



PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, February 03, 2021 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, February 03, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that the Planning Commission Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial-in phone numbers will be provided when the agenda for the meeting is published on the Town website or via <https://www.utah.gov/pmn>

Zoom Meeting ID: 870 4501 0060

Zoom Link: <https://us02web.zoom.us/j/87045010060>

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APPROVAL OF MINUTES

- [1.](#) Meeting minutes for July 8th, 2020
- [2.](#) Meeting minutes for October 7th, 2020
- [3.](#) Meeting minutes for November 17th, 2020
- [4.](#) Meeting minutes for December 9th, 2020
- [5.](#) Meeting minutes for January 6th, 2021

HEARING ON THE FOLLOWING

6. Public Hearing for ZONE CHANGE of parcels: AV-1330-C from Open Space (OS) to Agriculture 10 Acre (A-10)
7. Public Hearing for ZONE CHANGE of parcels: AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)
8. Public Hearing on land use ordinance creating "Camping Resort Zone (CRZ)"

DISCUSSION AND POSSIBLE ACTION ITEMS

- [9.](#) ZONE CHANGE application for AV-1330-C from Open Space (OS) to Agriculture 10 Acre (A-10)
- [10.](#) ZONE CHANGE application for AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)
- [11.](#) Land use text amendment creating "Camping Resort Zone (CRZ)"

ADJOURNMENT

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, John Barlow, as duly appointed Administrator 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>, the Town Website www.applevalleyut.gov and sent to The Spectrum on the **22nd day of January 2021**.

Dated this 28th day of January, 2021

John Barlow, Town Administrator

Town of Apple Valley

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

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

TOWN OF APPLE VALLEY – PLANNING COMMISSION
Regular Meeting Minutes

July 8, 2020 6:00 p.m.
Town Hall Building

OPENING

Chairperson Prentice brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Jorgensen
Commissioner Fralish
Commissioner Zaharias (Excused)

Deputy Clerk Ben Billingsley

CONFLICT OF INTEREST DECLARATIONS

None

DISCUSSION AND ACTION

1. Discussion and possible action on Planning Commission meeting frequency.

Chairperson Prentice- Stated that in order to have PC meetings on a monthly basis, we would need the agenda and packet out 2 weeks in advance.

MOTION:	Commissioner Jorgensen moves to change the meeting schedule to one time per month.	
SECOND:	Commissioner Angell	
VOTE:	Chairperson called for a vote:	
	Chairperson Prentice	Aye
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye

The vote was unanimous and the motion carried.

**2. Discussion and possible action on changes to 10.10.110 Cabins or Tiny Home Parks Zone.
Public Hearing 6/10/2020, tabled in same meeting.**

Chairperson Prentice- Suggested that kitchenette be included in the 2nd paragraph of item A. Addressed minimum acreage, which is set at 10 acres in the current proposal, she would like to keep that at 15 acres.

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Mayor Lisonbee- Stated this code is being addressed to fix some inconsistencies that have been brought up as the code was reviewed.

Chairperson Prentice- Stated the acreage could be less with a developer agreement. She also references an existing project and feels like a land berm would have been more appropriate than a block wall.

Debbie Kopp- Suggested that paragraph 3 of section A should be changed from “should not” to “shall not”.

Philip Mangialetto- Asked what is considered residential and what is considered commercial.

Commissioner Fralish- Informed Philip that the zoning map shows what is residential and what is commercial.

Councilmember Debbie Kopp- Asked if they could address the “should” and “shall” in paragraph 3 of section A.

Chairperson Prentice- Stated this language will be changed to “shall” and the 10 acres will be increased to 15.

MOTION:	Chairperson Fralish moves to approve and forward to town council with the recommendation of approval for the changes to 10.10.110 Cabins or Tiny Home Parks Zone	
SECOND:	Commissioner Jorgensen	
VOTE:	Chairperson called for a vote:	
	Chairperson Prentice	Aye
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye

The vote was unanimous and the motion carried.

PUBLIC HEARINGS

3. Public Hearing for ZONE CHANGE of Parcel AV-1338-H-2 from OST/OSC Open Space to RE-1 Rural Estate 1 acre. GP Designation R-1 acre. Applicant Tommy Hart.

Chairperson Prentice opens the public hearing.

Tommy Hart- Stated that the waste under the impression the area was already residential and he is looking to build a home for himself on that lot.

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Commissioner Jorgensen- Stated she didn't find a Town approval of the lot split.

Mayor Lisonbee- Stated that the Town approved it.

Margaret Ososki – Informed that she did a lot of research on this. She stated there was not a lot split application, unless it has been paid and submitted since she looked. She stated the lot line adjustment and lot split got all "screwy." She stated the Open Space zoning requirements were not followed when the lot was split.

Robert Campbell – Stated that some of the frustration is that there was a problem with the legal description and engineering when they were creating the title. He stated that this was in error and the engineering is now correct with the title. He intended to purchase a portion of the property instead of the whole property. He said this isn't a town issue, it's a title issue, and it is being corrected.

Margaret Ososki- Asked if this meets the standards of RE-1.

Chairperson Prentice-Explained that it does meet the requirements.

Margaret Ososki- Stated that you can record anything at the Records office. Claimed that the recorder's office will not check with the town to see what was approved and what was denied. She feels that they will record anything you tell them.

Phillip Mangialetto- Stated he wants the Harts to have a nice home next to him, and all he wants is the property back in his name. He stated he has no problem with Campbell and he believes the Harts are nice people.

Margaret Ososki- Informed that she is just making sure the Town is following the codes.

Chairperson Prentice closes the public hearing.

4. Discussion and possible action on ZONE CHANGE of Parcel AV-1338-H-2 from OST/OSC to RE-1.

Commissioner Fralish- Stated that he is fine with this, and he feels people are splitting hairs to find issues.

MOTION: Commissioner Jorgensen moves to approve the zone change and forward to town council with the recommendation of approval on Parcel AV-1338-H-2 from OST to RE-1

SECOND: Commissioner Fralish

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VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried.

5. Public Hearing for ZONE CHANGE of a 3 acre portion of AV-2178-A-1-A from OST/OSC Open Space to RE-1 Rural Estate 1 acre. GP Designation R-PUD Residential Planned Unit Development. Applicant Scout Holm.

Chairperson Prentice opens public hearing.

Scout Holm- Stated he would like to get a zone change in order to build a home on 3 acres.

Margaret Ososki – Stated the lot split was done and the Town approved it the day after, so either she is not reading Title 11 correctly or something is not being done right.

Mayor Lisonbee- Stated that they had been discussing it for months in advance, and it was recorded before we recorded the Town's approval.

Chairperson Prentice- Stated it should not be this difficult for a person to get a zone change.

Chairperson Prentice closes public hearing.

6. Discussion and possible action on ZONE CHANGE of a portion of AV-2178-A-1-A from OST/OSC to RE-1.

MOTION: Commissioner Fralish moves to accept and forward to town council with the recommendation of approval for the zone change on parcel AV-2178-A-1-A
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Fralish Aye

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The vote was unanimous and the motion carried.

7. Public Hearing for proposed ZONE CREATION 10.10.130 CRZ Camping Resort Zone.

Chairperson Prentice - Would like to Table items 7 and 8.

MOTION: Commissioner Fralish moves to table item 7 to a future meeting

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SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried.

8. Discussion and possible action on proposed zone creation 10.10.130 CRZ Camping Resort Zone.

MOTION: Commissioner Fralish moves to table item 8 to a future meeting
SECOND: Commissioner Jorgensen
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Fralish Aye

The vote was unanimous and the motion carried.

9. Public Hearing for amendments to 10.10.020 A Agricultural Zone.

Chairperson Prentice opens public hearing.

Margaret Ososki – Stated we spend more time with wiener pigs than anything else.

Chairperson Prentice- Stated those pigs should be kept until they're slaughtered. There is a fine for not keeping up on taking care of horses and wiener pigs.

Margaret Ososki- Mentioned that she doubts the Town will enforce this code.

Debbie Kopp – Says that, just like with horses, odor is difficult to measure.

Ben Billingsley- Read the code that they are looking at changing and stated that pigs may not be raised in a property directly adjacent to a residential zone.

Commissioner Jorgensen- Suggested we adjust the wording on item C as it currently states that wiener pigs can only be kept from December- April.

Chairperson Prentice closes public hearing.

10. Discussion and possible action on amendments to 10.10.020 A Agricultural Zone

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MOTION: Commissioner Fralish moves to approve and forward to town council with the recommendation of approval on the amendments to 10.19.020 with the adjustment to December-April only

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Chairperson Prentice	Aye
Commissioner Jorgensen	Aye
Commissioner Fralish	Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Jorgensen moves to adjourn

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

Chairperson Prentice	Aye
Commissioner Jorgensen	Aye
Commissioner Fralish	Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:04 pm.

Date approved: _____

Chairperson

ATTEST BY: _____
Ben Billingsley, Deputy Clerk

OPENING

Chairperson Prentice brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Angell
Commissioner Fralish
Commissioner Zaharias

Clerk Michelle Kinney

NO CONFLICT OF INTEREST DECLARATIONS

Item number 7 will be dropped from the agenda. Item was voted on in a previous meeting and no further discussion is needed.

PUBLIC HEARINGS

- 1. Public Hearing for ZONE CHANGE of parcel AV-1313-D-1 from Agriculture to a mixed use of Single Family .50, Single family 1.0, and C-3. Zoning division is by legal description. Current General Plan designation is Medium density and Commercial. Applicant: Travis Holm, 2000 Main LLC.**

Chairperson Prentice opens public hearing.

Chairperson Prentice- Asked if this is the same development from a year ago. Asked what is their plan?

Travis Holm- Explained that they are asking for a zone change from Agricultural to a mixture of one acre lots, half acre lots, and commercial.

Chairperson Prentice- Asked how many half acre lots are they looking for and asked if they are still planning on building the bridge going into Gooseberry. Asked how many home in total they are planning on building. Asked what type of commercial buildings are they planning to have.

Travis Holm- Explained that they want 21 lots to start and they confirmed that they are still planning to build a bridge going into Gooseberry. Travis stated that they are aiming to have general stores and professional buildings on the commercial lots.

Chairperson Prentice- Mentioned that she believes it would be a good thing to have the bridge access to Gooseberry. She also mentioned that the developer will come back after the zone change with a preliminary plat. Chairperson Prentice asked Harold Merritt if the town has enough water for this.

Harold Merritt- Explained the current state of the towns water and confirmed there would be enough water for this project.

Chairperson Prentice- Explained that the Planning commission would like to send this to the Town Council in two weeks. The public hearing will need to be republished for a special hearing.

Chairperson Prentice- Requested a 10 minute recess.

MOTION:	Chairperson Prentice moves to have a 10 minute recess.	
SECOND:	Commissioner Zaharias	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

The vote was unanimous and the motion carried

10 Minute recess ends.

Chairperson Prentice closes the public hearing.

2. Public Hearing for GENERAL PLAN AMENDMENT of parcel AV-1338-H-3 to Planned Development. Applicant Robert and Maria Campbell.

Chairperson Prentice opens the public hearing

Robert Campbell- Talked about his previous attempts for a zone change. They decided to move forward as a planned development in order to address some of the concerns by the residents of Apple Valley. He provided information on what his plan looks like. They would still like to open with their current cabins after some improvements have been made. Sometime in the future they would like to increase to 11 cabins, including a shed and a check in area. This would be an additional 9 units.

Mary Cannady- Mentioned that the agenda packet wasn't posted until the morning of the hearing. She would like to know what could be done differently to ensure the packets are posted in a timely manner.

Chairperson Prentice closes the public hearing

3. Public Hearing for ZONE CHANGE of parcel AV-1338-H-3 from OST to Planned Development. Applicant/Owners Robert and Maria Campbell.

Chairperson Prentice opens the public hearing

Mary Cannady- Brought up her discomfort with having a zone change voted on before the developer agreement has been discussed. Mentioned that she feels this is a little backwards. It seems minimal that the questions of the planning commission are answered.

Chairperson Prentice closes the public hearing

DISCUSSION AND ACTION

4. Discussion and possible action on ZONE CHANGE for parcel AV-1313-D-1 from Agriculture to a mixed use of Single Family .50, Single Family 1.0, and C-3. Current General Plan Designation is Medium density and Commercial. Applicant: Travis Holm, 2000 Main LLC.

Chairperson Prentice-Explained that this would work out to be around 1 home per acre.

Commissioner Angell- Stated that his will increase the homes in Apple Valley by 50 to 60%, asked if we need to offset that number by limiting the number of homes that can be built.

Commissioner Fralish- Explained that because the plans to build must be presented and voted on by the Planning Commission and the Town Council, they are not concerned with that being an issue.

MOTION:	Commissioner Zaharias moves to approve the parcel AV-1313-D-1 from AG to mixed use single family and C-3 from the current designation and to send to the town council with a recommendation of approval.	
SECOND:	Commissioner Angell	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

The vote was unanimous and the motion carried.

5. Discussion and possible action for GENERAL PLAN AMENDMENT of parcel AV-1338-H-3 to Planned Development. Applicant/Owners Robert and Maria Campbell. Based on the formula they have enough water.

MOTION:	Commissioner Angell moves to recommend approval of general plan amendment to planned development	
SECOND:	Chairperson Prentice	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

The vote was unanimous and the motion carried.

6. Discussion and possible action for ZONE CHANGE of parcel AV-1338-H-3 from OST to Planned Development. Applicant/Owners Robert and Maria Campbell.

MOTION: Commissioner Angell moves to recommend the approval for the zone change of parcel AV-1338-H-3 to the Town Council.
SECOND: Commissioner Zaharias
VOTE: Chairperson called for a vote:
Commissioner Jorgensen Aye
Commissioner Fralish Aye
Commissioner Prentice Aye
Commissioner Angell Aye

The vote was unanimous and the motion carried

7. Review of internal procedures for plat exemptions. Item removed from agenda

ADJOURNMENT

MOTION: Commissioner Angell moves to adjourn tonight's meeting.
SECOND: Chairperson Prentice
VOTE: Chairperson called for a vote:
Chairperson Prentice Aye
Commissioner Jorgensen Aye
Commissioner Fralish Aye
Commissioner Angell Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:24 pm.

Date approved: _____

Chairperson

ATTEST BY: _____

TOWN OF APPLE VALLEY – PLANNING COMMISSION
Regular Meeting Minutes

November 17, 2020 6:00 p.m.
 Town Hall Building

OPENING

Chairperson Prentice brought the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
 Commissioner Angell
 Commissioner Fralish
 Commissioner Jorgensen (Virtual)
 Commissioner Zaharias (Absent)

Clerk/Recorder Not Present
 Staff: John Barlow; Taylor Pledger

CONFLICT OF INTEREST DECLARATIONS

None

CONSENT AGENDA

A. Approval of meeting minutes for September 9th, 2020.

MOTION:	Commissioner Fralish moves to approve the consent agenda item A.	
SECOND:	Commissioner Jorgensen	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	AYE
	Commissioner Fralish	AYE
	Chairperson Prentice	AYE
	Commissioner Angell	AYE
	Commissioner Zaharias	ABSENT

The vote was unanimous and the motion carried

PUBLIC HEARING

1. Public Hearing for GENERAL PLAN MAP DESIGNATION CHANGE of parcels AV-1369-B; AV-1369-C; AV-1366-A-S; AV-1366-A-6 to A (Agriculture)

Chairperson Prentice opens the public hearing

Chairperson Prentice- Mentioned that these parcels will be going from Open Space Transitional to home lots right across from Cedar Point. She thinks that Cedar Point will appreciate this.

Chairperson Prentice closes the public hearing

2. Public Hearing for ZONE CHANGE of parcels AV-1369-B; AV-1369-C; AV-1366-A-S; AV-1366-A from OS/OST to A-5 (Agriculture 5 Acre)

Chairperson Prentice opens the public hearing

Chairperson Prentice closes the public hearing

DISCUSSION AND ACTION

3. Discussion and possible action on General Plan Map change of parcels AV-1369-B; AV-1369-C; AV-1366-A-S and AV-1366-A-6 to A (Agriculture)

Commissioner Fralish- Asked Robert Fischer to review what the plan is for these parcels.

Robert Fischer- Explained that the family requesting this change bought 2-3 parcels that equal to about 206 acres and they intend to put a total of 8 houses on the whole thing. He further explained that there is a road in the area called Wild Cat Road that runs just off Cedar Point road. West of that road is their parcel and with their own money they are going to realign that road so it goes straight on to the roundabout area in Cedar Point. They will be putting in a private road with a turnaround for fire trucks and other emergency services to access their 8 homes. Explained that this is for a private family, the houses will not be placed on the market.

Commissioner Fralish- Asked if they are close to water.

Robert- Explained that they will be burrowing under the highway to bring the water from Cedar Point over to the lots. The water district will have to do a 10-inch main that will eventually carry water around Wild Cat Rd. and then they are doing an 8-inch line on their property.

MOTION: Commissioner Jorgensen moves to approve and forward to the Town Council with a recommendation of approval on the change of the general map for parcels AV-1369-B; AV-1369-C; AV-1366-A-S and AV-1366-A-6 to A (Agriculture)

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	AYE
Commissioner Fralish	AYE
Chairperson Prentice	AYE
Commissioner Angell	AYE
Commissioner Zaharias	ABSENT

The vote was unanimous and the motion carried

4. Discussion and possible action on Zone Change of parcels AV-1369-B; AV-1369-C; AV-1366-A-S; AV-1366-A from OS/OST to A-5 (Agriculture 5 Acre)

MOTION: Commissioner Fralish moves to approve and forward to the Town Council with a recommendation of approval on the zone change for parcels AV-1369-B; AV-1369-C; AV-1366-A-S; AV-1366-A from OS/OST to A-5 (Agriculture 5 Acre)

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	AYE
Commissioner Fralish	AYE
Chairperson Prentice	AYE
Commissioner Angell	AYE
Commissioner Zaharias	ABSENT

The vote was unanimous and the motion carried

5. Discussion and possible action on Final Plan (AVC 10.10.120(I)) for AV-1338-H-3

MOTION: Commissioner Angell moves to approve Final Plan (AVC 10.10.120(I)) for AV-1338-H-3 and forward to the Town Council with a recommendation for approval.

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	AYE
Commissioner Fralish	AYE
Chairperson Prentice	AYE
Commissioner Angell	AYE
Commissioner Zaharias	ABSENT

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The vote was unanimous and the motion carried

6. Discussion and possible action on Ordinance Creating the Tourist Commercial Zone (TC) (D-O-2020-25)

MOTION: Commissioner Angell moves to approve and forward to the Town Council with a recommendation of approval on the ordinance creating the tourist commercial zone (TC) (D-O-2020-25)

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	AYE
Commissioner Fralish	AYE
Chairperson Prentice	AYE
Commissioner Angell	AYE
Commissioner Zaharias	ABSENT

The vote was unanimous and the motion carried

TOWN OF APPLE VALLEY – PLANNING COMMISSION
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November 17, 2020 6:00 p.m.
Town Hall Building

Chairperson Prentice opens for public comment

No public comment

Chairperson Prentice closes the public comment

INFORMATIONAL SUMMARY

1. Changes in Personnel

John Barlow- Introduced himself as the new Finance Director for the Town of Apple Valley.

Taylor Pledger- Introduced herself as the new temporary Administrative support for the Town of Apple Valley.

ADJOURNMENT

MOTION:	Commissioner Fralish moves to adjourn
SECOND:	Commissioner Angell
VOTE:	Chairperson called for a vote:
	Commissioner Jorgensen AYE
	Commissioner Fralish AYE
	Chairperson Prentice AYE
	Commissioner Angell AYE
	Commissioner Zaharias ABSENT

The vote was unanimous and the motion carried

Meeting adjourned at 6:34 pm.

Date approved: _____

Chairperson

ATTEST BY: _____

OPENING

Chairperson Prentice brought the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Janet Prentice
Commissioner Allen Angell
Commissioner Lee Fralish
Commissioner Wenn Jorgensen
Commissioner Zaharias (Absent)

Mayor Marty Lisonbee (Virtual)
Clerk/Recorder Not Present
Staff: John Barlow; Taylor Pledger

CONFLICT OF INTEREST DECLARATIONS

None

CONSENT AGENDA

None

ADMINISTRATIVE APPLICATIONS PENDING/APPROVED

A. Lot Split Applications

PUBLIC HEARING

- 1. Public Hearing for ZONE CHANGE of parcel AV-1329 from Open Space (OS) to Rural Estate 1 Acre (RE-1.0) Applicant: Travis Wells**

Chairperson Prentice opens the public hearing

Travis Wells- Explained that he wants to rezone 57 acres to Re-1 zoning for a subdivision located off Rome Way and Main Street.

Commissioner Angell – Asked do you own the property?

Travis- Explained that he does not own the property at this moment. The sale is set to close in 6 days.

Chairperson Prentice opens the public hearing

Shamim Monshizadeh- Expressed her opposition to the project. She feels there is not enough information and that someone who is not the owner should not be allowed to submit a zone change application. Mentioned we haven't heard anything about improving the drainage issues or the roads to handle the increase in traffic. She thinks there are too many lots being changed to residential. Expressed concern with losing our "small town feel."

Barry Bornstein- Explained that it seems like a lot of homes for that area. Mentioned that he is not against development but is against over development. He wouldn't have opposed 10 homes; however, he feels that 57 homes is too many. The road is not currently built to handle that amount of traffic.

Nik Rashid- Mentioned that their reasoning for buying their property was the view. She is worried how that will look for them in the future with these additional homes being built in that location.

Bevan Corry- Mentioned that his property shares a boundary line with the development. His concern is the water and if we will have enough water for the future. Explained that we are projected to get less, and less rain fall in the coming years and when it does rain it creates flooding. He is also concerned about the noise pollution and the air pollution. He expressed concern about the wood stoves in the houses polluting the air. He believes influx in traffic caused by this development would cause a negative impact on the community. Bevan also mentioned his concern for losing property value due to the overcrowded neighborhood this development would cause.

Margaret Ososki- Asked where on Main Street will the entrance be? Are the houses going to be on septic or a sewer system? What happens if it's on septic and the rain causes the septic to overflow and the sewage travels to their neighbors?

Mike Bradshaw with Alliance Consultant- Explained that there are easements available on Main Street for them to use. Also explained that they build a septic system based on the results of their tests and surveys.

Margret Ososki- Asked how much acreage would be given for open space?

Mike Bradshaw- Explained that they are rezoning for 1-acre minimums, which does not represent the amount of homes being built. There are some drainage requirements that will be designated for the open space. However, the lots are expected to be 2-3 acres. The extra acreage on the lots will be considered the open space.

Margret Ososki- Asked if the code stated that there must be an x amount of acreage designated for parks and recreational areas?

Mike Bradshaw- Explained that, yes, the code does state that, however, this meeting is just to rezone and is not the final discussion on the development plan. Some lots will necessarily be smaller than the 2.5 acre goal based on what is needed for drainage.

Bevon Carry- Explained that the slope below his house is sandstone. Expressed concern about the possibilities of putting septic there.

Mike Bradshaw- Stated that obviously septic doesn't go in rocks. That area would have to be a larger lot to accommodate a septic. They would consider putting the septic at the bottom of the hill.

Danny Fox- Stated that he completely disagrees with what they are trying to do here. Explained that we are so far behind in drainage and when the rain comes you can see 3 large channels of water coming from that area. Claims he will be against this project until the drainage issue is addressed.

Kathy Stoker- Mentioned that she understands growth is going to come but the town is not ready for a project like this. She believes the town needs to catch up on the drainage problem before we can even consider this, unless the developer is willing to help fix the infrastructure.

Barry Bornstein- Asked if they are going to sell just the land or the land with a home on it?

Mike Bradshaw- Explained that Travis is not a developer who builds homes. He is trying to build an estate for himself and while doing so is developing other lots in that area. The lots are for sale without having homes on them. Mentioned that Alliance developed Coral Canyon and he believes it turned into a beautiful community and would like to bring the same look here to Apple Valley.

Shamim Monshizadeh-Asked if it will be up to the buyers of the land on how large their lot will be?

Mike Bradshaw- Explained that they are going to put together a plan that makes sense for what the people of Apple Valley want, and they won't be carving off acres and selling them at the buyer's request. To be clear, this is just the zone change. This is not the development plan.

Margaret Ososki- Stated that if you want a zone change then you already know what you want to do. You are asking for a zone change and then saying you don't know what you want to do, but you do know what you want or you wouldn't be asking for this zone change. Expressed that she would like them to tell the people that live here what their actual plan is.

Bevan Carry- Expressed concern with them describing this as 2.5 acre lots but they will be zoned as 1 acre lots and there will be nothing preventing them from breaking it down to 1 acre lots.

Barbara Fox- Mentioned that she wants to clarify about the flooding. Said that she had to sandbag her entire property last flood season. Mentioned that she lost a lot of soil that carried over to other people's houses and filled their basements. She explained that it's not just a little water; it's a lot of water that is carrying debris.

Robin Rust- Mentioned that she has heard a lot about our current problems but doesn't believe the developer is a cause for our current problems. She stated that we as a city need to address our own issues. Also Mentioned that without any revenue we will never be able to address the issues that we have. If this developer can engineer a way to not add to our issues but instead to help, then she is not opposed to the growth. She wants our city to grow enough that we can be self-sustainable.

Chairperson Prentice closes the public hearing

DISCUSSION AND ACTION

2. Discussion and possible action on ZONE CHANGE of parcel AV-1329 from Open Space (OS) to Rural Estate 1 Acre (RE-1.0) Applicant: Travis Wells

Commissioner Angell- Mentioned that he took a tally and 8 have said they are against and 1 is accepting of the zone change. He feels there are a number of things against this zone change, not at least of which is the fact that the applicant isn't the land owner. Mentioned that the applicant wants to build a single home and there are plenty of lots that homes can be built on. He feels that asking to change almost 60 acres for 1 home is too much. Feels as though we would be left with a RE-1 space and if the price and demand are there then they will sell lots at 1 acre.

Chairperson Prentice- Asked Travis if he has considered RE-5.

Travis Wells- Stated that he doesn't think it's feasible for the cost of the land. He believes 90% of the lots will be 2.5 acre lots.

Mayor Marty Lisonbee- Explained that there is an affidavit in the file that explaining that the developer has permission from the owner to submit a zone change request. He believes the fact he doesn't own the land is a moot point. He has a contract with the owner to buy the land subject to the approval of the zone change. Also explained that even if we end up approving the zone change, everything will be done with a plat process so his developments will have to come back to planning commission for approval. Mayor Lisonbee believes we are getting lost on the 1-acre designation and stated that we can deny his plat if it's not what we talked about. Mentioned that part of the plat process will be addressing the drainage issue.

MOTION: Commissioner Fralish moves to deny and forward to the Town Council with a recommendation for denial on ZONE CHANGE of parcel AV-1329 from Open Space (OS) to Rural Estate 1 Acre (RE-1.0) Applicant: Travis Wells

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	AYE
Commissioner Fralish	AYE
Chairperson Prentice	AYE
Commissioner Angell	AYE
Commissioner Zaharias	ABSENT

The vote was unanimous and the motion carried

ADJOURNMENT

MOTION: Commissioner Angell moves to adjourn
SECOND: Commissioner Fralish
VOTE: Chairperson called for a vote:
Commissioner Jorgensen AYE
Commissioner Fralish AYE
Chairperson Prentice AYE
Commissioner Angell AYE
Commissioner Zaharias ABSENT

The vote was unanimous and the motion carried

Meeting adjourned at 7:12 pm.

Date approved: _____

Chairperson

ATTEST BY: _____

OPENING

Chairperson Prentice brought the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Commissioner Prentice
Chairperson Angell (Voted as chairperson in item 5.)
Commissioner Jorgensen
Commissioner Fralish
Commissioner Fischer

Deputy Clerk/Recorder Not Present
Staff: Taylor Pledger
John Barlow

NO CONFLICT OF INTEREST DECLARATIONS

None

CONSENT AGENDA

None

PUBLIC HEARINGS

1. Public Hearing for ZONE CHANGE of northwest section of parcel: AV-1329 from Open Space (OS) to Rural Estate 1 Acre (RE-1) Applicant: Travis Wells

Commissioner Prentice opens the public hearing

Joan Dinneen- Mentions at the last Town Council meeting there was a list of questions that were relative to this development. She believes the town council was supposed to answer those questions for this meeting. Are we going to talk about the answers to those questions?

Commissioner Angel- Those questions will not be addressed tonight. This is a public hearing. It is meant for the public to give their opinions and concerns.

Shamim Monshizadeh - At the last T.C meeting Mayor Lisonbee had discovered that the notice was defective regarding the public hearing on this zone change. She was wondering if notice was appropriate for today's meeting.

Chairperson Prentice- Yes it was done correctly this time and was posted in the Spectrum.

Shamim Monshizadeh – States she is asking the planning commission to oppose this zoning application. The biggest reason is that she does not have confidence in the Mayor to draft a developer agreement that will protect the citizens. She also mentions she doesn't have confidence in the developer to follow the agreement. Past experience shows us that agreements are only followed when it benefits the developer and the town.

Walter Josey- Mentions he has been bumping into some of his neighbors who did not receive this letter. The common answer he has received is that you must be within 500ft of this development to receive notice. He mentions he received this letter and the map shows two separate parcels. Are these parcels different land numbers?

Chairperson Prentice- They are the same land numbers but they are in separate areas. The north western area was the one that was purchased by Travis and is up for a zone change today.

Walter Josey- Asks what are some of the things that the Planning Commission looks at when considering a zone change?

Commissioner Fischer- States that we look at the general plan map and if the map designates that area as future zoning for the zone change that is being requested then we do not have the right to say no.

Chairperson Angell- Mentions we are a recommending body, not a deciding body. When we are looking at a zone changes the first thing we consider is if the general map states this as future rezone. Then we consider the impact the zone change will have on other residents and the town itself.

Walter Josey- Asked that in this particular case, what factors have you considered?

Commissioner Prentice- States we have looked into the infrastructure of the area. This particular area was originally designated as RE-1, however, we were told to change all undeveloped land to OS. Now the applicant is trying to change it back to RE-1 from OS.

Commissioner Fischer- Mentions that in order for them to proceed with this development, they will have to address the drainage and infrastructure issues.

Walter Josey- Expressed that he believes if you want input from the citizens, then the citizens need proper information to give a formed opinion. He states that he is just trying to ask questions to form a better opinion on this zone change. He disagrees with this process.

Joan Dinneen- States that she agrees with Walter Josey and that the the people of the town don't have enough information. She thinks this should be tabled until more information is available.

Commissioner Prentice- States that she believes we don't have enough information either and it feels like the information we are getting contradicts itself.

Kathy Stoker- Expressed that she moved here for the location. She moved here for the beauty and the recreation. She thinks having a dark sky at night is important. She would like to know what can be done to ensure that we can maintain the beauty and the lifestyle we have grown accustomed to.

Bevan Corry- He thanks Travis Wells for reaching out to him and taking time out of his day to discuss this change. One thing that he has pointed out from the beginning was the sudden adoption of the planning commission being a recommending body and not a deciding body. From what he understands is that Town Council can revise the planning commission's suggestions but that they cannot change the decision entirely. He does not believe that revision means they can disregard the recommendation of the planning commission. Why would we even have a P.C hearing stage if the T.C. can decide to do whatever they want? Bevan expresses concern over the fact we only have one road to access that area. There has been talk about creating a road from Main Street but it's about 6x the distance as the road on Rome Way. States it would increase a lot of traffic right by his house. His neighbor will have headlights shining right into his home when cars come and go from that area. He thinks these issues are extremely important.

Commissioner Fischer- States This area was already zoned as RE-1. Travis has already stated that a massive majority of the lots will be 2.5 acre lots. We should take into consideration that this has already been decided by the general map.

Brenda Griffin- Mentions more development will lead to more infrastructure problems. Feels the water pressure is not good and that the town cannot afford to do this development. She would hate to see her taxes increase because there isn't any money for this type of project. She states she is against this project.

Craig Coats with Alliance Consulting- Expressed he would like to address some of these questions. He would like to remind everyone this is just a zone change. They have not gone through the engineering process. They understand there are concerns with drainage. States that is one of the reasons they are trying to meet the General Plan of RE-1. Their goal is to do 2.5 acre lots; however, they might need a few 1 acre lots to carve out a retention pond. That will come in the preliminary plat stage. They have no intention of putting in 58 lots. They estimate anywhere from 21-25 lots that will be 2.5-1acres. They understand there are concerns with the water and he mentions they have talked with Dale Harris and he has informed them that there is more than likely enough water and that will be further discussed during the preliminary plat process. Travis did close on the property and he is now the owner. With development the impact fees that we have to pay for each lot will go towards helping the infrastructure. They were asked to put in a 12 inch water line and even though they only need an 8 inch they agreed that a 12 inch would be more beneficial for the town.

Commissioner Fischer- A few residents asked about the road going up the hill. What will be done about that?

Craig Coats- Mentions they want to pave the road up to the development site.

Joan Dinneen- Are you intending to use roads from Main Street to your development?

Craig Coats- States there has been mention that a secondary access would be of interest to the town. Expresses they are happy with doing it either way.

Commissioner Fischer- Mentions a road from Main Street will be required for fire access

Shamim Monshizadeh - Asked if anyone has spoken to the fire chief about what would be required for getting Rome Way up to code. From what she understands, it needs to be widened and with a less than a 10% grade. She does not believe it will be achievable to have access from to Rome Way.

Walter Josey- Why do we keep using the word probably when talking about water?

Craig- Explains the reason they say that “probably” is because they are not at that stage yet. They are just looking for the zone change. The invested rights come in at the preliminary plat stage. The preliminary plat is where we go through all of the items that would be required to make this development.

Walter Josey- Do you have an estimated time when you will submit plans if this is approved?

Craig Coats- States as soon as they compile everything that is needed.

Walter Josey- Asked if after they get the zone change does the tax rate change for the property?

John Barlow- Explains the only thing that would affect the property tax rate is if there was some sort of agricultural exception.

Walter Josey- Where in this process does the Town Council approve the plat?

Commissioner Fischer- States once it has been developed and drafted. Mentions it can still be denied if the town is unhappy with what has been drafted.

Forrest Kuehne- Mentions there is talk of using Main Street. Someone in the town said that would be accessible. Who said it would be accessible? The roads show no access to Rome from Main St.

Cindy Lindhorn- Explains 3 years ago they bought 15 acres to live in the country. From what she is hearing, she believes Travis wants to live in the country. She doesn't feel that 21 houses is living in the country. States they moved here for country living, peace, night sky and the view. She doesn't want to be sitting by her pool and seeing people riding around and being loud. Expresses she is completely against this project. Also mentions that 21 homes would be a burden on the already poor water pressure.

Commissioner Prentice closes the public hearing

2. Public Hearing for ZONE CHANGE of parcels AV-1321-B & AV-1321-C from Open Space (OS) to Tourist Commercial (TC) Applicant: Salem Stanley, Vacation Races.

Commissioner Prentice opens the public hearing

Salem Stanley- Explains the intention is to create a campground that caters to mountain bikers. They own a company called Vacation Races and they plan to use it as a staging area 2-3 times a year for their events.

Commissioner Prentice- Where are you going to get your water?

Salem Stanley- Explains that they aren't sure at this moment. For the short term, they will bring in their own water. In the long term they will have to look into getting water connected out there.

Forrest Kuehne- Does the general plan need to be addressed before the zoning change?

John Barlow- General plan currently labels it as OS.

Forrest Kuehne- Mentions the General plan would have to change it to TC.

Bevan Corry- How many campgrounds?

Salem Stanley- Explains that is to be determined.

Kirk Willy- States he owns 120 acres surrounding this area on 3 sides. How many campgrounds are you proposing?

Salem Stanley- Answered they don't have a number at this time and they just bought the property 2 weeks ago.

Kirk Willy- Is there anything being proposed in terms of approving the Main Street access off the highway?

Chairperson Angell- Explains that has already been done within the last few weeks.

Shamim- Mentions she doesn't know if Stanley has talked to the Fire Chief, but she states we have a drought problem. She is very hesitant to have campgrounds while the wildfire seasons keep getting worse. She states the current flow does not meet state requirements should a fire occur. For this reason she is against this project.

Chairperson Prentice closes the public hearing

DISCUSSION AND ACTION

3. Discussion and possible action on ZONE CHANGE of northwest section of parcel: AV-1329 from Open Space (OS) to Rural Estate 1 Acre (RE-1) Applicant: Travis Wells

Chairperson Angell- Mentions there was a long list of concerns that were brought up today. The first concern that was brought up mentioned whatever agreement we make with the land owner will not be followed. He feels if the zone change is approved then it puts the land in play and he feels there would be nothing stopping the owner from selling the land to a new developer.

Commissioner Fischer- States no matter who buys the land they will have to come back with a plat and be voted on again. A developer agreement can be applied to the lot so no matter who comes in to develop will have to follow the agreement that has been laid out.

Chairperson Angell- Expresses if we make a zone change, it becomes out of the hands of the planning commission. He doesn't like the idea of setting a precedent of approving a zone change with so many unknowns.

Commissioner Fischer- States if it's in the general map and they are willing to take the steps to do it, then we need to consider that.

MOTION:	Commissioner Fralish moves to deny the ZONE CHANGE of northwest section of parcel: AV-1329 from Open Space (OS) to Rural Estate 1 Acre (RE-1) and forward to Town Council with the recommendation of denial.	
SECOND:	Chairperson Angell	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Chairperson Angell	Aye
	Commissioner Fischer	Nay

The vote was approved with one Nay and the motion carried.

4. Discussion and possible action on ZONE CHANGE of parcels AV-1321-B & AV-1321-C from Open Space (OS) to Tourist Commercial (TC)

Commissioner Fralish- States we need to review the general plan to see what zone would work better for this area.

MOTION: Commissioner Angell moves to deny the ZONE CHANGE of parcels AV-1321-B & AV-1321-C from Open Space (OS) to Tourist Commercial (TC) and forward to Town Council with the recommendation of denial

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	Aye
Commissioner Fralish	Aye
Commissioner Prentice	Aye
Chairperson Angell	Aye
Commissioner Fischer	Aye

The vote was unanimous and the motion carried

5. Discussion and possible action on the selection of the Planning Commission Chairperson and Vice-Chairperson.

MOTION: Commissioner Fralish moves to appoint Allen Angel as the Chairperson and Janet Prentice as the Vice-Chairperson.

SECOND: Commissioner Jorgensen

VOTE: Chairperson called for a vote:

Commissioner Jorgensen	Aye
Commissioner Fralish	Aye
Commissioner Prentice	Aye
Chairperson Angell	Aye
Commissioner Fischer	Aye

The vote was unanimous and the motion carried

ADJOURNMENT

MOTION: Commissioner Prentice moves to adjourn tonight's meeting.

SECOND: Commissioner Fralish

VOTE: Chairperson called for a vote:

Commissioner Prentice	Aye
Commissioner Jorgensen	Aye
Commissioner Fralish	Aye
Chairperson Angell	Aye

Commissioner Fischer

Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:31 pm.

Date approved: _____

Chairperson

ATTEST BY: _____



TO: Planning Commission; Town Council; Mayor
FROM: John Barlow, Apple Valley Town Administrator
DATE: January 27th, 2021
RE: Staff Review of Rezone Application for AV-1330-C

APPLE VALLEY PLANNING COMMISSION APPLICATION STAFF REPORT

Application Type: Rezone Application
Owner/Applicant Name: Walter Josey
Project Address: Near Property located at 1224 N ROME WAY APPLE VALLEY, UT 84737-4821
Parcel/Lot Number: AV-1330-C
Current Zoning: Open Space Transitional (OST)
Proposed Zoning: Agriculture 10 Acre (A-10)
Legislative/Administrative Proceeding: Legislative
Approval Authority: Apple Valley Town Council
Appeal Authority: Apple Valley Appeal Authority

Date of Public Hearing: February 3rd, 2021
Location of Public Hearing: Apple Valley Town Hall, 1777 Meadowlark Drive, Apple Valley, Utah 84737
Body of Public Hearing: Apple Valley Planning Commission
Notice to Mailed to Neighbors: January 21st, 2021

Summary of Application

The Applicant is requesting an amendment to the zoning designation for AV-1330-C from Open Space Transitional (OST) to Agricultural 10 Acre (A-10) for the stated purpose that it was zone agriculture by the county before the Town incorporated and the owner would like it to be zone back to agriculture.

This would move the property from an allowed density of zero residential units to one residential unit. Further, it would allow for the agricultural uses that may or may not be permitted under OST. The permitted uses for agricultural zones can be found in AVC 10.10.020 and are as follows;

Permitted Uses: Uses permitted in [Agricultural] zone are as follows:

- Crop production, horticulture and gardening
- Farm buildings and uses
- Household pets
- Farming livestock
- Stands for sale of produce grown and sold on premises
- Veterinarian
- Weaner Pigs
- Residential Dwelling

Standards for Approval/Denial

Apple Valley ordinance does not outline a standard for approval; however, the staff recommends at least considering the following:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Staff Analysis

Please keep in mind that the list of consideration above and discussed below are NOT a comprehensive list of consideration, but a recommended minimum amount of consideration.

PZ Commission can make a recommendation based on: ANY RATIONAL BASIS. This is the most flexible level of discretion given to you under the law.

Is the applicant request consistent with the General Plan's (GP) goals, objectives, and policies?

The general plan has this property designated as Residential 1 Acre. There are at least

two possible ways of analyzing whether this application is consistent with the general plan; the PC could determine that increasing the density from OST to Agriculture moves the density level closer to that of the general plan, or the PC could determine that Agricultural uses are not consistent with general plan's goals because it would be primarily agricultural instead of residential.

Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

Neighboring Land Use: The requested zone is consistent with the current use of the property to the east, northeast, and southeast. Neighboring property to west is more residential.

Neighboring Land Use Designation: The applicants request (Agricultural) is somewhat consistent with the zoning designation of neighboring property. Nearby properties have the Rural Estate, Open Space, and Agricultural designations.

Will the proposed amendment adversely affect adjacent property?

There are some possible negative adverse effects on neighboring property (e.g., livestock, farming buildings next to residential areas); however, staff judges the adverse effects could be negligible and are not out of place for Apple Valley's rural culture. The PC should make a determination about whether allowed uses for the proposed zone would adversely effect property zoned rural estate to the west.

Is there adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection?

There is adequate infrastructure to support the requested level density. Access issues and other development requirements would be addressed in a different land use process.

Staff Recommendation

Staff has not recommendation on this application.



Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?
2. Am I granting this application based on who the applicant is?
3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:
 - Color
 - Disability
 - Family Status
 - Sex/Gender
 - Race
 - Religion
 - National Origin
 - Familial Status
 - Military Service

If the answer is yes to any of the questions above, STOP. Consult with Town Staff, or the Town Attorney.



Sample Motions

(Approve without conditions) I move we recommend that the Town Council approve the zoning map amendment requested for AV-1330-C based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

_____.

(Approve with conditions) I move we recommend that the Town Council approve the zoning map amendment for AV-1330-C with the following conditions: [list conditions] _____.

(Deny) I move we recommend the Town Council deny the zoning map amendment requested for AV-1330-C based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we table this application until the next regular planning commission meeting, and direct staff to report back about _____.



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

Paid

Item 9.

Fee: \$500.00 + Acreage Fee
1 – 100 Acres: \$50.00/Acre
101 – 500 Acres: \$25.00/Acre
501 + Acres: \$10/Acre

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting

Name: <u>WALTER JOSEY</u>	Phone: <u>435-817-1599</u>	
Address: <u>1224 N. Paine Way</u>	Email: <u>joseywalter@hotmail.com</u>	
City: <u>Apple Valley</u>	State: <u>UT</u>	Zip: <u>84737</u>
Agent: (If Applicable)	Phone:	
Address/Location of Property:	Parcel ID: <u>AV-1330-C</u>	
Existing Zone: <u>OST</u>	Proposed Zone: <u>Agriculture</u>	
Reason for the request <u>Property was Ag in county before AV Incorp. Want to return to Ag as it allows more and proper use of property designation</u>		

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

- ☒ A. The name and address of every person or company the applicant represents
- ☒ 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 - See MAPS
- ☒ E. Stamped envelopes with the names and address's 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 N/A - office manager will provide
- ☒ F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property See MAP

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

Official Use Only	
Date Received: <u>1/4/21</u>	By: <u>Taylor Pledger</u>
Date Application Deemed Complete:	By:



Apple Valley Zoning Public

Apple Valley Zoning Public
Apple Valley, Utah

Find address or place

Map navigation controls: zoom in (+), zoom out (-), and three square buttons for map interaction.

200ft

-113.115 37.098 Degrees

(1 of 2)
Apple_Valley_Zoning_20181211: AV-1330-C

PARCEL ID	AV-1330-C
PARCEL ADDRESS	
PARCEL CITY	Apple Valley
PARCEL ZIP	84737
OWNER	JOSEY WALTER TR
OWNER ADDRESS	820 S COTTON MEADOW LN
OWNER CITY	WASHINGTON
OWNER STATE	UT

[Zoom to](#)

Layer List_2

- OST/OSC
- AG
- C-1
- C-2
- C-3
- M-1
- I-1
- RV PARK
- CABIN/TH
- MH
- PD
- RE-1
- RE-2.5



AV-1330-C

Sign in

Navigation Maps & Data Sources Analysis Tasks Search



Parcel Number

Address

Account Number

Search for a Subdivision

Search for PLSS Section

Parcel Search

Section Search

I want to...

27-A

AVR-3-38

AV-AVR-3-39-A

AV-AVR-3-39-A

AV-AVR-3-48

AV-AVR-3-49

AV-AVR-3-28

AV-AVR-3-50

AV-1330-C

AV-1330-D-1

Mount Zion Dr
Rome Way

Basemap...

0 100 200ft



Tool Labels



Item 9.
Ant 0566474

Location

Account Number 0566474

Parcel Number AV-1330-C

Tax District 45 - Apple Valley Town

Acres 10.00

Sitns 0, 0

Owner

Name JOSEY WALTER TR

1224 N ROME WAY

APPLE VALLEY, UT 84737-4821

Value

Market (2020)

\$45,000

Taxable

\$120

Tax Area: 45 Tax Rate: 0.009505

Type Actual Assessed Acres

Farm Land \$45,000 \$120 10.000

FAA

Legal S: 29 T: 42S R: 11W BEGINNING AT THE SOUTHEAST CORNER OF LOT 28 OF APPLE VALLEY RANCH SUBDIVISION - PHASE III, OFFICIAL RECORDS OF WASHINGTON COUNTY, UTAH, SAID POINT LIES NORTH 89*56'28" EAST 1848.02 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 11 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE EASTERLY BOUNDARY LINE OF SAID SUBDIVISION NORTH 00*03'32" WEST 549.99 FEET; THENCE NORTH 89*56'28" EAST 791.85 FEET TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION; THENCE ALONG SAID CENTER SECTION LINE SOUTH 00*05'34" EAST 549.99 FEET TO A POINT ON SAID SECTION LINE, SAID POINT BEING THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE ALONG SAID SECTION LINE SOUTH 89*56'28" WEST 792.18 FEET TO SAID SOUTHEAST OF LOT 28 AND THE POINT OF BEGINNING

Parent Accounts 0154974

Parent Parcels 1330-B

Child Accounts 0576465

Child Parcels AV-1330-D-1

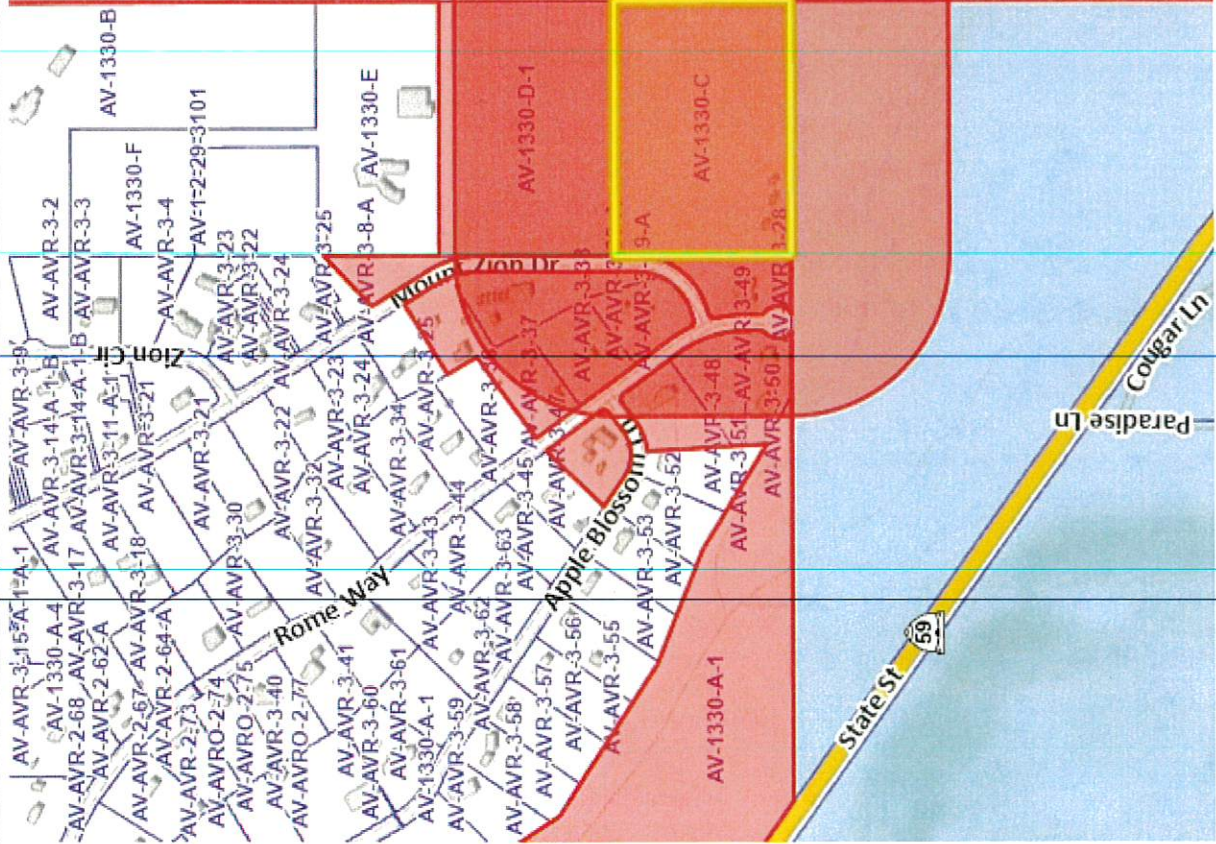
Sibling Accounts

Sibling Parcels

TransfersEntry NumberRecording Date0057136407/15/1997 10:01:00 AM0057827009/30/1997 10:08:00 AM0072431306/11/2001 10:46:00 AM2011003170310/18/2011 02:16:28 PM2011003170410/18/2011 02:16:28 PM2014001404905/09/2014 03:34:22 PMB: 1116 P: 508B: 1137 P: 219B: 1412 P: 2127



Title



Legend

Parcels

Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Shiwiwi 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



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.

1,504.7 0 752.33 1,504.7 Feet

TAX ID	OWNER	ADDRESS 1	CITY	STATE	ZIP	COUNTRY
AV-1343-A-1	CEDAR VISTA LLC	PO BOX 122	REXBURG	ID	83440	
AV-1330-A-1	GUBLER STEPHEN L	1890 E 800 N	SAINT GEORGE	UT	84770	
AV-1330-D-1	WIDNER CAREN M	PO BOX 94	HURRICANE	UT	84737-0094	
AV-AVR-3-47	PARCELL CHARLES R	1252 N APPLE BLOSSOM LN	APPLE VALLEY	UT	84737	
AV-AVR-3-37	POLLOCK SHELLEY A	1324 N ROME WAY	HURRICANE	UT	84737	
AV-AVR-3-39-A	CHRISTENSEN QUIN & CINDY	642 S LUCERNE DR	SALEM	UT	84653	
AV-AVR-3-48	PEARSON RYAN M & DONI J	1243 N ROME WAY	APPLE VALLEY	UT	84737	
AV-AVR-3-8-A	LISONBEE MARTIN & LETITIA	1386 N MT. ZION DR	APPLE VALLEY	UT	84737	
AV-AVR-3-26	ROBBINS TERRY E TR & MINTER JULIE	1367 N MOUNT ZION DR	APPLE VALLEY	UT	84737-4875	
AV-AVR-3-39-A	CHRISTENSEN QUIN & CINDY	642 S LUCERNE DR	SALEM	UT	84653	
AV-AVR-3-38	FAUBLE RICHARD & JERRINE	1294 N ROME WAY (850 W)	APPLE VALLEY	UT	84737	
AV-1329	CEDAR VISTA LLC	PO BOX 122	REXBURG	ID	83440	
AV-1330-C	JOSEY WALTER TR	1224 N ROME WAY	APPLE VALLEY	UT	84737-4821	
AV-AVR-3-50	GARDNER JON S & FELICIA	1213 N ROME WAY	APPLE VALLEY	UT	84737	
AV-AVR-3-49	PEARSON RYAN M & DONI J	1243 N ROME WAY	APPLE VALLEY	UT	84737	
AV-AVR-3-27-A	RUNDQUIST STEPHEN P & MYRNA J	PO BOX 99	HURRICANE	UT	84737-0099	
AV-AVR-3-28	JOSEY WALTER TR	1224 N ROME WAY	APPLE VALLEY	UT	84737-4821	

Town of Apple Valley
1777 N. Meadowlark Dr.
Apple Valley UT 84737
435-877-1190

Item 9.

Receipt No: 32441

Receipt Date: 01/04/2021

Time of Receipt: 01/21/2021 10:24 AM

Dog License 2021	10.00
Vacation Rental	150.00
Zone Change Fee	550.00
	<u>550.00</u>
	\$710.00

Check: 402	710.00
	<u>710.00</u>
	\$710.00



January 21st, 2021

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-1330-C
Address: Near property located at: 1224 N ROME WAY APPLE VALLEY, UT 84737-4821

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 Open Space/Open Space Transition Zone (OS/OST) to Agriculture 10 Acre (A-10) for the stated purpose of a zoning designation that is more compatible with the current use. 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=10.10.020_A_Agricultural_Zone

The hearing will be held **February 3rd, 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 Administrator, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

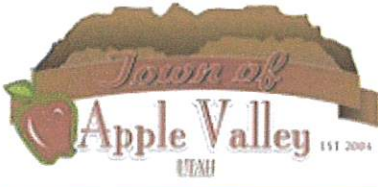
The acting Planning and Zoning Administrator can be reached by phone at (435) 877-1190, or by email at administrator@applevalleyut.gov. Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in 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,

John Barlow,
Finance Director
Phone: (435) 877-1190
Fax: (435) 877-1192
www.applevalleyut.gov



Mayor Marty Lisonbee
Council Members: Debbie Kopp, Paul Edwardsen, Mike McLaughlin, and Dale Beddo



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

Paid

Fee: \$500.00 + Acreage Fee	
1 – 100 Acres:	\$50.00/Acre
101 – 500 Acres:	\$25.00/Acre
501 + Acres:	\$10/Acre

Item 10.

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting

Name: Mark & Laurel Pierson		Phone: 435-680-9779	
Address: 1000 W. Diamond Valley Road		Email: piersonsforjesus@yahoo.com	
City: St. George	State: UT	Zip: 84770	
Agent: (If Applicable)		Phone:	
Address/Location of Property: 2400 E. Ranch Rd		Parcel ID: AV-1365-J-1	
Existing Zone: open space		Proposed Zone: RE-20	
Reason for the request to build a residence			

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

- ☒ A. The name and address of every person or company the applicant represents
- ☐ 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. Stamped envelopes with the names and address's 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
- ☒ F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. **Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.**

Official Use Only	
Date Received: 1/7/21	By: Taylor Pledger
Date Application Deemed Complete:	By:

When recorded mail to (Tax Mailing Address):
Grantee
1000 W Diamond Valley Dr
Saint George, UT 84770
MTC File No. 278974

WARRANTY DEED

Patricia Bates, GRANTOR(S), for good and valuable consideration, hereby convey(s) and warrant(s) to

Mark Pierson and Laurel Pierson, as joint tenants

as GRANTEE(S), the following real property located in Washington County, State of Utah,
described as:

The East half of the Northeast Quarter of the Northeast Quarter of Section 14, Township 43 South, Range 11 West, Salt Lake Base and Meridian.

Tax Parcel No. AV-1365-J-1

Subject to general property taxes for the current year and thereafter.
Subject to easements, conditions, covenants, restrictions and reservations of record.

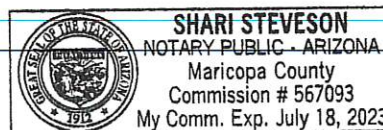
In witness whereof, the grantors have executed this instrument this 10th day of July, 2020.

20. 
Patricia Bates

STATE OF ARIZONA)
 :SS
COUNTY OF MARICOPA)

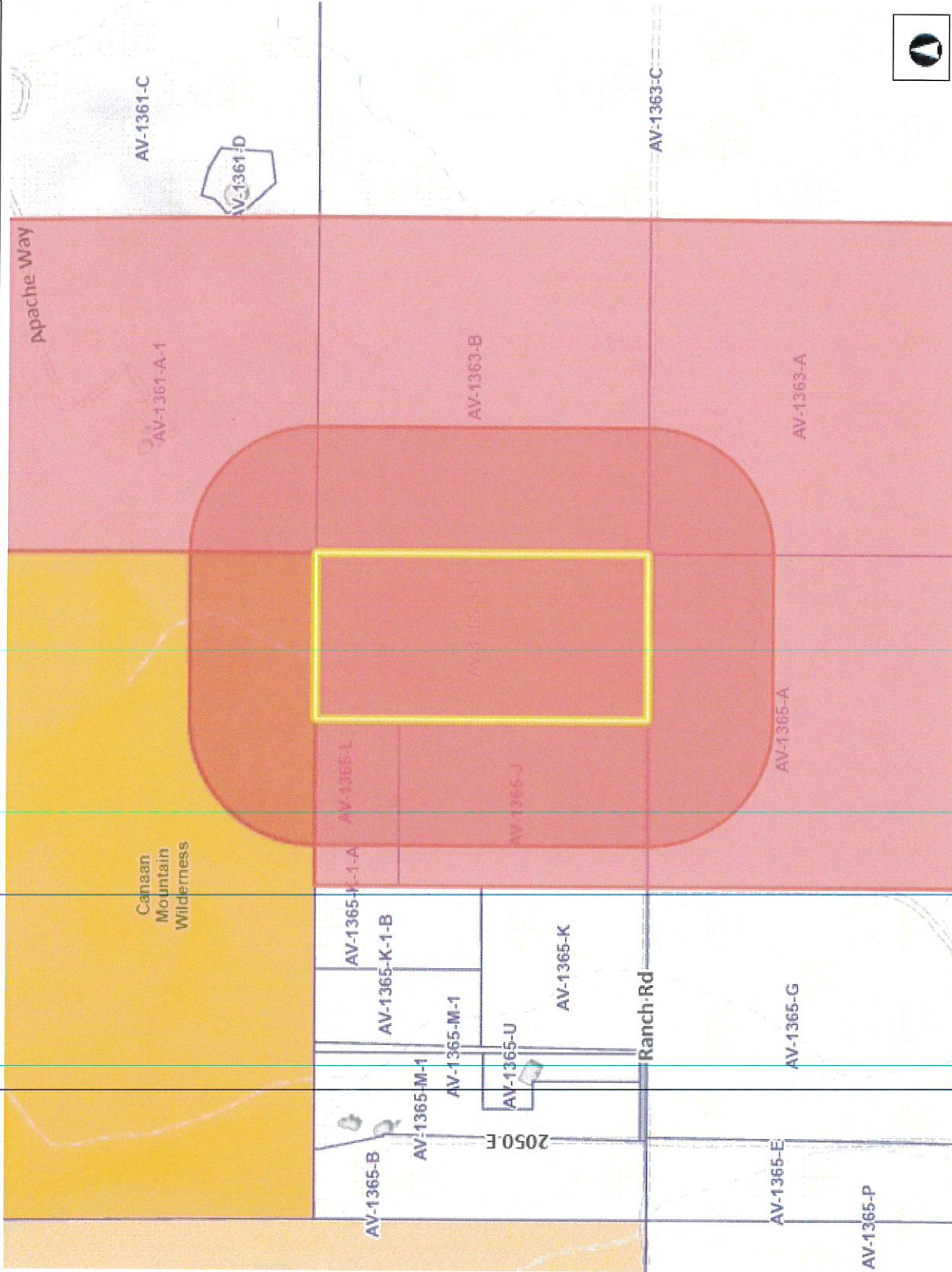
The foregoing instrument was acknowledged before me this 10th day of July, 2020,
by Patricia Bates.

Shari Stroms Notary Public
Notary Public





Title



Legend

- Parcels
- County Boundary Outline
- CountyMask
- Building Outlines
- Roads
 - Interstate
 - State Route
 - Major
 - Minor
 - Dirt
- Waterbodies
- Watercourses
 - <all other values>
 - Santa Clara River
 - Virgin River
- Hillshade
 - High : 238
 - Low : 4
- Ownership
 - U.S. Forest Service
 - U.S. Forest Service Wilderness
 - Bureau of Land Management
 - Bureau of Land Management Wildlife
 - National Park Service
 - Shiwiwits Reservation

Notes



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1,504.7 752.33 1,504.7 Feet



1984_Web_Mercator_Auxiliary_Sphere

Property Record Card

Item 10.

Washington County

**PIERSON MARK &
LAUREL**

Account: 0808870

Parcel: AV-1365-J-1

Tax Area: 45 - Apple Valley Town

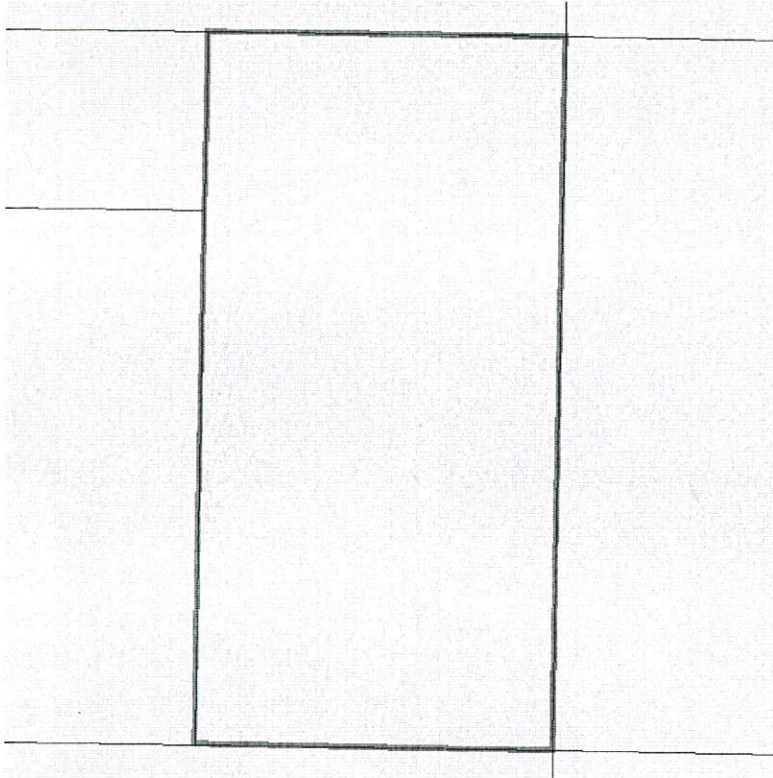
Situs Address:

Acres: 20.000

1000 W DIAMOND VALLEY DR
SAINT GEORGE, UT 84770

Legal Description

S: 14 T: 43S R: 11W THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST SLBM, SUBJECT TO EASEMENTS.



Transfer History

Entry Number	Date Recorded	Deed Type
20200036098	Jul 14, 2020	Affidavit & Death Certificate
20200036099	Jul 14, 2020	Warranty Deed
20190000956	Jan 9, 2019	Resolution
20130005682	Feb 14, 2013	Affidavit
20110031703	Oct 18, 2011	Resolution
20110031704	Oct 18, 2011	Annexation
20060018640	May 9, 2006	Quit Claim Deed

Abstract Summary

Code	Classification	Market Value	Taxable Value
05R	FAA GRAZING IV	\$60,000	\$100
Total		\$60,000	\$100

Apple Valley Zoning Public

Apple Valley, Utah



+

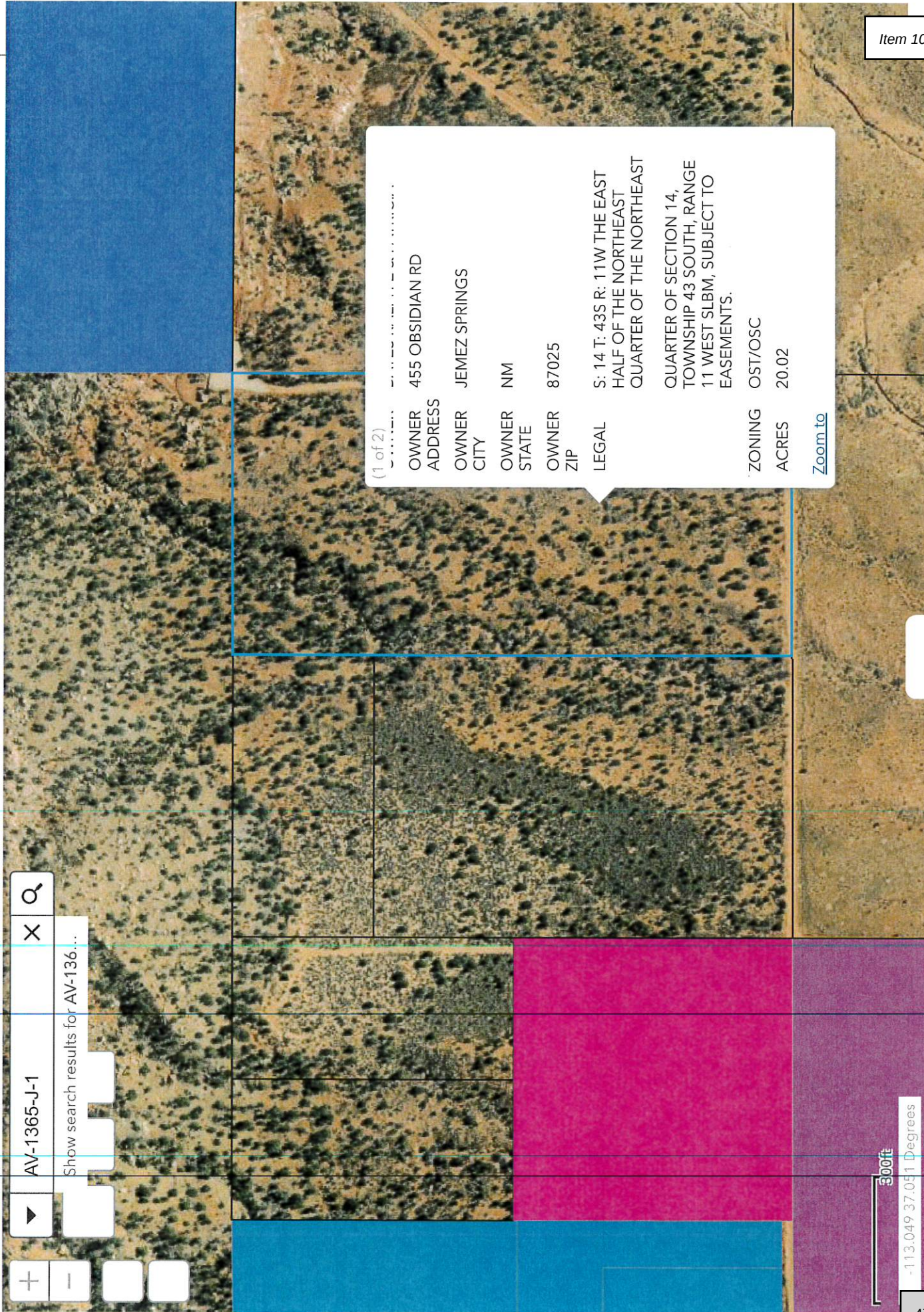
▼

AV-1365-J-1

X

Q

Show search results for AV-136...



(1 of 2)

OWNER ADDRESS	455 OBSIDIAN RD
OWNER CITY	JEMEZ SPRINGS
OWNER STATE	NM
OWNER ZIP	87025
LEGAL	S: 14 T: 43S R: 11W THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST SLBM, SUBJECT TO EASEMENTS.
ZONING	OST/OSC
ACRES	20.02

[Zoom to](#)

Item 10.

300ft
-113.049 37.051 Degrees

Apple Valley Zoning Public

Apple Valley, Utah



+

-

▼

AV-1365-J-1

X

Q

Show search results for AV-136...

(1 of 2)

OWNER ADDRESS
455 OBSIDIAN RD

OWNER CITY
JEMEZ SPRINGS

OWNER STATE
NM

OWNER ZIP
87025

LEGAL
S: 14 T: 43S R: 11W THE EAST
HALF OF THE NORTHEAST
QUARTER OF THE NORTHEAST
TOWNSHIP 43 SOUTH, RANGE
11 WEST SLBM, SUBJECT TO
EASEMENTS.

ZONING
OST/OSC

300ft

-113.049 37.041 Degrees

Apple_Valley_Zoning

Town Boundary

Options Filter by map extent Zoom to Clear selection Refresh

PARCEL ID	PARCEL ADDRESS	PARCEL CITY	PARCEL ZIP	OWNER	OWNER ADDRESS	OWNER
AV-1365-J-1		Apple Valley	84737	BATES RALPH E & PATRICIA	455 OBSIDIAN RD	JE

Features 0 selected

https://ensignengr.maps.arcgis.com/apps/webappviewer/index.html?id=5dd90119d3b94dcd978410a674c8e131

Town of Apple Valley
1777 N. Meadowlark Dr.
Apple Valley UT 84737
435-877-1190

Item 10.

Receipt No: 32486

Receipt Date: 01/07/2021

Time of Receipt: 01/21/2021 09:54 AM

Zone Change Fee	550.00
	\$550.00

Check: 9543	550.00
	\$550.00



January 21st, 2021

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-1365-J-1
Address: 2400 East Ranch Road

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 Open Space/Open Space Transition Zone (OS/OST) to Rural Estate 20 Acre (RE-20) for the stated purpose of a building a residence. 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

The hearing will be held **February 3rd, 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 Administrator, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

The acting Planning and Zoning Administrator can be reached by phone at (435) 877-1190, or by email at administrator@applevalleyut.gov. 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,

John Barlow,
Finance Director
Phone: (435) 877-1190
Fax: (435) 877-1192
www.applevalleyut.gov



Mayor Marty Lisonbee
Council Members: Debbie Kopp, Paul Edwardsen, Mike McLaughlin, and Dale Beddo



TO: Planning Commission; Town Council; Mayor
FROM: John Barlow, Apple Valley Town Administrator
DATE: January 27th, 2021
RE: Staff Review of Rezone Application for AV-1365-J-1

APPLE VALLEY PLANNING COMMISSION APPLICATION STAFF REPORT

Application Type: Rezone Application
Owner/Applicant Name: Mark & Laurel Pierson
Project Address: 2400 East Ranch Road
Parcel/Lot Number: AV-1365-J-1
Current Zoning: Open Space Transitional (OST)
Proposed Zoning: Rural Estate 20 Acre (RE-20)
Legislative/Administrative Proceeding: Legislative
Approval Authority: Apple Valley Town Council
Appeal Authority: Apple Valley Appeal Authority

Date of Public Hearing: February 3rd, 2021
Location of Public Hearing: Apple Valley Town Hall, 1777 Meadowlark Drive, Apple Valley, Utah 84737
Body of Public Hearing: Apple Valley Planning Commission
Notice to Mailed to Neighbors: January 21st, 2021

Summary of Application

The Applicant is requesting an amendment to the zoning designation for AV-1365-J-1 from Open Space Transitional (OST) to Rural Estate 20 Acre (RE-20) for the stated purpose of building a primary residence.

This would move the property from an allowed density of zero residential units to one residential unit. Further, it would allow for the Rural Estate uses that may or may not be permitted under OST. The permitted uses for rural estate zones can be found in AVC 10.10.050 and are as follows;

Permitted Uses: Uses permitted in [Rural Estate] zone are as follows:

- Single-family dwellings not less than 1250 sq.ft. on the main floor;
- Accessory buildings and uses, following issuance of a building permit for a permanent dwelling;

- Home occupations;
- Raising of crops, gardens, and horticulture;
- Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
- Residential facility for the elderly (see AVLU 10.28 for supplementary information);
- Churches;
- Park or playgrounds;
- The keeping of animals and fowl for family food production, but not for commercial use.
- Animal Allowances/Restrictions: (restrictions listed)

Standards for Approval/Denial

Apple Valley ordinance does not outline a standard for approval; however, the staff recommends at least considering the following:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Staff Analysis

Please keep in mind that the list of consideration above and discussed below are NOT a comprehensive list of consideration, but a recommended minimum amount of consideration.

PZ Commission can make a recommendation based on: ANY RATIONAL BASIS. This is the most flexible level of discretion given to you under the law.

Is the applicant request consistent with the General Plan's (GP) goals, objectives, and policies?



The general plan has this property designated as Residential 1 Acre. The applicants request is consistent with the general plan.

Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

Yes, the neighboring properties are zoned similarly and their current use is similar.

Will the proposed amendment adversely affect adjacent property?

No.

Is there adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection?

Staff recommends that the PC consider the level of infrastructure when considering this application. It would be reasonable to conclude that there is inadequate infrastructure to support the requested level zoning; however, the town has granted this level of density to properties in the same vicinity.

Infrastructural issues:

Water and Fire: The Fire Chief and the Water Superintendent have both had conversations with the property owners. The infrastructure could support this level of development; however, there are necessary improvements that the applicant would have to do before construction. Specifically, dedicate part of the property for frontage, extend the waterline to ensure there is a hydrant within 400' feet of any house/facility, and create road access to any house.

The water extension will require state and local approval. The applicants are working toward that end.

Public Works: There is not dedicated street. The de-facto street has road base and is very narrow. As stated above, a road dedication before construction would be required.

No infrastructure issue is so egregious that it should absolutely prohibit the approval of this application. However, the PC should be aware of these issues when considering future density in this area.



Staff Recommendation

Staff recommends approving this application for the reasons above. Staff will formally notify the applicant of the infrastructure and access issues and work to help resolve them.

Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?
2. Am I granting this application based on who the applicant is?
3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:
 - Color
 - Disability
 - Family Status
 - Sex/Gender
 - Race
 - Religion
 - National Origin
 - Familial Status
 - Military Service

If the answer is yes to any of the questions above, STOP. Consult with Town Staff, or the Town Attorney.



Sample Motions

(Approve without conditions) I move we recommend that the Town Council approve the zoning map amendment requested for AV-1365-J-1 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

_____.

(Approve with conditions) I move we recommend that the Town Council approve the zoning map amendment for AV-1365-J-1 with the following conditions: [list conditions] _____.

(Deny) I move we recommend the Town Council deny the zoning map amendment requested for AV-1365-J-1 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we table this application until the next regular planning commission meeting, and direct staff to report back about _____.

APPLE VALLEY TOWN

ORDINANCE

AN ORDINANCE OF THE APPLE VALLEY TOWN COUNCIL, WASHINGTON COUNTY, UTAH, ADOPTING CHAPTER 10.10.130 OF THE APPLE VALLEY LAND USE ORDINANCES CREATING A CAMPING RESORT ZONING DISTRICT (“CRZ”) WITHIN THE TOWN AND FURTHER DESIGNATING AND REGULATING USES THEREIN.

RECITALS

WHEREAS, Apple Valley Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Apple Valley Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10- 9a- 101 *et seq.*

WHEREAS, the Town presently does not have a zone wherein RV Camping, Cabin camping and Tent Camping is allowed as either a permitted or conditional use.

WHEREAS, because the Town is located within the corridor leading up to main entrance of Gooseberry mountain bike area and Zion’s National Park which receives thousands of visitors each year, the Town Council has determined that there is a need and a benefit to allowing this type of lodging within the Town on a highly regulated basis.

WHEREAS, the Town Council has further determined that the creation of a specialized zoning district which specifically allows such uses, yet regulates their location, scope and effect on residences and businesses is the best way to authorize such uses on a limited and regulated basis.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apple Valley, Washington County, State of Utah, as follows:

1. Addition of Chapter 10.10.130, Camping Resort Zone (CRZ);

CHAPTER 10.10.130 CAMPING RESORT ZONE (CRZ)

A. PURPOSE.

The purpose of the Camping Resort Zone is to:

1. Allow for and regulate the development of tourist-based outdoor camping and recreation uses in appropriate locations while preserving

and enhancing the unique visual quality and rural character of the town of Apple Valley and

2. locate camping and recreation uses where such uses will not negatively impact
3. allow for the development of buildings while requiring designs that are compatible with the surrounding landscape; and
4. protect scenic views and minimize visual impacts in the entrance corridor to the town, which provides the first impression of the town and Zion Canyon for many visitors; and
5. encourage the preservation of significant natural and historically agricultural landscape and open space, and minimize site disturbance; and
6. protect the values, beauty and heritage of the area in physical appearance, quality of design and interrelationship of land use and development and thus serve as a valuable asset and benefit for the entire community; and
7. enhance general property values within the Town of Apple Valley; and
8. promote the economic well-being of the Town through the generation of room and resort taxes; and
9. mitigate, to the greatest extent possible, a campground's adverse visual, light, and noise impacts to protect the characteristics and values of adjoining properties, especially established residential neighborhoods.

B. GENERAL.

The Town of Apple Valley is located in a corridor near Gooseberry Mountain bike trails and Zion Park which receives millions of visitors each year, and it is in the best interest of the Town of Apple Valley to have a zoning classification to carefully locate and accommodate camping and recreation uses.

1. DEVELOPMENT CHARACTERISTICS.

The Camping Resort Zone shall be characterized by clean, low--- - lit roads and recreational amenities, village scale development and buildings that reflect the rural character of Apple Valley. This zone is intended to provide for rustic lodging with support facilities and services, small--- - scale commercial

activities, outdoor recreation, and access to community trail systems. Development and its associated activities will be sustainable in nature, utilizing best practice methods of waste disposal, and longevity in quality and built form. Development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment.

C. LOCATION AND SIZE.

The location of the Camping Resort Zone shall be strictly limited by area and size within the Town of Apple Valley to balance this use with other desirable land uses and to minimize conflicts. The designation shall only be granted to parcels, or portions of parcels, which meet the following characteristics:

1. The location is sufficiently separated from established residential zones to minimize adverse visual, light, and noise impacts. The Land Use Authority shall fully consider and give additional weight to comments from adjoining landowners when considering a proposal to a rezone land to the CRZ zone; and
2. Vegetation and topography serve to buffer a project from impacting important scenic view sheds; and
3. The location shall give a project access directly to SR59 or to an existing or created major arterial street intended for commercial traffic such as Main Street.
4. Totals no less than 15 acres.
5. **Must be an individual parcel. If multiple parcels are being used, they must be combined into one parcel.** ~~shall be under one (1) ownership,~~
6. The location is in harmony with the General Plan.

D. PERMITTED USES.

1. RV Resort
2. Cabin Rentals
3. Club House
4. Glamping Facilities as in teepees, permanent tents or yurts
5. Parks and Playgrounds (Incident use to CRZ purposes)

6. Retail Sales (Incident use to CRZ purposes)
7. Recreation Facilities (Incident use to CRZ purposes)
8. Guest Service Tours and Rentals
9. Restaurants
10. Tent Camping
11. Limited Commercial Habitation (per Chapter 8, Sections 8.11 and 8.12)

E. CAMPGROUNDS AS LODGING FACILITIES

All Campgrounds are considered lodging facilities for tourists and are subject to the Transient Room Tax as well as all of the constraints found in 8.13.3 et. Seq.

F. APPLICATION PROCESS

1. An application shall be made to the Apple Valley Town Planning and Zoning Commission.
2. Campgrounds shall be designed by a licensed architect, landscape architect, engineer, or professional land use planner. All structures shall be permanent structures meeting International Building Code and Apple Valley Town code requirements. All drawings for buildings, structures, grading, utility, drainage, irrigation, etc. plans shall include engineering stamp and signed.
3. The Development Plan submitted shall be drawn to scale not smaller than one inch (1") equal to fifty feet (50'). At least three (3) hard copies and one digital copy of the plans shall be submitted. The plans shall show:
 - A. The existing and proposed topography of the site, when required by the Planning and Zoning Commission, represented by contours shown at not greater than two-foot (2') intervals.
 - B. The proposed vehicle circulation layout and recreational vehicle, travel trailer, campground, and/or cabin park space pad layout, including points of ingress and egress as required and approved by UDOT (when connecting to a UDOT road).
 - C. Proposed locations for all uses included but not limited to: playgrounds, restaurants, cabins, clubhouse, check-in building, retail sales, service station, and common recreational areas.

- D.** Tabulations showing the percent of area to be devoted to parks, playgrounds and communal recreational areas, the number of recreational vehicles, travel trailers, campsites, and/or cabin park spaces, and the total area to be developed.
 - E.** Proposed location, number, and design of parking spaces for each proposed use (see 31.9.2 Circulation and Parking).
 - F.** Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines, and fire hydrants as per The International Fire Code.
 - G.** The Big Pains Water and Sewer Special Service District (BPWSSSD) approval of the engineering study pursuant to Section 13 of Apple Valley Town's Water Service Agreement with the WCWCD.
 - H.** Proof that the land to be developed is under one (1) legal ownership.
 - I.** Any other reasonable data (according to Apple Valley Town's attorney) that becomes necessary during the process of application review by the Zoning Administrator and the Planning Commission.
- 4.** The applicant for a Campground shall pay to the Town of Apple Valley at the time of application an inspection and review fee, as required by the Town Fee Schedule. All other fees are due prior to beginning construction.
 - 5.** Applications shall be in writing, reviewed by Apple Valley Town's attorney, if so required, (any associated attorney fees shall be paid by the applicant), and then submitted to the Zoning Administrator. The Planning Commission and Apple Valley Town Council shall review the application at its regularly scheduled meetings. Once a complete application has been received by the Zoning Administrator and recommendation is made by the Planning Commission, the Town Council will review the completed application for approval, approval with conditions or denial within ~~three (3) months~~ (45) forty-five days unless holidays or unexpected circumstances intervene.
 - 6.** Applications will not be considered complete and ready for approval review until all application information is submitted.
 - 7.** For multiple phase projects, the applicant must have at least the first phase of the project completed and ready for occupancy before

beginning subsequent phases. The phasing must also be defined in project submittal's at the time of the projects approval.

G. GENERAL PROVISIONS FOR CAMPGROUNDS

1. The owner(s) of any Campground in Apple Valley Town that is built and/or regulated by these provisions shall provide a copy of the standards set forth in this Section (31.8) to all occupants who are tenants.
2. Campground spaces shall not be occupied or otherwise used by any individual(s) for more than 180 days in a one (1) year period beginning at the initial date of occupancy. Nor shall cumulative occupancy by such person(s) of different spaces within the same Campground exceed a total of 180 days in one (1) year period.
3. ~~The occupants of an RV site may have only one (1) other vehicle in addition to the self-propelled recreational vehicle or travel trailer and necessary tow vehicle.~~
4. A campground manager **or staff** must be on **the premises** ~~duty within the park~~ at all times. All Campground managers shall maintain a patron log consisting of names, dates of occupancy and number of spaces. **Patron logs shall be made available to code enforcement officers at their request.**
5. Animals traveling with campers shall not be allowed to run loose. Pets shall be kept inside an RV, travel trailer, tent or cabin, tethered or otherwise confined within their site, or on a leash at all times.
6. "Quiet time" shall be observed nightly between the hours of 10:00 P.M. and 7:00 AM.

H. CAMPGROUND STANDARDS

1. GENERAL SITE DESIGN STANDARDS.
 - A. Campgrounds shall not consist of more than an average of ten (10) units (RV sites, tent sites or cabins) per acre. The total number of spaces shall not exceed the number permitted by a development yield analysis subject to 8.13.3D. Units may be clustered.
 - B. Utah Administrative Code R392--- - 301 'Recreational Vehicle Park Sanitation' applies to all Campgrounds.
 - C. Campgrounds shall provide a communal solid--- - waste receptacle area(s). Container(s) shall be fitted with a tight-fitting

lid(s). Container(s) shall be located in an area screened from public view by an enclosure with a solid wall structure with a closable gate. The enclosure shall be designed to prevent littering. Enclosures of chain-link fencing are prohibited.

D. Campgrounds shall be responsible for the regular and proper collection and disposal of all refuse, garbage, and litter accumulated within the Campground. Collection shall be no less than once a week.

E. To meet the purposes of this Chapter, in particular the purposes of Section 31.1.9, all exterior boundaries shall be sufficiently screened from surrounding uses by privacy walls, fences, or landscaped buffers, or a combination thereof. Because each location presents unique opportunities and challenges, required screening details shall be determined on a project by project basis and incorporated into the project approval. Integration with the community and adjoining landscape is preferred over the construction of a fully enclosed compound. Privacy walls and fences shall not exceed six feet (6') tall. The use of shorter walls, landscaping, decorative barriers, or three-rail type fence are encouraged in appropriate locations to maintain the town's rural character and scenic views.

F. Setbacks. A minimum fifty-foot (50') setback/landscaped buffer along any property boundary ~~that is adjacent to a public street right-of-way~~ shall be required. To meet the purposes of this Chapter, in particular the purposes of Section 31.1.9, an adequate setback/landscaped buffer along property boundaries which border on residential zones shall be required. Because each location presents unique opportunities and challenges, required setbacks shall be determined on a project by project basis and incorporated into the Conditional Use Permit. Typically, setbacks from potential future residential zones would not be less than fifty-feet (50')), ~~the minimum setback in any other circumstance is thirty feet (30')~~. The Public trails may be located within required setbacks/buffers. All structures proposed within the 100-year flood-plain must be designed to meet current and applicable Town and State standards.

2. CIRCULATION AND PARKING.

A. Campgrounds shall provide streets in such a pattern as to provide convenient and safe traffic circulation and emergency

access within the Campground. Streets shall be built to the following standards:

A.i. Two-way streets shall be a minimum of twenty four feet (24') wide. One-way streets shall be a minimum of eighteen feet (18') wide.

A.ii. All roads shall be paved. Roads shall be constructed to Town standards and shall be provided with concrete curb and gutter. Curb and gutter may be a roll curb or two foot (2') modified type to provide convenient access to trailer sites.

A.iii. Traditional street lighting is prohibited to protect night sky requirements and minimize impacts to neighboring uses. Low lighting ~~less than 1,500-800 lumens~~, fully shielded and not more than three feet (3') in height is recommended and should be kept to a minimum. (See AVL 10.18.080 for definitions and guidelines).

A.iv. All Campgrounds shall have direct access to SR 59 or an arterial street such as Main Street for all ingress, egress, and emergency services. Campgrounds shall not be accessed from residential streets. If no secondary access is possible (as may be required by Fire Code), a blocked emergency exit may be permitted to connect to a residential street only if such access is permanently restricted in a legally binding agreement recorded against the property.

A.v. Campgrounds shall have separate ingress and egress as required by The International Fire Code, Chapter 503 and the National Fire Protection Association 1194.

B. On street parking is prohibited.

C. A parking space with unencumbered dimensions of not less than ten feet (10') in width and twenty feet (20') in length for automobiles shall be provided for each site. Individual RV sites shall incorporate required parking into the site; tent sites and cabin sites may either provide required parking within a site, or provide required parking in a separate detached lot to provide a more rustic experience for guests.

D. Each site shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the Campground area.

E. Campground shall provide guest parking at a minimum ratio of one (1) parking space per five (5) sites and one (1) parking space per employee on duty (Ch. 8.13.3B Parking) in addition to the individual on-site spaces required above. Additional parking spaces shall not be provided on interior roads. During a **CUP** review if the Town determines additional parking is required because of project specific amenity use, it may do so.

3. UTILITIES.

A. Campgrounds shall be connected to Town of Apple Valley municipal facilities and a local power company. All utility distribution facilities, including television antenna service lines, shall be installed underground. The owner shall make arrangements with each of the utility providers for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to underground facilities may be placed above ground.

B. Campgrounds shall provide adequate water supply hookups to each unit/site, with the exception of tent and cabin sites. Water will be made available for all tent and cabin sites within a reasonable walking distance. All water supply lines shall be installed with an approved backflow prevention device per code.

C. Campgrounds shall provide waste-water system hook-ups to all individual units/sites, with the exception of tent and cabin sites.

D. All RV units/sites shall provide waste-water disposal provisions including a sanitary dumping station for Campground users. If it is not possible to connect to a public waste-water system, the Campground is required to provide a treatment system subject to the Department of Environmental Quality (DEQ) / Southern Utah Public Health Department rules, regulations and approvals and Big Plains Special Service District.

E. In compliance with subsection 13 – Groundwater Protection of Apple Valley Town’s Water Service Agreement with the Big Pains Water and Sewer Special Service District (BPWSSSD), Apple Valley’s Land Use Authority (LUA) shall not approve Campgrounds which will contribute to septic sanitation greater than the equivalent of one dwelling per acre overall.

F. Campgrounds shall ensure waste--- - water treatment systems are functioning at acceptable levels and shall follow the rules, regulations, and requirements for maintenance of the wastewater treatment system according to the Department of Environmental Quality (DEQ) including submitting any required sampling of effluent to the DEQ or to the Southwest Public Health Department for analysis.

G. Campgrounds shall provide electrical outlets of appropriate voltage to all individual units/sites. Install electrical service underground in compliance with applicable codes utilizing approved connectors.

4. LANDSCAPING AND RECREATION AMENITIES.

A. The following minimum landscape requirements shall apply to Campgrounds:

A.i. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Use Permit.

A.ii. A minimum of one (1) tree shall be planted and maintained for each unit/site.

A.iii. Properties fronting on public roads shall have a minimum 50 foot (50') landscaped and irrigated buffer between the road right--- - of--- - way and development. A continuous public trail (consistent with the design approved by the Planning commission shall be provided within this buffer. A minimum ten foot (10') landscaped park strip is required between the road right--- - of--- - way and the trail for safety of trail users. A minimum of three trees are required every 30 linear feet along the frontage within the 50' buffer area. Trees may be clustered.

A.iv. Use of invasive plant and tree species is prohibited. Names of trees to be used must be included in the landscape plan submitted.

A.v. Required trees shall be a minimum two-inch (2") caliber.

A.vi. All landscaped areas shall be maintained free of weeds and debris.

A.vii. An applicant may propose a landscaping plan utilizing water--- - efficient elements and plant species. The Planning and Zoning Commission may approve such a plan if the proposed landscaping and topography effectively buffer the Campground visually, aesthetically, and audibly from adjoining properties and public roads.

B. To meet the purposes of this Chapter, in particular the purposes of Section 31.1.6, the following recreation amenity requirements shall apply to Campgrounds: Campgrounds shall provide adequate and convenient common recreational/open space(s) to give guests safe areas for children and adults to recreate, relax, and play. Campground streets are not considered a safe place for recreation. Because each location presents unique opportunities and challenges, required ratios of amenity areas to lodging (RV, Cabin, and Tent) sites shall be determined on a project by project basis and incorporated into the Use Permit. Typically, campgrounds shall provide a minimum of four-hundred (400) square feet per recreational vehicle site and cabin site as common recreational/open space. (Tent sites are not included in this calculation, to encourage a project to increase the number of tent sites provided.) This can be achieved through a combination of multiple recreational spaces. Public or private streets, storage areas, service buildings, other paved areas, and exterior boundary landscaping shall not be included in calculating the communal recreational space requirement. Recreational structures may be included in the calculation.

5. INDIVIDUAL SITE DESIGN STANDARDS.

A. Each unit/site shall be plainly marked and numbered for identification and shall meet all requirements of this Chapter.

- B.** Each site shall have an area of not less than one thousand (1,000) square feet
- C.** RVs or trailers shall be separated from each other and from other structures by at least twenty-feet (20'). Any accessory such as attached awnings or steps, for the purposes of this separation requirement, shall be considered part of the RV or trailer. The ability to accommodate a variety of RV's is strongly encouraged.
- D.** RV site pads and accessory amenities (e.g. picnic tables, shade structures, barbecue pits, etc.) shall not cover more than sixty--- - six percent (66%) of a site. The remainder of the site shall be landscaped.
- E.** No more than one (1) RV or trailer shall be placed on an individual site.
- F.** Walls and fences on individual sites shall not exceed two-feet (2') in height.
- G. Storage.** There shall be no open storage of personal belongings within a site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon any site.
- H. Fuel Tanks.** All fuel tanks maintained within an RV site shall be securely mounted upon or attached to the RV or trailer which they serve. No accessory, freestanding fuel tanks shall be permitted in individual sites, except that one (1) such tank no larger than fifty (50) gallons may be approved by the Zoning Administrator during the period from November 1 to February 31 in locations specifically approved.
- I. Removal of Wheels.** Removal of axles, wheels, or tires from a travel trailer or recreational vehicle located within the Campground, except for emergency and/or temporary removal for repairs is prohibited.
- J. Mail Boxes.** Separate mail boxes, street address designations, or other similar accessories which could give the appearance of permanence to occupants of a travel trailer site are prohibited.

6. ACCESSORY FACILITIES.

A. Office. Campgrounds shall include a permanent building for office use. The building may include at least one--- - family dwelling for the use of the owner or an employee, and that individual's immediate family.

B. Laundry Room. Campgrounds shall have one (1) or more laundry rooms. Laundry drying lines are prohibited. Campgrounds shall include a minimum of one (1) washer and one (1) dryer. Additional units of one (1) washer and one (1) dryer per 16 units are required.

C. Restroom and Shower Facilities. Communal restrooms, including toilets, showers, and lavatories, shall be provided to conveniently and adequately serve all units/sites. Minimum facility to equal: one (1) shower per Ten (10) sites, one (1) lavatory per six (6) sites and one (1) toilet per eight (8) sites.

7. NON-TRADITIONAL CAMPGROUNDS.

Non-traditional campgrounds that utilize creative designs for cabins and sleeping quarters, and incorporate other desirable facilities for meetings, weddings, or the like are gaining in popularity. Commonly referred to as "Glamping," these facilities provide "glamorous camping" experiences as an alternative to more traditional lodging. In order to accommodate projects of this nature that are consistent with the purposes of this Chapter, the Apple Valley Town Council may enter into a development agreement, following Planning commission review, findings, and recommendation of a Use Permit Application, which governs unforeseen design considerations that are not addressed or otherwise permitted herein.

8. PROHIBITED USES.

All uses not listed as permitted shall be deemed prohibited. Recreational facilities developed in conjunction with a campground shall be of the size and scale that are clearly amenities for the guests of the business, are secondary, and are not designed to attract customers who are lodged elsewhere. Proposed amenities will be reviewed during the CUP application process; recreational or entertainment facilities that are not allowed elsewhere within the Town of Apple Valley, including zip lines, full-scale golf courses, water slides, and similar facilities are prohibited in the Camping Resort Zone.

9. FLOODPLAIN PROTECTION.

Campgrounds proposed to be located wholly or in part within a 100- year floodplain shall comply with all provisions of AVLU Chapter 10.38

to protect Town residents and visitors from hazards that might be detrimental to their health, safety, and general welfare, and to protect properties located both up and downstream from increased risk of flooding.

10. Repealer: This Ordinance supersedes or repeals the provisions of any ordinance, resolution that are inconsistent with the provisions of this Ordinance.

11. Savings Clause: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

12. Effective Date: This Ordinance shall become effective immediately upon adoption by the Apple Valley Town Council.

ADOPTED AND ORDAINED BY THE APPLE VALLEY TOWN COUNCIL this ____ day of ____, 20__ based upon the following vote:

Council Member:

Denny Bass	AYE____	NAY____
Paul Edwardsen	AYE____	NAY____
Debbie Kopp	AYE____	NAY____
Mike McLaughlin	AYE____	NAY____
Marty Lisonbee	AYE____	NAY____

ATTEST:

Marty Lisonbee, Mayor

Town Clerk/Recorder