

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

MEETING DATE: March 15th, 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	Present
Karen Klein	Planning Commissioner	Present
Mike Engstrom	Town Council Member	Present
Gail Ahlstrom	Clerk/Recorder	Present

Citizens:

Jennifer Sorensen	Bill White	Michaeline Wangsgard
Richard Sorensen	Regen Sorensen	Bill Wangsgard
Jake Songer	Leslie Sutter	Chad McKay
Wendy McKay	Laurie Allen	Dakota Hyde
Bonnie Hyde	Jeff Hyde	Melanie Holm
Lewis Johnson	Jim Truett	Chris Stevenson
Bob Hauck	Pam Hauck	Michelle Probasco
Mark Probasco	Barbara Walker	Britain Sorensen
Brodie Palmer	Brian Cornell	Liz Poulter
Jon Herring	River Hyde	Dawson Hedges
Carol Raleigh	Mark Raleigh	Tyler Monson Family
Cathy Stoker	Carol Stoker	Trina White
Judy Gault	Dawson Hedges	

Ron Gault called the meeting to order, there is a quorum present. Ron mentioned that the PC has a full agenda tonight and a lot of people who might want an opportunity to make public comment on the issues, so please keep your comments short and to the point.

2-Motion to close the Regular Commission meeting to hold the public hearings for the following proposed amendments: Brent made a motion to close the regular Commission meeting to hold the public hearings. Karen seconded. All votes aye. Motion passed.

Ron Gault convened the public hearing.

3-Title 0: Definitions, under Building, Height of; to add the word “Natural” to the following sentence: “the vertical distance from the average of the highest natural grade and the lowest natural grade”: (See Attachment #1) Ron said the PC is proposing to add the word “Natural” to the definition of building height to clarify how building heights are measured.

This is the way the county building inspector takes his measurements. The meeting was opened for public comment. There was none.

3-Title 0: Definitions, under Hotel, Motel/Inn: remove reference to the number of rooms allowed, and % of lodging that can be rented: (See Attachment #1) Ron explained the PC is proposing to delete the number of rooms allowed and the % of lodging that can be rented. The definition for a hotel will be: “a building consisting of sleeping units designed for temporary lodging for compensation. The definition for a motel and inn will be: “a building containing lodging rooms having individual bathrooms and where lodging rooms are not entered from a common entrance lobby.” Making this change will give the town more flexibility in what can be allowed or disallowed. The reference to 16 units was removed because at a future time the town might not want a hotel of that size. If the number of units were left in the definition someone might be able to force the town to allow a hotel of that size. The meeting was opened for public comments. There were none.

3-Addition to the definition of “Building, Height of; to Title 15.6.9: Height Regulations, as paragraph D: (See Attachment #1 & #4) Ron explained that the PC is proposing to add into Land Use Title 15.6.9 the same definition from Building, Height of, as discussed above into the ordinance section so an individual can locate the information easier. Building height is a commonly measured parameter. Ron read from the definitions: “Building, Height of: the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch of hip roof.” The meeting was opened for public comment.

Chris Stevenson asked if the height restriction of 35’ still remains the same. The answer was yes.

3-Title 15.8A to add a CH-1 Zone to accommodate Hotel/Motels and Inns (See Attachment #2) Ron mentioned that the PC has come up with a draft of a proposed addition to Title 15.8, the Title is 15.8A. This will be a new zone to accommodate hotel/motels and inns in a Commercial Hotel zone. Ron said the purpose of the CH-1 zone is to designate regulations on areas in the C-1 zone, to be used for Hotels/Motels & Inns. If the town allows a hotel or motel they would only be allowed in the CH-1 zone. The intent is to not add any CH-1 zones at this time. If someone came to the Town requesting a hotel or motel they would first need to rezone their property to CH-1 and then follow the re-zone process. This would allow the Town Government to further regulate what goes into the commercial zones. Sandy further clarified that if your property is already zoned Commercial you would need to request a rezone to the CH-1 zone if you wanted to have a hotel or motel. A re-zone requires a public hearing, providing more public input.

Mike mentioned that part of the re-zone process is that you need to submit a Conceptual Development Plan (CDP) which allows the Town more regulation. The PC can look at the CDP and massage the plan with the person submitting the request until the commissioners feel comfortable with it. The PC would then go through the public hearing process and the CDP would then be recorded with the re-zone. If someone deviates from the plan. The town can revoke the zoning. The meeting was opened to public comment.

Wendy McKay asked if this would allow Airbnb's. Sandy replied that in the residential zone you cannot rent out your home for less than 30 days. Nightly rentals are not allowed.

Jon Herring asked what the definition of a hotel is. Jon stated that a few years ago the PC approved his rental rooms in a commercial zone as a conditional use. Rex replied that anything approved in an existing zone would be grandfathered.

Leslie Sutter asked when the Allowable Use Table was amended to not allow hotels. The change took place in December. Leslie asked if there was a public hearing held for that change. The answer was yes, it was held on Oct. 27, 2016. Leslie asked where the notice was posted. Gail replied that she sent the notice to be posted on the Town's website, and posted it on the State's public noticing website, and published it in the Ogden Valley News. Gail admitted that she didn't get the notice posted at the Town Hall until the morning of Oct. 27. Gail will provide the noticing information to Leslie. Leslie said if meetings are not posted correctly, this is a problem, the public needs to know. The Allowable Use Table on the Town's website shows the adopted date of 8/2016. This isn't correct, making information inaccurate. Ron stated that the PC has postponed public hearings in order to give the required posting time; he can't recall any public hearing that the PC has held where the meeting wasn't posted for the 10 days required by statute. Leslie asked if the public information is being disseminated in an effective manner.

Brian Cornell thanked the PC for allowing him to express his opinion. He doesn't believe that a town of 600 residents has an obligation to provide lodging for the masses; Huntsville is not Ogden or SLC. Brian asked what financial benefits the town would receive from a hotel. Brian said there are a lot of people who don't like the idea of a hotel, but if it brought in a lot of money, people might change their mind. Brian said he went to WC Offices and sat down with Scott Parks in the auditor's office to find out what the financial benefits might be. He also met with the President of Ogden Weber Convention Bureau. There are three ways to make tax revenue available to the town; property, retail sales, and room rentals. Currently Huntsville is only eligible to collect taxes on the first two. As far as property taxes are concerned, for every \$1M of assessed value, the Town would get \$1,261 annually. To add retail sales like t-shirts or key chains sold in the lobby would bring in a very minimal amount. In regards to tax income for room rentals; currently Huntsville would receive nothing, that tax would all goes to the county. As it stands now, the town would receive property tax of \$1200; there is a 1% transient tax the town could take advantage of. Brian said he made some generous assumptions, with a 75% occupancy rate, room rates of \$150 per night, that ends up being 274 days a year that the room would be rented, that works out to be \$41,100. The town's share of that would be \$410. So, a ten room hotel would net the town \$4,100 a year; add \$ 2,000 in property tax, which would bring in \$6,000 to the town annually. Brian remarked that the economic argument fails. Are we willing to change the character of the town for the sake of \$6,000 a year? Brian said the answer for him is no.

Chris Stevenson thanked the PC, not many citizens understand what they do for the town. Chris thinks giving the go ahead to have a commercial hotel zone is something a vast majority of the residents don't want. Perhaps down the road after the town annexes some property, then maybe there would be an opportunity for something like that. Chris highly recommended that the town government doesn't put the cart before horse.

There will be one motel in town that will be built by the Hyde's, and it will look like a million bucks. Chris hasn't spoken with anyone that thinks the town should open the door for more hotels. Chris feels that this will be a huge mistake.

These are the same people who signed the voter referendum. A re-zone will require a vote of the TC, and these people would be willing to go the voter referendum route again. Chris doesn't want to do a referendum again. The citizens aren't anti-business; they just don't want hotels in the area.

Leslie Sutter said she would like to same standards applied to her as the Hyde's. She would like to put a hotel above the bar, but she doesn't want to have to re-zone her property, she is across the street from the Hyde's so why would she be held at a different standard. She is in a commercial zone, she wants a hotel, it was conditional use, it's been changed, but the date wasn't updated. She would like to be held to the standard prior and she would like authorization of that.

Dawson Hedges said he followed the story of proposed development in central Vermont. The developer wanted to make mass changes for the small town. The town's people got together and agreed that they didn't want the changes, they were happy with the way things were. One person made the argument against the development. Dawson said if our town goes this route, we are embracing the opposite path and will opening the door for a slippery slope for development. Last January a development was approved, a couple months later another development was approved, and now there is talk of yet another one. In the meantime, there has been no movement on the two developments and as Dawson understands it, one of the developments has since gone under. Here we are again with yet another proposal, what will it be next year? Dawson said that we need to consider where the town is going and how much of the character of the town we are willing to jeopardize?

Liz Poulter commented that she is concerned with what can the town support. She is cautious, but doesn't want to see businesses struggle and go under.

Barbara Walker expressed her concerns about hotels. A hotel was built in Eden years ago and now it's an assisted living home. Is that what we want in our town?

Dave Robinson remarked that he has been here a few years, he loves the town. He lives on a street where everyone bikes, runs, or walks by. That's what this community is. Dave likes what the Hyde's plan to do; it's a cute idea for our community. Dave asked what the town gains with a hotel. The town doesn't need a hotel. It changes the entire feel of the town.

3-The Allowable Use Table to add a Commercial Hotel Zone; Hotels will be Permitted in the CH zone: (See Attachment #3) Ron explained that the PC is proposing to modify the Allowable Use Table to add a column for the CH-1 zone and the only permitted use in that zone would be a hotel/motel or inn. This was an attempt to allow the possibility, in the future, for a hotel/motel with the additional requirements and hurdles, like tonight, with a public hearing so the residents had more say. What Ron is hearing is that the residents don't want this.

Mike Engstrom thought it would be appropriate to explain what brought this all about. Apparently there are concerns about another hotel.

Mike reminded everyone to look at both sides of the issue. The town and the citizens have a right to say that they want to maintain the rural character of the town, we work together to take advantage of mutual abilities. At the same time the town has to respect property rights. People don't like to be told how to manage their property. Right now there are ordinances that are being selectively obeyed, depending on how convenient it is for each specific citizen. There are always two sides to a story.

The importance for creating a hotel zone was for the Sorensen's; they have two out buildings next to their community center that they would like to rent out on a nightly basis. There is no plan for a 16 unit hotel. There is one citizen in town that has an existing building, zoned retail commercial, that is licensed as a reception center. Sorensen's would like to turn the two small out buildings, which already exist and turn them into nightly rentals. In an effort to respect property rights of specific citizen, the question is, is there a path that the town can put in place to allow them to do this. There is no additional construction. Mike said for this instance, the Town government thought this would be a reasonable idea. Right now the options are; no one can ever do this or the town has no control.

Sandy Hunter mentioned that Jon Herring's building next to the Shooting Star, is in a commercial zone and has three rooms that could be rented out, which could turn it into a hotel, with very low impact. Jon was able to do this because at one point, hotels were allowed in a commercial zone. At this time hotels are not allowed. If someone wanted to do the same thing with a commercial property, with low impact to the town and they wanted to rent two rooms that would put it into the definition of a hotel. That's the reason the PC is looking at new zone. With this new zone a person would come present their plan, go through public hearing process, and if it was really small, like two rooms, maybe the town wouldn't mind something like that.

Leslie Sutter said she heard that no one ever gets to do it, or there's no control. When the Hyde's got their hotel approved it was conditional use. That makes it limited control. Where there is a commercial corridor, isn't it disingenuous to say, across the street they can't but someone else can't. This person has to do things differently. Leslie said she has spoken with three different attorneys that have interpreted the law differently than Huntsville chose to. Her question is; shouldn't there be some sort of grandfather clause. Leslie said she isn't opposed to a hotel; she is opposed to the way it was done without public input.

Chris Stevenson asked by doing this, if Sorensen's get granted permission to have their hotel/motel, then the Shooting Star, and any property zoned commercial can do this? Equal application of the law! Do we want to do it for everyone? Mike replied that the zone being discussed tonight creates a vehicle for the possibility. After that point anyone interested could apply for a re-zone to get into the Commercial Hotel Zone could do so, and if it makes sense then it would be approved.

4-Motion to close the public hearings and reconvene to the Regular Commission meeting:
Ron made a motion to close the public hearings and reconvene to the regular Commission meeting. Preston seconded. All votes aye. Motion passed.

5-Discussion and/or action on amendments to Title 0: Definitions, under Building, Height of; to add the word “Natural” to the following sentence: “the vertical distance from the average of the highest natural grade and the lowest natural grade”: **Rex motioned to recommend to the TC the definition of Building, Height of; to add the word “Natural” to the sentence as discussed.** Preston seconded. All votes aye. Motion passed.

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

6-Discussion and/or action on amendments to Title 0: Definitions, under Hotel, Motel/Inn: take out reference to the number of rooms allowed, and % of lodging that can be rented: **Rex motioned that the PC recommends to the TC the changes to Title 0: as presented during the public hearing.** Karen seconded. All votes aye. Motion passed.

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

7-Discussion and/or action on amendments to definition of “Building, Height of; to Title 15.6.9: Height Regulations, as paragraph D: (See Attachment #4) Ron said public hearing was held and there was no comment on this topic. **Rex moved to recommend to the TC the adoption the language as discussed and to add this definition to Title 15.6.9 as paragraph D.** Brent seconded. All votes aye. Motion passed.

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

8-Discussion and/or action on proposed amendment to the Allowable Use Table to add a Commercial Hotel Zone: Hotels will be permitted in the CH zone: **Rex motioned to table this item until further clarification can be made.** Sandy seconded. All votes aye. Motion passed.

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

9-Discussion and/or action on proposed amendment to Title 15.8 to add Title 15.8A: CH-1 Zone to accommodate Hotel/Motels and Inns: (See Attachment #2) Rex Harris asked the public to allow the PC to discuss this without any interruption, so the PC can discuss matters that came up in the public hearing. Rex doesn't disagree with all the comments made tonight. People aren't excited about opening Huntsville up to hotels.

The process the PC went through will help provide the town with more control. Initially, conditional use allowed up to 16 rooms in a commercial zone. If something is listed in the Acceptable Use Table and it's listed a conditional use the PC couldn't tell them no. The PC is going through the process of meeting the resident's needs. This will create a two-stage step. Brian Cornell is saying don't even consider hotels. Chris Stevenson doesn't want to address hotels until the town annexes property. Rex feels that this is the exact opposite of what the Town should be doing; he would like to see the ordinances in place so the Town doesn't become reactionary.

Sandy Hunter said there was a conditional use for hotel/motel or inns, in the commercial zone. Technically that meant a hotel could have been opened on every commercial property in town. She doesn't think anyone wanted that. So, the PC has tried to set things up in order to stop it with the first step by saying no hotel/motels allowed in a commercial zone. The question is; is it so bad for Jon Herring to rent three rooms in his building? Does this really impact anyone adversely? This new CH-1 zone would be a vehicle; people in the commercial zone would need to ask for a re-zone which requires a public hearing. This would give the town an extra security step to decide whether to the town want what's being proposed or not. Ron asked the people who spoke out against this new zone; now that they have heard the explanation do they have a different opinion.

Leslie Sutter said if there is a commercial corridor, and there is a 12 room hotel is going in on one corner then why should the Sorensen's, who are asking for four rooms have the additional burden of going through the re-zone process. It seems to Leslie that one is good but two is not. We're talking four rooms' verses 16. Who says four is ok. Leslie said her property is already in a commercial zone and she is being held to a different standard.

Rex Harris wanted to address the comment that what is fair for one citizen and not for another. The nature of Zoning Ordinances is that the Town creates laws and things change. The PC believes this is the proper path for the town.

Bill White said there are three options. The town could go back to conditional use which is a problem because that means it's allowed, do what is being proposed, which means nothing is allowed, or allow a hotel zone which would require the person to come before the PC, have a public hearing, and if the public is supportive it could be rezoned. Leslie said she would add a fourth; all notices went out, everyone was aware, and everyone got to voice their opinion before the zone was changed. Bill responded to Leslie by saying she is talking about two separate issues; one is whether the meeting was posted correctly and two if it's fair to change zoning in commercial zone when she would have liked to jump in on the hotel. The town is not required to make the same mistake over and over again if it decides its going in the wrong direction. The Town Government has the authority to change the law, through the proper forum, and change the law, even if it negatively affects people. Ron remarked that the PC has been discussing this for six months. Rex spoke up and said Gail has done everything she could to meet the law, if something didn't get posted it wasn't intentional.

Liz Poulter said the PC is not approving a specific hotel, just changing the avenue. If there is a hotel that comes along there will be another public meeting just like this. She thinks it sounds like to a good idea. Wendy McKay asked, with this avenue does this allow the PC to say no, the town doesn't want that. The answer was yes.

Ron Gault said the PC spoke with the Attorney for the Utah League of Cities and Towns and were told that if something is listed as conditional use the town cannot deny anyone, unless there is an absolute good reason to turn it down. The advice the PC got from him and Attorney Bill Morris was that the Town can put conditions on screening, noise, and lighting, things that would make the development more palpable, but that's about it. The town can turn down a re-zone without giving reasons. There's more leverage with a re-zone than with a conditional use.

Dave Robinson asked if this zone is specifically to accommodate the Sorensen's. Mike Engstrom replied that if this zone is created the Sorensen's will more than likely turn in an application for a re-zone, and the public hearing process will take place again.

Dave Robinson asked if the PC has any control over what is built. The answer was yes. The petitioner has to submit a detailed Conceptual Development Plan (CDP) for their development. The developer and the PC will negotiate and once the CDP is agreed upon by both parties the CDP gets recorded as part of the re-zone, if they fail to meet the plan the re-zone can be revoked.

Regen Sorensen said she owns a building that was built in the 1800's, they can make it into something the citizens will love or the building can remain an eyesore. Right now they can't do anything. Wendy said it's clear that the majority of citizens here tonight want things to remain the same. Is the PC willing to listen to the public?

Rex Harris commented that public hearings are held so the PC might hear issues that might not have been addressed.

The PC can't base their decision on who shows up to the meetings to voice their opinion. The PC has held enough public hearings to know that generally people that are against something show up. It is good to hear problems so they can be addressed. If we can, as a group address issues and made recommendations to the TC, that's what the PC does.

Mike Engstrom clarified whether the Town has the ability legally and otherwise to say no to a development we don't want. The stuff we don't want is major new construction that would create a destination.

Ron Gault said the PC would like to change of Acceptable Use Table to encourage people to restore historical buildings in town. There have been a couple barns in town that were all cleaned up and repainted with murals. There were lots of favorable comments about this. These barns were restored by people who could afford it. The PC is trying to create a vehicle to encourage this without encouraging a Motel 6. Sandy said all of the Town Government agrees that we want to maintain the Town's rural character.

Jake Songer confirmed that there is a law on the books right now that says you can't rent your home unless it's for a minimum of 30 days. Jake asked if this law extends to commercial properties. That statute relates to residential. Ron called for a motion.

Rex motioned to recommend to the TC the addition of a new CH-1 zone to the Acceptable Use Table. Brent seconded. All votes aye. Motion passed.

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

Rex motioned to recommend to the TC an addition to Title 15.8 the creation of Title 15.8A: Commercial Hotel Zone with accompanying language. Brent seconded. All votes aye. Motion passed.

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

10-Discussion and/or action on proposed Building Permit Waiver/Title 4.2.1: Building Permit Required: This item was tabled until the next PC meeting.

11-Review potential new Use Category to Table 15-1: Historical Building Restoration Uses:

Ron said the PC discussed the possibility of adding a new use to the Acceptable Use Table for historic building restoration. Ron pulled together what he believed were the PC's thoughts on this topic from the last PC meeting. (See Attachment #5)

Does the PC believe the restoration of historic buildings would be a benefit to the Town based on: 1) the positive comments we've heard regarding the restoration efforts involving several barns in the Town, and 2) matches up well with the theme stated in our General Plan of 'preserving as much of the semi-rural character of the Town as possible'. Should the PC propose a new usage category in the Acceptable Uses Table (Table 15-1) that encourages the restoration of historic buildings by allowing certain acceptable uses (e.g., storage units) if certain requirements are met (e.g., exterior restoration to original condition, etc.) There are a few questions that will need to be resolved: What is the definition of historic? What uses are acceptable? What should be the requirements for restoration?

If the town is encouraging restoration, there needs to be a way the town encourages the restoration by allowing accessory uses. Rex said the State History Preservation Office (SHPO) would dictate what's historic; if you change the use it could change the historic nature. The intent would not be for new construction built to look old. It would be for the preservation of old buildings. Ron suggested that the PC think about this and about the Acceptable Use Table to discuss further in the next PC meeting. Sandy wondered if this will need to be added to the ordinances.

Citizen Comments:

Richard Sorensen asked if the CH-1 zone could be structured as a Specific Development Overlay Zone, instead of going through the Acceptable Use Table again. Ron replied that they have had difficulty using the SDO zone in the past.

Approval of minutes for Planning Commission meeting held February 16th, 2017:

Ron made a motion to approve the PC minutes for meeting held February 16th, 2017, as amended. Sandy seconded. All votes aye. Motion passed. Minutes were approved.

Rex made a motion to adjourn. Sandy seconded. All votes aye. Motion passed.

Meeting adjourned at 9:00 P.M.

Gail Ahlstrom, Clerk/Recorder

Ron Gault, Chairman

