

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, December 5, 2024, 6:00 p.m.
Huntsville Town Maintenance Building, 165 South 7500 East, Huntsville

Name	Title	Status
Richard L. Sorensen	Mayor	Present
Bruce Ahlstrom	Council Member	Present
Sandy Hunter	Council Member	Present
Lewis Johnson	Council Member	Present
Artie Powell	Council Member	Present
William Morris	Legal Counsel	Excused
Nikki Wolthuis	Clerk	Present

Citizens: Sarge Tovar-American Legion, LT. Cowley, Jeff Keeney, Beckki Endicott-clerk, Blaine Vernon, Ron Gault-Water Board Chair, Jake S., Rex Harris- Town Hall P.M.

1 Mayor Pro-Tem Sandy Hunter called the meeting to order.
 There is a full quorum present.

2-Pledge of Allegiance led by Mike “Sarge” Tovar

3-Opening Ceremony given by Lewis Johnson

4-Public Comments:

Sarge, Post 129, asked the council for help with one of their members who had surgery and needs “O negative” blood.

5-Sheriff’s Report –

Lt. Cowley explained that the calls from this month were similar in number to the calls from the same month last year. There were some car burglaries in Town. They were crimes of opportunity. He stated that the citizens in Town need to be aware and lock their cars.

6. Presentation by Blaine Vernon on maintenance updates in Huntsville Town

Blaine explained that there are 3 leaks in the maintenance building ceiling that need fixing. He obtained a few bids for the job. The water heater in the park bathroom is old and not working properly and the urinal in the men’s bathroom needs replacing. Blaine had an idea to put up signs around Town with a QR Code to help people report maintenance issues. It was suggested by the TC that he adjust the sign slightly to clarify the intent. He also presented an idea to repaint the fire hydrants and replace the flags on them. The cost would be around \$2,000. The TC discussed ways to cut the cost including having a youth group do the painting as a service project.

Mayor Sorensen motioned to close the regular meeting and open the Public Hearing. TCM Ahlstrom seconded the motion. All votes Ayes. Motion passed.

PUBLIC HEARING

Ron Gault, Water Board Chair, asked if the late fee for water billing had been reduced as discussed in a previous meeting. Beckki noted the change and made the adjustment.

TCM Ahlstrom motioned to close the Public Hearing and open the regular meeting. TCM Powell seconded the motion. All Votes Ayes. Motion passed.

*7. Discussion and/or action on approval of Ordinance 2024-12-05 Title 4 General Revenue.
(See Attachment #1)

The TC discussed the various fees associated with the rental of the new building. Rex Harris joined in the discussion and shared his point of view. He compared the fees of other pickleball facilities in the area to the ones proposed in the ordinance. Rex felt that Huntsville's proposed fee was the cheapest of all of them. The TC discussed whether to charge nonresidents more to use the building than residents. Rules which included hourly limits, and the rental schedule were discussed at length. Beckki suggested not putting the rules in the ordinance so they can be changed without having to adjust the ordinance. A future operations manual for the building with rules could be added at a future date. After thinking it through, the TC split up a few of the fees for the new Town Hall according to which room was rented and added others. The idea of a coupon code was introduced to give residents a discount on rental fees.

The TC looked over the document and discussed clerical errors and content questions. Fees not associated with the new Town Hall were closely examined. Mayor Pro Tem Sandy Hunter felt that the subdivision fees were too low. At those rates the Town was not recouping its own costs. The TC decided to increase its subdivision fees and split them into two different categories. There would be a different fee for small subdivisions versus large subdivisions.

It was also decided to adjust the variance application fee. The current fee doesn't cover legal fees associated with it. The fee was increased to \$500 plus any legal fees. The TC also reexamined the water and garbage fees to ensure that Huntsville Town is charging enough. They decided to look at the garbage fee again in a few months when the contract with Econowaste reaches a year.

Clarifications were made on the wording of various other fees. The Special Events Fee for the park was changed to \$3500 for 501-700 attendees. Above 700 attendees would "be determined on a case-by-case basis." That decision was made because the TC felt that some big events that make more of an impact on the Town should be charged more.

TCM Powell motioned to approve Ordinance 2024-12-05 with the amendments talked about in the discussion including some clerical suggestions he made at Beckki's discretion.

TCM Ahlstrom seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

* At around 7:45 pm. The lights in the room went out and the recording stopped. The meeting proceeded by the light of the computer/tv screen in the room and it wasn't discovered until 15 minutes had passed that the recording had stopped. A new recording was started on a phone. That recording started midway through the discussion of #8. Notes taken at the meeting were used to record the motion on #7 and some of the discussion on #8.

8. Discussion and/or action on approval of Ordinance 2024-11-06 Subdivision Ordinance and Codification (See Attachment #2)

Mayor Pro Tem Sandy Hunter explained the history of the ordinance. The Subdivision Ordinance had been in the making for several months. The Hansen Planning Group worked with the PC to update the Town's subdivision code. It had been through several revisions and was ready to adopt. Some small changes and clerical errors were discussed as well as other suggested changes. One of those was made by TCM Artie Powell. He had an issue with the language in 15.17.17.B.2 which speaks about non-conforming lots. At the end of the paragraph it says that "the change may not perpetuate nonconformity." He wasn't comfortable with it because he had a situation with his own non-conforming, but legally buildable lot where if he were to purchase the non-conforming lot next door and consolidate the two lots, they would still be nonconforming though they are legally buildable lots. The TC understood the exception and agreed but felt that if they changed the language in the ordinance, it would require a public hearing with the Planning Commission. Mayor Pro Tem Sandy Hunter would draft language to include the exception and would bring it back to the Planning Commission.

Mayor Richard Sorensen motioned to approve Ordinance 2024-11-06 Subdivision Ordinance with the recommended changes. TCM Ahlstrom seconded it. Roll Call vote. Votes reflected below. Motion passed 3-2.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson		X		
CM Sandy Hunter	X			
CM Artie Powell		X		

9. Discussion and/or action on approval of additional expenses for Town Hall/Community Center.(See Attachment #3)

Rex Harris began the discussion with an update on the new Town Hall/Community Center. He said that it could be ready for occupancy by the end of the year. He summarized the building process and explained the risks and costs. The building is almost paid off, but more money is needed for landscaping and furniture and other things including pickle ball nets. Some grants have been applied for and hopefully that money will cover these costs. He was feeling excited about the new building and offered to continue managing the projects that need finishing as well as the use of the building itself. He said he really wants it to be successful.

Mayor Sorensen spoke about how Rex saved them tens of thousands of dollars as a manager of the project. Other TCMs also expressed appreciation for Rex’s work. TCM Powell was pleased with the building and admonished the TC to monetize the building to help pay for expenses. He pledged his support for Rex to be able to do that.

Rex discussed the remaining projects in more detail and also spoke about some of the cool features of the building. He had calculated the potential revenue from pickleball and separate events as being potentially \$50,000 a year. Mayor Sorensen spoke about the Town’s loan it secured but they’re hoping they don’t have to use it. They will find out soon about whether the grant money was awarded to them.

Mayor Sorensen motioned to approve up to 15,000 for expenses to get the building up and running and used as soon as possible. TCM Ahlstrom seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

10. Discussion and/or action on Culinary Water Updates (See Attachment #4)

Ron Gault, water board chair gave a presentation on the “Good, Bad, and Ugly” of the Town Culinary Water system. He first gave a good report on Thom Summers, speaking of his integrity and knowledge and expertise. He also spoke highly about Blaine Vernon who has taken over for Gary in the maintenance department.

Ron explained that there have been six major leaks in the system since September. He explained the costs that went into the repairs that included parts and labor. They have spent \$56,000 so far this fiscal year on leaks with only \$70,000 in the budget for maintenance. There is \$350,000 in the reserve fund and if they go over budget this year he will be asking the TC if they can dip into the reserve fund. In addition, there are other leaks out there because it shows that 40,000 gallons of water are being used at 2:00 am. In the next week he will send out a leak detection company to see if they can find any more of the leaks.

11. Discussion and/or action on approval of the TC & PC Meeting Schedule for 2025 (See Attachment #5)

The TC discussed having only one meeting in January and skipping the meeting on the 3rd of July to avoid having a meeting too close to the holidays. April's meeting was moved to the 17th. The importance of having a consistent schedule was discussed. Nikki explained that meetings are easier to add than to cancel once scheduled. If more meetings and work sessions are needed, then they can be added at a later date. **TCM Ahlstrom motioned to approve the meeting schedule with the changes that were made. Mayor Sorensen seconded the motion. All votes Ayes. Motion passed.**

12. Discussion and/or action on approval of the Booth Lot Consolidation. (See Attachment #6)

Sandy Hunter gave a recent history on the property. Before it was purchased by David Booth it was subdivided into residential lots. After he purchased it, he rezoned the lots to commercial so he could use it as commercial property. When his commercial plans fell through the lots were rezoned residential. David Booth wants to build a structure on one of the lots and in order to avoid paying for another water connection he is consolidating the lots.

Mayor Sorensen motioned to approve the lot consolidation. TCM Powell seconded the motion. All votes ayes. Motion passed.

13 Discussion and/or action on approval of minutes for Work Session November 7, 2024. (See Attachment #7)

TCM Powell motioned to approve minutes for Work Session November 7, 2024. TCM Ahlstrom seconded the motion. All Votes Ayes. Motion passed.

Department Updates:

Mayor Sorensen- Corey Shuman of Gold Rush is interested in renting the two historical buildings that are now housing the Town Office and History Library. Others have also asked about renting them for other kinds of businesses. Mayor Pro Tem Sandy Hunter and Beckki were looking at similar buildings in the area to discover the market rate for rental.

The Town is looking for help to move the items from the storage unit in Eden to the New Town Hall. They are planning to meet in Eden on December 12th at 3:00 pm.

Mayor Sorensen expressed thanks to TCM Sandy Hunter for all she did as Mayor Pro Tem during his absence.

TCM Powell- Shae from Valley Recreation is looking for a corner in the new Town Hall to store baseball/softball equipment because she can't store it in the closet next to the bathrooms at the park all year.

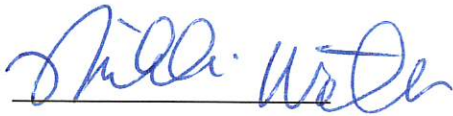
Mayor Pro Tem Sandy Hunter- Sister of Keith Tyler will sign a stipulation agreement to hand over 7700 E. to the Town of Huntsville.

TCM Ahlstrom motioned to approve the November bills. Mayor Sorensen seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

TCM Ahlstrom motioned to adjourn the meeting. TCM Powell seconded the motion. All votes Ayes. Motion passed.

Meeting adjourned at 9:29 p.m.



Nikki Wolthuis, Town Clerk

**HUNTSVILLE TOWN
ORDINANCE 2024-12-05
GENERAL REVENUE**

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, COMBINING AND RENUMBERING TITLE 6 (SALES & USE TAX) AND 7 (IMPACT FEES); REORGANIZING AND RENUMBERING THE FINANCIAL CODE TO TITLE 4 ENTITLED “GENERAL REVENUE”; SEVERABILITY; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-3-707 grants to the Town power to codify ordinances into a Municipal Code and state: “any municipality is hereby empowered to revise, codify and compile from time to time and to publish in a book, pamphlet or looseleaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated”;

WHEREAS, the Town commenced reorganizing and renumbering the Huntsville Town code on the 6th day of June, 2024;

WHEREAS, the Town desires to reorganize and renumber all financial code in Title 6 and Title 7 and include all fees applicable Town administration and applications to Title 4 “General Revenue”;

WHEREAS, the former Title 4 “Building Permits” will be renumbered to Title 11 “Building Standards”;

WHEREAS, the former Title 11 “Cemetery” will be renumbered to Title 7;

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Renumbering and Adoption. Title 4 named “Building Permits” is hereby renumbered and renamed to Title 11 entitled as “Building Standards.” Title 11 named “Cemetery” is hereby renumbered and renamed as Title 7 entitled “Cemetery Regulations.” Title 6 and 7 is hereby consolidated and renamed as Title 4 entitled “General Revenue” reorganized to read as follows:

**Title 4
General Revenue**

Chapters:

- 4.1 Telecommunication License Tax.**
- 4.2 Franchise Fees.**
- 4.3 Transient Room Tax.**
- 4.4 Sales and Use Tax.**
- 4.5 Town Option Taxes.**
- 4.6 Town .20% Option Sales and Use Tax.**
- 4.7 Town 1% Option Sale and Use Tax.**
- 4.8 Land Use and Permit Fees.**
- 4.9 Utility and Cemetery Fees.**
- 4.10 Licensing and Administrative Fees.**
- 4.11 Parks & Facility Rental Fees.**
- 4.12 Fee Waiver.**

**Chapter 4.1
Telecommunication License Tax**

Sections:

- 4.1.010 Adoption.**
- 4.1.020 Definitions.**
- 4.1.030 Rates and Limitations.**
- 4.1.040 Collection.**
- 4.1.050 Procedure for Erroneous Collections.**
- 4.1.060 Limitations.**
- 4.1.070 Effective Date.**

4.1.010 Adoption.

Huntsville Town hereby adopts the provisions of Utah Code Annotated §10-1-401, et seq., entitled the “Municipal Telecommunications License Tax Act.” There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service that are attributed to the municipality in accordance with Utah Code Annotated §10-1-407.

4.1.020 Definitions.

The definitions set forth in the Utah Code Annotated §10-1-402, et seq., are hereby adopted and incorporated herein by this reference. The definition of “municipality” shall mean “Huntsville Town.”

4.1.030 Rates and Limitations.

The rate of this levy shall not exceed 3.5%, or the highest amount allowed under state law in the event that the rate amount is or ever becomes higher than 3.5%, of every telecommunication provider's gross receipts from telecommunication service attributed to the municipality; unless a separate rate is approved by a majority vote of the voters in the municipality that vote in for such at an election as provided in state law.

4.1.040 Collection.

In accordance with the Utah Code Annotated §10-1-405, the municipality shall enter in a uniform interlocal agreement with the commission for the collection, enforcement, and administration of this chapter

4.1.050 Procedure for Erroneous Collections.

The procedure for taxes erroneously recovered from customers is set forth in the Utah Code Annotated §10-1-408.

4.1.060 Limitations.

All limitations, specifically those authorizing the municipality to charge additional fees and taxes to telecommunications providers, as set forth in the Utah Code Annotated §10-1-406, hereby apply to this chapter.

4.1.070 Effective Date.

This chapter shall take effect on the earliest date allowable by law in accordance with the Utah Code Annotated §10-1-403(3)(b)(i).

**Chapter 4.2
Franchise Fees**

Sections:

4.2.010 Franchise Fees.

In consideration for use of the public right-of-way, the Town shall negotiate and implement a franchise fee as set forth in each franchise agreement with a specific franchisee. Any franchise fees generated by this Section shall be deposited and expended as part of the Town's General Fund.

**Chapter 4.3
Transient Room Tax**

Sections:

4.3.010	Title
4.3.020	Purpose
4.3.030	Effective Date
4.3.040	Definitions
4.3.050	Transient Room Tax
4.3.060	Gross Receipts

- 4.3.070 Exemptions to Transient Room Tax**
- 4.3.080 Payments**
- 4.3.090 Penalties and Interest**

4.3.010 Title

This Chapter shall be known as the Transient Room Tax Ordinance of Huntsville Town.

4.3.020 Purpose.

The Utah State Legislature has authorized municipalities to enact a Transient Room Tax that may be collected from persons and entities providing public accommodations in the Town. It is the purpose of this chapter to provide for the uniform assessment and collection of that tax pursuant to Part 3 of Title 59, Chapter 12 of the Utah Code Annotated (as amended).

4.3.030 Effective Date.

This chapter shall become effective as of December 31, 2021.

4.3.040 Definitions.

For the purpose of this Chapter, the following terms, phrases and words shall have the following meanings:

1. "Public Accommodations" means a place providing temporary sleeping accommodations that are regularly rented to the public and includes:
 - a. A motel;
 - b. A hotel;
 - c. An inn;
 - d. A recreational vehicle park;
 - e. A campground;
 - f. A bed and breakfast establishment;
 - g. A condominium; and
 - h. A resort home.
2. "Rent" means:
 - a. Rests; and
 - b. Timeshare fees and dues.
3. "Transient" means the occupation of a public accommodation, by a person, of less than thirty (30) consecutive days.

4.3.050 Transient Room Tax.

There is hereby levied upon the business of every person, company, corporation, or other like and similar persons, groups, or organizations, doing business in the Town as motels, hotels, recreational vehicle parks, inns or like, and similar public accommodations, an annual license tax equal to one percent (1%) of the gross revenue derived from the rent for each and every occupancy of a suite, room, or rooms, for a period of less than thirty (30) days.

4.3.060 Gross Receipts.

For the purposes of this Section, gross receipts shall be computed upon the base room rental rate. There shall be excluded from the gross revenue, by which this tax is measured:

1. The amount of any sales or use tax imposed by the State of Utah or by any other governmental agency upon a retailer or consumer;
2. The amount of any Transient Room Tax levied under authority of Chapter 31, Title 17 of the Utah Code Annotated (as amended), or its successor;
3. Receipts from the sale or service charge for any food, beverage, or room service charges in conjunction with the occupancy of the suite, room, or rooms, not included in the base room rate; and
4. Charges made for supplying telephone service, gas, or electrical energy service, not included in the base room rate.

4.3.070 Exemptions to Transient Room Tax.

No Transient Room Tax shall be imposed under this chapter upon any person:

1. Engaged in business for solely religious, charitable, or other types of strictly nonprofit purpose who is tax exempt in such activities under the laws of the United States and the laws of the United States of the State of Utah.
2. Engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States of the State of Utah.

4.3.070 Payments.

On or before the effective date of this chapter, Huntsville Town shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Municipal Transient Room Tax, in accordance with the provisions of this Chapter and Utah Code Annotated 59-12-354 (as amended) or its successor. The mayor is hereby authorized to enter into any agreements with the Utah State Tax Commission that may be necessary for the continued administration and operation of the Transient Room Tax enacted by this Chapter.

4.3.080 Penalties and Interest.

Penalties and interest equal to those authorized by the Utah Code Annotated 59-1-401 and 59-1-402 (as amended), or their successors, shall be imposed on any person who:

1. Is required to pay the tax under this part; and
2. Does not remit the tax to the collecting agent within the time prescribed by law.

**Chapter 4.4
Sales and Use Tax**

Sections:

- 4.4.010 Title.**
- 4.4.020 Purpose.**
- 4.4.030 Effective Date.**
- 4.4.040 Sales and Use Tax.**
- 4.4.050 Penalties.**
- 4.4.060 Severability.**

- 4.4.010 Title.**

This Section shall be known as the “Huntsville Town Sales and Use Tax Ordinance.”

4.4.020 Purpose.

The Utah Legislature has authorized municipalities to adopt an ordinance that imposes a one percent sales and use tax. It is the purpose of this Section to conform the sales and use tax ordinance of the Town to the requirements of the Sales and Use Tax Act, as amended.

4.4.030 Effective Date.

This Chapter shall take effect on the earliest date allowable by law in accordance with the Utah Code Annotated §10-1-403(3)(b)(i).

4.4.040 Sales and Use Tax.

1. From and after the effective date of this Section, there are levied and there shall be collected, and paid taxes as follows:

1. A tax is hereby imposed upon every retail sale of tangible personal property, services and meals made within the Town at the rate of one percent.
2. An excise tax is hereby imposed on the storage, use, or other consumption in the town of tangible personal property from any retailer on or after the effective date of this Section at the rate of one percent of the sales price of the property.
3. For the purpose of this Section all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the Utah State Tax Commission. Public utilities as defined by Title 54 of the Utah Code, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the town shall be as determined by the Utah State Tax commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by the Utah State Tax Commission.

2. The provisions of Chapter 12, title 59 of the Utah Code, as amended, are hereby adopted as follows:

- a. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, of the Utah Code, as amended, and in force and effect on the effective date of this Section, insofar as they relate to sales and use taxes, excepting Utah Code Annotated §59-12-101 and §59-12-119 thereof, are hereby adopted and made a part of the ordinance as though fully set forth herein.

- b. Wherever, and to the extent that in Chapter 12, Title 59, of the Utah Code, as amended, the state of Utah is named or referred to as the taxing agency, the name of the city, or other name pursuant to a name change, shall be substituted, therefore. Nothing in subparagraph B shall be deemed to require substitution of the name of the town for the word “state” when that word is used as part of the title of the Utah State Tax Commission, or of the Constitution of the state of Utah, nor shall the name of the town be substituted for that of the state in any Section when the result of that substitution would require action to be taken by or against the town, rather than by or against the Utah State Tax Commission in performing the functions incident to the administration or operation of this Section.
- c. If a license has been issued to a retailer under Utah Code Annotated §59-12-106, an additional license shall not be required by reason of this Section.
- d. There shall be excluded from the purchase price paid or changed by which the tax is measured:
 - i. The amount of any sales or use tax imposed by the state of Utah upon a retailer or consumer; and
 - ii. The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which as sales or use tax has become due by reason of the sale transaction to any other municipality and any county in the state of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act.

4.4.050 Penalties.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount not less than \$1,000 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

4.4.060 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Section, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. It is the intention of the town council that each separate provision of this Section shall be deemed independent of all other provisions herein.

Chapter 4.5

Town Option Taxes

Sections

- 4.5.010 Title and Purpose.**
- 4.5.020 Municipal Energy Sales and Use Tax Adopted.**
- 4.5.030 Exemptions.**
- 4.5.040 Effect On Existing Franchises.**
- 4.5.050 Collection.**
- 4.5.060 Incorporation By Reference.**

4.5.010 Title and Purpose.

The title of this chapter is the “Huntsville Municipal energy Sales and Use Tax” and the purpose is to adopt the “Municipal Energy Sales and Use Tax” in accordance with Title 10, Chapter, 1, Part 3 of the Utah Code Annotated.

4.5.020 Municipal Energy Sales and Use Tax Adopted.

In accordance with Utah Code Annotated §10-1-304, there is hereby imposed a tax on every sale or use of taxable energy made within the Town at a rate not to exceed six (6) percent of the delivered value of the taxable energy to the consumer. The adoption of the Municipal Energy Sales and Use Tax in this Chapter is substantially the same as those required by Title 59, Chapter 12, Part 1, Tax Collection, as they relate to sales and use tax, except as provided in state law. The Municipal energy Sales and Use Tax in this Chapter shall be in addition to any sales or use tax on taxable energy imposed by the Town authorized by Title 59, Chapter 12, Part 2 of the Utah Code Annotated, Local Sales and Use Tax Act.

4.5.030 Exemptions.

No exemptions are granted from the Municipal Energy Sales and Use Tax, except as expressly provided in Utah Code Annotated §10-1-305(2); notwithstanding any exemption granted in accordance with Utah Code Annotated §59-1-104.

4.5.040 Effect on Existing Franchises.

This Chapter shall not alter any existing franchise agreements between the Town and any other energy suppliers. Where applicable, there is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:

1. The energy supplier pays a franchise fee to the Town pursuant to a franchise agreement.
2. The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
3. The energy supplier has accepted the franchise.

4.5.050 Collection.

The Town has or will contract with the Utah State Tax Commission to perform all functions necessary for the administration and collection of the Municipal Energy Sales and Use Tax, in accordance with this Chapter and the applicable state law relating to the administration and collection of the Municipal Energy Sales and Use Tax by the Utah State Tax Commission. The Mayor is hereby authorized to enter into any supplementary contract with the Utah State Tax

Commission necessary to effectuate the administration and collection of the Municipal Energy Sales and Use Tax set forth in this Chapter.

4.5.060 Incorporation by Reference.

1. Reference. Except as herein provided, and except insofar as they are inconsistent with Utah Code Annotated §10-1-305, and this Chapter, the provisions of Part 1, Chapter 12, Title 50 of the Utah Code Annotated 1953, as amended, are effective date of this Ordinance, insofar as such relate to sales and use taxes, excepting Utah Code Annotated §§59-12-101 and 95-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this Chapter as if fully set forth herein.
2. Entity. Wherever, and to the extent that in Part 1, Chapter 12, Title 50, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the “taxing agency,” Huntsville Town shall be substituted, insofar as is necessary for the purposes of that part, as well as Part 3 Chapter 1, Title 10, Utah Code Annotated 1953, as amended. Nothing in this Section shall be deemed to require substitution of the Town for the word “state” when said word is used as part of the title of the Utah State Tax Commission , or of the Constitution of Utah, nor shall the name of the Town be substituted for that of the state when the result of such substitution would require action to be taken by or against the Town or any agency thereof, rather than by or against the Utah State Tax Commission in performing the functions incident to the administration or operation of this Chapter. Any amendments made to Title 59, Chapter 12, Part 1 of the Utah Code Annotated, as amended, which would be applicable to the Town for the purposes of carrying out this chapter are hereby incorporated herein by reference and shall be effective upon the date that the amendment is effective under state law.
3. License. No additional license to collect or report is required under this chapter, provided the energy supplier subject to this Chapter is duly issued a license under Title 59, Chapter 12, Part 1 of the Utah Code Annotated.

**Chapter 4.6
Town .20% Option Sale and Use Tax**

Sections

- | | |
|----------------|---------------------------|
| 4.6.010 | Title and Purpose. |
| 4.6.020 | Tax Imposed. |
| 4.6.030 | Collection. |

4.6.010 Title and Purpose.

This Chapter is known as the “Town Local Option Sales and Use Tax” adopted in accordance with Title 59, Chapter 12, Part 21 of the Utah Code Annotated with the intent to adopt this local option sales and use tax as provided in state law.

4.6.020 Local Option Sales and use Tax Imposed.

1. Local Option. There is hereby levied an additional local option sales and use tax commencing within the earliest time limits provided in state law, and ending as provided in state law, as amended.
2. Amount. The amount of the local option sales and use tax shall be 0.20 percent on all

transactions:

- a. Described in Utah Code Annotated §59-12-103(1); and
 - b. Occurring within the Town.
3. Modification. Subject to Utah Code Annotated §59-12-103(1), et seq., the Town may decrease the tax at any time by adopting an ordinance amending this Chapter.
 4. General Fund. The revenues generated under this chapter shall be expended under this Town's General Fund.
 5. Point of Sale. For purposes of this chapter, the location or point of sale of a transaction shall be determined in accordance with Utah Code Annotated §59-12-210.
 6. Except. The Town shall not impose a tax under this Chapter on any transaction that is exempt or otherwise prohibited under state law.

4.6.030 Collection.

The Town Optional Sales and Use Tax collected under this Chapter shall be collected in the same manner as provided in Title 59, Chapter 12, Part 2 of the Utah Code Annotated, as amended, and the Mayor may enter any additional or amended agreement with the Utah State Tax Commission for collection under this Chapter. Penalties and interest equal to those authorized by state law shall be imposed on any person who is required to pay the tax under this Chapter and does not remit the same to the Utah State Tax Commission.

Chapter 4.7 Town 1% Option Sale and Use Tax

Sections

- | | |
|----------------|---------------------------|
| 4.7.010 | Title and Purpose. |
| 4.7.020 | Tax Imposed. |
| 4.7.030 | Collection. |

4.7.010 Title and Purpose.

This Chapter is known at the "Town Option Sales and Use Tax" adopted in accordance with Title 59, Chapter 12, Part 13 of the Utah Code Annotated with the intent to adopt this option sales and use tax as provided in state law.

4.7.020 Local Option Sales and Use Tax Imposed.

1. Local Option. There is hereby levied an additional Town option sales and use tax commencing within the earliest time limits provided in state law as provided in Title 59, Chapter 12, Part 13 of the Utah Code Annotated.
2. Amount. The amount of the local option sales and use tax imposed herein shall be one(1) percent on all transactions occurring within the Town as provided in state law.
3. General fund. The revenues generated under this Chapter shall be expended under this Town's General Fund.
4. Point of Sale. For purposes of this Chapter, the location or point of sale of a transaction shall be determined in accordance with Utah Code Annotated §59-12-210.

5. Except. The Town shall not impose a tax under this Chapter on any transaction that is exempt or otherwise prohibited under state law.

4.7.030 Collection.

The town Optional Sales and Use Tax collected under this Chapter shall be collected in the same manner as provided in Title 59, Chapter 12, Part 2 of the Utah Code Annotated, as amended, and the Mayor may enter any additional or amended agreement with the Utah State Tax Commission for collection under this Chapter. Penalties and interest equal to those authorized by state law shall be imposed on any person who is required to pay the tax under this Chapter, and does not remit the same to the Utah State Tax Commission.

**Chapter 4.8
Land Use and Permit Fees**

Sections

4.8.010 Land Use Fees.

4.8.020 Other Fees.

4.8.1 Land Use Fees

The following are the fees for Land Use Applications:

1. Land Use Permit: \$150.
2. Conditional Use Permit: \$500.
3. Variance Application: \$500. + any legal fees
4. Subdivision Application: Town Engineer reimbursement, plus \$750 + \$25 per lot. *Minor*
5. Boundary Line Application: \$300. *\$150.00 + \$25*
6. Consolidation Application: \$150.
7. Land Use/Engineering Research: \$170 per hour.
8. Zoning Map Amendment: \$500.
9. Annexation Application: \$2000.
10. Engineering/Inspection Services: \$200 per hour.
11. Legal Services: \$150 per hour.

4.8.020 Other Permit Fees.

1. Building Permits. Plan reviews, valuations and building permits based on current ICC tables. Electrical, plumbing and mechanical inspections associated with a building permit are specified in Title 11.
2. Excavation Permit: reimbursement of any Town Engineer costs and a fee of \$100.
3. Inspection: \$200 per inspection.
4. Penalty. Violations for not obtaining a building permit: \$1,000 civil penalty per violation, ~~and~~ or a class B misdemeanor with a maximum fine of \$1,000 per violation. *or both*

**Chapter 4.9
Utility and Cemetery Fees**

Sections

- 4.9.010 Culinary Water Fees.**
- 4.9.020 Secondary Water Fees.**
- 4.9.030 Solid Waste Collection and Disposal Fees.**
- 4.9.040 Green Waste.**
- 4.9.050 Cemetery Fees.**

4.9.010 Culinary Water Fees.

1. Base Rate: Users of the Huntsville Town culinary system shall be assessed a monthly base rate according to the respective meter size and category of their connection(s) as defined below:

Connections within the municipal boundaries of Huntsville Town		Connections outside the municipal boundaries of Huntsville Town	
Meter Size	Monthly Rate	Meter Size	Monthly Rate
¾ inch	\$57.50	¾ inch	\$75
1 inch	\$89.50	1 inch	\$116
1.5 inch	\$127.50	1.5 inch	\$166.50
2 inch	\$166.50	2 inch	\$212.50
3 inch	\$235.50	3 inch	\$258.50

2. Overage Fees: User of the Huntsville Town culinary system shall be assessed an additional monthly fee that if they exceed 7,000 gallons per month per connection. The rate at which the overage fee shall be assessed shall be based on the overage category of their usage as defined below:

Total Usage per connection (gallons per month)	Overage Fee Rates per 1,000 gallons	
Overage Categories	Within Huntsville Boundaries	Outside Huntsville Boundaries
0-6,999	\$0 (covered in base rate)	
7,000 – 19,999	\$6.75	\$7.75
20,000-29,999	\$8	\$9
30,000-39,999	\$9	\$10
40,000-49,999	\$10.25	\$11.25
50,000-59,999	\$11.50	\$12.50
60,000-69,999	\$12.75	\$13.75
70,000-79,999	\$14	\$15
80,000-89,999	\$15.25	\$16.25
90,000-99,999	\$16.50	\$17.50
100,000 +	\$17.75	\$18.75

3. Administrative Water Fees:

- \$20
- a. Late Fee: 10% per month of the total bill, up to a maximum of \$~~70~~.
 - b. Certified Letter Fee: \$15.
 - c. Return Check Fee: \$30.
 - d. Water Turn off Fee: \$75.
 - e. Water Turn on Fee: \$75.
 - f. Meter Removal Fee: \$150.
 - g. Meter Reinstallation Fee: \$150

4. Culinary Connection Fees:

- a. Culinary Connection Fee for Huntsville: \$7,500.
- b. Culinary Connection Fee for Out of Town: \$30,000.
- c. Culinary Water Meter Fee (3/4 inch meter): actual cost of the meter and inspection.
- d. Town-performed Culinary Connection Fee (Main to Meter): \$3,000 on the same side of the street as the main line.
- e. Opposite side of the street as the main line, where road work is required: \$6,000.
- f. Non-town-performed Culinary Connection (Main to Meter) Inspection: \$150.
- g. Fire Hydrant: \$20,000.
- h. Water Fees for Construction or Companies: \$50 per 1,000 gallons and \$25 for each additional 1,000 gallons.

4.9.020 Secondary Water Fees.

Huntsville Town will collect fees from Huntsville Waterworks in accordance with a Fee Collection Agreement.

4.9.030 Solid Waste Collection and Disposal Fees.

Huntsville Town rates for solid waste collection and disposal (garbage) rates are as follows:

1. One (1) can monthly fee: \$22.
2. Second can monthly fee: \$22.
3. Commercial, per can: \$27.

4.9.040 Green Waste.

Huntsville Town operates a "Green Waste Facility" which is solely available to residents of Huntsville Town. Open hours at the Green Waste facility are seasonal. The fee is \$5.00, per load, or a punch pass, valid a maximum five (5) visits is \$20. The punch pass is only available for purchase at the Huntsville Town Office.

4.9.050 Cemetery Fees.

No cemetery plots will be sold to anyone living outside the 84317 Zip Code area without approval from the Huntsville Town Council. Interment fees for those living outside of the 84317 Zip Code area who purchased plots prior to April 19, 2018 will be the same as the non-resident fee. The fee schedule is as follows:

1. Plots (84317 – Non-town Resident): \$1500.
2. Plots (Huntsville Town Resident): \$500.
3. Interment (84317 – Non-town Resident): \$700.

4. Interment (Huntsville Town Resident): \$500.
5. Weekend Interment (84317 – Non-town Resident): \$900.
6. Weekend Interment (Huntsville Town Resident): \$700.
7. Cremation Interment (84317 – Non-town Resident): \$300.
8. Cremation Interment (Huntsville Town Resident): \$200.
9. Weekend Cremation Interment (84317 – Non-town Resident): \$400.
10. Weekend Cremation Interment (Huntsville Town Resident): \$300.
11. Infant Interment (84317 – Non-town Resident): \$300.
12. Infant Interment (Huntsville Town Resident): \$200.
13. Weekend Infant Interment (84317 – Non-town Resident): \$400.
14. Weekend Infant Interment (Huntsville Town Resident): \$300.
15. Disinterment, full: \$2000.
16. Disinterment, Urn: \$600.
17. Weekend Disinterment, full: \$2200.
18. Weekend Disinterment, Urn: \$800
19. Plot Buy Back: \$400.

Chapter 4.10 Licensing and Administrative Fees

Sections

- 4.10.010 Business Licensing.**
4.10.020 Administrative Fees.

4.10.010 Business Licensing.

Business licenses applications are available online at www.huntsvilleutah.gov. Licenses fee must be approved by the Huntsville Town Council. The fees are as follows:

1. Commercial Business License: \$75
2. Home Occupation Business License (licenses not required): \$36.
3. Restaurant: \$100.
4. Peddlers/Solicitors: \$25 per person for two-week license.
5. Alcohol License: \$250.

4.10.020 Administration Fees.

The following administrative fees apply:

1. Photocopies: \$.25 per page.
2. Audiovisual Reproduction: \$10 per item.
3. Records research request/staff service, per hour: \$23.
4. Code Violation –civil violation, per violation, per day: \$1000.

Chapter 4.11 Parks and Facility Rental Fees

Sections

- 4.11.010 Park Fees.**

- 4.11.020 **Event Fees.**
- 4.11.030 **Facility Fees.**
- 4.11.040 **Rentals – Historic Buildings.**

4.11.010 Park Fees.

Huntsville Park has the East Area, West Area, and Stage available for public rental. The fees are as follows:

1. Ogden Valley Resident, half day: \$50.
2. Non-resident, half day: \$85.
3. Ogden Valley Resident, full day: \$100.
4. Non-resident, full day: \$170.

4.11.020 Event Fees.

1. Special Events. Activities held on Huntsville Town streets or public property are defined as “special events” when they are an athletic, entertainment, or political activity held for profit, nonprofit, or charitable purposes with the anticipated number of participants plus spectators exceeding 150, or any event/gathering requiring alteration of Town traffic/closing of a Town street.
2. Attendance Fees. Fees for Special Events are based on the number of people attending and participating in the event. The event must receive Town Council approval. Applications are available on our website at www.huntsvilleutah.gov. The fees for events are as follows:
 - a. 150-300 people: \$1000 for park rental with a \$250 refundable cleaning fee.
 - b. 301-500 people: \$2000 for park rental with a \$500 refundable cleaning fee.
 - c. 501 ~~700~~ people: \$3500 for park rental with a \$750 refundable cleaning fee.
 - d. 701 + will be determined on a case-by-case basis.

4.11.030 Facility Fees.

Rooms in the Huntsville Town Community Center are available to rent to the public. The rental guidelines are as follows:

1. Minimum 2-hour rental
2. Rental fees are due at the time of reservation
3. The refundable deposit is also due at the time of reservation
4. Tables and chairs are included. Customers responsible for set up and clean up.
5. The kitchen is available with chambers rental.
6. No red, purple, or blue food dyes allowed.
7. No wedding rentals in parks or community center.

For parties, gatherings, meetings and other non-profit use, the fees are as follows:

- Refundable cleaning/security deposit – no food \$50
- Refundable cleaning/security deposit – food served \$300

	Residents of Huntsville Town	Non-Resident
Legislative Chambers Activity with Kitchen	\$100	\$200
Legislative Chambers Activity without Kitchen	\$50	\$100
Meeting Only – Legislative Chambers	\$25	\$50
Meeting Only 501(c)(3) Organization	\$0.00	\$50
Multipurpose Room - Activity with Kitchen (no pickleball)	\$150	\$300
Multipurpose Room – Activity w/o Kitchen (no pickleball)	\$100	\$200
Multipurpose Room – 501(c)(3) with Kitchen	\$100	\$300
Multipurpose Room – 501(c)(3) without Kitchen	\$100	\$200

Kitchen - #50
 B. Pickleball *stage - \$25* **50*

Open play is only available during the time that the municipal offices are staffed. Hourly rental is available after that by online reservation system.

one fee + offer

	Residents - Huntsville Town	Non-Residents
Court Rental – single	\$20 per hour <i>or 30</i>	\$30 per hr <i>or 40</i>
Court Rental – double	\$40 per hour <i>or 50</i>	\$60 per hr <i>or 60</i>

discount code to Residents

**Chapter 4.12
 Fee Waiver or Modification**

Sections:

4.12.010 Fee Waiver or Modification.

4.12.010 Fee Waiver of Modification.

The mayor, or designee, may waive, modify, or refund any fee imposed by the municipal code necessary for the standards provided herein, for good cause, or to meet the requirements of federal, state, or local law.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon approval and posting.

PASSED AND ADOPTED by the Town Council on this _____ day of _____, 2024.

Richard Sorensen, Huntsville Town Mayor

ATTEST:

Nikki Wolthuis, Huntsville Town Clerk

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, hereby certify that the foregoing Ordinance was duly passed and published or posted as required by state law.

Town Clerk

DATE: _____



NOTICE OF ACTION

TO: Huntsville Town Council
FROM: Huntsville Town Planning Commission
DATE: November 26th, 2024
RE: Ordinance 2024.11.06
Subdivision Ordinance and Codification

The Huntsville Town Planning Commission held a public hearing on November 21st, 2024, to review and discuss Ordinance 2024.11.06- Subdivision Ordinance and Codification. The Planning Commission made its recommendation of approval to the Town Council with the changes to the Subdivision Code, for the purpose of updating and to meet compliance with the State code.

A handwritten signature in black ink, appearing to read "Shannon Smith", written over a horizontal dashed line.

Shannon Smith, Clerk

Huntsville Town

ORDINANCE 2024.11.6

SUBDIVISION ORDINANCE AND CODIFICATION

WHEREAS the Town Council of Huntsville Town, Utah, pursuant to the provisions of § 10-3-707 of Utah State Code, as amended, has the authority to revise ordinances of the municipality of a general and permanent character;

WHEREAS the Town Council has reviewed the proposed revisions and has made such changes, alterations, modifications, additions, and substitutions as it deems best; and

WHEREAS the Town Planning Commission has held a public hearing on November 21st, 2024 the proposed revisions and provided a recommendation on the same to the Town Council.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HUNTSVILLE TOWN, UTAH:

SECTION I: The document titled Title 15.25 Subdivisions, attached as Exhibit 'A', is hereby adopted as a replacement for the currently existing Title 15.25 Subdivisions General Provisions of the Town's ordinances (governing the subdivision of land within the Town), subject to any immaterial changes that may occur post-adoption during the codification process. This document shall be accepted in all courts without question as the official subdivision ordinances of the Town as enacted by the Town Council.

SECTION II: If any provisions of the Town's code previously adopted are inconsistent herewith, they are hereby repealed.

SECTION III: This ordinance being necessary for the peace, health, and safety of the municipality, shall become effective immediately upon posting.

PASSED AND ADOPTED by the Town Council of Huntsville Town, Utah, this ___ day of _____, 2024.

Mayor of Huntsville Town, Utah

ATTEST:

_____, Town Clerk

COUNCIL Vote As Recorded: AYE NAY ABSENT

Exhibit 'A': Title 15 – Subdivision and Development

[Attached as Follows.]

15.25 SUBDIVISIONS

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15.25.1 General Provisions

15.25.1.1 Purpose

The purpose of this Chapter is to comply with Utah Code §10-9a-604–609 and increase administrative efficiency in reviewing subdivision applications.

15.25.1.2 Scope of Applicability; Approval Required

- A. **APPLICABILITY:** No person shall subdivide any parcel located wholly or in part in the Town except in compliance with this Chapter. This Chapter shall not apply to any parcel or parcels forming a part of a subdivision created and recorded prior to the effective date hereof, except as provided in subsection B which follows.
- B. **APPROVAL TO SUBDIVIDE REQUIRED:** The boundaries of any parcel shall not be altered in any manner that creates more parcels than initially recorded, or any nonconforming parcel(s), without first obtaining the approval of the Land Use Authority.
- C. **PENALTY:** It is unlawful to transfer ownership of any parcel of land pursuant to a subdivision not approved by the Town under this Chapter. The Town may, in its discretion, void such transfers and record in the Office of the County Recorder a notice on the title of the transferred parcels stating that the Town has voided the transfer. The Town may withhold other land use approvals or building permits regarding the transferred parcel until the subdivision is approved by the Town under this Chapter. Additionally, any person who illegally subdivides in the Town shall be criminally liable for a Class B misdemeanor.
- D. **COMPLIANCE PRIOR TO OCCUPANCY:** There shall be no human occupancy of any building until the improvements have been accepted by the Town and the building and parcel fully comply with the provisions of this Title.
- E. **FURTHER APPROVALS REQUIRED FOR BUILDING:** The Town's approval of a subdivision under this Title does not authorize the construction, alteration, or repair of any building or structure within the Town. Separate from the subdivision process, landowners and their contractors must obtain a building permit before beginning any construction, alteration, or repair of any building or structure.
 - a. The Huntsville Town Building Permit Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this Land Use Title.
 - b. No Huntsville Town Officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision as defined herein, until such subdivision has been approved by the Land Use Authorities and recorded in the Weber County Recorder's Office.
 - c. Any license or permit issued in conflict with this Title shall be null and void.

15.25.1.3 Interpretation and Conflict

Where any provision in this Subdivision Chapter conflicts with state law, state law shall prevail. Where any provision in this Subdivision Chapter conflicts with other ordinances enacted by the Town, the provisions in this Subdivision Chapter shall prevail unless the Town intended such conflicting ordinances not in this Chapter to amend this Chapter.

15.25.1.4 Definitions

The following words and phrases, as used in this Chapter, shall have the following meanings. Words and phrases not defined here have the meaning expressed elsewhere in this Title or, if not defined in this Title, the meaning defined by state law:

- A. **COMPLETION ASSURANCE:** A surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by the Town to guarantee the proper completion of landscaping or an infrastructure improvement required as a condition precedent to recording a subdivision plat or development of a commercial, industrial, mixed-use, or multifamily project.
- B. **IMPROVEMENT PLAN:** A plan to complete permanent infrastructure on the subdivision that is essential for the public health and safety or that is required for human occupation and that a land use applicant must install in accordance with public installation and inspection specifications for public improvements and as a condition of recording a subdivision plat.
- C. **LAND USE APPLICANT:** A property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.
- D. **LAND USE APPLICATION:** In the context of subdivision applications, a "land use application" is an application required by the Town and submitted by an applicant to obtain a land use (zoning) approval. A land use application does not mean an application to enact, amend, or repeal a land use regulation; an application to subdivide land; or an application for a building permit.
- E. **LAND USE AUTHORITY:** Generally, this term means an individual, board, or commission appointed or employed by a municipality to make land use decisions. The specific Land Use Authority designated to make land use decisions under this Chapter is described in Subsection 15.25.1.5.
- F. **LOT:** A tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Office of the County Recorder.
- G. **PLAT:** An instrument subdividing property into lots as depicted on a map or other graphic representation of land that a licensed professional land surveyor makes and prepares in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).
- H. **PUBLIC HEARING:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- I. **PUBLIC STREET:** A public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way. Alleys shall not be considered street frontage unless the Town designates it as such where no other street frontage is available or can reasonably be provided.
- J. **RECORD OF SURVEY MAP:** A map of a survey of land prepared in accordance with §10-9a-603 or §57-8-13 of Utah State Code (as amended).

- K. **SUBDIVISION:** Any land that is divided, subdivided, or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

Subdivision includes:

1. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
2. Except as provided below, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 2. A boundary line agreement recorded with the Office of the County Recorder between owners of adjoining parcels adjusting the mutual boundary in accordance with §10-9a-524 of Utah State Code (as amended if no new parcel is created);
 3. A recorded document, executed by the owner of record revising the legal descriptions of multiple parcels into one (1) legal description encompassing all such parcels or joining a lot to parcel;
 4. A parcel boundary adjustment;
 5. A lot line adjustment;
 6. A road, street, or highway dedication plat; or
 7. A deed or easement for a road, street, or highway purpose.
- L. **WATER CONVEYANCE FACILITY:** A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. "Water conveyance facility" does not mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

15.25.1.5 Subdivision Land Use Authority

- A. The Land Use Authority for preliminary subdivision applications is the Planning Commission. For purposes of subdivision applications, the Planning Commission shall be ultimately responsible for the following but may delegate any task to the Town Engineer, Town staff, Administrative Hearing Officer, or members of the Planning Commission:
- a. Rendering land use decisions related to preliminary applications under this Chapter, including approving or denying preliminary applications.

- b. Reviewing all preliminary applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
 - c. Holding public hearings for reviewing preliminary applications when the Planning Commission deems necessary.
 - d. Providing feedback to applicants on their preliminary applications in the manner required by this Chapter.
 - e. Scheduling and holding a pre-application meeting (and reviewing concept plans) with potential applicants as required by this Chapter.
 - f. Keeping subdivision application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to Town staff by default.
- B. The Land Use Authority for final subdivision applications is the Planning Commission Chair. For purposes of final subdivision applications, the Planning Commission Chair shall be responsible for the following, but may delegate any task to Town staff:
- a. Rendering land use decisions related to final applications under this Chapter, including approving or denying final applications.
 - b. Reviewing all final applications under this Chapter in an impartial manner and according to the standards and deadlines described in this Chapter.
 - c. Providing feedback to applicants on their final applications in the manner required by this Chapter.
 - d. Signing final application approvals as required by this Chapter.
 - e. Ensuring that documents are properly recorded with the County as required by this Chapter. This task is delegated to Town staff by default.
- C. As subdivision application decisions are administrative, not legislative, the Land Use Authorities are authorized to make land use decisions described by this Chapter without Town Council approval.
- D. Except when operating as the Appeal Authority, the Town Council shall not require the Land Use Authority to approve or deny an application under this Chapter.

15.25.1.6 Subdivision Appeal Authority

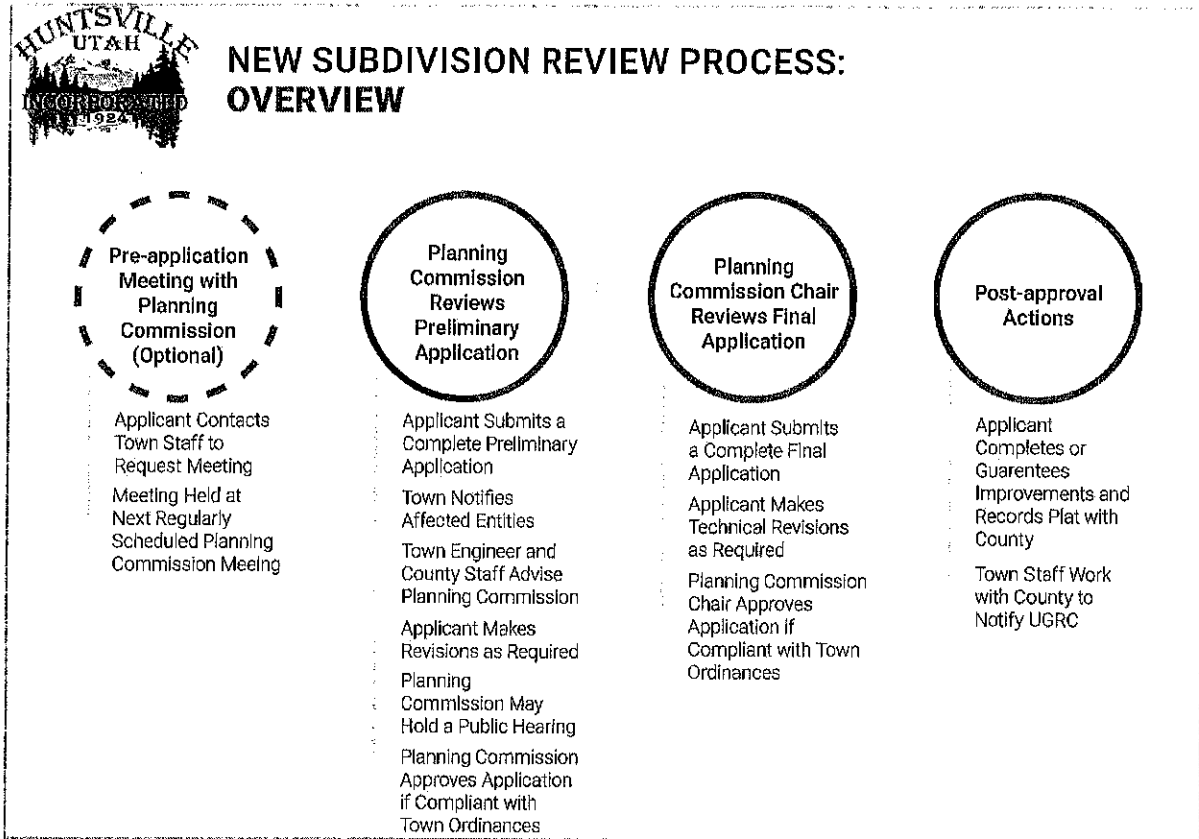
- A. The Appeal Authority for Town decisions relating to this Chapter, except where otherwise noted, is the Huntsville Appeal and Variance Board.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authority or the conduct of the Land Use Authority in administering the provisions of this Chapter.
- C. A party appealing a Land Use Authority decision under this Chapter must exhaust its remedies under this section (by appealing to the Appeal Authority) before bringing an

action against the Town in a court of law. A third party may not appeal a Land Use Authority decision or conduct.

- D. A party desiring to appeal a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this Chapter or abused the discretion given it by this Chapter.
 2. The most recent version of the application or petition the party submitted.
 3. Any supplemental documentation or information that the Appeal Authority requests.
 4. The appeal fee as listed on the Huntsville Town fee schedule. The applicant shall be responsible for the appeal fee and any attorneys' fees incurred by the process of the appeal, as set forth in the Huntsville Town fee schedule. If the applicant pays by credit card, the applicant shall also cover the cost of any credit card fees incurred in the transaction.
 5. All appeals must be emailed or mailed to the Town Clerk using the Clerk's official Town address and/or email account listed on the Town website within 30 days after the decision to be appealed has been made.
- E. After receiving a complete appeal in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 days after the Appeal Authority receives the appeal.

15.25.1.7 Preliminary Application Requirements

- A. The Town shall not approve, nor shall a party record, any plat or other creating instrument for a new subdivision unless the party has properly applied under this Chapter and received both a preliminary approval and a final approval from the respective Land Use Authorities.



B. To be considered complete, a preliminary subdivision application must include at least the following elements:

1. An approved land use application that describes how the property will be used after it is subdivided.
 - a. If the intended use is permitted by right under Town ordinances, the land use application must include citations to the specific ordinance(s) that the applicant believes authorizes the intended use.
 - b. If the intended use requires a conditional use permit or is otherwise conditioned on Town approval, the land use application must include an *approved*, Town-issued permit authorizing the intended use. Should a land use applicant seek a use permit concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the use permit is issued.
 - c. If the intended use is prohibited under Town ordinances and requires a variance, the land use application must include an *approved*, Town-issued variance authorizing the intended use. Should a land use applicant seek a variance concurrently with a related subdivision application, the subdivision application shall be considered incomplete until the variance is issued.

2. A plat. The plat must be drawn to scale, in detail, and in accordance with generally accepted surveying standards and the acceptable filing standards of the County Recorder's office. The plat must include:
 - a. The proposed name and general location of the subdivision, in bold letters at the top of the plat. The proposed subdivision name must be distinct from any subdivision name on a plat recorded in the County Recorder's office.
 - b. The boundaries, course, numbering, and dimensions of all proposed parcels. All lots should be consecutively numbered.
 - c. The lot or unit reference; block or building reference; street or site address; street name or coordinate address; acreage or square footage for all parcels, units, or lots; and length and width of the blocks and lots intended for sale. All street, lot, and building names and addresses are subject to approval and amendment by the Land Use Authority.
 - d. The names and addresses of all adjoining property owners of record, or the names of adjoining developments and the names of adjoining streets.
 - e. The address and phone number of the land surveyor and/or engineer who prepared the plat.
 - f. Sufficient data acceptable to the Town Engineer to readily determine the location, bearing and length of all lines on the plat, and to reproduce such lines upon the ground, and the location of all proposed monuments, including contours at intervals of two feet, five feet, or ten feet.
 - g. Whether any parcel is intended to be used as a street or for any other public use. A width of no less than 66' for minor streets, which are those within a subdivision.
 - h. The names, numbers, widths, lengths, bearings, and curve data on centerlines for all proposed streets, alleys, and easements (if applicable). All proposed streets shall be numbered and named in accordance with the Town's adopted addressing system.
 - i. The location of existing streets, easements, water bodies, streams, and other pertinent features such as wetlands, buildings, parks, cemeteries, drainage ditches, irrigation ditches, fences, and bridges.
 - j. The location and width of existing and proposed streets, curbs, gutters, sidewalks, easements, alleys, other public ways and easements and proposed street rights-of-way and building setback lines.
 - k. Every existing right-of-way and recorded easement located within the plat for underground, water, and utility facilities.
 - l. Any known and unrecorded water conveyance facility located, entirely or partially, within the plat, including those that are recorded in the state engineer's inventory of canals or from a surveyor under Utah Code §10-9a-603(6)(c).

- m. Location and size of all proposed water, secondary water, irrigation or drainage ditch piping or other subsurface improvements, including detailed provisions for collecting and discharging surface water drainage.
 - n. Whether any parcel is reserved or proposed for dedication for a public purpose.
 - o. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
 - p. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - q. If any portion of the proposed subdivision is within 300 feet of an Agriculture Protection Area, the notice language found in Utah Code §17-41-403(4).
 - r. Signature blocks for the owners of the land to be subdivided, the Planning Commission Chair, and the Mayor.
3. A subdivision improvement plan, created in accordance with applicable portions of Huntsville Town Code regarding required public improvements and design standards, for all public improvements proposed by the applicant or required by Town ordinances. In addition to the requirements of the Town's engineering and design standards and other Town ordinances, the improvement plan must contain:
- a. An engineer's estimate of the cost of completing the required improvements.
 - b. A phasing plan, if applicable.
 - c. A feasibility study that demonstrates the feasibility of the proposed water and septic systems necessary to meet the requirements of this Chapter. Where the subdivision contains a sewer treatment facility, such as a community septic system, this study must contain a letter of septic system feasibility from the Utah State Division of Water Quality.
 - d. A traffic study, if one is required by an applicable UDOT Access Management Plan, for any subdivision proposing a connection to any road built or maintained by UDOT.
4. Certifications, including:
- a. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - b. The signature of each owner of record of land described on the plat, signifying their dedication and approval of the plat.
 - c. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code §58-22; and

- ii. Either
 - 1. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 - 2. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - iii. Has placed monuments as represented on the plat.
 - d. Letters of approval from the secondary water authority, the sanitary sewer authority, the local health department, the local fire department, and the local public safety answering point.
 - e. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas as defined in Utah State Code §57-8a-102.
- 5. An electronic copy of all plans in PDF format.
 - 6. Payment of any application-processing fees required by the Town. In addition to the Town's posted fees, the applicant shall be liable to the Town for the cost of any engineering, consulting, or legal assistance reasonably incurred by the Town in reviewing the application and not covered by the posted fees. If the applicant pays by credit card, the applicant shall also cover the cost of any credit card fees incurred in the transaction.

15.25.1.8 Final Plat Requirements

- A. To be considered complete, a **final** subdivision application must include the following:
 - 1. Land Use Authority approval of the applicant's preliminary application, given within the last 180 calendar days.
 - 2. The approved land use application that was accepted during the preliminary application review process.
 - 3. A final plat. The final plat should be the version of the preliminary plat approved by the Town during the preliminary application review process, plus any other additions and immaterial changes (e.g., formatting) necessary to comply with the recording requirements of the County Recorder's Office.
 - 4. A completion assurance for all public improvements required by the approved improvement plan, or a statement that such improvements will be completed before development occurs on the proposed subdivision and before the applicant records the plat, as required by Town ordinances.
 - 5. Written approval of proposed septic systems from the Weber Morgan County Health Department. (See 15.25.2.4.E below.)
 - 6. Certifications, including:

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- a. A Title Report or Title Insurance Policy for the land to be subdivided verifying property ownership.
 - b. A Tax Clearance Certificate from the state indicating that all taxes, interest, and penalties owing on the land have been paid.
 - c. An affidavit from the applicant certifying that the submitted information is true and accurate.
 - d. The signature of each owner of record of land described on the plat, signifying their consent to the final subdivision application and their dedication and approval of the final plat.
 - e. Certification that the surveyor who prepared the plat:
 - i. Holds a license in accordance with Utah Code 58-22; and
 - ii. Either:
 1. Has completed a survey of the property described on the plat in accordance with state requirements and has verified all measurements; or
 2. Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 3. Has placed monuments as represented on the plat.
7. Binding dedication documents, including:
- a. As applicable, formal, irrevocable offers for dedication to the public of streets, Town uses, utilities, parks, easements, or other spaces.
 - b. If the plat is to be part of a community association, signed and binding documents conveying to the association all common areas.
8. Copies, including:
- a. One electronic copy of the final plat in AutoCAD format (DWG or DXF), Geodatabase format (GDB), or Shapefile format (SHP), with a projection assigned to the file(s) and with the proper metadata that describes what coordinate system/projection the data is assigned to; and
 - b. A PDF document of the final plat and all other plans and supporting documents required by this and one printed copy of the application.
9. Payment of any final-application-processing fees required by the Town. In addition to the Town's posted fees, the applicant shall be liable to the Town for the cost of any engineering, consulting, or legal assistance reasonably incurred by the Town in reviewing the application and not covered by the posted fees. If the applicant pays by credit card, the applicant shall also cover the cost of any credit card fees incurred in the transaction.

- B. The Land Use Authority shall produce, maintain, and make available to the public a list of the specific items that comprise complete preliminary and final applications and a breakdown of any fees due upon submission or approval of the applications.
- C. The Land Use Authority may require, and the applicant shall provide, additional information beyond the requirements of this Section or those published by the Town relating to the applicant's plans to ensure compliance with Town ordinances and approved standards and specifications for construction of public improvements and to protect the health and safety of Town residents.

15.25.1.9 Pre-Application Meeting

- A. A potential subdivision applicant may request a pre-application meeting with the Planning Commission. The purpose of the pre-application is to give the applicant an opportunity to present a subdivision plan to the Planning Commission to obtain initial feedback and direction regarding ordinance compliance. The proposed application need not be complete for purposes of this meeting and may—if the potential applicant desires—be limited to a concept plan.
 - 1. If a potential applicant requests a pre-application meeting, the Town staff shall schedule the meeting within 15 business days after the request. The meeting shall take place at the next regularly scheduled Planning Commission meeting for which appropriate public notice is attainable.
 - 2. The Planning Commission shall conduct the meeting, provide feedback on materials as requested by the potential applicant, and shall provide or have available on the Town website the following at the time of the meeting:
 - a. Copies of applicable land use regulations,
 - b. A complete list of standards required for the project, and
 - c. Relevant application checklists.

15.25.1.10 Notice to Affected Entities

- A. Within 15 days after receiving a complete subdivision application under this Chapter, Town staff shall provide written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat.
 - 1. To determine whether any water conveyance facility is located within 100 feet of a proposed subdivision, the Land Use Authority shall review information:
 - a. From the facility owner under Utah Code §10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
 - b. From the state engineer's inventory of canals; or
 - c. From a licensed surveyor who has consulted with a representative of an existing water conveyance facility that services an area near the land the application concerns.

- B. To give water conveyance facilities time to provide feedback on subdivision applications, the Land Use Authority shall not approve a subdivision application under this Chapter sooner than 20 days after the applicant submits a complete application. This waiting period does not apply to revised applications the applicant may submit during the application review process.
 - 1. A water conveyance facility owner's failure to provide comments to the Land Use Authority about a subdivision application does not affect or impair the Land Use Authority's authority to approve the subdivision application.
 - 2. When applicable, the applicant shall make reasonable changes (unless prohibited otherwise by a contract or deed, etc.) to his subdivision application to accommodate the water conveyance facility to the extent required by state law §73-1-15.5.

15.25.1.11 Review

- A. The Land Use Authorities shall review all subdivision applications in accordance with the requirements of this Section before approving or denying those applications.
- B. For both preliminary and final applications, the review process begins when a land use applicant submits a complete application.
 - 1. The Land Use Authority shall not review an incomplete subdivision application, except to determine whether the application is complete.
 - 2. If the Land Use Authority determines that an application is incomplete, it shall notify the applicant of the incompleteness, highlighting any insufficiencies and explaining that the application will not be reviewed until it is complete.
- C. For both preliminary and final applications, after the applicant submits a complete application, the Land Use Authority shall review and provide feedback to the applicant in a series of "review cycles."
 - 1. A review cycle consists of the following phases:
 - a. Phase #1: The applicant submits a complete application (or, if after the first cycle, submits a revised version of the complete application).
 - b. Phase #2: The Land Use Authority reviews the application in detail and assesses whether the application conforms to local ordinances. The Land Use Authority shall consider comments from the Town Engineer and County staff in its review, as needed.
 - c. Phase #3: The Land Use Authority responds to the applicant, citing any missing requirements or areas of noncompliance and providing a detailed list of necessary revisions to the applicant. For any required modification or addition to the application or request for more information, the Land Use Authority shall be specific and include citations to ordinances, standards, or specifications that require the modification or addition and shall provide the applicant with an index of all requested modifications or additions.

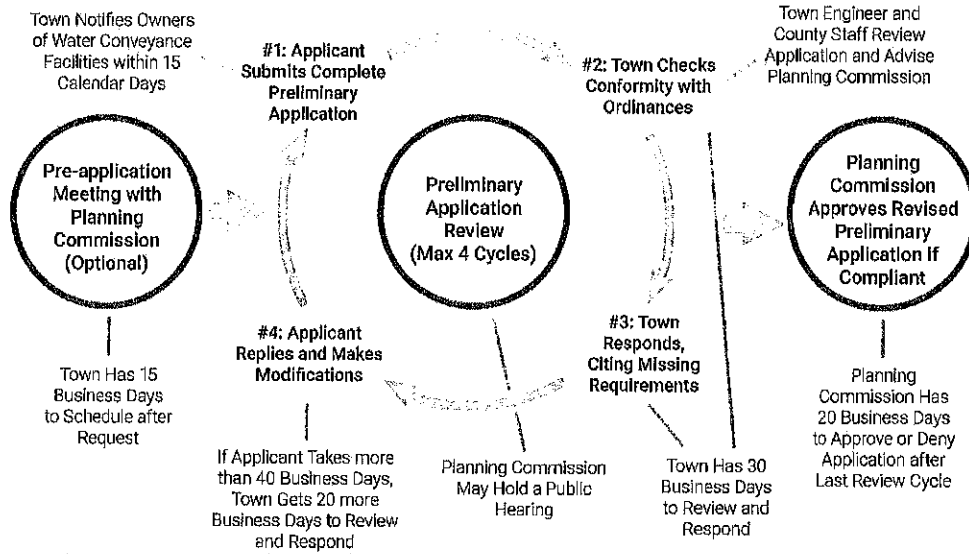
- d. Phase #4: The applicant revises the application, addressing each comment or requirement the Land Use Authority made. The applicant must submit both revised plans and a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. If the applicant fails to respond to a comment made by the Land Use Authority in its review, the review cycle is not complete and will remain open until the applicant addresses all comments.

<i>Use Type</i>	<i>Approval Stage</i>	<i>Max Review Cycles</i>	<i>Max Public Hearings</i>	<i>Town Turnaround Deadline*</i>	<i>Applicant Turnaround Deadline**</i>
Single-Family Residential	Preliminary	4	1	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days
All Other Uses	Preliminary	6	2	30 Business Days	180 Calendar Days
	Final	1	0	30 Business Days	180 Calendar Days

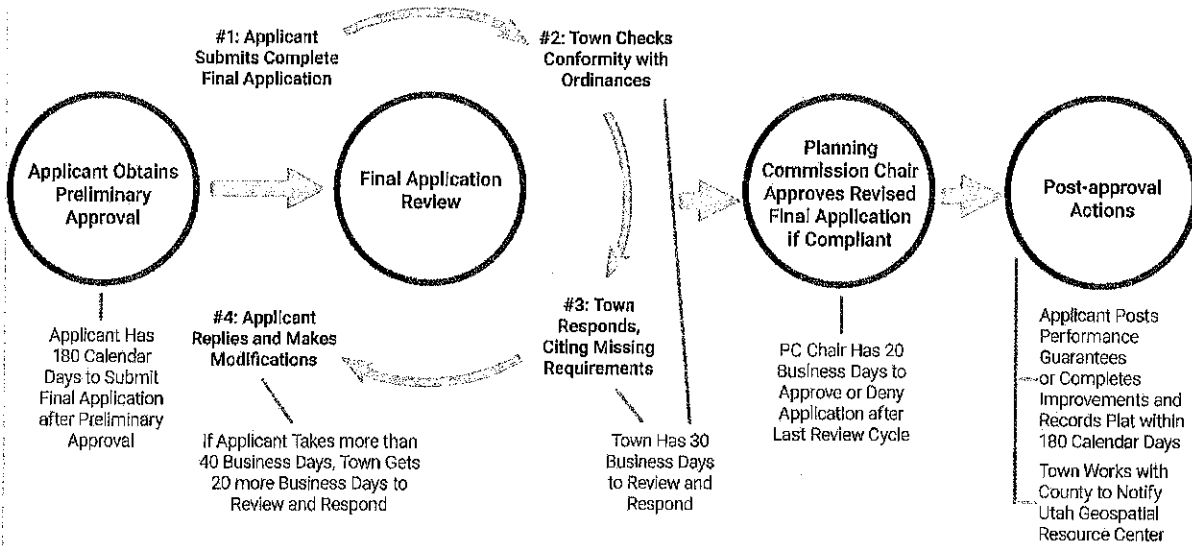
*Describes the total time (per review cycle) the Town may take to complete both Phase #2 and Phase #3.
 **Describes the total time (per review cycle) the applicant may take to submit a revised application before the application expires.



**NEW SUBDIVISION REVIEW PROCESS:
PRELIMINARY APPLICATION**



**NEW SUBDIVISION REVIEW PROCESS:
FINAL APPLICATION**



D. The Land Use Authorities (and other Town representatives or agents) shall adhere to the maximum number of review cycles and the review deadlines described in Table 15.25.1, except as described below. If no further revisions are needed, a Land Use Authority may end the review process early and approve or deny the preliminary or final application.

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1. This provision notwithstanding, for any subdivision application that affects property within an identified geological hazard area, the Town is exempt from limits on the number of permitted review cycles and the Town's deadlines for reviewing and responding (Phases #2 and #3).
 2. If the applicant makes a material change to a preliminary or final application not requested by the Town at any point in the review process, the Land Use Authority may restart the review process, but only with respect to the portion of the application that the material change substantively affects.
 3. For both preliminary and final applications, if a land use applicant takes longer than 40 business days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the Town shall have an additional 20 business days to review and respond to the revised application (Phases #2 and #3 of the next review cycle or issuing an approval decision).
 4. For both preliminary and final applications, if a land use applicant takes longer than 180 calendar days to submit a revised application and respond to the Town's requests for modifications and additions (Phases #1 and #4), the application shall, at the option of the Land Use Authority, expire. If an application expires, the applicant must restart the subdivision application process, which included paying the fee.
 5. If the applicant has not submitted a final application within 180 calendar days after the Land Use Authority notifies the applicant that it has approved the related preliminary application, the related preliminary approval shall expire. In this case, the applicant shall not submit a final application until the Land Use Authority has issued a new preliminary application approval.
- E. When a preliminary or final application's review period ends, the Land Use Authority shall approve or deny the respective preliminary or final application within 20 business days.
1. If the Land Use Authority has not approved or denied the application within 20 business days after the allotted review cycles are complete, the applicant may request a decision. After such a request, the municipality shall, within 10 business days:
 - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code §10-9a-508(5)(d) to review and approve or deny the revised set of plans; or
 - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the designated Appeal Authority.
- F. After the Land Use Authority provides comments in the last allotted review cycle for a final application, the Town shall not require further modifications or corrections to the application unless those modifications or corrections are necessary to protect public health and safety or to enforce state or federal law or unless the review cycle reset due to the applicant making a material change that the Land Use Authority did not request.

1. With the exception of modifications or corrections that are needed to protect public health and safety, that are needed to enforce state or federal law, or that arise from the review cycle being reset, the Town waives noncompliant subdivision-related requirements that the Land Use Authority does not identify during the review process.
- D. The Planning Commission may conduct one or more public hearings (up to the number described in Table 15.25.1) during the review period for a preliminary subdivision application. The purpose of these public hearings is to ask questions of the applicant and receive commentary on the technical aspects of the application from affected entities, interested parties, and the public. If the Planning Commission elects to hold this public hearing, the hearing must occur before the end of the Planning Commission's review period in the last review cycle of the preliminary review phase. Scheduling issues shall not extend the review and approval deadlines in this Chapter.
- E. Other chapters of this Title notwithstanding, the Land Use Authorities shall approve or deny preliminary and final applications under this Chapter after reviewing the complete applications as described in this Section.

15.25.1.12 Approval

- A. The Land Use Authority shall approve any complete subdivision application made under this Chapter that complies with applicable Town ordinances and Utah State Code §10-9a-6, as amended.
- B. The Land Use Authority shall issue all approvals in writing and shall certify the approved plat, either by signing the plat directly or by attaching a signed certification to the plat.

15.25.1.13 Post-Approval Actions

- A. The applicant shall record the approved subdivision plat with the Weber County Recorder's Office within 90 calendar days after the Town approves the subdivision application, provided that the applicant has completed any improvements or posted any improvement guarantee required by Town ordinances or described in the approved improvement plan. The applicant shall not record the approved final plat until such improvements are completed or guaranteed in compliance with Town ordinances and the approved improvement plan.
 - a. An approved plat not properly recorded within the timeline specified in this Chapter is void, unless the Planning Commission approves an extension.
 - b. An approved plat, the required improvements for which are not completed or guaranteed before recording, is void, unless and until the improvements are completed or guaranteed and the Planning Commission approves the post-recording completion or guarantee.
- B. Town staff shall work with the Weber County Recorder to submit, within 30 calendar days after a final plat is approved, to the Utah Geospatial Resource Center either:
 1. An electronic copy of the approved plat; or

2. Geospatial data that depict any new streets and site addresses proposed for construction within the bounds of the approved plat.

15.25.1.14 Minor Subdivisions and Other Exceptions to Application Requirements

A. Minor Subdivisions (2-3 Lots and No Public Improvements):

1. Applications for minor subdivision approval are exempt from the preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of Sections 15.25.1.7–8 if the proposed subdivision:
 - a. Results in no more than three parcels;
 - b. Is fully serviced by an improved and dedicated public street such that no public improvements are required;
 - c. Is not traversed by the mapped lines of a proposed street (as shown in the Huntsville General Plan), Town easement, or any other land required for public purposes;
 - d. Has been approved by the culinary water authority, the secondary water authority and the septic system by Weber Morgan Health Department; and
 - e. Is located in a zoned area.
2. An applicant for a minor subdivision may submit to the Town—in place of a plat—both:
 - a. A record of survey map that illustrates the boundaries of the parcels; and
 - b. A legal metes-and-bounds description that describes the parcels illustrated by the survey map.
3. If the Town approves a subdivision application based on a record of survey map and metes-and-bounds description, the applicant shall record the map and description, signed by the Town, with the Weber County Recorder's Office. The Town shall also provide the notice required in Utah Code §10-9a-605(1).

B. Agricultural Subdivisions:

1. Applications to subdivide agricultural land are exempt from the preliminary and final plat requirements, the improvement plan requirement, and the completion assurance requirement (but not the other application requirements) of Section 10-12-11 if the resulting parcels:
 - a. Qualify as land in agricultural use under Utah Code §59-2-502;
 - b. Meet the minimum size requirement of applicable Town land use ordinances; and
 - c. Are not used and will not be used for any nonagricultural purpose.

2. For subdivision applications for which this exception applies, an applicant may submit to the Town—in place of a plat—a record of survey map that illustrates the boundaries of the parcels.
3. If the Town approves a subdivision application based on a record of survey map, the applicant shall record the map, signed by the Town, with the Weber County Recorder's Office.
4. If a parcel resulting from a subdivision under this exception ever ceases to be used for agriculture, the subdivision shall no longer be exempt under this Section and shall be required to conform to the requirements of Section 15.25.1.7–8. In such case, the Town may, in its discretion, require a subdivision amendment before issuing a building permit.

C. Subdivision Through a Development Agreement:

1. At the request of an applicant, the Town may approve a subdivision through a development agreement entered into between an applicant and the Town.
2. Subdivisions platted in a valid development agreement are exempt from the application and review and approval requirements of this Chapter.
3. Clauses in a valid development agreement with the Town superseded all conflicting requirements in this Chapter, except where a clause in the development agreement poses a substantial danger to the health and safety of Town residents.

D. Public Street and Town Utility Easement Vacations: Public streets and Town utility easements may be vacated in accordance with Utah Code §10-9a-609.5, as amended.

15.25.1.15 Amending a Subdivision Plat

- A. The Town Council may vacate a subdivision or a portion of a subdivision by enacting an ordinance to that effect that describes the subdivision or the portion being vacated and recording that ordinance in the County Recorder's Office. This vacation shall be done in compliance with this code and Utah State Code §10-9a-608 and §10-9a-609, as amended.
- B. A property owner or agent of a property owner may correct minor typographical or clerical errors in a document of record by filing with the County an affidavit or other appropriate instrument. This provision does not apply to changing the name of a subdivision, which requires a material amendment described in the following provisions.
- C. A fee owner of land in a platted subdivision may request a material subdivision amendment by filing a written petition with the Town Council. This petition must meet all the requirements for a preliminary subdivision application specified in Section 15.25.1.7, with the following changes:
 1. The preliminary plat (or the record of survey map, if applicable) should:
 - a. Depict only the portion of the subdivision that is proposed to be amended;

- b. Include a plat name distinguishing the amended plat from the original plat;
 - c. Describe the differences between the amended plat and the original plat;
 - d. Include references to the original plat; and
 - e. Meet all the other plat requirements specified in Section 15.25.1.8 and Utah State Code §10-9a-603.
2. The petition must additionally include the name and address of each property owner affected by the petition and the signature of each of those property owners who consents to the petition.
 3. The petitioner must include with the petition envelopes addresses to each property in the subdivision.
- D. Upon receipt of an amendment petition, the Town staff shall provide notice of the petition to:
1. Each utility provider that services a parcel of the subdivision. The Town shall not approve an amendment petition until at least 10 calendar days after noticing these utility providers. The Town may notify the utility providers in any effective manner (email, mail, etc.).
 2. Each property owner in the subdivision. The Town shall notify these property owners by mail.
- E. The Town Council shall hold a public hearing before approving an amendment petition and within 45 calendar days after the day on which the petition is submitted if:
1. A property owner objects in writing to the amendment within 10 days of the Town notifying the property owner by mail, or
 2. Not every property owner in the subdivision has signed the revised plat.
- F. The Town Council need not hold a public hearing if notice has been given to adjoining property owners in accordance with any applicable local ordinance and the petition seeks to:
1. Join two or more of the petitioner's contiguous lots;
 2. Subdivide one or more of the petitioner's lots;
 3. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
 4. On a lot owned by the petitioner, adjust an internal lot restriction imposed by the local political subdivision; or
 5. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as a common area.

- G. If the Town Council approves the amendment petition, the Town Council shall sign the amended plat in the manner described in 15.25.1.12 and the petitioner shall record the plat, subject to the completion or guarantee of any improvements.

15.25.1.16 Parcel Consolidation (We have decided to place this section in Title 15.17.17)

- A. Upon favorable recommendation of the Huntsville Town Plannings Commission and approval of the Huntsville Town Council, contiguous parcels (or lots) may be combined to form one (1) parcel (or lot) under this Section, unless a subdivision amendment is required. Such parcels (or lots) will be considered consolidated and shall meet all requirements concerning parcel consolidation. Once two (2) or more contiguous parcels (or lots) have been consolidated, they may not be divided without meeting all applicable zoning requirements and without Town subdivision approval under this Chapter.
- B. Petition: Petitions for a parcel consolidation may be approved and executed upon the recordation of an appropriate deed if:
 - 1. The parcel consolidation does not involve a recorded subdivision plat.
 - 2. The proposed parcel consolidation does not result in the creation of a parcel (or lot) of size or shape that does not conform to all Town zoning regulations, site development standards, and uses as approved in Appendix One, Table e 15-1 (Acceptable Uses by Zone). If the proposed change is to legally existing nonconforming lot, the change may not perpetuate nonconformity.
 - 3. The proposed parcel consolidation does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site land use requirement.
 - 4. If the subject parcels are zoned differently, the Huntsville Town Council may require the applicant to proceed with a rezone petition under Title 15.16 prior to approval of a parcel consolidation petition.
- C. Application: Application materials for the parcel consolidation shall include the following:
 - 1. Completed Parcel Consolidation application signed by all affected property owners;
 - 2. Legal description of the whole piece of property to be consolidated;
 - 3. Copies of deeds reflecting the new property boundaries; and
 - 4. One (1) eleven by seventeen inch (11"x17") drawing to scale of the proposed consolidated parcel (or lot). This drawing shall show all structures on the property, fence lines, easements, driveways, and streets, and include a measurement scale.

- D. Recordation: Following Town approval, the parcel consolidation shall be accomplished by recording an appropriate deed with the County Recorder's Office. The new legal description shall not create a remnant parcel or violate existing zoning ordinances.
- E. General: If necessary, the Planning Commission may require the following additional information:
 - 1. A plat (drawn to scale) prepared in ink by a licensed land surveyor or engineer to scale not smaller than one hundred (100) feet to the inch and shall be of such size as is acceptable for filing in the Office of the County Recorder. The plat shall:
 - a. Be accompanied by one reduced eleven-inch by seventeen-inch (11"x17") copy of the full-size drawing(s).
 - b. Be presented to the Town Clerk at least thirty (30) days prior to a regular meeting of the Planning Commission, so that the Planning Commission and Town Council have time to review the plat and prepare for its consideration.

15.25.1.17 Boundary Line Adjustment (This should be put into Title 15.17.18)

- A. Upon favorable recommendation of the Huntsville Town Planning Commission and approval of the Huntsville Town Council, any adjoining property owners may submit an application, proposed map, and proposed legal descriptions for a boundary line adjustment, unless a subdivision amendment is required.
- B. Petition: Petitions for a boundary line adjustment may be approved and executed upon the recordation of an appropriate deed if all the following are met:
 - 1. The change in boundary lines does not result in the creation of a new lot or parcel.
 - 2. The change in boundary does not involve a recorded subdivision plat.
 - 3. The proposed change to a parcel does not result in the creation of a parcel of size or shape that does not conform to all Town zoning regulations, site development standards, and uses as approved in Appendix One, Table 15-1 (Acceptable Uses by Zone). If the proposed change is to a legally existing nonconforming parcel, the change may not perpetuate the nonconformity.
 - 4. The proposed change to a parcel (or lot) does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other land use requirement.
 - 5. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment.
 - 6. If the subject parcels are zoned differently, the Huntsville Town Council may require the applicant to proceed with a rezone petition under Title 15.16 prior to approval of a boundary line adjustment petition.

- C. Application: Application materials for the boundary line adjustment shall include the following:
1. Completed application signed by all affected property owners;
 2. Legal descriptions of each parcel involved in the boundary line adjustment;
 3. Copies of deeds reflecting the new property boundaries; and
 4. One (1) eleven by seventeen inch (11"x17") drawing to scale of the existing plat and one (1) eleven by seventeen inch (11"x17") drawing to scale of the proposed plat. All plats shall show all structures on the property, fence lines, easements, driveways, and streets, and include a measurement scale.
- D. Recordation: Boundary line adjustment shall be accomplished by recording appropriate deeds with the County Recorder's Office. The new legal descriptions shall not create a remnant parcel or violate existing zoning ordinances.
- E. General: If necessary, the Huntsville Town Planning Commission may require the following additional information:
1. A plat (drawn to scale) prepared in ink by a licensed land surveyor or engineer to a scale not smaller than one hundred (100) feet to the inch and shall be of such size as is acceptable for filing in the Office of the County Recorder. The plat shall:
 - a. Be accompanied by one reduced eleven-inch by seventeen-inch (11"x17") copy of the full-size drawing(s).
 - b. Be presented to the Town Council at least thirty (30) days prior to a regular meeting of the Planning Commission, so that the Planning Commission and Town Council have time to review the plat and prepare for its consideration.

15.25.2 Subdivision Improvements

15.25.2.1 Improvement Bonding and Warranty

- A. Before an approved final subdivision plat may be recorded, and before a building permit may be issued, all improvements required by this Chapter or other Town ordinances shall be either:
 - 1. Completed, inspected, and accepted by the Town, or
 - 2. Guaranteed.
- B. The decision whether to guarantee a public improvement or to complete it before recording the plat rests solely with the applicant.
- C. All improvements are subject to Town inspection before such improvements may be accepted by the Town or considered complete. The Town Engineer shall be responsible for conducting such inspections. Improvements shall be accepted only if they conform to applicable Town ordinances and do not pose a risk to public health or safety. All public improvements are subject to the warranty described in this Section.
 - 1. The applicant/developer shall, in accordance with the Town's Fee Schedule, pay to the Town an inspection fee before the Town shall accept any improvements.
- D. For subdivisions for which no performance guarantee has been posted, if the improvements are not completed within the period specified in the approved subdivision improvement plan, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and required improvements have not been installed within the terms of such performance guarantee, the Town may thereupon declare the guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the guarantee is declared to be in default. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost for installing the required improvements, the Town may maintain an action against the person giving the guarantee for the necessary amount to complete the improvements.
- E. If an applicant elects to guarantee any required improvement, the applicant shall provide completion assurance for 110% of the cost of the improvement, guaranteeing that the improvements will be completed within two years after the date of the guarantee; The sum of the completion assurance shall not exceed:
 - 1. 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - 2. 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
- F. For the purpose of posting an improvement guarantee, the cost of the improvement shall be determined by an engineer's estimate.

- G. The Town shall accept any of the following forms of guarantee for an improvement:
1. Bond. The applicant may furnish a bond with corporate surety, which bond shall be approved by the Town Attorney and filed with the Town Clerk.
 - a. The bond shall have an express irrevocable term of one year from the date of approval of the final plat of the subdivision. Further, such bond shall contain language unconditionally guaranteeing the performance of the developer. A provision shall be provided for unconditional payment of the face amount of the bond within thirty (30) days from the day the Town declares, for cause, that the developer is in default.
 2. Escrow. The applicant may make a deposit in escrow with an escrow holder approved by the Town Council, under an escrow agreement approved by the Town Attorney and filed with the Town Clerk.
 3. Letter of Credit. The applicant may provide a letter of credit from a financial institution approved by the Town Council, under an agreement to complete the improvements that is approved by the Town Attorney and filed with the Town Clerk.
- H. As improvements are completed, inspected, and accepted by the Town, the Town Council shall, each quarter, at the option of the applicant, issue a partial release of bonded or escrow funds proportional to the improvements accepted during the prior quarter.
1. Subject to maintenance provisions contained in this Code below, the Town will not accept dedication of required improvements, or release or reduce a performance guarantee, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plats of, the subdivision, indicating location, dimensions, materials, improvements and other information required by the Planning Commission and Town Engineer, that the layout of the line and grade of all public improvements is in accordance with the Town approved construction plans for the subdivision and that a title insurance policy has been furnished to the Town and Town Engineer indicating that the improvements have been completed, are ready for dedication to the local government and are free and clear of any and all liens and encumbrances.
 2. In no event shall a performance guarantee be reduced below 25% retainage of the principal amount until total completion.
- I. If all required improvements are not completed within one year from the day of final application approval, the party who guaranteed the improvements shall be in default, and at the option of the Town Council, shall relinquish the remaining amount of the performance guarantee to the Town.
- J. The Town shall not require improvement guarantees for any of the prohibited uses listed

in Utah Code §10-9a-604.5(3)(d), including improvements the Town has previously inspected and accepted, private improvements that are not essential to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation.

- K. Upon acceptance of all required improvements, the applicant shall warrant that said improvements shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of acceptance by the Town. The subdivider shall be solely responsible for all repairs and maintenance required to keep the improvements in good working condition for this twelve-month period.

15.25.2.2 Owner of Subdivision Responsible for Cost of Improvements

The owner of any land to be platted as a subdivision shall at his own expense install the following improvements according to the specifications and standards contained in the Public Work Standards and Technical Specifications of Huntsville Town, Utah, and the standards in this Chapter.

15.25.2.3 Inspection of Improvements

- A. All public improvements shall be constructed under the inspection of the Huntsville Town Engineer, except for septic systems which must be installed according to the specifications and under the inspection of the Weber/Morgan County Health Department.
- B. The Huntsville Town Engineer, Huntsville Town Building inspector, and Weber County Health Department shall inspect, or cause to be inspected, all buildings, structures, streets, fire hydrants, and water supply and sewage disposal systems in the course of construction, installation, or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the Huntsville Town Engineer, or the Utilities' representative. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Huntsville Town Engineer.

15.25.2.4 Required Improvements

The following improvements are required for all subdivisions in compliance with Town ordinances, except those that qualify under the agricultural land or minor subdivision exemptions of Subsection 15.25.1.14:

- A. Curbs and Gutters:
 - 1. Curbs and gutters may be required on existing and proposed streets, where in the opinion of the Huntsville Town Planning Commission and the Huntsville Town Engineer, such curbs and gutters are necessary to remove surface water, or for safety or other reasons. Curbs and gutters shall be installed by the subdivider in subdivisions along the abutting Utah State Highways if required by the Utah State Department of Transportation.

2. Many, if not most, areas of Huntsville Town are rural in nature, and the installation of curb and gutter is generally not preferred. In general, curb and gutter are preferred only in newly developed commercial zones.
- B. Fencing or Piping of Canals: A solid board, chain link, or other non-climbable fence not less than five (5) feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five cubic feet per second (5 cfs) or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the Land Use Authority determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of canals, shall not be required on subdivisions of three (3) or fewer lots, or where canals, are located six hundred (600) ft. from the homes. The Land Use Authority may also require that the ditch be piped, with the size of the pipe to be determined by the Irrigation Company and the Huntsville Town Engineer.
- C. Fire Protection: The subdivision shall provide for adequate fire protection using a fire protection method approved by the Weber Fire District.
- D. Peripheral Fencing: The Land Use Authority may require appropriate type fencing along the periphery of a subdivision in an agricultural zone so as to provide protection to adjacent farming lands from the adverse effects of residential living and vice versa.
- E. Sewage Disposal:
1. The subdivider shall obtain approval from the Weber /Morgan County Health Department for individual sewage disposal for each of the lots. Subdividers must furnish to the Weber/Morgan County Health Department a report of soil percolation tests completed on the property proposed for subdivision in accordance with the Regulations of the Utah State Division of Water Quality and the Weber/Morgan County Health Department governing individual sewage disposal systems. Copies of the subdivision preliminary improvement plan showing appropriate elevation contours must accompany the report and show thereon the location of test holes used in completing the tests. Percolation tests must be completed, and reports prepared and signed by a qualified Utah Registered Sanitarian or a Utah Licensed Professional Engineer not in the employ of Weber County or Huntsville Town. Written approval of septic systems from the Weber Morgan County Health Department shall be submitted to the Land Use Authority before consideration of the final subdivision application.
 2. Where a sewer treatment facility, such as a community septic system, is being approved by the Utah State Division of Water Quality, a Letter of Feasibility, Septic System is required for preliminary subdivision approval.
- F. Staking Subdivision Corners: Survey markers shall be placed at all subdivision corners and lot comers so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished before the subdivision is recorded.
- G. Storm Water:
1. The subdivider shall effectively dispose of the storm water generated within the subdivision. The subdivider shall obtain required easements and provide drainage

structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions, which is generally regarded to be 0.2 cubic feet per second per acre. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

2. When drainage structures such as storm water detention and/or retention facilities are required by the Huntsville Town Engineer, the Town, at its option, may require the facility to be dedicated or otherwise transferred to Huntsville Town or its designate. Huntsville Town may also require the developer of the subdivision which the detention and/or retention facility serves, to form a Homeowners Association of all homes proposed in the subdivision with Articles of Incorporation filed with the Department of Commerce, Division of Corporations. Provision shall be made in said Association for the contracting with the Huntsville Town Engineer to do periodic inspections and maintain the drainage facilities. The Huntsville Town Engineer shall approve such inspection schedules. The purpose of the Association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the Huntsville Town Engineer. In such cases, Huntsville Town shall be granted an easement over the detention /retention facilities to guarantee such facilities will remain and be used as intended for storm water detention purposes.
- H. Street Grading and Surfacing: All public streets shall be graded and surfaced in accordance with the Public Works Standards and Technical Specifications of Huntsville Town, and with approval by the Huntsville Town Engineer.
 - I. Sidewalks: Sidewalks may be required by the Land Use Authority for reasons of safety and public welfare, or where the proposed subdivision is located within student walking distance, as established by the School District. In subdivisions where the average lot width is one hundred fifty (150) feet or more and not within walking distances of schools, sidewalks may not be required. Huntsville Town will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the Planning Authority and the Huntsville Town Engineer. Approved walking paths may be substituted for sidewalks.
 - J. Street Monuments: Permanent street monuments shall be accurately set and established at such points as are necessary to precisely establish all property lines. Street Monuments shall be of a type specified in the Public Work Standards and Technical Specifications and approved by the Huntsville Town Engineer and/or the approved Surveyor.
 - K. Street Trees: Street trees shall be planted by the subdivider when so required by the Land Use Authority and of a variety and location as approved by the Land Use Authority.
 - L. Street Signs: Street signs shall be installed by the subdivider at all locations as designated by the Land Use Authority. Such signs shall be of such a type and of such material as shall be prescribed by the Huntsville Town Engineer. The Town shall have the option to install such signs and charge such costs to the subdivider.

M. Water Supply:

1. The subdivider shall install culinary water lines or contract with the Huntsville Town Culinary Water System to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot.
2. The subdivider shall install a secondary water delivery system to the lots in the subdivision sufficient to conform to the Huntsville Town Public Works Standards and Technical Specifications. Secondary water is generally obtained from the Huntsville Town Waterworks Corporation. The policy of the Huntsville Town Culinary Water System is that its water is not to be used for other than culinary purposes, and the Town will not permit culinary water connections unless secondary water is provided by the subdivider.
3. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber County Fire District.

15.25.2.5 Improvement Design Standards

The following standards shall apply to the design and construction of all improvements required by Town ordinances, whether under this Title, the Town's Land Use Title, or other Town ordinance:

- A. The current edition of the **Manual of Standard Specifications** published by the Utah Chapter of the American Public Works Association (APWA), as amended. References to "owner" shall mean Huntsville Town and references to "engineer" shall mean Huntsville Town's engineer.
- B. The current edition of the **Manual of Standard Plans** published by the Utah Chapter of the American Public Works Association (APWA), as amended.
- C. Any other standards described in this Title.

15.25.3 Subdivision Standards

15.25.3.1 Relation to Adjoining Street Systems

- A. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Huntsville Town Planning Commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they subdivide their own land and seek to provide for convenient access to it.
- B. Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.

15.25.3.2 Street and Alley Widths, Cul-de-Sacs, Easements

- A. Street Dedication. Streets in subdivisions shall be dedicated to Huntsville Town as public streets.
- B. Streets shall conform to the width designated on the Huntsville Town Master Street Plan wherever a subdivision falls in an area for which the street plan has been adopted. For territory where such a Street Plan has not been completed at the time the subdivision application is submitted to the Town, streets shall be a minimum width of ninety-nine (99) feet for major streets and sixty-six (66) feet for minor streets.
- C. Alleys shall have a minimum width of thirty-three (33) feet.
- D. Terminal streets (cul-de-sacs) shall be used only where unusual conditions exist which make other designs impossible.
- E. If surface water drainage is into the turn around due to the grade of the street, necessary catch basins and drainage easements shall be provided. All temporary turnarounds at the ends of streets which will someday continue through to the adjacent property, shall be provided, with a road-base turning area thereof not less than one hundred (100) feet in diameter, and to be available for public use so long as the terminal street (cul-de-sac) condition exists at the end of the road.
- F. Minor terminal streets (cul-de-sacs) proposed in a subdivision of flat land where through streets are impossible, shall have a maximum length of six hundred and fifty feet (650) to the beginning of the turnaround or may serve a maximum of fourteen (14) lots, whichever is greater.
- G. Half-streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
- H. Standard Street Sections. All proposed streets, public, shall conform to the Utah State specifications.
- I. Street Grades. Except where due to special circumstances, street grades over sustained length shall not exceed eight (8) percent.

- J. Protection Strips. Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one (1) foot in width between said street and adjacent property, provided that an agreement with Huntsville Town, and approved by the Huntsville Town Attorney, has been made by the subdivider, contracting to dedicate the one (1) foot or larger protection strip free of charge to Huntsville Town for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement.

15.25.3.3 Blocks

- A. Blocks shall not exceed one thousand (1,000) feet in length. Blocks intended for business shall be designed specifically for such purpose with adequate space set aside for off-street parking and delivery facilities.
- B. Blocks intended for business use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

15.25.3.4 Lots

- A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future requirements.
- B. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Huntsville Town Land Use regulations for the zone in which the subdivision is located, or
 1. Except as otherwise permitted by the grant of a VARIANCE by the Huntsville Town Appeal Authority as authorized by the APPEAL AUTHORITY Title of the Land Use Titles.
 2. As required by the Weber/Morgan County Health Department as being the minimum area necessary for a septic system and setbacks from natural channels and irrigation systems.
- C. Each lot shall abut on a public street, or an existing publicly dedicated street.
- D. Corner lots shall have extra width sufficient for maintenance and safety and provide the required building lines on both sides.
- E. Side lines of lots shall be approximately at right angle, or radial to the street property line, and at an angle of no less than eighty (80) degrees from the street property line.
- F. All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels.

- G. Natural drainage and other easements. The Land Use Authority may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than twenty (20) feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision.

15.25.3.5 Parks, School Sites and Other Public Places

- A. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other areas for public use. Any provision for such open spaces should indicate when and in what manner such areas will be dedicated to the Huntsville Town on the Preliminary Plat, in order that it may be determined whether the site is suitable for acquisition and use by the appropriate agency.

15.25.3.6 Identification of Flood Plains

- A. The flood plain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, water course, lake or other body of standing water that has or may be covered by flood water.
- B. In subdivisions with flood plain, base flood and ground elevation data shall be provided for each lot by the developer and approved by the Huntsville Town Engineer. Such data shall appear on the final subdivision plat. If this data is not available, then this area shall be shown on the plat as a non-buildable area, and all buildings shall be located out of the non-buildable area. Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such flood elevations.

15.25.3.7 Power and Telephone Utilities

- A. All electric power, television, cable and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the Huntsville Town Planning Commission concurs that it is impractical due to steep terrain, inaccessible location, or some other physical impediment exists with the land.

Huntsville Townhall/Community Center
Payment Ledger
Tracked by Rex Harris

BID ITEMS	Unit Price	Mobilization Payments				All Other Bid Items			
		5% (40%)	15% (20%)	40% (30%)	50% (10%)	25%	50%	75%	100%
1 Mobilization (Bonding, General Conditions, Supervision)	\$107,016.00	42,806.40	21,403.20	\$2,104.30	\$10,701.60				
2 SWPP Plan and Implementation	\$5,480.00					1,620.00	1,620.00	1,620.00	1,620.00
3 Quality Control and Testing	\$2,700.00					675.00	675.00	675.00	675.00
4 Grading (Excavating)	\$94,112.00					23,528.00	23,528.00	23,528.00	23,528.00
5 Water Lateral	\$14,191.00								
6 Sidewalk (concrete & drive)	\$63,936.00								
7 Septic System	\$42,680.00					15,984.00	15,984.00	15,984.00	15,984.00
8 Foundation/Concrete Work	\$219,780.00					10,665.00	10,665.00	10,665.00	10,665.00
9 Framing (Roofing)	\$593,387.00					148,346.75	148,346.75	148,346.75	148,346.75
10 Finish Work	\$271,243.00					67,810.75	67,810.75	67,810.75	67,810.75
11 Plumbing	\$57,752.00					14,438.00	14,438.00	14,438.00	14,438.00
12 Electrical	\$148,000.00					37,000.00	37,000.00	37,000.00	37,000.00
13 Heating/Cooling	\$181,802.00					45,450.50	45,450.50	45,450.50	45,450.50
14 Siding	\$229,900.00					57,475.00	57,475.00	57,475.00	57,475.00
15 Fire Suppression	\$66,550.00					16,637.50	16,637.50	16,637.50	16,637.50
C01 Existing Soil Condition - office building side	\$4,920.00								4,920.00
C02 Added Door	\$6,980.00								6,980.00
C03 Rock Upgrade	\$12,718.08								12,718.08
C04 Existing Soil Conditions- Community Center site	\$11,473.80								11,473.80
C05 Architect Changes	\$7,479.50								7,479.50
C06 Hanging Joists	\$4,466.70								4,466.70
C07 Electrical	\$12,210.98								12,210.98
C08 Tower Clock Additions	\$2,334.20								2,334.20
C09 Electrical Outlets In Soffit	\$3,129.00								3,129.00
C10 Light Switches for PB Exterior	\$866.25								866.25
C12 Main Gas Service	\$14,757.49								14,757.49
C13 Extra Sidewalk	\$8,241.45								8,241.45
C14 Gutter	\$2,887.50								2,887.50
C17 West Door Roof Overbuild	\$7,331.10								7,331.10
C18 Added Doors on Clock Tower	\$1,144.88								1,144.88
C19 Electrical Credit	-\$24,190.64								-24,190.64
C20 Basement Stair Carpeting	\$1,840.65								1,840.65
C21 Kitchen Roll Top Door	\$5,380.20								5,380.20
C22 Bathroom LVP in Community Center	\$2,662.36								2,662.36
C23 Water Connection Reimbursement	-\$19,000.00								-19,000.00
C24 Sidewalk along 200 South	\$23,672.78								23,672.78
C25 Door Painting (Cancelled)									
C26 Basement Insulation	\$5,631.15								5,631.15
C27 Upper Roof addition Gutter	\$1,646.40								1,646.40
Sum Bid Items (original contract)	\$2,099,509.00								
Sum Change Orders	\$105,582.99								
Total Contract Amount	\$2,205,091.99								
Sum (All Other Bid Items)	\$2,009,753.24								
Sum (Mobilization)	\$107,016.00								
Total of Work Completed	\$2,116,769.24	95.99%							
Previous Payments	\$2,061,794.35								
Total Work Completed minus Previous Payments	\$54,975.89								

5.03% of original contract

Work Completed this month

October '23

November '23

December '23

January '24

February '24

March '24

Oct '24

\$49,596.69

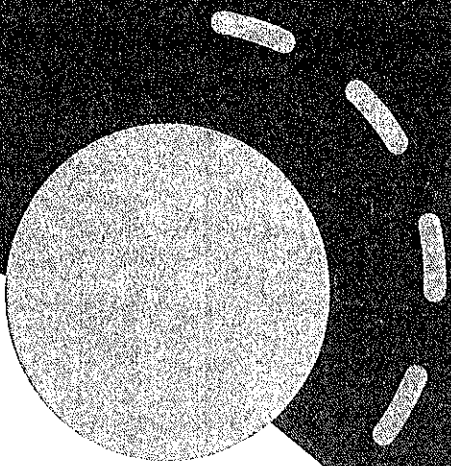
\$54,976.89 * This includes payments for September and October 2024

Payment Period Oct-24

Signature **Rex N. Harris**

Date 11/19/2024

Amount Due This Payment



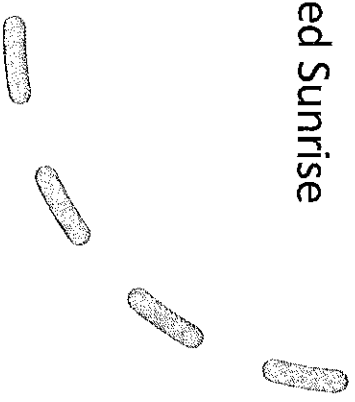
**HUNTSVILLE TOWN
CULINARY WATER STATUS
(the Good, Bad, and Ugly)**

December 05, 2024

Good



- Blaine, Thom and Steve have stepped into the chasm created by three personnel departures and are keeping the ship afloat!
 - Thom Summers crew has been fantastic
- Shannon, Carol and Sunrise Engineering are doing a bang-up job on the Lead/Copper Survey support
 - Shannon arranged for State funded Sunrise support



Bad

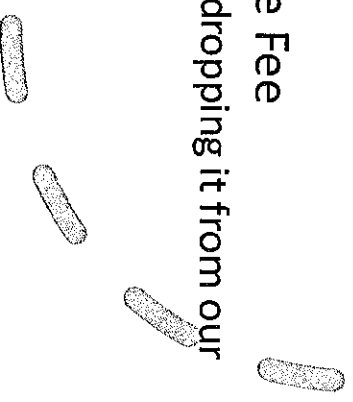


Recent Repair/Replacement Costs

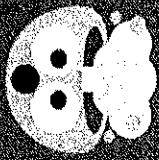
- Motion lighting installation: approx. \$300
- Software upgrades to improve plant reliability/resiliency: \$4,530
- Repairing the chlorine scales: \$3,738
- Backflow meter replacement: \$783
- Cooper Con system leak detection: Unknown yet, in the low \$1,000s
- Chlorine leak issues resolution: low's \$1000s
- Batteries for Reservoir Level Sensor: approx. \$400

• Auditor Questioning our Infrastructure Fee

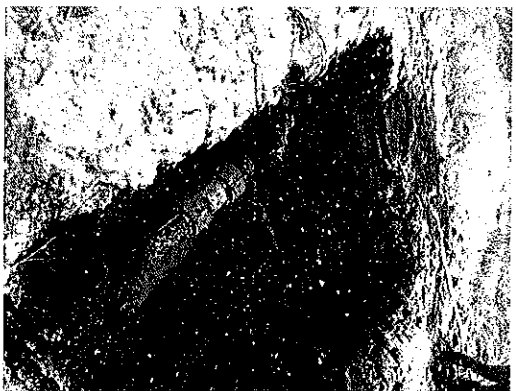
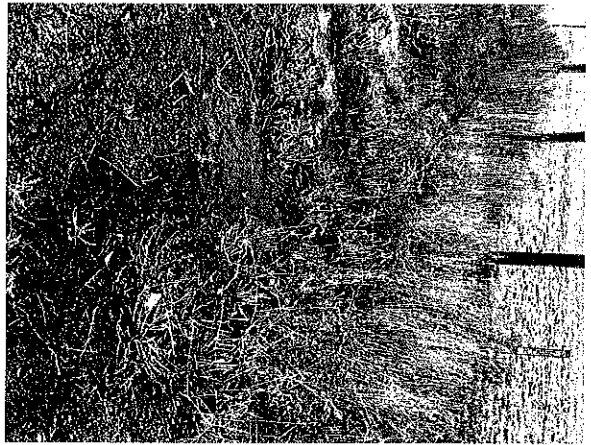
- If we can't charge it, we should consider dropping it from our ordinance



Ugly:

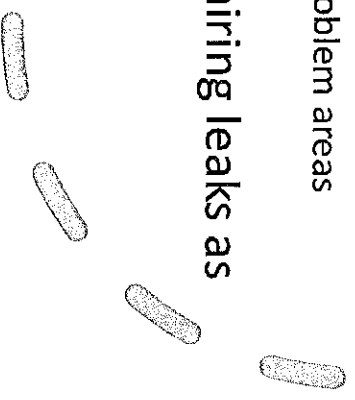


6 Leaks in 2 1/2 Months



How Ugly?

- Since July '24 leak repairs have cost \$56,980
- Problem:
 - HDPE has high thermal expansion characteristics and sensitivity to stress cracking
 - Changing temperatures combined with years of settling, poor backfill and questionable joinery is causing joints to fail
 - There is approximately 18,000 feet of HDPE lines in place, in 40-foot sections = 450 joints 🤖 !!
 - We're still losing >20 gpm
- Solution:
 - Recent pricing for just 18,000 ft of 12" HDPE ~ \$468,000 alone
 - Replacement doesn't seem feasible
 - We're monitoring our usage better
 - Improving our mapping will help identify problem areas
 - Recommendation: Continue repairing leaks as they develop



Huntsville Town

Town Council & Planning Commission Monthly Meetings 2025



In accordance with Utah Code Section 52-4-202(2), notice is hereby given of the 2025 Meeting Schedule for Huntsville Town. The Town Council will meet on January 9, 2025 at 6:00 p.m., and will subsequently meet the first and third Thursday of each month thereafter at 6:00 pm. The Planning Commission will meet on January 23rd, at 6:30 p.m. and will subsequently meet the fourth Thursday of each month (unless stated otherwise) thereafter at 6:30pm. Work sessions, special meetings, or emergency meetings may be held as needed in accordance with state law. A notice and agenda for each meeting will be posted prior to a meeting in accordance with state law. Some meetings may be cancelled or rescheduled. Meetings will be held at the Huntsville Town Hall, 7474 E 200 S, Huntsville UT, 84317. Zoom link available at Huntsvilleutah.gov, as applicable. For special accommodations contact the Town office at least 24-hours before any meeting. For questions, contact the Town Office at 801-745-3420. Published December 18, 2023.

Town Council	Planning Commission
January 9 th and 23 rd	January 23 rd
February 6 th and 20 th	February 27 th
March 6 th and 20 th	March 27 th
April 11th 17 th	April 24 th
May 1 st and 15 th	May 22 nd
June 5 th and 19 th	June 26 th
July 3 rd and 17 th	July 23 rd
August 7 th and 21 st	August 28 th
September 4 th and 18 th	September 25 th
October 2 nd and 16 th	October 23 rd
November 6 th and 20 th	November 13 th
December 4 th	December 11 th

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal clerk/recorder of Huntsville Town, hereby certify that foregoing agenda was duly published, or posted the following:

Dated this 18th day of December 2024

Shannon Smith, Clerk

Town Hall
Post Office
huntsvilletown.com
pmn.utah.gov



NOTICE OF ACTION

TO: Huntsville Town Council
FROM: Huntsville Town Planning Commission
DATE: December 3, 2024
RE: Lot Consolidation for Parcel #'s 241170001, 241170002,
24170003

The Huntsville Town Planning Commission held a public meeting on November 21st, 2024, to review and discuss the lot consolidation for Dave Booth on the Parcel numbers listed above. The Planning Commission made its recommendation of approval to the Town Council.

A handwritten signature in black ink, appearing to read "Shannon", is written over a horizontal dashed line.

Shannon, Clerk

Huntsville Town

Parcel Consolidation Application

Applicant Name: Dave Booth / Gina Myrberg [Redacted]

Applicant Mailing Address: PO Box 149 Huntsville UT 84317

Email: [Redacted] Phone: ^{Dave} [Redacted] ^{Gina} [Redacted]

Brief Description of Proposed Parcel Consolidation: consolidation of 3 parcels on 498 South 7100 East Huntsville

Parcel Owner's Permission for Parcel Consolidation Application

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): 241170001, 241170002, 241170003

Parcel(s) Owner Name: Dave Booth / Gina Myrberg

Parcel(s) Owner Mailing Address: same as above

Email: _____ Phone: _____

Parcel Owner Signature: Dave C. Booth Date: 11/5/24

Title (Authorized Agent): Owner

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): _____

Parcel(s) Owner Name: _____

Parcel(s) Owner Mailing Address: _____

Email: _____ Phone: _____

Parcel Owner Signature: Dave C. Booth Date: 11/5/24

Title (Authorized Agent): Owner

(For Additional Parcel Owners Use Attached Sheet)

For Town Use:

Application Date: 11/13/2024

Fees Paid: 150⁰⁰

[Signature]
Town Clerk

ADDITIONAL PARCEL OWNERS

Parcel Owner's Permission for Boundary Parcel Consolidation Application

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): 241170001, 241170002, 241170003

Parcel(s) Owner Name: Dave Booth / Gina Myrberg

Parcel(s) Owner Mailing Address: same as above

Email: [REDACTED]

Phone: [REDACTED]

Parcel Owner Signature: Gina Myrberg

Date: 11/5/24

Title (Authorized Agent): _____

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): _____

Parcel(s) Owner Name: _____

Parcel(s) Owner Mailing Address: _____

Email: _____

Phone: _____

Parcel Owner Signature: _____

Date: _____

Title (Authorized Agent): _____

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): _____

Parcel(s) Owner Name: _____

Parcel(s) Owner Mailing Address: _____

Email: _____

Phone: _____

Parcel Owner Signature: _____

Date: _____

Title (Authorized Agent): _____

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): _____

Parcel(s) Owner Name: _____

Parcel(s) Owner Mailing Address: _____

Email: _____

Phone: _____

Parcel Owner Signature: _____

Date: _____

Title (Authorized Agent): _____

Huntsville Town Planning Commission

- Recommended for Approval
- Recommended for Conditional Approval
- Recommended for Rejection
- Deferred

Chair Signature: [Signature] Date: 11.21.2024

Notes/Conditions: NONE

Huntsville Town Council

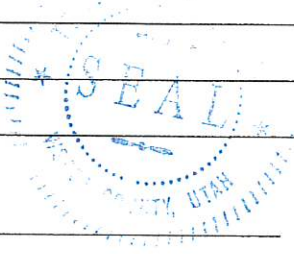
- Approved
- Conditional Approval
- Rejected
- Deferred

Mayor Signature: [Signature] Date: _____

Notes/Conditions: _____

ATTEST:

[Signature] Date: 12/6/2024
Beckki Endicott, Town Recorder



Parcel Consolidation Application Requirements:

- The parcel consolidation does not involve a recorded subdivision plat.
- The proposed parcel consolidation does not result in the creation of a parcel of size or shape that does not conform to all Town zoning regulations, site development standards, and uses as approved in Appendix One, Table 15-1 (Acceptable Uses by Zone). If the proposed change is to a legally existing nonconforming lot, the change may not perpetuate nonconformity.
- The proposed parcel consolidation does not result in changing a complying structure into a non-complying structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site land use requirement.
- The petition to consolidate parcels must include signatures from representatives of each parcel affected by the parcel consolidation.
- If the subject parcels are zoned differently, the Huntsville Town Council may require the applicant to proceed with a rezone petition under title 15.16 prior to approval of a parcel consolidation petition.

Submission Requirements & Process:

- Completed & Signed Application Form
- Payment of Application Fee to Huntsville Town
- Legal description of the whole piece of property to be consolidated
- Copies of deeds reflecting the proposed property boundaries (not yet recorded)
- One 11x17 (or larger) drawing to scale of the proposed consolidated parcel showing all structures, fence lines, easements, driveways, and streets. Drawing must include a measurement scale.
- Parcel Consolidation Applications (including all required documents) must be reviewed by the Huntsville Planning Commission and approved by the Huntsville Town Council.
- Once approved by the Huntsville Town Council, the parcel consolidation shall be accomplished by recording the appropriate deeds with the County Recorder's Office.

PART OF THE SE.1/4, OF SECTION 18, T.6N., R.2E., S.L.B. & M.
498 SOUTH SUBDIVISION - PHASE 1

117

TAXING UNIT: 35

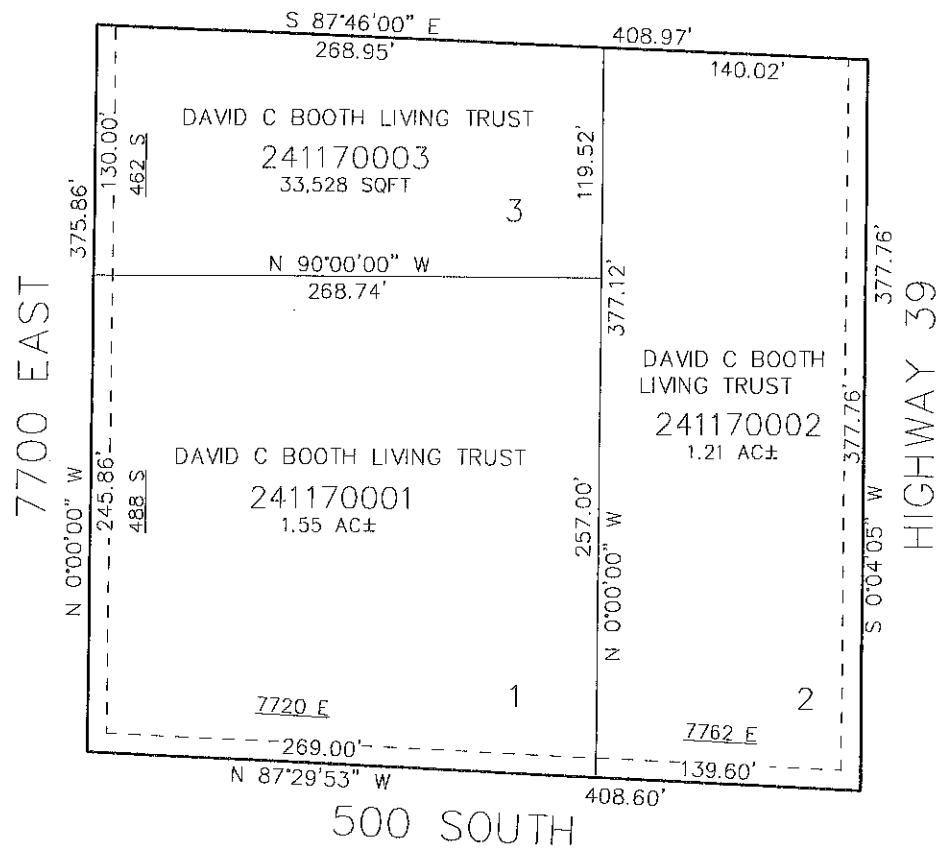
IN WEBER COUNTY
SCALE 1" = 50'

SEE PAGE 19

SEE PAGE 19

SEE PAGE 19

SEE PAGE 19



10' UTILITY & DRAINAGE EASEMENTS EACH
SIDE OF PROPERTY LINES AS INDICATED
BY DASHED LINES EXCEPT AS OTHERWISE
SHOWN.

FOR COMPLETE ENG DATA SEE
ORIGINAL DEDICATION PLAT IN
BOOK 70, PAGE 07 OF RECORDS

Parcel #: 241170003

Legal Description

ALL OF LOT 3, 498 SOUTH SUBDIVISION PHASE 1, WEBER COUNTY, UTAH.

Parcel #: 241170002

Legal Description

ALL OF LOT 2, 498 SOUTH SUBDIVISION PHASE 1, WEBER COUNTY, UTAH.

Parcel #: 241170001

Legal Description

ALL OF LOT 1, 498 SOUTH SUBDIVISION PHASE 1, WEBER COUNTY, UTAH

This deed is intended to combine all parcels into one parcel

Mail Tax Notice To:
PO Box 149
Huntsville, UT 84317



W3287096

E# 3287096 PG 1 OF 2
Leann H. Kilts, WEBER COUNTY RECORDER
15-Jun-23 10:03 AM FEE \$40.00 DEP SLW
REC FOR: WARNER LAW FIRM
ELECTRONICALLY RECORDED

SPECIAL WARRANTY DEED

Eco Builders Inc., ("Grantor") of Huntsville, County of Weber, State of Utah, hereby CONVEYS and WARRANTS against all who claim by, through, or under the grantor to **David C. Booth, Trustee of the David C. Booth Living Trust dated June 15, 2023, and any amendments thereto**, ("Grantee") for the sum of TEN DOLLARS (\$10.00), and other valuable consideration the following described tract of land:

PARCEL 1: (24-117-0001) DB CM CM BT PCV

ALL OF LOT 1, 498 SOUTH SUBDIVISION PHASE 1, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL 2: (24-117-0002) DB CM CM PCV

ALL OF LOT 2, 498 SOUTH SUBDIVISION PHASE 1, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL 3: (24-117-0003) DB CM CM PCV

ALL OF LOT 3, 498 SOUTH SUBDIVISION PHASE 1, WEBER COUNTY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF.

DATED this 15th day of June, 2023.

ECO BUILDERS, INC., GRANTOR

By David C. Booth
David C. Booth, President

STATE OF UTAH)
)ss.:
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me on June 15th, 2023, by David C. Booth, President of Eco Builders, Inc.



Jenn Ellen Smith
Notary Public

COMM. EXP. CERTIFICATES
COMMISSION NO. 11888
RENEWAL & STATE FEE
JENN EILEEN SMITH



SEE PAGE 19

7700 EAST

N 0°00'00" W

375.86'

S 87°46'00" E

408.97'

N 87°29'53" W

408.60'

500 SOUTH

S 0°04'05" W

377.76'

HIGHWAY 39

SEE PAGE

WORK SESSION – Thursday, November 7, 2024

Minutes of the Huntsville Town Council Work Session held at the Huntsville Town Maintenance Bldg., 165 South 7500 East, 5:00 p.m.

The work session was scheduled to discuss the feedback from the 4th of July Celebration

Attending: TC Members Bruce Ahlstrom, Artie Powell, Lewis Johnson, Mayor Pro Tem Sandy Hunter, Nikki Wolthuis – Clerk, Melissa Knowles-Treasurer, Shannon Smith- Clerk, Lindsey Ketcham- Independence Day Coordinator, and 4th committee members: Luann Carver, Wendy McKay, and Hilary Evans.

Town Councilmember and Mayor Pro Tem Sandy Hunter welcomed all to the meeting and turned the time over to Town Councilmember Artie Powell to present the feedback. TCM Powell prepared a summary with a breakdown of expenses and revenue as well as the public feedback organized into subjects. **(Attachment #1)**

TCM Powell announced that overall Huntsville did better financially than in past years. They did not make money from the celebration or break even, but did not lose as much as in previous years. The celebration was a success in many ways.

After reviewing the feedback from the celebration, the committee and Town Council and office staff made some suggestions for the following year. A list of these suggestions is below.

Parking

People can charge for parking on their own property. There will be no Town-wide volunteer effort to provide extra parking.

Traffic

Get the word out early (In the newspaper and social media) about the traffic patterns in and out of town to make it easier for people. Good signage at important intersections will also be helpful. Talk to the relative of Connie Layton who helped direct traffic during the Olympic Games and who has offered to help with traffic.

Parade

The end of the parade should be at 200 S. and 7600 E. -one block east of the northeast corner of the park- so that there are more ways to disperse afterwards.

Those who want to throw candy can do so while walking alongside the crowd rather than throw it from vehicles. No confetti, water balloons, or water guns.

To prevent parking along the parade route, a tow truck can be parked and warning signs placed. Order more barricades and cones to block off streets.

The parade organizer can arrange for an honor guard of some sort to carry the flag in the parade. Group the horses together in the front or in the back. Be careful not to put the horses near a band or the loud tractors. Clear the parade route afterwards before cars are allowed to use the road.

Fireworks

Vendors should turn their lights out as soon as the fireworks start because of the distraction. They can turn them back on after the fireworks. Vendors walking through crowds during the fireworks need to be stopped and charged a fee.

Flag raising Ceremony and Flag lowering

Make sure and include the pledge of Allegiance in the flag raising ceremony next year. The American Legion can lower the flag at dusk.

Sherriff presence

Invite the sheriff to patrol the Town the night before the celebration to prevent vandalism and mischief.

Bounce Houses

If there's a way to give an option for a shorter time/cheaper price at the bounce house, provide one. Go with another vendor for bounce houses next year.

Dogs

Possibly announce it on the flyer that dogs are not allowed at the celebration. Provide stations with doggie bags for those who bring their dogs.

Planning for the Celebration

Have contact numbers on the website by March so people who are looking for information can contact the right person.

Patriotic Program

Change it up every year so those who attend every year can get a fresh program. American Legion members participating in the program need help getting to and from the church because of the traffic- possibly with golf carts.

Vendors

Charge a minimum of \$200 per vendor. Make it a tiered system depending on the type of vendor. Charge a percentage on the park breakfast. Invite more food trucks next year.

Future Opportunities for revenue

Allow corporations to sponsor floats to create revenue.

Music in the park

Provide entertainment in the park to give people another reason to stay after the parade. Even just background music would help create a fun atmosphere.

Drinks

Provide cups for water at the ice shack for those who need a drink.

Payment System

Next year the Town will use Express Bill Pay instead of Square and Venmo

TCM Powell motioned to adjourn the Work Session. TCM Ahlstrom seconded the motion. All votes Ayes. Motion passed.

Meeting adjourned at 6:22 P.M.

Nikki Wolthuis, Huntsville Town Clerk