

**HONEYVILLE CITY
PLANNING COMMISSION MEETING
NOTICE AND AGENDA**

Notice is hereby given that the **Regular Meeting of the Honeyville City Planning Commission** will be held on **Wednesday, May 27, 2020 at 7:00 p.m.**, in the Honeyville City Hall, 2635 West 6980 North, Honeyville, UT 84314.
Interested citizens are invited to attend.

Meeting called to order: Codey Illum

Invocation and Pledge of Allegiance: Cherisse Kaminska

Conflict of Interest, if any:

Zoning Administrator Report:

Business:

- A. Administer Oath of Office to Ryan Adams & Cherisse Kaminska**
- B. Caleb Hardy: Concept & Preliminary Plan - ACTION**
- C. A-5-A**
- D. Reception Hall**
- E. Air B&B**

Approval of previous minutes: February 26, 2020

Agenda Items for next month:

Adjournment

HOENEVILLE **Concept Plan Application**

Project/Subdivision Name: CAIEB HARDY Subdivision

Approx. location: 7420 N Hwy 38 Honeville UT 84314

Parcel Number(s): _____ Total Acres: 1 ~~Acres~~

Current Zone: P Requesting a Rezone? * No If Yes, to what zone? P

Number of Lots: 1 Number of Lots Per Acre: 1

*Requests to rezone a parcel require a separate application & process. This question is for informational purposes only & does not replace the rezone application requirements.

Contact Information

Developer: CAIEB HARDY

Company Name: _____

Address: 7440 N Hwy 38 Honeville, UT 84314

Phone: 435-230-0162 Email: caibard@wd.net

Engineer: Roger Slade P.L.S.

Company Name: HANSEN & ASSOCIATES, INC

Address: 538 N MAIN BETHAN CITY, UT 84302

Phone: 435-722-3491 Email: roger@haines.net

Property Owner: Jim Krawinska

☒ Check Here if Same as Developer

Address: 7440 N Hwy 38 Honeville, UT 84314

Phone: 435-279-0102 Email: JKrawinska@hotmail.com

HONEYVILLE, BOX ELDER COUNTY, UTAH
A PART OF THE SOUTHWEST QUARTER OF SECTION 33,
TOWNSHIP 11 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN

[illegible]

A MAP OF THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 2 WEST OF THE SIXTH RANGE AND NEARBY.

[illegible]

STATE OF OREGON)
)
COUNTY OF SOX ELEM }
)
ON THIS _____ DAY OF _____, 2000, JAMES R. KILPATRICK AND
CHRISTINE M. KILPATRICK, HUSBAND AND WIFE, AS JOINT TENANTS, PERSONALLY
APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID
COUNTY OF SOX ELEM, and they acknowledged to me that they
WANTED BY FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

[illegible]

State of Utah, County of Box Elder, Recorded and
Filed in the Request of _____
Date _____ Time _____ Fee _____
Abstracted _____
Index _____
Filed in _____ File of _____
Date _____

CITY COUNCIL
APPROVAL AND ACCEPTANCE

HONORVILLE CITY COUNCIL, THIS
_____, A.D. 2020, AT WHICH
_____, HAS APPROVED AND ACCEPTED.

_____, MAYOR

HONORVILLE CITY
PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 2020, BY THE HONORVILLE CITY PLANNING
COMMISSION.

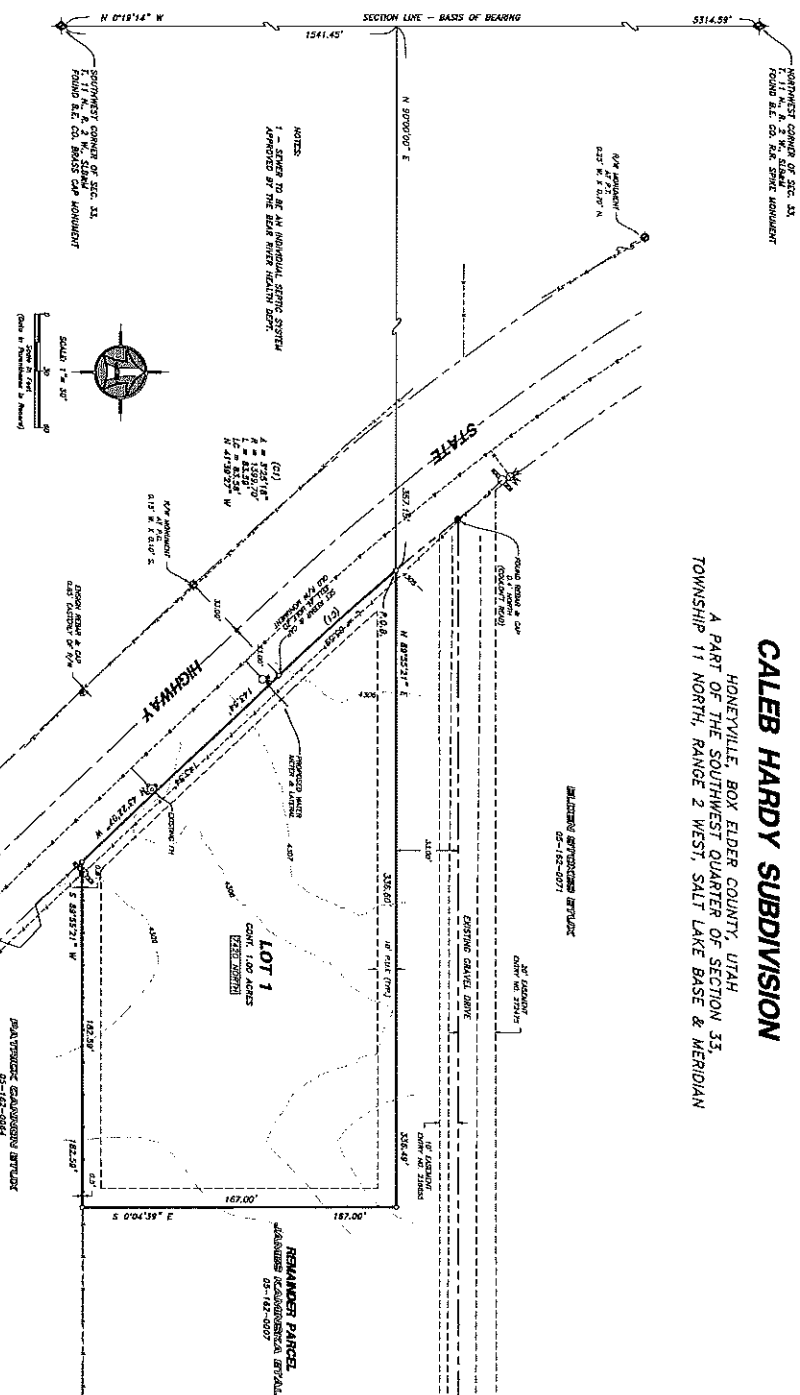
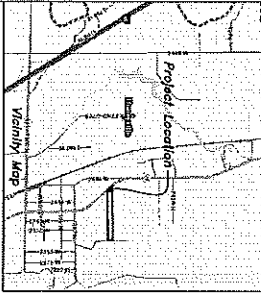
_____, CHAIRMAN

_____, DATE

CITY COUNCIL
APPROVAL AND ACCEPTANCE
PRESENTED TO THE HONKIVILLE CITY COUNCIL THIS
DAY OF _____ A.D. 2020, AT WH
TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
ATTEST: _____ RECORDER _____ MAYOR

BEAR RIVER DISTRICT HEALTH
DEPT. APPROVAL
WASTE DISPOSAL SYSTEM & CULINARY WATER
SYSTEM APPROVAL THIS _____ DAY OF _____
2020.

DISTRICT SANITARIAN

[illegible]

1 - SEWER TO BE AN INDIVIDUAL SEPTIC SYSTEM APPROVED BY THE BEAR RIVER HEALTH DEPT.

SOUTHWEST CORNER OF SEC. 33,
T. 11 N., R. 2 W., 56th
FOUND R.E. CO. BRASS CAP MONUMENT

Scale 1" = 30'

LEGEND

SUBJECT PROPERTY LINE
REMAINING PARCEL
ADJOINING PROPERTY LINE
CENTRIFUGAL
ELECTRIC
DITCH
DITCH POWER
DITCH WATER
PARKED WATER
EXISTING LOT CORNER
EXISTING LOT CORNER
HIGH-TO-WAY ADJACENT
FOUND REMAIN SET BY OTHERS
SET 7/17/04" BEARS WITH C&P
SECTION CORNER

CITY ATTORNEY'S
APPROVAL AS TO FORM
ED AS TO FORM THIS DAY OF

ATTORNEY

THE OCCUPANCY OF BUILDINGS WITHIN THIS SUBDIVISION ACCORDINGLY, IT IS UNLAWFUL TO OCCUPY A BUILDING WITHIN THIS SUBDIVISION WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY BUILDING INSPECTOR.

ALEXANDER PARCEL

05-162-0207

THIS _____ DAY OF _____, 2020

JAURTS N. KAUNINŠKA

NUMBER 11

STATE OF UTAH

1000

APPEARED BEFORE ME
COUNTY OF BOY FID

STANDARD II: HEALTH AND

PROFILES ARE TO BE
CONTAINS AS SHOWN

ALONG WITH THE EX-

WORKING WITH FOUR THE BASIS OF BEARING

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[illegible]

THIS OFFICE.

PLAY

10-22-11: FLAG LOTS

Flag lots for single-family dwellings located in an agricultural or residential zone may be allowed to accommodate the development of land that otherwise cannot reasonably be developed under the regulations contained in this title or other titles adopted by the city. The primary purpose of allowing flag lots is not to make development of land easier and more profitable. Rather, allowance of flag lots is intended to serve as a "last resort" for land which may not otherwise be reasonably subdivided under ordinary lot development standards.

A. Factors To Be Considered: When land is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

1. More than two (2) flag lots with contiguous streets shall not be approved.
2. Whether development of the property in question under otherwise applicable provisions of this title is reasonable and practical.
3. Creation of a flag lot shall not foreclose the possibility of future development of large adjacent interior lots unless a street can be extended to such lots from other property.

B. Locational Limitations: **Flag lots shall be created only on a legally created lot of record which abuts State Highway 38.**

C. Findings Required: **Flag lots shall be prohibited unless all of the following findings are made:**

1. The flag lot is located in an agricultural or rural residential zone.
2. The developer provides written and illustrative evidence showing property development with and without proposed flag lots which demonstrates:
 - a. Flag lots will result in more efficient use of land.
 - b. The design of the flag lots are compatible with the design of the overall subdivision and adjacent property.
 - c. No other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
 - (1) The current, proposed, or alternative zoning;
 - (2) The possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;
 - (3) Alternative street designs and improvements; and
 - (4) Any other reasonable means that would render a flag lot unnecessary.
 - d. Access to the flag lot is provided through the pole portion of the lot.

D. Development Standards: When permitted, a flag lot shall be subject to the following development standards:

1. A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.
2. The staff portion of the lot shall front on and be contiguous to a public street. The **minimum width of the staff portion at any point shall be thirty three feet (33').**
3. The size of the flag portion of a lot shall conform to the minimum lot size requirement of the zone where the lot is located. Sufficient turnaround space for emergency vehicles shall be provided near the buildable area on the lot.
4. The staff portion of a flag lot shall be:
 - a. Used only for ingress/egress.
 - b. Landscaped in harmony with other adjacent property.
 - c. Improved with a hard surface such as concrete, asphalt or compacted road base with a dust prevention treatment.
5. The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.
6. A main building shall be located not more than three hundred feet (300') from a fire hydrant, measured along a public or private right of way or along the staff portion of a flag lot. An easement for any fire hydrant located on private property shall be provided to the city for access to and maintenance of the hydrant.
7. Upon review the city may require installation of curb, gutter, and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.
8. Clear address signage shall be installed and maintained at the street by the owner, including notice that the

[illegible]





MEMORANDUM

To: Honeyville City

From: Dana Q. Shuler, P.E. *DQS*
City Engineer's Office
Jones & Associates Consulting Engineers

RE: **Concept Plan Review**
Caleb Hardy Subdivision

Date: May 4, 2020

Our office has completed a review of the submittal dated April 17, 2020 submitted to us on April 24, 2020. The submittal contained a concept plan application, concept plan, agent authorization, and flag lot information.

CONCEPT PLAN REVIEW

For the purposes of the Concept Plan review, we offer the following comments:

1. No soils or geologic map was submitted.

Otherwise, we find no issues with the proposed subdivision.

If you have any questions, please feel free to contact me.



Executive Director - Lloyd C. Berentzen, M.B.A.

Deputy Director - Todd Barson

Environmental Health Division

Division Director - Grant Koford, M.S., L.E.H.S.
www.brhd.org

May 5, 2020

RE: Caleb Hardy. Approximate address 7440 North Highway 38 Honeyville, UT 84314. West end of Parent Parcel # 05-162-0007.

To whom it may concern:

At the request of Caleb Hardy an evaluation of the above mentioned property was conducted by the Bear River Health Department, Environmental Health Division on May 5, 2020. It was determined that soil conditions allow for an onsite wastewater system to be installed on this property.

Conditions allow for a conventional system to be installed with total trench depth not to exceed 36 inches. A soil loading rate of 0.70 gallons per day per square foot will be assigned to this lot.

The on-site individual wastewater disposal system is to be installed in accordance with R317-4, Utah Administrative Code, Onsite Wastewater Systems Rule. Including maintaining a minimum of 100 foot separation distance between the wastewater system and any wells in the area. Before installation begins a septic permit will need to be obtained from this office. Final approval will be given only after an on-site inspection of the completed project and prior to any backfilling.

Please be advised that an affirmative statement of feasibility does not imply that it will be possible to install additional wastewater systems beyond the number specified in this letter.

Also be advised that feasibility status may change if additional information is presented or if the conditions change.

Feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Mark Rees".

Mark Rees
LEHS
Environmental Health Division

**The DRAFT Minutes of
Honeyville City Planning Commission
February 26, 2020, Regular Meeting**

CHAIRMAN CODEY ILLUM called the meeting to order at 7:00 p.m.

Present were Chairman Codey Illum, Jeanne Cutler, Kenny Funk, Laurie Hunsaker & Cherrisse Kaminska

There were approximately 3 members of the public present.

KENNY FUNK offered the invocation and led the group in the Pledge of Allegiance.

CONFLICT OF INTEREST: None noted.

ZONING ADMINISTRATOR REPORT: CODEY I reported that there were a few permits issued. Strang Estates have submitted plans for a subdivision. The City Engineer has denied it and gave them suggestions for improvements before bringing it before the Planning Commission

BUSINESS:

- A. DOG LICENSE ORDINANCE: CODEY I** made the suggested changes to the wording of the ordinance. See attached paperwork for suggested changes to the ordinance. **JEANNE C** was against raising the number of dogs from 2 to 4 before requiring a kennel permit. She expressed that individuals are already not following the ordinance, if the city raises this amount will this cause a more issues. **CODEY I** stated that they are just exploring options right now because he feels that most people have more than 2 dogs without holding a kennel license. Currently the ordinance states that residents are only allowed 2 dogs. If they wish to have 3 or more, they need to have 5 acres and obtain a kennel license. **LAURIE H** does not think that individuals should be allowed a kennel license with less than 5 acres. She also suggested putting the number at 3 dogs allowed and then if they have 4 or more it would require a kennel license. **CODEY I** agreed with changing the allowed number of dogs to 3 with the requirement to purchase a kennel permit once an owner reaches 4 dogs. He also suggested the deletion of exemptions. The planning commission agreed.

LAURIE HUNSAKER motioned that the changes to the dog license ordinance be presented to the City Council for approval. **KENNY FUNK** seconded the motion. **MOTION CARRIED** with Jeanne Cutler for, Kenny Funk for, Laurie Hunsaker for and Cherrisse Kaminska for.

- B. APPLICATION PROCESS: CODEY I** shared that the city currently does not have an organized process for submitting certain applications such as subdivision applications. Dana S, the city engineer has been working with Codey and will create a new application that is easy to navigate that also has all the information that the office and city engineer need. Jones & Associates is also creating a check off list that the city can make available to the developers. Dana suggested requiring a retainer fee from developers. He also asked the commission if there were any changes they would like to see.
- C. DUE DATES TO BE ON PLANNING COMMISSION AGENDA: KENNY F** suggested having requests to be on agenda 2 weeks before the meeting. He also requested that the clerk email out the agenda and meeting packet the weekend before the meeting.
- D. A-5-A DISCUSSION: MARY BINGHAM, STEPHANIE MADSON, TREVOR GARDNER, LAURIE HUNSAKER AND DAVE FORSGREN** have formed an agricultural zone committee meeting to look into some different zoning options. Currently Honeyville has two different Ag Zones. The A-5 and the A-20. There was an informal request about how the A-20 zone could be rezoned, this is why the committee

was formed. The committee looked at the zoning as it is now. Currently A-20 can go down to a lot size as small as 1 acre as long as 1 parcel is left in the 20 acres. The committee came up with 4 options to address this:

1. Do nothing and keep zoning as it is.
2. Remove A-20 zone from agricultural zoning, leaving only the A-5 option.
3. Keep agricultural zones as they currently are stating an intent to preserve the city's agricultural integrity. Removing the phrase containing "foreseeable future".
4. Replace A-20 Zone with A-5-A Average Zone.

(See attached paperwork regarding the presentation made by the committee)

MARY B shared that they have been working with Brent Bateman to help them with this project. Dave Forsgren, Sharon Lorimer and Trevor Gardner surveyed members of the community and most people still value the open spaces and rural feel.

CODEY I feels that it is very important that the city preserve the water. There was further discussion about water shares.

The Committee presented some hypothetical scenarios for zoning (see attached paperwork for details).

TREVOR G felt that scenario 1 which has all 5-acre plots is the worst scenario, coming from a farming standpoint. He liked the idea of being able to have some smaller plots along with larger tracts of land.

- E. RECEPTION HALL:** **CODEY I** explained issues with the conditional use permit. **LAURIE H** expressed concern about taking this away. She felt that there are situations where individuals should be able to have a reception hall. **CODEY I** felt that a reception hall should not be acceptable in any "R" zone. **JEANNE C** stated that she feels the city needs to build its own center where they can rent it out to the public. **KENNY F** asked about the ability to rezone to commercial zoning if they have the proper amount of acreage.
- F. GENERAL PLAN:** **CODEY I** shared that this is a reaction to zoning. Once they get the zoning squared away they will need to dig into this deeper.

APPROVAL OF MINUTES FROM JANUARY 22, 2020:

LAURIE HUNSAKER motioned to approve the minutes of January 22, 2020 as presented. **KENNY FUNK** seconded the motion. **MOTION CARRIED** with Jeanne Cutler for, Kenny Funk for, Laurie Hunsaker for and Cherisse Kaminska for.

AGENDA ITEMS FOR NEXT MEETING:

Action Item A-5-A Zoning
Reception Hall
Strang Estates

ADJOURNMENT: **CODEY ILLUM** motioned to adjourn. **JEANNE CUTLER** seconded the motion. **MOTION CARRIED** with Jeanne Cutler for, Kenny Funk for, Laurie Hunsaker for and Cherisse Kaminska for.
Meeting adjourned at 8:50 p.m.

The foregoing minutes were taken and typed by Brittiny Chlarson.

I certify these minutes to be true and accurate to the best of my knowledge.

ATTEST:

DATE APPROVED: _____

Brittiny Chlarson - Clerk/Recorder

Codey Illum - Chairman

5-1-4: LICENSING REQUIREMENTS

1. License Required; Fee For License: All dogs which ~~have been weaned or which have attained the age of two (2) months and which~~ are kept, harbored or maintained by any person in the city shall be licensed and registered. The city recorder or animal control officer upon payment of a license fee in such amount as established by resolution of the city council shall issue dog licenses.
2. Kennels:
 1. License Required; Fee For License: Any premises where ~~three (3)~~ five (5) or more dogs ~~over the age of four (4) months are owned,~~ are kept, harbored or maintained shall be considered to be operating a dog kennel and shall be required to obtain a kennel license and pay an annual kennel license fee in such amount as established by resolution of the city council.
 2. Conditional Use Permit: In order to obtain a kennel license, the owner responsible for such kennel shall first obtain a conditional use permit in accordance with the city's planning and zoning ordinances. The owner shall state at the time application is made for such license, his name and address and the sex, breed and color of each dog owned or kept by him. The license fee shall cover the calendar year in which the license was issued, expiring on December 31 of the year of issuance, regardless of the date when issued.
3. ~~Exceptions:~~
 1. ~~Temporary Nonresidents: The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show.~~
 2. ~~Specially Trained Dogs: Dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs hereinabove provided, except that the owner or keeper of such dog shall not be required to pay any fee therefor.~~
4. License Tag:
 1. Issuance: Upon payment of the license fee, the city recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner, ~~except those operating a kennel,~~ shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. It shall be unlawful to deprive a registered dog of its collar and/or tag.
 2. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by the city recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee in such amount as established by resolution of the city council.
 3. Tag Not Transferable Or Refundable: Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the city before expiration of the license period.

“A Community Can Decide What it Wants to Be”

This committee was asked to study Honeyville’s Agricultural Zones and present information to the Planning & Zoning Commission:

- Most recent community survey (2000), residents ranked rural life style as #1 key community value.
- Recently, three candidates who canvassed the community, reported that new community members, as well as long-time residents still value Honeyville’s open spaces and the rural lifestyle. Agriculture zones provide these.

Our committee encourages Honeyville’s policy makers to continue to support Agriculture in our city.

“Agriculture Thrives Best When It Is Supported By Policymakers As Well As In The Private Sector” -Ut.County AgricultureToolbox

Some sources:

- Honeyville City General Plan,
- Utah County Agriculture Toolbox
- Envision Utah-How we grow matters
- Brent Bateman-Property Rights Expert
- Don Jarvis- Chair of Provo Sustainability and Natural Resources Committee

Honeyville has been and continues to remain largely a “farming” community. This has been accomplished through zoning ordinances. **Zoning is the tool to protect farms (Brent Bateman).** Much of Honeyville has been farmed for 100+ years. It continues to be home to several farms, with both long-time residents and new residents farming them.

- Bear River Canel Co. has 1st right on the Bear River Water which Honeyville is a part of.
- The climate it more temperate than surrounding areas offering a little longer growing season.
- Soil is fertile and grows a wide variety of crops.

Suggestions for farming communities: (Toolbox)

- **Carefully evaluate** the impacts of agriculture zoning practices in order to better balance the needs of small-scale farmers with the needs of large-scale operations, for instance, agricultural land should be allowed to be subdivided into smaller farms but the intent should be to prevent it from being turned into low-density residential subdivisions.
- **Farmers should be encouraged** to apply to have their lands designated as Agriculture Protection Area to protect their farms and allow for small-scale farming operations to continue.
- **Agricultural Buffers** provide extra space for typical farming practices to continue even when development occurs near farm operations.
- **Agricultural buffers can help farms and residences co-exist.** Having legally mandated buffers to insulate farms reduces complaints and allows farms to operate more freely without having to worry about the impacts of day-to-day business on neighbors.

We should continue to preserve, protect, and promote Agriculture

A community near Salt Lake is trying to protect open space, now. It requires developments to provide open space before the city accepts them. They legislate how the open space is to be maintained, corrective action if open space is not maintained, requires escrow accounts to make sure that sufficient funds are available to maintain the open space, what legal action to take if it is not maintained, etc. (pgs 12-14) All of which costs the city money.

Honeyville's open space and rural feel comes primarily from its farms.

Our community's open space is different. It is mostly maintained by farmers. The city does not need to legislate, mandate, nor enforce the care of its open space, to mow, water, etc.

In an article by Don Jarvis, Urban sprawl is a Ponzi scheme, he wrote, "In the past, city planners looked at farms and other open space and just approved detached housing. City residents approved. That destroyed local agriculture and it did solve the financial problem, temporarily." He concluded that cities should, "Leave some nearby farmland alone, rather than develop it. **Agricultural land actually contributes more revenue to local government than it requires in expenditures. On average, farmland requires only about \$.37 in public services for each dollar paid by land owners, while typical residential land requires \$1.11 in services for every dollar owners pay in taxes.**"

Honeyville is financially sound.

Don Jarvis: “We too often forget that farming is a viable business, and agricultural land is not just cheap empty space that needs to be developed or have roads run through it.”

Envision Utah Survey Results: “Pretty much everyone said they’d like to see farms filling more local food gaps and 65% said they’d even like to see the amount of agricultural land increase in the state.”

The sad truth is that once agricultural land is gone, it is gone.

Don Jarvis: “Our children will thank us if we develop smarter and keep some local land for local food. If we just turn all that priceless land into urban sprawl, increasing their taxes, they will ask “What were you thinking?”

Suggestions for presentation to planning and zoning:

Option 1: Do nothing and keep the Agricultural Zone as it currently is

Option 2: Delete the A-20 zone from the Agricultural Zone and have the only option A-5 zoning.

- Purpose: **Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. *(The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk. (add definitions for neighboring and bona fide farms in our ordinances.)***
- Redo the purpose of the A-5 zone to read: “ The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.”

Option 3: Keep the Agricultural Zone as it is currently with these changes, giving more intent to maintaining our rural community:

- Purpose: **Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. *The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk. (add definitions for neighboring and bona fide farms in our ordinances)***
- Delete the phrase, “and which is intended to remain as such for the foreseeable future”(found in the purpose section of the A- 20 zone.) It would then read:
Agricultural 20 Zone: The agricultural 20 zone is intended to be applied to land which is predominantly devoted to agricultural use.
- Change the wording in the purpose section of the A-5 to read, “The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.”

- Make 2.5 acre lots the smallest size lot possible in the A-20 zone.(The .5 for a home like green-belt needs extra...This will need to be researched more)
The reasoning behind this is that sometime our county could to be involved in the:

Utah Urban Farming Assessment Act which allows active agriculturally producing parcels of land between 1-4.99 acres in size to be taxed similarly to greenbelt-qualified properties, lowering property taxes from market rate to more reasonable costs. (The Utah Farmland Assessment Act was created to specifically assist farmers and ranchers preserve their agricultural lands near expanding urban areas across the state. Individual county assessors are responsible for assessing land within their jurisdiction.) (pg.10 of Utah County Toolbox)

Option 4: Replacing A-20 zone with A-5Average Zone which would look something like this:

Purpose: **Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. *The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk.***
(add definitions for neighboring and bona fide farms in our ordinances)

•

A. Agricultural 5 Zone: The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.

BAgricultural 5 Average Zone: The Agricultural 5 Average Zone (A-5A) Zone is to provide for flexibility in lot formation in the agricultural zone while still maintaining the purpose of the zone and the density of subdivisions within the zone of one single family dwelling per five acres. Lots shall not be smaller than 2.5 acres.(

10-10-2: SCOPE

1. The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-3: USES ALLOWED

1. Permitted And Conditional Uses: Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-10-1 of section 10-10-8 of this chapter. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 10-10-1 of section 10-10-8 of this chapter shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use based upon an administrative interpretation as provided in section 10-5-20 of this title.
2. Accessory Uses: Permitted and conditional uses set forth in table 10-10-1 of section 10-10-8 of this chapter shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-4: DEVELOPMENT STANDARDS

Development standards within agricultural zones shall be as set forth in table 10-10-2 of section 10-10-8 of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-5: REGULATIONS OF GENERAL APPLICABILITY

The use and development of real property in agricultural zones shall conform to the development standards as set forth in the following chapters of this title:

1. Existing conditions inventory: See chapter 17 of this title.
2. Landscaping and screening: See chapter 18 of this title.
3. Off street parking: See chapter 19 of this title.
4. Outdoor lighting: See chapter 20 of this title.
5. Signs: See chapter 21 of this title.
6. Supplementary development standards: See chapter 22 of this title.
7. Water source protection: See chapter 23 of this title.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-6: REGULATIONS FOR SPECIFIC USES

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

HISTORY

Adopted by Ord. 2007-02 on 7/11/2007

10-10-7: Special Regulations:

- A. Increased Height: Notwithstanding the height limitations shown on table 10-10-2 of section 10-10-8 of this chapter, a greater building height may be allowed pursuant to a conditional use permit.
- B. Two and one half acre or larger lots may be subdivided from an existing lot located in the agricultural (A) zone so long as:
 1. Any new lot is subdivided from a legally created lot of record;
 - a. The remainder of the original lot and each new lot abuts an existing or proposed public street for at least the distance shown below, based on lot size, as follows: 2.5 acres up to five (5) acres: Two hundred feet (200');
b. Five (5) acres or larger but smaller than twenty (20) acres: Three hundred feet (300'); and
c. Twenty (20) acres or larger: Five hundred feet (500');

2. Each newly created lot conforms to the development standards of the RR, A-5, or A-5A zone, as the case may be, based on lot size, as follows:

- a. 2.5 acres up to five (5) acres: RR zone standards.
- b. Five (5) acres or larger: A-5 or A-5A zone standards.

C. Total lot density in the subdivision, as a whole does, not exceed two-tenths (0.2) lot per acre excluding streets and rights of way.

D. If a subdivision within the agricultural zone is to be developed in phases, the plan for phases shall be presented with the preliminary plat of phase one with all essential facilities for all phases presented and provided for with the plat. 10-33-6, 10-5-10,

E. Lots within the A-5 or A-5A zones shall not be further subdivided so long as the subdivision remains in an Agricultural Zone” **OR**

Considering whether a lot is nearby (or neighboring) a bona fide farm is a consideration to whether a zone change should be approved. (Something that tells future town councils to seriously consider farming when contemplating a zone change.)

Note: *(Brent Bateman) suggest using “lots,” which means properties that have been subdivided. (if we use this, make sure the definition for “lots” is in our code)*

Bona Fide Farm Determination:

* The zoning administrator shall make the determination of whether a parcel of land is a part of a bona fide farm. In making the determination, the zoning administrator shall consider the following:

- 1. Whether the uses on the land relate in purpose and intent to farming activities;
- 2. Whether the uses on the parcel further the production and harvesting of crops including fruits, vegetables, sods, flowers, or ornamental plants;
- 3. Whether the uses on the parcel further the production of trees or timber;
- 4. Whether the uses on the parcel contribute to dairying activities or the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals;
- 5. Whether the uses on the parcel contribute to aquaculture activities;

6. Whether the uses on the parcel contribute to the operation and maintenance of farm land, structures and buildings;
7. Whether the uses on the parcel involve marketing and selling of agricultural products, agri-tourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities that add value to agricultural items produced on the farm and on any other farm owned or leased by the bona fide farm operator; or
8. Whether the uses on the parcel include public or private grain warehouses.

Water Shares:(Brent Bateman)Water shares are tricky. There is a limit to the amount of water shares that the Town can require a developer to dedicate. For the limitations on culinary water, see subsection (3) of this statute. Basically, whether providing culinary or secondary water, you can put in your code that a developer must provide sufficient water shares, but what exactly is a sufficient water share will be different for every developer, depending on their uses, the town's water supply, the source of the water (their own water rights or shares in a water company), etc. So the calculation must be made each time a developer wants to subdivide.

Also, keep in mind when you are talking about "sufficient" amounts of secondary water, what is "sufficient?" Do they need enough to keep the grass green? No they have to have grass? What if they want something else? Do they need to keep their entire parcel watered? If it is a 1 acre parcel, do they need to water the entire thing? How much water is "sufficient."If you know of communities that do this, my best advice is to steal from them.

Property Rights: You can use zoning to decide what you want to be. However, that has a limit. I know that we have talked about that limit in several trainings I have given in Honeyville. The limit is that you cannot "go too far." Yes that is the actual limit. Yes that is not very helpful. But a limit exists. Here is the actual quote from the US Supreme Court: *"The general rule, at least, is that, if regulation goes too far, it will be recognized as a taking for which compensation must be paid."* That has been the law since 1922, and in the century since then, great efforts have been made to determine what "goes too far" means. Some things may not be easy to tell. Others are. For example, telling people what kind of corn seed to plant **IS** certainly going too far. Telling people what color to paint their house **MAY** be going too far. Telling people how tall their house can

be is probably not going too far. **Telling people how many houses per acre they can have is NOT going too far, as long as the number is not zero.**

Zoning is the tool to protect farms. However, you *go too far* if you say that people can NEVER develop. You have to let people use their land. However, you can require them to get a zone change to do this, which gives a lot of discretion. If the city does not want to change a zone to let someone subdivide, they do not have to. However, an election will come, and a new council will come someday, and the new council might feel differently and allow the zone change. You cannot prevent that.

Committee Question: Is there a lawful way to tie the lots of subdivisions to each other in order to prevent “spot zoning”?

There is no lawful way to stop what you are calling “spot zoning” here. But remember that your scenario can only happen with the Town’s cooperation. **Remember that no one has a right to have their zoning request approved.** So any developer can apply to do what you have suggested here. But the Town can always refuse to zone it that way and there is nothing that the owner can do about that. I doubt if any future town council will think that what you suggest sounds like a good idea. But you never know.

Committee Question: Can we have it worded in the A-5 Average ordinance that larger lots of the proposed A-5 Average subdivision shall neighbor the existing bona fide farm?

Mr. Bateman: Yes you can do that. Again, I would make it more of an intent thing rather than saying that small lots near a bona fide farm are all illegal. Because then you may face a takings claim by making a small lot that was legal now illegal. But you can say that your policy is to have large lots next to farms.

Future town councils have to retain the discretion to change the zoning if they think that doing so is best for the town. So saying that something can or cannot be rezoned is no good. A better approach is to say that whether a property is nearby a bona fide farm is a consideration to whether to change the zone. Something that tells future town councils to seriously consider farming when contemplating a zone change.

Suggestions for whichever option is chosen:

Additions to the Agricultural Zone Purpose statement so it reads:

Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk.

Definitions to be added:

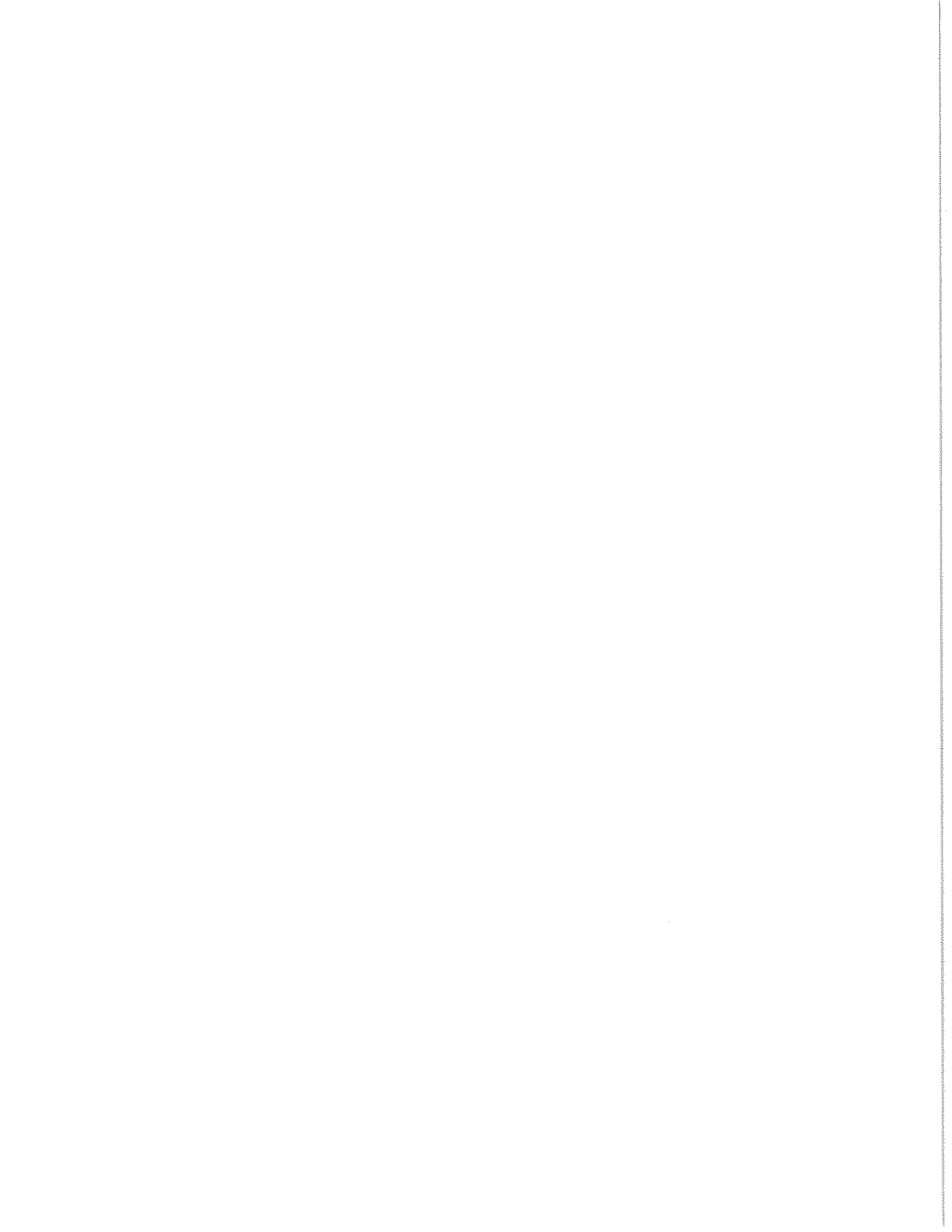
Neighboring: next to or very near another place (or something like this- maybe more specific)

Bona fide farm: * The zoning administrator shall make the determination of whether a parcel of land is a part of a bona fide farm. In making the determination, the zoning administrator shall consider the following:

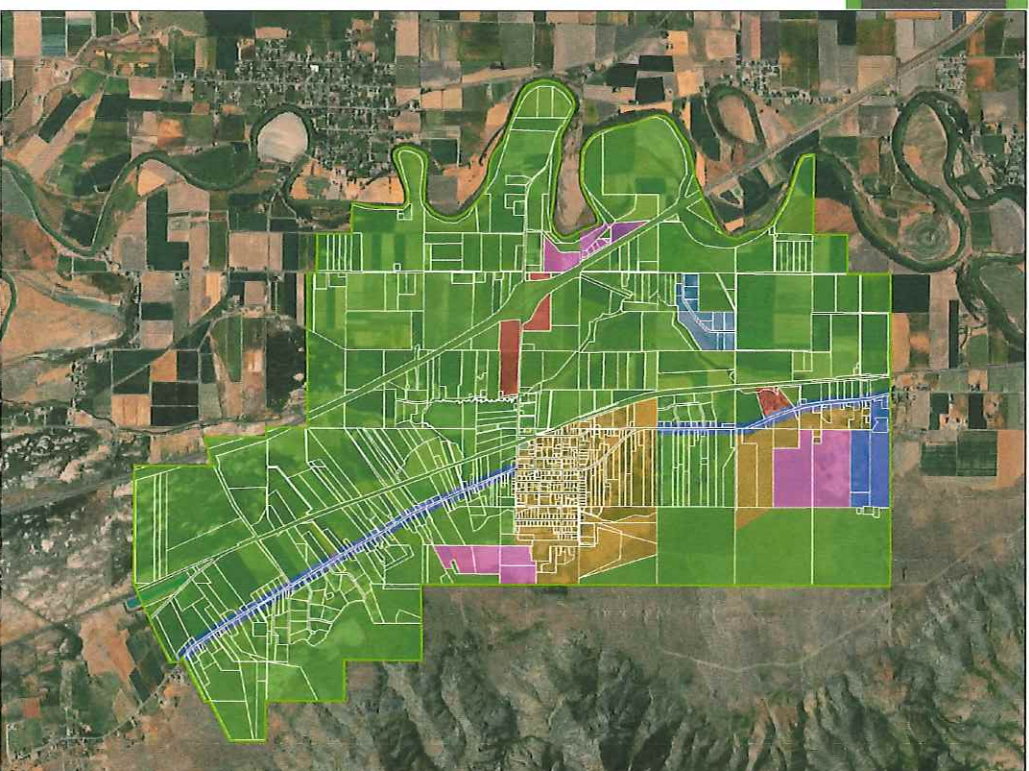
1. Whether the uses on the land relate in purpose and intent to farming activities;
2. Whether the uses on the parcel further the production and harvesting of crops including fruits, vegetables, sods, flowers, or ornamental plants;
3. Whether the uses on the parcel further the production of trees or timber;
4. Whether the uses on the parcel contribute to dairying activities or the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals;
5. Whether the uses on the parcel contribute to aquaculture activities;
6. Whether the uses on the parcel contribute to the operation and maintenance of farm land, structures and buildings;
7. Whether the uses on the parcel involve marketing and selling of agricultural products, agri-tourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities that add value to agricultural items produced on the farm and on any other farm owned or leased by the bona fide farm operator; or
8. Whether the uses on the parcel include public or private grain warehouses.

Lots: Properties that have been subdivided.

Note: Table needs to be looked at and add "Single Family Dwellings" as permitted uses in the Agricultural Zones.



The future of
Agricultural Zoning
Honeyville Today



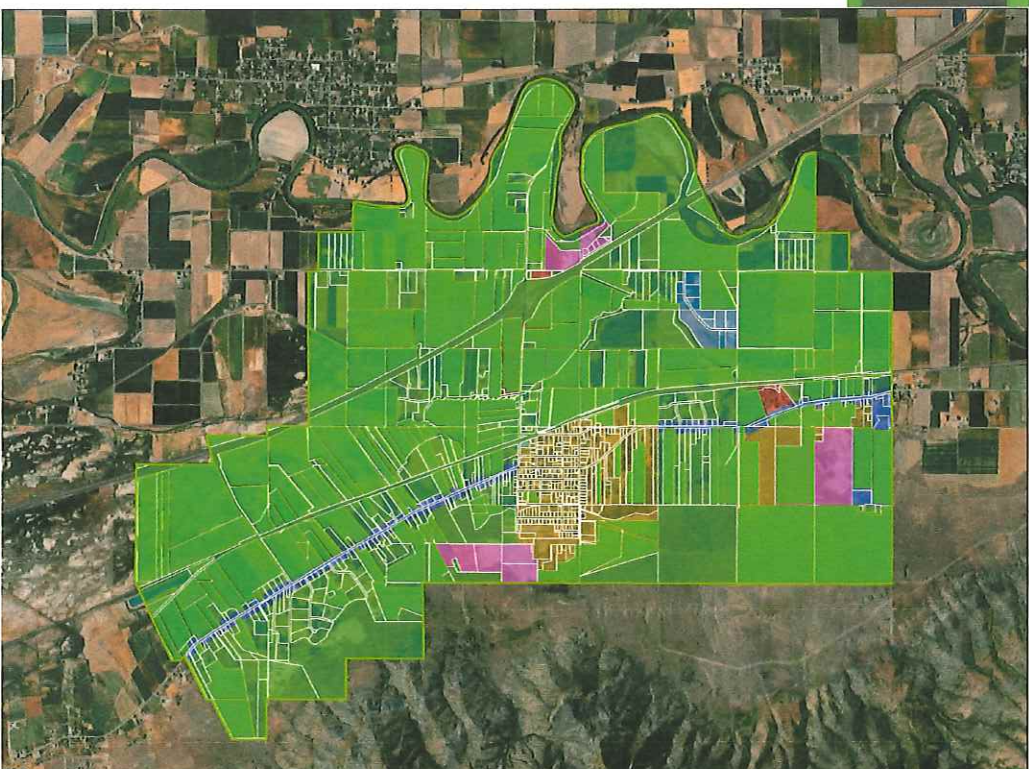
Current Zoning

-  Agricultural 5
-  Agricultural 20
-  Rural Residential 1
-  Residential 1
-  Residential 2
-  Commercial
-  Industrial

The future of **Agricultural Zoning**

Honeyville Today

Parcels taxed as agricultural land (2017)



Current Zoning

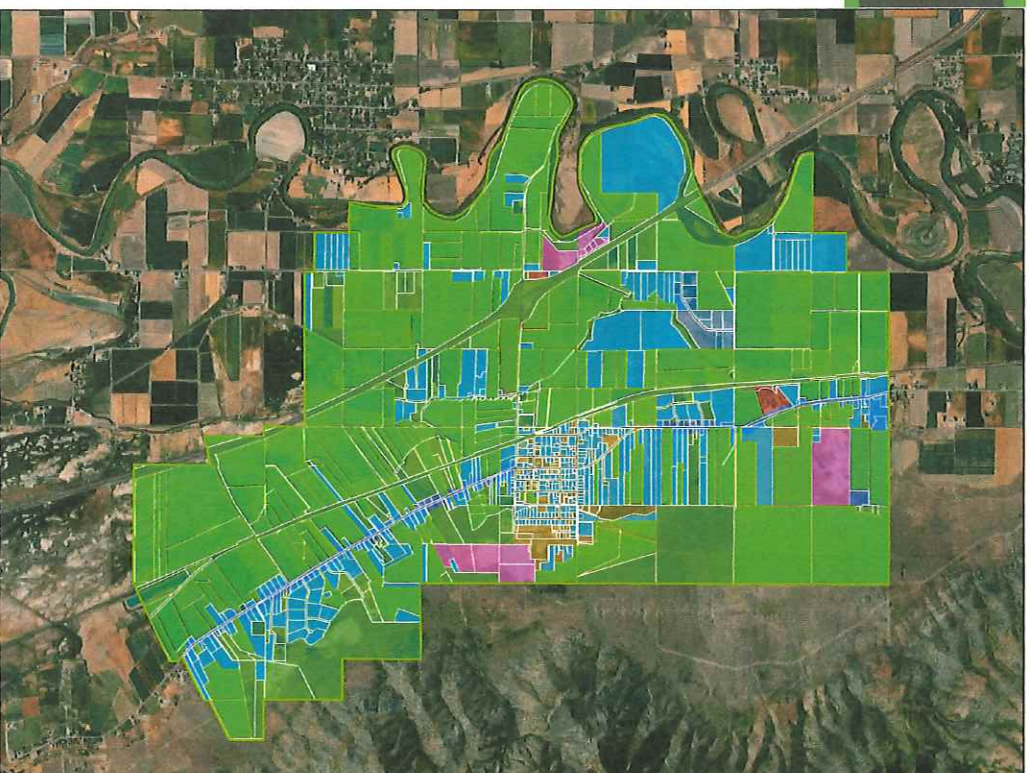
-  Agricultural 5
-  Agricultural 20
-  Rural Residential 1
-  Residential 1
-  Residential 2
-  Commercial
-  Industrial

The future of Agricultural Zoning

Honeyville Today

Parcels taxed as agricultural land (2017)

Parcels taxed as residential land (2017)



Current Zoning

- Agricultural 5
- Agricultural 20
- Rural Residential 1
- Residential 1
- Residential 2
- Commercial
- Industrial

The future of Agricultural Zoning

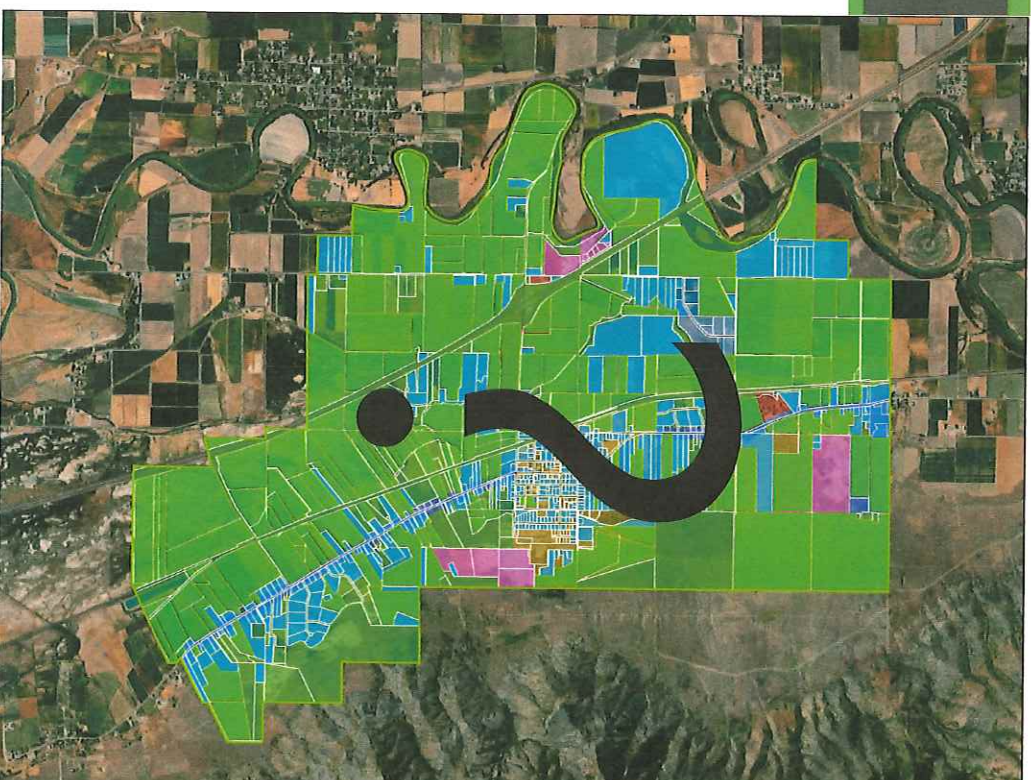
Honeyville Today

Parcels taxed as agricultural land (2017)

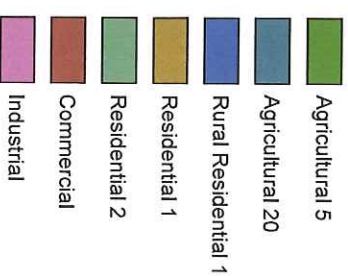
Parcels taxed as residential land (2017)

Honeyville Tomorrow

- A community can decide what it wants to be
- Honeyville residents have expressed a desire to maintain the town as an agricultural community
- Agricultural zones promote and preserve conditions favorable to agriculture and are intended to preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity. The intent of this zone is to prevent residential zones from neighboring bona fide farms which may put the farms at risk.



Current Zoning



Hypothetical Example

One owner sells two parcels for residential development in A-20 zone

Top Parcel: 26 Acres

Bottom Parcel: 10 Acres

No Change

The Agricultural 20 Zone (A-20)

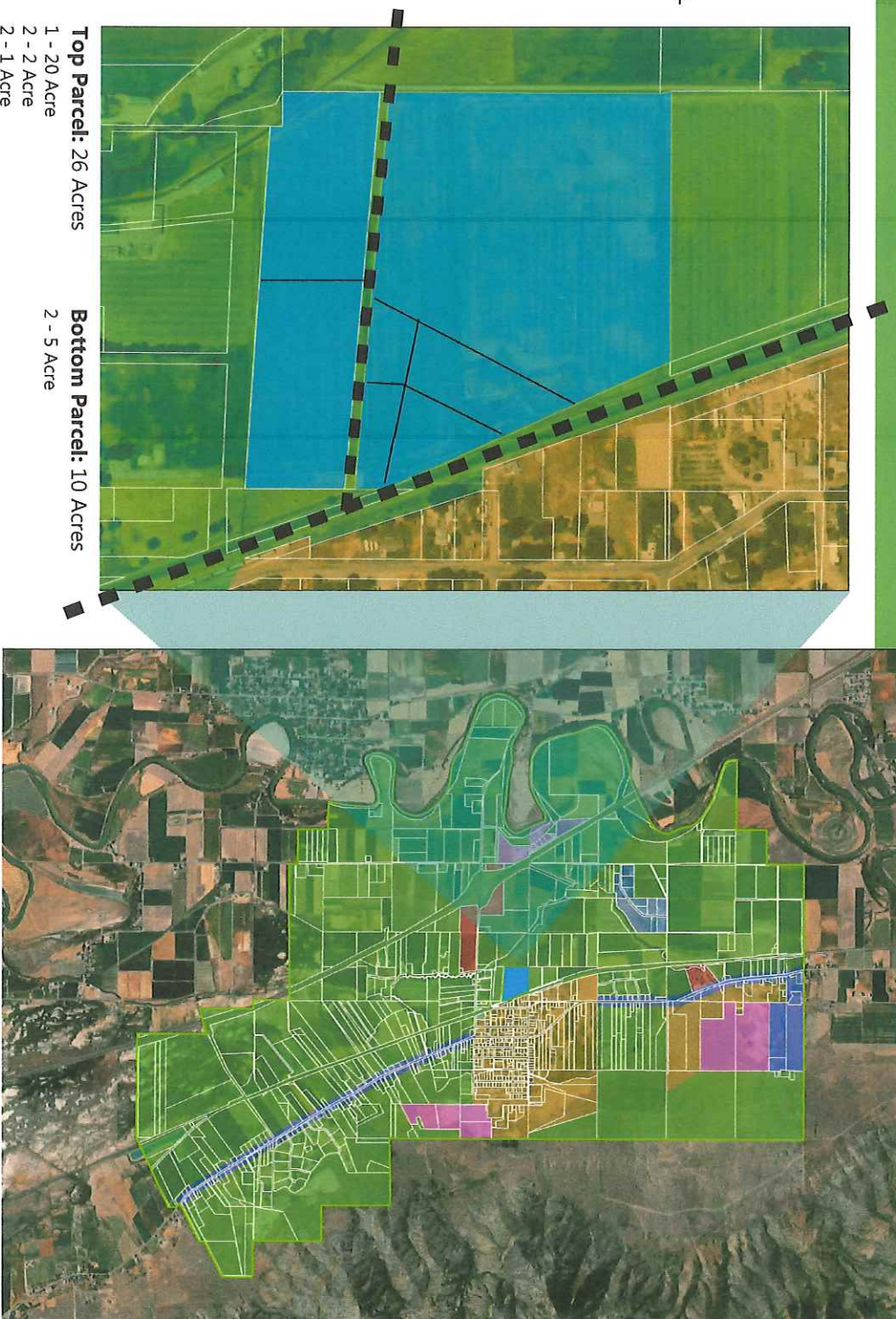
The A-20 Zone is intended to be applied to land which is predominantly devoted to agricultural use and which is intended to remain as such for the foreseeable future.

Minimum lot size: 20 acres or 1 acre, when abutting an existing or proposed city street. At least one lot shall be at least 20 Acres in size.

Minimum width:

- Up to 5 acres - 200'
- 5 - 20 acres - 300'
- 20 acres or larger - 500'

Total lot density: Can't exceed .2 x total
($26 \times 0.2 = 5.2$; $10 \times 0.2 = 2$)



Scenario One

Delete A-20 Zone and keep the A-5 Agricultural Zone as it is

The Agricultural 5 Zone (A-5)

The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.

Minimum lot size: 5 acres

Minimum width: 300 feet

Residential uses:

Conditional

- Single family dwelling with an accessory apartment
- Temporary dwelling
- Guesthouse

Permitted

- Residence for the elderly
- Residence for people with disabilities

Commercial Uses

Conditional

- Agricultural sales and service
- Animal hospital
- Bed and breakfast
- Family group child daycare
- Kennel
- Veterinary service
- Wireless telecommunication facility

Permitted

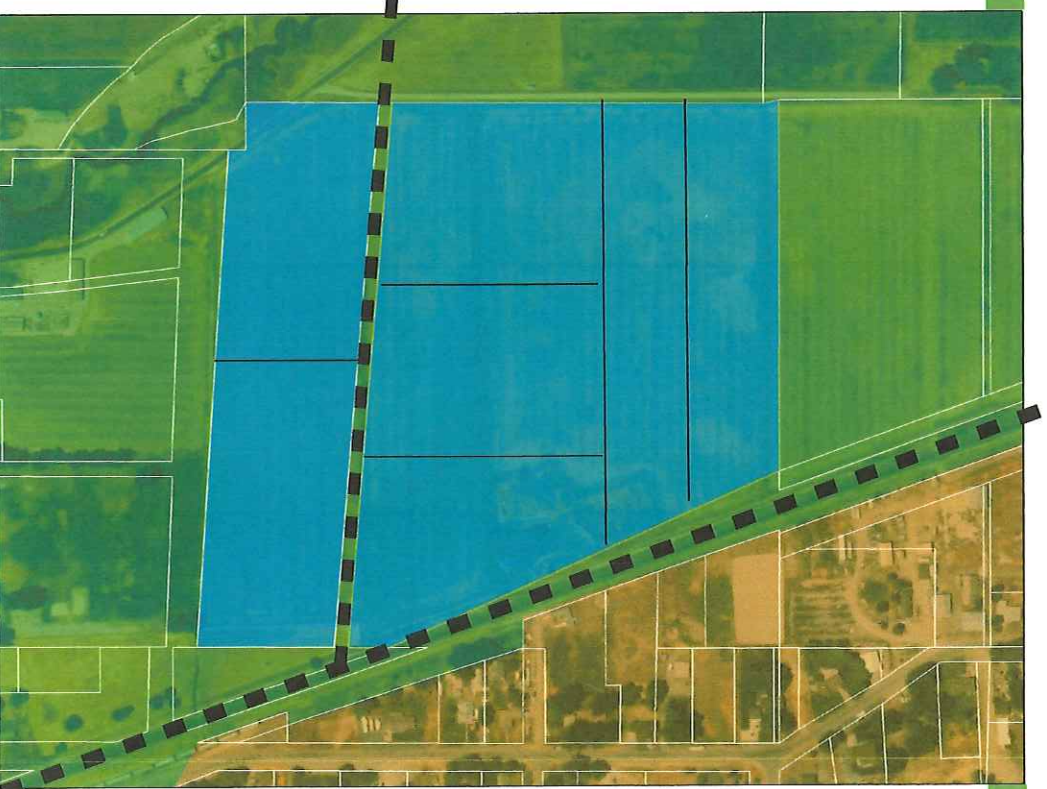
- Family child daycare facility
- Family child residential certificate care facility

Top Parcel: 26 Acres

5 - 5 Acres

Bottom Parcel: 10 Acres

2 - 5 Acre



Scenario Two

Keep the Agricultural Zone as it is, with these changes intended to better preserve the rural character of the community

Agricultural 5 Zone (A-5)

The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.

Minimum lot size: 5 acre

Minimum width: 300'

A-20 Zone

The agricultural 20 zone is intended to be applied to land which is predominantly devoted to agricultural use.

Minimum lot size: 2.5 acre

Minimum width:

Up to 5 acres - 200'

5 - 20 acres - 300'

20 acres or larger - 500'

Development standards:

- Up to 5 acres: RR Zone standards
- 5-20 acres: A-5 Zone standards
- 20 acres or larger: A-20 Zone standards

Top Parcel: 26 Acres

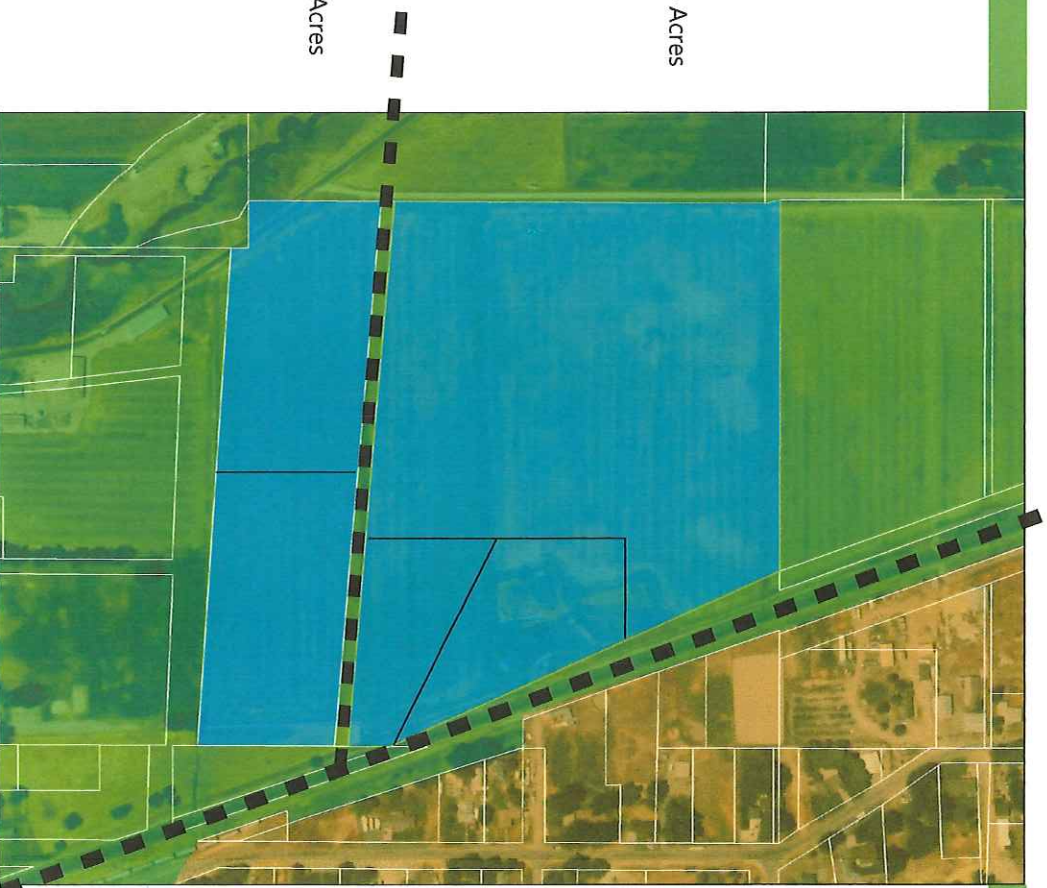
1 - 20 Acre

1 - 2.5 Acre

1 - 3.5 Acre

Bottom Parcel: 10 Acres

2 - 5 Acre



Scenario Three

Replace Agricultural-20 zone with Agricultural-5 Average Zone

The Agricultural 5 Zone (A-5)

The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.

Minimum lot size: 2.5 acres

Minimum width:

- 2.5 - 5 acres - 200'
- 5 - 20 acres - 300'
- 20 acres or larger - 500'

Total lot density can't exceed 0.2 lots per acre, excluding streets and right of way

Development standards:

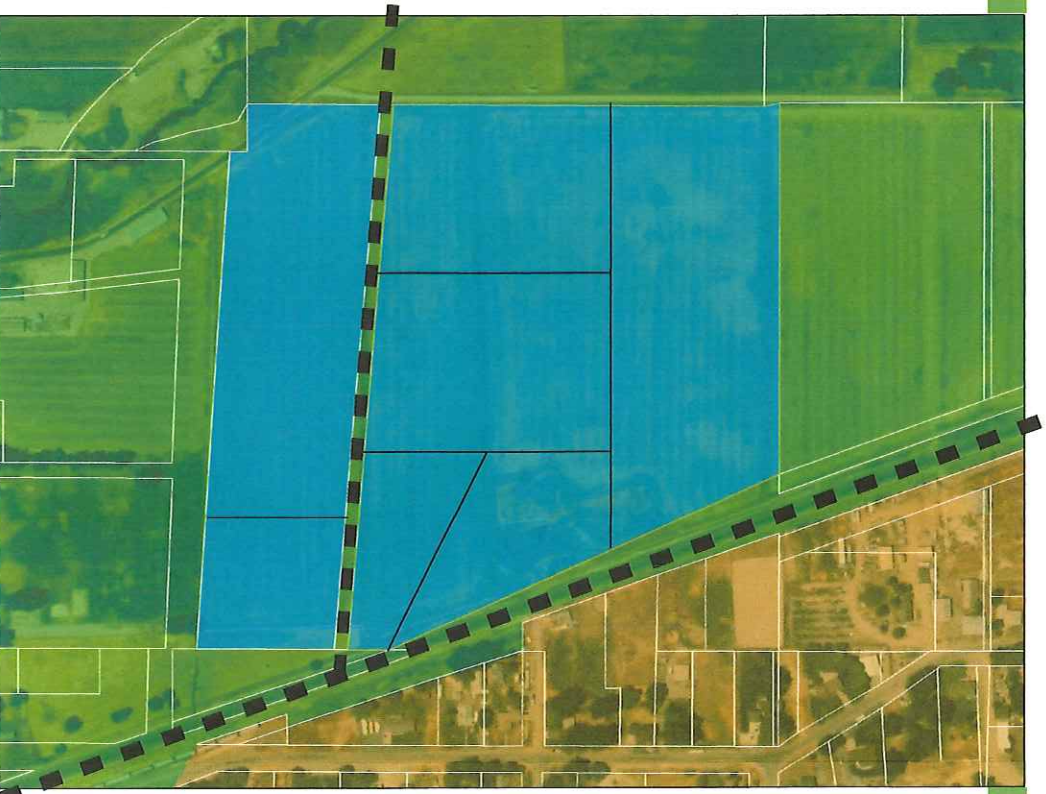
- 2.5 - 5 acres: RR Zone Standards
- 5 acres or larger: A5 or A5A standards

Top Parcel: 26 Acres

- 1 - 10 Acre
- 2 - 5 Acre
- 1 - 3.5 Acre
- 1 - 2.5 Acre

Bottom Parcel: 10 Acres

- 1 - 2.5 Acre
- 1 - 7.5 Acre



Scenario Three

Replace Agricultural-20 zone with Agricultural-5 Average Zone

The Agricultural 5 Zone (A-5)

The purpose of the Agricultural 5 (A-5) Zone is to provide for and protect larger tracts of land intended for agricultural activities, such as, but not limited to crop cultivation and livestock grazing.

Minimum lot size: 2 acres

Minimum width:

- 2 - 5 acres - 200'
- 5 - 20 acres - 300'
- 20 acres or larger - 500'

Total lot density can't exceed 0.2 lots per acre, excluding streets and right of way

Development standards:

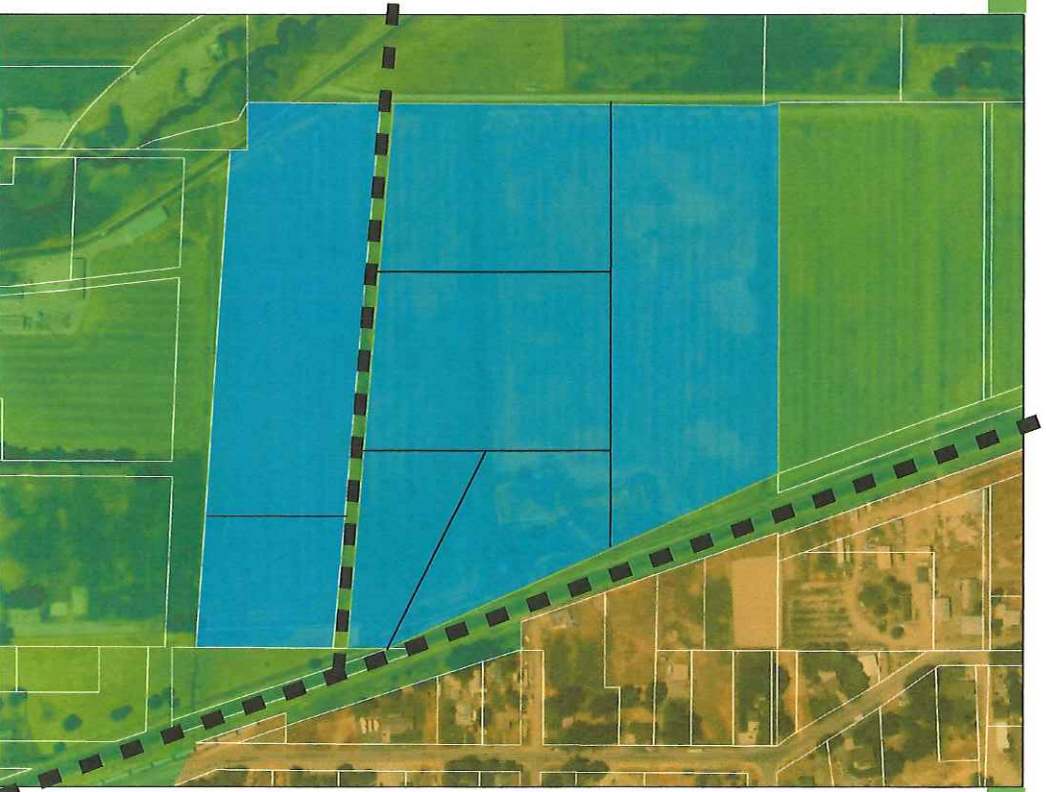
- 2 - 5 acres: RR Zone Standards
- 5 acres or larger: A5 or A5A standards

Top Parcel: 26 Acres

- (1) - 10 Acre
- (2) - 5 Acre
- (1) - 3.5 Acre
- (1) - 2 Acre

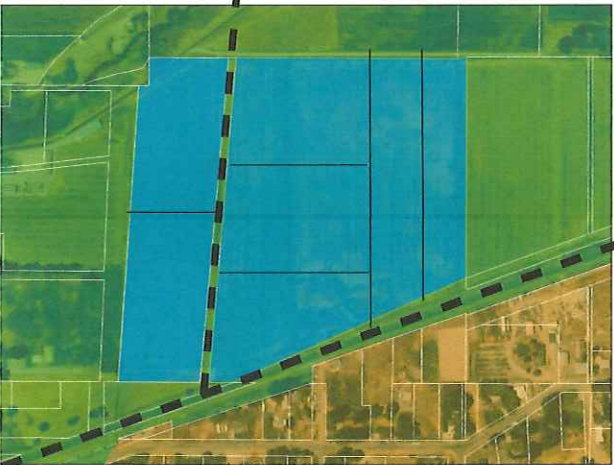
Bottom Parcel: 10 Acres

- (1) - 2 Acre
- (1) - 7.5 Acre





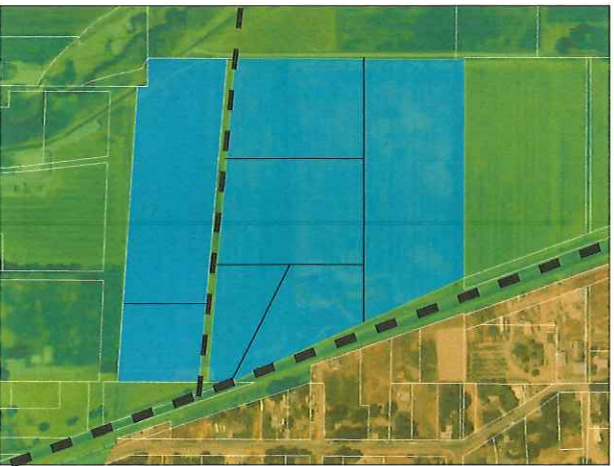
Current A-20



Scenario One



Scenario Two

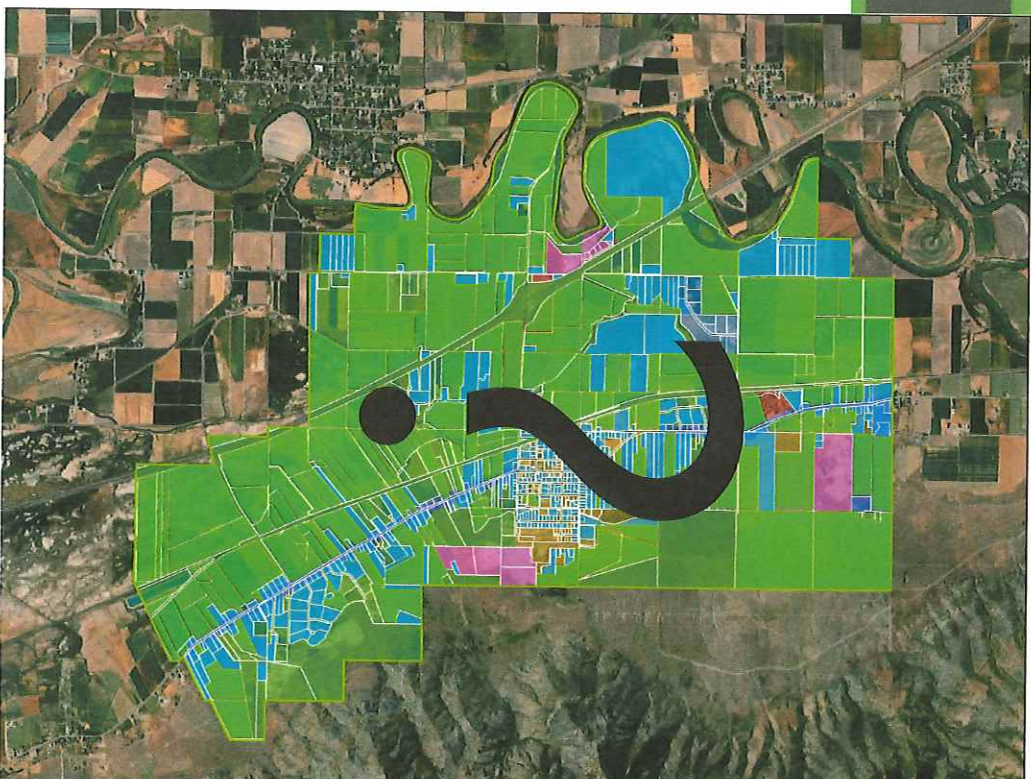


Scenario Three

The future of **Agricultural Zoning**

Honeyville Tomorrow

- How will we ensure water rights are transferred so that agricultural land can be used for agricultural production?
- What is the best way to balance population growth and sound agricultural practices?
- How will regulations affect property value, and how do we ensure we aren't creating a "takings" situation by removing options that are more favorable in the marketplace?



Current Zoning

	Agricultural 5
	Agricultural 20
	Rural Residential 1
	Residential 1
	Residential 2
	Commercial
	Industrial