



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: 10/16/24

Approved BY: 
Chairman | Bradley Farrar

Attest BY: 
Town Clerk/Recorder | Jenna Vizcardo

