



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 02, 2023 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, August 02, 2023 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Adopt Title 10.40 Private Cemeteries For Human Interment, Ordinance-O-2023-26.
2. Zone Change Application for AV-1365-D from Planned Development to RE Rural Estates Zone (RE-5.0), Reason for Request: Ament the current PUD to obtain rural estate large lot zoning. Applicant: Jerry Eves.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice 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 on the 19th day of July, 2023.

Dated this 19th day of July, 2023

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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

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

**APPLE VALLEY
ORDINANCE O-2023-26**

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

SECTION 1: **ADOPTION** “10.40 Private Cemeteries For Human Interment” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.40 Private Cemeteries For Human Interment (Non-existent)

AFTER ADOPTION

10.40 Private Cemeteries For Human Interment(*Added*)

- A. Private Cemeteries, by definition, are not intended for general public use, being restricted to relatives and other close associations of a particular family or families. Private cemeteries may exist under the following rules:
1. Private cemeteries located on a parcel with an existing residential and/or agricultural principal uses(s) must be recorded as a deed restriction and must be recorded at the time of sale, accompanied by a map exhibit showing the exact location of the private cemetery on the property.
 2. Private cemeteries must also be clearly delineated by a fence or low wall to separate it from the rest of the lot.
 3. A private cemetery cannot exist on a lot smaller than twenty-five (25) acres in size and the lot cannot be subdivided in the future to be smaller than the required lot size of twenty-five (25) acres.
 4. The private cemetery shall not comprise more than five (5) percent of the total area of the lot that the private cemetery is on.
 5. There shall be no principal building in the private cemetery area.
 6. Burial sites in the private cemetery may not be sold and are not intended for general public use outside of family members.
- B. It is the responsibility of the property owner to govern necessary processes for the private cemetery, such as interments, services, maintenance, and record keeping, subject to the other requirements of **AVMC Chapter 14.13 Cemeteries**. The establishment of a legal organization to govern these processes for a private cemetery is encouraged, but not required. A death certificate must be filed for those deceased and intended for burial in a private cemetery.
- C. Refer to AVMC Chapter 14.13 for cemetery regulations.

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

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.

EFFECTIVE DATE This Ordinance shall be in full force and effect from August 16, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley



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

\$1600.00

Fee: \$1,100.00 + Acreage Fee
1 – 100 Acres: \$25.00/Acre
101 – 500 Acres: \$15.00/Acre
501 + Acres: \$ 5.00/Acre

Item 2.

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: Dean Monson	Phone: [REDACTED]
Address: [REDACTED]	Email: [REDACTED]
City: [REDACTED]	State: [REDACTED] Zip: [REDACTED]
Agent: (If Applicable) Jerry Eves	Phone: [REDACTED]
Address/Location of Property: 1900 South 1800 East	Parcel ID: AV-1365-D
Existing Zone: PUD	Proposed Zone: RE-5
For Planned Development Purposes: Acreage in Parcel ²⁰ _____ Acreage in Application ²⁰ _____	
Reason for the request Amend the current PUD to obtain rural estate large lot zoning	

Submittal Requirements: The zone change application shall provide the following:

- ☒ A. The name and address of owners in addition to above owner.
- ☒ B. An accurate property map showing the existing and proposed zoning classifications
- ☒ C. All abutting properties showing present zoning classifications
- ☒ D. An accurate legal description of the property to be rezoned
- ☒ E. A letter from power, sewer and water providers, addressing the feasibility and their requirements to serve the project.
- ☒ F. Stamped envelopes with the names and address of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- ☒ G. Warranty deed or preliminary title report and other document (see attached Affidavit) if applicable showing evidence the applicant has control of the property
- ☒ H. Signed and notarized Acknowledgement of Water Supply (see attached).

Applicant Signature <i>Dean Monson</i>	Date 6/29/23
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Official Use Only	Amount Paid: \$ 1,600.00	Receipt No: 45765
Date Received: July 6, 2023	Date Application Deemed Complete:	
By: <i>ju</i>	By:	



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

Parcel ID#

AV-1365

Item 2.

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Dean Monson am/are the applicant(s) of the application known as
Monson 20 Acres Zone Change located on parcel(s)
AV-1365-D within the Town of Apple Valley, Washington County, Utah.

By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, subdivision, or development for which this application is being submitted; and
2. Prior to receiving approval for the application, the applicant shall be required by the Town of Apple Valley to provide a Preliminary Water Service letter from the Big Plains Water Special Service District ("District") which verifies the conditions required to provide services to the project, subdivision or development; and
3. The applicant assumes the entire risk of water availability for the project, subdivision or development and/or application.

Signature(s):

Dean Monson

Name

owner

Applicant/Owner

6/29/23

Date

Dean Monson

Name

Applicant/Owner

Date

Name

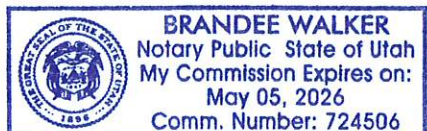
Applicant/Owner

Date

State of Utah)

County of Washington)§

On this 29 day of June, in the year 2023, before me, Brandee Walker
Dean Monson a notary public, personally
appeared Dean Monson, proved on the basis of satisfactory evidence to be the person(s)
whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.



Witness my hand and official seal.

Brandee Walker

(notary signature)

(seal)

SUBDIVISION APPROVAL PROCESS

AFFIDAVIT

PROPERTY OWNER

Item 2.

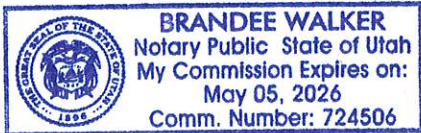
STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) Dean Monson, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Dean Monson
Property Owner

Property Owner

Subscribed and sworn to me this 29 day of June, 2023.



B Walker
Notary Public

Residing in: Washington Co

My Commission Expires: 5/5/2026

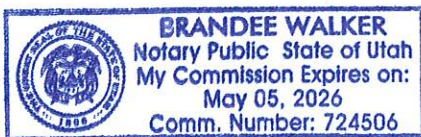
AGENT AUTHORIZATION

I (We), Dean Monson, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Jerry Eves to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Dean Monson
Property Owner

Property Owner

Subscribed and sworn to me this 29 day of June, 2023.



B Walker
Notary Public

Residing in: Washington Co

My Commission Expires: 5/5/2026

SUBDIVISION APPROVAL PROCESS

	PROJECT NAME	Item 2.
	PROCESS (Must be done in this order)	
1	SUBMIT FOR A ZONING CHANGE (IF NEEDED) TO PLANNING MANAGER	
	PLANNING BRING TO JUC FOR INPUT & COLLECTS WILL SERVE LETTERS (WATER, POWER & SEWER)	
2	PLANNING COMMISSION MEETS AND SUBMITS RECOMMENDATION FOR ZONING TO TC	
3	TOWN COUNCIL MEETS AND CONSIDERS AND VOTES ON ZONING CHANGE (IF APPROVED GO NEXT STEP)	
4	SUBMIT PRELIMINARY PLAT TO JUC (Joint Utility Committee) FOR COMMENTS	
5	OBTAIN WATER DISTRICT PRELIMINARY WILL-SERVE LETTER FOR SUBDIVISION	
6	OBTAIN SEWER DISTRICT PRELIMINARY WILL-SERVE LETTER FOR SUBDIVISION	
7	OBTAIN POWER COMPANY PRELIMINARY Will-SERVE LETTER FOR SUBDIVISION	
8	OBTAIN PHONE COMPANY PRELIMINARY Will-SERVE LETTER FOR SUBDIVISION	
9	OBTAIN COMMENTS FROM APPLE VALLEY PUBLIC WORKS DEPARTMENT	
10	OBTAIN COMMENTS FROM UDOT IF APPLICABLE	
11	OBTAIN COMMENTS FROM APPLE VALLEY FIRE DEPARTMENT	
12	OBTAIN COMMENTS FROM PLANNING AND ZONING	
13	PLANNING SUBMITS PRELIM. PLAT TO PLANNING C. FOR VOTE W/ WILL-SERVE LETTERS & COMMENTS	
14	PLANNING WILL SUBMIT PRELIMINARY PLAT TO TOWN COUNCIL FOR THEIR VOTE	
15	IF APPROVED SUBMIT PROPOSED CONSTRUCTION PLANS TO PUBLIC WORKS MANAGER	
16	P.W. MGR WILL DISTRIBUTE PLANS TO JUC MEMBERS FOR PLANS TO BE REDLINED	
17	PUBLIC WORKS MANAGER RETURN REDLINES TO DEVELOPER FOR CORRECTIONS	
18	DEVELOPER SUBMIT CORRECTED MASTER PLANS TO PUBLIC WORKS MANAGER	
19	Power Signs off on Master Plans (All Signatures collected by Public Works Manager)	
20	Water Signs off on Master Plans	
21	Phones Signs off On Master Plans	
22	Sewer Signs off On Master Plans	
23	FIRE CHIEF SIGNS OFF ON PLAN	
24	UDOT SIGNS OFF ON PLANS IF APPLICABLE	
25	Town Engineer signs off on Master plans	
26	PUBLIC WORKS SIGN OFF ON PLANS (ROADS, STORM WATER & PLANS MEET ALL CODES)	
27	SUBMIT FINAL PLAT TO TOWN PLANNING MANAGER (WHO COLLECTS ALL SIGNATURES)	
28	FINAL PLAT REVIEWED AND SIGNED BY TOWN ENGINEER	
29	FINAL PLAT IS APPROVED AND SIGNED BY MAYOR	
30	FINAL PLAT IS REVIEWED AND SIGNED BY PLANNING COMMISSION CHAIRMAN	
31	FINAL PLAT IS REVIEWED AND APPROVED BY TOWN ATTORNEY	
32	DEVELOPER TO SUBMIT ENGINEERS ESTIMATE FOR SUBDIVISION IMPROVEMENT COSTS	
33	DEVELOPER TO PROVIDE GUARANTEE BOND IF RECORDING PRIOR TO COMPLETION	
34	OR COMPLETE IMPROVEMENTS FIRST	
35	DEVELOPER PROVIDES 1 YEAR WARRANTY BOND OF 10-20 % OF COST	
36	PUBLIC WORKS MANAGER ISSUE NOTICE TO PROCEED ON CONSTRUCTION	
37	FINAL PLAT IS RECORDED BY TOWN ATTORNEY WITH RECORDING PAID BY DEVELOPER	

SUBDIVISION APPROVAL PROCESS

Item 2.

38	DEVELOPER CAN START SELLING LOTS OR BUILDING HOMES	
39	AFTER 1 YEAR SUBDIVISION IS INSPECTED AND PUNCH LIST PROVIDED TO DEVELOPER	
40	DEVELOPER FINISHES PUNCH LIST AND REQUEST RELEASE OF WARRANTY BOND	
41	PUBLIC WORKS MANAGER INSPECTS IF PUNCH LIST IS COMPLETE	
42	IF PUNCH LIST IS COMPLETE THE WARRANTY BOND IS RELEASED	

Warranty Deed Page 1 of 2

Gary Christensen Washington County Recorder
02/22/2022 11:21:55 AM Fee \$40.00 By GT TITLE
SERVICES

MAIL TAX NOTICES TO GRANTEE(S) AT:
956 W 360 S
HURRICANE UT 84737



Property Reference Information:

Tax Parcel No(s): **AV-1365-D**
Property Address(es) (if any):
(ADDRESS UNASSIGNED), APPLE VALLEY, UT 84737

WARRANTY DEED

NEXT STEP HOMES LLC, a CALIFORNIA limited liability company ("Grantor"),

in exchange for good and valuable consideration, hereby conveys and warrants to

DEAN MONSON ("Grantee(s)")

in fee simple the following described real property located in **WASHINGTON** County, Utah, together with all the appurtenances, rights, and privileges belonging thereto, to wit (the "Property"):

**ALL OF THE NORTH ONE-HALF (1/2) OF THE SOUTHEAST ONE-QUARTER (1/4) OF THE
SOUTHWEST ONE-QUARTER (1/4) OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11
WEST, SALT LAKE BASE AND MERIDIAN.**

With all the covenants and warranties of title from Grantor in favor of Grantee(s) as are generally included with a conveyance of real property by warranty deed under Utah law, except for, however, the Property is subject to: (a) leases, rights of way, easements, reservations, plat maps, covenants, conditions, and restrictions appearing of record and enforceable in law; (b) zoning and other regulatory laws and ordinances affecting the Property; and (c) real property taxes and assessments for the year **2022** and thereafter.

[Remainder of page intentionally left blank. Signatures appear on the following page.]

Information for reference purposes:

GT Title File No.: W48003

Tax Parcel No(s): AV-1365-D

Property Address(es) (if any):

(ADDRESS UNASSIGNED), APPLE VALLEY, UT 84737

-Signature Page to Warranty Deed-

The undersigned person who signs this deed hereby represents and certifies that the conveyance of the Property hereby has been duly approved by Grantor and that he/she has executed and delivered this deed in his/her authorized capacity on behalf of Grantor.

Witness the hand of Grantor this 17 day of FEBRUARY, 2022.

NEXT STEP HOMES LLC

By: [Signature]
 Its: ARSENIO AYON
 Its: MANAGER

STATE OF VirginiaCOUNTY OF Fairfax

On this 17 day of February, 2022, personally appeared before me ARSENIO AYON, who stated that he/she is the MANAGER of NEXT STEP HOMES LLC, the named Grantor of the within instrument, proved on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to this instrument, and duly acknowledged that he/she/they executed this instrument in his/her authorized capacity on behalf of said company, intending to be legally bound. Witness my hand and official seal.

DANIEL PATRICK KANE
 NOTARY PUBLIC
 REGISTRATION # 103895
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES
 APRIL 30, 2025

NOTARY PUBLIC



Let's turn the answers on.

Dixie Service Center
Estimating Dept.
455 N. Old Hwy 91
Hurricane, UT 84737
Fax # (435)688-8351

May 5, 2023

Dean Monson



Re: Monson Subdivision

Located: Parcel Number AV-1365-D

Dear Dean Monson:

After reviewing the proposed preliminary plat for the above mentioned project, I have determined that power is available within a near proximity. Rocky Mountain Power intends to serve the project with electrical service based on load requirements and specifications submitted. All electrical installations will be provided in accordance with the "Electric Service Regulations, as filed with the Utah Public Service Commission after receiving an approved plat showing easements approved by Rocky Mountain Power.

For additional consultation in this matter, please do not hesitate to call.

Sincerely,

Ruston Jenson
Estimator
Dixie Service Center
435-688-3708



May 5, 2023

Apple Valley
Frank Lindhardt
1777 North Meadowlark Drive
Apple Valley, UT 84737

Subject: Monson 20 Acres

Frank,

Ash Creek SSD is providing a will serve letter for the Monson 20 acre two-lot subdivision.

The proposed project meets the required septic density for Apple Valley. The developers understand and agree that they will need to get plan approval for the septic system. After approval, developers agree to pay all costs associated with construction and impact fees. Please let us know if you have any questions.

Sincerely,

Amber Gillette, P.E.
Engineer
Ash Creek Special Service District



11 North 300 West, Washington, Utah 84780
TEL 435.652.8450 | FAX 435.652.8416

May 11, 2023

Preliminary Water Service Letter
For
Monson 20 Acres
(2 lots)
Brandee Walker (Engineer)

This letter is provided as a preliminary look at the needs of your proposed development and provides options as well as potential requirements for your project.

1. Proposed connection into Cedar Pointe water system.
 - a. We will need engineering calculations to ensure proper culinary requirements, fire flows and pressures throughout the development's system.
2. If current infrastructure is unable to meet flow requirements; and upon discussion and approval of the District you may be required to bring source, build a tank and infrastructure designed to meet culinary, irrigation, and fire suppression needs as requisite by the District.
3. Municipal/Culinary water rights will be required to be deeded to the District at 1 Acft per connection.
4. Standard impact and connection fees will apply.
5. Easements as required for water infrastructure and District access.
6. Upon completion of the water system by the Developer and approval of the District's designated engineer and Water Superintendent, said water system and easements will be deeded to the District.

The above is not an all-encompassing list, but a preliminary one and may expand as your development progresses.

The District provides this letter for the purpose of a Preliminary Plat Application, and it is NOT a Will Serve Letter.

This letter will Expire in 6 months from the date on this letter which is Nov 11th, 2023.

Please call me at (435) 652-8450 with any questions or comments.

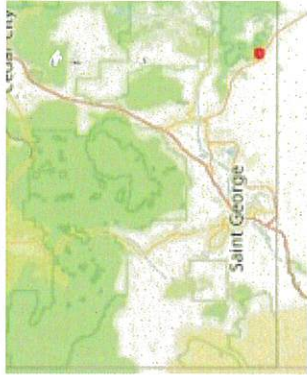
Sincerely,

A handwritten signature in blue ink, appearing to read "Nathan Wallentine", is written over a light blue horizontal line.

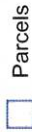
Nathan Wallentine
Big Plains Special Service District - District Engineer



Monson Zone Change



Legend



Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wide
- National Park Service
- Shiwiits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

500' RADIUS
6/30/2023

Item 2.



DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

752.3

376.17

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752.3 Feet

1984_Web_Mercator_Auxiliary_Sphere





July 17, 2023

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-1365-D
Address: Approx: 1900 South 1800 East
Located: see map (on backside of this letter)

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Planned Development Zone (PD) to RE Rural Estates Zone (RE-5.0) for the stated purpose of “Amend the current PUD to obtain rural estate large lot zoning.” The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder’s office or at the following link:

[https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.050_RE_Rural Estates Zone](https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.050_RE_Rural_Estates_Zone)

The hearing will be held **August 2, 2023 at 6:00 PM** MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner’s property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Apple Valley Town Council.

Kind Regards,

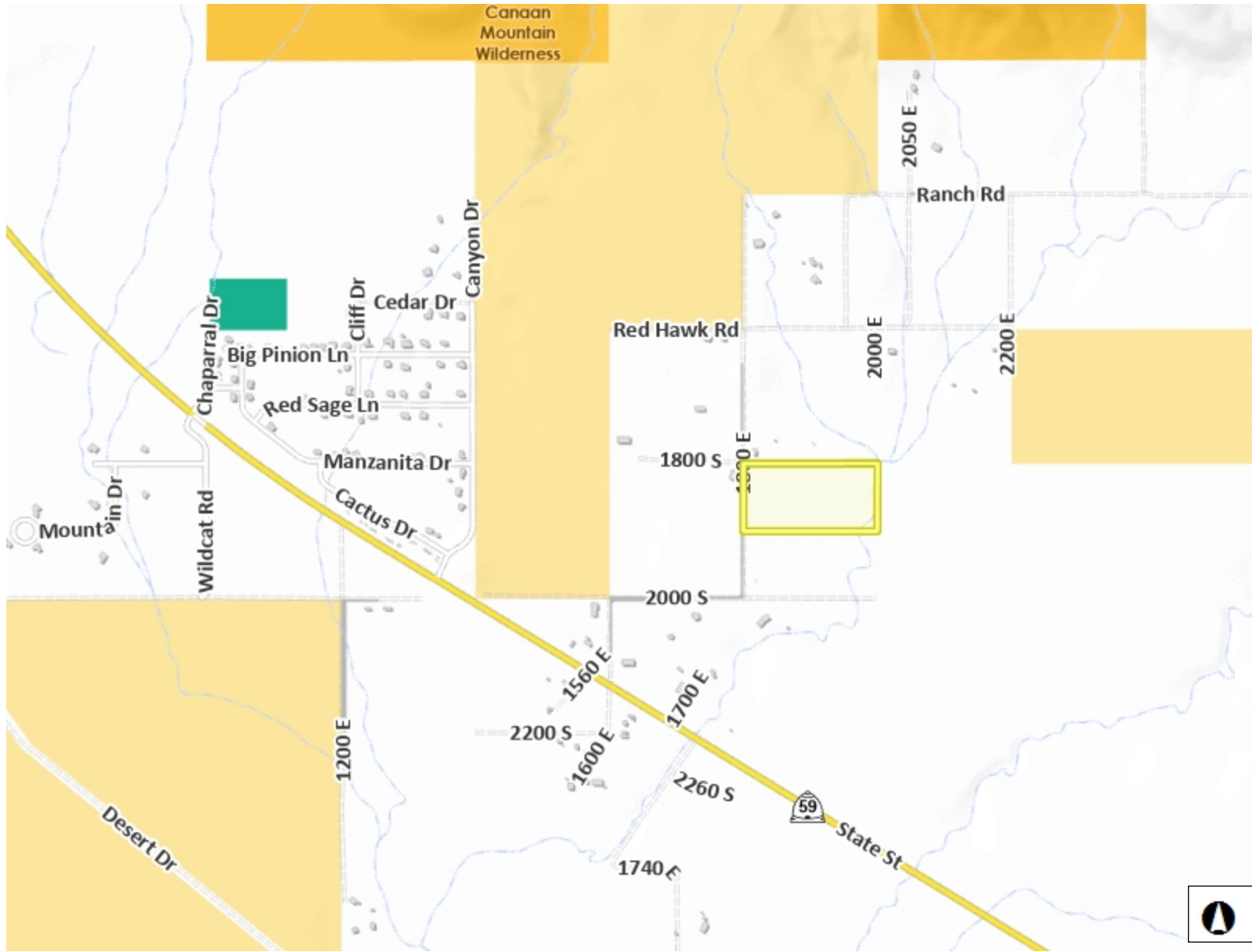
Jenna Vizcardo
Town Clerk



AV-1365-D



Item 2.



Legend

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Shivwits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

3,699.9 0 1,849.95 3,699.9 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.