



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 05, 2023 at 6:00 PM

MINUTES

Chairman | Michael Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

CALL TO ORDER- Chairman Farrar called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Garth Hood

Commissioner Bradley Farrar

CONFLICT OF INTEREST DISCLOSURES

None declared.

APPROVAL OF MINUTES

1. Minutes: March 1, 2023.

Commissioner Hood commented on the vote for the ADU's, he voted nay. Correction noted.

MOTION: Commissioner Fralish motioned that we approve the minutes from 3/1/23 with correction noted.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

2. **Public Hearing:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.

Chairman Farrar commented all the Ordinances proposed on the Agenda tonight are all circled on one issue, accessory buildings. He continued, a few of these reasons are for allowing more property rights, freedoms, and clearing up restrictive ordinances. For example, there is a resident that has been here 35 years on RE-1 zoning. The current ordinance only allows a 650 sq ft shop. That is ridiculous. He wants to put up a 2500 sq foot shop. The agenda for tonight is loosening up these ordinances.

Chairman Farrar opened the public hearing.

Stewart Riding, 1456 N Mt Zion Dr. He is strongly in favor of this. He moved here 8 years ago and has a lot of things that need to be out of the weather. Currently he has a non-conforming building and is strongly in favor.

Rich Ososki, 1024 W Little Pinion Way. After all administrations this one really takes the cake. On the changes, metal building was struck out and going with conditional use. Discussed the restrictiveness with Chairman Farrar.

Linda Noyes, 2846 N Purple Sage Rd. She commented about Facebook and is glad that the tool is utilized. She discussed a previous applicant that had come before Planning Commission. Chairman Farrar discussed how unreasonable this ordinance is.

Annie Spendlove, 1260 E 2000 S. She commented that rural in Apple Valley is a homestead. Homestead space on 1-acre rural estate zone, for your 2500 sq ft house that would cap building at 1250 sq ft. She had read through ordinance and discussed different items that would need for a homesteader on 1 acre and realized that we don't have that available in the current restrictive ordinance. It is nice to have the option for storage. If someone wants to bring horses and have up here why getting ready to build, she believes it should be allowed and encouraged. This is how you support a rural lifestyle in Apple Valley. She discussed being able to put infrastructure in.

Margaret Ososki, 1024 W Little Pinion Way. She discussed horse corrals being 2400 sq ft. She doesn't agree with having animals on vacant lots. She asked on F on width and bottom of graph that there be added no more than one primary home on a property.

Dewaine Stock, 1533 N Rome Way. He commented on the application that had gone before the Planning Commission previously, it is not that they were disagreeing with attaching but it was unreasonable to ask. Why would we want to attach to a 1987 double wide. This building would only be for tractors and backhoes. He has every right to put this on his property. The other structures on the property only take up 55% of the backyard. No one should have to put up with these restrictions.

Joanie Moses, 2888 N Foothill Dr. Her husband and her came looking through the area looking for property 4 1/2 years ago. Gooseberry is different, the yards are nicely maintained. The property looks like some place we like to live and without enforcement it's a sad thing.

Guy Barlow, AV-1365-E. He recently purchased property to establish home base for his family. He can't build a home right now but wants to be able to get things started. He agrees with the change and strongly supports it. It takes 10 years to get 10 year old tree. Why wait for building permit to get trees started.

Stewart Riding, 1456 N Mt Zion Dr. He understands about certain environments but why would you want to impose those rules.

Tish Lisonbee, 1386 N Mt Zion Dr. When building their house, they couldn't build the barn first and had to do zone change to accommodate what they wanted. Wholeheartedly supports changes.

Chairman Farrar closed the public hearing.

3. Discussion and Action: Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.

Chairman Farrar proposed on page 2 item 10 b. (c.) delete the word twenty, should be 30 (thirty) as already in ordinance. Number 11. metal building should not be eliminated. On page 3 proposed maximum size accessory building total maximum size of all accessory buildings. 10,000 square feet for one acre, 20,000 for two and a half, 40,000 for five and if you have 10, 20 or x amount of acres or more we don't need to regulate that. Also add total max for all shipping containers, 1 acre is 1,500 square feet, 2.5 acres is 2,000 square feet, 5 acres is 3,500 square feet, and if you have 10 acres or more, we don't need to be involved in any of that. Proposed changes. (Attachment A)

Commissioners discussed amongst. Garth Hood discussed rural feel as such leniency is more. Homesteading lots were discussed. We have the room to do it. Commissioner Fralish discussed shipping containers being high he would rather see more buildings. Commissioner Palmer agreed and so does Commissioner Farrar. Commissioner Farrar wants less restrictions but feels this is a good balance between less and more restrictions.

MOTION: Commissioner Hood motioned that we recommend implementation for the changes listed here that we talked about, so we implement those changes on 10.10.050 that would recommend approval.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

4. Public Hearing: Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.

Chairman Farrar commented this is what the majority of the people want. He continued, the area of the chart and single family zone, should be a little more restriction. Currently the only single family zoning is in Cedar Point subdivision.

Chairman Farrar opened the public hearing.

Margaret Ososki, 1024 W Little Pinion Way. Is there some reason why you don't have no more than one primary house per lot on the chart matching suit with the previous agenda item.

Chairman Farrar commented will be added.

Planning Department Manager Frank Lindhardt discussed max size and conditional use permit.

Becky Wood, 1331 E Red Sage Ln. She asked if Cedar Point and South Zion Estates are in this zoning.

Annie Spendlove, 1260 E 2000 S. She spoke in favor of conditional use permit to be issued before building permit is issued with homesteading to prepare property ahead of time.

Rich Ososki, 1024 W Little Pinion Way. He commented on a note someone prepping property ahead of time, in some areas there are code. He recommended with grading vacant lots to make conditional use permit.

Planning Department Manager Frank Lindhardt discussed the conditional use process.

Margaret Ososki, 1024 W Little Pinion Way. She asked why we pay for Grama request.

Kevin Sair, 893 Foothill Dr. He lives in Gooseberry and code enforcement is an impossible job in this community. Many projects have been worked on for code enforcement. He discussed fire protection, homesteading, and rooster limitation.

Chairman Farrar closed the public hearing.

5. Discussion and Action: Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.

Chairman Farrar commented recommendation is a little tighter than rural estate which it should be because it is single family zoning and not rural. We added "No more than one (1) primary home on a property" under the chart/grid. Total Max Size for all shipping containers was added.

Discussed amongst commissioners that they agree with proposed changes. (Attachment B)

MOTION: Commissioner Farrar motioned that we recommend approval to update Title 10.10.060 Single Family Residential Zone, Ordinance-O-2023-19 with the changes in the packet as well as the changes discussed about changes in the packet Jenna has as well as the changes that we discussed about lines 5, 6 as well as adding that "No more than one (1) primary home on a property." (Attachment B)

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

6. Public Hearing: Update Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.

Chairman Farrar opened the public hearing.

Rich Ososki, 1024 W Little Pinion Way. He read summary in packet. On Item 3, he wants eliminated out, rear-year and need definition. Discussed set back rule that is the same with all buildings.

Chairman Farrar closed the public hearing.

7. **Discussion and Action:** Update Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.

Chairman Farrar recommended to eliminate item A (2) "No attached garages(s) shall be higher than the highest point of the primary building." Item C "fifteen feet (15)" should be changed to "twenty-five feet (25)." Proposed changes. (Attachment C)

MOTION: Commissioner Hood motioned on 10.28.240 that we recommend approval of the changes we've got in the packet, eliminate number two under A "No attached garages(s) shall be higher than the highest point of the primary building." On C, change the height from "fifteen" to "twenty-five feet". And yeah, we'll leave the rest of it there and the regular change it was noted in the packet.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

8. **Public Hearing:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.

Chairman Farrar opened the public hearing.

Linda Noyes, 2846 N Purple Sage Rd. She asked since changes of shipping containers if they would become tiny homes.

Rich Ososki, 1024 W Little Pinion Way. He commented on item number 4 and within one year they must be painted and now it has been eliminated. He asked about colors. Discussed anything over 200 sq. feet needs a building permit.

Chairman Farrar closed the public hearing.

9. **Discussion and Action:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.

Chairman Farrar proposed to add under J (1) "No Shipping containers shall be stacked." Proposed changes. (Attachment D)

MOTION: Commissioner Farrar motioned that we recommend approval of the update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21 with the addition that we add in a section saying "No shipping containers shall be stacked" under J(1).

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

Meeting was adjourned at 7:39 p.m.

Date Approved: 5/3/23

Approved BY: [Signature]
Chairman | Michael Farrar

Attest BY: [Signature]
Town Clerk/Recorder | Jenna Vizcardo



restrictions:

- (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig 25 points each, but not to exceed the maximum of ten (10) large animals per five (5) acres;
- (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (8 points each), but not to exceed the maximum of twenty (20) medium animals per five (5) acres;
- c. Chickens, ducks, pigeons, doves, rabbits, turkeys, geese, pheasants, and similar small and medium-size fowl are not to exceed **twenty** → OMIT thirty (30) per One (1) acre;
- d. No rooster is permitted on any lot which is less than one (1) acre. Lots 1 acre or larger may have one (1) rooster per thirty (30) chickens.
- e. Only domestic and farm animals including household dogs and pets shall be kept on any lot with in the Rural Estates Zone.
- f. Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.
- g. The following shall be excluded from consideration for the purpose of determining compliance with this section:
 - (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
 - (2) Residents 18 years or younger participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.
- h. Animals shall be contained in proper pens, coups, corals, pasture, paddock, ~~arena~~ arena, or similar exercise area on owners property. Animal enclosures shall be cleaned regularly, be kept in good repair, give the animals ample room, and offer the animals shelter and shade.
- i. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited. Property owners must implement a fly mitigation program with deployment of fly traps, fly spray chemicals or fly predators and maintain these devices and methods during the fly season for vector control.
- j. Violation of AVLU 10.10.050.B.11 is an infraction punishable by fine up to \$750 if violation is not corrected within thirty (30) days of initial notice of violation.

~~11. Metal building.~~

SHOULD NOT BE ELIMINATED.

C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:

1. Assisted living facility (RE-5, RE-10, RE-20, RE-X only)
2. Accessory use and buildings before a building permit is issued.
3. Raising of crops, gardens, and horticulture before a building permit is issued.
4. The keeping of animals and fowl for family food production, but not for commercial use before a building permit is issued.

D. Any use not specifically allowed under permitted uses shall be prohibited unless the

planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.

- E. Height Regulations: No building shall be erected to a height greater than thirty-five (35) feet. No accessory building shall be erected to a height greater than twenty-five (25) feet.

F. Minimum Area, Width, and Yard Regulations

District	Area	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			TOTAL Maximum Size of	Maximum Building Coverage	TOTAL MAX SIZE FOR ALL SHIPPING CONTAINERS
			Front	Side	Rear	ALL Accessory Building	On lot (see 10.28.240 D)	
RE-1.0	1.0 acre	100	25	10	10	10,000	50%	1,500
RE-2.5	2.5 acres	150	25	25	25	20,000	50%	2,000
RE-5.0	5.0 acres	200	25	25	25	40,000	50%	3,500
RE-10.0	10.0 acres	300	25	25	25	—	50%	—
Re-20.0	20.0 acres	400	25	25	25	—	50%	—
RE-X	**Any Size	400	25	25	25	—	50%	—

** No more than one (1) Primary home on a property.

G. Modifying Regulations:

- Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.
- Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.
- Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
- All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
- Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to

provided in subsection 10-7-180-E4 of this title.

- D. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet, unless a conditional permit has been obtained.

E. Area Width and Yard Regulations:

District	Area	<u>Lot</u> Width in Feet	<u>Setbacks for</u> Yards in Feet			<u>TOTAL</u> <u>Maximum</u> <u>Size of</u>	<u>Maximum</u> <u>Building</u> <u>Coverage</u>
	Minimum	<u>Minimum</u>	Front	Side	Rear	<u>ALL</u> <u>Accessory</u> <u>Building</u>	<u>On lot (see</u> <u>note 10 &</u> <u>10.28.240D)</u>
SF-.50	20,000 sq. ft.	80	25	10	10	3,000	50%
SF-1.0	40,000 sq. ft.	80	25	10	10	8,000	50%
SF-2.5	2.5 acres	150	25	25	25	15,000	50%
SF-5.0	5.0 acres	200	25	25	25	25,000	50%
SF-10.0	10.0 acres	300	25	25	25	40,000	50%

TOTAL
MAX SIZE
FOR ALL
SHIPPING
CONTAINERS

700

1,100

1,500

2,000

5,000

*** No more than (1) Primary home on a property.

F. Modifying Regulations:

1. Side Yards: The side yard setback on a "street side" yard shall be fifteen (15) feet
2. Private Garages and Accessory Buildings: Private garages and accessory buildings located at least 10' behind the main dwelling on lots less than ½ acre may have a side yard of three feet (3'), all others must be ten feet (10'), provided that all corner lots shall maintain fifteen feet (15') on the street side.
3. Prohibited Materials and Storage: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
4. Location of Required Parking: Required parking shall not be located in the front yard setback.
5. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
6. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. Permitted and conditional uses set forth in this section shall be deemed to

APPLE VALLEY
ORDINANCE O-2023-20

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

SECTION 1: AMENDMENT "10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones" of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.28.240 Limitations On Lot Use, Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones

In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

A. Maximum Garage Height:

1. No detached garage shall be higher than twenty-five feet , measured from finish grade to the highest point of its roof,
2. No attached garage(s) shall be higher than the highest point of the primary building.

~~B. Number Of Garages: A maximum of two attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit.~~

C. Maximum Accessory Building Height: No accessory building, with the exception of detached garages, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finished grade, unless a higher finished grade is required by the city for proper drainage, in which case, it will be measured from the finished grade, or a conditional use permit has been obtained.

D. Size, Lot Coverage, Location and Construction of Attached and Detached Garages and other Accessory Buildings in Residential Zones:

- ~~1. The total square footage of any attached garage(s) and non-living space shall not be greater than one hundred (100%) of the square footage of the primary structure, excluding the attached garage(s).~~
- ~~2. The total square footage of any detached garage or other accessory building, including agricultural use accessory buildings, shall not be greater than fifty percent (50%) of the square footage of the primary structure, including the attached garage(s). Note: Bonus/loft space located in the attic areas of detached garages shall be included in the total square footage.~~
3. The cumulative total square footage of the home, any attached garage(s), detached garage, and all other accessory buildings, including agricultural use

1. NO SHIPPING CONTAINERS
SHALL BE STACKED

- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials and be of similar or contrasting color.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of this section.

~~Containers may be used as accessory buildings to a primary residential structure subject to the following requirements;~~

- ~~1. Shipping Container is defined as an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6" 9'6" or 40'x8'x8'6" 9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.~~
 - ~~2. Shipping Containers may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;~~
 - ~~a. Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.~~
 - ~~b. Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty foot (20') containers.~~
 - ~~c. Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.~~
 - ~~d. Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.~~
 - ~~3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.~~
 - ~~4. Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.~~
 - ~~5. All Shipping Containers must be permitted prior to delivery:~~
 - ~~a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.~~
 - ~~b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.~~
 - ~~6. No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.~~
- K. No utility connections or meters, separate from the primary building, shall be allowed