

**MINUTES OF THE REGULAR MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON SEPTEMBER 1, 2021 AT THE RUSH VALLEY TOWN HALL
52 SOUTH PARK STREET, RUSH VALLEY, UTAH
THE MEETING BEGAN AT 7:00 P.M.**

Planning & Zoning Commission Members Present: Scotty Hawkins, Jeff Neil, Blaine Russell and Carl Wall. Boone Baird was not in attendance.

Appointed Officers and Employees Present: Attorney Rob Clegg and Patty Rowe

- 1. Discussion and Review of Agenda Items by Planning Commission.** None
- 2. Roll Call.** Blaine Russell, Carl Wall, Scotty Hawkins and Jeff Neil
- 3. Approval of Meeting Minutes for 08-04-2021.** Carl made a motion to approve the minutes as written for 08-04-2021. Scotty seconded the motion. All present voted in favor and the motion carried.
- 4. Public Hearing for Consideration of an Ordinance Amending the Town's Front Yard Setback Requirements.** The public hearing opened at 7:00 p.m. Jeff Neil stated the purpose of the public hearing is to amend the minimum of 60-foot front yard setback from the center line of all roads. This setback requirement includes 30 feet on each side of the center line of the road, along with an additional 30-foot front yard setback from the road. This amendment was initiated by the planning & zoning commission and approved by the town council.

Glenna Matekal, 681 West 200 South, Tooele Utah asked if the planning & zoning commission initiated the amendment for approval by the town council? Did the town council give permission to move forward with the amendment? Jeff said yes, they did.

Attorney Rob Clegg said that there was an email received from Howard Arthur and asked that the planning & zoning commission read the email (not the content of the email) into the minutes of the meeting. Jeff Neil stated that an email from Howard Arthur and was reviewed and taken into consideration. The public hearing closed at 7:12 p.m.

Blaine stated that we have some roads in town that are wider than other roads. This could potentially take more property from one side than the other when measuring 60 feet from the centerline. Scotty said that this ordinance is referencing when your property line is the center of the street. Not all streets are measured from the center of the street. Some deeds

call to the center of the road and some to the front of the building. This ordinance is talking about setbacks, not right of way.

Scotty's question is how is this handled for a private road? Doug Kinsman said it would be 30 feet from the right of way line for the easement. The reason for this would be that the private road may not always be a private road. If for instance, the town decided to make it a public road by approaching the landowner and having some kind of transaction. We are trying to foresee all possible situations. This ordinance is a tool to help the planning & zoning to determine what setbacks should be on all new builds. Perhaps more language and clarification are needed in the ordinance.

Blaine said in RR-5 zone, the minimum setback is 60 feet from the center line. If he were to build a shed, he needs to measure from the center line to the edge of the shed, if his ownership goes to the center of the road.

Jeff said the reason for this is for the future. On a major subdivision we require a 60-foot-wide easement for the road and utilities. That is 30 feet on each side. So, if from the center of the road to your house is 60 feet, that gives you a 30 foot setback. If a major subdivision is put in, it will require a 60 foot right of way. If we have allowed houses to be built 30 feet off the property line, houses could be torn down and we are trying to prevent that from happening. Carl said if one person's property line is the center of the road and another person's is not, it only changes where you are measuring from. The end goal is that you are 30 feet off the public (or to be public) street. Doug Kinsman said some of the roads in town are already dedicated and if so, then the 30-foot measurement is used. If the road has not been dedicated, then it is the 60-foot measurement. We need to add more language to the ordinance to cover private lanes. It was agreed that there needs to be more clarification on which roads are covered under the ordinance.

Carl asked if we need more clarification in the ordinance to cover nonconforming lots because it could possibly make a lot unbuildable. Doug Kinsman reiterated that this ordinance is for future growth, not existing homes. Some pieces of the land use management code could supersede the ordinance. Once the ordinance is changed, the old rule does not apply, the new ordinance becomes the new rule.

Carl said in reality we are talking about buildable setbacks, not roads. The intent of this ordinance is to clarify buildable setbacks. Attorney Clegg advised that we do need more clarification on this ordinance.

Scotty made a motion to table the ordinance until we get further clarification and then re-draft it. Blaine seconded the motion. All present voted in favor and the motion carried.

5. **Approval of Building Permit for Barn – John Slade.** John Slade submitted a permit application for a barn. He also brought the drawings to include in the package. The map that Mr. Slade provided was not adequate and Jeff asked for a plot map that has dimensions on it. The permit can be approved pending receipt of the map. Scotty made a motion to approve the permit pending the plot map with the setbacks shown. Carl seconded the motion. All present voted in favor and the motion carried.
6. **Public Comments.** Bill Harding asked a question regarding putting a garage on the west side of his property. What setback would he need off of Kruletz Lane? Scotty said 30 feet from the edge of the property line. He also wondered if spec sheets would work, or does he need stamped, engineered drawings? Doug Kinsman said he would like to see the sheets. Bill will send them to Patty, and she will forward them to Doug for review. Bill Harding also asked if he puts an awning on the west side of his house with a separate contractor, can he use the same permit. Jeff said there will need to be two separate permits.
7. **Adjourn.** Scotty made a motion to adjourn the meeting. Carl seconded the motion. All present voted in favor and the motion carried. The meeting ended at 7:44 p.m.