

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

MEETING DATE: October 26th, 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	Excused
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: Jennifer Sorensen Bill Wangsgard/CM Michaeline Wangsgard
 Lonny King Bill White/CM Craig Peterson
 Anel Peterson Jason Peterson Orville Peterson'
 Lynn Peterson Joseph P. Peterson Britain Sorensen
 Richard Sorensen Thayne Peterson Bin Peterson
 Seth Peterson Jim Truett/Mayor

1-Ron Gault called the meeting to order, a quorum is not yet present. No action items will be discussed until a quorum is present.

2- Discussion and/or action on Jennifer Sorensen's Lot Line Adjustment proposal: (See Attachment #1) Jennifer Sorensen said tonight she would like to talk about frontage along 100 S. Right now she has two lots, one with 142' of frontage and the larger lot has 248.72' of frontage. The home she lives in right now will be referred to as the west house; her Father's home will be the east house, and then there will be the garden lot. She wants to divide the lots so there will be three lots with 130' of frontage. The total of both lots is 390.72', divide this by three and there is enough frontage for three lots. The frontage of the garden lot and the west home is 248.72'. If you take out 130' for the garden lot that leaves 118.72 for the west house, that means the west house needs 11.28' to come up with the required 130'. There is 24' between the west and east houses. The existing property line is 2 feet from the west house. If you move the property line eastward 11.28', there will still be 10.72' between the new property line and the east house. The east house has 142' of frontage, so if you shift 11.28' that leaves 130.72'.

Jennifer said she doesn't have any plans right now for the north property. There is an access road on the garden lot that leads to a barn in the back of the property. Mayor Truett asked Jennifer how they would access the barn if a home was built over the access road. Jennifer replied that the access is road base and can be easily moved or eliminated.

Ron asked Jennifer if she was petitioning for a subdivision tonight. She is here tonight asking for approval to shift the lot line and to do a minor subdivision, to create one new lot. Ron asked where the lines will go in the back. Jennifer said the dividing property lines will go all the way to the back of the property. Mike explained that there shouldn't be a problem with the lot line adjustment; however, this is a two-step process if she wants to create an additional lot, which will require going through a minor subdivision process. The lot line adjustment can be taken care of tonight.

REX HARRIS JOINED THE MEETING.

Mike updated Rex on what has been discussed regarding Jennifer Sorensen's lot line adjustment request. A lot line adjustment can be done with a Quit Claim Deed, which is pretty simple. Jennifer will have a surveyor draw up the proposed changes and come back to the PC at a later date.

3-Lonny King's request for a Self-Performed Building Permit: (7214 E. 200 S.) (See Attachment #2) Bill White introduced Lonny King, who is a longtime friend of his. Recently Bill and Alane White purchased the property at 7214 E. 200 S., it has an A-frame cabin on it. At the time the Whites were bidding on this property, their friends, the Kings were bidding on it as well. Bill said they don't have any immediate plans for this property; they were buying it for their kids. Bill mentioned that he and Lonny have entered into a long term lease, and Lonny's family will be living there. Lonny is an accomplished craftsman and would like to do the remodeling himself.

Lonny stated that he loves the valley and has spent time up here recreating. The cabin doesn't need a lot of work, just some electrical, plumbing, and minor cosmetic updates. The footprint of the structure will not be changed. The home has two bedrooms and two bathrooms and a common living area. Mike Engstrom asked Lonny to fill out the Self-Performed Remodel Permit. Lonny would like to start work on the property soon.

4-Discussion and/or action on Conditional Use Permit for Mike Engstrom's storage units:

(See Attachment #3) Mike explained that there has been one change to his Conditional Use Permit (CUP) which is that he is no longer applying under the Historic Structures, preservation of, but is applying under the Acceptable Use Tables: Storage, Indoor, Commercial: All of the following conditions must be met to allow this usage. 1-Allowable only as a means to re-purpose a historic building (built pre-1950). The building must be greater than 1000 square feet footprint. The exterior of the historic building must be substantially restored to its original condition. 2-Number of units=maximum of 30 (100 sq. ft. /unit) 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 operations= 8 am to 9 pm. 6-Signage, minimal or none. No internally lit 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. They must not be on town property. 8-Must obtain a Huntsville Town Business License. 9-Storage units shall be accessed through the interior only; through a main access point, to preserve the historic nature of the building. The conditions were adopted by the Huntsville Town Council on 8/24/2017. Mike stated that he intends to meet all of these requirements.

Ron motioned that the PC has reviewed Mike Engstrom’s request for a Conditional Use Permit and found it to be in compliance with the Acceptable Use Table and recommend it for approval to the Town Council. Rex seconded. All votes aye. Motion passed.

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

5-Discussion and/or action on Craig Peterson’s request for a Land Use Permit:

(See Attachments #4) Jason Peterson said he is here tonight to request a Land Use Permit so they can re-build Craig’s home. The request is that they are planning to build essentially the same home on the existing foundation and add a small addition to the west that will not encroach on any setbacks. They will need a staging area to put construction materials and a dumpster. The PC reviewed the site plan. Jason stated that there is 30’ between Craig’s house and the west edge of the dirt lane. Craig’s property line goes to the fence on the east side of the dirt lane. They plan to cut in a couple of windows in the basement. The addition off the back will be Craig’s art studio. Ron stated that Craig has been court ordered to clean this property up. Ron asked for a status on the clean-up.

Jason replied that Craig has done some clean-up on the property. Jason has spoken with Bill White and Mike Engstrom about what needed to be done. Jason reported that he has read the Town’s Nuisance Ordinance, but they want to know exactly what needs to be done, and what would be acceptable. Jason wanted to know who the body is that says what is acceptable or not. Bill White said the Town Council went over to look at Craig’s property this week. The problem the Council has is that Kerry Wangsgard has sued the Town and Craig; the ultimate decision will be made by a Judge. The Council has its opinion but if it doesn’t meet the satisfaction of the Judge, then he will reverse the Council’s decision. Bill stated that the Council’s opinion of Craig’s property is that it didn’t appear that any serious effort had taken place. Bill took multiple pictures of Craig’s property for this group to view.

Craig Peterson remarked that he has been storing wood because that is his only source of heat during the winter. Craig mentioned that he has had an ongoing battle over his property for years. Craig feels that complaints about his property cost him a marriage. Craig feels that he has been singled out. Mayor Truett interrupted and said he considers Craig a friend and it would please him very much to have Craig re-build his home. Mayor Truett does not want to talk about past issues which are not relevant to today. Craig’s property is very much in violation of the Town’s nuisance ordinances. There is metal, plastic, tarps, wood, old cars, leaning buildings, it’s just a mess. It is way further out of compliance than when Judge Story was trying to address this same issue years ago. Craig begged to have another week or two to clean-up his property.

Mayor Truett said Craig is not being singled out; another violation letter will be mailed out shortly to a different property owner whose yard is a mess. Craig expressed his opinion that he has worked hard the past three months to clear off his property, he has hauled off old cars and some wood. The Commissioners viewed pictures of Craig's property. Jason said one of the piles is rock that will be used inside Craig's house. Junk will need to be moved off in order to clear out a staging area. Thayne asked how much wood will be allowed. Mike asked how much wood does Craig need. Bill White said that if the Town decides it doesn't meet the satisfaction of the other litigants or the Judge, they will put an injunction on the Town. Bill recommended Craig cleans up his property to the point he feels he is in compliance, and then file a motion with the Judge to come look at the property. If the Judge says Craig is in compliance with the ordinances then the Council will abide by this ruling.

Jason mentioned that they really need to get Craig's house started. The Judge will need to determine what needs to be removed from Craig's property. Jason requested that they be granted a Land Use Permit, conditionally, so they can begin building Craig's home and get the process started. The Land Use could be conditioned on whatever has to be done, and no occupancy can be granted until the property is in compliance. That will allow them to start Craig's house while things get figured out. Mike asked why a greater effort wasn't shown by this group supporting Craig tonight within the past 60 days. Two certified letters have been mailed to Craig about his property being non-compliant. Jason replied that he didn't know about the letters until about a week ago. Mike said the condition of Craig's property is worse today than it was a month ago.

Mike expressed his concern that if a Land Use Permit is issued all leverage the Town has is gone. Mike believes that there would be a high likelihood that Craig would move into the home without an occupancy permit. Craig is at the end of the 60 day clean-up period, the Town could now take this matter to the court. The Council will need to file an answer to the court and then if the Judge orders a trial, attorney fees and court costs will need to be paid. The Town doesn't have a say in this matter anymore. If the Town tries to say Craig has cleaned up enough, the Judge would immediately slap an injunction on the Town and the Town would be in the same boat Craig's in, which is defending us to the Judge and potentially be responsible for attorney's fees. The description Craig is giving everyone about this going on for 10 years is indicative of the fact that Craig has made no effort to try to remedy the situation. Two letters have been mailed to Craig. Bill has time stamped photos of Craig's property, and after 60 days no material clean-up has been done. This is a health hazard, a hazard to children; it meets every sentence of the nuisance ordinance as far as habitation for animals and vermin. The judge is going to tell Craig to clean it up. The Town really has no option but to say "do it" clean up the property.

Craig asked the Town Government to give him another week to see if he can make some progress. Craig stated that communities used to pull together and help one another after a home burned down. Craig feels that no one has stepped up to help him. Bill repeated that Craig should clean up his property, file a motion with the Judge and have him come inspect the property and make a ruling. The Town Government stated that they are willing to hold a meeting anytime, once the Judge makes his ruling, in order to help Craig. Jason stressed to Craig that one way or another, if the property isn't cleaned up his property will be taken from him.

Jason argued, why not let Craig start building his home, if he loses it, then someone will have a nice home. Once again, Jason requested a Land Use Permit. Anel Peterson agreed with Jason, the family and the community can step up and help Craig sort through his stuff while the home is being built. Bill commented that the magnitude and expense of this clean-up project is massive. It is not a one weekend project. Karen stressed that Craig needs to prove to the Judge that he is making an effort. Karen agreed that Craig needs help. When you can't do something on your own you have to ask for help, that's the first step. Craig's family is strong and can provide a good support system and help moving forward, but there needs to be some effort made before the home can be built.

Richard Sorensen said he feels that Jason's request is reasonable as far as getting the footings and foundation work on the addition done and then come back to get another Land Use Permit for the construction of the building. This would be a compromise. Karen remarked that during this time an honest effort must be put forth in cleaning up the property. Bill restated that Craig will need to make a motion with the Judge to come inspect the property, not the Town. Once that is done the town will issue the second Land Use Permit for the construction of the home. Mayor Truett would like to see a coordinated effort on a set date to help Craig. Anel made it clear that Craig should not be on the property when the clean-up is scheduled. Anel will make up a flyer for Gail to send out in a mass email.

Ron motioned that the PC has reviewed Craig Peterson's request for a Land Use Permit and grant Craig a Conditional Land Use Permit. This Land Use Permit only allows using the existing foundation at the front and extending the foundation to the west. This only approves the pouring of the foundation for the addition. An additional Land Use Permit will be needed for any further construction. Karen seconded. Rex thinks the Town is putting itself at risk by doing this. It doesn't put the Town in a good position for the lawsuit. If an injunction is filed the Town could be on the hook. This is creating liability for the Town. Rex would like to see results in the cleanup before the permit is issued. Bill's opinion is that this is a reasonable compromise; the entire Peterson family told the Town that they would get behind Craig and work with him to clean-up the property. They want to get the house built before winter. The Conditional Land Use Permit is very specific that only cement work can be done until the property is inspected again, or further construction can happen. All votes aye. Motion passed. This will be Craig's last chance, without results things will go no further.

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

6-Review of Letter to be mailed about zoning of property recently annexed:

(See Attachment #5) Ron mentioned that during the past couple of PC meetings the Commissioners have been reviewing the zoning map and noticed that the newly annexed areas were annexed under their current zoning. This zoning converts to the closest zones the town has. These properties are re-zoned from AV-3 to A-3. A letter will be sent to inform the property owners that if they want to develop their properties in the future, they will need to re-zone their properties. Mike read the letter. “In February, 2014, the Town annexed several parcels of land, including your parcel which is zoned AV-3. Following our ordinances, this property was annexed under the Huntsville Town zoning that is closest to AV-3, which is our A-3 (Title 15-10). This zoning allows for residential dwellings, but requires a three acre minimum. Several other properties annexed were also handled this way. The Planning Commission has been reviewing the Town’s zoning map, and we weren’t sure property owners were aware of the three-acre minimum for residential dwellings, so we are sending each of you this notice to ensure you are. Should you desire to change the zoning to something else, such as R-1, there is a process to do such (Title 15.16).” Gail will mail the letters out this coming week.

7-Citizen Comments:

There were none.

8-Approval of minutes for Planning Commission meeting held September 28th, 2017:

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

Set date for next PC meeting:

The next PC meeting will be held on Tuesday, November 28th, 2017.

Meeting adjourned at 9:00 P.M.

Gail Ahlstrom, Clerk/Recorder

