodel permits. Ron broke the ordinance into different categories; Land Use Permit, Building Permits-New Structures greater than 200 square feet, Remodel Permits, and Self-Performed Remodel Permit. The PC reviewed the proposed verbiage. A section will be added that will address a structure under 200 sq. ft. that will say “no building permit is required but a Land Use Permit is.” The PC will want to verify setbacks.

14-Review of proposed wording for Title 15.25.2.2: Street widths & cul-de-sac’s: (See Attachment #7) Rex said the PC noticed there was a discrepancy in the definition of roadways within the Town. Rex cleaned up the verbiage: the ordinance was using the terms, collector and terminal streets. Rex changed it to say major and minor streets, which will be easier understood. In Title 15.25.2.1.B: Rex removed the word “collector”, to Title 15.25.2.2.B: Rex added to the last sentence “99’ for major streets and 66’ for minor streets. Title 15.25.2.2.D: the following sentence was added; each cul-de-sac must be a minimum of 100 feet in diameter “right of way and a minimum paved surface of eighty (80) feet in diameter. Title 15-0: Definitions: was amended to reflect the same verbiage. Rex also amended the definition for “Street, Private”: A thoroughfare which has not been reserved by dedication or abandonment to the public.

Ron motioned to set a public hearing date of August 10th for the proposed changes to Title 15.25.2.2 and Title 15-0, which deal with the definitions of roads, major and minor streets, and measuring cul-de-sacs. Brent seconded. All votes aye. Motion passed.

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

10-Mike Engstrom’s request for a Conditional Use Permit: (See Attachment #8)

Mike presented proposed changes to the Acceptable Use Table to allow for storage, indoor, commercial, as a conditional use in a residential zone. This application would have a list of conditions that must be met to allow this usage in a residential zone. 1-Allowable only as a means to repurpose a historic building (built pre-1950). The building must be greater than 1000 sq. ft. The exterior of the historic building must be substantially restored to its original condition. 2-Number of units- maximum of 30 (100 sq. ft. units) or 3000 sq. ft. total.

3-No outdoor storage of any sort for commercial purposes allowed. 4-Distance from residential homes 175 feet or greater. 5-Hours of operation-8 am to 9 pm. 6-Signage, minimal or none...No intentionally it signs, no LED variable message signs. Acceptable signage to follow Huntsville Sign Ordinance.7-Parking-one stall per 10 units, no fewer than two stalls, must not be on Town property. 8-Must obtain a Huntsville Business License. This item will be included with the scheduled public hearing.

15-Citizen Comments:

Karen brought up the idea of having the PC hold two meetings a month. There seems to be a lot of business that needs to be handled and one meeting a month just isn't enough to get to everything.

16-Approval of minutes for Planning Commission meeting held April 19th, 2017:

Ron made a motion to approve the PC minutes for the meeting held April 19th, 2017, as amended. Brent seconded. All votes aye. Motion passed. Minutes were approved.

17-Approval of minutes for Planning Commission meeting held April 28th, 2017:

Ron made a motion to approve the PC minutes for the meeting held April 28th, 2017, as amended. Brent seconded. All votes aye. Motion passed. Minutes were approved.

18-Approval of minutes for Planning Commission meeting held May 25th, 2017:

Ron made a motion to approve the PC minutes for the meeting held May 25th, 2017, as amended. Brent seconded. All votes aye. Motion passed. Minutes were approved.

Set date for next PC meeting:

The next PC meeting will be held on July 27th.

Karen made a motion to adjourn. Preston seconded. All votes aye. Motion passed.

Meeting adjourned at 9:45 P.M.

Gail Ahlstrom, Clerk/Recorder

