

**MINUTES OF THE MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON OCTOBER 1, 2025 AT THE RUSH VALLEY TOWN HALL
52 SOUTH PARK STREET, RUSH VALLEY, UTAH
THE MEETING BEGAN AT 7:00 P.M.**

Planning & Zoning Commission members present: David Andersen, Paul Bishop, Scott Hawkins, Kyle Russell and Carl Wall.

Appointed officers and employees present: Attorney Rob Clegg, Clerk/Recorder Patty Rowe, Engineer Corey Child and Mayor Brian Johnson.

- 1. Roll call.** David Andersen, Carl Wall, Paul Bishop and Kyle Russell. Scott Hawkins arrived at the meeting at 7:09 p.m.
- 2. Approval of meeting minutes for 09-03-2025.** Kyle Russell made a motion to approve the minutes as written for 09-03-2025 and Paul Bishop seconded the motion. All present voted in favor and the motion carried.
- 3. Public Hearing - Consideration of a Variance for Vance & Betty Sagers Trust.** Curtis Sagers, trustee for the Vance & Betty Sagers Trust, stated they have been trying to come up with a solution on how to divide their 16.94 acre piece of property in such a way that it can be legal, and the three beneficiaries of the trust all be treated equally and equitably. Additionally, they want to do it in such a way that everybody would have a property in excess of five acres to allow them to stay in the greenbelt. They have completed a variance request showing the reasons why it is a hardship to their family. There are three parcels - one of them 1.6 acres, one of them 1.7 acres and one close to 14 acres and that is a hardship. The land was appraised at \$16,100 per acre and if they divide land up that way, one beneficiary would get about \$180,000 more in property than the others.

They are requesting a variance to include a lot line adjustment which would not change the zoning. There will be three parcels with two of the three being buildable. This adjustment will not change the outer boundaries or affect any neighbors. Tanner Hussey from Ensign Engineering was present representing the Sagers family and provided maps showing the proposed variance. He said that they are taking three existing parcels and adjusting the previous boundary over to different boundaries.

Paul Bishop made a motion to open the public hearing, and Carl Wall seconded the motion. All present voted in favor and the motion carried. The public hearing opened at 7:06 p.m. There were no public comments. Carl Wall made a motion to close the public hearing and Paul Bishop seconded the motion. All present voted in favor and the motion carried. The public hearing closed at 7:07 p.m.

4. Consideration of a Variance for Lot Line Adjustment for Vance & Betty Sagers Trust.

David Andersen asked if the new map is any different from the previous one and was told that it is the same. Carl Wall asked which parcel is NOT buildable and was told it is the “Jerry” parcel (0018) and it is not buildable because it is back far enough in the other zoning area and it is landlocked. Scott Hawkins entered the meeting at 7:09 p.m. Carl Wall asked why all three parcels have the same parcel number and it was determined that the original parcel, along with the northern piece, becomes 0038, the “Jerry” parcel remains 0018 and the southern portion becomes the original parcel, 0020. Carl said that the paperwork does not document it that way and he wants to make sure that Tooele County is going to make those parcel number adjustments. According to Tanner Hussey, Ensign Engineering, Jerry Houghton, Tooele County Recorder, said the parcel numbers will stay the same with the boundaries being adjusted. The only one that will remain 0018, is the “Jerry” parcel that will be non-buildable and landlocked. The family will establish an easement, if needed. Attorney Rob Clegg said that there must be a deeded easement on record.

David Andersen said that he has two issues with the variance. Under Utah Code 10-9a-702, it states that the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. He sees this as a hardship for the Sagers family, but the town has not caused that, it is because of their desire to split up the property. David Andersen said the bigger issue is the non-buildable lot. It is understood that all lots in Rush Valley are currently buildable either because they are within the zoning or are grandfathered in as preexisting, non-conforming buildable lots. His concern is that if there is suddenly one lot that is non-buildable, how is the town going to keep track of that years down the road when somebody wants to build on it. How is the town going to flag that lot as being non-buildable?

Scott Hawkins is concerned that the plot numbers do not match up with the zoning booklet. It was determined that the numbers are correct on the Tooele County GIS map. Attorney Rob Clegg agreed that it is problematic that there is the one non-buildable lot and does not know how to track it. He commented that the Sagers family is requesting a lot line adjustment, creating a problem and then asking for a variance to overcome the problem. Therefore, the lot line adjustment created the problem for the variance, and the variance creates another problem because of the issue with tracking the non-buildable lot. He said that Tooele County must come up with a way to identify this particular lot as non-buildable.

Carl Wall said the code specifically states that a variance cannot be granted on the premise that it is a financial hardship for the family. The variance can be granted by the Planning and Zoning Commission and if they do not grant it, the Sagers family can appeal to the Town Council.

Carl Wall made a motion to accept and approve the variance for the lot line adjustment as proposed. Paul Bishop seconded the motion. A roll call vote was taken with Scott

Hawkins, Carl Wall and Paul Bishop FOR the motion and David Andersen and Kyle Russell AGAINST the motion. The motion carried.

5. Approval of Building Permit – Agricultural Building for Brian Johnson at 277 S

Johnson Lane. Brian Johnson would like to build a 30 x 40 ag building on his property. It is a pole barn construction with power but no water. There is plenty of square footage on the parcel and the setbacks are met. Scott Hawkins made a motion to approve the permit for an ag building and Paul Bishop seconded the motion. All present voted in favor and the motion carried.

6. Presentation by Rush Valley Fire Chief on House Bill 48 - Wildland Urban Interface (WUI) Modifications.

Fire Chief Jason Bolinder said that House Bill 48 was passed in the last legislative session in response to the increasing wildfire threat to rural communities located in the wildland urban interface, which they refer to as the WUI and are areas where homes and vegetation intermingle.

House Bill 48 forces towns and communities to formally adopt national WUI standards and integrate wildfire planning into local zoning and permitting. They must either adopt the WUI code or make up their own. The code establishes fire, safe construction, defensible space, vegetation clearances and water supply requirements for new development and designated fire risk areas. It also establishes a wildfire assessment map or zone designation which Tooele County has already placed on their GIS map. It requires principal space and vegetation management with new construction and major remodels required to meet the new code, enforcing fire resistant building requirements. Lastly, the town must submit or adopt a community wildfire preparedness plan which has already been done.

In order to stay compliant, the town must adopt the WUI code by ordinance which will happen at an upcoming town council meeting before the end of the year. There are still a lot of factors that need to be worked out as far as implementing and enforcing the code. The Planning & Zoning Commission will be responsible for making new homeowners aware of the code and Ensign Engineering will need to ensure that their house plans comply. Residents will be notified by flyers, town website, etc. We cannot force residents to comply but let them know they may be subject to inspections. It is not clear whether the town or the county will be conducting inspections, and more information will be forthcoming. Chief Bolinder will keep the commission updated as he gets more information.

7. Public Comments. Scott Hawkins asked a question about Accessory Dwelling Units. He asked for clarification that a non-conforming lot cannot have an external ADU. Attorney Clegg said this is correct, a non-conforming lot cannot have an external ADU. If it is an inside ADU, a conditional use permit is required.

8. Adjourn. Scott Hawkins made a motion to adjourn. Paul Bishop seconded the motion. All present voted in favor and the motion carried. The meeting ended at 7:56 p.m.