

NOTICE AND AGENDA
Apple Valley Utah
Planning Commission

Public notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold a **Planning Commission Meeting on Wednesday, December 11, 2019** at the **Apple Valley Town Hall**, 1777 N. Meadowlark Dr., Apple Valley, Utah, commencing at 6:00 PM. or shortly thereafter. In accordance with state statute, one or more members may be connected via speakerphone.

The Agenda for the meeting is as follows:

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

CONSENT AGENDA

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- A. Approval of Minutes for 9.25.2019
- B. Approval of Minutes for 10.9.2019
- C. Approval of Minutes for 10.23.2019

PUBLIC HEARINGS/DISCUSSION AND ACTION

- 1. Public Hearing for Amendments to 10.04.010; Home Occupation Definition
- 2. Recommendation from Planning Commission on changes to Town Code 10.04.010 Definitions
- 3. Public Hearing for Amendments to 10.02.130; Changes and Amendments
- 4. Recommendation from Planning Commission on 10.02.130 Changes and Amendments
- 5. Presentation of the results of the Shipping Container Survey
- 6. Recommendation from Planning Commission on 10.28.230 Accessory Building and Accessory Uses General Requirements
- 7. Discussion on 10.14.020.B.1 Short Term Vacation Rental Rules and Regulations/Bed and Breakfast in Commercial Zoning

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **9th day of December, 2019**.

Dated this 9th day of December, 2019

Ben Billingsley, Deputy Clerk
Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS and MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

OPENING

Chairperson Browning brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Town Recorder Michelle Kinney

Chairperson Browning would like to flip the hearings so items A, B, C, and D, are moved after item K.

MOTION: Chairperson Browning moves to change the agenda to hear item E first then F and G.
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye
Commissioner Prentice Aye

The vote was unanimous and the motion carried

APPROVAL OF TKS CONDITIONAL USE PERMIT

TKS is looking to place a fiber optic demarcation plant for intersection point between TKS and the line from another company. Similar to the one that South Central has behind the Chevron only smaller.

Mayor Lisonbee asks how far from the highway it is and the representative for TKS mentions the power company doesn't want it under the power line but they can have it anywhere else within their lease area.

Commissioner Kuehne asks about the antenna tower. The representative mentions that most likely they will not put up the tower, at least not initially.

MOTION: Commissioner Fralish moves approve the location of the conditional use permit for the high speed building with input from the council on the exact location.
SECOND: Commissioner Prentice
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Jorgensen Aye

Commissioner Kuehne	Aye
Commissioner Fralish	Aye
Commissioner Prentice	Aye

The vote was unanimous and the motion carried

Ben Billingsley suggests that they clarify the previous motion to send this item to council for approval.

MOTION: Chairperson Browning moves to amend the motion to place the building on the south most part of the leased area of the property and farthest away from the highway.

SECOND: Commissioner Prentice

VOTE: Chairperson called for a vote:

Chairperson Browning	Aye
Commissioner Jorgensen	Aye
Commissioner Kuehne	Aye
Commissioner Fralish	Aye
Commissioner Prentice	Aye

The vote was unanimous and the motion carried

HEARING FOR AMENDMENTS TO TOWN CODE 10.28.230 "ACCESSORY BUILDING AND ACCESSORY USES GENERAL REQUIREMENTS"

MOTION: Chairperson Browning moves open the hearing the amendment for the hearing for town code 10.28.230 Accessory Building and Accessory uses General Requirements

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Chairperson Browning	Aye
Commissioner Jorgensen	Aye
Commissioner Kuehne	Aye
Commissioner Fralish	Aye
Commissioner Prentice	Aye

The vote was unanimous and the motion carried

Tana Stone- Shows a picture of her accessory building. This is building is under 200 square feet. She explains that she was charged with a class B misdemeanor for her accessory building. She works in public service and this has the ability to impact her livelihood. At a meeting held several weeks ago she mentions an instance when an officer of the town mentioned that the planning commission shouldn't listen to the public. She mentions the work she put in to making her container nice and would like the Commission not to disallow all containers.

Tony Prytel- Bought his place 17 years ago and he did so because of the CCR's that wouldn't allow mobile home trailers to be brought in.

Jason Graham- He doesn't plan on having a shipping container but he believes his rights allow him to be able to place a shipping container on his property. He doesn't believe that shipping containers will hurt property values of neighbors.

Tim Farr- He shares his feelings that the red white and blue doesn't give the right to do anything we want to. Once code is in place it should be enforced or it should be changed through the proper procedure. The code should be enforced uniformly; the entire code should be followed and enforced throughout the entire town.

Rich Kopp- Mentions that every deed and title is subject to the code of the area in which you reside.

Rich Osoki- Shares his thoughts on being the code enforcer in town and that his responsibility is to enforce the code. He shows a short video of shipping containers he found within town.

Richard Fischer- Shares his wonder as to why a resident was sighted if 20 footers are allowed. He mentions that there are 7, 40 footers within Hurricane city limits.

Forrest Kuehne- asks where it says in the code that 20 footers are allowed

Margie Ososki- She mentions her research of other communities that have shipping container ordinances. Enoch has a code for shipping containers and Cedar city is working on a code for them.

Janet Prentice- Mentions the 2009 code and it mentions that no shipping containers are allowed. 2016 they did try to make them more allowable.

Margie Ososki- mentions that in July 2010 the previous mayor told Curtis Gubler that he could have a shipping container if it was less than 200 square feet and painted to match the house.

Chairperson Browning asks if this was officially amended. Margie Ososki and Janet Prentice both mentioned that it wasn't officially amended until 2015. Commissioner Kuhene asks about what happened in 2010 then and Chairperson Browning mentions that it was they could paint them. The Recorder mentions that in the audio minutes for 2010 it was amended.

Jay Kleinfeldt finds it surprising that nobody knows what the current code is. He would like to know if there is a limit to the lot size for shipping containers. He isn't against them being on 1 acre or larger lots but would not like to see them on smaller lots that are considered high density.

Darwin Rawlins- He shares his feeling about moving into the community. He didn't know they even needed a permit to set a container on his property. He feels like him and his wife stepped into an ongoing fight in the neighborhood. He doesn't want to fight. They were willing to fix theirs up and stucco it but it would cost more for them to stucco than to just build a building. As a new resident we didn't feel very welcome into town because of all these issues.

Rich Kopp- People should be more versed in what the town code is. He would like to see more

communication between the town and the residents. My right as a homeowner shouldn't be infringed upon by my neighbor's rights.

Charles Canham- He would like to understand why the rules need to be changed, he has a shipping container and he is thinking about getting another. The mayor responds that the town is just trying to clean up the issues with the code.

Jerry Wells- Not a fan of shipping containers but he would like them to be allowed while people are building a home. Perhaps a 90 day limit for a container if they are building.

Allison Kapkee- She would like to see the containers allowed for a short period of time like when building a home. The UNLESS clause in the code isn't helpful, allow them or don't allow. The rules need to be understandable and mentions the possibility of limiting the size. It is the responsibility of the person coming in to see what is allowed by the town. She doesn't like them and thinks they bring property values down. The rules should be provided when people apply for a building permit.

Richard Palmer- He is for shipping containers he has one. He came into this office and asked if he could have it and he was told yes in 2017 as long as it was painted. There are other scenarios in town that are also a problem but he feels the shipping containers are being singled out. I want to fit into this community but I don't want to fight all of these battles. I purchased the container because of affordability. This is fire and mouse proof, and he stacks his wood next to it.

Celesta Palmer- I think I should be able to have any color container I want. She did ask and was told it was ok. Its fire proof and it does look better than many of these other sheds that are falling down and have mice.

Richard Fischer- He mentions the box the CCR's at Ososki's-The town isn't supposed to enforce the CCR's.

Gary Dewley- Enforce the code or burn it.

Debbie Kopp- shares the concern that when someone brings them in while building a home getting them to then remove the container may become an issue.

Sherry Rawlins- We thought we had this worked out and could keep our container while we build and would then have to remove the container before we could receive our occupancy certificate.

Gloria Charles- She has been trying to sell her house since July. She states many people who have come to look at her home ask her what the deal with the shipping containers is. She believes this does affect property values.

Jerry Wells- Previous administrations didn't give a damn and now this administration has to clean this mess up.

Commissioner Kuehne is reading the current code and Chairperson Browning reads what they are considering changing the code to.

Mayor Lisonbee shares his experience in Duck Creek and noticed how many shipping containers there. He didn't feel that these made the area look bad. He went to Lake Powell and when you leave Kanab he hasn't ever noticed anything but the area, it wasn't until this discussion started that he noticed all the shipping containers. A survey will be put on the town website so we can get more information on what everyone would like to see in town. We perhaps we need to add something to the code for the shipping containers during building and larger lots would be allowed to have shipping containers.

Margie Ososki she would like it on the record that there are more than two or three people in the audience that don't want shipping containers. She suggest if you have 2 lots you should be able to put your survey in 2 times.

Chairperson Browning would like to see a raise of hands on:

No shipping containers-13

I want what I want no restrictions-2

Shipping containers with common sense parameters-23

MOTION: Commissioner Prentice motions to close the public hearing
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye
Commissioner Prentice Aye

The vote was unanimous and the motion carried

HEARING FOR AMENDMENTS TO TOWN CODE 10.26 "OUTDOOR LIGHTING"

MOTION: Commissioner Jorgensen moves to open the hearing for town code 10.26 "Outdoor Lighting"
SECOND: Chairperson Browning
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Perntice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Chairperson Browning mentions talks about some of the adjustments they would like to make to the Lighting Codes.

Mayor Lisonbee asks what the change was for the lumens.

Chairman Browning- the lumens are changing to 1200.

Lisa Farr- What is the time frame in which to change the fixture. Chairman Browning mentions this is when the fixtures break and have to be replaced.

Attorney Guzman suggests addressing the fixture replacement language. He mentions the building permit trigger would be a better option than a destroyed fixture criteria.

Tim Farr- we built here because of the dark skies as he does astro photography. His neighbor has a light that crosses the street and lights up the road and his house. This light is set to come on every time a car goes across the road and blinds the driver. This light also trespasses onto his property.

Jerry Wells mentions that everyone should ride down this road and see what he is talking about and how bright the lights are and how they blind you at night.

Chairperson Browning mentions that lightbulbs need to be brought into compliance now.

Attorney Guzman mentions that it sounds like many residents are not currently in compliance. You must inform residents uniformly that on a specific date, we will be enforcing current code.

Richard Fischer mentions that he would like to see the building permit, sale or purchase of a home triggering the compliance of the lights.

Commissioner Jorgensen asks if we issue a notice of non-compliance will this cause a problem getting title insurance.

Attorney Guzman suggests enforcing the current ordinance now, then any new lights or building has to be in compliance with the new ordinance. He doesn't know if the Chevron lights are meeting current ordinance so make sure you require this of everyone and is done uniformly.

Chairperson Browning mentions another option for this rewrite.

Should needs to be changed to shall.

Mayor Lisonbee mentions the drop dead date and the building permit trigger. Attorney Guzman mentions that if someone is not in compliance now they will have to meet the new standard.

Chairperson Browning would like to know if the 15 minute time limit is too long.

MOTION: Chairperson Browning moves to close the hearing on the lighting ordinance.
SECOND: Chairperson Prentice
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Perntice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

HEARING FOR AMENDMENTS TO TOWN CODE 10.28.100 “PARKING REQUIREMENTS OF PRIVATE RECREATIONAL VEHICLES IN RESIDENTIAL ZONES”

- MOTION:** Chairperson Browning moves to open the hearing for amendment to town code 10.28.100 “Parking Requirements of Private Recreational Vehicles in Residential Zones.”
- SECOND:** Chairperson Fralish
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commission Perntice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

Chairperson Browning read the current changes they are working on as described in the packet.

Commissioner Prentice mentions they are trying to keep people from living in their RV’s.

Richard Fischer mentions that he would like to have the wording requiring a screen or fence removed.

The commission discusses the option of having the code state a trailer may be occupied for a period of 30 days, renewable one time for a total of 60 days within the year.

Attorney Guzman recommends some changes to the title of the section including adding the wording “Subject to the Following.”

Add “Legally Parked” instead of “Properly Parked.”

Richard Fischer suggests adding something for a minimum number of days so someone who is only staying for 2 days is not required to have a permit. The commission has a discussion on how to handle this situation.

- MOTION:** Chairperson Browning moves to close the hearing for the parking of private vehicles in residential zones.
- SECOND:** Commissioner Prentice
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commission Perntice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

- MOTION:** Commissioner Kuehne moves to table item I, Recommendation from the Planning Commission on the changes to town code 10.28.230, “Accessory Building and Accessory Uses General Requirements.”
- SECOND:** Commissioner Prentice
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Perntice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

- MOTION:** Chairperson Browning moves to forward the town code amendment for 10.26 “Outdoor lighting” to the town council for approval with the changes as noted with the end date of January 1st, 2025 to bring into compliance.
- SECOND:** Commissioner Fralish
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Perntice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

- MOTION:** Commissioner Jorgensen moves to forward to the Town Council the changes to town code 10.28.100 “Parking Requirement of Private Recreational Vehicles in Residential Zones” as discussed.
- SECOND:** Commissioner Kuehne
- VOTE:** Chairperson called for a vote:
- | | |
|------------------------|-----|
| Chairperson Browning | Aye |
| Commissioner Prentice | Aye |
| Commissioner Jorgensen | Aye |
| Commissioner Kuehne | Aye |
| Commissioner Fralish | Aye |

The vote was unanimous and the motion carried

HEARING FOR GENERAL PLAN AMENDMENT FOR AV-1377-E FROM RESIDENTIAL TO AGRICULTURAL- ROCK TITE CONSTRUCTION/ GRAHAM.

Chairperson Browning opens the public hearing for the General Plan Amendment for AV-1377-E from Residential to Agricultural.

Jason Graham shows some pictures of the property, they will be included in the packet. He talks about the property and explains there is a wash that runs through his property. This is about 6 miles from this part of town. This road is a dead end road and only serves three other parcels. He mentions the properties to the east are currently being used as agricultural. He submitted a permit to build a shop on this property. Jason mentions a phone conversation that was had between the mayor and Christian Holt. The commission asks what he would like to do with the lot that you cannot do with the RE5. He mentioned he would not be able to have any more than 10 large animals. He mentions that the mayor has a large steel building on agricultural land next to a residential lot. He is asking that the commission be consistent with him and allow the property be zoned AG.

Mayor Lisonbee- mentioned that the conversation he had with Christian has been embellished some. He is not trying to torpedo anything. The current general plan mentions that this area is RE-1/2 acre we have also discussed making this area low density.

Margie Ososki- asks if the shop is going to be for commercial use. He would like the shop for his tractor collection it will not be for commercial use.

Rich Kopp- mentions that the commission would be setting the precedent for cows and pigs etc with this change and he doesn't want that.

Richard Fischer- mentions that many of the people out in this area that have been AG.

How big of a farm can you do on this parcel with a big gully in it.

Charles Canham- He believes that Mr. Graham should be welcome to do what he would like as he is for Agricultural areas.

Rich Ososki- He would like the area residential and he asks if there will be any commercial mechanics going on in this building. Graham mentions he would like to use his property as he sees fit. He grew up on a dairy farm.

Margie Ososki- mentions that with residential estates he can have a detached garage.

Haley Graham- mentions AG because the RE codes are very complicated.

Commissioner Kuehne- mentions that it sounds like RE5 or RE10 may fit fine for them.

Rich Kopp-He cannot stress enough that everyone has property rights. He would like to have his property as AG but he doesn't its RE5.

Michelle Kinney-States the property next to this is already zoned AG. Shapley was told he needed to make his property RE5 to create a buffer area from the residential homes in the cul-de-sac. The changes to the General Plan have not already been made and many of the homeowners in the area want larger lots and this is consistent with that.

Margie Ososki- Asks about the taxes collected on agricultural land versus residential and if they are different. Tish Lisonbee mentions that her residential and AG land are both taxed the same because she has buildings on them.

Ben Billingsley clarifies what is possible with an attached garage and detached garages. Attached may be up to 100% of the total living area and detached garages may be up to 50% of the footprint of the home. Accessory buildings may be up to 50% of the rear yard.

Forrest Kuehne- Comments that if many people in the area want AG then it may be reasonable to consider changing this entire area to AG for the General Plan.

Jason Graham apologizes if he came across as rude. He implores the commission to finish this tonight so he can get started with building his home.

Mathis Barlow- He would recommend looking at the whole area for the general plan and making it AG.

Mayor Lisonbee mentions that they haven't had the discussion on whether or not that area should be AG or RE we only talked about the minimum size of the parcels. We may want to look at that.

MOTION: Chairperson Browning moves to close the hearing for general plan amendment for AV-1377-E from Residential to Agriculture.
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Prentice Abstain
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

HEARING FOR ZONE CHANGE, PARCEL NUMBER AV-1377-E FROM PLANNED DEVELOPMENT TO AGRICULTURAL-5, ROCK TITE CONSTRUCTION/ GRAHAM

MOTION: Commissioner Fralish moves to open the hearing for zone change for parcel AV-1377-E from Planned Development to AG-5.
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commission Prentice Abstain
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Commissioner Prentice excuses herself from the chamber and leaves the building.

Rich Kopp- To pressure the planning commission to make a decision tonight is not right.

Madeline Graham this was first on the agenda and would like to have this finished up tonight.

Tish Lisonbee mentions that the conceptual idea for the area is make everything low density not necessarily RE-5 and that you need to allow for usage and not blanket everything RE.

Richard Fischer- When you buy property if what you want to do doesn't meet the current zoning you apply for a zone change and this this standard procedure.

Rich Kopp points out that just because you go to the planning commission for something doesn't mean you are going to get exactly what you want.

Mathis Barlow suggests that if they made a commitment to Shapley then this should be changed as well.

Commissioner Kuehne mentions that he doesn't think they made a commitment but rather suggested they would consider the change.

Rich Kopp- if that decision was already made with the Shapley then perhaps we do need to the minutes and find out and go with this change but only if the minutes reflect that happened.

Madeline Graham- Perhaps this could be a starting point, perhaps this will help with the general plan.

MOTION:	Chairperson Browning moves to close the public hearing for zone change parcel number AV-1377-E from planned development to AG5	
SECOND:	Commissioner Jorgensen	
VOTE:	Chairperson called for a vote:	
	Chairperson Browning	Aye
	Commission Prentice	Absent
	Commissioner Jorgensen	Aye
	Commissioner Kuehne	Aye
	Commissioner Fralish	Aye

The vote was unanimous and the motion carried

DISCUSSION AND ACTION ITEMS:

RECOMMENDATION FROM PLANNING COMMISSION ON GENERAL PLAN AMENDMENT FOR AV-1377-E, FROM RESIDENTIAL TO AGRICULTURAL, ROCK TITE CONSTRUCTION/GRAHAM

Commissioner Fralish mentions he doesn't like to delay the process but feels there are too many factors that need to be considered. Chairperson Browning asks if they are prepared to forward on this or not.

Commissioner Kuehne mentions they could just take a vote and see how it works out.

Madeline Graham asks if they would be able submit their building plans to moving forward if this is tabled.

Jason Graham mentions that six people were notified of this meeting and only one came in support of the change.

Commissioner Kuehne would like to have comment from the neighboring parcels even if by letter.

Attorney Guzman reminds the commission that the purpose of the notice provisions is to give the neighbors an opportunity to come and share any objection. If they had anything to say they could have sent in a letter for tonight or appeared. He also suggests that they make the needed to changes to the general plan at some point so it reflects what is desired in the area.

MOTION: Chairperson Browning moves to forward to the Town Council the general plan amendment for AV-1377-E from Residential to AG to be approved.

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Chairperson Browning	Aye
Commission Prentice	Absent
Commissioner Jorgensen	Aye
Commissioner Kuehne	Nay
Commissioner Fralish	Aye

The vote was unanimous and the motion carried

RECOMMENDATION FROM PLANNING COMMISSION ON ZONE CHANGE FOR PARCEL AV-1377-E, PLANNED DEVELOPMENT TO AGRICULTURAL ZONE, ROCK TITE CONSTRUCTION/ GRAHAM

MOTION: Chairperson Browning moves to send the zone change for parcel AV-1377-E from planned development to AG5 and forward to the town council for approval

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Chairperson Browning	Aye
Commission Prentice	Absent
Commissioner Jorgensen	Aye
Commissioner Kuehne	Nay
Commissioner Fralish	Aye

The vote was unanimous and the motion carried

APPROVAL OF MINUTES

**A. Approval of Minutes
8.28.2019**

MOTION: Commissioner Jorgensen moves to approve minutes for 8.28.2019 planning commission meeting.

SECOND: Commissioner Kuehne

VOTE: Chairperson called for a vote:

Chairperson Browning	Aye
Commissioner Janet Prentice	Absent
Commissioner Jorgensen	Aye
Commissioner Kuehne	Aye
Commissioner Fralish	Aye

ADJOURNMENT

MOTION: Commissioner Jorgensen moves to adjourn

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

Chairperson Browning	Aye
Commissioner Prentice	Absent
Commissioner Jorgensen	Aye
Commissioner Kuehne	Aye
Commissioner Fralish	Aye

The vote was unanimous and the motion carried

Meeting adjourned at 9:29 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder

OPENING

Chairperson Browning brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Town Deputy Recorder Ben Billingsley

DISCUSSION ITEMS:

Commissioner Prentice Statement: The Graham 5 acre farm should never have gone through. She states that on Mt Zion they are surrounded by AG for a buffer zone. He can have no limit of cows on 5 acres now. A bad precedence was set, and Janet feels like the Town was bullied into the decision. The gooseberry shipping container owner (Tana's) record should be expunged.

A. General Plan Discussion

Chairperson Browning started the discussion by stating that the goal of tonight's discussion is to start considering what changes needed to be made to the General Plan. The primary discussion will be surrounding the definition of low, medium and high density. Previous discussions have stated under 1 acre is high density, 1 to under 5 acres is medium density, and 5 acres and above is low density.

Commissioner Kuehne suggests that high density be broken out into 2 additional categories. The current map shows a density higher than half acre, so using only 3 categories would be less specific than what is currently defined.

Chairperson Browning states that Apple Valley does not currently have any residential parcels less than a half-acre.

Commissioner Kuehne questions what medium density is.

Commissioner Fralish likes residential zoning as medium, high, and low.

Chairperson Browning states the items that are already brown (1 acre), we can keep brown as medium density.

Commissioner Prentice mentions that Jepson Canyon will have commercial, the gas station already is, and Travis has talked about commercial.

Commissioner Kuehne discusses agricultural zoning, and that it should not be combined with residential.

Chairperson Browning mentions that agricultural property could be identified as low density area.

Denny Bass suggests that the nomenclature be consolidated. Commissioner Fralish agrees, and says that they will be consolidated as previously discussed.

Commissioner Kuehne suggests that Main Street be only ¼ to ½ mile, it is currently 3 miles. Some discussion occurred between Commissioners and it was determined a good approach would be approximately 1 and ½ mile of commercial be

Michael McLaughlin suggests that we are near Zion and mountain biking, and we should accept that there are appropriate places for commercial, which should be kept close to the highway.

The commissioners unanimously felt that ½ mile on each side of the highway on Main Street be dedicated as commercial.

Chairperson Browning poses the question as to what areas should be dedicated as medium density. Commissioner Prentice suggests that Bubbling Wells be low density.

Chairperson Browning suggests the large yellow area be broken up between high medium and low density to act as insulation. She also suggests the same be done with the purple area.

Commissioner Kuehne suggests that the current General Plan already has enough low density on the map.

Chairperson Browning asks where Bubbling Wells is on the map. She suggests the current red is medium, and the current purple is low density.

Commissioner Fralish suggests that the golf course be designated away from golf course. Commissioner Kuehne suggests high density may be appropriate.

Rich Kopp asks if Bubbling Wells was addressed. Chairperson Browning responds that it was suggested that it be planned as Low density.

Commissioner Kuehne asks where the parcel next to the existing yellow

ADJOURNMENT

MOTION: Commissioner Fralish moves to adjourn
SECOND: Commissioner Prentice
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Janet Prentice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:00 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder

OPENING

Chairperson Browning brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Browning
Commissioner Prentice
Commissioner Jorgensen
Commissioner Kuehne
Commissioner Fralish

Town Recorder Michelle Kinney

DISCUSSION ITEMS:

A. PAUL ISRAELSEN AV-2169-A-1 AND AV-2195-B; DISCUSSION ON APPROPRIATE DEVELOPMENT OPTIONS FOR THIS PROPERTY.

Paul speaks about his ideas and shows a power point presentation.

He discusses the possibility of putting in a campground for the mountain bike community. Very low impact type of campground. They have also discussed a community education center for medical professionals.

They would like to first start with a home, well water, roads and then a second home and a primitive campground. They own 54 acre feet of water from the well that serves the property. This area is currently a planned PD but zoned open space. The access road is the road that goes past the cinder pit. They want to keep this a primitive experience for camping; the continuing education center would accommodate small classes of about 10-15 people at a time, with rooms on site for those attending the classes.

Will this bring more bicycle traffic on the highway? He talked to Harold about how to do the water and water shares. Commission Kuehne asks about the well not being on the property, he does have a deeded access or easement for the water. Paul needs to come to the board and create an island system within the basin. 200 gallons a minutes of unregulated water is a concern for the district. He will need to get on the agenda with Big Plains.

To summarize before they can start with building the homes they need to solve the water issue, power issue, and road.

Commission agrees that this looks like it may fall under a planned development zone. The fire Marshall mentioned the tank required would be about 30,000 gallons.

- B. Discussion on Home Occupation definition found in town code 10.01.010 Terms Defined
Ben Billingsley mentions that as the town issues home based business licenses. They renew annually and all the zoning areas allow a home occupation within the zone. The majority of home based businesses would not be allowed under these guidelines.

APPROVAL OF MINUTES

C. Approval of Minutes for 9.11.2019

MOTION: Commissioner Prentice moves to approve the minutes for 9-11-2019
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Janet Prentice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

ADJOURNMENT

MOTION: Commissioner Prentice moves to adjourn
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Chairperson Browning Aye
Commissioner Janet Prentice Aye
Commissioner Jorgensen Aye
Commissioner Kuehne Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried

Meeting adjourned at 6:48 pm.

Date approved: _____

Chairperson Browning

ATTEST BY: _____
Michelle Kinney, Recorder

FENCE (SOLID): A fence of a material that is sight obscuring and made of a solid material such as wood, vinyl or masonry, but not including a chain-link fence with slats inserted into the chain-links or solid corrugated metal roofing or the like. Any questionable material shall be reviewed by the planning commission for determination.

GARAGE, PRIVATE: An accessory building, or space attached to the main building, designed or used for the storage of automobiles owned and used by the occupants of the main building.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

HOME OCCUPATION: Any use conducted entirely within a single-family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display, nor stock in trade. The home occupation shall not involve the use of any ~~accessory building or yard space or activity outside the main building~~ not normally associated with residential use. There shall be no sign advertising of any kind in connection with the home occupation. ~~There shall be no employees outside of the family residing in the dwelling unit.~~ There shall be no perceivable increase in local traffic. Not more than twenty five percent (25%) of the dwelling unit shall be devoted to the home occupation. ~~A home occupation may include emergency consultation, but shall not be for the general practice of any trade or profession.~~

HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a "hospital". A "hospital" may include integral support services facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for personal use, such as dogs and cats, but not kept for commercial purposes, as defined in this title.

JAIL: A place of incarceration owned and operated by the county.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further recondition, can be used for its original purpose as readily as when new and shall not be considered "junk".

SECTION 1: AMENDMENT “10.02.130 Changes And Amendments” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.02.130 Changes And Amendments

This title, including the maps, may be amended from time to time by the Town Council after fourteen (14) days' notice and public hearing; but all proposed amendments shall be first proposed by the planning commission or shall be submitted to the planning commission for its recommendation, which shall be returned to the Town Council for its consideration. The Town Council may overrule the planning commission's recommendation by a majority vote of its members.

AFTER AMENDMENT

10.02.130 Changes And Amendments

This title, including the maps, may be amended from time to time by the Town Council, ~~after fourteen (14) days' notice and public hearing, but a~~ All proposed amendments shall be first proposed by the planning commission or shall be submitted to the planning commission for its recommendation. ~~;~~ Prior to a recommendation, the Planning Commission shall hold a public hearing after ten (10) days' notice, which The recommendation shall be returned to the Town Council for its consideration. The Town Council may overrule the planning commission's recommendation by a majority vote of its members.

Staff Comments:

Utah Code 10-9a-502 requires the Planning Commission to hold a public hearing with 10 day minimum notice when making recommendations on changes to land use regulations to the legislative body.

Our current code is unclear as to which body should hear the public hearing and requires a 14 day notice. The 14 day requirement does not allow the hearing to be conducted in the next meeting. Instead, it would be 2 meetings subsequent to the decision to hold a public hearing.

SHIPPING CONTAINER SURVEY

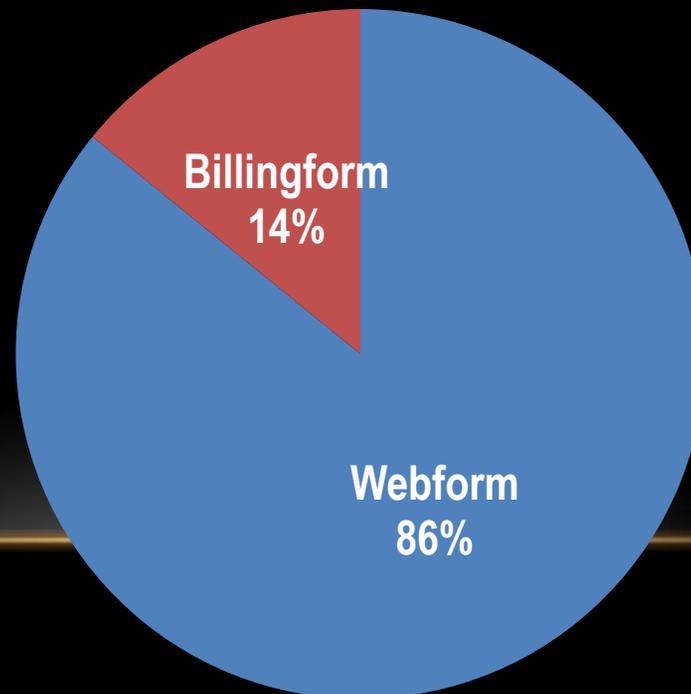
Summary of Survey Results

November 2019



SUMMARY OF ADMINISTRATION

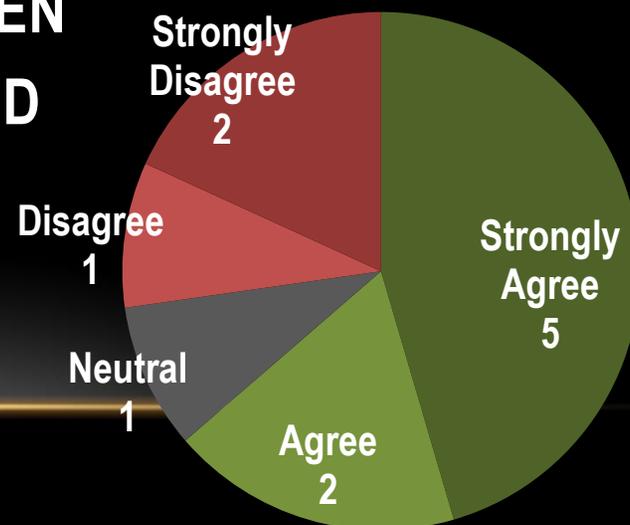
- Open from November 5 thru November 26
- Advertised on billing statement
 - Fillable form on back of printed statement
 - Clickable link included on emailed statements
- 113 Total responses



SUMMARY OF ADMINISTRATION

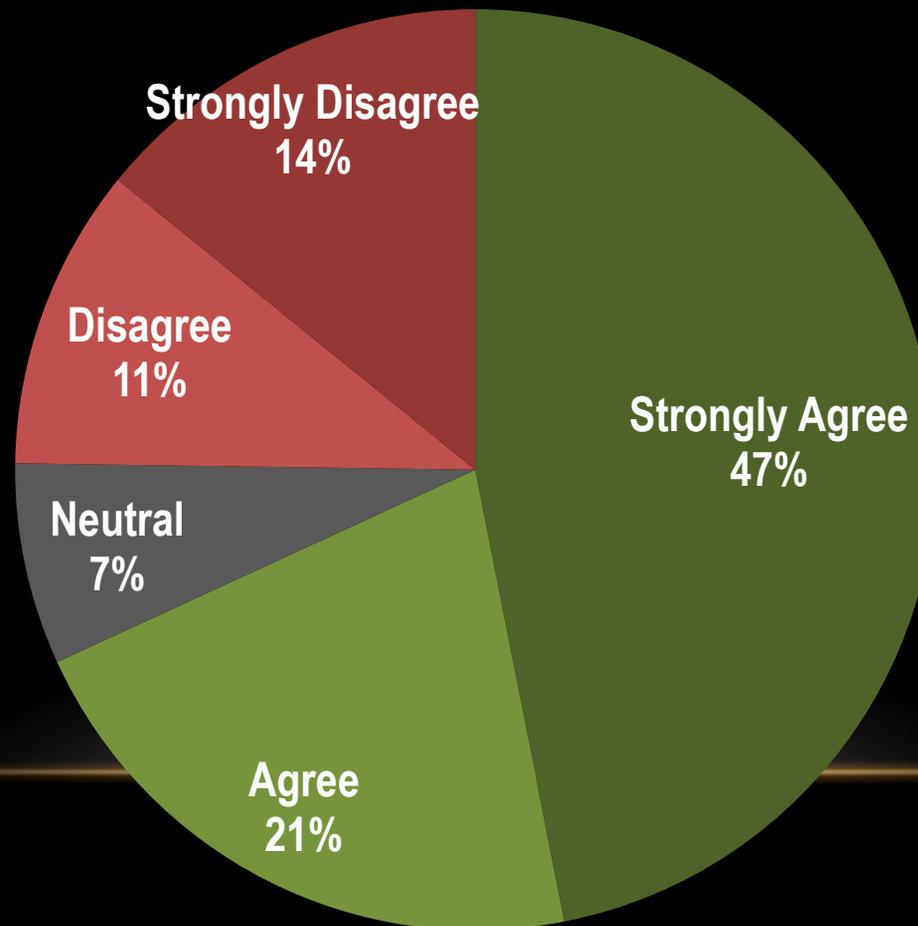
- 11 duplicate responses removed
 - Web + Billing form - 3
 - Double clicking “submit” - 8
- Proportional results on removed responses
- Chart formatting
 - Favorable to containers in **GREEN**
 - Unfavorable to containers in **RED**
 - Neutral responses in **GRAY**
 - Stronger responses **DARKER**

Removed Responses



SUMMARY OF RESULTS

Shipping containers should be allowed in Apple Valley

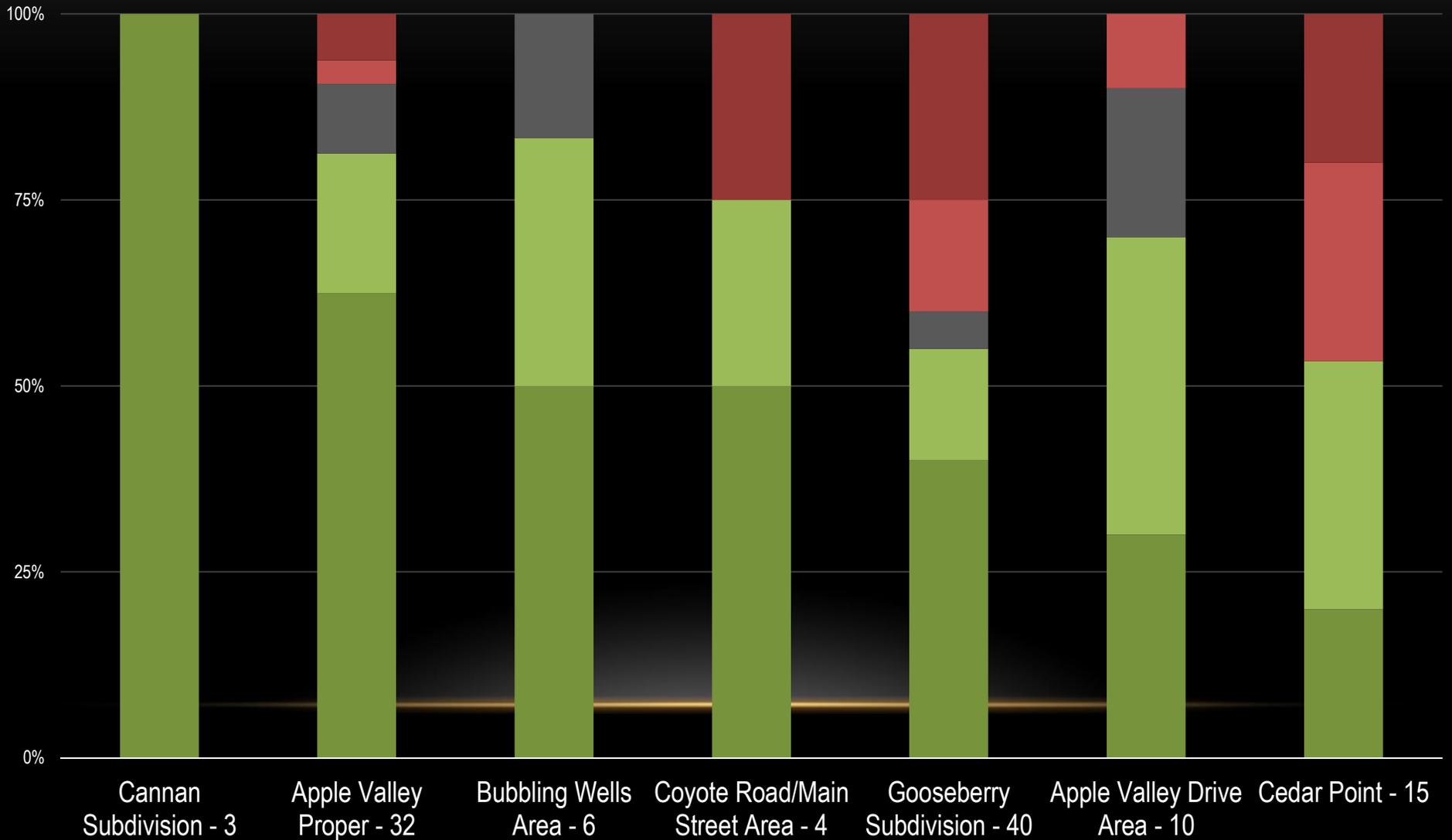


SUMMARY OF RESULTS



Shipping containers should be allowed in Apple Valley (by area)

Strongly Agree Agree Neutral Disagree Strongly Disagree

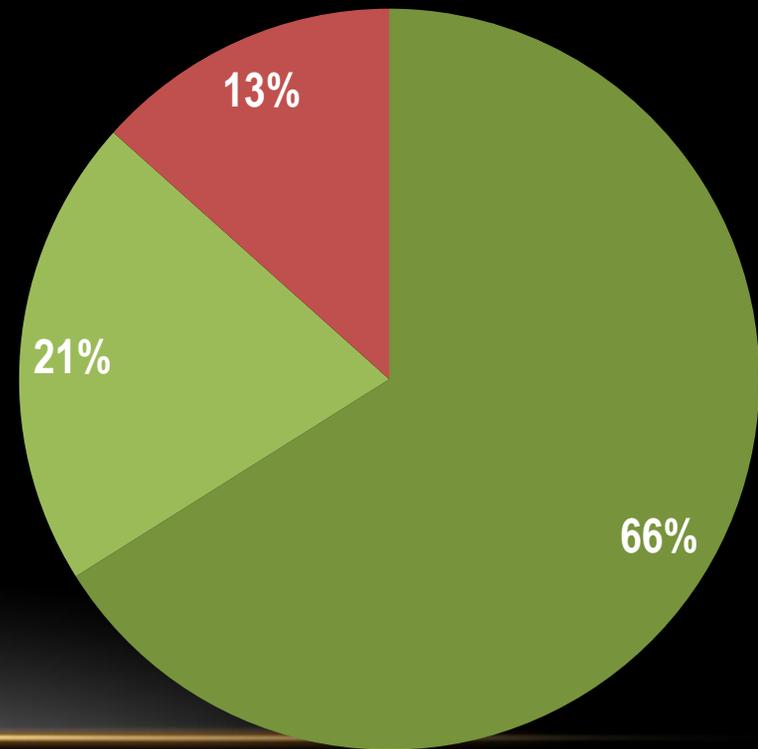
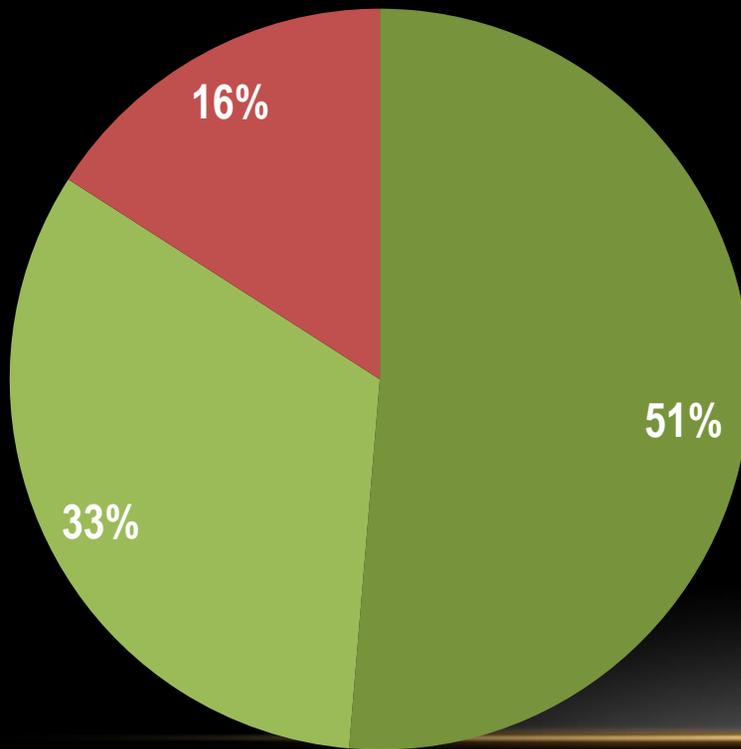


SUMMARY OF RESULTS

Size Restrictions

Less than 2 Acres

2 Acres or More



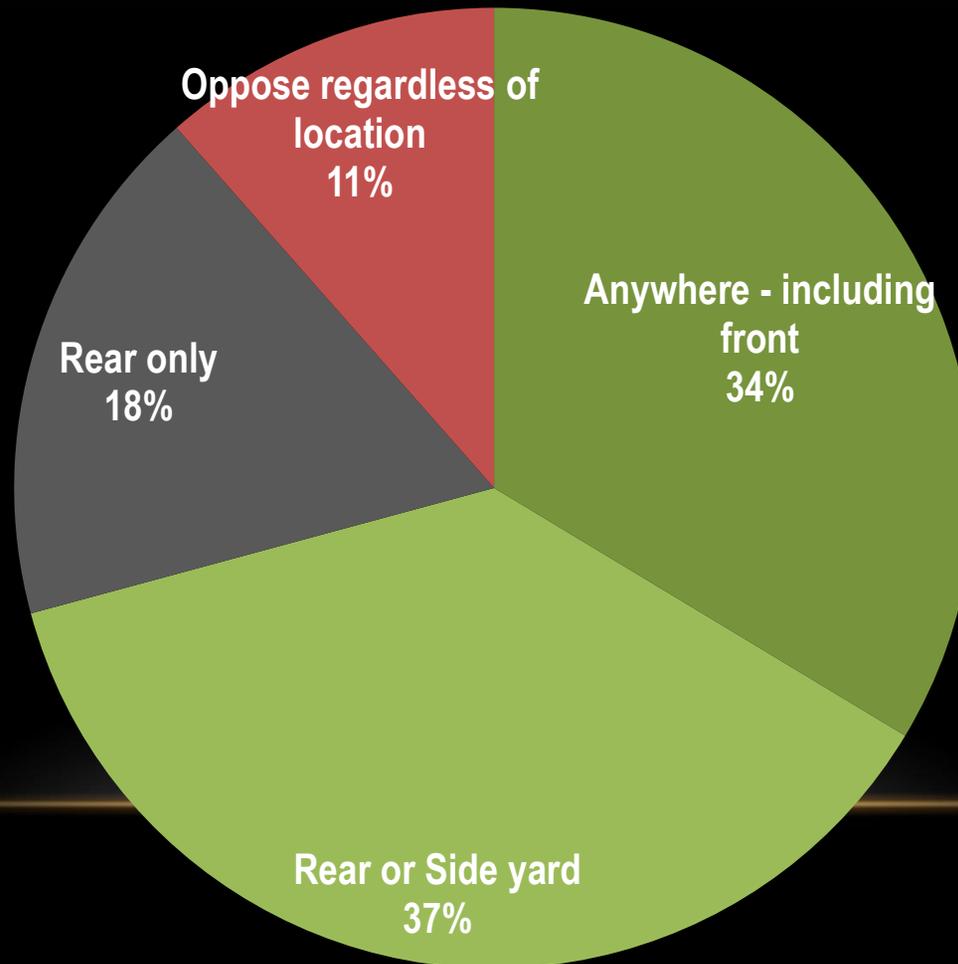
■ 40' Containers OK

■ Limit to 20'

■ Oppose regardless of size

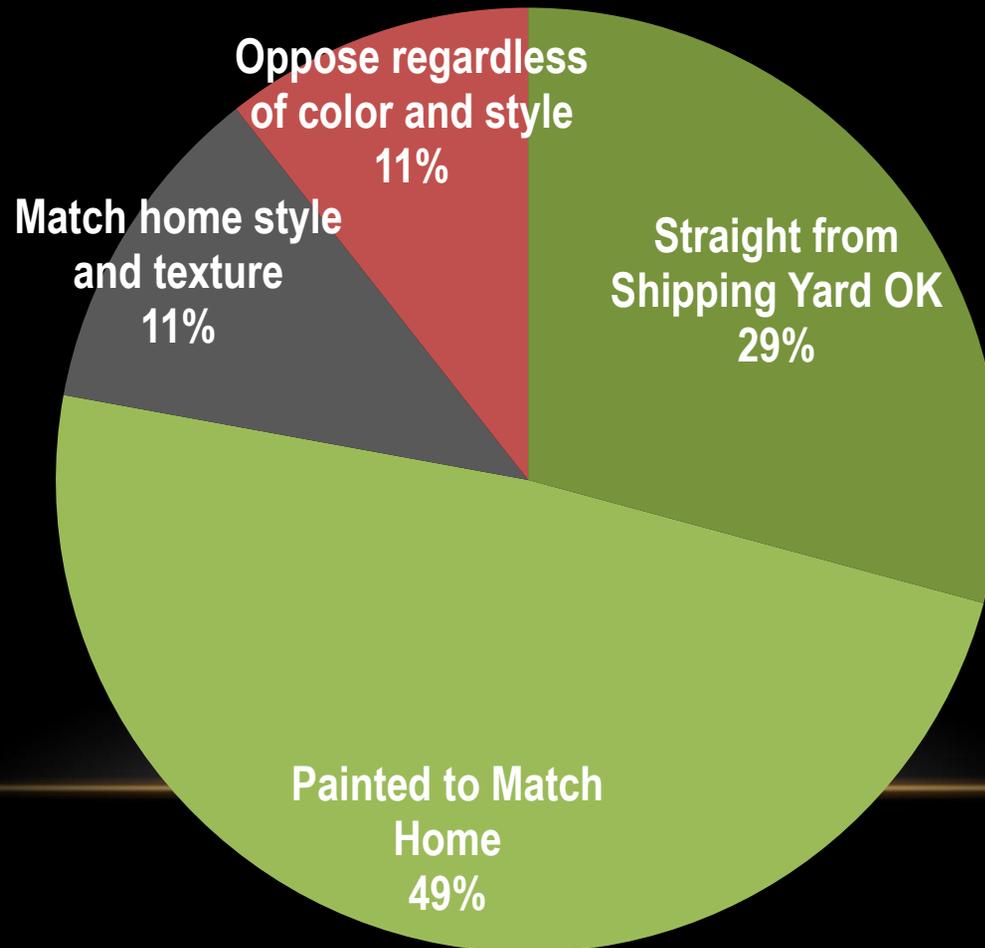
SUMMARY OF RESULTS

Location Restrictions



SUMMARY OF RESULTS

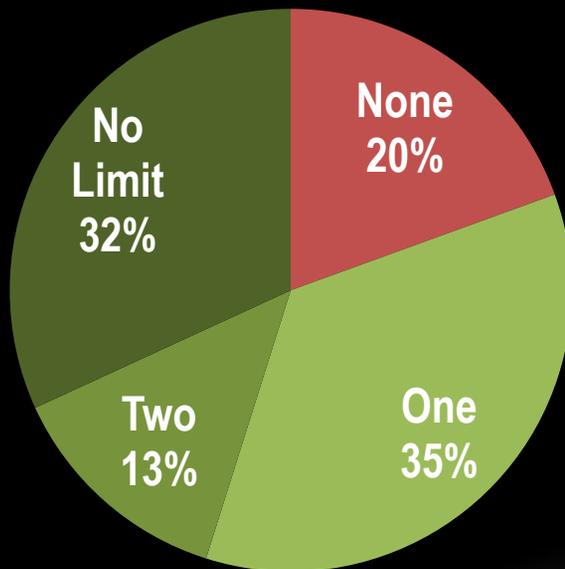
Exterior Requirements



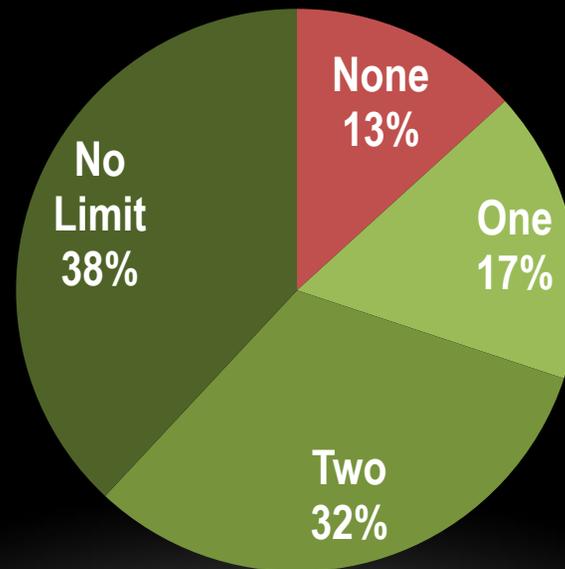
SUMMARY OF RESULTS

Quantity Restrictions

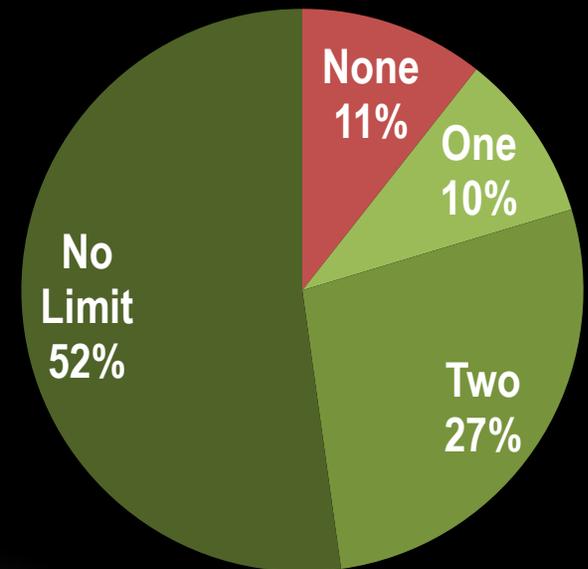
Up to 1 acre



2-5 Acres

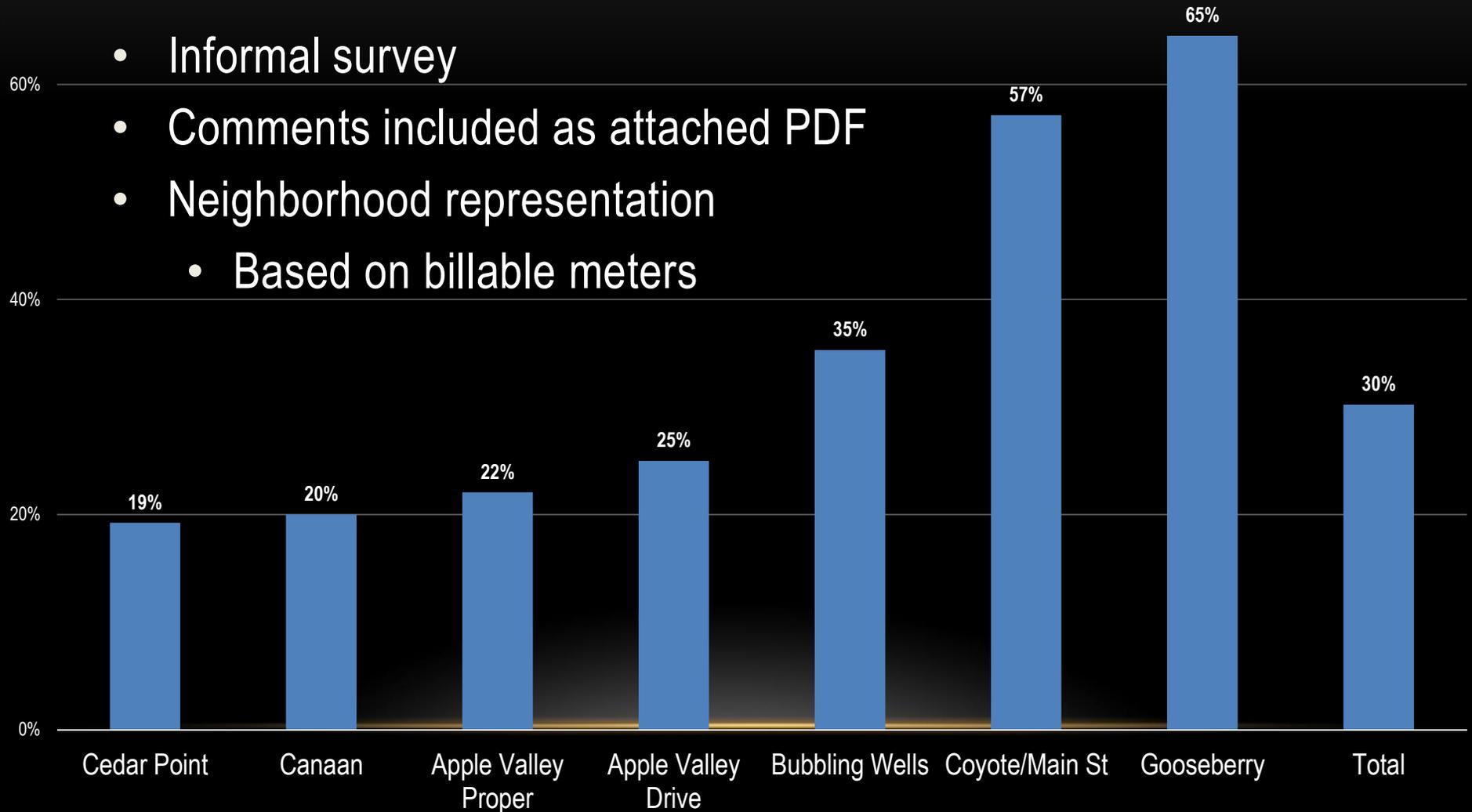


Over 5 acres



CONCLUSION

- Informal survey
- Comments included as attached PDF
- Neighborhood representation
 - Based on billable meters



10.14.020 Rules And Regulations (Short Term Vacation Rental)

Portions of a single family dwelling may not be used as a short term vacation rental unless licensed as a bed and breakfast or residential hosting facility in accordance with the regulations for that use. A short term vacation rental and a bed and breakfast or residential hosting facility may not be located in the same single family dwelling.

10.04.010 Terms Defined

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than four (4) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal, if provided, must be provided for in the rental rate. All parking must be off-street. The total number of occupants, including the owners, owner's family, and guests shall not exceed ten (10) people.

10.28.140 Requirements For Bed And Breakfast Inn

A bed and breakfast inn shall be conducted only in a single-family dwelling and only by the owner of the dwelling that complies with the following requirements:

1. The single-family dwelling proposed as a bed and breakfast inn shall meet all applicable requirements of this title, other land use ordinances, adopted building code, and health code, as applicable.
 2. The maximum number of guestrooms provided shall not exceed eight (8).
 3. The fire chief shall inspect the premises and be satisfied that the dwelling and premises comply with all applicable fire codes, as adopted.
 4. A hard surfaced off street parking area of one parking space for each guest room, in addition to the parking requirements for the single-family dwelling, shall be provided.
 5. No accessory structure, motor home, travel trailer, boat or similar vehicle or facility shall be used as guestrooms.
 6. Primary access to all guestrooms is provided and allowed through the main entrance of the dwelling.
 7. Bed and Breakfast business shall be subject to applicable transient room taxes.
-

Staff Comments

Commissioner Kuehne clarified that there are two types of B&B's:

- **Bed and Breakfast, Home** – Intended to be allowable in residential zoning
 - Only defined, not included in Single Family or Rural Estates zoning
- **Bed and Breakfast Inn** – Larger scale operation, allowable in C1 and C2 zoning

If Bed and Breakfast Homes should be allowed in SF or RE zoning, it should be included in those zoning sections under permitted uses. Short Term Vacation Rental should also be included.