

Minutes of the regular meeting and public hearing of the Planning Commission of the Town of Apple Valley, Washington County, Utah that was held on the 13th day of July, 2017 at 6:00 pm at the Town Office Building, 1777 N. Meadowlark Drive, Apple Valley, Utah 84737.

1. The meeting was called to order at 6:00 pm.
2. The Pledge of Allegiance was led by Jack Davis.
3. Roll Call: Lee Fralish, Janet Prentice, Dale Kingsley, Cynthia Browning and Jack Davis were present. Mayor Moser was present. Robert Campbell was present. Legal counsel was excused. Nathan Bronemann was present taking minutes.
4. Declarations of conflict of interests

None stated.

5. Public Hearing on proposed changes to Chapters 1-10 & 12-15 of the Land Use code – Continuation

Pamela Quayle asked about Chapter 8. She said it looked to her like the Town was trying to allow metal buildings. She said she felt the timing was rather suspicious.

Steve Williams asked if the Planning Commission went over the building permit plans before they were approved. He said the builders were never informed that there were CC&Rs by the Town.

Jack Davis said the topic of the agenda was not being addressed.

Steve Williams said he wanted his questions answered. He said Mr. Davis should step down if he wasn't doing his job.

Cynthia Browning said from what she understood, the Town could only enforce its own laws and did not enforce CC&Rs.

Steve Williams disagreed. He said his lawyer disagreed.

Cynthia Browning said the neighbors could sue the individuals civilly. She said the Town ordinances and CC&Rs do not intermingle.

Debbie Kopp asked what would it take for the Town to notify the individuals of the existence of CC&Rs.

Nathan Bronemann said these individuals were notified.

Gary Wellin thanked the Planning Commission for their time in reviewing the ordinances. He said he didn't think most of people would have a problem with the changes. He said he was suspect of the 50% garage wording change. He said he felt they were authorizing industrial areas to come into residential.

Rich Kopp asked Section 10.01.17 and what will-serve letters meant.

Cynthia Browning explained what a "will-serve" letter was.

Margaret Ososki asked who did the research on the garage accessory building in Section 10.15.24.

Cynthia Browning said the Planning Commission split all the sections up. She said it may have been Mike Maddocks. She said they reviewed codes from other municipalities. She said the Planning Commission had been working on the ordinances for close to four years.

Margaret Ososki said she didn't understand why the Town was making garages bigger.

Cynthia Browning said the Planning Commission's job was to create ordinances and pass that information along.

Steve Williams said the Town was not following the codes.

Jack Davis said the Town did not establish building codes.

Cynthia Browning said the Town enforces its own code.

Steve Williams said the individual in his neighborhood was duped into taking out a building permit. He spoke and left the meeting.

Cynthia Browning explained that the Planning Commission was not an enforcement arm. She said they were not omnipotent and only reviewed code.

Rich Kopp said the CC&Rs would be a benefit to the Town.

Jack Davis AGAIN explained that the Town did not enforce CC&Rs.

Rich Kopp said all they wanted for new home builders to be in compliance with current codes.

Cynthia Browning said that in the old codes, a home could be built out of any material. She said by allowing metal building only by conditional use added strength to the Town and the ability to deny a metal building in a residential area.

Mike McLaughlin said he felt it would make sense to have someone look at the proposed building to make sure it was in compliance with Town codes. He asked if the building inspector looked to see if the building was in compliance with CC&Rs.

Jack Davis said the Town's job was to ensure that Town codes were met.

Mike McLaughlin asked who was the watchdog in the Town to ensure CC&Rs were met.

Jack Davis said the Town only enforced their own ordinances.

Mayor Moser said this had been an ongoing issue for years. He said municipal government could not enforce CC&Rs. He said it was up to the residents to enforce their own CC&Rs. He said property owners were expected to do their due diligence before building. He said neighbors could sue other neighbors civilly if they wanted to do so.

Margaret Ososki said she didn't think the Town was enforcing its own codes.

Mayor Moser said the code was being changed to avoid what had happened. He asked people to stop bullying the Planning Commission members.

Pamela Quayle accused the Mayor of forcing the Planning Commission to change codes.

Mayor Moser explained the process for an approval of a conditional use.

Pamela Quayle accused the Mayor of manipulating the public.

Tony Pryatel asked why the permit was issued. He said he did not feel it met current code.

Mayor Moser said the purpose of the meeting was to have a public hearing on the changes to the ordinances.

Gary Wellin said he felt that a couple ordinances should address construction lights. He said he felt that all plans should be reviewed by an engineering firm. He said they should be stamped that they meet building codes and CC&Rs. He addressed the definition of a footprint.

Rich Kopp asked about section 10.06.03 which limited the minimum square footage to 1,200. He said minimum square footage in Washington County was under 300 sq. ft. He asked if that also pertained to Apple Valley.

Cynthia Browning said the Town could make things stricter if they chose to do so.

Rich Ososki asked about section 10.15.24. He said their attorney was looking into the CC&Rs. He asked the Planning Commission to look at section D. He said the proposed change would allow a much bigger garage. He said the home in question had a garage that was too large. He said the permit was pulled and shouldn't have been. He said he would go and talk to Mike Maddocks about this code.

Jack Davis said the Planning Commission reviewed other Town codes for comparison.

Cynthia Browning clarified that she didn't know exactly who looked at that section of code. She said it also could have been Dennis Smith.

Rich Ososki asked how large of a garage could be built onto a 1,400 sq. ft. home under current code.

Cynthia Browning said she thought it would be 700 sq. ft.

Rich Ososki asked what would happen tonight.

Jack Davis said the Planning Commission would make a recommendation to the Town Council.

Rich Kopp asked why the Town felt there was a need to change that particular code. He said he felt it was a big change.

Jack Davis said he understood what Mr. Kopp was saying.

Mayor Moser said Jack Davis didn't have an answer because there were other Planning Commission members who made code change suggestions that were no longer on the Planning

Commission. He said if the public disagreed, the purpose of the hearing was for the public to voice that opinion to the Planning Commission.

Cynthia Browning asked the public what they would like the code to say.

Steve Williams said it should stay the same.

Mayor Moser said that when reviewing the codes and comparing them to other municipal codes, many changes were suggested. He said those changes didn't always make sense for the Town.

Margaret Ososki asked why the new Planning Commission members didn't receive the work of the previous members.

Cynthia Browning said that there were comments from all Planning Commission members at the time the ordinances were reviewed. She said the new members only reviewed the suggested changes, but were not necessarily aware of the reasons behind the suggested changes. She clarified that the public would prefer that the 50% garage rule remain unchanged in section 10.15.24.

Rich Kopp asked that an elderly person be defined as 80 years old instead of 60.

Gary Wellin said he agreed with what others had said about the 50% garage rule.

Jack Davis excused himself from the meeting.

Motion made by Lee Fralish to close the public hearing. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

6. Public Hearing on the proposed Short Term Vacation Rental Ordinance - Continuation

Rich Kopp asked if a B&B/Home rental were limited to 10% per subdivision.

Nathan Bronemann clarified that the ordinance and the 10% limit only pertained owner absent vacation rentals.

Gary Wellin asked if a person running a bed and breakfast would have regulations.

Cynthia Browning said this ordinance in question only pertained to short term vacation rentals.

Margaret Ososki asked why a 10% limit was chosen.

Mayor Moser clarified that the State Legislature was pushing to eliminate limits entirely.

Charlie Greco asked what would happen if the State changed their law.

Mayor Moser said the Town could enforce everything except what the State had changed. He said the Town would then work on updating its code.

Steve Williams asked if he needed a 6'4" code enforcer if things got out of hand.

Mayor Moser said the proposed code stated that a business license could be pulled if there were issues.

Margaret Ososki suggested that the Planning Commission look at limiting bed and breakfasts.

Robert Campbell said the Short Term Vacation Rental ordinance was well put together.

Motion made by Lee Fralish to close the public hearing. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

7. Discussion and recommendation on proposed changes to Chapters 1-10 & 12-15 of the Land Use code

Cynthia Browning thanked everyone for their participation and feedback.

Debbie Kopp thanked Cynthia Browning for her civility.

The Planning Commission reviewed Section 10.15.24.D.

Motion made by Lee Fralish to forward the proposed ordinance changes to the Town Council with the recommendation to approve. He added the caveat that 10.15.24.D be changed as discussed in the hearing. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

8. Discussion and recommendation on the proposed Short Term Vacation Rental Ordinance

Motion made by Lee Fralish to forward the proposed ordinance to the Town Council with the recommendation to approve. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

9. Consider approval of minutes:

- a. June 8, 2017 Meeting Minutes

Motion made by Janet Prentice to approve the June 8, 2017 meeting minutes. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

- b. June 22, 2017 Meeting Minutes

Motion made by Janet Prentice to approve the June 22, 2017 meeting minutes. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

10. Adjournment

Motion made by Lee Fralish to adjourn the meeting. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Dale Kingsley-yes, Cynthia Browning-yes. Motion passed 4/0.

Meeting adjourned at 7:30 pm.

Date approved: _____

ATTEST BY: _____

Nathan Bronemann

Jack Davis