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, June 24, 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: Bob Kosbab

Conflict of Interest, if any:

Zoning Administrator Report:

ACTION ITEMS:

A. **Caleb Hardy: FINAL**

B. **A-5-A**

C. **Approval of previous minutes:** May 27, 2020

DISCUSSION ITEMS:

A. **Reception Hall**

B. **Bed & Breakfast**

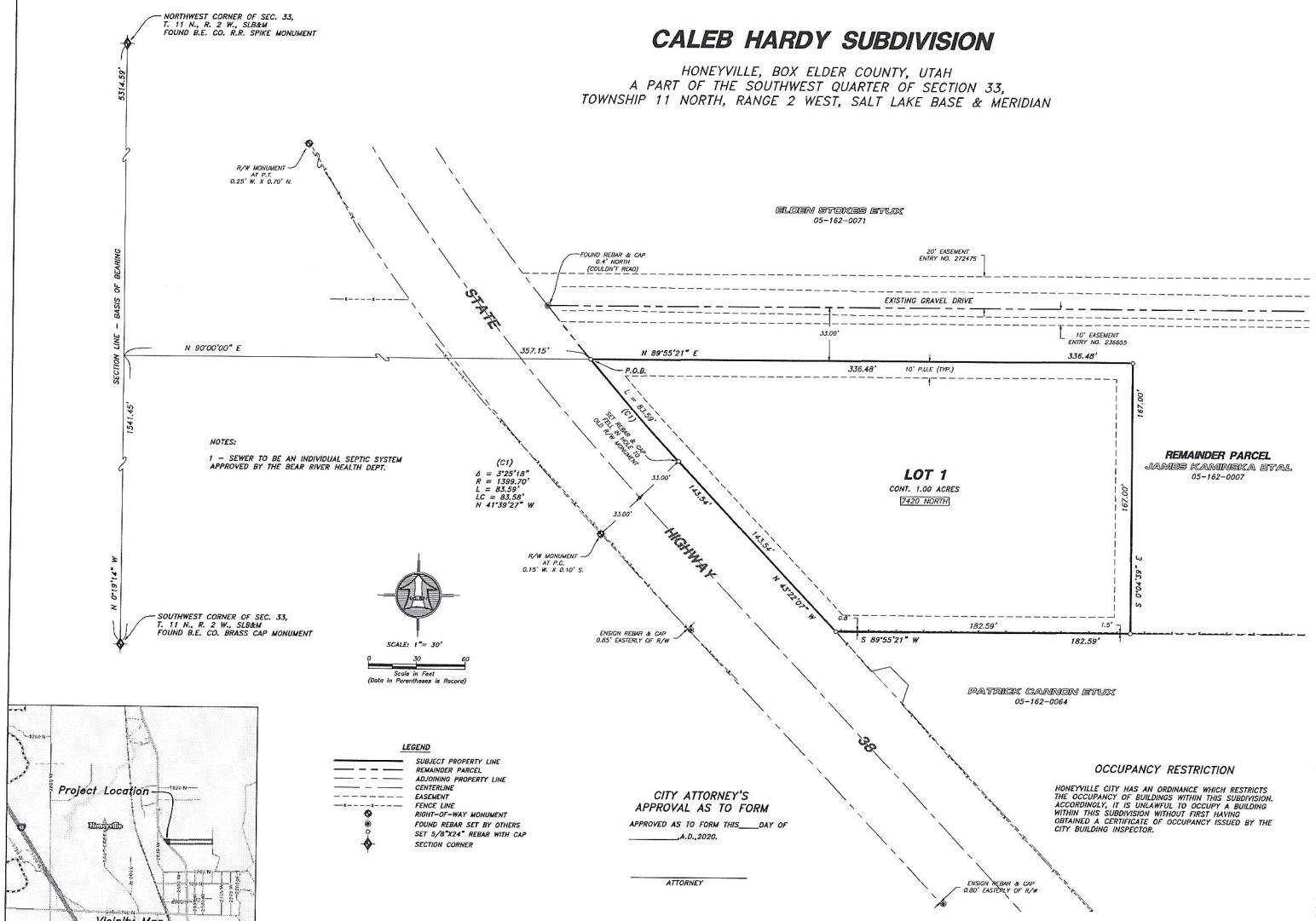
C. **Dog Licensing**

Agenda Items for next month:

Adjournment

CALEB HARDY SUBDIVISION

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



NOTES:

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

LEGEND

- SUBJECT PROPERTY LINE
- REMAINDER PARCEL
- ADJOINING PROPERTY LINE
- CENTERLINE
- EASEMENT
- FENCE LINE
- RIGHT-OF-WAY MONUMENT
- FOUND REBAR SET BY OTHERS
- SET 5/8"X24" REBAR WITH CAP
- SECTION CORNER

CITY ATTORNEY'S APPROVAL AS TO FORM

APPROVED AS TO FORM THIS____DAY OF _____,A.D.,2020.

_____
ATTORNEY

OCCUPANCY RESTRICTION

HONEYVILLE CITY HAS AN ORDINANCE WHICH RESTRICTS 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.

SURVEYOR'S CERTIFICATE

I, ROGER C. SLADE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT: AND BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED AND SHOWN HEREON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE HEREBY SUBDIVIDED SAID TRACT INTO ONE (1) LOT, KNOWN HEREAFTER AS CALEB HARDY SUBDIVISION AND THAT THE SAME HAS BEEN SURVEYED AND MONUMENTS HAVE BEEN LOCATED AND/OR PLACED ON THE GROUND AS REPRESENTED ON THE PLAT HEREON.

SIGNED THIS 11TH DAY OF JUNE, 2020.

ROGER C. SLADE, P.L.S.
UTAH LAND SURVEYOR LICENCE NO. 11386802

SUBDIVISION BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 11 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE INTERSECTION OF A POINT BEING 33.00 FEET SOUTH OF THE NORTH LINE OF JAMES KAMINSKA ETAL PROPERTY, TAX ID NO. 05-162-0007 AND THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 38 LOCATED 1541.45 FEET NORTH 00°19'14" WEST ALONG THE WEST LINE OF SAID SECTION AND 357.15 FEET NORTH 90°00'00" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 33;

RUNNING THENCE NORTH 89°55'21" EAST 336.48 FEET BEING 33.00 FEET DISTANT AND PARALLEL WITH THE NORTH LINE OF SAID JAMES KAMINSKA ETAL PROPERTY; THENCE SOUTH 00°04'39" EAST 167.00 FEET TO THE SOUTH LINE OF SAID JAMES KAMINSKA ETAL PROPERTY; THENCE SOUTH 89°55'21" WEST 182.59 FEET ALONG SAID SOUTH LINE TO SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 43°22'07" WEST 143.54 FEET; AND (2) NORTHWESTERLY TO THE RIGHT ALONG THE ARC OF A 1399.70 FOOT RADIUS CURVE, A DISTANCE OF 83.59 FEET, CHORD BEARS NORTH 41°39'27" WEST 83.58 FEET, HAVING A CENTRAL ANGLE OF 03°25'18" TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRES.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO A LOT AS SHOWN ON THIS PLAT AND NAME SAID TRACT CALEB HARDY SUBDIVISION AND HEREBY DEDICATE, GRANT AND CONVEY TO HONEYVILLE CITY, BOX ELDER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS PUBLIC UTILITY EASEMENTS FOR PUBLIC UTILITY, IRRIGATION AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, IRRIGATION AND DRAINAGE AS MAY BE AUTHORIZED BY HONEYVILLE CITY. WE HEREBY DECLARE THE PLAT NOTES SHOWN HEREON TO BE EFFECTIVE AND BINDING.

THIS_____ DAY OF_____, 2020.

_____
JAMES R. KAMINSKA

_____
CHERISSE H. KAMINSKA

ACKNOWLEDGMENT

STATE OF UTAH)
: ss
COUNTY OF BOX ELDER)

ON THIS____DAY OF_____2020, JAMES R. KAMINSKA AND CHERISSE H. KAMINSKA, HUSBAND AND WIFE AS JOINT TENANTS, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF BOX ELDER, IN THE STATE OF UTAH, THE SIGNERS OF THE ATTACHED OWNERS DEDICATION, TWO IN NUMBERS, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

_____
NOTARY PUBLIC

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A ONE LOT SUBDIVISION FROM PROPERTY TAX ID NO. 05-162-0007 AND TO ESTABLISH AND SET THE PROPERTY CORNERS AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY CALEB HARDY. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS ROS# 071988-FF136 RECORDED IN THE BOX ELDER COUNTY RECORDERS OFFICE ALONG WITH THE EXISTING BOX ELDER COUNTY SURVEY MONUMENTATION SURROUNDING SECTION 33, T11N, R2W, SLB&M. THE RIGHT-OF-WAY FOR STATE HIGHWAY 38 WAS ESTABLISHED FROM SAID ROS# 071988-FF136 WHICH FALLS IN HARMONY WITH FOUND RIGHT-OF-WAY MONUMENTS AND EXISTING FENCE LINES. THE BASIS OF BEARING IS THE WEST LINE OF SAID SECTION WHICH BEARS NORTH 0°19'14" WEST, UTAH NORTH, STATE PLANE, CALCULATED N.A.D.83 BEARING.

DEVELOPER:
CALEB HARDY
7740 NORTH HWY 38
HONEYVILLE, UTAH 84314
(435) 230-0162

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.hales.net
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20-3-14 20-3-14v15.dwg 02/25/2020 RS

BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL

WASTE DISPOSAL SYSTEM & CULINARY WATER SYSTEM APPROVAL THIS___DAY OF _____ 2020.

_____
DISTRICT SANITARIAN

CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE HONEYVILLE CITY COUNCIL THIS ____DAY OF_____ A.D., 2020, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST:_____ _____
RECORDER MAYOR

HONEYVILLE CITY PLANNING COMMISSION APPROVAL

APPROVED THIS_____DAY OF_____A.D., 2020, BY THE HONEYVILLE CITY PLANNING COMMISSION.

_____ _____
CHAIRMAN DATE

HONEYVILLE CITY ENGINEER'S APPROVAL

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

_____ _____
ENGINEER DATE

COUNTY RECORDER'S NO. _____

State of Utah, County of Box Elder, Recorded and Filed at the Request of _____

Date _____Time _____ Fee_____

Abstracted _____

_____

Index _____

Filed In: ____ File of Plats

_____
County Recorder

"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'sopen 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 thatcities 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:2.5acres 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***

EConsidering 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.

Suggestionsfor 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.

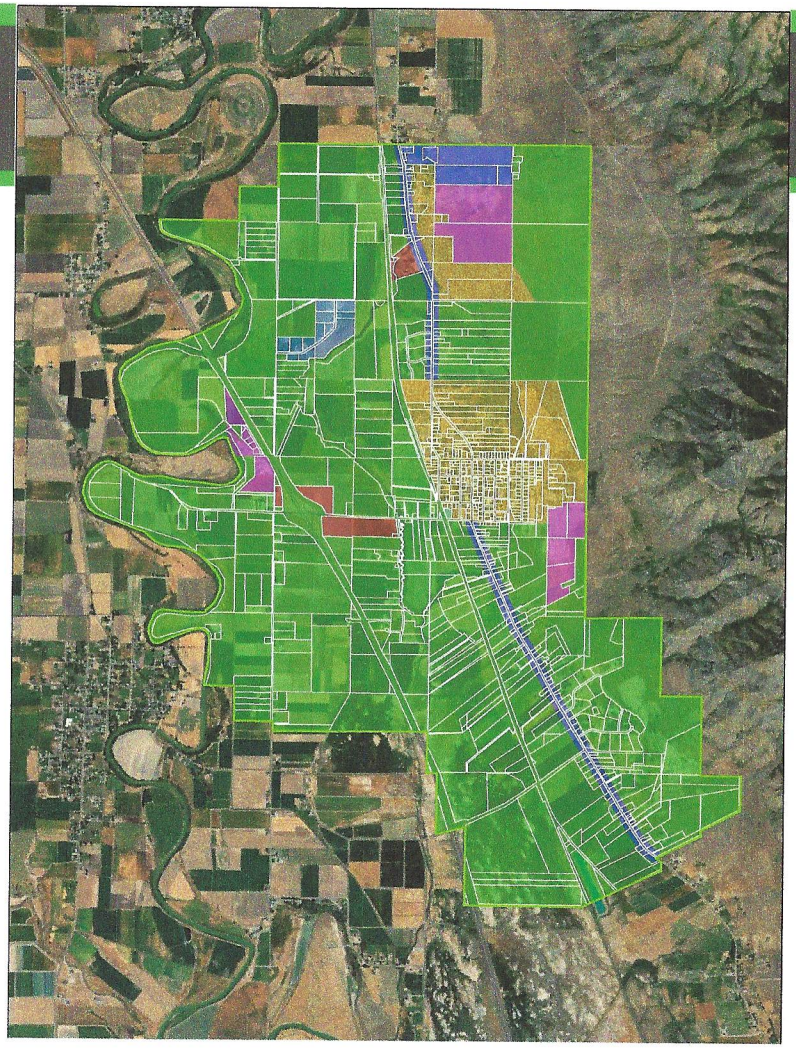
Lots: Properties that have been subdivided.

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

HONEYVILLE
Established 1863

The future of
Agricultural Zoning

Honeyville Today

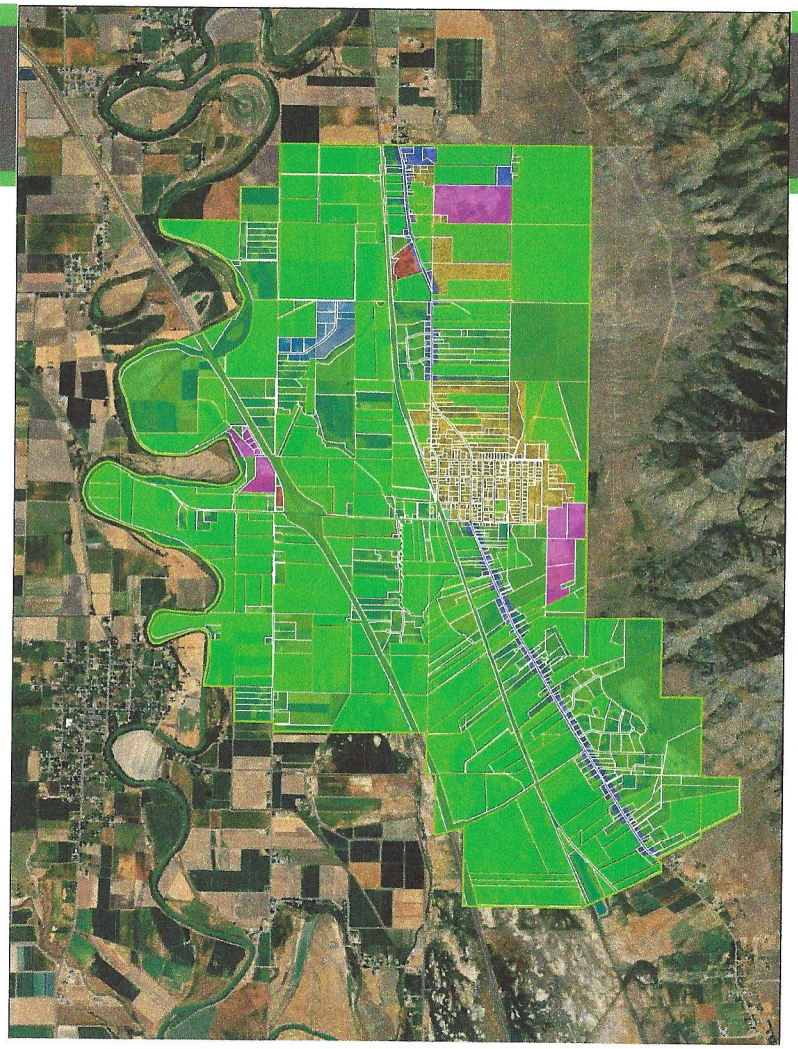


HONEYVILLE
Established 1863

The future of
Agricultural Zoning

Honeyville Today

Parcels taxed as agricultural land (2017)



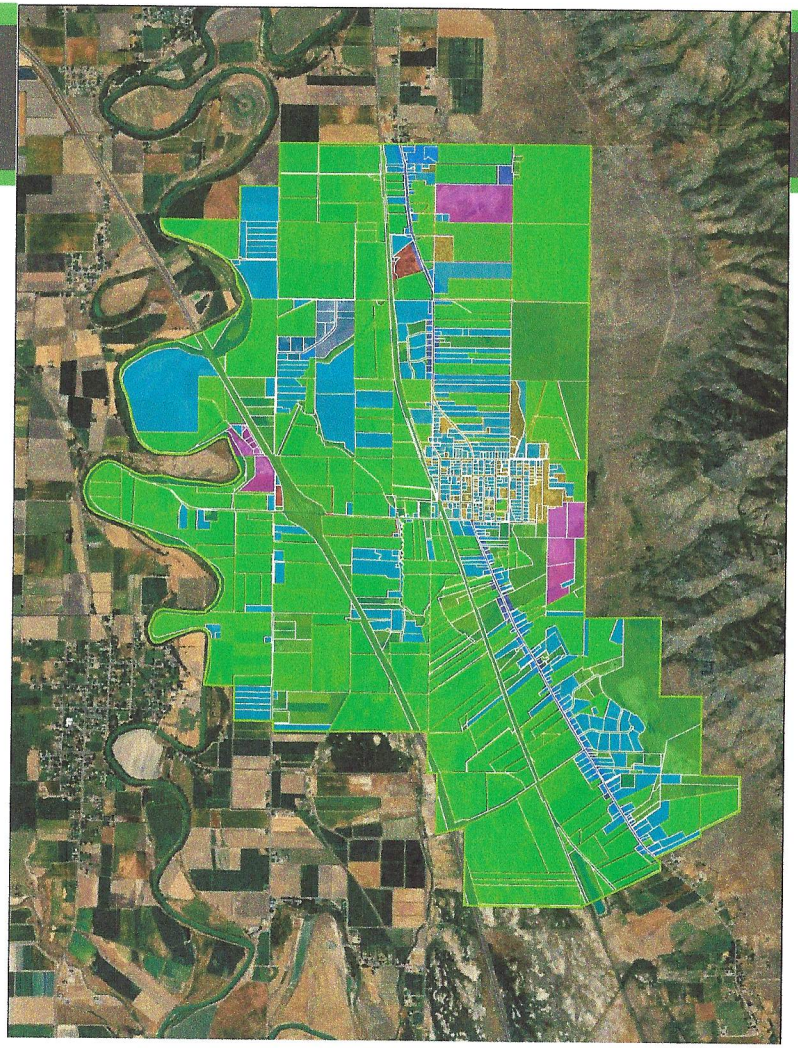
HONEYVILLE
Established 1863

The future of
Agricultural Zoning

Honeyville Today

Parcels taxed as agricultural land (2017)

Parcels taxed as residential land (2017)



HONEYVILLE
Established 1863

The future of
Agricultural Zoning

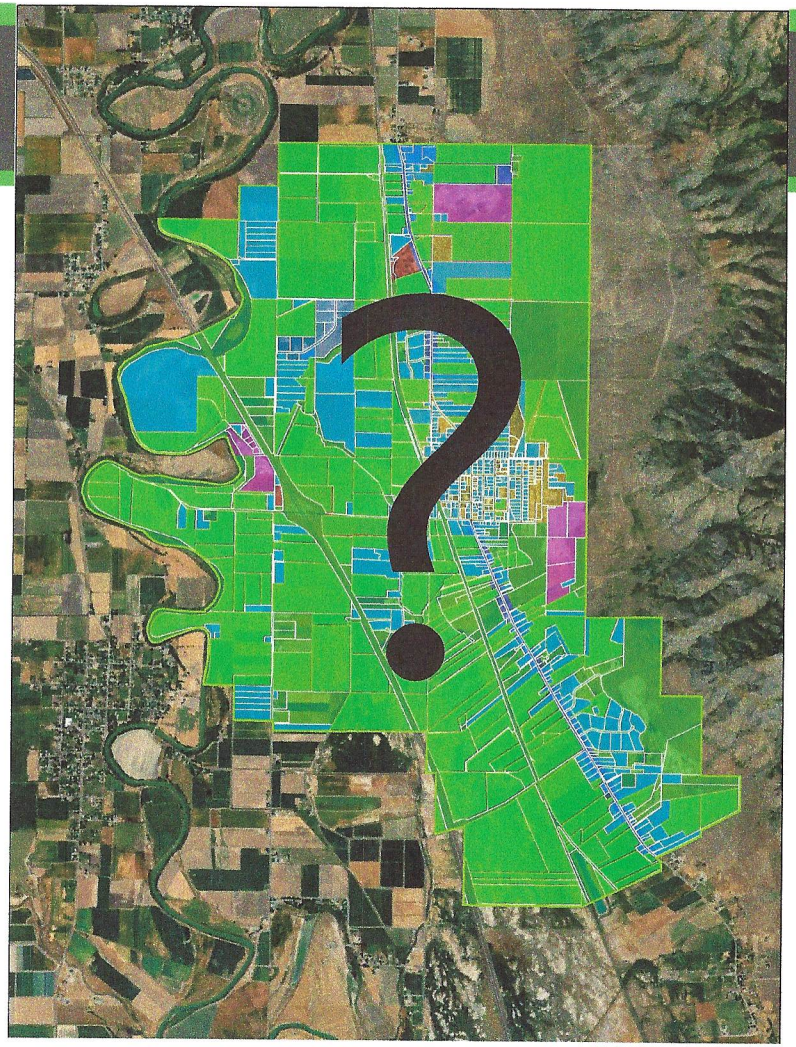
Honeyville Today

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

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

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.

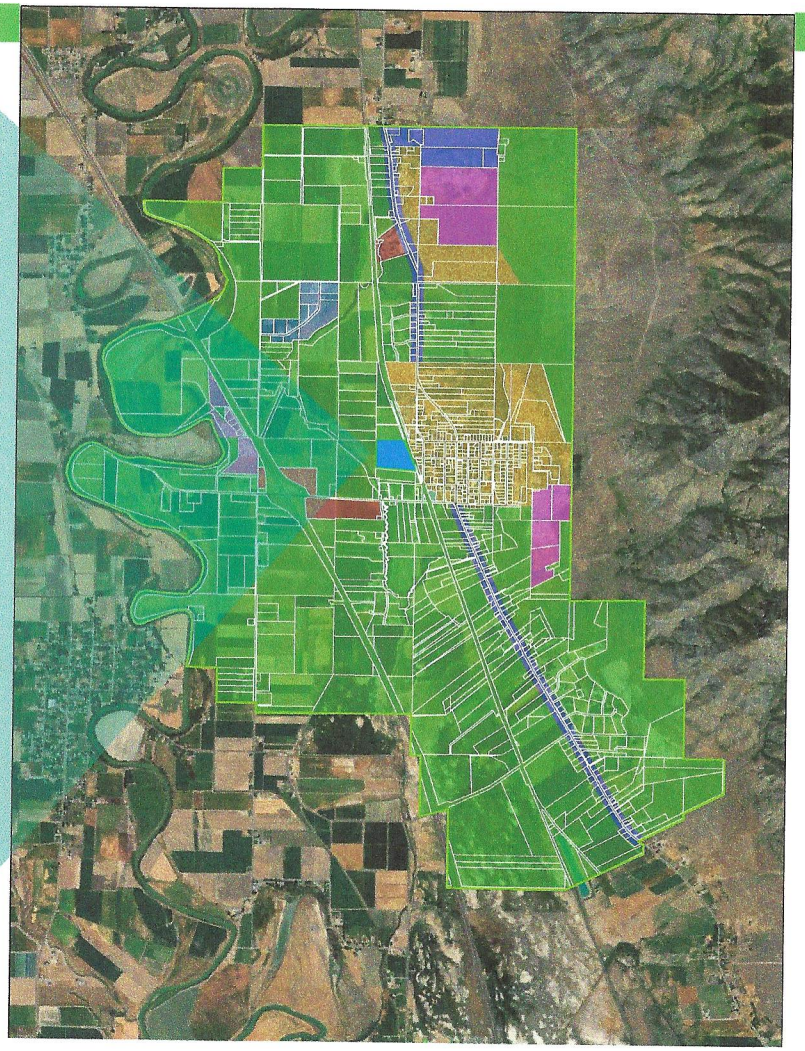
Minimum width:
Up to 5 acres - 200'
5 - 20 acres - 300'
20 acres or larger - 500'

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



Top Parcel: 26 Acres
1 - 20 Acre
2 - 2 Acre
2 - 1 Acre

Bottom Parcel: 10 Acres
2 - 5 Acre



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

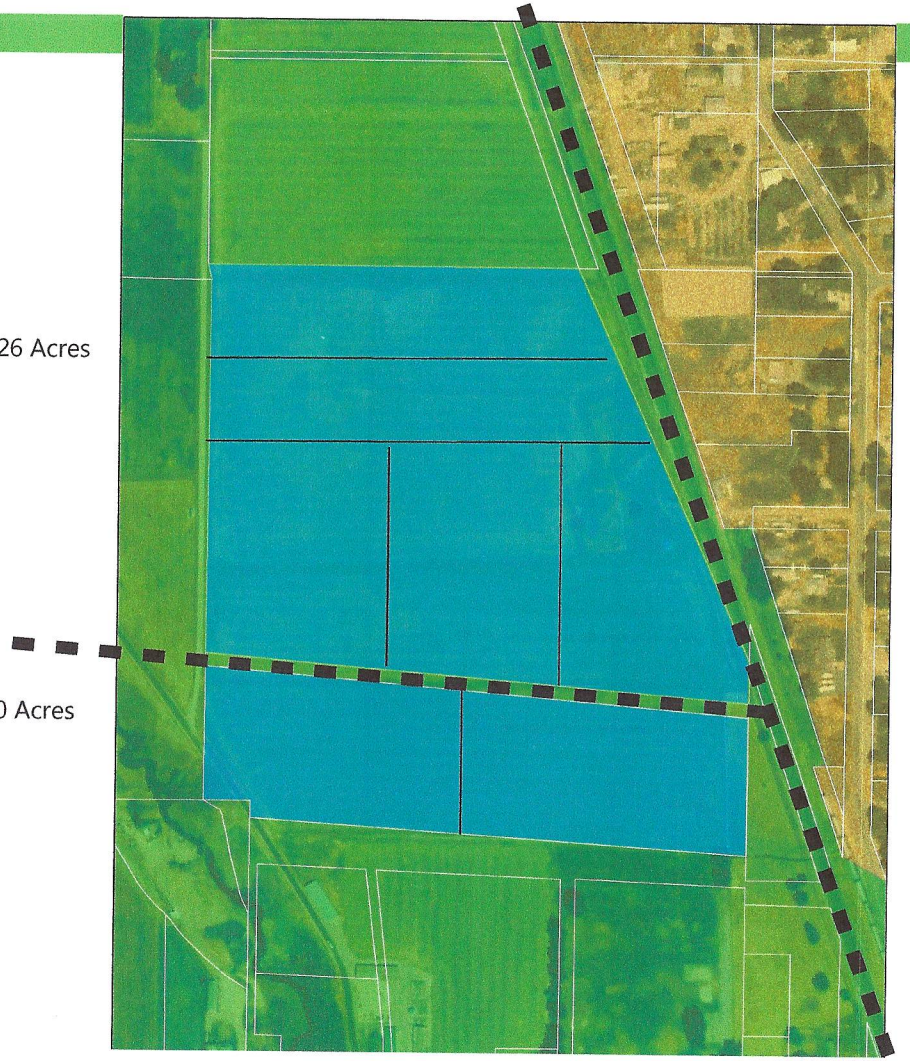
Permitted
- Residence for the elderly
- Residence for people with disabilities

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



Senario 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'

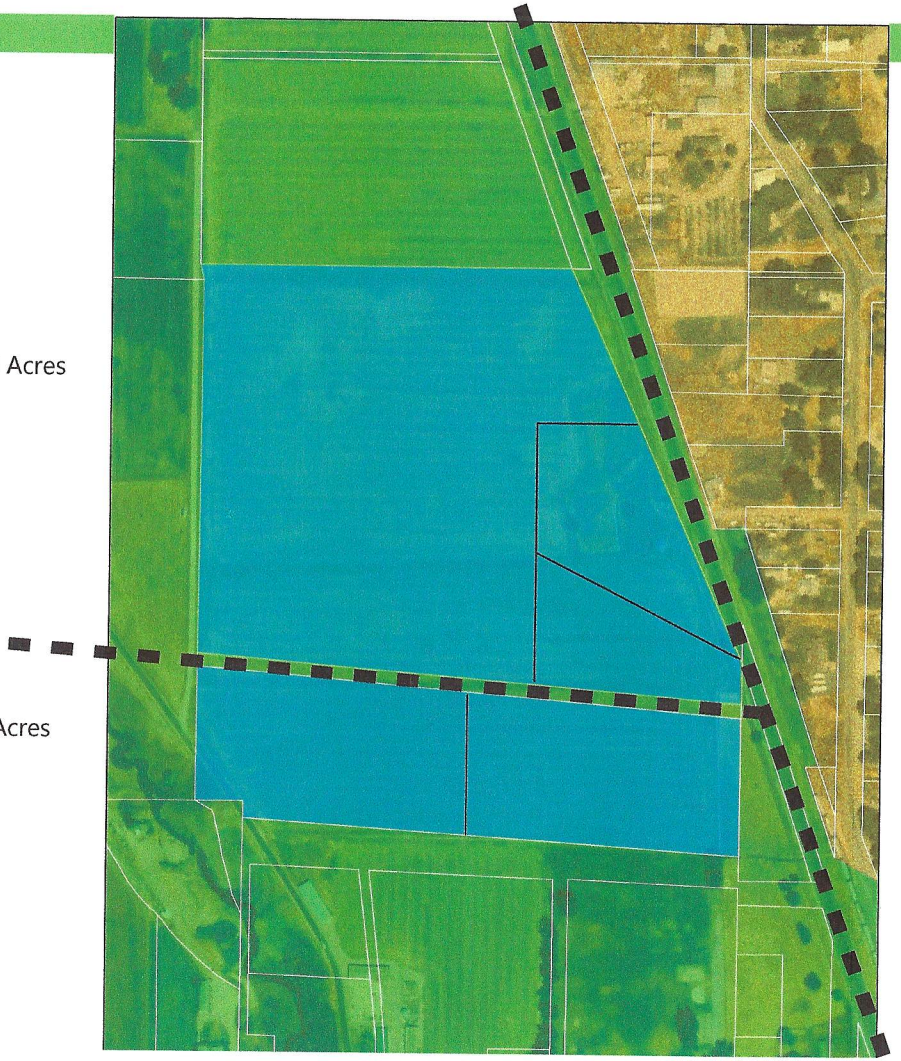
A-20 Zone
The agricultural 20 zone is intended to be applied to land which is predominantly devoted to agricultural use.

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.

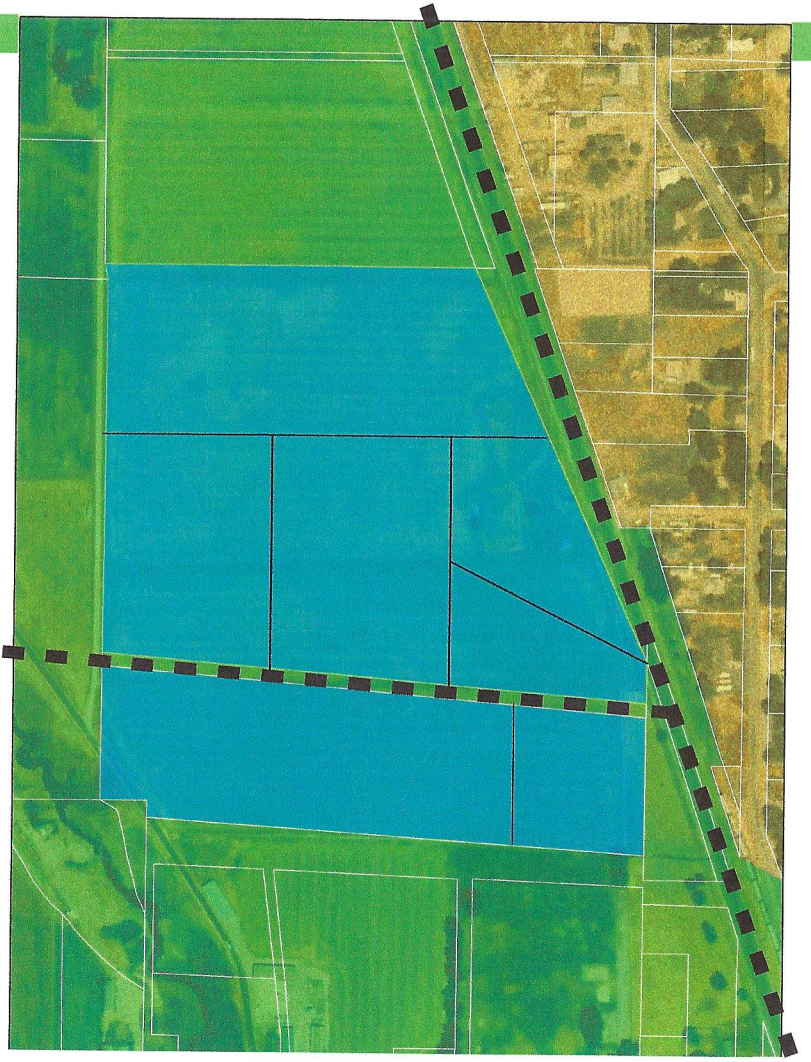
Minimum lot size: 2.5 acres
Minimum width:
2.5 - 5 acres - 200'
5 - 20 acres - 300'
20 acres or larger - 500'

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.

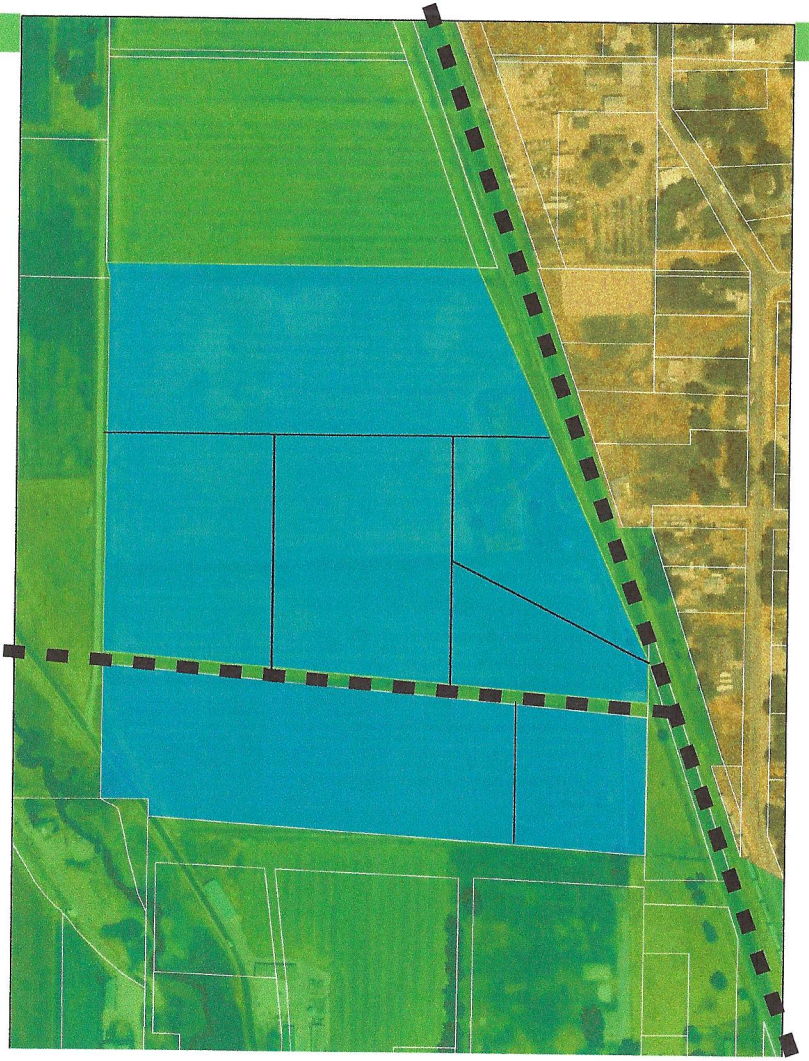
Minimum lot size: 2 acres
Minimum width:
2 - 5 acres - 200'
5 - 20 acres - 300'
20 acres or larger - 500'

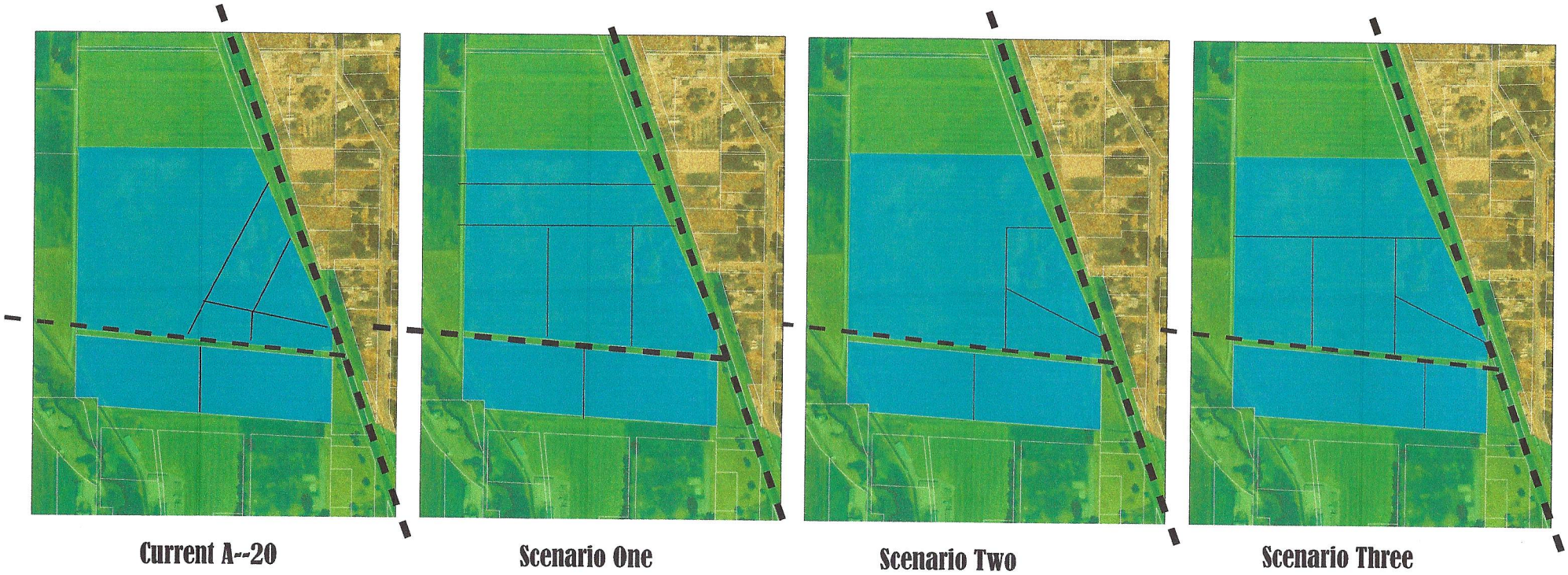
Total lot density can't exceed 0.2 lots per acre, excluding streets and right of way

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

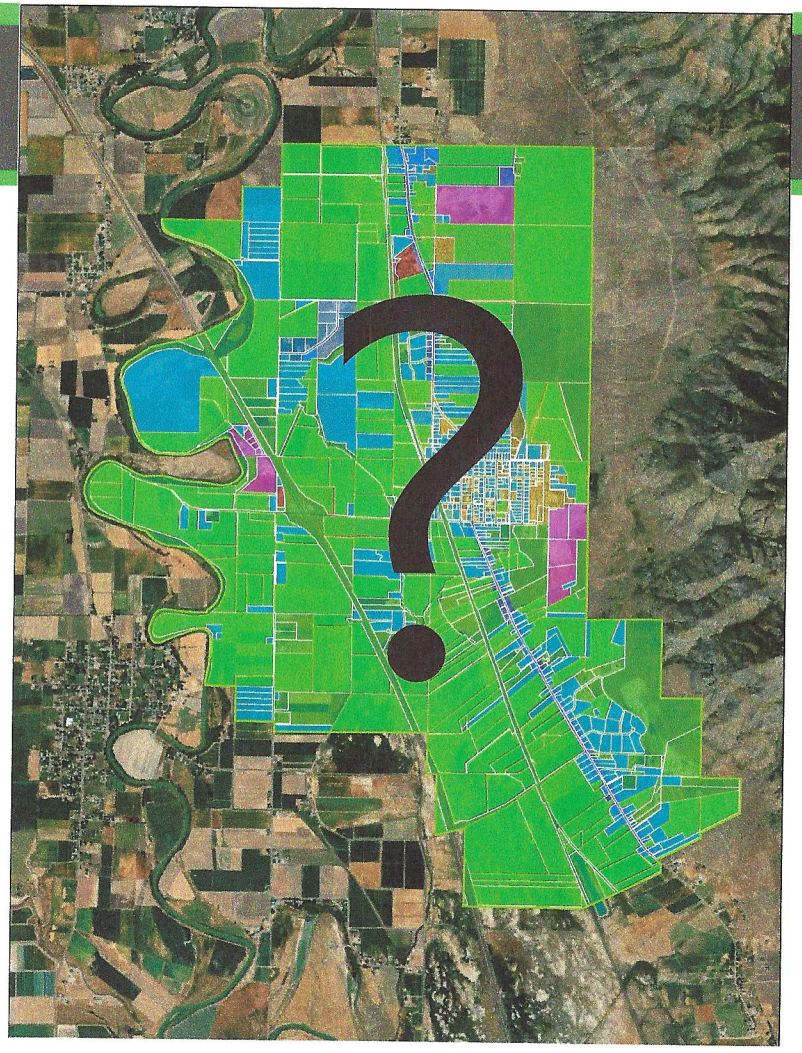
Scenario Three

HONEYVILLE
Established 1863

The future of
Agricultural Zoning

Honeyville Tomorrow

- How will we ensure water rights are transfered 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 proeprty 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

The DRAFT Minutes of
Honeyville City Planning Commission
May 27, 2020, Regular Meeting

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

Present were Chairman Codey Illum, Ryan Adams, Kenny Funk, Laura Hunsaker and Cherisse Kaminska. Bob Kosbab arrived at 7:15 p.m.

There were approximately 4 members of the public present.

CHERISSE KAMINSKA offered the invocation and led the group in the Pledge of Allegiance.

CONFLICT OF INTEREST: None noted.

ZONING ADMINISTRATOR REPORT: CODEY I reported there have been quite a few sheds and shops being built and almost all building lots up in Savanna Heights have been sold.

BUSINESS:

A. **Administer Oath of Office:** Honeyville City Clerk/Recorder, Brittiny Chlarson, administered the Oath of Office to Ryan Adams & Cherisse Kaminska.
B. **Caleb Hardy: Concept & Preliminary Plan – Caleb Hardy** stated that he is looking to form a 1 acre lot from his in-law's property to build a home. **CODEY I** shared that Hansen and Associates has been working with the city engineer, Dana S. He felt that the subdivision meets the requirements of a flag lot and proposed the commission accept the concept and preliminary plans and that they send them on to the City Council for review.
LAURA HUNSAKER motioned to approve the Concept and Preliminary plans of the Caleb Hardy Subdivisionto presented to the City Council. KENNY FUNK seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk for, Laura Hunsaker for and Codey Illum for. Cherisse Kaminksa abstained from voting.
C. **A-5-A:** Is a new zone that has been discussed in several Planning Commission meetings. The Commission felt that in order for this to move forward there needs to be a Public Hearing. There was discussion about how to move forward with this zoning. **CODEY I** felt it would be good to send all options to the City Council. **KENNY F** felt they should send a recommendation to the council. The commission decided that they could send all of the options to the council but state their recommendation along with why they were recommending that particular zoning. **CODEY I** suggested looking at this item next month and asked the commission to come prepared to take action on this item. There was further discussion about the consequences of re-zoning and the commission agreed that they need to be very cautious when making those decisions. They want to avoid spot zoning and felt they need to make sure that the higher density is kept where the higher traffic roads are. And that rural areas need to stay rural.
D. **Reception Hall - KENNY F** felt that it is important to make sure reception halls are only allowed in a zone that makes sense. **CODEY I** stated that it is currently allowed by condition in RR1. It was suggested that it be removed from being allowed in R1. Codey felt it should be in commercial or industrial area only. He asked that the commission come prepared to make a recommendation to send to the City Council. He also stated that the trainings from the State say that the city should not have conditional use permits. It should either be allowed, or it should not. There was further discussion about reception hall requests and the impact they would have on the community along with what

determines an allowed use. They also discussed how a midwife business was previously passed and allowed in the City.

E. **Air B&B: CODEY I** stated that this item was taken to the supreme court because it was so controversial. He also shared that it is an allowed use in all residential zones. The City needs to change the ordinance to match the law. **KENNY F** asked if the City could require a business license for an Air B&B. **LAURA H** asked if rental homes are required to have a business license. **CODEY I** stated that they cannot do this in Honeyville City. He shared that the City does not have the manpower to enforce this. He would like to hold a public hearing to remove it.

There was further discussion about reception halls and the subdivision approval process. **Cherisse K** expressed that the subdivision process is far to long and is a very frustrating process. **Codey I** iterated that they do need to be very cautious when making decisions because every choice they make influences the future.

APPROVAL OF MINUTES FROM FEBRUARY 26, 2020:

CHERISSE K asked for clarification on the animal issues in the minutes. **Codey I** reminded the commission that there was discussion about how many dogs they had approved before requiring a kennel license and then sent it on to City Council, which was to allow 3 dogs before you need a kennel license. They also discussed the wording of the ordinance making it clear that every dog in the city needs to be licensed.

CODEY ILLUM motioned to approve the minutes of February 26, 2020 as presented. LAURA HUNSAKER seconded the motion. MOTION CARRIED with Ryan Adams for, Kenny Funk, Laura Hunsaker, Codey Illum for, Cherisse Kaminska and Bob Kosbab for.

AGENDA ITEMS FOR NEXT MEETING:

A-5-A– ACTION
Reception Hall
Air B&B
Caleb Hardy Final – ACTION (If City Council Approves)
Dog License Ordinance

ADJOURNMENT: BOB KOSBAB motioned to adjourn. CODEY ILLUM seconded the motion. MOTION CARRIED withRyan Adams for, Kenny Funk for, Laura Hunsaker for, Codey Illum for, Cherisse Kaminska for and Bob Kosbab for.

Meeting adjourned at 8:02 p.m.

DRAFT

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

DRAFT

TABLE
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

10-11-1

Use	Zones		
	RR	R1	R2
Agricultural uses:			
Animals and fowl for recreation and family food production	P	P	N
Stable, private	C	N	N
Stable, public	C	N	N
Residential uses:			
Assisted living facility	C	C	C
Dwelling, multiple-family	N	N	C
Dwelling, single-family	P	P	P
Dwelling, single-family with accessory apartment	C	C	C
Dwelling, temporary[1]	C	C	C
Dwelling, two-family	N	N	C
Guesthouse	C	C	C
Protective housing facility	N	N	C
Rehabilitation/treatment facility	C	N	N

Residential facility for elderly persons[2]	P	P	P
Residential facility for persons with a disability[2]	P	P	P
Transitional housing facility	C	N	N
Public and civic uses:			
Auditorium or stadium	C	N	N
Convalescent care facility	C	C	C
Golf course	C	N	N
Hospital	C	C	C
Protective service	C	C	C
Reception center	C N	CN	CN
Recreation facility	C	N	N
School, charter	P	P	P
Utility, minor	P	P	P
Utility substation	C	C	C
Commercial uses:			
Animal hospital	C	N	N
~~Bed and breakfast~~	~~C~~	~~C~~	~~C~~

Family child daycare facility[3]	P	P	P
Family child residential certificate care facility[3]	P	P	P
Family group child daycare facility[3]	C	C	C
Produce stand	C	N	N
Wireless telecommunication facility	C	C	C

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.