

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, July 20, 2023, 6:30 p.m.
Weber County Library, 131 South 7400 East, Huntsville

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

Citizens: Liz Poulter, Seargent Miles, Cody Draheim, Lisa Woolsey, John Lowe, Tom Freeman, Mr. Hessenauer, Sheree Evans

1-Mayor Sorensen called the meeting to order. There is a full quorum present.

2-Pledge of Allegiance led by Sheree Evans

3-Opening Ceremony given by Artie Powell

4-Public Comments: None

5-Presentation by Weber County Fire District: Cody Draheim, EMS Division chief for Weber Fire District presented an AED to the town. They are trying to get AEDs out into the community. Mayor Sorensen said they will keep it in the Town Maintenance Building until the new Town Hall is built. Cody stated that they can do a basic CPR training class for the Town. Mayor Sorensen said that they would be reaching out in the future to arrange that.

6-Sheriff's Report Sergeant Miles reported that the boat guys had been working hard. There were some fights and arrests made at Quist Beach. Because much of Cemtery Point had been closed for construction the crowds were down and so were the problems. Now that there is more of a beach, they expect an uptick in people coming out to recreate. They are working on parking at Causey by getting law enforcement help up there. The Forest Service is planning to make the whole reservoir a fee area which will generate revenue and help with some of the problems.

Mayor Sorensen explained that there were problems on 1st street during the busiest times and wondered if there could be a sign put further east to give notice when the beach is closed. That would help with traffic problems during that time. Sergeant Miles explained that it's complicated because the sign belongs to the government, but the beach is run by a private company. The Sheriff's Office is encouraging those who run the beach to take the initiative to get the sign and place it where it needs to be rather than relying on the Sheriff's office to do it.

7- Discussion and/or action on approval of the minutes for the TC Meeting 6-15-23

(See Attachment #1) TCM Sandy Hunter motioned to approve the minutes. TCM Ahlstrom seconded the motion. All votes aye. Motion passed.

8. Discussion and/or action on Business License Nokware LLC Not Medical Advice
(See Attachment #2) TCM Sandy Hunter motioned to approve the license as soon as the Fire Safety and Health Department Permits were obtained. TCM Powell seconded it. All votes Aye. Motion passed.

9. Discussion and/or action on adopting the Utah State Tax Rates recommended by Weber County. **(See Attachment #3)** Mayor Sorensen asked Sheree Evans, Town Treasurer to explain the new tax rate. She said that the tax rate has changed slightly over last year with an increase of only \$200-300 in revenue. It is very minimal, about a 3.3% increase. TCM Ahlstrom questioned why the rate hike was needed when property values were also increasing. The rate should decrease rather than increase, shouldn't it? Mayor Sorensen explained that the price would be negligible for homeowners and the money would be spread out and used in different areas not associated with the Town.

TCM Sandy Hunter motioned to adopt the Utah State Tax Rate. TCM Powell seconded the Motion. Roll call vote. Votes reflected below. Motion passed.

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

10. Discussion and/or action on adopting the Huntsville Town Consolidated Fee Schedule
(See attachment #4) There was a discussion on increasing the beer license to the maximum allowed by law of \$300. TCM Hunter recommended the Town change it to \$300 to increase revenue and research if there are two separate licenses needed, one for beer and one for liquor. TCM Ahlstrom questioned the need to increase the license fee. There was a brief discussion on park fees. **TCM Ahlstrom motioned to adopt the Consolidated Fee Schedule as it is but change the typo on the park fees and not increase the beer/liquor license. TCM Powell seconded the motion. Roll Call Vote. Votes reflected below. Motion passed.**

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Kevin Anderson				X
CM Sandy Hunter	X			

CM Artie Powell	X			
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Mayor Sorensen pointed out that with only four businesses in town and at \$50 increase in the beer license fee, that is only \$200. The Town needs money, but not that bad.

TCM Anderson joined by phone to talk about his agenda item.

11. Discussion and/or action on Anderson consolidation of parcels. (See Attachment #5)

TCM Anderson recused himself from participating in the proceedings other than to present information on the issue. He explained that he purchased ¼ acre of his neighbor Gary Probasco's property to the east so that he could build a barn. The subdivision was recorded and approved by the Planning Commission and the Town Council. The Land Use approval has been given through the Planning Commission and he will get the building permit soon to start building the barn later this summer. He was there at this meeting to get the approval for the consolidation of the lots.

TCM Hunter motioned to approve the parcel consolidation application by Kevin Anderson. TCM Ahlstrom seconded it. Roll Call Vote. Votes reflected below. Motion passed.

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

12. Discussion and/or Action on Culinary Water Application for Tom Freeman, parcel #240140003 (See Attachment#6)

Tom Freeman explained that they are acquiring an address for the property and now want to get a culinary water connection. The TC reviewed the Appeals Authority decision stating that the Freemans are only allowed to build on parcel #240140003. Per town code, a culinary water hookup must only be used for the lot it is designated for. On the Water Application Mr. Freeman listed both parcels he owns so the Town cannot accept the application as is. Mr. Freeman said that it was an error on his part to list both parcels. He will change that on the application.

Mr. Hessenauer, a citizen, and living at the property just west of Mr. Freeman had a question about how the water is going to be hooked up to the property. Mr. Freeman explained that he has access to his property through Mr. Clawson's driveway. An easement was made, and it is in writing. Mr. Hessenauer is concerned about the driveway being impacted to the point that the trees might be torn down. That would impact their ability to live there without air conditioning. Mr Freeman assured Mr. Hessenauer that he would not be tearing down any trees. He has investigated doing different things like putting all the utilities in at once and possibly using a boring method to make as little of an impact as possible.

TCM Hunter motioned to approve the Water Connection Application for parcel #240140003 only. TCM Powell amended the motion to approve the Water Connection Application but make the water line part of the mitigation plan from the Appeals Authority decision. TCM Ahlstrom seconded it. Roll Call Vote. Votes reflected below. Motion passed.

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

13. Discussion and/or action on Resolution 2023-7-20 to accept the Lowe Annexation Petition

John Lowe explained that they do not have any intention of developing the property anytime soon. His ancestors owned the property, and he would like to pass it down to his descendants. They already have one water hookup from the Town tied to the property. TCM Hunter asked about the discrepancy in the surveyor's numbers and the county's numbers on the actual size of the property. (See attachment #7) She wondered how they were going to get 4 lots out of the acreage because they would also need to include a road. Dr. Lowe explained that years ago Halvor Bailey, who has since passed away, and whose land now belongs to his grandson, Lonny Bailey, had promised him that he could use his driveway for a road going back to his property. The driveway abuts the property east of the Lowe's and is 20 feet wide. TCM Hunter pointed out that they would need 66 feet total to build the road. Dr. Lowe realized that was the case and would resolve the matter in the future.

TCM Powell wondered about the address that was listed on the Agent Authorization Form. Dr. Lowe said the address listed on the form is his office's. TCM Powell said it should instead list the address of the Huntsville property.

Mayor Sorensen explained the annexation issues to Dr. Lowe including the worry over water resources and the time constraint on annexing within the brief time limit the Town has.

TCM Hunter motioned to approve Resolution 2023-7-20 to accept the Lowe Petition with a change on the petition to say a "3-4 lot subdivision" depending on acreage with a minimum of 3 acres per lot. TCM Powell seconded it. Roll Call Vote. Votes reflected below. Motion passed.

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

14. Discussion and/or Action on Annexation without a petition

Mayor Sorensen motioned to table the discussion on Annexation without a petition. Powell seconded it. All votes Aye. Motion passed.

15. Department updates:

Mayor Sorensen heard nothing but good comments about the 4th of July. TCM Powell is going to start putting together a potential list of fireworks companies and get an RFP.

TCM Ahlstrom announced that an overlay will be done on the street from Shirley Layton's to Bill White's and past Scott Richardson's. The Town Maintenance Building will also be getting a paved parking lot.

TCM Hunter discussed the need to do a work session with Sean Harwood in the coming months to talk about the improvements proposed and completed at Cemetery Point. Mayor Sorensen stated that we also need to talk to Sean Harwood about the Toll Road contract that is expiring soon and the water line replacement. The water line that goes from Dale Grant's home to the cemetery needs to be replaced because it continues to break, costing the town thousands of dollars in repair costs every year. The Town could convince Sean Harwood to help with that.


TCM Powell opened a discussion about the process of adjusting the lot lines of the town parcels in the Park Subdivision. He suggested the Planning Commission finish consolidating the parcels before the Town Hall is started. Mayor Sorensen stated we should ask Sunrise Engineering to survey the property.

TCM Hunter motioned to approve the May 2023 bills. TCM Ahlstrom seconded it. All votes Aye. Motion passed.

TCM Hunter motioned to approve the June 2023 bills. TCM Ahlstrom seconded it. All votes Aye. Motion passed.

TCM Ahlstrom motioned to adjourn the meeting. TCM Hunter seconded it. All votes Aye. Motion passed.

Meeting adjourned at 8:13 p.m.


Nikki Wolthuis, Town Clerk

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, June 15, 2023, 6:30 p.m.
Huntsville Town Maintenance Bldg., 165 South 7500 East, Huntsville

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

Citizens: Sheree Evans – Treasurer, Lewis Johnson, Lonny Bailey, Rex Mumford, Lt. Cowley, Steve Emory, Chris Sauer, Randy Kidd, and Mike Wixom.
Zoom: Hana

1-Mayor Sorensen called the meeting to order.
There is a full quorum present.

2-Pledge of Allegiance led by Chris Sauer, Commander American Legion Post 129

3-Opening Ceremony given by TCM Kevin Anderson.

4-Public Comments:

Rex Mumford lives in East Huntsville, 500 South. He has attended several meetings to make comments regarding the potential annexation of property owners east of Huntsville. Rex Mumford wanted to share more accurate numbers from the figures he shared at the last TC meeting about the water treatment plant capacity. (**Attachment #1**) He calculated that in reality 524 homes could be served without expanding the water treatment plant. He compared numbers from Ogden City to come to that conclusion. He added that a few of the 7 property owners in his neighborhood who wished to be annexed have deep wells and wouldn't need a water connection from Huntsville Town. Reasons why Rex would like to be annexed into Huntsville Town include the following: knowing your neighbors, having a voice on local decisions, volunteering on local boards, living in a town where development is not allowed to run rampant, and being in a low-key town without fancy budgets.

Lonny Bailey also spoke about why he wanted to be annexed into the town. He lives east of Huntsville, east of the Sage development. Lonny has 7.5 acres and says he will not be able to subdivide some day because he does not have enough frontage (60 ft) to make a road. His is a flag lot. He is already hooked up to the town water. Lonny discussed why he would be a benefit to the town. He has worked at the cemetery for more than 17 years. He sometimes doesn't turn in a timecard. This year he was able to save the town a lot of money on snow removal in the cemetery by doing it himself and contracting with locals for the equipment rental. This is his

home. He grew up here and his mom still lives here. Someday in the future he would like to be more involved in the Town if annexed.

5-Sheriff's Report: Lt. Cowley reported that the Ogden Marathon went well. There were no major incidents. He presented a printed police report (**Attachment #2**) There were 85 incidents in May including 37 calls for service and 48 traffic stops. An incident occurred on May 8th at the Chevron where juveniles broke into the gas station and stole items. They were apprehended.

There was a discussion with Lt. Cowley about the time of the wake up call on the 4th of July and the Symphony event coming up at Huntsville Park on August 7th.

Public Hearing for the Budget for the Fiscal Year 2023/24 and Amended Budget for the year 2022/23

TCM Sandy Hunter motioned to adjourn the regular meeting and begin the public hearing on the budget. TCM Ahlstrom seconded the motion. All votes Aye. Motion Passed.

Sheree Evans, Town Treasurer, began by summarizing the amended budget. (**Attachment #3**) There was an increase in revenue vs. what was budgeted by \$120k mostly due to Utah State taxes. There was an expected increase in expenses by \$57k. For the upcoming Fiscal Year ending June 30, 2024 revenue is projected to be very similar to FY2023. Expenses for professional services are going up and wages for Town employees will increase 5%. She asked the Town Council to allocate money for the repair of the Aldous pioneer cabin. The expense for building the new Town Hall is the biggest unknown factor in the budget this year.

TCM Motioned to adjourn the Public Hearing and begin the regular meeting . All votes aye. Motion passed.

6-Discussion and/or Action on approval of Minutes from the Town Council Meeting May 2, May 17th, Work session May 23rd, and June 1st 2023 (See Attachments 5-7)

TCM Hunter motioned to approve the amended minutes from May 2, May 17, May 23, and June 1. TCM Ahlstrom Seconded the Motion. All votes Aye. Motion passed.

7- Discussion and/or action on temporary business license for Aluminum Art.(See Attachment #8) Town Council Members discussed UDOTs standard rule for how far from the road you can set up the aluminum artwork. Chris Sauer, commander of American Legion Post 129 said that he would remind the business owner of those rules.

TCM Powell Motioned to approve the license. TCM Sandy Hunter seconded it. All votes Aye. Motion passed.

8- Discussion and/or action on Conditional Use Permit for David Owen and Imagine Music. (See Attachment #9) The Planning Commission recommended approval of the CUP with the requirements on the attachment. Town Council members discussed other events in town that created traffic problems in residential areas. TCM Powell wondered if the parking requirements from the PC were too restrictive.

TCM Powell motioned to approve the Conditional Use Permit and adopt the Planning Commission's Notice of Action, but change #1 to say, "Parking limited to on-site property as well as in parking areas adjacent to the park." TCM Hunter seconded it. Roll call vote. All votes Aye. Motion passed. Votes are reflected below.

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

9. Discussion and/or action on adding Nikki Wolthuis as a signer for Huntsville Town
TCM Sandy Hunter motioned to approve Nikki Wolthuis as a signer for Huntsville Town. TCM Ahlstrom seconded the Motion. All votes Aye. Motion passed.

10. Discussion and/or action on Resolution 2023-6-5 Sunrise Engineering Agreement. (See Attachment #10)

Mayor Sorensen previously signed the contract for the Town Hall site preparation services for our contracted engineer. He is asking that the contract be ratified. **TCM Ahlstrom motioned to ratify the contract. TCM Sandy Hunter seconded it. Roll Call Vote. All Ayes. Motion passed. Votes are reflected below.**

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

11. Discussion and/or action on the events at the American Legion

The commander for American Legion Chris Sauer and Randy Kidd from ABATE of Utah explained what kind of event the American Legion was holding that weekend. (June 16-18) There would be music, beer, burlesque and camping. The burlesque would not contain any nudity, stripping, or vulgarity. The event stage is behind the building and the camping would take place off site at the storage facility adjacent to the American Legion property. They would have portable toilets, security, and first aid available. Additionally, they planned on meeting with firefighters and other neighbors to discuss the event. The commander welcomed police presence and said that they had had no problems at this event in the past.

Steve Emery, Volunteer Services Coordinator for the American Legion stood and talked about the charity work that the American Legion does in the state of Utah and Weber County.

The commander of the American Legion is interested in allowing camping on the property in the future. The Town Council discussed rezoning the American Legion property from an A-3 to a C-2. There was a question about how the property was zoned before it was annexed in 2014. Beckki found an MOU that showed it was AV-3 before being annexed. TC members discussed working on the rezone in the next 1-2 months.

12. Discussion and/or action on the Annexation Policy Map. (See Attachment #11)

The TC has been discussing their Annexation Policy Map since it was announced that there would be an Ogden Valley Incorporation Feasibility Study. At this meeting the TC discussed annexing long-time neighbors and friends east of Huntsville, the property in the river bottoms, commercial property on the southern border along Hwy 39 and Forest Service lands. Discussion points included: the capacity of the water plant to service current residents and future residents, keeping the town to under 1000 residents to keep the small-town feel and to preserve the current form of government, having additional commercial properties to create revenue, and how annexing Forest Service lands would affect the town. The Planning Commission's recommendation that the Town not expand its borders was included in the discussion. After nearly 2 hours of debate, new boundaries on the Annexation Policy Map were drawn.

TCM Ahlstrom moved to accept the proposed annexation map. He then amended the motion to remove the proposed area on the north of town, include the lands to the east drawn with the blue line as a border as per Exhibit A and keep the southern pink boundary as per exhibit B. Final map is shown in Exhibit C. TCM Sandy Hunter seconded the motion. Roll Call Vote. Four votes Aye. One Nay. Votes reflected Below. Motion Passed 4-1.

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

Department Updates

Mayor Sorensen discussed the RFP for the new Town Hall Community Center.

Bruce Ahlstrom informed the TC of a road closing on June 26th for patching and a road coat seal. He asked the TC for advice on striping for parking in front of the library. Some residents have expressed a desire for a 4-way stop at 7600 E. and 500 S. because of speeding. TC members want to use other measures to curb speeding before creating a new stop sign.

Artie Powell

TCM Powell and TCM Hunter met with representatives from the Utah Symphony about the upcoming concert in the park. They are bringing a semi-truck and will park it on the southern end by the backstop. The semi will transform into a stage. Brody was going to check on wiring. TC Powell sent them contacts for the porta-pottys. They discussed garbage pickup, traffic control, parking, and first aid. TC Powell will be checking with the WC fire department and Econowaste. The Town newsletter will contain logistical information and volunteer opportunities for residents pertaining to the concert.

TCM Powell expressed the need to start talking about the 100-year celebration. Beckki Endicott mentioned that two people had volunteered so far to be on the committee. Mayor Sorensen announced other people are going to have a role including Jefferson Hunt's great-granddaughter.

TCM Powell had discussed with TCM Sandy Hunter prior to the meeting about asking the tree committee to be the tree/park committee. He discussed the need to plan long-term projects at the park and make improvements to the playground. After speaking with experts, he has learned that our single species ecosystem in the park has led to the problem with the trees dying off. TC Members expressed gratitude to Jake Songer who has worked so hard to research the problem and render aid. Solutions for preventing more tree loss were discussed.

The 4th of July celebration was discussed. The need for a committee dedicated to planning the 4th was expressed. Huntsville Incorporation t-shirt ideas were debated.

**TCM Hunter motioned to adjourn the meeting. TCM Ahlstrom seconded the motion.
Meeting adjourned at 10:59 p.m.**

Nikki Wolthuis, Town Clerk



July 18, 2023

Mailing Address
P.O. Box 267
Huntsville, UT 84317

Phone
801.745.3420

Fax
801.745.1792

Web
www.huntsvilletown.com

Mayor
Richard L. Sorensen

Town Council
Kevin Anderson
Bruce Ahlstrom
Sandy Hunter
Artie Powell

Town Clerk/Recorder
Beckki Endicott

Treasurer
Sheree Evans

Attorney
Bill Morris

To: Huntsville Town Council
Submitted By: Nikki Wolthuis, Clerk

Subject: Business License for Nokware LLC, 237 S. 7400 E. Building #B Huntsville.

Background: The owner wants to sell simple natural products like cold processed soaps, lotion bars, beard oils, salves, creams and the like. All sourced as locally as possible with organic, non-GMO ingredients. They will also sell breads, Biltong, and shaved ice that is made from raw organic sugars and their various colors are created from dehydrated flower petals, like hibiscus and butterfly petals.

Recommendation: To approve a business license conditionally upon approval of the Health Department permit and fire safety approval.

Motion: To approve/not approve a commercial business license for Mishael Ochu and the business Nokware LLC.

Action:

Motion:

Second:

Mayor Sorensen:

Bruce Ahlstrom:

Kevin Anderson

Sandy Hunter:

Artie Powell:

Utah State Tax Commission - Property Tax Division Tax Rate Summary (693) ENTITY: 3030 HUNTSVILLE TOWN	Form PT-693 Rev. 2/15
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WEBER COUNTY

Tax Year: 2023

The Board of Trustees for the above special district has set the current year's tax rates as follows:

Purpose of Tax Rate (Code from Utah Code Annotated)	Auditor's Tax Rate	Proposed Tax Rate	Maximum By Law	Budgeted Revenue
10 General Operations §11-5-112	0.000686	0.000686	.007	104,460
Total Tax Rate	0.000686	0.000686	Total Revenue	\$104,460

Certification by Taxing Entity

I, _____, as authorized agent, hereby certify that this statement is true and correct and in compliance with all sections of the Utah State Code relating to the tax rate setting process.

Signature: _____ Date: _____

Title: _____ Telephone: _____

Mailing address: _____

HUNTSVILLE TOWN CONSOLIDATED FEE SCHEDULE

Effective July 1, 2020 (updated 6-15-23)

CEMETERY

**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.

Plots (84317 – Non-Resident) - \$ 1500

Plots (Huntsville Town) - \$ 500

Interment (84317 – Non-Resident) - \$ 700

Interment (Huntsville Town) - \$ 500

Cremation Interment (84317 – Non-Resident) - \$ 300

Cremation Interment (Huntsville Town) - \$ 200

Infant Interment (84317 – Non-Resident) - \$ 300

Infant Interment (Huntsville Town) - \$ 200

Disinterment - \$ 2000

Plot Buy Back - \$ 400

WATER/GARBAGE

Huntsville Town Rates:

Garbage - \$ 16.00

Recycle - \$ 6

Extra Garbage Can - \$ 12

Commercial Garbage Can- \$16

Base Rates: 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 in Table 1:

Table 1 - Base Rates

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	\$50	¾ inch	\$65
1 inch	\$78	1 inch	\$101
1.5 inches	\$111	1.5 inches	\$145
2 inches	\$145	2 inches	\$185
3 inches	\$205	3 inches	\$225

Overage Fees: Users 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 in Table 2:

Table 2 – Overage Fees

Total usage per connection (gallons per month)	Overage Fee Rate
0 – 6,999	\$0 (monthly base rate)
<i>Overage Category</i>	<i>Overage Fee Rate per 1,000 gallons</i>
7,000 – 9,999	\$5
10,000 – 19,999	\$6
20,000 – 29,999	\$7
30,000 – 39,999	\$8
40,000 – 49,999	\$9
50,000 – 59,999	\$10
60,000 – 69,999	\$11
70,000 – 79,999	\$12
80,000 – 89,999	\$13
90,000 – 99,999	\$14
100,000 +	\$15

Late Fee – 1 ½% of the total bill

Certified Letter Fee - \$ 15

Return Check Fee - \$ 30

Shut Off Fee - \$ 75

Water Reconnect Fee - \$ 75

Culinary Water Impact Fee (Huntsville Town) - \$ 5,000
Culinary Water Impact Fee (Out of Town) - \$ 20,000
Culinary Water Connection Fee - \$ 350 *1 Meter Fee \$ 350?*
Culinary Water Connection Fees provide for 30 feet of ¾" at cost of \$ 350.
Property Owner will pay the cost of connection beyond 30 feet of ¾" pipe.
Fire Hydrant - \$ 10,000
Water Fees for Construction or Companies - \$ 50 per 1,000 gallons and \$ 25 for each additional 1,000 gallons

Huntsville Waterworks (Private Company – Not a Huntsville Town Fee)
Waterworks Irrigation Co. Impact Fee - \$ 5000
Waterworks Irrigation Co. Connection Fee - \$ 750
Waterworks Irrigation Co. Water Shares (2 required) - \$ 1,000
Water Irrigation Co. Water Shares Yearly Maintenance Fee - ~~\$ 50~~ per share

60

PARKS

East/West Bowery & Stage Rental:

Valley Resident Half Day - \$ 50
Non-Resident Half Day - \$ 85
Valley Resident Full Day - \$ 100
Non-Resident ~~Half~~ Day - \$170

Full

Special Events:

Activities held on Town streets or Town 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.

Fees for Special Events are based on the number of people attending and participating in the event. Event must receive Town Council approval.

150-300 people: \$ 1000 for park rental with a \$ 250 refundable cleaning fee

201-500 people: \$ 2000 for park rental with a \$ 500 refundable cleaning fee

501 and above: \$ 3500 for park rental with at \$ 750 refundable cleaning fee

BUSINESS LICENSING

Home Occupation Business License (licenses not required) - \$ 36

Commercial Business License - \$ 75

Restaurant - \$ 100

Peddlers/Solicitors - \$ 25 per person for two-week license

Beer License - \$ 250

Recommend increasing to \$300, max allowed by law

OTHER FEES

Green Waste (for Huntsville Residents Only):

Per load - \$ 5

Punch Pass (5 loads) - \$ 20

GRAMA Requests:

Research - \$ 20 per hour

Copies - .25

Audiovisual Reproduction - \$ 10 per item

Copies: .25 per page

Audiovisual Copies: \$ 10 per item

LAND USE

Land Use Permit - ~~\$ 50~~ ^{\$ 150}

Conditional Use Permit: \$ 150

Variance Application: \$ 150

Subdivision Application: \$ 250.00 + \$25 per lot

Minor Subdivision Application: \$ 100.00 + \$ 25 per lot

Boundary Line Application: \$ 100

Consolidation Application: \$ 50
Land Use/Engineering Research: \$ 35 per hour
Zoning Map Amendment: \$ 250
Annexation Application: \$ ~~500~~ 2000

BUILDING PERMIT

Plan Reviews, Valuations and Building Permits based on current ICC tables – see attached.

Electrical, Plumbing and Mechanical inspections associated with a Building Permit – each individual inspection is 5% of the Building Permit.

Building Permits also require Wastewater Certificate and Fire District Receipts from Weber County.

Building Impact Fee - \$ 500
Self-Remodel Permit - \$ 0
Excavation Permit - \$ 75
Individual inspection - \$ 200

**Penalty for not obtaining a building permit – 5% of the value of the project up to \$ 7,500

Huntsville Town Parcel Consolidation Application

Applicant Name: Kevin and Julie Anderson

Applicant Mailing Address: [REDACTED]

Email: [REDACTED]

Phone: [REDACTED]

Brief Description of Proposed Parcel Consolidation:

We purchased the southerly 113.9 feet of the Gary Probasco property in approximately 2020.

The Planning Commission and Town Council approved that subdivision and sale to us. We now desire to consolidate the two parcels we own into one. A plat map showing the two parcels to be combined is attached hereto as Exhibit A.

Parcel Owner's Permission for Parcel Consolidation Application

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): 24-017-0034 (Home, original parced) and 24-017-0040 (new parcel).

Parcel(s) Owner Name: Kevin E. Anderson

Parcel(s) Owner Mailing Address: Same as above.

Email: Same as above.

Phone: 801-554-4430

Parcel Owner Signature: [Signature]

Date: _____

Title (Authorized Agent): Owner.

The undersigned authorize this application for parcel consolidation:

Parcel Number(s): 24-017-0034 (Home, original parced) and 24-017-0040 (new parcel).

Parcel(s) Owner Name: Kevin E. Anderson

Parcel(s) Owner Mailing Address: Same as above.

Email: Same as above.

Phone: Same as above.

Parcel Owner Signature: [Signature]

Date: _____

Title (Authorized Agent): Owner.

(For Additional Parcel Owners Use Attached Sheet)

For Town Use:

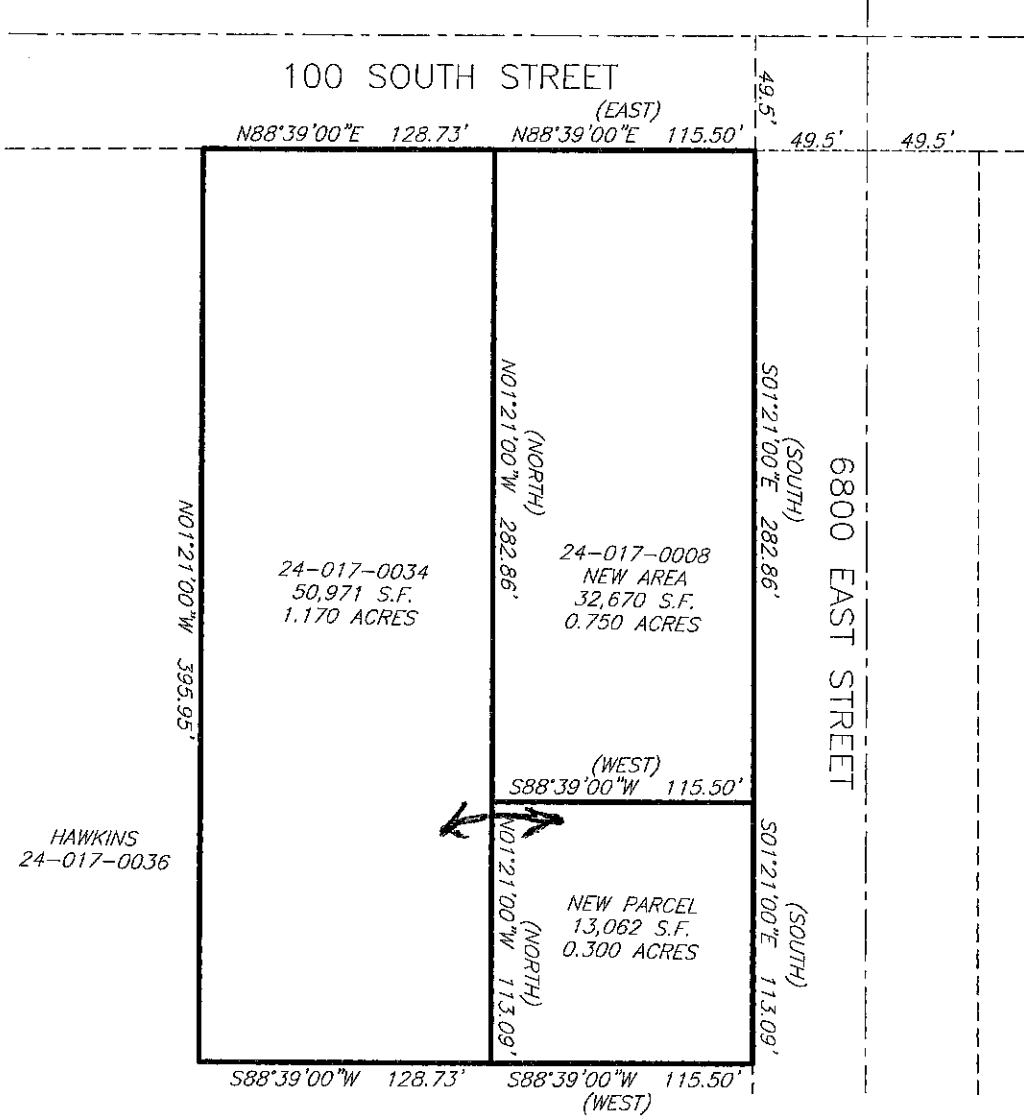
Application Date: 6-22-23

[Signature]
Beckki Endicott, Town Clerk

Fees Paid:

Fees deferred for Building Permit

ANDERSON EXHIBIT A



USA
24-017-0006



Reeve & Associates, Inc.

5160 S 1500 W, RIVERDALE, UTAH 84405
 TEL: (801) 621-3100 FAX: (801) 621-2666 www.reeve-assoc.com
 LAND PLANNERS * CIVIL ENGINEERS * LAND SURVEYORS
 TRAFFIC ENGINEERS * STRUCTURAL ENGINEERS * LANDSCAPE ARCHITECTS

Project Info.

Designer: TJH
 Date: 5-27-2020
 Name: K. ANDERSON
 Number: 7430
 Scale: 1"=80'

APPLICATION FOR BUILDING PERMIT FOR BACKYARD BARN

Applicants: Kevin and Julie Anderson

Address: 6745 E. 100 S. Huntsville, Utah 84317

Project: Backyard Barn

Dear Huntsville Town Planning Commission,

Kevin and Julie Anderson provide this application for approval of a backyard barn in the southeast corner of their property at 6745 E. 100 S. The barn will be located so that all set-back requirements are satisfied, as reflected on the plat map which is enclosed.

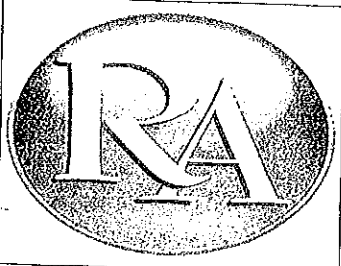
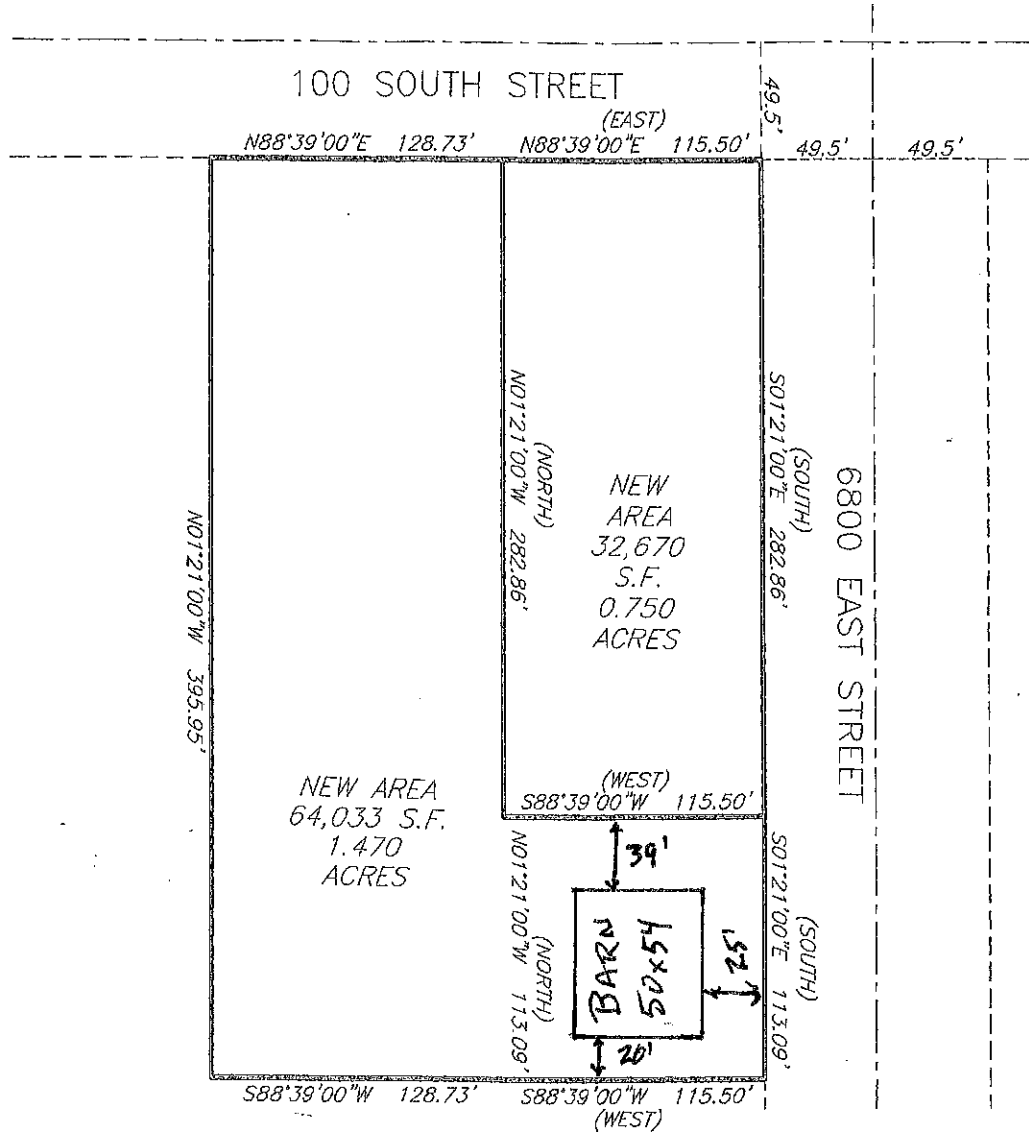
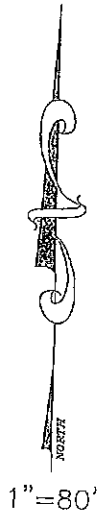
The ridge of the barn roof will be approximately 28 feet tall from the natural grade, well within the permissible height limit. The barn will have a central structure approximately 30 feet wide with a 12-foot lean-to section on each side, totaling 54 feet in width, and 50 feet in length. The barn will be a pole barn structure. The preliminary elevations of the barn are included herewith.

The barn will not be used for residential rental purposes. It will be used primarily for occasional family use, equipment (including tractor) storage, and workshop purposes. We would like to include a small bathroom in the barn for use while working in the workshop and on other projects.

We hope to begin construction in July of this year. Please let me know if you would like any additional information.

Best regards. Kevin and Julie Anderson. 801-554-4430.

ANDERSON EXHIBIT



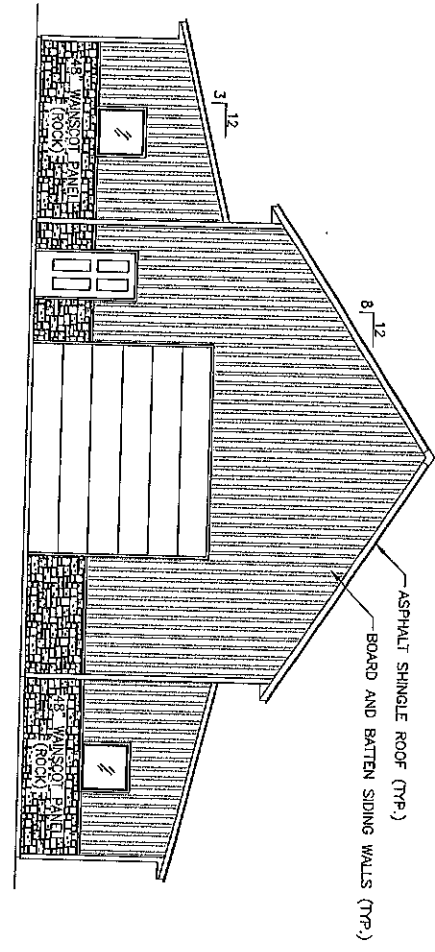
Reeve & Associates, Inc.

5180 S 1500 W, RIVERDALE, UTAH 84405
 TEL: (801) 621-3100 FAX: (801) 621-2668 www.reeve-assoc.com
 LAND PLANNERS * CIVIL ENGINEERS * LAND SURVEYORS
 TRAFFIC ENGINEERS * STRUCTURAL ENGINEERS * LANDSCAPE ARCHITECTS

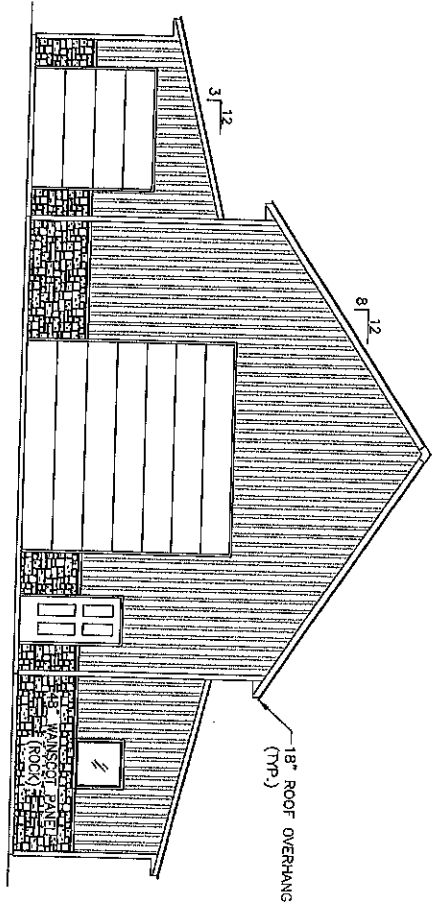
Project Info.

Designer: TJH
 Date: 5-27-2020
 Name: K. ANDERSON
 Number: 7430
 Scale: 1"=80'

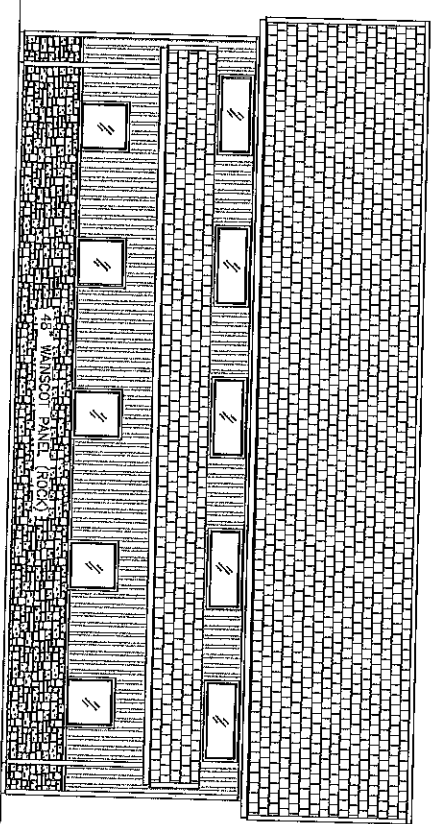
- 54' x 50'
 - 28 FT TALL AT ROOF RIDGE
 - NO LOT/SECOND FLOOR. GROUND FLOOR ONLY



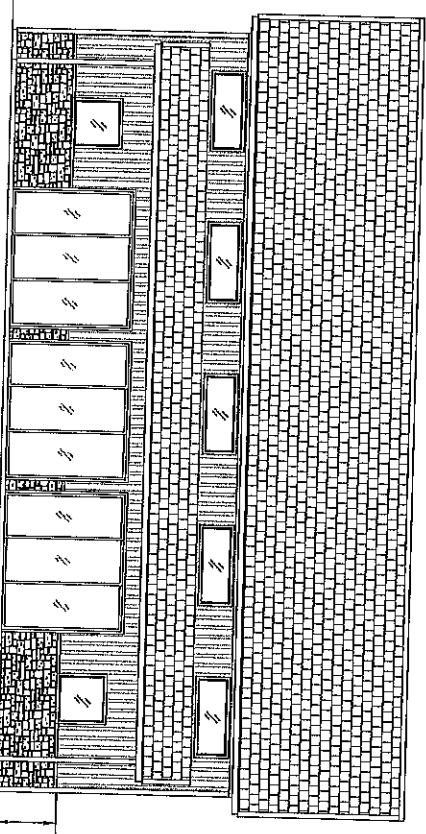
GABLE END ELEVATION - EAST



GABLE END ELEVATION - WEST



SIDE ELEVATION - NORTH



SIDE ELEVATION - SOUTH

PRELIMINARY
 NOT FOR PERMIT

<p>ANDERSON BARN HUNTSVILLE, UTAH</p>		<p>ELEVATIONS</p>			
PROJECT	X65	SCALE	1/8" = 1'-0"	DATE	06/01/2023
SHEET	04				



NOTICE OF ACTION

TO: Huntsville Town Planning Commission
FROM: Huntsville Town Council
DATE: June 22nd, 2023
RE: Anderson Lot Consolidation

The Huntsville Town Planning Commission held a public meeting on June 22nd to discuss the lot consolidation application for the Anderson's. The Planning Commission discussed and recommended for approval to the Town Council, the consolidation of Parcel #'s 240170040 and 240170034.

Shannon, Clerk

Huntsville Town Planning Commission

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

Chair Signature: _____ Date: _____

Notes/Conditions: See notice of action for PC Mtg
6-22-23

Huntsville Town Council

- Approved
- Conditional Approval
- Rejected
- Deferred

Mayor Signature: [Signature] Date: 7-20-2023

Notes/Conditions: _____

ATTEST:

[Signature] Date: 7-20-2023
Beekki Endicott, Town Recorder
Mike Wolthuis

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.

Huntsville Town Water Connection Application

Applicant Name: Thomas A. Freeman
Applicant Mailing Address: [REDACTED]
Email: Tom.Freeman@cushwake.com Phone: [REDACTED]
Connected Lot(s) or Parcel Number(s): 240140003, 240140008

The undersigned authorize this application for connection to Huntsville Town's Culinary Water System and agrees to the following provisions:

1. The applicant agrees to be governed by the ordinances, resolutions, rules and regulations as may be prescribed by the Huntsville Town Council for the control of the Huntsville Town Culinary Water system
2. The applicant is responsible for hooking to and maintenance of the water system and all infra-structure from the water meter to, and including within, all buildings on the respective parcel or lot.
3. The applicant is prohibited from using water from the Huntsville Town Culinary Water System for irrigation or for other purposes traditional to secondary water usage.
4. Proof of a secondary water connection on the respective parcel or lot must be provided prior to connection to the Huntsville Town Culinary Water System.
5. Upon payment of the connection fee Huntsville Town will make the connection from the main culinary line, install a water meter and a meter box with lid.

Connection Fee Amount: _____

6. The terms of this application are binding upon, and inures to the benefit of, the parties and their respective successors and assigns.

Applicant Signature: [Signature] Date: 7/18/23
Title (Authorized Agent): _____

For Town Use:

Application Date: 7-18-23

[Signature]
Town Clerk

Impact Fee Paid: Fee requested
Upon approval
\$5000.00
+ meter fee

Huntsville Town Council (Application Approval)

Approved

Conditional Approval

Rejected

Deferred

Mayor Signature: [Signature] Date: 7-20-2023

Notes/Conditions: The water line installation shall be included in the utility and access installation mitigation plan.

ATTEST:

[Signature] Date: 7-20-2023

Becki Endicott, Town Recorder
Vicki Wolhu's

Huntsville Town Engineer (Plans and Contractor Approval)

Approved

Conditional Approval

Rejected

Deferred

Town Engineer Signature: _____ Date: _____

Notes/Conditions:

Water Connection Application:

- Completed & Signed Application Form including:
 - o Map of area to be served.
 - o Maximum number of dwellings to be served.
 - o Detailed drawings of the proposed service lateral, in plan and profile, from the area to be served to the closest main line of the Huntsville Culinary Water System prepared by a Professional Engineer, licensed in the State of Utah.
 - o Detailed improvement plans, in plan and profile, of the proposed location of all lines, meters, meter boxes, fire hydrants, including sizes of lines prepared by a Professional Engineer, licensed in the State of Utah.
- Payment of Impact Fee to Huntsville Town.
- Water Connection Applications must be reviewed and approved by the Huntsville Town Council.
- Water line contractor and plan must be approved by Huntsville Town Engineer.
- Payment of Connection Fee to Huntsville Town (if Huntsville Town elects to install connection).
- Following plan review and approval by the Huntsville Town Council and Huntsville Town Engineer, all water lines, meters, meter boxes, and fire hydrants must be installed by a qualified licensed contractor or Huntsville Town (at the Town's discretion).
- Upon completion of the installation, all easements, water rights, source(s) of water, water lines, meters, meter boxes, and fire hydrants, must be transferred to Huntsville Town, including the right of access to repair and maintain all transferred facilities.

March 21, 2023

Huntsville Water Billing
Attn: Shannon Smith
PO Box 267
Huntsville, UT 84317

Re: Request for Culinary Water Connection

Dear Ms. Smith:

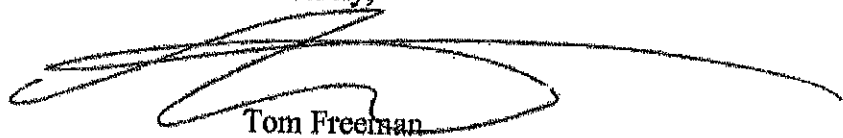
I am the owner of parcel #24-014-0003, which is also known as Lot 10, Block 3, Plat B of the Huntsville Townsite and located at approximately 7400 E 100 S. I would like to submit this written request for culinary water service for an anticipated single-family home on the above-mentioned lot. This request is being made pursuant to Huntsville Code § 10.4. Based on the following required criteria for a connection, we request new meter be placed to serve this property.

- The lot located at approximately 7400 E 100 S is located within Huntsville Town boundaries. *See* Huntsville Code § 10.3.
- I currently have ten (10) secondary water shares. Proof of these shares is attached to this letter. This fulfills the requirement that proof of secondary water is provided prior to culinary water connection. *See* Huntsville Code § 10.3.A.
- I will make the required \$350 culinary water connection fee and \$5,000 water impact fee once you are ready for payment. This fulfills the requirement of the impact fee to be paid at the time of a new connection. *See* Huntsville Code § 10.3.B and § 10.5.A.
- The billing for the culinary water will stay in my name as required by Huntsville Code § 10.3.C.
- The intended use of the property will be a single-family residential structure. *See* Huntsville Code § 10.4.

- Finally, I am willing to sign the required agreement acknowledging “that they will be governed by the ordinances, resolutions, rules and regulations as may be prescribed by the Huntsville Town council for the control of the water system”.

With the identified criteria satisfied, we request a new water meter be set for parcel #24-014-0003. If you have any questions or concerns, please feel free to reach out to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Freeman", with a long horizontal flourish extending to the right.

Tom Freeman

Attachments:

Attachment A – Proof of Secondary Water Share

cc: Mayor Richard Sorensen (via email)
Steve Benjamin, Huntsville Water Department (via email)
Wade Budge (via email)

Attachment A - Proof of Secondary Water Share

No. 647	No. of Shares 10
Common Stock Certificate	
Huntsville Waterworks Corporation A NOT for Profit Corporation Organized under the laws of the State of Utah	
<p>THIS IS TO CERTIFY THAT Thomas A. Freeman is the owner of Ten Shares of Common Stock in the said Corporation, which will permit the delivery of secondary (irrigation) water to his property at Lot 10 Block 3 Plat B in the Town of Huntsville, Weber County, Utah, subject to such future assessments as may legally be made for the purposes of said company.</p>	
Dated this 6th Day of September, 2022	
 President  Secretary	

No. 647

No. of Shares 10

Common Stock Certificate

Huntsville Waterworks Corporation


A NOT for Profit Corporation Organized under the laws of the State of Utah

THIS IS TO CERTIFY THAT Thomas A. Freeman is the owner of Ten Shares of Common Stock in the said Corporation, which will permit the delivery of secondary (irrigation) water to his property at Lot 10 Block 3 Plat B in the Town of Huntsville, Weber County, Utah, subject to such future assessments as may legally be made for the purposes of said company.

Dated this 6th Day of September, 2022



President



Secretary

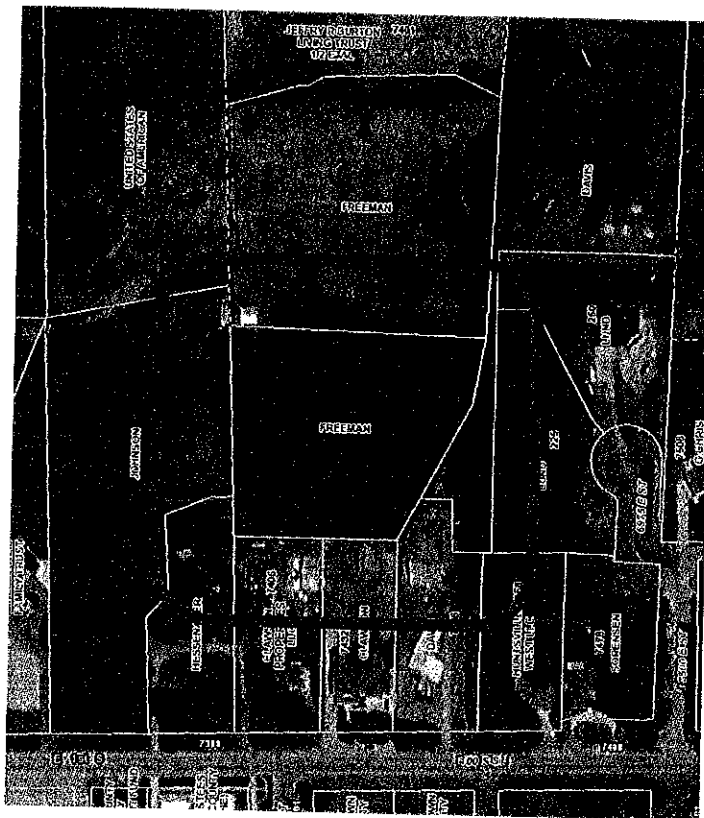
HUNTSVILLE TOWN APPEAL AUTHORITY DECISION
RE: FREEMAN APPLICATION FOR NON-CONFORMING LOT DETERMINATION

The Huntsville Appeal Authority (the Board) has received information and evidence and held hearings on the application filed by or on behalf of Thomas Freeman (Mr. Freeman) for Determination of a Legal Non-Conforming Lot on Parcel # 24-014-0003 (Lot 10, Block 3, Plat B). At the conclusion of this process, the Board voted to grant the application with conditions.

The following sets out the basis for the Board's decision.

BACKGROUND

Mr. Freeman owns Parcel 24-014-0003 (Lot 10, Block 3, Plat B) in Huntsville Town ("the Parcel"). For ease of reference, the Parcel is depicted here circled in red:



[Freeman Parcel, 24-014-0003, Weber County Geo-Gizmo GIS.]

Based on an application submitted by Mr. Freeman's predecessor in interest and several others, Huntsville Town (the Town) annexed the Parcel in 2014. See Appeals Packet 9-7-22, at PDF pages 14-16. The Parcel is zoned A-3 (agricultural), a designation that requires a 3-acre minimum lot area and a minimum frontage of 130 feet. See Huntsville Town Municipal Code ("HTMC") §§ 15.10.5.B and 15.10.5.C. However, the Parcel is only 1.56 acres and has only 20 feet of frontage (by virtue of an ingress, egress, and utility easement). Mr. Freeman desires to build a single-family home on the Parcel.

Without a determination, Mr. Freeman could not build a home on the Parcel because it does not meet the minimum area and frontage requirements of the A-3 zone. "Any permanent structure being placed on land shall adhere to all land use regulations established for the zone in which that land resides." HTMC § 4.2.1.C. "The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect." HTMC § 4.5.

And as in other zones, a building permit is required in the A-3 zone. "In order to verify the requirements of the Land Use Title in general, and setbacks for permitted or conditional uses in the A-3, CR-1, S, O, FP, and RC Zones, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted, until and unless a Building/Land Use Permit is approved and issued by the Huntsville Town Building Permit Official." HTMC § 4.8; see also HTMC § 4.2.1.A (dictating that a landowner seeking to build a home "shall not proceed until a Land Use Permit has been issued by the Huntsville Town Planning Commission or the Land Use Coordinator if approved under 4.2.1.B.")

Because Mr. Freeman could not otherwise build a single-family home on the Parcel, on July 22, 2022, Mr. Freeman applied to the Board for a determination that the Parcel qualified as a non-conforming lot pursuant to the HTMC. The Code defines "non-conforming lot" as "a lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this ordinance [*i.e.*, 1992]." HTMC § 0.1.2. If determined to be non-conforming, "[a] non-conforming lot shall be considered a legal building lot entitled to the same rights as a conforming lot, if the lot was created prior to July 1992." HTMC § 15.17.14.C.

In support of his application, Mr. Freeman submitted an 1873 Huntsville Town Plat and a 1924 Huntsville Town Plat, both of which appear to depict the Parcel itself, but not the parcel to the north of the Parcel which is also owned by Mr. Freeman. Mr. Freeman also submitted an easement which provides access to the Parcel.

The Board convened a hearing on the application on September 12, 2022. Prior to the hearing, the Board received information and comments from citizens and Town officials, which included information on the Parcel's ownership history and previous applications for development approval, which in turn included rezone and subdivision applications by the various owners. Some comments received questioned whether the Parcel did or could comply with existing Town ordinances. A Mr. Frank Clawson, the owner of a lot to the south of the Parcel who had conveyed the access and utility easement to Mr. Freeman's predecessor in interest, submitted written comments which described some of the history of the property and easement and noted his concerns with development of the Parcel, which included "maintenance of the right of way, snow removal, increased traffic, safety for neighborhood children, and ATV quiet hours." The Board reviewed those materials before the meeting.

During the September 12 hearing, Mr. Freeman's legal counsel, Wade Budge, presented a power point and argument supporting the application. In pertinent part, Mr. Budge identified the Parcel, further described the 1873 and 1924 Plats, presented and described the 2014 annexation

agreement and the annexation itself, and explained his view of applicable legal principles. In doing so, Mr. Budge clarified that the application only sought recognition of the Parcel as an existing lot, and not a subdivision. He acknowledged that the Parcel does not have access or minimum frontage that a subdivision would require. In response to questions, Mr. Budge also acknowledged that development of the Parcel would have to comply with the Town's agricultural zone requirements, excepting only minimum size, width and frontage requirements. He acknowledged that Mr. Freeman knows he will only be able to have one residence on the Parcel and is only seeking one buildable lot. Mr. Budge further stated that the parcel Mr. Freeman now owns to the north of the Parcel is wet and not fit for building. The Board and Mr. Budge discussed the annexation agreement pursuant to which the Town annexed the Parcel into the Town boundaries and the Board and Mr. Budge otherwise addressed Board members questions, including compliance with Town zoning ordinances and requirements for water service.

The hearing was then opened to public comments. Frank Clawson commented that he had provided maintenance and snow plowing of the easement in the past and stated that he would like property owners who share the easement to do what it takes to maintain it. Mr. Clawson also pointed out that because of its location, if the easement were surfaced to maintain fire access, runoff from the easement would adversely affect a home owned by the Hessenauer family. Mr. Hessenauer commented that his family is concerned with traffic that might interfere with children playing outside and with the noise that comes from the active easement when trying to work from home, pointing out also that his home was the family's primary residence, and not a second home. Jenny Clawson Peel, who lives in a home on the property burdened by the easement, commented that her concern was the danger cars and traffic on the easement would pose to small children.

Following public comment, the Board voted to table the application until Mr. Freeman or his counsel provided additional information at the Boards request. The documents or information requested included the following:

- 1) Case law regarding the application of lots established prior to zoning ordinances being exempt from frontage and size requirements.
- 2) Validation of the maps Tom Freeman is using to establish the lot in question, veracity of the maps.
- 3) Letter from the Fire Marshall regarding the compliance of the road
- 4) Culinary and Secondary water shares and source capacity
- 5) Letter from utilities regarding feasibility of serving the lot in question
- 6) Explanation of the easement documents and deeds, whether the documents allow for and provides access for a single-family home

Mr. Freeman responded to the Board's request in early November 2022, and provided additional documents and information supporting the application. These included a document containing citations and brief discussions of applicable case law and treatises supporting the proposition that the Parcel had existed as a legally recorded lot prior to 1992, a utilities service

plan prepared by a licensed engineer delineating proposed utility service and fire access, and a plan review from the Weber Fire District approving Mr. Freeman's plan with conditions.

The Board thereafter reviewed and analyzed all the materials and information received and sought the advice of counsel. The Board then scheduled a final hearing for April 11, 2023. At that meeting, Ms. Hessenauer appeared and addressed the Board. She described concerns she had with Mr. Freeman's application, including traffic on the easement, construction impacts and others. Mr. Budge also appeared and addressed the concerns expressed by Ms. Hessenauer, including mitigation measures he believed his client would be willing to undertake. Now based on the information, evidence and advice received before, during and after the hearings, and pursuant to an affirmative vote at the last hearing, the Board hereby adopts written findings and conclusions, as follows:

FINDINGS

The 1873 Plat Map which Mr. Freeman submitted depicts the Huntsville Townsite, and although somewhat difficult to read, it appears to have been "Received and Recorded on Oct. 25, 1873." The County Surveyor signed and certified "that this is a true and correct map of Huntsville." It appears to depict a parcel of roughly the same shape as the Parcel on the northern edge of the map.

The 1924 Plat Map likewise depicts a parcel of roughly the same shape as the Parcel. The map appears to indicate 1.56 acres (matching Freeman's Parcel), but the other boundary notations are illegible. The 1924 map is signed by the County Surveyor and County Commissioners. In relevant part, the Map reads, "Be it resolved by the Board of Commissioners of Weber County, Utah, that that the foregoing plat and townsite of Huntsville, Utah, be approved and adopted as a true plat of said townsite and setting forth the Boundaries thereof. Passed this 2nd day of November 1925."

The 1873 and 1924 Plats appear to have been recorded by Weber County officials prior to the date the Town first adopted zoning ordinances regulating the use of land in 1992. The Plats contain notations regarding recording and approval, and the Board has no basis to doubt their authenticity. The Plats appear to depict the Parcel as an existing lot on the dates the Plats were created.

The Annexation Agreement submitted by Mr. Budge seems to both require compliance with existing zoning and to allow development as proposed by Mr. Freeman. The Board finds the conflict between these provisions to be unresolved. In addition, the Annexation Agreement does not appear to have been signed by Mr. Freeman's predecessor in interest, although she did receive benefits from the agreement. Under the circumstances, the Board is only able to give minimal weight to the Annexation Agreement.

Mr. Freeman's application only seeks recognition of the Parcel as an existing, non-conforming lot, and not a subdivision. The Parcel does not have access or minimum frontage that a subdivision would require.

Mr. Freeman's application only seeks recognition of the Parcel as a single buildable lot suitable for a one residence and must otherwise comply with the building and other requirements imposed by the A-3 zone in which it is located.

Development of the Parcel as proposed requires source capacity and water rights.

Access to the Parcel is available only by a single 20-foot easement located over and near neighboring properties. This raises legitimate concerns on the part of the Board and the public regarding adequate utility access, fire access, maintenance, drainage, and traffic and associated impacts.

CONCLUSIONS

At the time Mr. Freeman applied for the Board's non-conforming lot determination, Town Code defined "non-conforming lot" as "a lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this ordinance [i.e., 1992]." HTMC § 0.1.2. Mr. Freeman has submitted sufficient evidence to convince a reasonable mind that the Parcel meets these conditions in that: 1) the Parcel has less than the required minimum area and frontage space; and 2) the Parcel was "of record as a legally created lot" prior to 1992.

Under the circumstances, and based on the information and evidence received, the representations and acknowledgments of counsel and comments during the hearings by the public and others, the Board grants Mr. Freeman's applications and determines that Parcel # 24-014-0003 (Lot 10, Block 3, Plat B) is a "non-conforming lot" as defined by applicable provisions of the Huntsville Town Code, subject to the following requirements and conditions:

This decision does not constitute approval of a subdivision or address any other property owned by Mr. Freeman.

Any building or other development on the Parcel will comply with all applicable Town ordinances, excepting only minimum size, width, and frontage requirements.

Pursuant to and in conformity with the applicable zoning, only one primary residential structure is allowed on the Parcel, which is approximately 1.56 acres in size.

As necessitated during development, whether before a building permit or a certificate of occupancy is issued, Mr. Freeman will provide or otherwise demonstrate to the Town compliance with applicable Town ordinances, which may require adequate water source capacity and rights, or water impact fees and hook-up fees, as may be applicable pursuant to ordinance.

As required of new residences within the Town, Mr. Freeman will provide letters or certification from all necessary utility providers indicating all such providers are willing and able to serve any proposed development before any building permit is issued by the Town.

The Weber Fire District has indicated that the size and surface of the easement is adequate for fire access and egress. Mr. Freeman will maintain the easement to conform to that approval

and maintain the easement so that the size and surface of the easement continue to be adequate for fire access and egress during construction and residential use of the Parcel.

Mr. Freeman will maintain the easement so as to comply with the Fire Department approval of the easement for fire access at all times during residential use of the Parcel.

Mr. Freeman himself or in cooperation with others using the easement will maintain the easement to be free of snow, mud, deterioration or other obstructions that might prevent the easement from being used for residential and fire access.

To the extent Mr. Freeman improves the surface of the easement, he will prevent drainage from the easement from adversely impacting neighboring properties.

At all times Mr. Freeman will use the Parcel and easement in compliance with Town noise, nuisance or other similar ordinances and will exercise reasonable care to respect the privacy and concerns about noise and traffic expressed by neighboring property owners.

Prior to commencing construction of the residence on the Parcel, Mr. Freeman's contractor shall supply to the Town a construction mitigation plan that is prepared and agreed to by Mr. Freeman's contractor for approval by the Town, which approval shall not be unreasonably withheld.

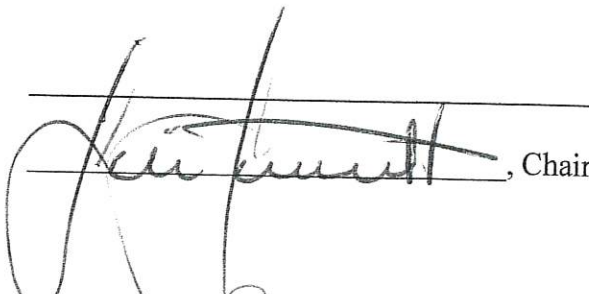
Prior to commencing construction of any driveway or utility improvements within the easement, Mr. Freeman's driveway contractor shall supply to the Town, a utility and access installation mitigation plan that is prepared and agreed to by Mr. Freeman's driveway contractor for approval by the Town, which approval shall not be unreasonably withheld.

Town Code provides that a decision is final at the meeting at which a vote is taken, which in this case was April 11, 2023. However, because of a delay in issuing this written decision, the Board hereby finds and concludes that it is appropriate and necessary to begin the time in which any adversely affected party must appeal on the date of this written decision. Accordingly, any person or entity who is adversely affected by this decision as defined by applicable law may petition the District Court for a review of the decision if the petition is filed within 30-days after the date of the signature on this decision set forth below.

Dated this 26 day of May, 2023.

HUNTSVILLE TOWN APPEAL AUTHORITY




_____, Chair

*Beakhi Endicott, Clerk
Huntsville Town*

Huntsville Town Annexation Petition

Applicant Name: ~~Matt Lowe~~ John Lowe

Applicant Mailing Address: ~~[Redacted]~~

Email: ~~[Redacted]~~ Phone: ~~[Redacted]~~

Brief Description of Proposed Annexation: We are requesting the annexation of our property into the boundaries of Huntsville Town. The west boundary of the parcel is adjacent to the current town boundary. We are proosing a 4-Lot subdivision, with a minimum of 3 acres.
3 or

Parcel Owner's Permission for Annexation Petition

The undersigned authorize this petition for Annexation into Huntsville Town:

Parcel Number(s): 21-026-0042

Parcel(s) Owner Name: Lowe Properties LC

Parcel(s) Owner Mailing Address: ~~[Redacted]~~

Email: ~~[Redacted]~~ Phone: ~~[Redacted]~~

Parcel Owner Signature: [Signature] Date: June 6, 2025

Title (Authorized Agent): Manager

The undersigned authorize this petition for Annexation into Huntsville Town:

Parcel Number(s): _____

Parcel(s) Owner Name: _____

Parcel(s) Owner Mailing Address: _____

Email: _____ Phone: _____

Parcel Owner Signature: _____ Date: _____

Title (Authorized Agent): _____

(For Additional Parcel Owners Use Attached Sheet)

Annexation Petition Criteria (10-2-403 UCA)

Please attach property ownership plat showing all private properties and percentages of land ownership in proposed area.

1. All Petitioners are the owners of private real property located within the area proposed for annexation? (yes) (no)

2. The area being petitioned covers a "Majority of the private land area" within the area proposed for annexation? (yes) (no)

3. The area covers 100% of the private land area within the proposed area? (yes) (no)

4. The petition is accompanied by an accurate and recordable map prepared by a licensed surveyor? (yes) (no)

5. The petition designates up to five (5) of the signers as Sponsors and one (1) Contact Sponsor with the mailing address of each? (yes) (no)

6. Is any of the land in this petition located within a previously filed annexation petition that has not been acted upon by the Town Council? (yes) (no) Please specify:

For Town Use:

Date of Petition:

6/12/2023

Fees Paid:

\$2000.00

Beckki Endicott

Beckki Endicott, Town Clerk

Huntsville Town Council – Vote to take action on annexation petition

Action is taken at the following Town Council meeting after a minimum of 14 days following the filing of a petition

Approved

Rejected

Mayor Signature:

Paul Saense

Date:

7-20-2023

Notes/Conditions:

ATTEST:

Mikki Wolthuis

Beckki Endicott, Town Recorder

Mikki Wolthuis

Date:

7-20-2023

Huntsville Town Clerk certifies petition: (within 30 days of action) _____

Written notice of certification sent to Town Council, contact sponsor and Weber County Commission

Beckki Endicott, Town Recorder _____ Date: _____

Huntsville Town Council – Publication of Notice of intent to Annex once a week for three consecutive weeks beginning no later than ten days after receipt of Recorder Notice of Certification. (Attach copies of publications)

Date: _____

Date: _____

Date: _____

Huntsville Town Council – Mail written notice to affected entities within twenty (20) days of the Recorder Notice of Certification. (Attach copies of publication)

Date: _____

Huntsville Town Council – Public Hearing held unless protest is filed within thirty (30) days of notice to affected entities. (Attach minutes and Resolution of Annexation or Annexation Ordinance and Agreement)

Date: _____

Huntsville Town Council – Vote on Annexation Agreement & Ordinance

Approved

Conditional Approval

Rejected

Deferred

Mayor Signature: _____ Date: _____

Notes/Conditions: _____

ATTEST:

Beckki Endicott, Town Recorder _____ Date: _____

ADDITIONAL PARCEL OWNERS

Parcel Owner's Permission for Petition to Annex into Huntsville Town

The undersigned authorize this petition for annexation into Huntsville Town:

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 petition for annexation into Huntsville Town:

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 petition for annexation into Huntsville Town:

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 petition for annexation into Huntsville Town:

Parcel Number(s): _____

Parcel(s) Owner Name: _____

Parcel(s) Owner Mailing Address: _____

Email: _____ Phone: _____

Parcel Owner Signature: _____ Date: _____

Title (Authorized Agent): _____

REEVE & ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS
5160 S 1500 W
RIVERDALE, UT 84405
(801) 621-3100 - FAX (801) 621-2666

AMERICA FIRST CU
1-800-699-3961
www.americafirst.com

30953

97-7791/3243

CHECK AMOUNT

6/7/2023

PAY TO THE ORDER OF HUNTSVILLE TOWN

\$ **2,000.00

Two Thousand and 00/100*****

DOLLARS

HUNTSVILLE TOWN
PO BOX 267
HUNTSVILLE, UT 84317

VALID VALID
VALID VALID
VALID VALID
VALID VALID

[Signature]
AUTHORIZED SIGNATURE

MEMO
Annexation petition

⑈030953⑈ ⑆324377516⑆746007140627⑈

REEVE & ASSOCIATES, INC.
HUNTSVILLE TOWN
Filing Fees

ENGINEERS - PLANNERS - SURVEYORS
Annexation petition

6/7/2023

30953

2,000.00

COPY

CHECKING ACCT-A Annexation petition

2,000.00

Agent Authorization

I (we), Low Properties, LLC, the owner(s) of the real property located at
6028 S. Ridgeline Drive. #203, in Ogden City, Utah, do hereby appoint

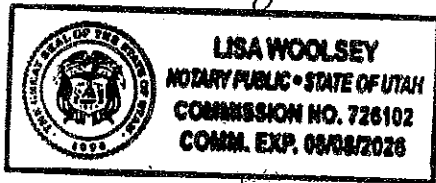
Reeve & Associates, Inc., as my (our) agent to represent me (us) with
regard to this application affecting the above described real property, and authorize

Reeve & Associates, Inc. to appear on my (our) behalf before any
City board, commission, or council regarding this application.

Matt L
Owner's Signature

[Signature]
Owner's Signature (co-owner if any)

On the 19th day of June, 2023, personally appeared before me



Lisa Woolsey
Notary Public
Residing in 203 W. 1550 S. Murray, UT

My commission expires: 8/8/24

