



SPECIAL PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 16, 2024 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, October 16, 2024**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Bradley Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Becky Wood

Please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/82661513795>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 8266151 3795

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

HEARING ON THE FOLLOWING

1. Repeal Title 10.42 Controlled Growth Management Plan, Ordinance O-2024-71.
2. Amend Title 10.10.020 A Agricultural Zone, Ordinance O-2024-74.
3. Amend Title 10.22.090 Unlawful Signs, Removal, And Indemnification, Ordinance O-2024-75.

DISCUSSION AND POSSIBLE ACTION ITEMS

- [4.](#) Repeal Title 10.42 Controlled Growth Management Plan, Ordinance O-2024-71.
- [5.](#) Amend Title 10.10.020 A Agricultural Zone, Ordinance O-2024-74.
- [6.](#) Amend Title 10.22.090 Unlawful Signs, Removal, And Indemnification, Ordinance O-2024-75.

APPROVAL OF MINUTES

- [7.](#) Minutes: September 4, 2024 - Planning Commission Meeting and Hearing.

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

**APPLE VALLEY
ORDINANCE O-2024-71**

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

SECTION 1: **REPEAL** “10.42.1 Purpose Of Chapter” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.1 Purpose Of Chapter

~~The purpose of this Chapter is to control the rate and distribution of residential development on a year-to-year basis in the interest of advancing the public welfare by ensuring that the Town is maintained as a healthy, spacious, clean, well balanced, carefully controlled community primarily by preserving its small town atmosphere and character and avoidance of uncontrolled and rapid growth and to accomplish that purpose by:~~

- ~~A. Maintaining the Town separate and distinct geographically from other communities;~~
- ~~B. Emphasizing the preservation of existing open spaces and agricultural land;~~
- ~~C. Maintaining a balance and mix of housing and building types and values and thus providing a range of prices and rents in order to accommodate a variety of housing needs;~~
- ~~D. Providing and maintaining parks and recreational areas; and~~
- ~~E. Maintaining and augmenting as needed public utilities and services without detriment to existing dwellings.~~

SECTION 2: **REPEAL** “10.42.2 Definitions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.2 Definitions

~~All terms used in this Chapter are intended to have standard definitions, meanings and connotations, and are intended to be consonant with the meanings ascribed to them in other chapters of this Code, but unless otherwise required by the context, the following terms shall have the specific meanings stated in this Section:~~

~~ALLOTMENT: The assignment or grant by the Town Council of a share or portion of the aggregate number of dwelling units permitted to be constructed in any designated construction year, pursuant to the provisions of this Chapter.~~

~~CONSTRUCTION YEAR: A period of time consisting of one year commencing at the date the Town Council passes this ordinance.~~

~~DEVELOP: To construct a dwelling or alter a dwelling so that an increase in the number of dwellings results.~~

~~DEVELOPER: The legal or beneficial owners of real property proposed as a development or project in which one or more dwellings are constructed by the same contractor, person or entity for the sale to or use of persons or entities other than the legal or beneficial owner of the real property.~~

~~DEVELOPMENT: The act of developing a lot or subdividing a parcel of land for residential development.~~

~~DEVELOPMENT CONTROL PLAN: The scheme, program or method provided in this Chapter for construction of a dwelling.~~

~~DWELLING OR UNIT: A building, or portion thereof, designed or intended to be used exclusively for residential purposes, including "single-family", "two-family", and "multiple-family dwellings". Each dwelling is a unit.~~

~~ENTITY: A distinct unit other than a natural person, such as a partnership, corporation, limited liability company or any other type of organization.~~

~~EXCEPTION: Developments not subject to this Chapter.~~

~~LEAPFROG DEVELOPMENTS: Development of a tract of land which is separated from developed land by one or more undeveloped tracts, requiring extension of the Town's utility services and facilities beyond planned augmentation.~~

~~LOT: Any lot, parcel, tract of land, or combination thereof, shown on a plot of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Title, and having its principle frontage upon a street or upon an officially approved place.~~

~~OWNER/BUILDER: A person or entity, who is the owner of record of real property, and proposes to construct or constructs a single-family dwelling on that real property for the~~

~~occupancy and use of that person or entity.~~

~~PARCEL: Any real property improved or unimproved or portions thereof shown on the preceding tax roll as a unit or as continuous units, which is subject to or may be divided for the purpose of sale, lease or transfer of all or any part thereof, whether immediate or future, into two (2) or less lots or parcels.~~

SECTION 3: **REPEAL** “10.42.3 Initial Construction Year” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.3 Initial Construction Year

~~The initial construction year shall be the fiscal year beginning at the date the Town Council passes this ordinance.~~

SECTION 4: **REPEAL** “10.42.4 Applicability” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.4 Applicability

~~The provisions of this Chapter shall apply to the development of all lots, and houses within the Town limits.~~

SECTION 5: **REPEAL** “10.42.5 Development Allotments Required” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.5 Development Allotments Required

~~Notwithstanding the provisions of any other ordinance or resolution, no dwelling shall be constructed, and no building permit shall be issued, unless an allotment, if required, has been~~

~~obtained therefore in accordance with this Chapter.~~

SECTION 6: **REPEAL** “10.42.6 Number Of Allotments For Construction Year” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

10.42.6 Number Of Allotments For Construction Year

~~A. The total number of allotments for dwellings for each construction year shall be limited to twenty (20) dwellings.~~

SECTION 7: **REPEAL** “10.42.7 Reservation For Future Year Allotments” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

10.42.7 Reservation For Future Year Allotments

~~The commitment of the Town Council to grant future allotments (reservations) for dwellings to developers is limited to a total of fifty percent (50%) of the allotments or ten (10) units for one (1) year beyond the current construction year. Applications for reservations will be reviewed by the Planning Commission at the time of current year allotments and awarded by the Town Council on the basis of the recommendation by the Planning Commission pursuant to Section 10.42.10 of this Chapter. Award of reservations shall be for a specific construction year(s) and constitute allotments only for that construction year(s). Reservations are subject to cancellation by the Town Council for any reason the Town Council sees fit.~~

SECTION 8: **REPEAL** “10.42.8 Development Allotment Applications” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

10.42.8 Development Allotment Applications

~~An application for an allotment for dwelling(s) shall be made to the Planning Commission on a~~

~~Town application form and shall include the following documents:~~

~~A. Site utilization map, including:~~

- ~~1. Vicinity map to show the relationship of the surrounding areas and the Town which may consist of a small inset map; and~~
- ~~2. The site use layout map showing the extent, locations and type of proposed dwellings, the nature and extent of open space and any other proposed uses.~~

~~B. Site development plan showing:~~

- ~~1. Location of proposed building on lot or parcel;~~
- ~~2. Topography;~~
- ~~3. Lot or parcel size;~~
- ~~4. Existing and proposed building, trees, landscaping areas;~~
- ~~5. Street alignments showing coordination with the City street system; and~~
- ~~6. Open space, bicycle paths, equestrian trails or paths.~~

~~C. Preliminary architectural plans showing:~~

- ~~1. Typical architectural elevations;~~
- ~~2. Types and numbers of dwellings structure.~~

~~D. Public facilities plans showing:~~

- ~~1. Needed public facilities to be provided, if any, such as critical linkages to the major street system, schools; or~~
- ~~2. Other vital public facilities as identified by the Master Plan, capital improvement program or special facilities plan.~~

~~E. Development schedule showing:~~

- ~~1. Proposed calendar schedule of development including phasing, if any;~~
- ~~2. All applicable processes such as tentative and final subdivision maps, prezoning or rezoning, site design review and similar matters.~~

~~F. Financial information schedule showing financial information sufficient to enable the Town to determine if the developer is capable of undertaking and completing the development. Financial information may be submitted on a confidential basis to the Mayor.~~

~~G. Applications for required rezoning, rezoning or variances for the development must also be filed, and all filing fees shall be returned if allotments are not awarded.~~

~~H. Such other information as may be reasonably required by the Planning Commission.~~

SECTION 9: **REPEAL** “10.42.9 Planning Commission Evaluation” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.9 Planning Commission Evaluation

~~The Planning Commission shall determine whether the proposed development conforms to the development control plan and the provisions of this Title.~~

~~A. If the Planning Commission determines that a proposed development does not conform to the development control plan, the application shall be rejected. The applicant shall be given a written notice of such rejection within ten (10) days after the Commission's determination of the application.~~

~~B. The applicant may appeal the decision of the Planning Commission to the Town Council.~~

SECTION 10: **REPEAL** “10.42.10 Planning Commission Evaluation” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.10 Planning Commission Evaluation

~~Proposed developments determined by the Planning Commission or the Town Council to conform to the development control plan shall be evaluated and given a recommendation by the Planning Commission.~~

~~A. All applicants for allotments or their representatives must appear before the Planning~~

~~Commission at the meeting at which their application is being evaluated and rated:~~

~~B. Each proposed development shall be examined by the Planning Commission to determine its effect upon Town facilities and services. If the development is found to be inadequately served by public facilities or services, the application shall be rejected in writing and the reasons therefor.~~

~~C. A review of the applications by the Planning Commission shall consist of the following factors:~~

- ~~1. The capacity of the water system to provide for the requirements of the proposed development, without system extensions beyond those which the developer agrees to provide.~~
- ~~2. The capacity of the sewer system to handle the wastes of the proposed development without system extensions beyond those which the developer agrees to provide.~~
- ~~3. The capacity of the proposed drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer agrees to provide.~~
- ~~4. The ability of the fire and police departments to provide protection according to the response standards of the city without the necessity of establishing additional stations or equipment.~~
- ~~5. The capacity of major street linkages to provide for the traffic needs of the proposed development without substantially altering existing traffic patterns or overloading the existing street system and the availability of other public facilities (such as parks and playgrounds) to meet the additional demands for vital public services, without system extensions beyond those which the developer agrees to provide.~~

~~D. The town staff shall review the application with regard to architectural continuity and appropriateness of the area and other existing construction. This review will include, but is not limited to, color usage, landscaping, building placement and all other considerations as are deemed necessary to assure an overall conformance with purposes of this chapter.~~

~~E. The Planning Commission shall examine each application for dwellings and give a recommendation to the Town Council, who will make the final decision regarding the applicant's award of allotments.~~

SECTION 11: **REPEAL** “10.42.11 Award Of Allotments” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.11 Award Of Allotments

~~A. Following the recommendation from the Planning Commission, the Town Council shall review the application for the allotments and the Planning Commission's recommendation and make a decision.~~

~~B. Allotments shall not be awarded for more than five (5) dwellings for a single development in a construction year. A "single development" is defined to include two (2) or more real properties adjacent to each other and owned, legally or beneficially, by a person or entity, or any combination thereof, which has a common ownership interest, legal or beneficial, of more than ten percent (10%) in each such property. In addition, the developer(s) must demonstrate that the developments in question are distinct and separate from each other in terms of density, housing types and design. The developer(s) shall also have the burden of proof of establishing the absence of common owner legal or beneficial interests described herein, and that said proposed developments do not violate the intent of this section.~~

~~C. If an applicant desires reservation of future years' dwelling allotments, the applicant may apply to the Planning Commission for such reservations subject to sections 10.42.6 and 10.42.7 of this chapter. The reserved dwellings shall be considered allotments for the construction year for which the reservations are granted and subject to such other conditions as the Town Council may impose. No developer may obtain more than a total of five (5) dwelling units or reservations for dwellings or a combination thereof.~~

~~D. If no applicant is eligible for an allotment award, the available allotments shall be rescinded.~~

~~E. An application containing misleading, disguised, or erroneous information with an intent to circumvent this chapter shall be rejected.~~

SECTION 12: **REPEAL** "10.42.12 Appeals To Town Council" of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.12 Appeals To Town Council

~~The town clerk shall place the appeals to the Town Council on the agenda for the next regular Town Council meeting. The decision of the Town Council shall be final and conclusive. Following an appeal, an applicant may not apply again for a year unless there are substantial changes to the application.~~

SECTION 13: **REPEAL** “10.42.13 Review Of Progress” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.13 Review Of Progress

~~The Planning Commission and Planning Department shall review each proposed development having an allotment award to determine whether satisfactory progress is being made with the implementation of the approved plans. Allotments awarded will be automatically rescinded if the building permit for the proposed development expires, or if no building permit is applied for and issued within six months of the award of the allotments.~~

SECTION 14: **REPEAL** “10.42.14 Exceptions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.14 Exceptions

~~The following proposed developments are exempt from the provisions of this Chapter:~~

~~A. Dwellings proposed to be constructed for or constructed by owner/builders are exempt from the application and allotment process, but each such dwelling upon issuance of a building permit shall be counted as part of the total allotment awarded for the construction year involved. This exception shall be limited to one dwelling by each owner/builder for a three (3) year period commencing from the issuance of the building permit. Ten (10) allotments for dwellings shall be reserved for owner/builders for the first six (6) months of each construction year. The remainder of these ten (10) allotments, in the second half of the construction year, may be allotted to developers at Town Council's discretion. Owner/builder applications which exceed the ten (10) units reserved, or which are filed in the second half of the construction year, shall receive an allotment if any are available. If no allotments are available for that construction year, the owner/builder will receive a reservation for the next construction year.~~

SECTION 15: **REPEAL** “10.42.15 Severability” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.15 Severability

~~Should any word, phrase, paragraph or other portion of this Chapter be found by any competent judicial or other authority to be illegal or invalid, that portion shall be severed and the remainder of the Chapter will remain valid and in full force and effect.~~

SECTION 16: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 17: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18: **EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

APPLE VALLEY
ORDINANCE O-2024-74

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

SECTION 1: **AMENDMENT** “10.10.020 A Agricultural Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.020 A Agricultural Zone

- A. Purpose: The purpose of this zone is to preserve appropriate areas for permanent agricultural use, actively devoted to agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.
- B. Permitted Uses: Uses permitted in this zone are as follows:
- 1. Crop production, horticulture and gardening
 - 2. Farm buildings and uses
 - 3. Household pets
 - 4. Farming livestock
 - 5. Stands for sale of produce grown and sold on premises
 - 6. Veterinarian
 - 7. Weaner Pigs
 - 8. Residential Dwelling
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
- 1. Agritourism
 - 2. Agricultural Industry
 - 3. Animal Specialties
 - 4. Kennel, Commercial
 - 5. Metal Building
 - 6. Recreation and Entertainment, Outdoor (A-10, A20, A-40 only)
 - 7. Stable, Public
- D. Any use not specifically allowed under permitted or conditional uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4.
- E. Development Standards in Agricultural Zones:

	Zones				

Development Standard	A-X	A-40	A-20	A-10	A-5		
Lot standards							
Minimum lot area	Any Size above 5 acres*	40 acres*	20 acres*	10 acres*	5 acres*		
Minimum lot width	400 feet	400 feet	400 feet	300 feet	300 feet		
Building standards							
Maximum height, main building ¹	35 feet	35 feet	35 feet	35 feet	35 feet		
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet	35 feet		
Setback standards - front yard							
Any building ²	30 feet	30 feet	30 feet	30 feet	30 feet		
Setback standards - rear yard							
Main building	30 feet	30 feet	30 feet	30 feet	30 feet		
Accessory building	No requirement	No requirement	No requirement	No requirement	No requirement		
Setback standards - interior side yard							
Main building	15 feet	15 feet	15 feet	15 feet			
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement	No requirement		
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet	20 feet		
Setback standards - street side yard							
Main building		15 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet	20 feet		

Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
ADD Animals permitted					
*Required minimum size may be calculated prior to a required road dedication. **No more than one (1) primary home on a property.					

Notes:

F. Modifying Regulations:

1. Fur farms, silos, fish farms or the keeping of exotic animals may not be approved in the A-5 district.
2. Location of Corral or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit in an adjacent zone.
3. The housing of weaner pigs is subject to the following requirements:
 - a. "Weaner pigs" shall be defined as pigs that will be one year of age or less and do not weigh more than three hundred fifty (350) pounds at the end of the five (5) month period in which the weaner pig is kept.
 - b. Agricultural parcels adjacent to residential zoned parcels are not eligible for the raising of weaner pigs.
 - c. All weaner pigs shall be kept only during the months of December through April.
 - d. Setbacks for pens for weaner pigs shall be the same as required for other animals.
 - e. No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by the owner or keeper of the pig.
 - f. All pens shall be cleaned regularly, a minimum of three (3) times weekly.
 - g. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
4. 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.
 - a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
5. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.

6. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.

7. On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

8. For a lot split on zone A-X, the landowner/applicant must apply for a zone change to match the new lot sizes that will be created if the new lots will be smaller than forty (40) acres. If the new lots created from the lot split are above 40 acres, the land may stay zoned A-X.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-75**

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

SECTION 1: **AMENDMENT** “10.22.090 Unlawful Signs, Removal, And Indemnification” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.22.090 Unlawful Signs, Removal, And Indemnification

- A. Compliance with Code: All signs shall be maintained in good structural condition, in compliance with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the national electrical code and additional construction standards hereinafter set forth in this section.
- B. Abandoned Signs: Any sign, including all structural, support and other componential elements, which is located on a property, premises or structure which:
 - 1. Becomes vacant and unoccupied for a period of one hundred eighty (180) days or more,
 - 2. Pertains to a time, event or purpose which no longer applies, or
 - 3. Pertains to an occupant or business different from the resident occupant or business shall be deemed to have been abandoned. Abandoned signs shall be removed according to the provisions of this section.
- C. Dangerous or Defective Signs: No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Dangerous or defective signs shall be removed in accordance with this section.
- D. Unlawful Signs:
 - 1. Any sign displayed, erected, installed, suspended, attached, moved, enlarged, replaced, converted or altered after the effective date hereof, which does not comply with the provisions of this title, shall be deemed unlawful. Any work in progress on such sign shall be ordered by the planning commission or designee to cease immediately and said sign shall be removed in accordance with the provisions of this section.
 - 2. Signs which are not in compliance with this chapter and are therefore considered unlawful according to this section and which continue to be in noncompliance according to the provisions of these sign regulations, shall be deemed unlawful, and shall be removed according to the provisions of this section.
- E. Removal Of Signs: The ~~planning commission~~ code enforcement officer or designee

shall cause to be removed any sign not in compliance with safety or maintenance standards, abandoned signs, dangerous or defective signs, or unlawful signs. The planning commission or designee shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within fifteen (15) days, the sign shall be removed in accordance with the provisions of this section.

1. Notices: All notices shall be mailed by certified mail to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and shall be posted on said sign or on the premises.
2. Time Periods: Any time periods provided in this section shall be deemed to commence on the date of the certified mailing. If more than one notice is sent by certified mail, the date of the first notice mailed shall apply. Signs may be required to be removed as a condition of a conditional use permit without further notice.
3. Appeal: The sign owner or property owner on whose property the sign is located may appeal the determination ordering removal or compliance by filing a written notice of appeal with the planning commission within fifteen (15) days after mailing of the notice pursuant to this chapter.
4. Emergency Abatement: Notwithstanding the above, in cases of emergency, the planning commission or designee may cause the immediate removal of a dangerous or defective sign without notice.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley



PLANNING COMMISSION MEETING AND HEARING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 04, 2024 at 6:00 PM

MINUTES

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

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Bradley Farrar
Commissioner Lee Fralish
Commissioner Richard Palmer
Commissioner Garth Hood
Commissioner Stewart Riding (Alternate)

ABSENT

Commissioner Wood

CONFLICT OF INTEREST DISCLOSURES

None declared.

HEARING ON THE FOLLOWING

1. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington TRS.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington TRS.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington TRS.

2. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred.

3. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve TRS.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve TRS.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve TRS.

4. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC.

5. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett.

6. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross.

7. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington.

8. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC.

Chairman Farrar opened the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC.

No public comments.

Chairman Farrar closed the hearing for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC.

9. Repeal Title 10.10.040 I Industrial Zone, Ordinance-O-2024-69.

Chairman Farrar opened the hearing to Repeal Title 10.10.040 I Industrial Zone, Ordinance-O-2024-69.

No public comments.

Chairman Farrar closed the hearing to Repeal Title 10.10.040 I Industrial Zone, Ordinance-O-2024-69.

10. Amend Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2024-70.

Chairman Farrar opened the hearing to Amend Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2024-70.

No public comments.

Chairman Farrar closed the hearing to Amend Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2024-70.

DISCUSSION AND POSSIBLE ACTION ITEMS

11. Preliminary Plat Extension Request - Crimson Peaks subdivision.

*Tabled from September 4, 2024.

Chairman Farrar informed the commission that the town was awaiting formal advice from the town's legal counsel on how to proceed, particularly concerning the possibility of granting an extension of less than a year. Chairman Farrar then entertained a motion to table further discussions on agenda items eleven and twelve until legal guidance was received.

MOTION: Commissioner Hood motioned that we table item 11, Preliminary Plat Extension Request - Crimson Peaks subdivision.

SECOND: The motion was seconded by Commissioner Riding.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

12. Preliminary Plat Extension Request - West Temple subdivision.

*Tabled from September 4, 2024.

MOTION: Commissioner Riding motioned that we table Preliminary Plat Extension Request - West Temple subdivision

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

Commissioner Riding - Aye

The vote was unanimous and the motion carried.

13. Conditional Use Permit Application, 1064 E Manzanita Dr.

Chairman Farrar introduced item 13 of the meeting, which concerned a conditional use permit application for a short-term rental at 1064 E Manzanita Drive. The applicant, Aaron Barlow, was requesting the permit due to his property being approximately 297–298 feet from the 300-foot boundary for short-term rentals. Chairman Farrar invited questions, mentioning that the applicant was available online for any direct inquiries.

A commissioner asked if Barlow had discussed the matter with his neighbors. Barlow responded, stating that while he had not spoken directly to his neighbors, he had operated the property as a short-term rental for about a year without any issues.

Chairman Farrar reiterated that Barlow had been operating the rental without problems and now sought to formalize it by obtaining a permit, paying the required fees, and following the rules. The property fell just two or three feet short of the 300-foot requirement. Chairman Farrar opened the floor for a motion regarding the conditional use permit application for the short-term rental at 1064 East Manzanita Drive.

MOTION: Commissioner Fralish motioned that we approve the CUP application at 1064 E Manzanita Dr

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

14. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington TRS.

Chairman Farrar introduced item 14, a zone change application for a 19-acre parcel (AV-1354-NP-5-A) on Coyote Road. The parcel, currently zoned as Open Space Transition (OST), includes structures and houses. The proposed change to agricultural zoning would bring the property into compliance with the town's ordinances by assigning a proper zone. Farrar asked for a motion to address the zoning change.

MOTION: Commissioner Hood motioned that we recommend approval for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

Commissioner Fralish - Aye
 Commissioner Palmer - Aye

Chairman Farrar - Aye
 Commissioner Hood - Aye
 Commissioner Riding - Aye

The vote was unanimous and the motion carried.

15. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A.
 Applicant: Heber Allred.

Chairman Farrar introduced item 15, a zone change application for a parcel currently zoned as Open Space Transition (OST). The parcel, identified as AV-1355-A, is located just south of Highway 59 along Main Street and covers a total of 90 acres. Chairman Farrar noted that the property to the west of the parcel is already zoned for agricultural use. Chairman Farrar asked if anyone would like to make a motion regarding the zone change application for the parcel on Coyote Road.

MOTION: Commissioner Fralish motioned that we approve the Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred, and pass to town council.

SECOND: The motion was seconded by Commissioner Riding.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

16. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1.
 Applicant: Charles R and Cheryl S Reeve TRS.

Chairman Farrar introduced item 16, a zone change application for a 6.25-acre parcel (AV-1376-A-1) located on 2200 South. The parcel is currently zoned as Open Space Transition (OST) and is surrounded by agricultural land. Chairman Farrar stated that there were no apparent issues with the request and opened the floor for questions or comments.

MOTION: Commissioner Hood motioned that we recommend approval for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1.

SECOND: The motion was seconded by Commissioner Riding.

VOTE: Chairman Farrar called for a vote:

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

Commissioner Riding - Aye

The vote was unanimous and the motion carried.

17. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC.

Chairman Farrar introduced item 17, a zone change application for parcel AV-1328-A, which totals almost 62 acres and is currently zoned as Open Space Transition (OST). He noted that three adjacent parcels had been approved for agricultural zoning the previous week, making this application consistent with the surrounding area. Chairman Farrar expressed no concerns regarding the change, as it aligns with the agricultural zoning on the west side of Main Street.

A question was raised about whether any motion was needed concerning the road associated with the parcel and if it could pose an issue. Chairman Farrar clarified that the road is designated for emergency use, primarily for fire situations, allowing access through the Wells Estates subdivision. Chairman Farrar opened the floor for a motion.

MOTION: Commissioner Riding moved that we recommend approval of Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

18. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett.

Chairman Farrar introduced item 18, a zone change application for parcels AV-1378-E and AV-1378-L, from Open Space Transition (OST) to Agricultural (A-X) zoning. These parcels are located near the Webb property, south of Highway 59. One parcel is just over five acres, while the other is over 17 acres. Chairman Farrar noted that a house exists on the property, and the zoning change would bring it into compliance. He then asked if there were any issues with the application.

MOTION: Commissioner Hood motioned that we recommend approval for Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L.

SECOND: The motion was seconded by Commissioner Riding.

VOTE: Chairman Farrar called for a vote:

Commissioner Fralish - Aye
 Commissioner Palmer - Aye

Chairman Farrar - Aye
 Commissioner Hood - Aye
 Commissioner Riding - Aye

The vote was unanimous and the motion carried.

19. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross.

Chairman Farrar introduced item 19, a zone change application for parcels AV-1378-F, AV-1378-J, and AV-1378-K, from Open Space Transition (OST) to Agricultural (A-X) zoning. The parcels total 20 acres, consisting of two 5-acre parcels and one 10-acre parcel. Chairman Farrar noted that the properties are currently zoned as Rural Estates, and the request is to switch them to agricultural zoning. These parcels are adjacent to the property from the previous motion, and Farrar did not foresee any issues with the change.

MOTION: Commissioner Riding motioned we approve Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

20. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington.

Chairman Farrar introduced item 20, a zone change application for parcel AV-1351-E, from Open Space Transition (OST) to Agricultural (A-X) zoning. The parcel is five acres and located at the top of Coyote Road. Chairman Farrar noted that there are no structures currently on the property. Commissioner Fralish briefly commented in agreement.

MOTION: Commissioner Fralish motioned we accept Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

21. Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC.

Chairman Farrar introduced item 21, a zone change application for parcels AV-1378-B, AV-1378-C, and AV-1378-D, totaling 160 acres. The parcels are currently zoned as Open Space Transition (OST) and are located near Canaan Way. The request is to switch the zoning to Agricultural (A-X) and the surrounding land to the north is already zoned as agricultural. Chairman Farrar mentioned that he saw no issues with the application.

MOTION: Commissioner Riding motioned we approve Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D.

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

22. Repeal Title 10.10.040 I Industrial Zone, Ordinance-O-2024-69.

Chairman Farrar introduced item 22, concerning the repeal of Title 10.10.040, the industrial zone ordinance (O-2024-69). He explained that the proposal aims to remove the industrial zone entirely, as there are currently no parcels in Apple Valley zoned for industrial use. Farrar mentioned that the zone doesn't align with the results of a survey conducted a few years ago.

Commissioner Fralish asked if the general plan includes any industrial zoning, to which Chairman Farrar confirmed that it does not. Chairman Farrar also noted that the potential uses listed for the industrial zone don't reflect what the town envisions for Apple Valley. However, he acknowledged that some uses may become necessary in the future and could be addressed by rezoning if needed. For now, Chairman Farrar doesn't anticipate this being an issue.

MOTION: Commissioner Palmer motioned to recommend we Repeal Title 10.10.040 I Industrial Zone, Ordinance-O-2024-69.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

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

Commissioner Riding - Aye

The vote was unanimous and the motion carried.

23. Amend Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2024-70.

Chairman Farrar introduced item 23, proposing the removal of zoning categories RE-10, RE-20, and X from the zone while retaining AG 10, AG 20, and AG X. He explained that few parcels are zoned above RE-5, and those that tend to shift toward agricultural zoning. The amendment would allow properties zoned RE-5 to remain, with the option to move to AG-5 for anything above RE-5. Chairman Farrar asked if everyone was in agreement and if anyone would like to make a motion.

MOTION: Commissioner Hood motioned that we recommend amending Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2024-70.

SECOND: The motion was seconded by Commissioner Riding.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

24. Minutes: August 7, 2024.

MOTION: Commissioner Fralish motioned we accept the minutes for 8/7/2024 for Planning Commission meeting.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:23 p.m.

Date Approved: _____

Approved BY: _____
Chairman | Bradley Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo