

**NOTICE AND AGENDA
TOWN COUNCIL
Town Council - Regular Meeting**

Public notice is given that the Town Council of the Town of Apple Valley, Washington County, Utah will hold a **Town Council - Regular on Monday, January 6th, 2020** 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 council members may be connected via speakerphone. This meeting will be available for live stream at www.youtube.com. Search: Town of Apple Valley Utah.

The Agenda for the meeting is as follows:

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

MAYOR'S TOWN UPDATE

Oath of Office to newly elected officials

CONSENT AGENDA

The Consent Agenda is a means of expediting routine matters which come before the Council for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Council Member 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 12.04.2019
- B. Approval of November 2019 Expenditure Report
- C. Approval of November Monthly Operational Budget Update

DISCUSSION AND ACTION

- 1. Consider approval of appointments of Planning Commission Members Resolution R-2020-01
- 2. Consider approval of appointments of Big Plains Board Members Resolution R-2020-02
- 3. Consider approval of Appeal Authority Appointment R-2020-03
- 4. Consider approval of RV Parking Ordinance O-2020-01
- 5. Consider approval of Home Occupation Definition O-2020-02

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp
Planning Commission – Cynthia Browning/Michael McLaughlin
Fire Department – Chief Dave Zolg, Jr
Big Plains Water and Sewer SSD – Harold Merritt
Code Enforcement – Rich Ososki/Paul Edwardsen
Roads and Storm Drainage –
Mosquito Abatement- Margaret Ososki
Council-

PUBLIC COMMENTS

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 **2nd of January, 2020**.

Dated this 2nd day of January, 2020

Ben Billingsley, Deputy Recorder
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

Mayor Lisonbee brought the meeting to order at 6:01 p.m. welcoming all in attendance and leading in the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Paul Edwardsen

Town Deputy Clerk Ben Billingsley

MAYORS TOWN UPDATE

The Mayor mentions he attended training for the Creek Valley Health Clinic in Hildale. The facility will open around the 18th of January. Councilmember Bass and Councilmember Kopp attended the regularly scheduled monthly Mayor Meeting. Councilmember Bass reports on the meeting they attended. He mentions the board discussed the need to lower medical costs; they are doing a genome survey over the next 5 years. They will use this to help diagnose any issues patients have in the future. This will also provide guidance for the patient about things they are prone to and suggestions on ways to prevent these issues before the problem manifests. Councilmember Kopp mentions that the genome test will give doctors a better idea of how to treat diseases that come up in your future. This test is free at the hospital. Word on the Hurricane hospital will be out in the next 30 days or so.

Lisa with UDOT speaks about UDOT's first phase for increasing safety on Highway 59. They will be adding 8 foot shoulders from the state line in Hildale to mile marker 15. Next summer they will add 2 passing lanes, each one will be over a mile long. There are workers crushing rock in the rock pits located at mile post 8 and 15. Work will commence on the 6th of January and run until April. This work will be happening Monday thru Friday 7-5pm. The road will be down to one lane. Jerry Jorgensen mentions how this may affect buses running to and from schools in Hurricane and Hildale. The mayor mentions heavy equipment is destroying the road on the way to the pit and requests some help from UDOT in maintaining the roadway while they are using the road for this project. Lisa will pass this information to Cade the project manager for this project.

CONSENT AGENDA

- A. Approval of Minutes for 11.04.2019**
- B. Approval of Minutes for 11.13.2019**
- C. Approval of October Expenditure Report**

D. Approval of Monthly Operational Budget Update

MOTION: Councilmember Kopp moves to approve the Consent Agenda as stated in tonight’s agenda.

SECOND: Councilmember Bass

VOTE: Councilmember Kopp - Aye
Councilmember Bass- Aye
Councilmember McLaughlin Aye
Mayor Lisonbee – Aye
Councilmember Edwardsen Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

1. Review recommendation from Planning Commission on September 25, 2019 on changes to Town Code 10.26 Outdoor Lighting

Council discusses concern over commercial development lighting, including operating hours and afterhours lighting. A limit for light height is mentioned. Mayor Lisonbee mentions the Jepson canyon project. Jepson Canyon Representatives will give a presentation at the next meeting on ways to finance this project.

MOTION: Councilmember McLaughlin moves to table item number one; Discussion on recommendation from the planning commission to make changes to town code 10.26 Outdoor lighting.

SECOND: Councilmember Edwardsen

VOTE: Councilmember Kopp - Aye
Councilmember Bass- Aye
Councilmember McLaughlin Aye
Mayor Lisonbee – Aye
Councilmember Edwardsen Aye

The vote was unanimous and the motion carried.

2. Review recommendation from Planning Commission on September 25, 2019 on changes to Town Code 10.28.100 Parking Requirement of Private Recreational Vehicles in Residential Zones.

Councilmember McLaughlin mentions many lots within town where the home sits directly at the base of the hill. This doesn’t allow those individuals to have a boat or RV. Mayor Lisonbee gives a few minutes for public to make a comment on this subject. Rich Ososki- mentions it’s the people who park RV’s in front but are able to park them in

the back he has a problem with. He would like to see only one RV allowed. He mentions we may need to look at each situation separately to figure this out.

Margie Ososki- Mentions that in 2004 when we first became a town we had rules and regulations then. She doesn't like the codes being loosened.

Council discusses the option of having a setback in the front yard where people would be able to park an RV. It is mentioned that we live in a rural small community with the majority of lots being over one acre. With that, it is mentioned they should be careful of making rules that should be held and enforced by a homeowners association. Councilmember McLaughlin mentions that it is his desire that each homeowner has an equal opportunity to live on their land and have the freedom to enjoy their land.

Tish Lisonbee- suggests adding the wording "whenever possible" so those who cannot park in the rear can park in the front. She mentions a period that residents need to adjust to new rules.

Councilmember McLaughlin mentions that they should add a setback for the front yard indicating what area in the front RV'S are allowed. He mentions that the suggestion "whenever possible" may create a situation in which the rules are more stringent for certain owners.

Mayor closes the public comments so the Council can discuss.

The council discusses the items that have been brought up and the option for residents to receive a variance for those who meet the criteria that they write into the ordinance. The mayor will speak with the town attorney about the options on this.

MOTION: Councilmember Edwardsen moves to table the recommendation from the planning commission on changes to the town code 10.28.100 parking requirement for recreational vehicles in residential zones to another meeting.

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp -	Aye
	Councilmember Bass-	Aye
	Councilmember McLaughlin	Aye
	Mayor Lisonbee –	Aye
	Councilmember Edwardsen	Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp-

Cookie exchange will be held on December 21st at 1:00. Santa will be here with small gifts for the kids. Canned food drive benefits Southwest Recovery and the food bank.

Planning Commission – Cynthia Browning/Michael McLaughlin

Fire Department – Chief Dave Zolg, Jr

Big Plains Water and Sewer SSD – Harold Merritt

Code Enforcement –Rich Ososki/Paul Edwardsen

Roads and Storm Drainage – Cinders are being distributed through town.

Mosquito Abatement- Margaret Ososki

Council-

PUBLIC COMMENTS

MAYOR OPENS PUBLIC COMMENT

Ruth Jessop- requests that the council and planning commission address the code that does not allow for a portion of a short term rental home to be rented.
Mayor suggests that this be included as discussion item on the next Planning Commission meeting.

Rich Kopp would like to get the General Plan density finalized in the Bubbling Wells area. He states that a recommendation was made a few months ago and no action has been taken since then. He also makes a request that toys for boys be collected at the cookie exchange.

MAYOR CLOSSES PUBLIC COMMENTS

ADJOURNMENT

MOTION:	Councilmember Kopp moves to adjourn tonight’s meeting	
SECOND:	Councilmember Bass	
VOTE:	Councilmember Kopp -	Aye
	Councilmember Bass-	Aye
	Councilmember Edwardsen-	Aye
	Mayor Lisonbee –	Aye
	Councilmember McLaughlin-	Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 7:32 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

**Town of Apple Valley
Check Register
Checking - SBSU - 11/01/2019 to 11/30/2019**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Invoice Number</u>	<u>Invoice Ledger Date</u>	<u>Payment Date</u>	<u>Amount</u>	<u>Description</u>	<u>Ledger Account</u>
Big Plains Water and Sewer SSD	4361	103119	11/13/2019	11/13/2019	18,407.98	Oct19 Water Sales Receipts	102340 - Due To/Big Plains Water P
Big Plains Water and Sewer SSD	4361	103119	11/13/2019	11/13/2019	5,000.00	Oct19 Connection Receipts	102340 - Due To/Big Plains Water P
Washington County Solid Waste	4365	83624	10/31/2019	11/19/2019	3,586.10	Solid Waste	104420.460 - Solid Waste Service
Big Plains Water and Sewer SSD	4361	103119	11/13/2019	11/13/2019	3,062.95	Oct19 Water Standby Receipts	102340 - Due To/Big Plains Water P
Durham Jones & Pinegar	4362	691927	11/08/2019	11/19/2019	1,937.50	Legal Consultation - Disconnect	104141.330 - Admin Legal Wages a
Gifford, Lance	4363	2019-022	11/18/2019	11/19/2019	1,322.90	2019-022 Inspector Fees	104141.350 - Building Inspector Fee
Ford Motor Credit Company	11061910	19 - 2017 F550 V	11/06/2019	11/06/2019	911.65	Principal - 2017 F550 Vehicle Lease	104220.620 - Fire Principal
Zions Bank	11251912	6 - 2008 Dump T	11/25/2019	11/25/2019	755.23	Principal - 2008 Dump Truck	104410.810 - Road Principal
Zions Bank	11251912	5 - 2008 Dump T	11/25/2019	11/25/2019	753.13	Principal - 2008 Dump Truck	104410.810 - Road Principal
South Central Communications	4359	110119	11/13/2019	11/13/2019	384.80	Phone and Internet	104141.280 - Admin Telephone and
Gifford, Lance	4355	2019-021	10/31/2019	11/13/2019	259.90	2019-019 Inspector Fee	104141.350 - Building Inspector Fee
RDB Law, PC	4357	31	11/13/2019	11/13/2019	250.00	Prosecutor	104141.330 - Admin Legal Wages a
Revco Leasing	4358	548363	11/13/2019	11/13/2019	230.69	Printer Monthly Lease	104141.250 - Admin Equipment mai
Ford Motor Credit Company	11061910	19 - 2017 F550 V	11/06/2019	11/06/2019	210.50	Interest - 2017 F550 Vehicle Lease	104220.610 - Fire Interest
AT&T	4354	110419	11/13/2019	11/13/2019	208.43	Cell Phones	104141.280 - Admin Telephone and
XPress Bill Pay	ACH	110119	11/05/2019	11/05/2019	195.23	Xpress Monthly Support	104141.250 - Admin Equipment mai
Adobe	CC	112719	11/27/2019	11/27/2019	191.48	Adobe PDF Editor	104141.240 - Admin Office supplies
Ziprecruiter, Inc.	CC	111519	11/15/2019	11/15/2019	186.75	Clerk Job Posting	104141.220 - Admin Public notices
Rocky Mountain Power	ACH	112619	11/26/2019	11/26/2019	153.61	Monthly Power	104141.270 - Admin Utilities
Kopp, Debbie	4356	110119	11/13/2019	11/13/2019	129.92	Treasurer mileage reimbursement Oct19	104111.210 - Council Travel Reimbu
Zions Bank	11251912	5 - 2008 Dump T	11/25/2019	11/25/2019	127.25	Interest - 2008 Dump Truck	104410.820 - Road Interest
Zions Bank	11251912	6 - 2008 Dump T	11/25/2019	11/25/2019	125.15	Interest - 2008 Dump Truck	104410.820 - Road Interest
Supreme Green	4364	45560	11/11/2019	11/19/2019	125.00	Fertilizer - Gateway and Park	104540.250 - Park/Rec Department
Republic Services	ACH	110819	11/08/2019	11/08/2019	95.81	Park Portable Toilet	104415.450 - Public Works Supplies
The Spectrum	4360	2905214	11/13/2019	11/13/2019	80.55	Public Notices	104141.220 - Admin Public notices
Supreme Green	4364	45560	11/11/2019	11/19/2019	75.00	Fertilizer - Gateway and Park	104415.450 - Public Works Supplies
Hurricane Tire Pros	CC	110219	11/02/2019	11/02/2019	48.60	Backhoe front tires	104415.550 - Public Works Equipme
USPS	CC	112219	11/22/2019	11/22/2019	1.05	USPS Address Change	104141.290 - Admin Postage
					\$38,817.16		

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 11/30/2019
33% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General property taxes-current	\$ 2,714	\$ 8,894	\$ 11,027	\$ 107,216	10%
3120 Prior year's taxes-delinquent	\$ 2,366	\$ 999	\$ 2,793	\$ 6,500	43%
3130 General sales and use taxes	\$ 37,291	\$ 10,883	\$ 39,360	\$ 96,969	41%
3140 Energy and communication taxes	\$ 4,988	\$ 2,232	\$ 13,174	\$ 38,016	35%
3150 RAP Tax	\$ 3,527	\$ 889	\$ 3,809	\$ 9,846	39%
3160 Transient Taxes	\$ 727	\$ 379	\$ 772	\$ 1,360	57%
3170 Fee in lieu of personal property taxes	\$ 2,535	\$ 802	\$ 1,723	\$ 8,338	21%
3180 Fuel Tax Refund	\$ 119	\$ -	\$ -	\$ -	0%
3190 Highway/Transit Tax	\$ -	\$ -	\$ 599	\$ -	0%
Total Taxes	\$ 54,266	\$ 25,079	\$ 73,257	\$ 268,245	27%
Licenses and permits					
3210 Business licenses	\$ (150)	\$ -	\$ 475	\$ 3,464	14%
3221 Building Permits-Fee	\$ 8,045	\$ 3,058	\$ 13,558	\$ 38,513	35%
3222 Building Permits-Non Surcharge	\$ 498	\$ 402	\$ 1,631	\$ 6,286	26%
3223 Building permit - HCP Valuation	\$ 948	\$ 648	\$ (79)	\$ -	0%
3224 Building Permits Surcharge	\$ 38	\$ 27	\$ (1,115)	\$ -	0%
3225 Animal licenses	\$ 20	\$ -	\$ 60	\$ 1,263	5%
Total Licenses and permits	\$ 9,398	\$ 4,135	\$ 14,530	\$ 49,526	29%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	\$ -	\$ -	\$ -	\$ 10,000	0%
3356 Class C" road allotment"	\$ 40,446	\$ 16,842	\$ 44,891	\$ 78,681	57%
3358 Liquor control profits	\$ -	\$ -	\$ -	\$ 875	0%
3370 State Grants	\$ -	\$ -	\$ -	\$ 50,000	0%
Total Intergovernmental revenue	\$ 40,446	\$ 16,842	\$ 44,891	\$ 139,556	32%
Charges for services					
3410 Clerical services	\$ -	\$ 25	\$ 25	\$ -	0%
3416 Other Interdepartmental Charges	\$ 4,903	\$ -	\$ -	\$ -	0%
3420 Fire Department Contracts	\$ 300	\$ -	\$ -	\$ -	0%
3431 Zoning and subdivision fees	\$ 10,229	\$ -	\$ 19,115	\$ 17,121	112%
3440 Solid waste	\$ 17,611	\$ 3,688	\$ 18,483	\$ 43,400	43%
3441 Storm Drainage	\$ 15,567	\$ 3,249	\$ 16,193	\$ 38,080	43%
3461 GRAMA requests	\$ -	\$ -	\$ 114	\$ -	0%
3470 Park and recreation fees	\$ -	\$ -	\$ 55	\$ -	0%
3615 Late charges	\$ 2,519	\$ -	\$ 1,358	\$ 3,500	39%
Total Charges for services	\$ 51,128	\$ 6,962	\$ 55,342	\$ 102,101	54%
Fines and forfeitures					
3510 Fines	\$ 1,508	\$ 1,087	\$ 2,342	\$ 4,015	58%
Total Fines and forfeitures	\$ 1,508	\$ 1,087	\$ 2,342	\$ 4,015	58%
Interest					
3610 Interest earnings	\$ 1,472	\$ 516	\$ 2,960	\$ 3,226	92%
Total Interest	\$ 1,472	\$ 516	\$ 2,960	\$ 3,226	92%
Miscellaneous revenue					
3640 Sale of capital assets	\$ 600	\$ -	\$ -	\$ -	0%

3690 Sundry revenue	\$	121	\$	-	\$	120	\$	-	0%
3692 Fire department fundraisers	\$	128	\$	1,000	\$	1,200	\$	1,000	120%
3697 Park department fundraisers	\$	122	\$	-	\$	6,049	\$	12,000	50%
3801.1 Impact fees - Fire	\$	177	\$	-	\$	236	\$	1,003	24%
3801.3 Impact fees - roadways	\$	1,542	\$	-	\$	2,056	\$	8,738	24%
3801.6 Impact fees - storm water	\$	860	\$	-	\$	2,050	\$	2,924	70%
3801.7 Impact fees - parks, trails, OS	\$	423	\$	-	\$	564	\$	2,397	24%
Total Miscellaneous revenue	\$	3,973	\$	1,000	\$	12,275	\$	28,062	44%

Contributions and transfers

3802.7 Contributions - parks and recreation	\$	100	\$	-	\$	-	\$	-	0%
3890 Fund balance appropriation	\$	-	\$	-	\$	-	\$	57,000	0%
Total Contributions and transfers	\$	100	\$	-	\$	-	\$	57,000	0%

Total Revenue:	\$	162,291	\$	55,621	\$	205,597	\$	651,731	32%
						Annualized Revenue	\$	229,952	35%

Expenditures:

General government

Council

4111.110 Council Salaries and wages	\$	3,511	\$	1,200	\$	2,850	\$	17,400	16%
4111.130 Council Employee benefits	\$	2,231	\$	92	\$	224	\$	1,331	17%
4111.210 Council Travel Reimbursement	\$	46	\$	223	\$	625	\$	1,764	35%
4111.220 Council Training	\$	790	\$	-	\$	370	\$	2,800	13%
4111.610 Council Donations and discretionary s	\$	-	\$	-	\$	-	\$	1,000	0%
Total Council	\$	6,578	\$	1,515	\$	4,069	\$	24,295	17%

Administrative

4141.110 Admin Salaries and wages	\$	21,735	\$	9,247	\$	35,514	\$	86,100	41%
4141.130 Admin Employee benefits	\$	1,719	\$	789	\$	3,324	\$	11,800	28%
4141.140 Admin Employee Retirement - GASB €	\$	389	\$	1,244	\$	4,496	\$	6,400	70%
4141.210 Admin Dues, subs & memberships	\$	692	\$	-	\$	453	\$	905	50%
4141.220 Admin Public notices	\$	615	\$	267	\$	376	\$	1,200	31%
4141.230 Admin Clerk training	\$	314	\$	-	\$	185	\$	930	20%
4141.240 Admin Office supplies	\$	1,920	\$	191	\$	1,323	\$	4,300	31%
4141.250 Admin Equipment maintenance	\$	2,866	\$	657	\$	2,291	\$	3,700	62%
4141.260 Admin Building & ground maintenanc	\$	1,027	\$	-	\$	400	\$	1,900	21%
4141.270 Admin Utilities	\$	1,624	\$	154	\$	1,110	\$	4,300	26%
4141.280 Admin Telephone and Internet	\$	7,565	\$	686	\$	3,860	\$	9,700	40%
4141.290 Admin Postage	\$	705	\$	1	\$	1,322	\$	2,200	60%
4141.320 Admin Engineering/Professional Fees	\$	3,400	\$	-	\$	850	\$	105,000	1%
4141.330 Admin Legal Wages and Contract Labr	\$	2,860	\$	6,061	\$	17,286	\$	41,300	42%
4141.340 Admin Accounting	\$	12,418	\$	-	\$	2,550	\$	4,500	57%
4141.350 Building Inspector Fees	\$	5,939	\$	2,600	\$	8,039	\$	25,418	32%
4141.360 Admin Education-general	\$	-	\$	-	\$	-	\$	299	0%
4141.390 Admin Bank service charges	\$	1,839	\$	254	\$	1,317	\$	2,500	53%
4141.410 Admin Insurance	\$	8,480	\$	-	\$	-	\$	9,900	0%
4141.490 Admin Travel reimbursements	\$	33	\$	44	\$	155	\$	1,000	15%
4141.500 Admin Weed abatement	\$	387	\$	-	\$	975	\$	-	0%
4141.740 Admin Capital outlay	\$	1,060	\$	-	\$	-	\$	-	0%
4170 Elections	\$	-	\$	-	\$	7	\$	2,500	0%
Total Administrative	\$	77,585	\$	22,196	\$	85,833	\$	325,852	26%

Total General government	\$	84,163	\$	23,711	\$	89,902	\$	350,147	26%
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Public safety

Police

4210.110 Police Salaries & wages	\$	1,080	\$	-	\$	-	\$	-	0%
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4210.130 Police Employee benefits	\$	83	\$	-	\$	-	\$	-	0%
4253.250 Animal Control Supplies	\$	63	\$	-	\$	63	\$	70	90%
Total Police	\$	1,225	\$	-	\$	63	\$	70	90%

Fire

4220.110 Fire Salaries & wages	\$	7,846	\$	2,354	\$	8,631	\$	20,400	42%
4220.130 Fire Employee Benefits	\$	605	\$	180	\$	677	\$	1,700	40%
4220.210 Fire Dues, subscriptions & membersh	\$	69	\$	-	\$	-	\$	200	0%
4220.230 Fire Travel & mileage	\$	55	\$	-	\$	-	\$	600	0%
4220.250 Fire Equipment maintenance & repair	\$	66	\$	11	\$	157	\$	6,533	2%
4220.260 Fire Rent expense	\$	-	\$	-	\$	742	\$	-	0%
4220.360 Fire Training	\$	463	\$	25	\$	100	\$	-	0%
4220.450 Fire Small Equip/Supplies	\$	295	\$	-	\$	90	\$	1,524	6%
4220.460 Fire Supplies-Fundraisers	\$	273	\$	478	\$	478	\$	-	0%
4220.465 Fire Gear	\$	891	\$	-	\$	-	\$	12,234	0%
4220.560 Fire Equipment Fuel	\$	766	\$	253	\$	525	\$	2,000	26%
4220.610 Fire Interest	\$	-	\$	211	\$	1,097	\$	2,497	44%
4220.620 Fire Principal	\$	-	\$	912	\$	4,514	\$	10,969	41%
4220.740 Fire Capital outlay	\$	305	\$	-	\$	-	\$	-	0%
Total Fire	\$	11,635	\$	4,424	\$	17,010	\$	58,657	29%

Total Public safety	\$	12,860	\$	4,424	\$	17,072	\$	58,727	29%
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Highways and public improvements

Highways

4410.110 Road Wages and Contract Labor	\$	789	\$	15	\$	15	\$	10,000	0%
4410.130 Road Employee benefits	\$	60	\$	1	\$	1	\$	795	0%
4410.270 Road Flood damage	\$	438	\$	-	\$	-	\$	2,100	0%
4410.450 Road Department Supplies	\$	928	\$	147	\$	427	\$	3,000	14%
4410.550 Road Equipment Maintenance	\$	542	\$	-	\$	1,077	\$	3,600	30%
4410.560 Road Equipment Fuel	\$	601	\$	107	\$	451	\$	2,300	20%
4410.740 Road Capital outlay	\$	-	\$	-	\$	20,185	\$	20,000	101%
4410.810 Road Principal	\$	31,000	\$	1,508	\$	36,500	\$	33,027	111%
4410.820 Road Interest	\$	32,200	\$	252	\$	32,207	\$	41,314	78%
4415.110 Public Works Wages and Contract Lat	\$	7,327	\$	188	\$	1,388	\$	7,110	20%
4415.130 Public Works Employee benefits	\$	570	\$	14	\$	111	\$	358	31%
4415.450 Public Works Supplies	\$	94	\$	171	\$	1,908	\$	300	636%
4415.550 Public Works Equipment Maintenance	\$	1,877	\$	49	\$	634	\$	2,100	30%
4415.560 Public Works Equipment fuel	\$	320	\$	191	\$	558	\$	1,800	31%
4415.570 Public Works Travel Reimbursement	\$	196	\$	-	\$	102	\$	-	0%
4415.610 Public Works Storm Drainage	\$	-	\$	-	\$	-	\$	40,000	0%
4415.710 Public Works Interest	\$	-	\$	-	\$	2,199	\$	2,199	100%
4415.720 Public Works Principle	\$	-	\$	-	\$	13,861	\$	13,861	100%
4415.740 Public Works Capital Outlay	\$	3,700	\$	-	\$	-	\$	-	0%
Total Highways	\$	80,642	\$	2,643	\$	111,624	\$	183,864	61%

Sanitation

4420.460 Solid Waste Service	\$	16,863	\$	3,590	\$	21,633	\$	41,000	53%
Total Sanitation	\$	16,863	\$	3,590	\$	21,633	\$	41,000	53%

Total Highways and public improvements	\$	97,505	\$	6,232	\$	133,257	\$	224,864	59%
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Parks, recreation, and public property

Parks

4540.110 Park/Rec Wages and Contract Labor	\$	-	\$	-	\$	1,885	\$	-	0%
4540.250 Park/Rec Department supplies	\$	206	\$	125	\$	187	\$	500	37%
4540.460 Park/Rec Community events supplies	\$	760	\$	-	\$	-	\$	500	0%
4540.740 Parks Capital outlay	\$	-	\$	-	\$	1,761	\$	15,000	12%

Total Parks	\$	965	\$	125	\$	3,833	\$	16,000	24%
Total Parks, recreation, and public property	\$	965	\$	125	\$	3,833	\$	16,000	24%
Debt service									
4141.810 Debt service - principal	\$	18,451	\$	-	\$	-	\$	-	0%
4141.820 Debt service - interest	\$	4,342	\$	-	\$	-	\$	-	0%
Total Debt service	\$	22,793	\$	-	\$	-	\$	-	0%
Transfers									
4811 Transfer to Fund Balance	\$	-	\$	-	\$	-	\$	1,993	0%
Total Transfers	\$	-	\$	-	\$	-	\$	1,993	0%
Total Expenditures:	\$	218,286	\$	34,492	\$	244,065	\$	651,731	37%
Total Change In Net Position	\$	(55,995)	\$	21,129	\$	(38,468)	\$	-	0%
						Annualized Expenditures	\$	182,407	28%
						Annualized Change in Net Position	\$	47,544	

ORDINANCE NO. 2004-2-O

AN ORDINANCE ESTABLISHING A PLANNING COMMISSION

Be it ordained by the Legislative Body of the Township of Apple Valley, Utah as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Establishment of Municipal Planning Commission
5. Term of Office
6. Filling Vacancies and Removal From Office
7. Governance of Planning Commission
8. Powers and Duties
9. Repeal of Title 10, Chapter 3 of the Zoning Ordinance of Washington County
10. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 10-3-701, 10-3-702 and 10-9-201 (1953, as amended).

2. Purpose of Provisions.

The purpose of this ordinance is to establish a planning commission for Apple Valley Township ("Apple Valley"). This ordinance defines the number and terms of the members, the mode of appointment, the procedures for filling vacancies and removal from office, and other details relating to the organization and procedures of the planning commission.

3. Findings.

A. The Township of Apple Valley ("Apple Valley") was incorporated by the State of Utah on the 14th day of October, 2004.

B. Apple Valley has previously adopted the Zoning Ordinance of Washington County (Ordinance No. 2004-1-O), which includes provisions for a countywide planning commission (Title 10, Section 3).

C. The residents of Apple Valley would benefit from the establishment of a municipal planning commission.

D. Creation of a municipal planning commission would necessitate repealing Title 10, Section 3 of the Zoning Ordinance of Washington County.

E. It is in the interest of the public and the residents of Apple Valley that Apple Valley establish a municipal planning commission.

4. Establishment of Municipal Planning Commission.

Apple Valley hereby establishes a municipal planning commission, which is comprised of five (5) regular members, one of which may be a town council member, and up to three (3) alternate members, which shall be appointed by the mayor, with the advice and consent of the town council. Each planning commissioner shall be a resident of and qualified elector in the township. Not less than three (3) members constitute a quorum. Alternate members may be called to fill a quorum when there are insufficient regular members available. The members of the planning commission, whether regular or alternate members, shall serve without compensation except for the reimbursement of actual expenses incurred as approved by the town council.

5. Term of Office.

The term of the regular members of the planning commission shall be three (3) years and until their respective successors have been appointed; provided, that the terms of the regular members shall be staggered so that no more than one (1) regular member's term expires each year. The term of the alternate members shall be two (2) years and shall be staggered so that not more than one (1) alternate member's term expires each year.

6. Filling Vacancies and Removal From Office.

The mayor may appoint, with the advice and consent of the town council, members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason. Planning commission members may be removed from their position for cause by the town council. "Cause" includes, but is not limited to, moving out of the county, failing to attend planning commission meetings, or committing any act inimical to public service.

7. Governance of Planning Commission.

The regular members of the planning commission shall elect one of their members as chair of the planning commission, whose term shall be for one (1) year. The planning commission may create and fill such other offices as it may determine. The planning commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of their proceedings, which record shall be open to inspection by the public at all reasonable times. The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission. These policies and procedures shall be submitted to the town council before taking effect.

8. Powers and Duties.

The planning commission shall have the powers and duties outlined in Utah Code Annotated, § 10-9-204, as amended, including:

- A. Preparing and recommending a general plan and amendments to the general plan to the town council as set forth in Utah Code Annotated, § 10-9-301 *et seq.* (as amended).
- B. Recommending zoning ordinances and maps, and amendments to zoning ordinances and maps, to the town council as set forth in Utah Code Annotated, § 10-9-401 *et seq.* (as amended).
- C. Administering provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the town council.
- D. Recommending subdivision regulations and amendments to those regulations to the town council as set forth in Utah Code Annotated, § 10-9-801 *et seq.* (as amended).
- E. Recommending approval or denial of subdivision applications as provided in Utah Code Annotated, § 10-9-801 *et seq.* (as amended).
- F. Advising the town council on matters as the town council directs.
- G. Hearing or deciding any matters that the town council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits.
- H. Exercising any other powers:
 - (1) that are necessary to enable it to perform its function; or
 - (2) delegated to it by the town council.

9. Repeal of Title 10, Chapter 3 of the Zoning Ordinance of Washington County.

Title 10, Chapter 3 of the Zoning Ordinance of Washington County, which was adopted by Apple Valley, is hereby repealed.

10. Effective Date.

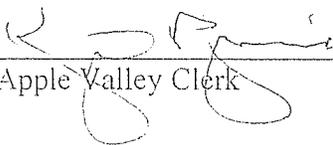
This ordinance takes effect ten (10) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the Town Clerk and a complete copy of the Ordinance shall be posted in three (3) public places within the boundaries of Apple Valley as required by law.

APPROVED AND ADOPTED this 16th day of December 2004.

APPLE VALLEY TOWNSHIP


MARY REEP
Mayor

ATTEST:


Apple Valley Clerk

Council Member Evan Brown voted AYE
Council Member Kathy Pugmire voted AYE
Council Member Jan Hirschi voted AYE
Mayor Mary Reep voted AYE

WHEREAS, the Council has taken all actions and accomplished all matters required and necessary which are preliminary to the creation of a special service district and, accordingly, does hereby determine that the District should be created in accordance with this Resolution and the Act.

NOW, THEREFORE, at a regular meeting of the Town Council of Apple Valley Town, duly called, noticed, and held on the 1st day of September, 2011, upon motion duly made and seconded, BE IT HEREBY RESOLVED as follows:

Section 1. There is hereby created and established in Apple Valley Town, Washington County, State of Utah, a special service district, the area of which is described in Section 4 below.

Section 2. The name of the District created hereby is and shall be hereafter known as the "Big Plains Water and Sewer Special Service District," referred to in this Resolution as "District."

Section 3. The District shall have and exercise through its proper officers all of the rights, powers and authority conferred upon special service districts by and included in the Act and as otherwise provided by law for the purposes as herein provided.

Section 4. The boundary and service area of the District shall include the municipal boundaries of Apple Valley Town, Washington County, State of Utah, as the boundaries of such municipality exist and are recorded on the effective date of this Resolution (see the attached map of the District area boundary).

Section 5. The District is hereby empowered to and shall have the authority to provide for or furnish any or all water and sewerage services within the territory of the District to the extent they are deemed necessary or desirable by the District. The foregoing services and functions may be provided through facilities, systems or property acquired for that purpose through construction, purchase, lease, rental, gift or condemnation, or any combination of the foregoing means, or by any other means available to special service districts as provided by law.

Section 6. The District shall be administered by an Administrative Control Board ("Board") which is hereby delegated the power to act as the governing authority of the District and shall have and it is hereby vested with all of the powers, duties and responsibilities conferred upon such governing authority by the Act, and all laws amendatory and supplemental thereof, and implemented by this Resolution.

Section 7. The membership of the Board shall consist of five (5) members as follows: the Mayor of Apple Valley; one elected official from Apple Valley, who shall be appointed by the Mayor of Apple Valley, and; three Board members who are registered voters within the boundary of the District, who shall be appointed by the Mayor of Apple Valley.

17 D-3-102

TOWN OF APPLE VALLEY

**RESOLUTION R-2020-03
A RESOLUTION APPOINTING APPEALS AUTHORITY**

WHEREAS, the Town of Apple Valley ("Apple Valley") by ordinance (Title 10 Chapter 8: Appeal Authority) established an Appeal Authority, which requires the Mayor, with the advice and consent of the Town Council, to appoint an individual to serve in the position of Appeal Authority; and

WHEREAS, Mayor Marty Lisonbee along with the Town Council has nominated Thomas Dansie for appointment as the Appeal Authority.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 6th day of January, 2020, and upon motion duly made and seconded,

BE IT RESOLVED AS FOLLOWS:

Thomas Dansie is appointed as the Appeal Authority of the Town of Apple Valley Board of Appeals whose term will expire on December 31, 2022.

RESOLVED this 6th day of January, 2020.

TOWN OF APPLE VALLEY

ATTEST:

Marty Lisonbee
Mayor

Town Deputy Clerk

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Michael McLaughlin	_____	_____	_____	_____
Councilmember Debbie Kopp	_____	_____	_____	_____
Mayor Marty Lisonbee	_____	_____	_____	_____
Councilmember Paul Edwardsen	_____	_____	_____	_____
Councilmember Denny Bass	_____	_____	_____	_____

**APPLE VALLEY
ORDINANCE O-2020-04**

**AMENDMENT TO TOWN CODE 10.28.230 "PARKING REQUIREMENTS FOR PRIVATE
RECREATIONAL VEHICLES IN RESIDENTIAL ZONES"**

WHEREAS, The Planning Commission of the Town of Apple Valley found it necessary to amend the Parking requirements for recreational vehicles, and

WHEREAS, The Planning Commission held a public hearing regarding this on September 25, 2019, and

WHEREAS, Upon motion duly made and seconded forwarded recommended changes to 10.28.100 to the Town Council for approval, and

WHEREAS, Upon review of the Planning Commission's recommendation, the Town Attorney recommended some wording changes for clarity, not intent, and

WHEREAS, The Town Council of the Town of Apple Valley Adopted the following changes in a public meeting held on the 6th day of December, 2020 and upon motion duly made and seconded.

NOW THEREFORE, be it ordained by the Town Council of Town of Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones" of the Apple Valley Land Use is hereby *amended* as follows:

B E F O R E A M E N D M E N T

10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones

The location or storage of mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment owned by the property owner, may be parked, subject to the following:

- A. Recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles kept in reasonable repair and operable condition, may be located in a detached or attached garage, or other accessory building, or parked in the rear yard or side yard and screened from front yards and streets by a wall, fence, gate, landscaping or other suitable screening material.

- B. A mobile home, travel trailer, recreational vehicle, boat, camping trailer or truck camper may be located in the front yard for the purposes of loading and unloading for a period not to exceed forty eight (48) hours.
- C. A recreational vehicle may be occupied temporarily by family members or guests of the owner. However, no boat, trailer, motor home, travel trailer or similar recreational vehicle shall be occupied for a period greater than one hundred twenty (120) days.

A F T E R A M E N D M E N T

10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones

Mobile homes, travel trailers, recreational vehicles, boats, camping trailers and truck campers, and other recreational vehicles and equipment may be parked, subject to the following:

- A. All recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles must be kept in reasonable repair and operable condition. Said vehicles may not be parked in the front yard setback except for loading and unloading for a period not exceed 48 hours.
- B. A legally parked recreational vehicle may be occupied temporarily by family members or guests of the owner with a permit available at the town Website for a period no greater than thirty (30) days, and may be renewed once for a total of 60 days per calendar year.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	_____	_____	_____	_____
Councilmember Edwardson	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____

Presiding Officer

Attest

Marty Lisonbee, Mayor, Apple Valley

Michelle Kinney, Town Recorder
Apple Valley

**APPLE VALLEY
ORDINANCE O-2019-02**

AMENDMENT TO 10.04.010 HOME OCCUPATION DEFINITION

WHEREAS, The Planning Commission of the Town of Apple Valley desires to expand the definition of Home Occupation in the town code; and

WHEREAS, The Planning Commission of the Town of Apple Valley held a public hearing on December 11, 2019 to hear public comment about changes to section 10.04.010; and

WHEREAS, the Planning Commission listened to the comments made and recommended changes to the definition of Home Occupation to the Town Council of the Town of Apple Valley; and

WHEREAS, Upon review of the Planning Commission's recommendation, the Town Attorney recommended some wording changes for clarity, not intent, and

WHEREAS, The Town Council has reviewed the Planning Commission's and Town Attorney's recommendation and has determined that these amendments are in the best interest of the health, safety, and welfare of the citizens of the Town of Apple Valley; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, notice and held on the 6th day of January, 2020, and upon motion duly made and seconded:

NOW THEREFORE, be it ordained by the Council of Apple Valley, in the State of Utah, that Land Use Code 10.04.010 is as follows:

SECTION 1: **AMENDMENT** "10.04.010 Terms Defined" of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.04.010 Terms Defined

For the purpose of this title, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; words not included herein but defined in the building code shall be construed as defined therein.

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty four (24) hours per day.

AGRICULTURE: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including, forage and sod crops, grain and feed crops, nut and fruit crops, vegetables, nursery, floral and ornamental stock, livestock animals, including domestic animals, poultry and honeybees. "Agricultural land" also includes land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.

ANIMAL NUMBERS: The number of animals does not include newborn animals under the age of six (6) months, or newborn animals that are dependent upon their mother for sustenance of life, whichever is greater, that were born by animals kept on the property by the owner of the property, or a tenant of the property.

ANIMAL SIZE: The categorizing of animals based upon a classification of large or small animals. The determination may be made by size of animal, irrespective of species or genetic makeup at the discretion of the planning commission.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a home like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under rules of the Utah department of health or the Utah department of human services to need any of these services. Each resident shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

BASEMENT: A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.

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.

BOARDER: A person living in a rented room in a boarding house. The boarding house operator or a member of his or her immediate family who resides on the premises with the operator shall not be considered to be a "boarder".

BOARDING HOUSE: A building or portion thereof where, for compensation, rooms are rented, together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of a "boarding house". The word "compensation" shall include compensation in money, services or other things of value. A "boarding house" does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. There shall be a "main" building on the lot before a permit may be issued for any other building to be "accessory".

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest peak of a pitched or hipped roof. The reference datum shall be selected by one of the following, whichever yields the greatest height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above the lowest grade.
- B. An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection A of this definition is more than ten feet (10') above grade.
- C. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by the public agency of the United States of America, of the state of Utah, or any of its subdivisions.

BUILDING, FARM, BONA FIDE: A building used for farming operations only.

CABIN: A cabin is a small stick-built or small manufactured home, built or placed on a permanent foundation, and shall be less than 400 sq feet in size. Any cabin that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park Zone.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CHILD NURSERY: An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

CLUB, PRIVATE: An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests, but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

COMMUNITY CORRECTIONAL FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement rehabilitation, or treatment in a correctional institution.

CONDITIONAL USE: A use of land for which specific conditions of approval are recommended by the planning commission and approved by the Town Council prior to authorizing a permit.

CONDOMINIUM OR TOWNHOUSE PROJECT: A development where there is ownership of a single unit in a multiple-family development, together with an undivided interest in the common area and facilities, and such project meets all requirements of the condominium ownership act of the state of Utah.

CORRECTIONAL INSTITUTION: A prison, jail, juvenile detention facility or juvenile secure facility.

DAIRY: A commercial establishment for manufacture or processing of dairy products.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of Drugs, or addiction to any illegal drugs, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC, or successor law.

DOMESTIC ANIMALS:

- A. Animals historically found on farms in Washington County. "Domestic animals" shall not include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.
- B. Exception: Llamas may be considered as domestic animals, subject to the number limitations of the residential estate zone.

DWELLING: Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families.

DWELLING, GROUP: Two (2) or more dwellings located in more than one building placed upon a single lot.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than two (2) families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to include only one dwelling unit.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT: Any building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY: An accessory building, as defined herein, containing one or more rooms with private bath and/or kitchen facilities for residential use, (i.e. Casitas, Mother-in-law apartments, Guest houses,) which is:

- A. Used for housing of guests without compensation, and
- B. Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

EXOTIC ANIMALS: Animals not historically found on farms in Washington County. "Exotic animals" shall include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.

FAMILY: One or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. "Family" does not exclude the care of foster children.

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. Only legal permanent occupants of the residence may work in or on the residential property. All business related uses and storage shall be limited to the interior of the dwelling unit or accessory building. ~~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. Up to 100% of the accessory building may 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".

JUNK CARS: Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

JUNKYARD: Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage and sanitary fills.

JUVENILE DETENTION FACILITY: A place of temporary detention for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

JUVENILE SECURE FACILITY: A place of incarceration for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

KENNEL: The land or building used for the keeping of five (5) or more dogs at least six (6) months old and/or eight (8) or more cats at least six (6) months old, which may also be referred to as a "cattery".

LIVESTOCK FEED YARD: A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

LOT: A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a dedicated and improved town road. Except for multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

LOT, CORNER: A lot having frontage on two (2) or more improved and dedicated county roads.

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code) in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

MANUFACTURED HOME PARK: Any area or tract of land used or designed to accommodate two (2) or more manufactured homes for permanent living purposes as opposed to a recreational vehicle park where campers or travel trailers are parked for overnight or short periods of time.

MOBILE HOME: A transportable factory built housing unit built prior to June 15, 1976, in accordance with the state mobile home code which existed prior to the federal manufactured housing and standards act (HUD code).

MOBILE HOME PARK: A parcel of land, approved prior to May 27, 1997, which was planned and improved for the placement of mobile homes for residential use.

MOTEL: Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all regulations herein prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

NURSING HOME: An institution providing residence and care for the aged or infirm.

PARKING LOT: An open area other than a street, used for parking.

PARKING SPACE: Space within a building, lot or parking lot for the parking or storage of one automobile.

PLANNED DEVELOPMENT (PD): A development in which the regulations of the zone in which the development is situated are modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan.

PRIVATE ROAD: A privately owned road leading to one (1) home or with Town approval can have up to five (5) homes located on said road, if the required improvements are installed and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PRIVATE STREET: A private street leading to more than five (5) homes as approved by the Town, and improved to the required town standards and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PROTECTIVE HOUSING FACILITY: A facility either:

- A. Operated, licensed or contracted by a governmental entity; or
- B. Operated by a charitable, nonprofit organization, where, for no compensation, temporary, protected housing is provided to:
 - 1. Abused or neglected children awaiting placement in foster care;
 - 2. Pregnant or parenting teens;
 - 3. Victims of sexual abuse; or
 - 4. Victims of domestic abuse.

RECREATIONAL VEHICLE: A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

- A. A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.
- B. A "residential facility for elderly persons" shall not include any facility:
 - 1. Which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
 - 2. Where persons being treated for alcoholism or drug abuse are placed;
 - 3. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
 - 4. Which is a healthcare facility as defined in Utah Code § 26-21-2; or
 - 5. Which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

- A. Licensed or certified by the department of human services under Utah Code 62A-2, licensure of programs and facilities; or
- B. Licensed or certified by the department of health under Utah Code 26-21, healthcare facility.

SEXUALLY ORIENTED BUSINESSES: An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, pursuant to the sexually oriented business license chapter set forth in this code, which types of businesses include, for purposes of this title, adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agency, massage parlor, semi-nude modeling studio, sexual encounter establishment, and any other business not described that has a dominant or principal theme that is sexually oriented.

SHORT TERM VACATION RENTAL: A residential unit that is rented, leased, loaned, let or otherwise hired out for a period of thirty (30) days or less.

SITE DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

STABLE, PRIVATE: A detached accessory building for the keeping of the livestock animals owned by the occupants of the premises and not kept for commercial purposes.

STABLE, PUBLIC: A stable other than a private stable.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET: A public thoroughfare which affords principal means of access to abutting property and is dedicated and improved to town standards.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

SWIMMING POOL, PRIVATE: Any structure intended for swimming, recreational bathing or wading that contains water over twenty four inches (24") (610 mm) deep. This includes in ground, aboveground and on ground pools; hot tubs; spas and fixed in place wading pools for three (3) homes or less.

TENT OR TEEPEE: A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.

TINY HOME: A Tiny Home is a stick built or small manufactured home with the structure, built or placed on a permanent foundation, and shall be less than 400 sq. feet in size. Any Tiny home that has wheels or skids and are not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park zone.

UNLICENSED REHABILITATION/TREATMENT FACILITY: A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment or counseling services, which facility either does not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment or counseling services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD, FRONT: A space on the same lot with a building between the front line of the building and the front lot line, and extending across the full width of the lot.

YARD, REAR: A space on the same lot with a building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: A space on the same lot with a building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	_____	_____	_____	_____
Councilmember Edwardson	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____

Presiding Officer

Attest

Marty Lisonbee, Mayor, Apple Valley

Michelle Kinney, Town Recorder
Apple Valley