



PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 04, 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, December 04, 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 | Stewart Riding (Alternate)

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. Adopt Title 10.41 Pigs, Ordinance O-2024-88.
2. Amend Title 10.10.020 A Agricultural Zone, Ordinance O-2024-85.
3. Amend Title 10.10.050 RE Rural Estates Zone, Ordinance O-2024-86.
4. Amend Title 10.07.090 Conditional Use Permit, Ordinance O-2024-87.

DISCUSSION AND POSSIBLE ACTION ITEMS

- [5.](#) Conditional Use Permit Application for 1747 N Apple Valley Dr. Applicant: Spencer, Stacy Christine.
- [6.](#) Adopt Title 10.41 Pigs, Ordinance O-2024-88.
- [7.](#) Amend Title 10.10.020 A Agricultural Zone, Ordinance O-2024-85.
- [8.](#) Amend Title 10.10.050 RE Rural Estates Zone, Ordinance O-2024-86.
- [9.](#) Amend Title 10.07.090 Conditional Use Permit, Ordinance O-2024-87.

APPROVAL OF MINUTES

- [10.](#) Minutes: November 6, 2024.

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.



Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Date Received: 11/12/2024 Item 5.
Fee: \$800.00
Payment Method: Cash
Receipt Number: 53220

CONDITIONAL USE PERMIT

Applicant Information

Name: Stacy Christine Spencer Telephone: [REDACTED]

Address (City, State, Zip): [REDACTED]

Agent (If applicable): _____ Agent Phone: _____

Address of Subject Property: 1747 N Apple Valley Dr

Tax ID of Subject Property: AV-AVR-1-2

Proposed Conditional Use: Home build under required minimum square footage

Stacy Spencer
Applicant Signature

11 / 08 / 2024
Date

This application shall be accompanied by the following:

- ☒ A vicinity map showing the general location of the application
- ☒ Three (3) copies of a plot plan showing the following:
 - ☐ Property boundaries, dimensions and existing streets
 - ☐ Location of existing and proposed buildings, parking, landscaping and utilities
 - ☐ Adjoining property lines and uses within one hundred feet of subject property
- ☒ A reduced copy of all plans (8.5x11 if readable, or 11x17) if original plans are larger
- ☒ Building elevations for new construction, noting proposed materials and colors
- ☐ Traffic impact analysis, if required by the Town Engineer or the Planning Commission
- ☒ Applicant's responses to the Conditional Use Permit standards for review (attached)
- ☒ A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit.
- ☒ Warranty deed, preliminary title report, or other document (see Affidavit of Property owner attached) showing evidence that the applicant has control of the property.

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Contact the Planning Department for the deadline date of submissions. Once your application is deemed complete, it will be put on the agenda for the next planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.

Conditional Use Permit Overview

PURPOSE

It is the purpose of a conditional use permit to allow flexibility in zoning, by permitting a discretionary review of a project or use that by its character may not be compatible with uses which are permitted in the zone, and allowing such use when it can be found to be compatible with the neighborhood in which it is located.

WHEN REQUIRED

The conditional use permit is primarily required whenever the Land Use Ordinance specifies the use as a conditional use. It is also used for other specified situations such as allowing building heights that exceed the maximum allowed within the zone.

APPROVAL STANDARDS (from section 10:20 of Land Use Code)

To authorize a conditional use permit the Planning Commission at a public meeting must find that the evidence presented establishes:

- a) The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity
- b) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community; and
- c) The proposed use will comply with regulations and conditions specified in Land Use Ordinance for such use.

The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements of this subsection can be met.

APPEALS

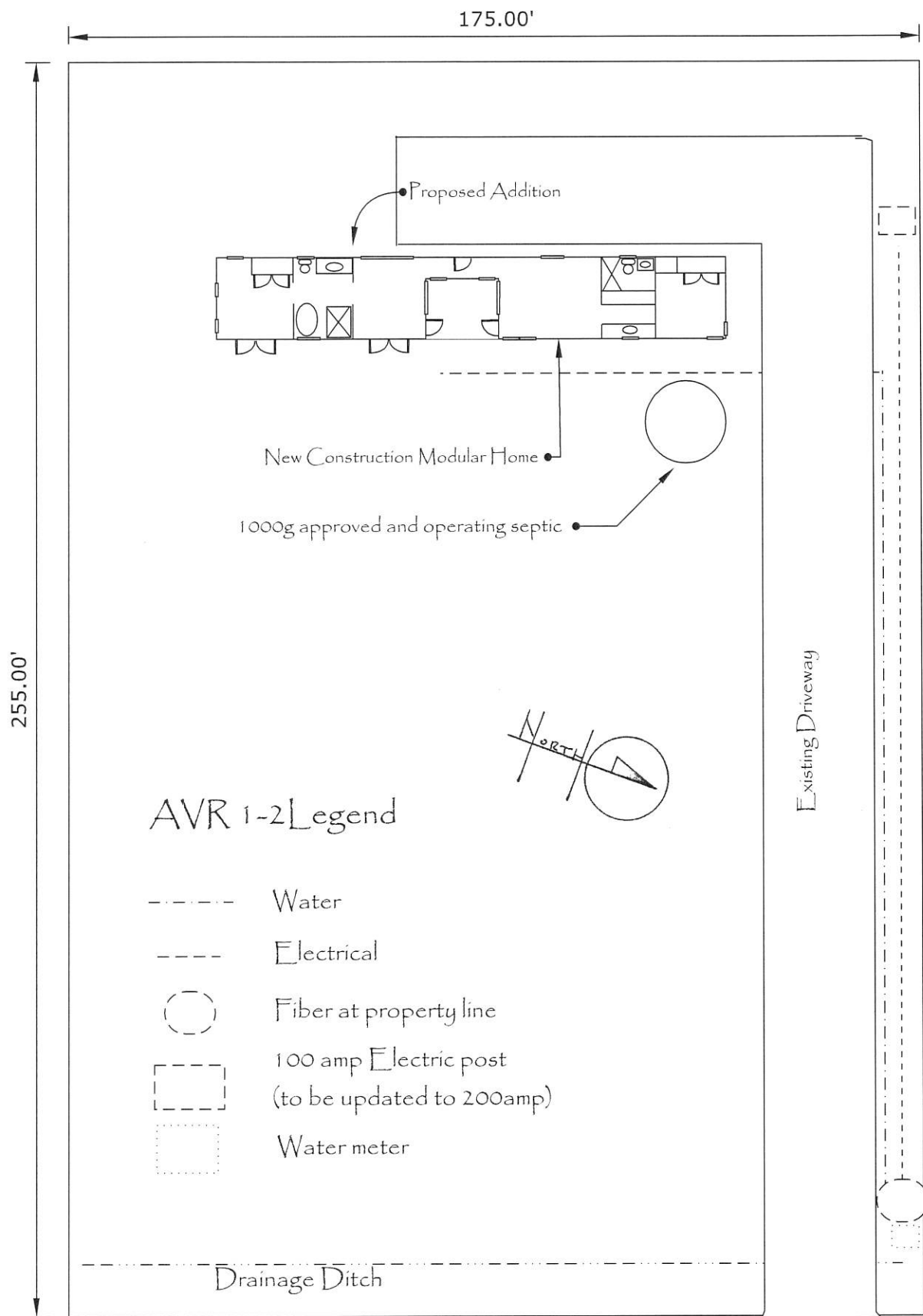
Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit, may appeal such decision to the Board of Adjustment by filing written notice of appeal, stating the grounds therefore within fourteen (14) days from the date of the Planning Commission decision. The appeal is filed with the Clerk

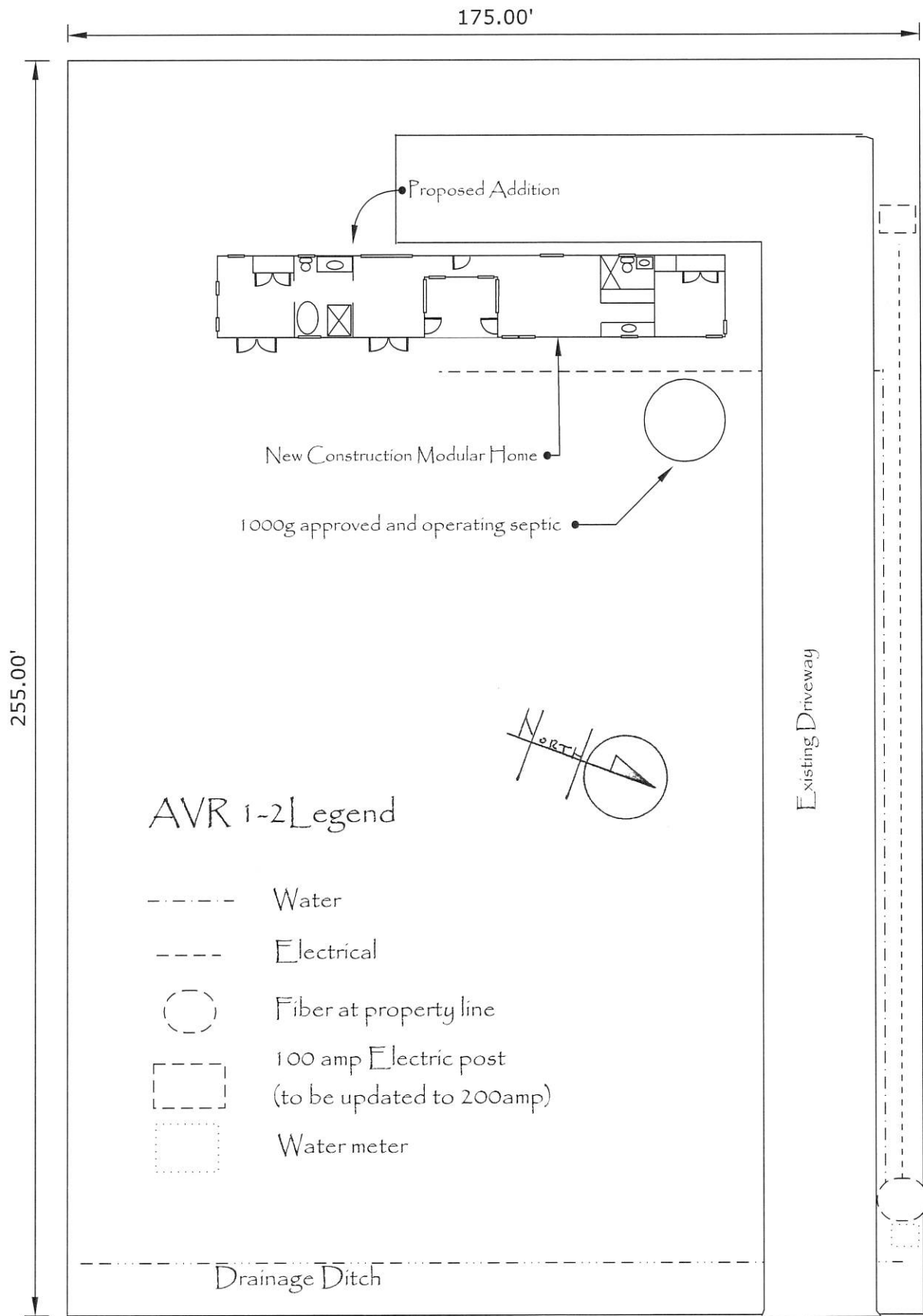
for the Board of Adjustment located in the Planning Department. The decision of the Board of Adjustment is final unless appealed to a court of competent jurisdiction within thirty (30) days from the date of decision of the Board of Adjustment.

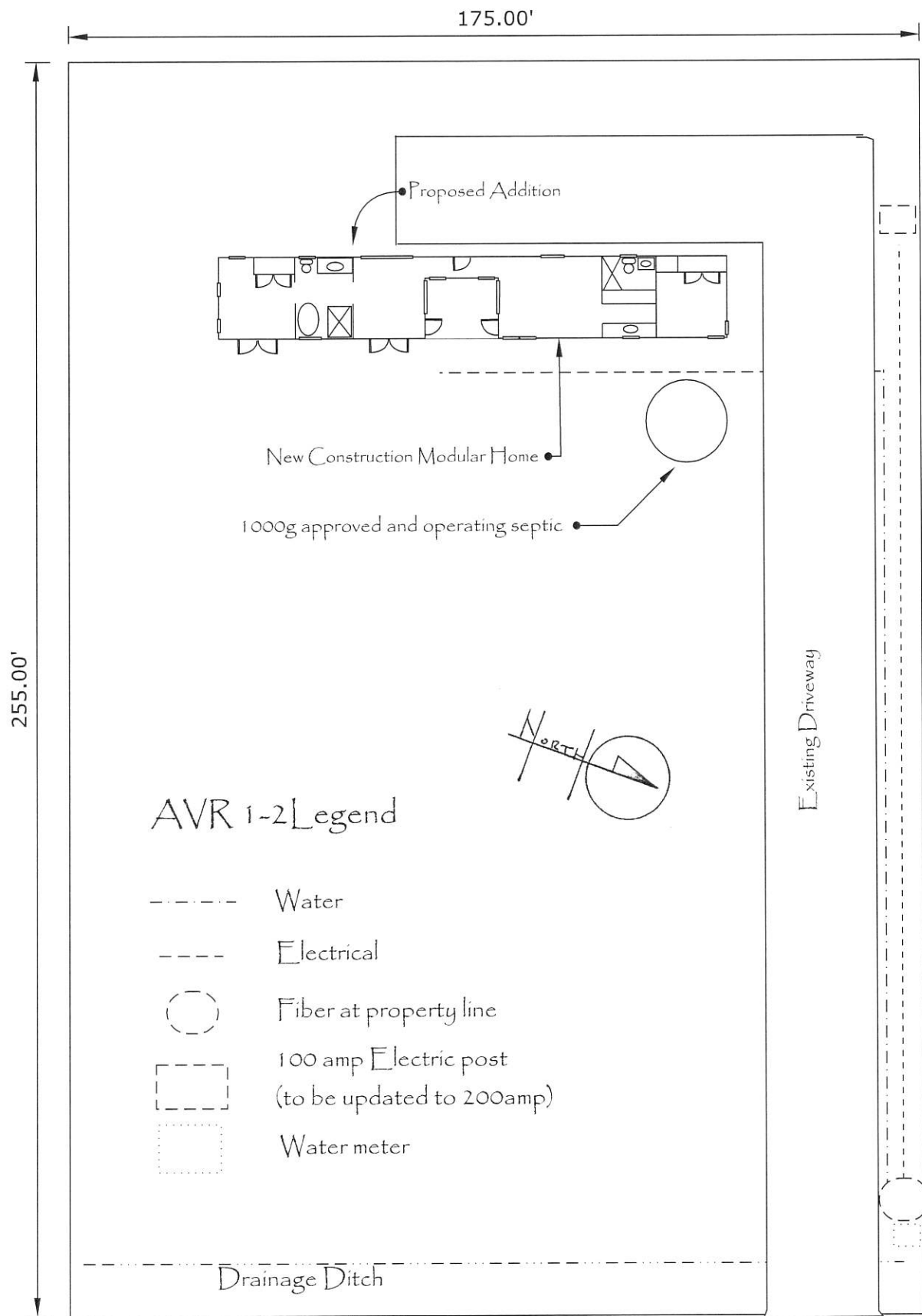
Conditional Use Permit Standards for Review

Please provide response to the following for the Commissions review:

- a. The harmony and compliance of the proposed use with the objectives and requirements of the Town's General Plan and the Land Use Code;
- b. The suitability of the specific property for the proposed use;
- c. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
- d. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity
- e. The economic impact of the proposed facility or use on the surrounding area;
- f. The aesthetic impact of the proposed facility or use on the surrounding area;
- g. The number of other similar conditional uses in the area and the public need for the proposed conditional use;
- h. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;
- i. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation
- j. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use.
- k. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
- l. The impact of the proposed facility or use on the health, safety, and welfare of the Town, the area, and persons owning or leasing property in the area.







Property Address:

1747 N Apple Valley
Drive, Apple Valley Utah
84737

Notes:

New home will be
situated 50' from N, S and
W property lines,
respecting setback
requirements, single story,
400 sf modular home with
400 sf future addition,
adheres to all local
building codes and
aesthetic regulations.



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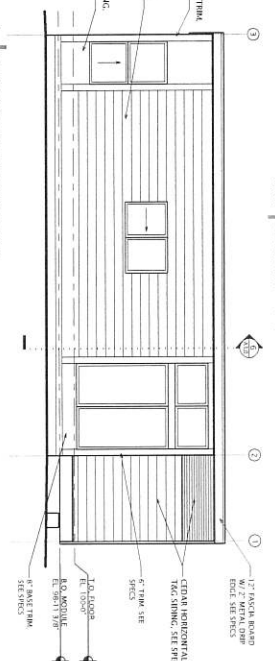
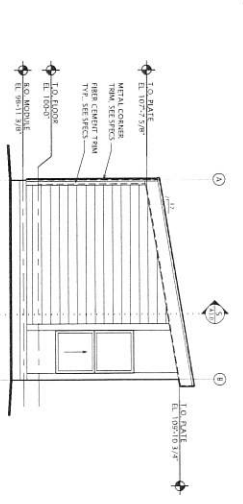
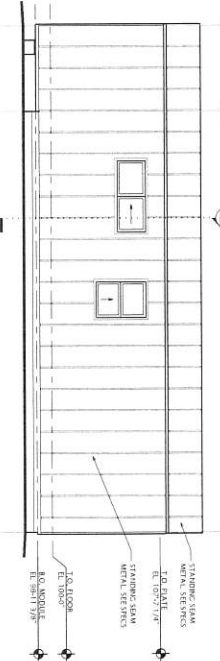
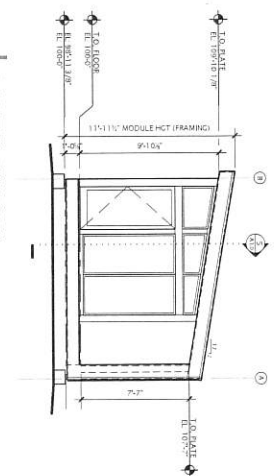






Subject Property

AVR 1-2



NAME	DT	NORMAL TEXT	ML	DESCRIPTION	MATERIAL	CONCRETE	REINFORCEMENT	CLASS	THICKNESS	CURE	SP	SHED	REMARKS
W01	1	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W02	2	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W03	3	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W04	4	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W05	5	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W06	6	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W07	7	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W08	8	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W09	9	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.
W10	10	6.0	6.0	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	REINFORCED CONCRETE	CLASS	YES	NO	NO	SHED	PUMP RING L&T. MULT. TO ADJACENT INF.

INSTALLATION NOTES

1. SPECIFIC REMIUM® WHITE SELF-ADHESIVE, WATERPROOF, NONTOXIC GLUE.
2. APPLY TO CONTIGUOUS BEAD OF SLABKIT ONLY. DO NOT APPLY TO SLABKIT JOINTS, HEAD AND JAIL LINE FLANGES. DO NOT APPLY SLABKIT BEARING WIDENING TO SLABKIT FLANGES. CONTIGUOUS BEAD OF SLABKIT TO BEAD OF CONTIGUOUS BEAD OF SLABKIT TO BEAD OF CONTIGUOUS BEAD OF SLABKIT FOR WEETING TO COMPLETE SLAB TROUGH OFFER, FROM EXTERIOR EDGE.
3. TO COMPLETE STEPS 2 & 3 AT EXTERIOR DOORS.
4. REFER TO REMIUM MANUFACTURER'S SPECIFICATIONS FOR ADDITIONAL INFORMATION.

FIGURE 6-10 Thermal resistance components of a wall assembly.

The diagram illustrates the various layers contributing to the overall thermal resistance of a wall. The layers are represented by different patterns and labels:

- R_e**: Exterior air film (indicated by a wavy line).
- R_i**: Exterior insulation (cross-hatched area).
- R_s**: Exterior surface film (thin vertical line).
- R_m**: Structural member (solid grey area).
- R_{si}**: Interior surface film (thin vertical line).
- R_{ii}**: Interior insulation (diagonal hatching).
- R_{ie}**: Interior air film (indicated by a wavy line).

A dimension line indicates that the combined thickness of the exterior and interior insulation layers is 2 inches.

Figure 1 is a cross-sectional diagram of a window assembly. The window frame is shown with a double-pane unit. The frame is surrounded by a thick, textured material representing insulation. The diagram is labeled with dimensions and material specifications.

Figure 1: Cross-section of a window assembly showing the frame, insulation, and glazing unit. The diagram includes dimensions and material specifications.

Figure 1: Cross-section of a window assembly showing the frame, insulation, and glazing unit. The diagram includes dimensions and material specifications.

UNDER-FLOOR AREA 357 SQ. FT.
UNIDENTIFIED CHANGE/SPACE OPTION - PER REC PARAGR 3
CHANGING MEMBER WANTS TO BE INSULATED IN ACCORDANCE WITH 2018
IRC SECTION PAR2.2.11
PROPOSED CONCRETE/AN GUNITE SLAB TO BE PLACED TO GIVE MINIMUM
THICKNESS A PER 2018 IAP TRANSFER CRITERIA TO COMMOD AREA PER REC SECTION
4038.7-2.2.

ITEM	DESCRIPTION
T-1	TOILET T-1, 18 IN. HX 30 IN.
T-2	TOILET T-2, 18 IN. HX 30 IN.
T-3	SPECIAL TOILET, 36 IN. HX 30 IN.
T-4	TOILET T-4, 18 IN. HX 30 IN.
T-5	TOILET T-5, 18 IN. HX 30 IN.
T-6	TOILET T-6, 18 IN. HX 30 IN.
T-7	TOILET T-7, 18 IN. HX 30 IN.

NOTE: PROVIDE BUCKING IN WALL FOR BATHROOM ACCESSORIES.

NOTES

1. ALL SHELVING MATERIAL TO BE PAINTED PARTICLE BOARD.
2. 1" SHELF DEPTH IF ALL CLOSETS WITH A DEPTH OF 2'-2" OR LESS.
3. CLOSETS WITH A DEPTH OF 2'-2" OR LESS WILL NOT HAVE A TOP SHELF.
4. BASE TRIM TO BE INSTALLED AROUND BOTTOM OF VERTICAL SUPPORT.

Habitat/ Room	MEA	Red blood cells (x10 ¹² /L)	Hemoglobin (g/dL)	Hematocrit (%)	Mean corpuscular volume (fL)	Mean corpuscular hemoglobin (pg)	Mean corpuscular hemoglobin concentration (g/dL)
Urbic	160 fL	11.2 fL	66.4 g/L	5.6 g	24.2 g/L	5.1 g	17.8 g/L
OTC/OTN	65.3 fL	11.4 fL	2.5 g	2.5 g	5.1 g		
RED/DOOM	100 fL	8.0 fL	26.5 fL	4.0 fL			

3 ELEVATIONS
A2.0 SCALE: 1/4" = 1'-0"

1. UNIDENTIFIED ENCLOSED POOR PATTERNS ASSSEMBLY PER INC. 8906.5

MARK	QUALITY	WEIGHT	RESEARCH	STANDARD	TYPE	IF	ISC	MOVIES
2000	REB 2000	2-6	6-8	STANDARD	REFRESH	-	-	FULL FRT. THUMBED 23 MAR. 2001. THUMBED
2001	REB 2001	2-6	6-8	STANDARD	REFRESH	-	-	
2002	REB 2002	2-6	6-8	REFRESH	REFRESH	-	-	
2004	REB 2004	2-6	6-8	DOUBLE	REFRESH	-	-	BALLCATCH
DOOR JAMB SETS 1.27 CVR. B.O.								
2000	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
2001	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
2002	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
DOOR JAMB SETS 1.27 CVR. B.O.								
2000	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
2001	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
2002	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
DOOR JAMB SETS 1.27 CVR. B.O.								
2000	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
2001	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	
2002	2-4 WALL	0.9/6	2-2-2-2	WARRIOR	WALL	13.9/16	2-2 WALL	

A2.0 SCALE: 1/4" = 1'-0"

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Please provide response to the following for the Commissions review:

a. The harmony and compliance of the proposed use with the objectives and requirements of the Town's General Plan and the Land Use Code;

My home will comply with residential requirements per land use code except for minimum square footage requirements. Home will be finished 800sf instead of 1000sf with the first phase being 400 sf.

b. The suitability of the specific property for the proposed use;

My personal residential home will be well suited due to my property being zoned for residential purposes.

c. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;

My home will exist in harmony with surrounding homes due to similar residential developments to my property as theirs. I currently have all utilities, and there will be minimal construction and disturbances due to part of the home being a pre-built modular home.

d. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity

My home will not be injurious to potential or existing development in the vicinity.

e. The economic impact of the proposed facility or use on the surrounding area;

Due to residential comps for resale, my home will not negatively impact larger homes and will positively impact surrounding areas by building an aesthetically pleasing, efficient and updated home and property.

f. The aesthetic impact of the proposed facility or use on the surrounding area;

My home will adhere to all building codes and requirements for aesthetics and will not take from the beautiful surrounding scenery.

g. The number of other similar conditional uses in the area and the public need for the proposed conditional use;

I'm unaware of other similar conditional uses in the area and there is an outstanding public need for this proposed conditional use as well as code update. Due to rising building costs, reduced home square footage need and more efficient building practices, it's growing more and more popular to build small. This has less of an environmental impact, requires less water and utility usage and helps to maintain the natural state of surrounding areas by increasing yard size resulting in more natural residential areas.

h. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area;

With more "off-grid" living practices available, building smaller homes will have a positive impact in surrounding areas due to relying on public utilities less. Small homes can often power themselves with solar, utilize rainwater, and can be built with a more economically sustainable practices than large homes. Allowing smaller homes also shouldn't affect traffic due to fewer people living per home. If property sizes stay large, traffic shouldn't be affected negatively.

i. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, and pedestrian and vehicular circulation

Same safeguards would be expected as larger homes.

j. The safeguards provided or proposed to prevent noxious or offensive emissions such as noise, glare, dust, pollutants and odor from the proposed facility or use.

Same safeguards would be expected as larger homes.

k. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and

Same safeguards would be expected as larger homes.

l. The impact of the proposed facility or use on the health, safety, and welfare of the Town, the area, and persons owning or leasing property in the area.

This could have a very positive impact on the health, safety and welfare of the Town. People could have more time, energy, and resources to offer to the community due to less home responsibilities. People can still build large homes if they like, but it

would allow those of us that would like to build small and contribute back to their community the opportunity to do so. I, personally, enjoy volunteering and being active in my community. Instead of being house-poor and working around the clock to afford a large mortgage, I'd prefer to build quaint and spend my time helping others.

Apple Valley Variance Need:

Dear Apple Valley Building Commission,

Due to code 10.10.050 B1 which states: "Single-family dwellings not less than 1,000 sq. ft. on the main floor;" a variance will be necessary. I'd like my proposed home to be less than 1000 square feet because I don't need anything greater. Ideally, this variance would be an update to the code to allow any square footage of home be built while still requiring they provide positive feedback to the community and surrounding areas.

Most codes are in place to protect the community and preserve it's charm, Town vision and impact. Keeping a minimum square footage code in an area impacted by reduced water availability seems to be counterintuitive. If community members are allowed to build small, while not impacting lot size, their utility use will also be minimized. This would positively affect our community. Doing away with the square footage minimum would still require folks to go through proper channels to build a responsible home that meets all local building requirements. This would continue the course of allowing Apple Valley to grow responsibly at a moderate pace as the process will not change.

In my personal case, my immediate household is quite small unfortunately. I also have relocated to be closer to family and am a self-employed female general contractor who cares greatly about small communities since I was raised in Oklahoma. Being a small household, I'd like to maintain my small-living lifestyle within my means and need. Being a country lover, I don't want to be forced into a highly dense area just to have a small house. I appreciate the openness of the Town of Apple Valley and know this is home for me. I'd be happy to help adjust this code so it can help many others like me that want to give back to the community while living small.

Thank you for your time and consideration and I look forward to being a positive part of this community.

Christine Spencer

1747 N Apple Valley Drive

Apple Valley, UT 84737

541-980-9717

Warranty Deed Page 1 of 1

Gary Christensen Washington County Recorder

11/27/2023 11:31:45 AM Fee \$40.00 By

SOUTHERN UTAH TITLE COMPANY

When recorded mail deed and tax notice to:

Stacy Christine Spencer
8080 SW Wareham Cir
Portland, OR 97223-6991



**SOUTHERN UTAH
TITLE COMPANY**
"Doing good Deeds for over 70 years"
sutc.com

Order No. 229532 - EFP
Tax I.D. No. AV-AVR-1-2

Space Above This Line for Recorder's Use

WARRANTY DEED

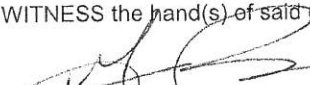
Vincent Barker and Nancy Barker, grantor(s), of Ogden, County of Weber, State of Utah, hereby **CONVEY and WARRANT** to

Stacy Christine Spencer, grantee(s) of Portland, County of Washington, State of Oregon, for the sum of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** the following described tract of land in Washington County, State of Utah:

Lot Two (2), APPLE VALLEY RANCH SUBDIVISION, PHASE 1, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

TOGETHER WITH all improvements and appurtenances there unto belonging, and being **SUBJECT TO** easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 17th day of November, 2023.



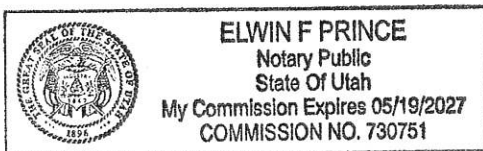
Vincent Barker

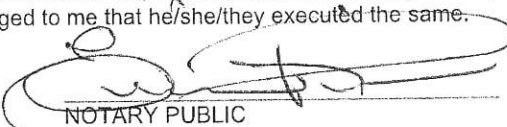


Nancy Barker

STATE OF Utah)
) ss.
COUNTY OF Washington)

On the 17th day of November, 2023, personally appeared before me, Vincent Barker and Nancy Barker, the signer(s) of the within instrument who duly acknowledged to me that he/she/they executed the same.





NOTARY PUBLIC

My Commission Expires:

**APPLE VALLEY
ORDINANCE O-2024-88**

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

SECTION 1: **ADOPTION** “10.41 Pigs” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.41 Pigs(*Added*)

AN ORDINANCE REGULATING THE KEEPING OF PIGS WITHIN THE TOWN OF APPLE VALLEY, UTAH

WHEREAS, the Town of Apple Valley, Utah, desires to protect public health, safety, and welfare through the regulation of animals within its jurisdiction; and

WHEREAS, the keeping of pigs within residential or agricultural zones can affect the community in terms of waste disposal, odors, noise, and potential health risks, while still recognizing the agricultural value and cultural practices associated with animal husbandry; and

WHEREAS, the Town Council of Apple Valley believes it is necessary to establish reasonable regulations for the keeping of pigs to ensure the proper care of animals and the protection of the community.

NOW, THEREFORE, be it ordained by the Town Council of Apple Valley, Utah:

SECTION 1: DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

- Pig(s): A domesticated swine of any breed, gender, or age.
- Residential Area: Any area within Apple Valley that is zoned for single-family residential or multi-family residential use.
- Agricultural Area: Any area within Apple Valley that is zoned for agricultural or farming use.
- Pen: An enclosed area designated for the confinement of pigs.

SECTION 2: GENERAL REGULATIONS

1. Permitting Requirement:

- o The keeping of pigs in Apple Valley is prohibited in residential areas.
- o Pigs may only be kept in agricultural areas on lots of 10 acres or more without a conditional use permit, subject to the regulations specified herein.

2. Number of Pigs:

- o In agricultural areas, no more than one (1) pig may be kept per acre, or a number deemed appropriate by the Planning Commission via a conditional use permit based on parcel size and zoning regulations.
- o More than 40 pigs are not allowed on any property regardless of property acreage size unless approved by the Planning Commission via a conditional use permit based on factors such as parcel size, parcel location and zoning regulations.

3. Zoning Compliance:

- o All pigs must be kept in accordance with the zoning regulations of the Town of Apple Valley. If the property is zoned for agricultural use, it must also comply with all other agricultural and livestock regulations set by the Town.

SECTION 3: CARE AND MAINTENANCE OF PIGS

1. Proper Housing:

- o Pigs must be kept in a safe and sanitary environment. The pen must be enclosed by a secure fence that prevents the pigs from escaping.
- o Pens shall be kept clean, and waste must be disposed of in a manner that prevents odor or contamination of surrounding property.
- o No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
- o Pens must have drainage to prevent water from pooling.
- o No pen shall be located closer than five hundred feet (500') from any dwelling unit in an adjacent property.

2. Health and Welfare:

- o Pigs must be provided with adequate food, water, shelter, and medical care as necessary to ensure their health and well-being.
- o Pigs shall not be kept in a manner that constitutes a nuisance, including excessive noise or the creation of harmful odors.

3. Waste Disposal:

o Owners are responsible for the proper disposal of all waste generated by their pigs. Waste must be stored and disposed of in a sanitary manner, and must not pose a health hazard to humans or other animals.

o No waste shall be allowed to accumulate on the property or be disposed of in a manner that negatively impacts surrounding properties or the environment.

SECTION 4: NUISANCE PROVISIONS

1. Noise:

o Pigs shall not cause a nuisance due to noise, such as excessive grunting or squealing, that disturbs the peace and quiet of neighboring properties, particularly properties boarding residential areas.

o If noise complaints are received, the Town may take action to investigate and require corrective measures.

2. Odor:

o Pigs shall not emit offensive odors that unreasonably disturb neighbors or the surrounding community. If such odors are found to exist, the Town may require corrective actions, including but not limited to improving waste disposal methods or relocating the pigs.

3. Prohibited Acts:

o It shall be unlawful to allow pigs to roam freely on public or private property outside of the designated pen or enclosure.

SECTION 5: ENFORCEMENT AND PENALTIES

1. Violations:

o Any person found in violation of this ordinance may be subject to a fine of up to \$1,000 per violation, and may be required to remove the pigs from the property until compliance is achieved.

o Violators may also be subject to additional penalties as provided in the Apple Valley Civil Code Enforcement Section 16.02.010.

2. Inspection:

o Town officials may, upon receiving a complaint or as part of a regular inspection, enter the property where pigs are kept to ensure compliance with this ordinance.

Access shall be granted by the property owner or tenant for inspection purposes.

3. Revocation of Permit:

o If a conditional use permit holder violates any provision of this ordinance, the Code Enforcement Official may revoke the permit and require the immediate removal of the pigs from the property.

SECTION 6: EXEMPTIONS

- Exemptions may be granted by the Planning Commission on a case-by-case basis via a conditional use permit if special circumstances or practices are involved.

SECTION 7: SEVERABILITY

If any section, clause, sentence, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect upon its adoption and publication as required by law.

ADOPTED this ____ day of ____, 20.

BY ORDER OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH

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-2024-85**

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 - See Ordinance O-2024-88, Title 10.41 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
 8. Pigs
- 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. ~~3.~~ 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. ~~4.~~ 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.

5.

For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7.

6.

On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.
8.

7.

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-2024-86**

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

SECTION 1: **AMENDMENT** “10.10.050 RE Rural Estates Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.050 RE Rural Estates Zone

- A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
- B. Permitted uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
 - 1. Single-family dwellings not less than 800 ~~1,000~~ sq. ft. on the main floor, unless otherwise approved with a Conditional Use Permit (CUP);
 - 2. Accessory buildings and uses;
 - 3. Home occupations;
 - 4. Raising of crops, gardens, and horticulture;
 - 5. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information); permanent residence not required.
 - 6. Residential facility for the elderly (see AVLU 10.28 for supplementary information); permanent residence not required.
 - 7. Churches; permanent residence not required.
 - 8. Public park or playgrounds;
 - 9. The keeping of animals and fowl for family food production, but not for commercial use.
 - 10. Animal Allowances/Restrictions:
 - a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No lot shall exceed one hundred (100) points per acre. All Lots will be apportioned 25 points in 0.25 acre increments up to 250 points or 2.5 acres. (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points). After 5 acres, 25 points per 0.25 acre increments up to 500 points or 7.5 acres.
 - b. Type of animal or fowl (number of points per animal), further 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 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, 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.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
- 1. Accessory use and buildings before a building permit is issued.
 - 2. Raising of crops, gardens, and horticulture before a building permit is issued.
 - 3. The keeping of animals and fowl for family food production, but not for commercial use before a building permit is issued.
 - 4. Single family dwelling less than 800 sq. ft. on the main floor.
- 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			Square Feet Maximum Size of	Square Feet Maximum Size of	Maximum Building Coverage
	Minimum	Minimum	Front	Side	Rear	Accessory Building	Accessory Building	On lot (see 10.28.240 D)
RE-1.0	1.0 acre	100	25	10	10	4,000	700	50%
RE-2.5	2.5 acres	150	25	25	25	4,500	1,000	50%
RE-5.0	5.0 acres	200	25	25	25	5,000	1,500	50%

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

G. Modifying Regulations:

- a. Shipping containers shall not be stacked unless they are used for an accessory building structure or primary dwelling structure and the exterior is completely covered by an exterior siding that must meet all visual and structural requirements set forth by the building and safety ordinances.
- b. Any accessory building must not exceed 25 feet in height.
- c. All accessory building permits must be accompanied by a building permit for a primary dwelling or be used in conjunction with an existing primary dwelling. An accessory building permit may be issued without a primary dwelling being on the property with a Conditional Use Permit (CUP).
- d. No accessory building shall be occupied or used as any type of living space.
- e. 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.
- f. 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.
- g. 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.
 - h. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
 - i. 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 permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - (2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
 - j. 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.
 - k. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
 - l. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.
 - m. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

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-2024-87**

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

SECTION 1: **AMENDMENT** “10.07.090 Conditional Use Permit” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.07.090 Conditional Use Permit

A. *Purpose.* The purpose of this chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the town, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the Apple Valley general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

B. *Authority.*

1. The Planning Commission is authorized to issue conditional use permits for the following uses :

Animal specialties.

Animals and fowl for recreation and family food production.

Clubhouse.

Sales or registration office.

On-site manager dwelling.

Kennel.

Assisted living facility.

Greater heights than permitted by this Code.

Greater or smaller size than permitted by this Code.

Greater heights accessory buildings than permitted by this Code.

Greater size accessory buildings than permitted by this Code.

Metal building in commercial and residential zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Short Term Vacation Rental Business License.

Pigs may only be kept in agricultural areas on lots of 10 acres or more without a conditional use permit, subject to the regulations specified herein.

Number of Pigs in agricultural areas.

In agricultural areas, no more than one (1) pig may be kept per acre, or a number deemed appropriate by the Planning Commission via a conditional use permit based on parcel size and zoning regulations.

More than 40 pigs are not allowed on any property regardless of property acreage size unless approved by the Planning Commission via a conditional use permit based on factors such as parcel size, parcel location and zoning regulations.

C. Permit Required. An approved conditional use permit shall be required for each conditional use listed in this title. No building permit or other permit or license shall be issued for a use requiring conditional use approval until a conditional use permit shall first have been approved by the planning commission.

D. Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in subsection E 1 of this section.

E. Procedure. An application for a conditional use permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the

applicant's agent, if any;

b. The address and parcel identification of the subject property;

c. The zone, zone boundaries and present use of the subject property;

d. A description of the proposed conditional use;

e. A plot plan showing the following:

(1) Applicant's name;

(2) Site address;

(3) Property boundaries and dimensions;

(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and

(5) Adjoining property lines and uses within 100 feet of the subject property;

f. Traffic impact analysis, if required by the Town Engineer or the Planning Commission;

g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and

h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.

2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in [section 10.07.040](#) of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.

3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.

4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection F of this section. A conditional use

shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

F. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2h of this section:

a. *Standards for a reception center.*

(1) Hours of operation must be compatible with adjoining uses and comply with Town noise regulations.

(2) Parking must be provided.

(3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.

(4) The center must have an approved site plan.

(5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

b. *Standards for an agricultural industry.*

(1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.

(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.

(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

(4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

G. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.

H. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.

I. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.

1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

J. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

K. *Revocation.* A conditional use permit may be revoked as provided in [section 10.20.100](#) of this title.

1. In addition to the grounds set forth in [section 10.20.100](#) of this title, any of the following shall be grounds for revocation:

a. The use for which a permit was granted has ceased for one year or more;

- b. The holder or user of a permit has failed to comply with the conditions of approval or any Town, state, or federal law governing the conduct of the use;
- c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the Town's ability to initiate or complete other legal proceedings against the holder or user of the permit.

L. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

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



PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 06, 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 (alternate) Stewart Riding

Chairman Farrar announced that Commissioner Becky Wood had resigned, and the alternate commissioner, Stewart Riding, was filling in for the meeting.

CONFLICT OF INTEREST DISCLOSURES

None declared.

HEARING ON THE FOLLOWING

1. Amend Title 11.02 Subdivisions, Ordinance O-2024-84.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

2. Amend Title 10.10.020 A Agricultural Zone, Ordinance-O-2024-85.

Chairman Farrar opened the public hearing.

Chairman Farrar asked Colton Winder, a resident, if he would like to make any comments regarding the pig ordinance. Colton confirmed the topic and expressed support for keeping pigs as a beneficial use of agricultural space, emphasizing their role in a stable local food supply. He argued that the current restriction limiting pig ownership to October through April was unsustainable for raising pigs. He noted that, although it was unlikely for a full-scale pig farm to be established in Apple Valley, there could be measures to control odor. Colton concluded by advocating for allowing pig ownership on agricultural property, similar to other types of livestock.

There were no additional public comments.

Chairman Farrar closed the public hearing.

DISCUSSION AND POSSIBLE ACTION ITEMS

3. Amend Title 11.02 Subdivisions, Ordinance O-2024-84.

Chairman Farrar introduced item number three for discussion and possible action: amending Title 11.02, Subdivisions, through Ordinance O-2024-84. He explained that the amendment aligned with state law, transferring administrative land use responsibilities to the Planning Commission. Most changes were state-mandated and prepared by Ryker from Sunrise Engineering, the Town Engineering firm, who was available for questions. Mayor Farrar noted that the Planning Commission was chosen to handle these duties, as required to be separate from the Town Council. With no questions or significant discretionary changes, Chairman Farrar invited a motion.

MOTION: Commissioner Hood motioned that we recommend approval to Amend Title 11.02 Subdivisions, Ordinance O-2024-84.

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.

4. Amend Title 10.10.020 A Agricultural Zone, Ordinance-O-2024-85.

Chairman Farrar introduced item number four for discussion: amending Title 10.10.0208, Agriculture Zone, through Ordinance O-2024-85, which proposed treating pigs like other livestock by removing specific regulations. Commissioner Riding shared concerns based on personal experiences with pig farms, highlighting issues with odor, parasites, and potential overpopulation. He suggested conditional use permits with regulations on pen size, animal numbers, and proximity to residences. Commissioner Hood agreed, emphasizing the need for limits to prevent nuisance problems. The discussion covered the importance of adequate space and fencing to manage odor and the potential impact on groundwater.

Mayor Farrar mentioned that while the ordinance aimed to avoid large-scale pig farming, it should still accommodate homesteads. The group agreed on the necessity of balanced regulations that prevent significant issues while still supporting agricultural use. Council Member Spendlove noted that the conditions in Apple Valley were unlikely to support feral pig populations, minimizing that concern.

Ultimately, Chairman Farrar suggested tabling the discussion to allow for revisions and more moderate requirements, including conditional use provisions. The commissioners agreed to revisit the ordinance with these considerations in mind.

MOTION: Commissioner Fralish motioned we table the amendments to Title 10.10.020 A Agricultural Zone, Ordinance-O-2024-85, until we have additional language.

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.

APPROVAL OF MINUTES

5. Minutes: October 2, 2024.

6. Minutes: October 16, 2024.

MOTION: Commissioner Hood motioned that we approve the minutes of October 2, 2024, as well as the minutes October 16, 2024.

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 - Abstain

The vote was four aye and one abstain and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned we adjourn.

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.

The meeting was adjourned at 6:22 p.m.

Date Approved: _____

Approved BY: _____
Chairman | Bradley Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo