

**MINUTES OF THE REGULAR MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON JULY 6, 2022 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: Boone Baird, Scott Hawkins and Blaine Russell. Carl Wall was not in attendance.

Appointed Officers and Employees Present: Attorney Rob Clegg and Patty Rowe, Clerk/Recorder

- 1. Roll Call.** Boone Baird, Scotty Hawkins and Blaine Russell
- 2. Approval of Meeting Minutes for 06-01-2022.** Boone Baird made a motion to approve the minutes as written for 06-01-2022. Blaine Russell seconded the motion. All present voted in favor and the motion carried.
- 3. Approval of Building Permit Application for Home for Dustin Neil at 576 N. Main Street.** Dustin & Kimber Neil were present at the meeting. All necessary documents were provided, and the setbacks are met. Blaine Russell made a motion to approve the building permit for Dustin Neil. Boone Baird seconded the motion. All present voted in favor and the motion carried.
- 4. Approval of Building Permit Application for Dog Kennel/Shed for Jeremiah Harding at 489 W. Highway 199.** Jeremiah Harding was present at the meeting. Scott Hawkins said the lot is a nonconforming lot and the setbacks are met. The building will be a kennel with a lean to shed attached. It is not a licensed kennel and there will be no power nor water to it. Blaine Russell made a motion to approve the building permit for Jeremiah Harding. Boone Baird seconded the motion. All present voted in favor and the motion carried.
- 5. Extension on Conditional Use Permit for Paul Bishop at 365 E. Highway 199.** Paul Bishop stated that he is still trying to get the issue with the property finalized. Paul asked if a title history is necessary. Patty Rowe said that she has spoken to Jerry Houghton, Tooele County Recorder who also owns a title company and was told that a title history is not the proper document to ask property owners to provide. If we get an updated map from the recorder's office it should show the necessary information, if the map has been updated. This subject needs to be discussed further. Scott Hawkins made a motion to approve the conditional use permit for Paul Bishop for six more months. Boone Baird seconded the motion. All present voted in favor and the motion carried. Paul Bishop paid an additional \$50 for the CUP.
- 6. Documentation Showing Proof of Ownership/Buildable Lot for Jerrod Pierce at Juniper Street.** Scott Hawkins said that it looks to him like the lot is an existing lot in the original St. John subdivision. Jerrod Pierce said that he would like to pull one lot out of the 16.4 acres and also, if possible, he would like to pull another lot at the same time. He would like to give each lot their

own tax identification number, because they currently only have lot numbers. Attorney Clegg said that he does not have a problem with this. Scott Hawkins said that the road will need to be improved up to the lot and an easement put into the other lot. Jerrod Pierce said that if someone decides to build on the lots, he will put in whatever size easement the town requires on the west end of the lots and a roundabout for emergency vehicles. Attorney Clegg reminded the commission that this is a courtesy conversation and if Jerrod Pierce applies for permit, all issues will be worked out at that time. The purpose of this meeting is to determine if it is a buildable lot. Blaine Russell asked if this falls under a major subdivision and Scott Hawkins said that right now it is one piece, but the two lots were original to the St. John subdivision. Attorney Clegg does not believe that the subdivision statute would apply to this situation. It was determined that this is a buildable lot.

- 7. Discussion on Building Options for Mike Szymanski at 1173 N. Church Street.** Mike Szymanski said that there is an existing 24 x 24 garage on the property. Scott Hawkins said that because the lot sits on a corner, there are two frontages. The setback goes 60 feet from the center of the road, and this will limit how large of a house can be built on the lot. The lot is 93 feet from Juniper and 141 feet from Church Road. Scott Hawkins also said that only 10% of the property can be covered with buildings and the maximum coverage would be approximately 1350 square foot. With the 24 x 24 garage, they have taken up 556 feet of the 1350, so the maximum that the house could be is 814 square feet. This does not include if there is a well and septic on the property. Mike Szymanski asked where it states that only 10% of the property can be covered. Scott Hawkins told him to look in Chapter 11 of the land use management code.

Attorney Clegg asked if this property is a grandfathered lot? Scott Hawkins said it is an original lot with a new owner and there is nothing built on it but the garage. Attorney Clegg said one concern he has is according to Chapter 5 5.7 of the code, if there is lot smaller than what is zoned and they are living on the lot in a house, it is a legal non-conforming use because it is grandfathered in. But legal nonconforming uses have a shelf life and if the use is abandoned for more than one year it is presumed to go away from being a legal nonconforming use. Scott Hawkins said that he does not believe this to be the case because we have allowed houses to be built on nonconforming lots in the past. Attorney Clegg said that a variance should be used in these types of situations to abide by the code in Chapter 5 5.7. This issue needs to be discussed further. Attorney Clegg is simply giving legal advice to the Planning & Zoning Commission. Patty Rowe provided a copy of Chapter 5 of the land use management code and also a copy of the variance application process to Mike Szymanski.

- 8. Public Comments.** Holli Harding, 180 E. Highway 199 said that she respects everybody on the town council and planning & zoning commission, but with all the talk of variances she is concerned that the ones that are feeling it are the residents that have been here a long time. Farmers and current residents have restrictions that they have to abide by so why are we giving variances for new residents? If the State does not start putting restrictions on people, the town is going to have to. She feels that the rules still apply to old time

residents, but new residents are not having to abide by the rules. She feels the growth is affecting the water situation and people that have farming as their livelihood cannot do their business anymore.

9. **Adjourn.** Blaine Russell made a motion to adjourn. Boone Baird seconded the motion. All present voted in favor and the motion carried. The meeting ended at 7:47 p.m.