



## APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley  
Thursday, January 27, 2022 at 6:00 PM

### AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Thursday, January 27, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Mason Walters |

Council Members | Kevin Sair | Robin Whitmore | Andy McGinnis |

*Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:*

<https://us02web.zoom.us/j/84816055713>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 848 1605 5713

#### CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

#### DECLARATION OF CONFLICTS OF INTEREST

#### MAYOR'S UPDATE

#### PUBLIC COMMENTS

#### CONSENT AGENDA

- [1.](#) Approval of Special Town Council Meeting Minutes from 1/3/2022
2. Financial Review – Treasurer Robin Whitmore

#### DISCUSSION AND ACTION

- [3.](#) DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND WASHINGTON COUNTY FOR SHERIFF SERVICES
- [4.](#) DISCUSSION AND POSSIBLE ACTION ON THE GENERAL PLAN UPDATE BEING PERFORMED BY SUNRISE ENGINEERING
- [5.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-06: RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE
- [6.](#) DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-07: APPOINTMENT OF TOWN CLERK AND RECORDER FOR THE TOWN OF APPLE VALLEY
- [7.](#) DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-08: APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING COMMISSION
- [8.](#) DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2002-09: APPOINTMENT OF TOWN PURCHASING AGENT
- [9.](#) DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-10: APPOINTMENT OF A TOWN COUNCIL MEMBER

- 10. DISCUSSION AND POSSIBLE ACTION ON AV-1313-D-1. ZONING CHANGE APPLICATION. APPLICANT TRAVIS HOLM
- 11. Discussion and possible action on AV-1318. Zoning change application. Owner Nancy Bradshaw Tr. Applicant Travis Holm.
- 12. Discussion and possible action AV-2184 & AV-2165. Zoning change application. Owner: Ciel Holding LLC & Colony Partners LLC. Application by Travis Holm.
- 13. Discussion and possible action on AV-1366-D-1. Zoning change application. Owner Zion Tiny Homes Matt Jessop.
- 14. Discussion and possible action on AV-1343-A-1. Zoning change application. Owner: TLW Investments, Travis & Libby Wells. Agent Alliance Consulting.
- 15. Discussion and possible action on AV-1329. Zoning Change application. Owner: TLW Investments, Travis & Libby Wells, Agent Alliance Consulting.
- 16. Discussion and possible action on AV-1319-A. Preliminary Plat. Owner: Was 2000 Main LLC now its KDLR LLC & K&D Family LLC. Agent: Was Stout Holm, now the owner.
- 17. Discussion and possible action on AV-1325, AV-1326, AV-1327, AV-1345, AV-1346 & AV-1348-A. Preliminary Plat application. Owner: Was 2000 Main LLC, now its KDLR LLC & K&D Family LLC. Agent was Travis Holm, now owner.
- 18. DISCUSSION AND POSSIBLE ACTION OF ORDINANCE 0-2022-01: TEMPORARY LAND USE REGULATIONS INCLUDING MORATORIUM ON ZONING, DEVELOPMENT, AND SUBDIVISION APPLICATIONS AND ALL BUILDING ACTIVITY ON LANDS WITHIN THE TOWN OF APPLE VALLEY

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Community Events – Debbie Kopp  
 Public Works – Dale Harris  
 Big Plains Water and Sewer SSD – Dale Harris  
 Fire Department – Chief Dave Zolg, Jr. and Liaison Kevin Sair

**REQUEST FOR A CLOSED SESSION**

**ADJOURNMENT**

Interested persons are encouraged to attend public meetings to present their views. Comments can also be submitted in writing at least one day prior to the meeting by emailing [clerk@applevalley.gov](mailto:clerk@applevalley.gov). Comments submitted in writing will be read on the record during the meeting.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Clerk for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov) on 1/24/2022.

**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.



## SPECIAL APPLE VALLEY TOWN COUNCIL

1777 N Meadowlark Dr, Apple Valley  
Monday, January 03, 2022 at 6:00 PM

### DRAFT MINUTES

Mayor | Mason Walters |

Council Members | Kevin Sair | Robin Whitmore | Andy McGinnis |

#### CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

Meeting called to order at 6:00 pm

#### ROLL CALL

##### PRESENT

Mayor Mason Walters

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

#### DECLARATION OF CONFLICTS OF INTEREST

##### No Conflicts

##### ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Mayor gives Oath. "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity."

Robin Whitmore gives Oath. "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity."

Andy McGinnis gives Oath. "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity."

Kevin Sair gives Oath. "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the Constitution of the State of Utah, and that I will discharge the duties of my office with fidelity."

##### PUBLIC COMMENTS

Rich Kopp makes comment about development respecting the residents. and hoping new council will address the situation.

Colleen Kuehne very happy to meet all and thank you to the people who have served the Town.

##### NOTICE OF TOWN COUNCIL VACANCY

Mayor announced the vacancy and accepting applications.

##### DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-01: APPOINTMENT OF TOWN TREASURER

Motion made by Council Member Sair, Seconded by Council Member McGinnis.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-02: UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS

Motion made by Council Member McGinnis, Seconded by Council Member Sair.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-03: APPOINTMENT OF PLANNING COMMISSION MEMBERS

Forrest Kuehene

Motion made by Council Member Whitmore, Seconded by Council Member Sair.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Jeri Burhorn-Politte

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Lee Fralish

Motion made by Council Member Whitmore, Seconded by Council Member Sair.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Mayor Mason made announcement that the Town is also looking for 2 alternate planning commission members and anyone who is interested please contact the Town office. Or anyone that you would like to elect as well.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-04: APPOINTMENT TO THE WASHINGTON COUNTY SOLID WASTE BOARD OF DIRECTORS

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-05: APPOINTMENT OF FRANK LINDHARDT AS PLANNING DEPARTMENT MANAGER

Council member Robin supports.

Mayor thanks Frank Lindhardt for taking on this role as a town volunteer and his help is appreciated to help coordinate.

Frank Lindhardt makes comment about feeling the positive vibes and is delighted and will do his best to represent the Town.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

DISCUSSION AND POSSIBLE ACTION TO ADJUST THE HOURS OF OPERATION FOR THE TOWN OFFICE  
9am to 3pm will be the new office hours.

The hours for the Town office will be adjusted to Monday to Thursday 9:00am-1:00pm 1-2pm closed for lunch and 2:00pm-3:00pm. The office will close from 3-5pm for the time being leaving this open ended and re-address when ready to re-address.

Motion made by Council Member McGinnis, Seconded by Council Member Whitmore.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

DISCUSSION AND POSSIBLE ACTION TO ADD/DELETE AUTHORIZED BANK ACCOUNT SIGNERS

Motion made by Council Member Sair, Seconded by Council Member McGinnis.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

#### REQUEST FOR A CLOSED SESSION

Kevin made motion to have closed session at recording 31:40

Re-did to clarify office hours

DISCUSSION AND POSSIBLE ACTION TO ADJUST THE HOURS OF OPERATION FOR THE TOWN OFFICE  
9am to 3pm will be the new office hours. Monday- Thursday, closed Fridays

The hours for the Town office will be adjusted to Monday to Thursday, closed Friday 9:00am-1:00pm 1-2pm closed for lunch and 2:00pm-3:00pm. The office will close from 3-5pm for the time being leaving this open ended and re-address when ready to re-address.

Motion made by Mayor Walters, Seconded by Council Member Sair.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

#### ADJOURNMENT

Open for comments from Council members

Kevin thanks everyone for their support and appreciates the support received from the community.

Andy echoes Kevin's remarks and appreciates the support he has received.

Robin thanks everyone for their support.

Mayor ends saying thank to everyone who has served.

ADJOURNMENT at 6:51 pm

Motion made by Mayor Walters, Seconded by Council Member McGinnis.  
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
**Mayor** | Dina Mason Walters

Attest BY: \_\_\_\_\_

Jenna Vizcardo, Town Clerk

DRAFT

AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND  
WASHINGTON COUNTY

THIS AGREEMENT is entered into this 27<sup>TH</sup> day of January 2022 between Washington County, hereinafter referred to as COUNTY, and The TOWN of APPLE VALLEY, hereinafter referred to as APPLE VALLEY.

RECITALS

WHEREAS, APPLE VALLEY is in need of additional patrol services from the Washington County Sheriff's Office; and

WHEREAS, the Washington County Sheriff's Office (COUNTY) is able to provide the additional patrol services APPLE VALLEY needs.

THEREFORE, it is hereby agreed as follows:

1. APPLE VALLEY shall pay the COUNTY the amount not to exceed \$15,000 (@\$45 per hour) for an average of 6 hours per week patrolled by Washington County Deputy Sheriffs in APPLE VALLEY up to a total of 333 hours per year.
2. COUNTY shall not charge APPLE VALLEY for vehicle maintenance, supervision or clerical overhead related to the patrol hours provided by the Washington County Sheriff's Office, nor shall it charge APPLE VALLEY for town council representation. COUNTY shall bill APPLE VALLEY quarterly for its services and APPLE VALLEY shall pay COUNTY within ten (10) days of the date of COUNTY'S invoice.
3. The Washington County Sheriff's Office shall initially deploy additional patrol in APPLE VALLEY in 1 minute to 1.5 hour segments once a day, varying the times of the patrol, working towards a target of the average of 6 hours per week. The Washington County Sheriff's Office will adjust patrol hours per week based on patrol needs of the community.
4. The Washington County Sheriff's Office shall provide weekly reports of activity in APPLE VALLEY and shall be available at town council meetings when requested to respond to questions and concerns. As the program develops, the Washington County Sheriff's Office shall focus the patrol schedule on town specific concerns.
5. Authorization. Each individual executing this Agreement does represent and warrant to each other so signing that he or she has been duly authorized to sign this Agreement in the capacity and for the entities set forth where he or she so signs.
6. Utah Law to govern. This Agreement has been drawn and executed in the State of Utah. All questions concerning the meaning and intention of any of its terms or its validity shall be determined in accordance with the laws of the State of Utah.
7. Binding on successors in interest. This Agreement shall bind the parties hereto

and their successors and heirs.

8. Agreement Not Assignable. It is hereby agreed by the parties that there will be no assignment or transfer of this Agreement, nor of any interest in this Agreement.

9. Recitals. The Recitals contained in this Agreement are incorporated into the Agreement.

10. Integration. All agreements heretofore made in the negotiation and preparation of this Agreement between the parties hereto are superseded by and merged into this Agreement, no statement or representation not embodied herein shall have any binding effect upon the parties hereto and there shall be no amendments hereto except those in writing signed by the parties hereto.

11. Time is of the essence. Time is of the essence with regard to this Agreement as to each covenant, term, condition, representation, warranty and provision hereof.

12. Paragraph headings. The paragraph and subparagraph headings used herein are for convenience only and shall not be considered in the interpretation of this Agreement.

13. Partial validity. If any portion of this Agreement shall be held invalid or inoperative, then insofar as is reasonable and possible:

- a. The remainder of this Agreement shall be considered valid and operative;
- and,
- b. Effect shall be given to the intent manifested by the portion held invalid or inoperative.

14. Waiver. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed to be a continuing waiver or a waiver of any subsequent breach, whether of the same or any other provision of this Agreement. Any waiver shall be in writing and signed by the waiving party.

15. Necessary Acts and Cooperation. The parties hereby agree to do any act and to execute any and all instruments required by this Agreement and which are necessary and proper to make effective the provisions of this Agreement.

16. Counterparts. This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

17. Default. Except as specifically provided for herein, a default by any party in an obligation set forth herein shall not result in, or be the basis for, the termination or rescission of this Agreement.

18. Termination. Either party may terminate this Agreement immediately for cause, or may terminate this Agreement without cause by delivering, in writing, a thirty (30) day notice of termination.







## GENERAL PLAN UPDATE SURVEY

The Town of Apple Valley is in the process of updating its General Plan. The General Plan is the underlying guiding document for future planned growth in the Town. All land use decisions are based on compliance with the goals, policies and objectives outlined within the General Plan. As such, it is an extremely important document and will impact how the Town develops in the future. The Apple Valley Town Council, Planning Commission, and General Plan consultant team want your help with the critical work of updating the Town's General Plan.

Your assistance is needed to complete the survey below. Please only complete one survey per household, business owner or property owner. The feedback we get is very important and will be taken into consideration as the Town formulates the updated General Plan. Please submit your on-line survey responses by \*\*\*\*, 2022. Paper surveys are also available at the Town Hall. The website will be kept up to date with opportunities for additional community engagement as work on the General Plan Update progresses.

Responses to this survey will be anonymous, but the following information is needed to better interpret the data:

### General Information:

- 1) I am a:  Full-time resident  Part-time resident  Renter  
 Business owner  Vacant property owner
  
- 2) I own property zoned (mark all that apply):  Residential  Commercial  
 Agricultural  Don't know
  
- 3) How long have you resided in the Township?
  - a)  Less than one (1) year
  - 01 to 5 years
  - 06 to 10 years
  - 11 to 20 years
  - More than 20 years
  
- 4) Why do you choose to live in Apple Valley? (check all that apply)
 

<input type="checkbox"/> Born or raised in the area	<input type="checkbox"/> Recreational opportunities
<input type="checkbox"/> Close to family or friends	<input type="checkbox"/> Safe environment
<input type="checkbox"/> Close to the mountains and the National Park	<input type="checkbox"/> Small town atmosphere
<input type="checkbox"/> Like the open space	<input type="checkbox"/> Less Regulation
<input type="checkbox"/> The opportunity to have animals	<input type="checkbox"/> Dark Night Sky
<input type="checkbox"/> Quiet community	<input type="checkbox"/> Clean Air
<input type="checkbox"/> Property Taxes	<input type="checkbox"/> Other:

The scale below is provided for the questions on the following pages. Please use the your answers accordingly:

**1 – In favor; 2 – Neutral; 3 – Opposed ; X – No Opinion**

**Part 1: Land Use**

The Town of Apple Valley should:

1. \_\_\_\_\_ Provide for new commercial growth only adjacent to existing commercial locations and Highway 59.
2. \_\_\_\_\_ Generally provide for new commercial development and growth in other areas of town.
3. \_\_\_\_\_ Support and allow for industrial development.
4. \_\_\_\_\_ Preserve agricultural land.
5. \_\_\_\_\_ Support Low Density Residential as 5 acre lots or more in size.
6. \_\_\_\_\_ Support Medium Density Residential as 1 – 5 acre lots sizes.
7. \_\_\_\_\_ Support High Density Residential as less than 1 acre lot size.
8. \_\_\_\_\_ Support one-half acre lots as the minimum lot size.
9. \_\_\_\_\_ Support Ultra-High Density over 5 units per acre of Multi-Family residential such as condos, townhomes, etc.
10. \_\_\_\_\_ Limit heavy manufacturing and mining (i.e. batch plants, smelting plants, waste transfer stations, etc.).
11. \_\_\_\_\_ Limit warehouses.
12. \_\_\_\_\_ Restrict short-term rentals.
13. \_\_\_\_\_ Promote the tourism and hospitality industry in land use designations.
14. \_\_\_\_\_ Preserve open space.
15. \_\_\_\_\_ Support tourist commercial development such as motels/gas stations and restaurants.
16. \_\_\_\_\_ Support annexing more property into the Town of Apple Valley.
17. \_\_\_\_\_ Support Golf Courses.
18. \_\_\_\_\_ Support development in which eco-friendly and environmentally friendly buildings are encouraged.

**Part 2: Housing**

1. \_\_\_\_ Encourage housing for moderate income residents.
2. \_\_\_\_ Provide standards for the architecture of new homes.
3. \_\_\_\_ Provide standards and enforcement for unkept properties.
4. \_\_\_\_ Allow for Accessory Dwelling Units on the same property on existing residential property.

**Part 3: Roads/Transportation/Utilities**

1. \_\_\_\_ Willing to pay increased taxes for road pavement and improvements.
2. \_\_\_\_ Provide street lighting.
3. \_\_\_\_ Work with UDOT to provide for better exits, pavement and access to Town.
4. \_\_\_\_ Limit the number of private wells to protect groundwater quality.
5. \_\_\_\_ Develop a more robust storm water drainage system.
6. \_\_\_\_ Develop a wastewater system.
7. \_\_\_\_ Support leaving current dirt/gravel roads but improving condition and maintenance.
8. \_\_\_\_ Raise water rates to fund the drilling of additional wells owned and operated by Big Plains Water Sewer Special Service District.

**Part 4: Environment-Recreation**

1. \_\_\_\_ Protect ridgelines, hilltops, stream bottoms and plateaus from development and/or regulate type/design of buildings on ridgelines.
2. \_\_\_\_ Support recreation projects, new parks and trails (walking/hiking).
3. \_\_\_\_ Provide street lighting.
4. \_\_\_\_ Regulate outdoor lighting to maintain dark night sky.
5. \_\_\_\_ Willing to pay increased taxes for a Community Center and/or ball courts, a swimming pool, etc.
6. \_\_\_\_ Willing to pay increased taxes to improve fire department equipment and services.
7. \_\_\_\_ Support a sheriff substation in Town.
8. \_\_\_\_ Support educational opportunities such as a college satellite campus.
9. \_\_\_\_ Support historic preservation.

- 10. \_\_\_\_ Preserve the rural character of the Town.
- 11. \_\_\_\_ Support creation of ATV trails.
- 12. \_\_\_\_ Support a Fire Substation in the Cedar Point area of town.



**Part 5: Economic Development**

- 1. \_\_\_\_ Promote the Town as a tourist destination.
- 2. \_\_\_\_ Do not promote the Town as any type of destination.
- 3. \_\_\_\_ Provide incentives or fee waivers for commercial/industrial development.
- 4. \_\_\_\_ Support renewable energy production such as wind and solar farms.

**What is your biggest concern about the future of Apple Valley?**

**Please use the following space or back to provide comments if you feel this survey missed anything you would like us to know:**



**TOWN OF APPLE VALLEY**

**RESOLUTION R-2022-06**

**RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE**

**WHEREAS**, the Town of Apple Valley belongs to the Washington County Solid Waste District; and

**WHEREAS**, the Town of Apple Valley is responsible to the Washington County Solid Waste District for the collection of the residential solid waste disposal fee within its municipal boundaries; and

**WHEREAS**, the Washington County Solid Waste District enacted a \$0.50 increase to the residential solid waste disposal fee to become effective February 1, 2022; and

**WHEREAS**, the Town Council has determined that it is fair and equitable that the residential waste disposal fee is increased by \$0.50 per month to cover the increase in the residential waste disposal fee.

**NOW, THEREFORE, IT IS RESOLVED** by the Town Council of the Town of Apple to increase the residential solid waste disposal fee from \$12.50 per month to \$13.00 per month effective February 1, 2022 and to update the Town fee schedule to reflect said change.

**EFFECTIVE DATE** This Resolution shall be in full force and effect from January 27, 2022.

**PASSED** this 27th day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

\_\_\_\_\_

\_\_\_\_\_

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

**COUNCIL VOTE TAKEN:**

Council Member Sair voted \_\_\_\_\_

Council Member Whitmore voted \_\_\_\_\_

Council Member McGinnis voted \_\_\_\_\_

Mayor Walters voted \_\_\_\_\_

**TOWN OF APPLE VALLEY**  
**RESOLUTION R-2022-07**  
**APPOINTMENT OF TOWN CLERK AND RECORDER FOR THE TOWN OF APPLE VALLEY**

**WHEREAS**, the Town of Apple Valley is a Utah municipal corporation; and

**WHEREAS**, the Mayor, with the advice and consent of the Town Council, is required to appoint a qualified person to the office of Town Clerk and Recorder pursuant to Utah Code Annotated § 10-3-916(1); and

**WHEREAS**, The Mayor has determined that Jenna Vizcardo is a qualified person to be appointed to the Office of Town Clerk and Recorder; and

**WHEREAS**, the Town Council gives its advice and consent to the appointment of Jenna Vizcardo to the Office of Town Clerk and Recorder.

**NOW, THEREFORE, IT IS RESOLVED** by the Town Council of the Town of Apple Valley that Jenna Vizcardo is hereby appointed to the Office of Town Clerk and Recorder.

**PASSED** this 27th day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

\_\_\_\_\_

\_\_\_\_\_

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair       voted \_\_\_\_\_

Council Member Whitmore voted \_\_\_\_\_

Council Member McGinnis voted \_\_\_\_\_

Mayor Walters               voted \_\_\_\_\_



TOWN OF APPLE VALLEY

RESOLUTION R-2022-08

APPOINTMENT OF ALTERNATE PLANNING COMMISSION MEMBER

WHEREAS, the Town of Apple Valley by ordinance (Ordinance No. 2004-2-0) established a Planning Commission, which requires the mayor, with the advice and consent of the town council, to appoint alternate members of the Planning Commission; and

WHEREAS, Mayor Dina Mason Walters along with the Town Council has nominated Margaret Ososki for appointment to the Planning Commission as an alternate member.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 27<sup>th</sup> day of January 2022, and upon motion duly made and seconded;

SECTION 1: ADOPTION "R-2022-08 Appointment Of Alternate Planning Commission Member" of the Apple Valley Municipal Resolutions is hereby added as follows:

ADOPTION

R-2022-08 Appointment Of Alternate Planning Commission Member

Margaret Ososki is appointed as an alternate member of the Town of Apple Valley Planning Commission whose 2-year term will expire on Monday, January 1, 2024;

EFFECTIVE DATE This Resolution shall be in full force and effect from January 27, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

\_\_\_\_\_

\_\_\_\_\_

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair voted \_\_\_\_\_

Council Member Whitmore voted \_\_\_\_\_

Council Member McGinnis voted \_\_\_\_\_

Mayor Walters voted \_\_\_\_\_

**TOWN OF APPLE VALLEY**

**RESOLUTION R-2022-09  
APPOINTMENT OF TOWN PURCHASING AGENT**

**WHEREAS**, the Town of Apple Valley is a Utah municipal corporation; and

**WHEREAS**, the Mayor, with the advice and consent of the town council, is required to appoint a Purchasing Agent pursuant to Town of Apple Valley Town’s Purchasing Policy, Article 2; and

**WHEREAS**, The Town Council has determined that Dina Mason Walters is a qualified person to be appointed to the Office of Town Purchasing Agent; and

**WHEREAS**, the Town Council gives its advice and consent to the appointment of Dina Mason Walters to the Office of Town Purchasing Agent;

**NOW, THEREFORE, IT IS RESOLVED** by the Town Council of the Town of Apple Valley that Dina Mason Walters is hereby appointed to the Office of Town Purchasing Agent.

**PASSED** this 27th day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

\_\_\_\_\_

\_\_\_\_\_

Jenna Vizcardo, Town Clerk

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair	voted	_____
Council Member Whitmore	voted	_____
Council Member McGinnis	voted	_____
Mayor Walters	voted	_____

**TOWN OF APPLE VALLEY**

**RESOLUTION R-2022-10  
APPOINTMENT OF A TOWN COUNCIL MEMBER**

**WHEREAS**, the Town of Apple Valley is a Utah municipal corporation; and

**WHEREAS**, a vacancy has occurred in the office of Town Council Member; and

**WHEREAS**, after compliance with the requirements of UCA 10-3-302 and 20A-1-510, the Town Council has determined that \_\_\_\_\_ is a qualified person to be appointed as a member of the Town Council.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Town Council of the Town of Apple Valley that \_\_\_\_\_ is hereby appointed as a member of the Town Council for a 24-month term ending January 3, 2024.

**RESOLVED** this 27th day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk

\_\_\_\_\_  
Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair       voted \_\_\_\_\_  
Council Member Whitmore voted \_\_\_\_\_  
Council Member McGinnis voted \_\_\_\_\_  
Mayor Walters             voted \_\_\_\_\_

**APPLE VALLEY PLANNING DEPARTMENT  
ZONING CHANGE REVIEW**

PARCEL ID: AV-1313-D-1

PLANNING COMMISSION SCHEDULED MEETING DATE: \_\_\_\_\_

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** 2000 Main  County Records  Warranty Deed

**AGENT:** TRAVIS HOLM Verified by  Supplied Affidavit  Unable to verify

**ACRES IN TAX ID:** 542.74

**ACRES IN APPLICATION:** 116.62

**CURRENT ZONE:** Agricultural (AG)

**PROPOSED ZONE:** Single Family ½ Acre lots

**ADJACENT ZONES:** Commercial, Single Family ½ Acre lots (SF-.50) Residential Estates 1 Acre (RE-1)

**GENERAL PLAN ZONE:** Residential Medium Density 1-5 Acre Lots.

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**COMMENTS:** The applicant 2000 Main LLC sold this property on December 14<sup>th</sup> 2021. Mayor Mason Walker and I met with the new owner Mr. Kerry Holt and asked him if he wanted to proceed with this application, and he inform us that he does not wish to proceed with any changes to the land that he purchased with the exception of the West Temple subdivision, and he does not wish to assign Mr. Travis Holt as his agent on any parcels, except the West Temple subdivision. None of the requested missing items from their application has been corrected and submitted to us. Based upon the above findings, this application should be denied.

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The following is our report based upon the property location and other facts:

**REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

**ANSWER: This application is not consistent with the General Plan as it shows Medium Density 1-5 acres, Golf Course and Commercial, and the applicant is applying for Single Family ½ acre lots.**

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

**ANSWER: There is currently no development adjacent to this property, however a preliminary plat was approved last year for a subdivision with ½ acre lots immediately to the north of this property.**

3. The extent to which the proposed amendment may adversely affect adjacent property; and

**ANSWER: This zoning change, if approved would bring a lot of additional traffic into a residential neighborhood through Gubler Dr, Cartland Drive and Rome Way, none of these roads are designed to be collector roads and are only 25' wide streets, not designed for this traffic. It would definitely adversely affect those neighborhoods.**

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, storm water drainage systems, water supplies, and waste water and refuse collection.

**ANSWER: The access to this property should be off Deseret Rose HWY to HWY-59 and this road does not exist at the present time and the needed bridges to cross Goulds Wash are not built. There are also serious questions about the Town having adequate water resources to service the property and sewer is also an issue.**

# AV-1313-D-1 Part 1 542.74 Acres



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.



**Legend**

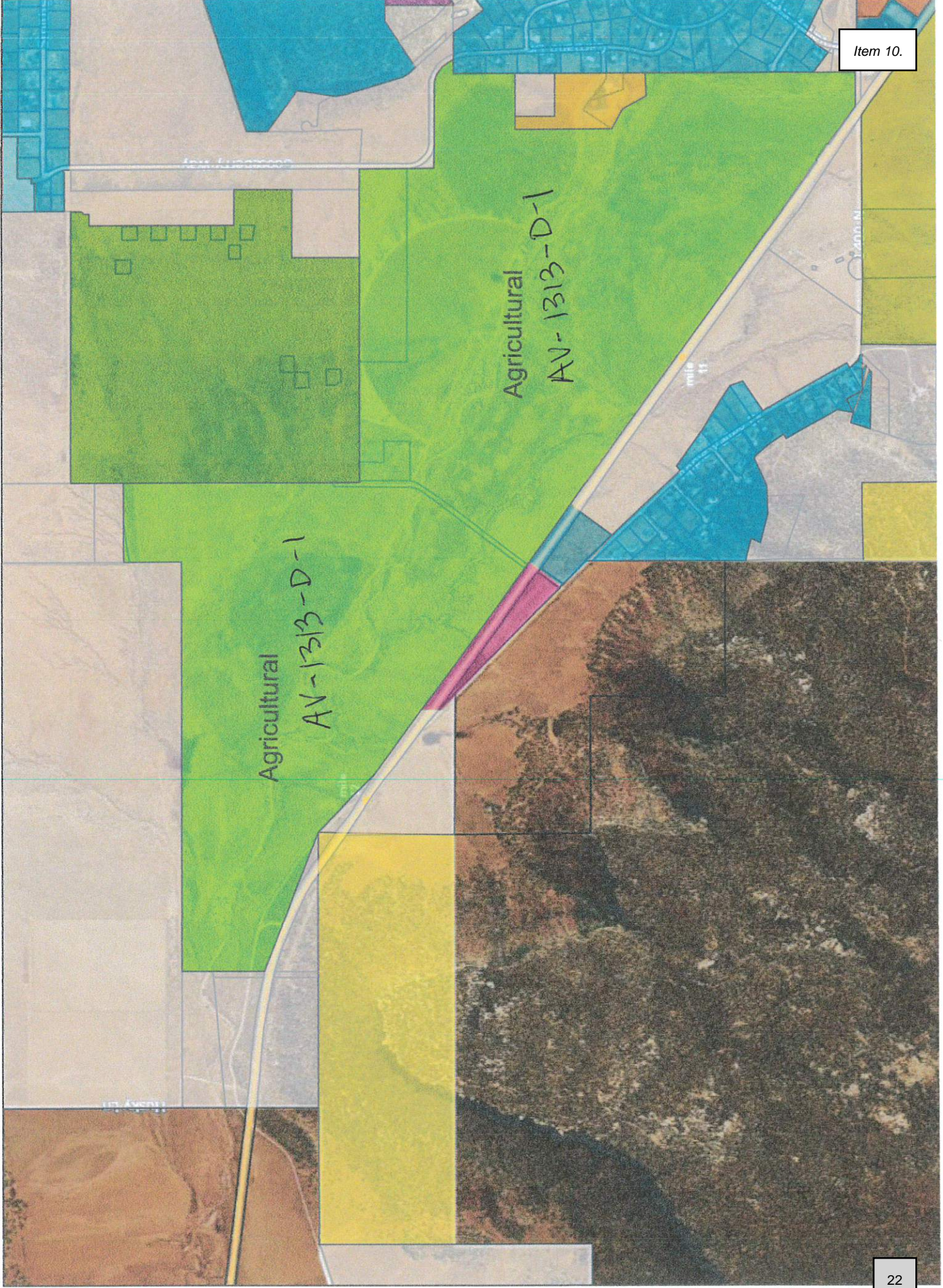
	Parcels
	Ownership
	U.S. Forest Service
	U.S. Forest Service Wilderness
	Bureau of Land Management
	Bureau of Land Management Wildlife
	National Park Service
	Shawnee Reservation
	Utah Division of Wildlife Resources
	Utah Division of Transportation
	Slate Park
	Slate of Utah
	Washington County
	Municipally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

**Notes**  
MAP NOT SUPPLIED BY APPLICANT

Item 10.

MAP NOT SUPPLIED BY APPLICANT

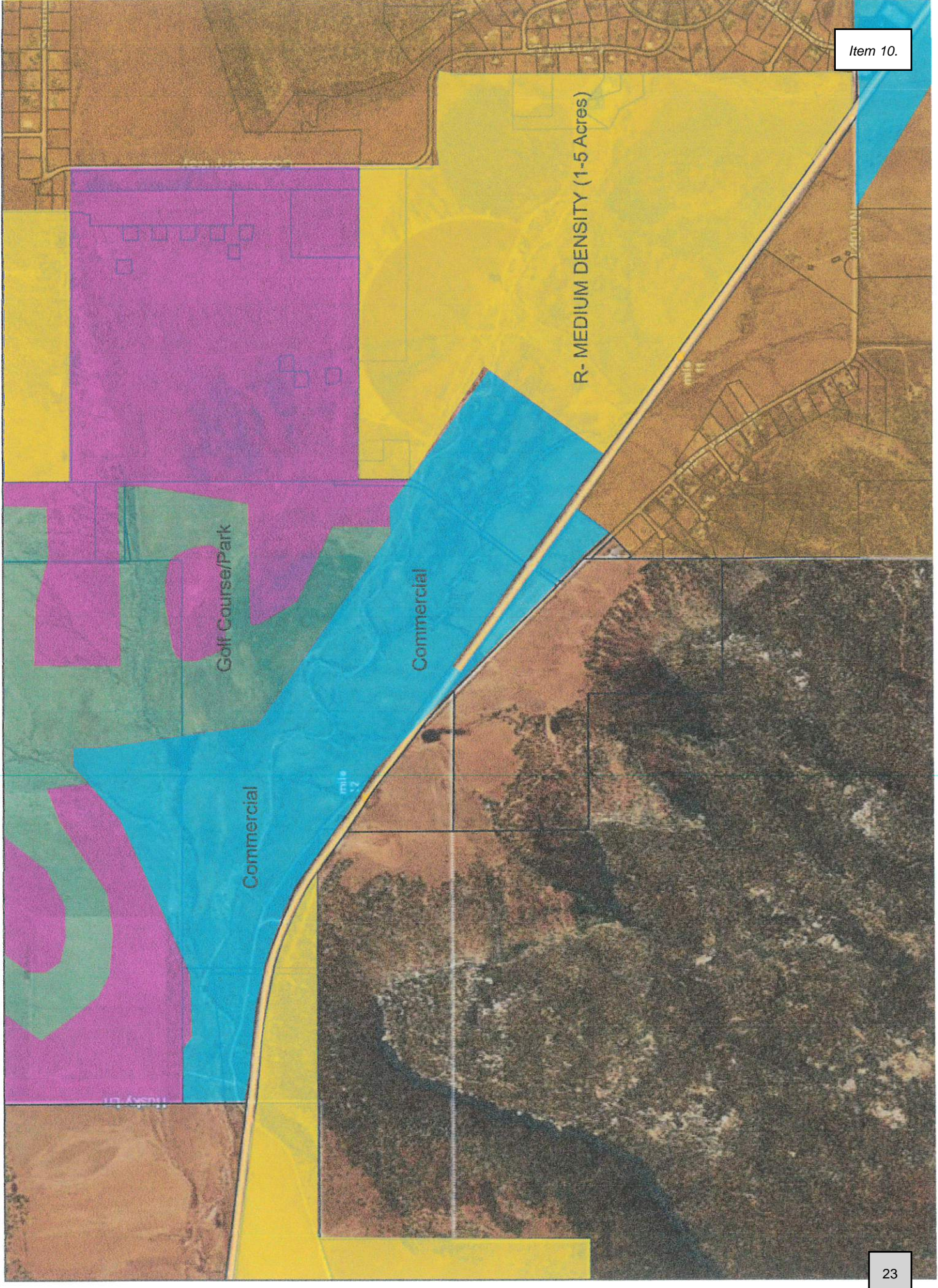
# AV-1313-D-1 Current Zoning



Item 10.

MAP NOT SUPPLIED BY APPLICANT

# AV-1313-D-1 GENERAL PLAN.



Item 10.

Agent Authorization

State of Utah )

:SS

County of Washington )

I (we) Kerry Holt, the owner(s) of the real property described in the attached final plat application for West Temple Village Phase 1 consisting of 29 lots , do authorize as my (our) agent (s) Travis Holm to represent me (us) regarding the attached final plat application for West Temple Village Phase 1 consisting of 29 lots and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached final plat application for West Temple Village Phase 1 consisting of 29 lots .

Kerry Holt

(Property Owner) – Manager of K & D Family, LLC and KDRL, LLC

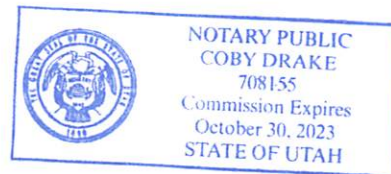
Subscribed and sworn to me this 10 day of January 2022.

Coby Drake

(Notary Public)

Residing in : Enterprise Utah

My Commission Expires: 10/30/23







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

Item 10.

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: 2000 Main LLC		Phone: 702-701-1443	
Address: [REDACTED]		Email: Holmbrand@gmail.com	
City: Holm	State: ut	Zip: 84718	
Agent: (If Applicable) Travis Holm		Phone: 702-701-1443	
Address/Location of Property:		Parcel ID: AV-1313-D-1	
Existing Zone: Agriculture		Proposed Zone: SF-1/2	
Reason for the request Half acre lots for development			

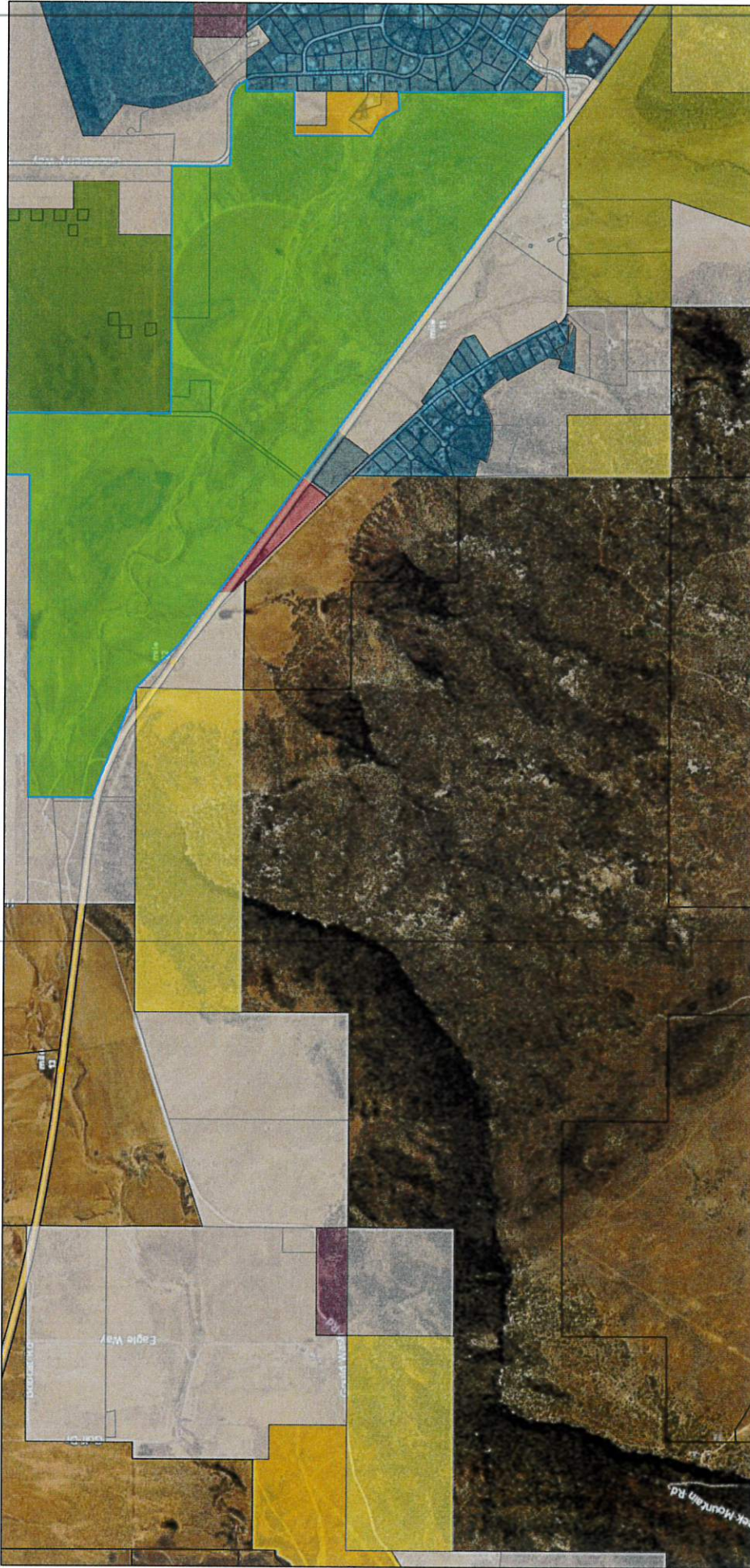
**Submittal Requirements: The zone change application shall provide the following:**

- 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: 11/11/21	By: [Signature]
Date Application Deemed Complete: 11/11/21	By: [Signature]

# Apple Valley Zoning Districts



11/11/2021, 12:43:32 PM

### Zoning Districts

- A – Agricultural
- C-2 – Highway Commercial
- C-3 – General Commercial
- CABIN/TH – Cabin/Tourist Homes
- OSC – Open Space Conservation
- OST – Open Space Transition
- PD – Planned Development
- RE-1 – Residential Estate 1
- RE-10 – Residential Estate 10
- RV-Park – Recreational Vehicle Park
- SF-1/2 – Single-Family Residential 1/2
- Washington County Parcels

1:18,056



Town of Apple Valley  
Sunrise Cloud SMART GIS®

Item 10.



AFFIDAVIT  
PROPERTY OWNER

Item 10.

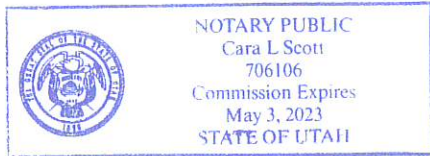
STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

I (We) 2000 MAIN, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 9th day of Nov, 2021.



[Signature]  
Notary Public

Residing in: Hurricane, UT

My Commission Expires: May 3, 2023

AGENT AUTHORIZATION

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

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# APPLE VALLEY PLANNING DEPARTMENT ZONING CHANGE REVIEW

PARCEL ID: AV-1318

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** NANCY BRADSHAW TR. Verified by:  County Records  Warranty Deed

**AGENT:** TRAVIS HOLM Verified by  Supplied Affidavit  Unable to verify

**ACRES IN TAX ID:** 20

**ACRES IN APPLICATION:** 20

**CURRENT ZONE:** Agricultural (AG) **PROPOSED ZONE:** Single Family ½ Acre lots

**ADJACENT ZONES:** Agricultural (AG), Open Space Transition (OST), Single Family ½ Acre lots (SF-.50)

**GENERAL PLAN ZONE:** Residential Medium Density 1-5 Acre Lots.

---

**COMMENTS:** As pointed out in the December meeting, the Applicant is not the owner, and the owner has not provided an affidavit assigning Travis Holm as their agent, as required and requested at the last meeting. Based upon this fact alone, this application should be denied.

---

The following is our report based upon the property location and other facts:

**REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;  
**ANSWER: This application is not consistent with the General Plan as it shows the property to be Medium Density 1-5 Acre lots.**

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property  
**ANSWER: There is an approved preliminary plat for the property to the north, that has the same density as this applicant wants, however everything else in the area is 1 acre lots or larger.**

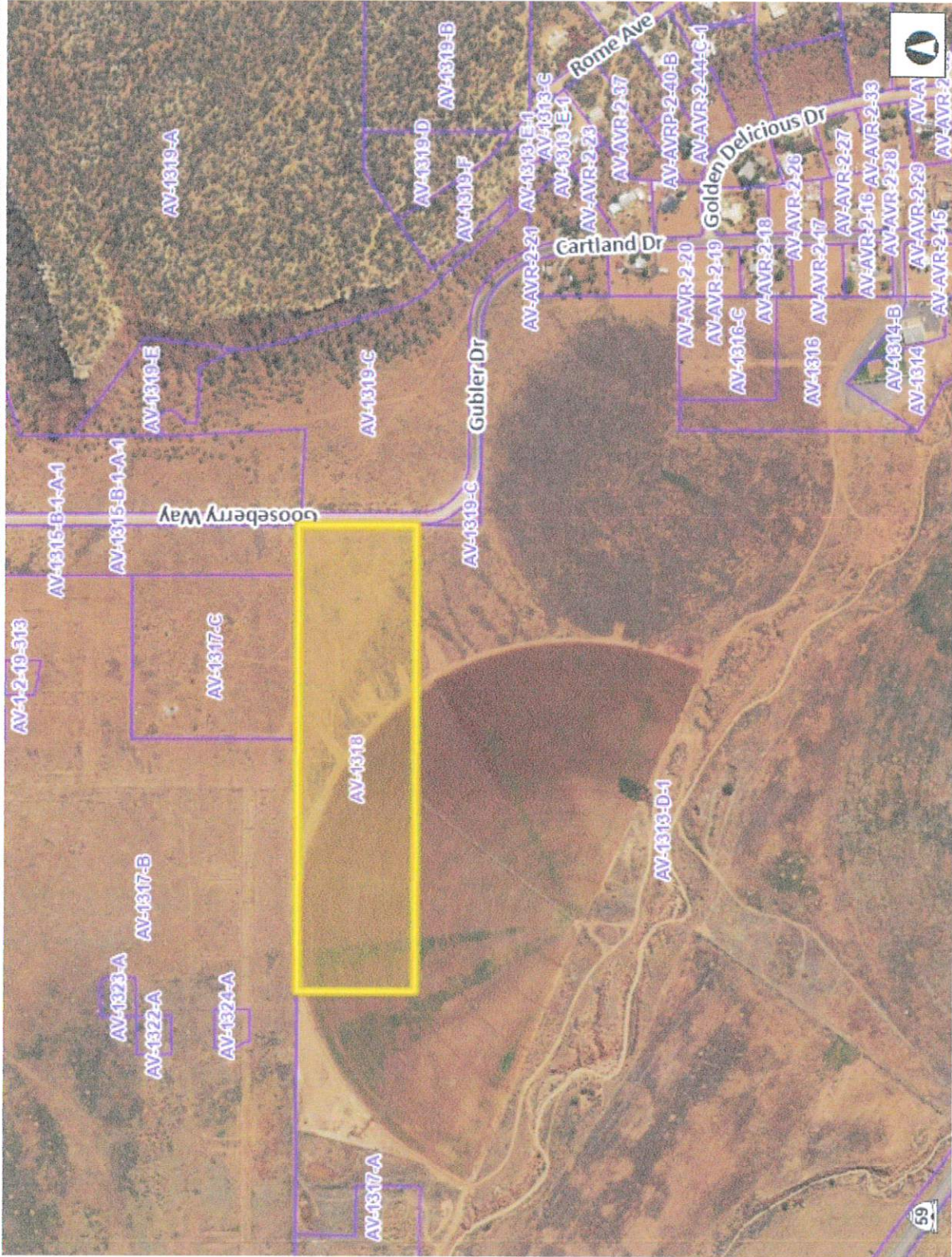
3. The extent to which the proposed amendment may adversely affect adjacent property; and  
**ANSWER: It will bring a much higher density into the area and much higher traffic into a residential neighborhood that's not designed for this traffic.**

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, storm water drainage systems, water supplies, and waste water and refuse collection.

**ANSWER: This property's main access should be through the non-existing Desert Rose Parkway across the non-existing bridges to Hwy-59. Until those exist this property should not be granted a zoning change. There are also serious questions about the Town having adequate water resources to service the property and sewer is also an issue.**

**Recommendation: Recommend Denial**

# AV-1318 20 ACRES



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.

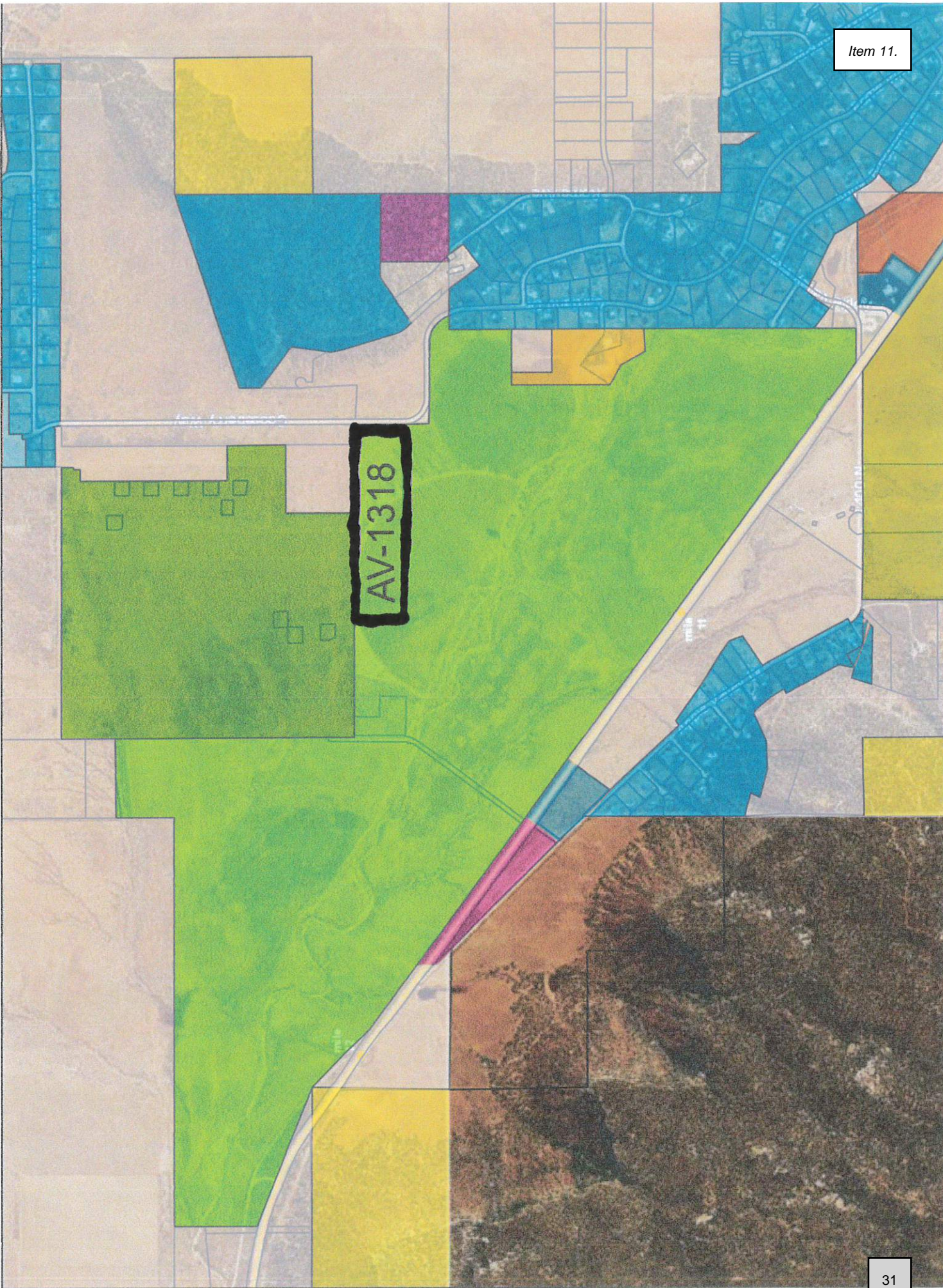


Legend	
	Parcels
Ownership	
	U.S. Forest Service
	U.S. Forest Service Wilderness
	Bureau of Land Management
	Bureau of Land Management Wildlife
	National Park Service
	State Park
	Utah Division of Wildlife Resources
	Utah Division of Transportation
	State of Utah
	Washington County
	Municipally Owned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

Notes

Item 11.

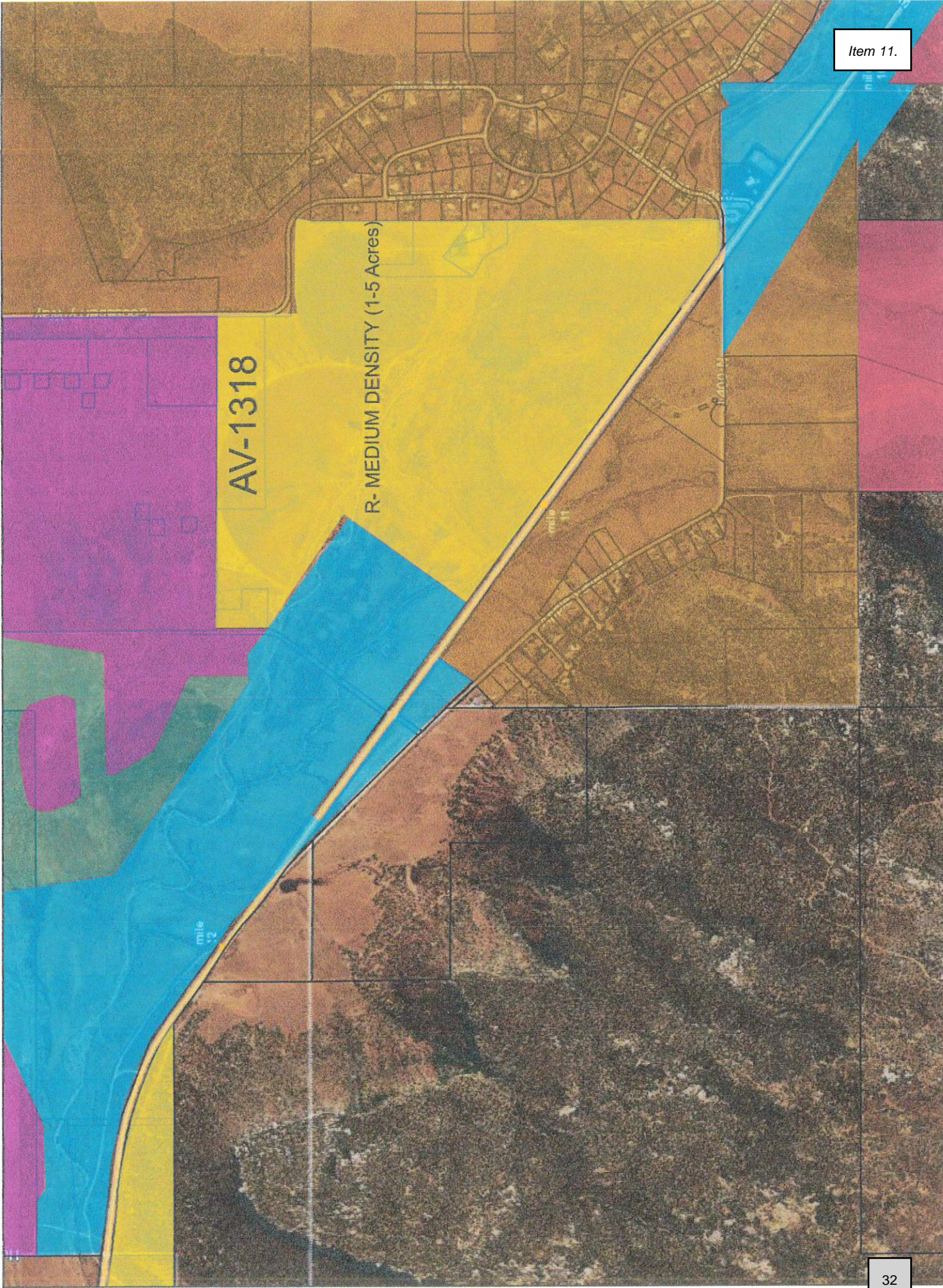
AV-1318 CURRENT ZONING AG



Item 11.

AV-1318

# AV-1318 GENERAL PLAN.



Item 11.





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

Item 11.

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: Standard Development LLC		Phone: 702-701-1443	
Address: [REDACTED]		Email: Holmbrand@gmail.com	
City: Holm	State: UT	Zip: 84718	
Agent: (If Applicable) Travis Holm		Phone: 702-701-1443	
Address/Location of Property:		Parcel ID: AV-1318	
Existing Zone: Agriculture		Proposed Zone: SF-1/2	
Reason for the request Half acre Lots for development			

**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 ATTACHED

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: 11/11/21	By: [Signature]
Date Application Deemed Complete: 11/11/21	By: [Signature]

# Apple Valley Zoning Districts



11/11/2021, 12:46:23 PM

Zoning Districts

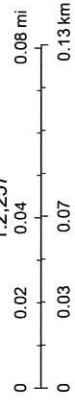
A – Agricultural

OST – Open Space Transition

SF-1/2 – Single-Family Residential 1/2

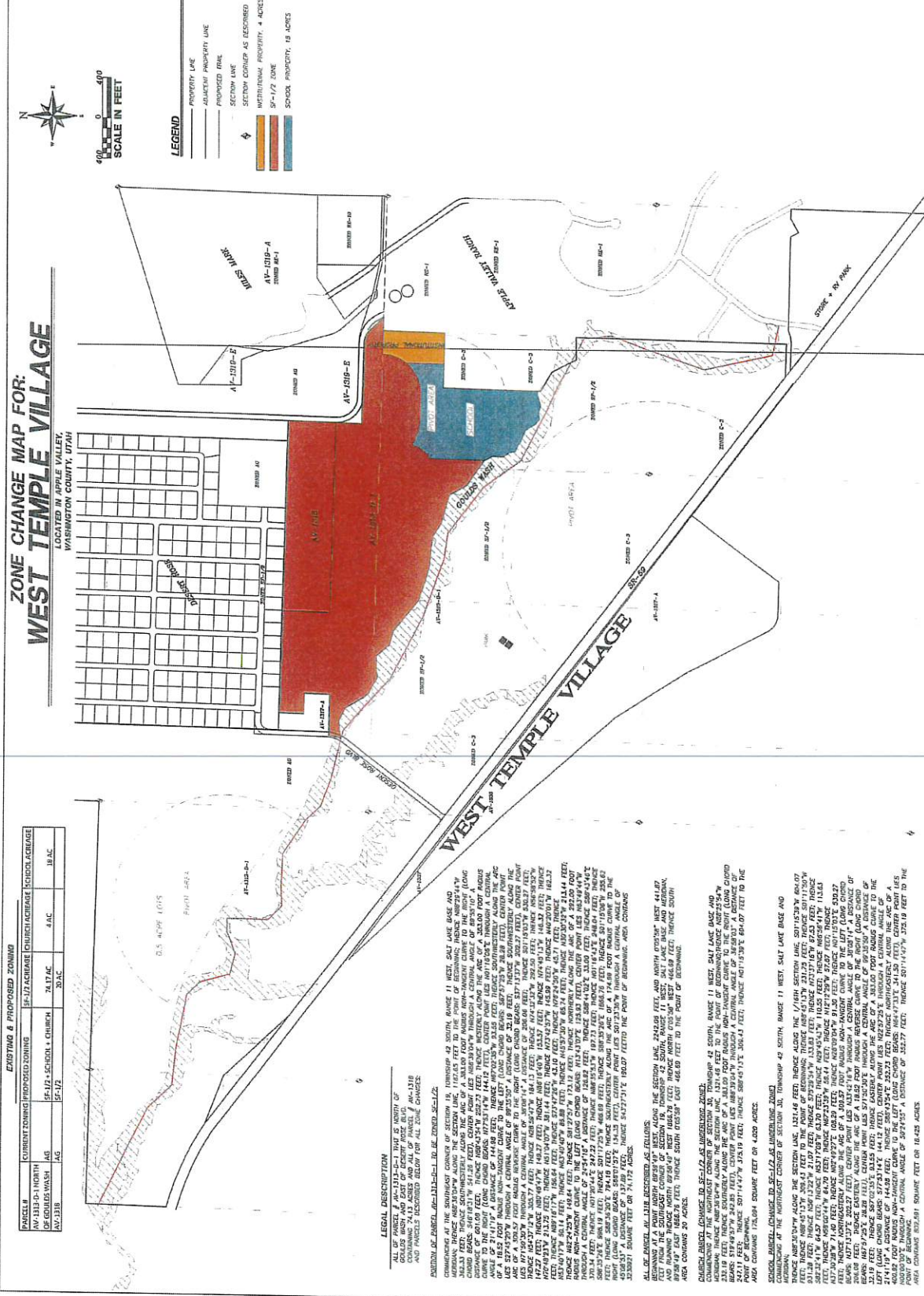
Washington County Parcels

1:2,257



Town of Apple Valley  
Sunrise Cloud SMART GIS®

Item 11.



# ZONE CHANGE MAP FOR: WEST TEMPLE VILLAGE

LOCATED IN APPLE VALLEY,  
WASHINGTON COUNTY, UTAH

PARCEL #	CURRENT ZONING	PROPOSED ZONING	EXISTING & PROPOSED ZONING			
			EXISTING ZONING	PROPOSED ZONING	CHURCH/ACREAGE	SCHOOL/ACREAGE
AV-1318-1	AV-1318	AV-1318-A	AV-1318	AV-1318-A	31.1 AC	10 AC
AV-1318-2	AV-1318	AV-1318-B	AV-1318	AV-1318-B	24 AC	10 AC
AV-1318-3	AV-1318	AV-1318-C	AV-1318	AV-1318-C	24 AC	10 AC
AV-1318-4	AV-1318	AV-1318-D	AV-1318	AV-1318-D	24 AC	10 AC
AV-1318-5	AV-1318	AV-1318-E	AV-1318	AV-1318-E	24 AC	10 AC

PROVALUB ENGINEERING, INC.  
 410 W. MAIN ST. SUITE 101  
 TONOPAH, NV 89449  
 PHONE: (775) 785-2500  
 FAX: (775) 785-2501  
 www.provalub.com

DATE: 07/14/14  
 BY: [signature]

**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED IRRE
- SECTION LINE
- SECTION CORNER AS DESCRIBED
- SECTION CORNER AS RESUMED
- SECTION CORNER AS RESUMED
- SECTION CORNER AS RESUMED
- SECTION CORNER AS RESUMED
- SECTION CORNER AS RESUMED
- SECTION CORNER AS RESUMED

### LEGAL DESCRIPTION

ALL OF PARCEL # AV-1318-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

AFFIDAVIT  
PROPERTY OWNER

Item 11.

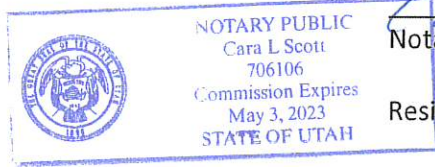
STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

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

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 9th day of Nov, 2021.



[Signature]  
Notary Public

Residing in: Hurricane, UT

My Commission Expires: May 3, 2023

AGENT AUTHORIZATION

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

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**APPLE VALLEY PLANNING DEPARTMENT  
ZONING CHANGE REVIEW**

PARCEL ID: AV-2184 & 2165

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** Ciel Holdings LLC & Colony Partners LLC. Verified by: County Records Warranty Deed  
**AGENT:** Travis Holm by Supplied Affidavit Unable to verify

**ACRES IN TAX ID:** 728.48

**ACRES IN APPLICATION:** 728.48

**CURRENT ZONE:** Open Space Transitional (OST) **PROPOSED ZONE:** Cabin & Tiny Parks, Planned Development & RE-1

**ADJACENT ZONES:** Agricultural (AG) & Open Space Conservation (OSC)

**GENERAL PLAN ZONE:** Planned Development Golf Course Community, Commercial & Residential Medium Density 1-5 Acre Lots.

---

**COMMENTS:** At our last Planning Commission meeting this item was tabled for the property owner to correct the following problems with the application:

1. The application was made by Standard Development with Travis Holm as agent and neither show as owner or an affidavit from the registered owner to allow Travis as their agent.
2. No existing or proposed property maps was provided.
3. No Proof of applicant's ownership was provided.

**None of these deficiencies have been address by the applicant.**

---

**REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

**ANSWER: This proposed zoning change is NOT consistent with the General Plan for this area.**

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

**ANSWER: Due to the missing items in this application, it's impossible to determine if it is or is not harmonious with the adjacent properties.**

3. The extent to which the proposed amendment may adversely affect adjacent property; and

**ANSWER: Due to the missing items in this application, it's impossible to determine if it would or would not adversely affect any adjacent property.**

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, storm water drainage systems, water supplies, and waste water and refuse collection.

**ANSWER: There are serious questions about the Town having adequate water, sewer or road resources to service this property at this time.**

Recommendation: Recommend Denial

# AV-2184 & AV-2165 CURRENT ZONES 728.48 Acres



11/25/2021, 9:44:57 PM

Zoning Districts

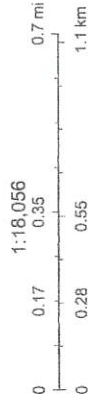
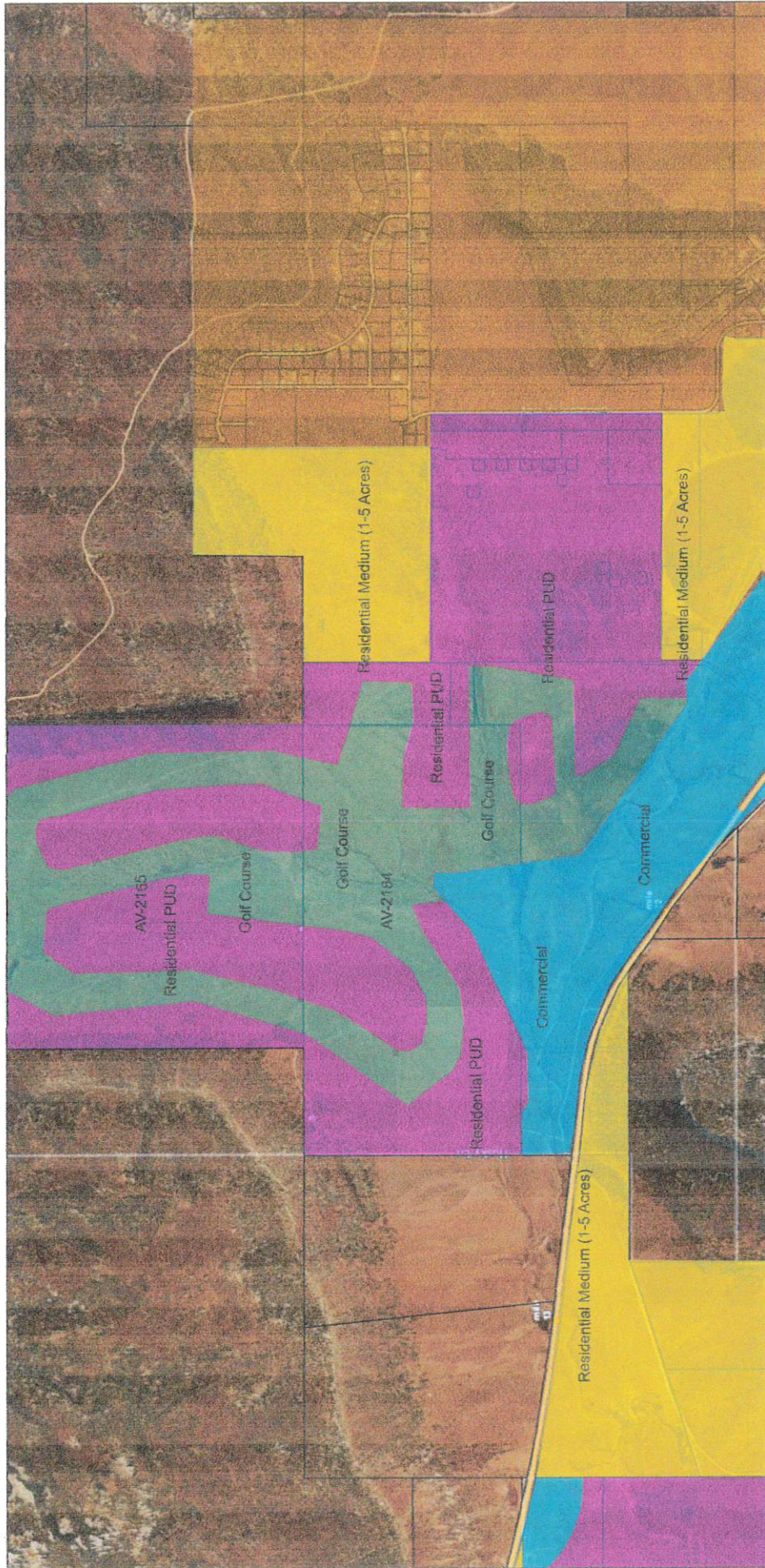
- A – Agricultural
- CABIN/TH – Cabin/Tourist Homes
- OSC – Open Space Conservation
- OST – Open Space Transition
- PD – Planned Development
- RE-1 – Residential Estate 1
- RE-10 – Residential Estate 10
- SF-1-10 – Single-Family Residential 1-10
- SF-1/2 – Single-Family Residential 1/2
- Washington County Parcels

Town of Apple Valley  
Sunrise Cloud SMART GIS®

Item 12.

*NOT PROVIDED BY APPLICANT*

AV-2184 & AV-2165 General Plan 728.48 Acres



- 11/25/2021, 9:51:18 PM  
 General Plan
- Parks-Golf Course
  - R-PUD
  - C-Commercial
  - R-1 Acre
  - Parks
  - R-MED
  - Washington County Parcels

Town of Apple Valley  
 Sunrise Cloud SMART GIS®

Item 12.

*NOT PROVIDED BY APPLICANT*



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

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

Item 12.

## Zone Change Application

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

Name: <i>Standard Development</i>		Phone: <i>702-701-1443</i>	
Address: <span style="background-color: black; color: black;">[REDACTED]</span>		Email: <i>holmbrand@gmail.com</i>	
City: <i>Holm</i>	State: <i>UT</i>	Zip: <i>84718</i>	
Agent: (If Applicable) <i>Travis Holm</i>		Phone: <i>424-425-5405</i>	
Address/Location of Property:		Parcel ID: <i>AV-2184, AV-2165</i>	
Existing Zone: <i>OST</i>		Proposed Zone: <i>CABIN/TH, PD, RE-1</i>	
Reason for the request <i>For Development</i>			

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

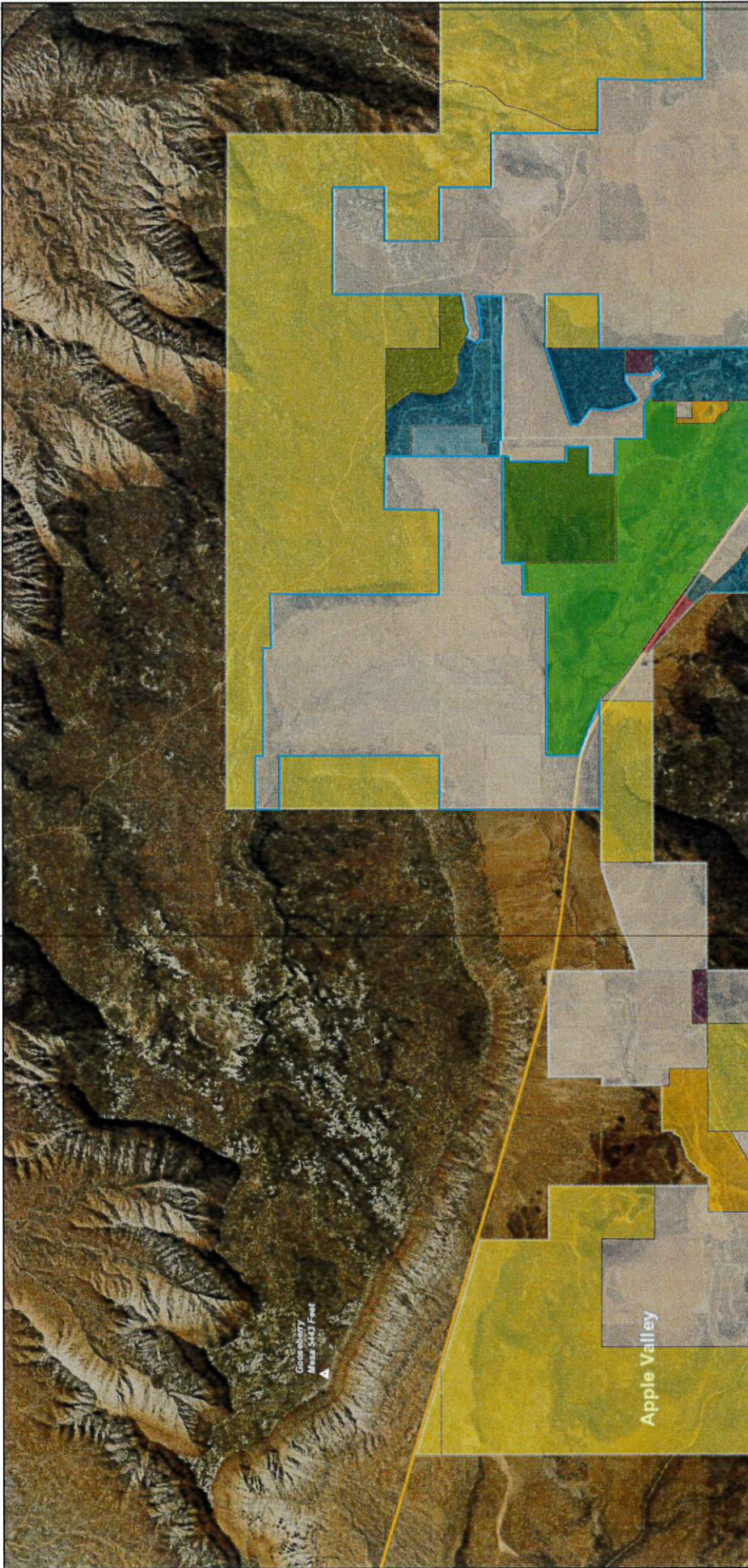
- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications *BLM, Open Space, Ag.*
- D. An accurate legal description of the property to be rezoned
- E. ~~HA-11~~ 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: <i>10/21/21</i>	By: <i>[Signature]</i>
Date Application Deemed Complete: <i>10/21/21</i>	By: <i>[Signature]</i>



# Apple Valley Zoning Districts



10/26/2021, 12:10:44 PM  
 1:36,112  
 0 0.35 0.7 1.4 mi  
 0 0.5 1 2 km

	RE-1 – Residential Estate 1
	RE-10 – Residential Estate 10
	SF-1-10 – Single-Family Residential 1-10
	SF-1/2 – Single-Family Residential 1/2
	CABIN/TH – Cabin/Tourist Homes
	OSC – Open Space Conservation
	OST – Open Space Transition
	PD – Planned Development
	A – Agricultural
	C-2 – Highway Commercial
	C-3 – General Commercial

Town of Apple Valley  
 Sunrise Cloud SMART GIS®

Item 12.

Warranty Deed Page 1 of 4

Gary Christensen Washington County Recorder  
10/15/2021 01:45:37 PM Fee \$40.00 By  
SOUTHERN UTAH TITLE COMPANY

When recorded mail deed and tax notice to:  
Ciel Holdings, L.L.C., a Utah limited liability  
company  
809 Edgehill RD  
Salt Lake City, UT 84103



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

Order No. 221449 - EFP  
Tax I.D. No. AV-2184, AV-2182, AV-2165, and ~~AV-2186~~

Space Above This Line for Recorder's Use

**WARRANTY DEED**

K & D Family, L.L.C., a Utah limited liability company , grantor(s), of Enterprise, County of Washington,  
State of Utah, hereby CONVEY and WARRANT to

Ciel Holdings, L.L.C., a Utah limited liability company, as to an undivided 50% interest and Colony Partners,  
L.L.C., a Utah limited liability company, as to an undivided 50% interest, grantee(s) of Salt Lake City,  
County of Salt Lake, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE  
CONSIDERATION the following described tract of land in Washington County, State of Utah:

See Attached Exhibit "A"

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

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

WITNESS the hand(s) of said grantor(s) this 14<sup>th</sup> day of October, 2021.

K & D Family, L.L.C., a Utah limited liability  
company

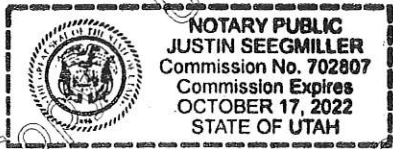
By: *Kerry Holt*  
Kerry Holt, Manager

STATE OF Utah )  
 ) :ss.  
COUNTY OF Washington )

On the 14 day of October, 2021, personally appeared before me, Kerry Holt, who being by me duly  
sworn, did say that he/she is the Manager of K & D Family, L.L.C., a Utah limited liability company, and that  
said instrument was signed by him/her in behalf of said limited liability company by authority of statute, its  
articles of organization or its operating agreement, for the uses and purposes herein mentioned, and said  
Kerry Holt acknowledged to me that said limited liability company executed the same.

*Justin Seegmiller*  
NOTARY PUBLIC

My Commission Expires: 10/17/22



Attachment to that certain Warranty Deed executed by K & D Family, L.L.C., a Utah limited liability company grantor(s), to Ciel Holdings, L.L.C., a Utah limited liability company, as to an undivided 50% interest and Colony Partners, L.L.C., a Utah limited liability company, as to an undivided 50% interest grantee(s).

Order No. 221449

Tax I.D. No. AV-2184, AV-2182, AV-2165, and ~~AV-2166~~

**EXHIBIT "A"**

**Parcel 1:**

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ); and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 13, Township 42 South, Range 12 West, Salt Lake Base and Meridian.

**Parcel 2:**

Beginning at a point 720.00 feet South of the Northwest Corner of Section 13, Township 42 South, Range 12 West, Salt Lake Base and Meridian, and running 600.00 feet South; thence 5280.00 feet East; thence 200.00 feet North; thence 1320.00 feet West; thence 200.00 feet North; thence 2640.00 feet West; thence 200.00 feet North; thence 1320.00 feet West to the point of beginning.

**Parcel 3:**

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) and the East One-Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 13, Township 42 South, Range 12 West, Salt Lake Base and Meridian.

**Parcel 4:**

The North One-Half (N $\frac{1}{2}$ ) of Section 24, Township 42 South, Range 12 West, Salt Lake Base and Meridian.

**Parcel 5:**

Beginning at the Northeast Corner of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 24, Township 42 South, Range 12 West, Salt Lake Base and Meridian, and running thence South, 300.30 feet; thence Southwesterly to a point 419.76 feet from the West Quarter Corner of said Section 24; thence North 419.76 feet; thence East 1320.00 feet to the point of beginning.

\*\*\*

Initials

APPLE VALLEY PLANNING DEPARTMENT  
ZONING CHANGE REVIEW

PARCEL ID: AV-1366-D-1

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** ZION TINY HOME VACATIONS LLC Verified by: County Records Warranty Deed

**AGENT:** Northern Engineering Verified by Supplied Affidavit Unable to verify

**ACRES IN TAX ID:** 9

**ACRES IN APPLICATION:** 9

**CURRENT ZONE:** Open Space Transitional (OST) **PROPOSED ZONE:** Single Family ¼ Acre lots (SF-.25)

**ADJACENT ZONES:** Single Family 1 Acre e(SF-1) & Single Family ½ Acre (SF-.50)

**GENERAL PLAN ZONE:** Commercial

---

**COMMENTS:** This application was table at the last Planning Commission Meeting so the owner could remove all references to twin homes, patio homes and town homes from their application and maps, as none of those are allowed in a Single Family ¼ Acre lots zone.

Neither the owner nor any of the applicants have submitted any of the requested changes.

---

**REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;  
**ANSWER: This application does not meet the General Plan, as it shows it to be commercial, and it's a very good location for some neighborhood commercial.**

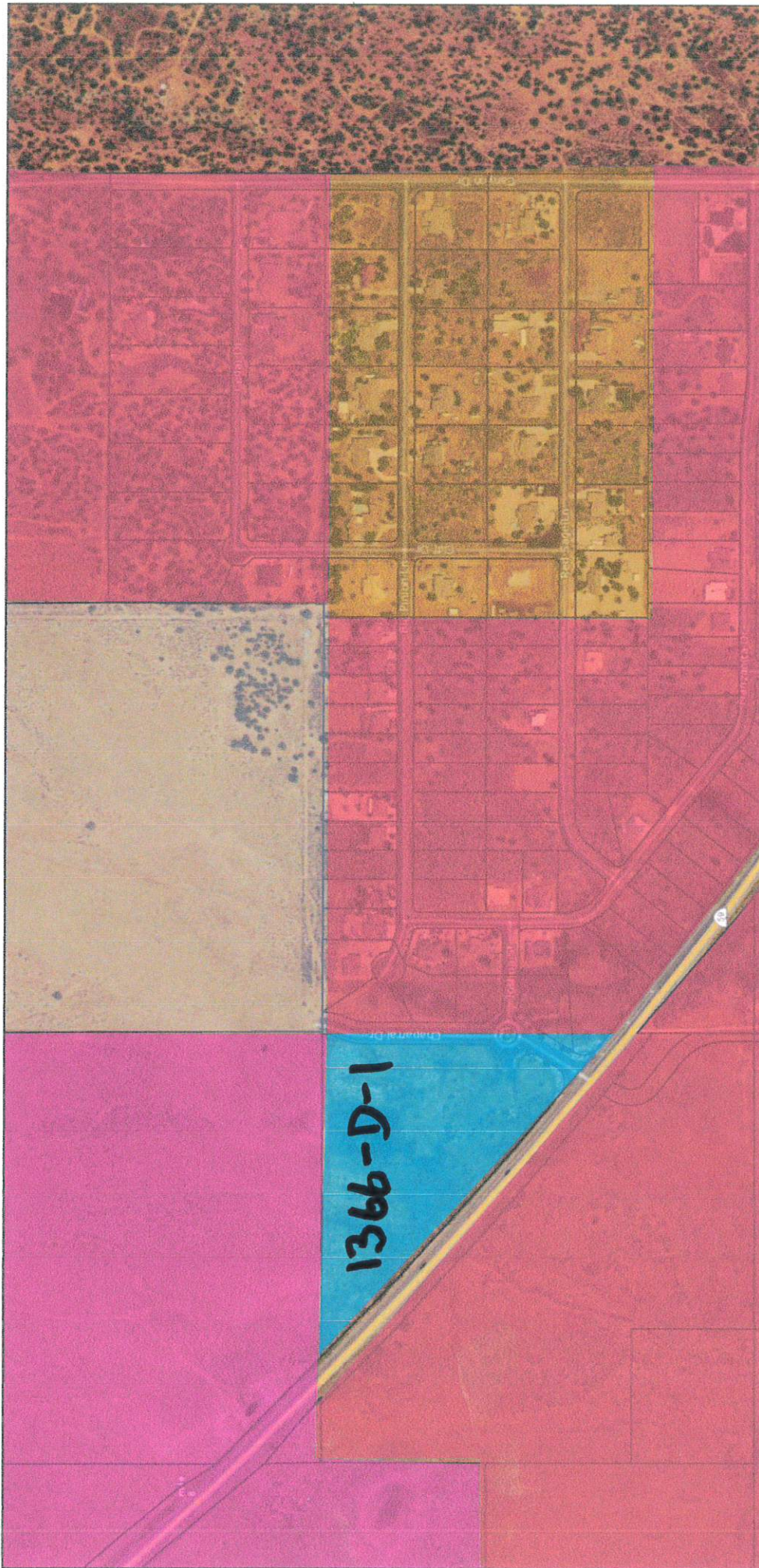
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;  
**ANSWER: It is not harmonious with the neighborhood as it is all 1 acre or ½ acre lots and this would be a great location for a neighborhood commercial.**

3. The extent to which the proposed amendment may adversely affect adjacent property; and  
**ANSWER: This would adversely affect the adjacent if the proposed high density were approved.**

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, storm water drainage systems, water supplies, and waste water and refuse collection.

**ANSWER: There is good access to this property, however the town has a road planned through this property and there are also serious questions about the Town having adequate water resources at his time to service the property and sewer is also an issue,**

General Plan AV-1366-D



11/16/2021, 8:33:18 PM

General Plan

Agricultural

C-Commercial

R-1/2 Acre

R-1 Acre

School District

Washington County Parcels

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Item 13.

Town of Al  
Suntree Cloud SM

*NOT SUPPLIED BY APPLICANT.*

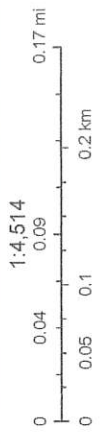
Zoning Map AV-1366-D



11/16/2021, 8:35:10 PM

Zoning Districts

- A – Agricultural
- I-1 – Industrial
- OSC – Open Space Conservation
- RE-1 – Residential Estate 1
- SF-1/2 – Single-Family Residential 1/2
- Washington County Parcels



Item 13.

Town of  
Sunrise Cloud SH

*NOT SUPPLIED BY APPLICANT*



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

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

Item 13.

### Zone Change Application

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

Name: <b>NORTHERN ENGINEERING</b>		Phone: <b>801-802-8992</b>	
Address: <b>[REDACTED]</b>		Email: <b>btuttle@nsiatah.com</b>	
City: <b>OREM</b>	State: <b>UTAH</b>	Zip: <b>84097</b>	
Agent: (If Applicable) <b>BRAST TUTTLE</b>		Phone: <b>801-380-2114</b>	
Address/Location of Property: <b>Chaparral Dr / Joshua St. - SR 59</b>		Parcel ID: <b>AV-1366-D-1</b>	
Existing Zone: <b>OPEN SPACE TRANSITION</b>		Proposed Zone: <b>SF-.25</b>	
Reason for the request <b>Create patio homes on north side of SR-59 and west of Cedar Point intersection.        Create 21 patio home lots on 9.26 acres</b>			

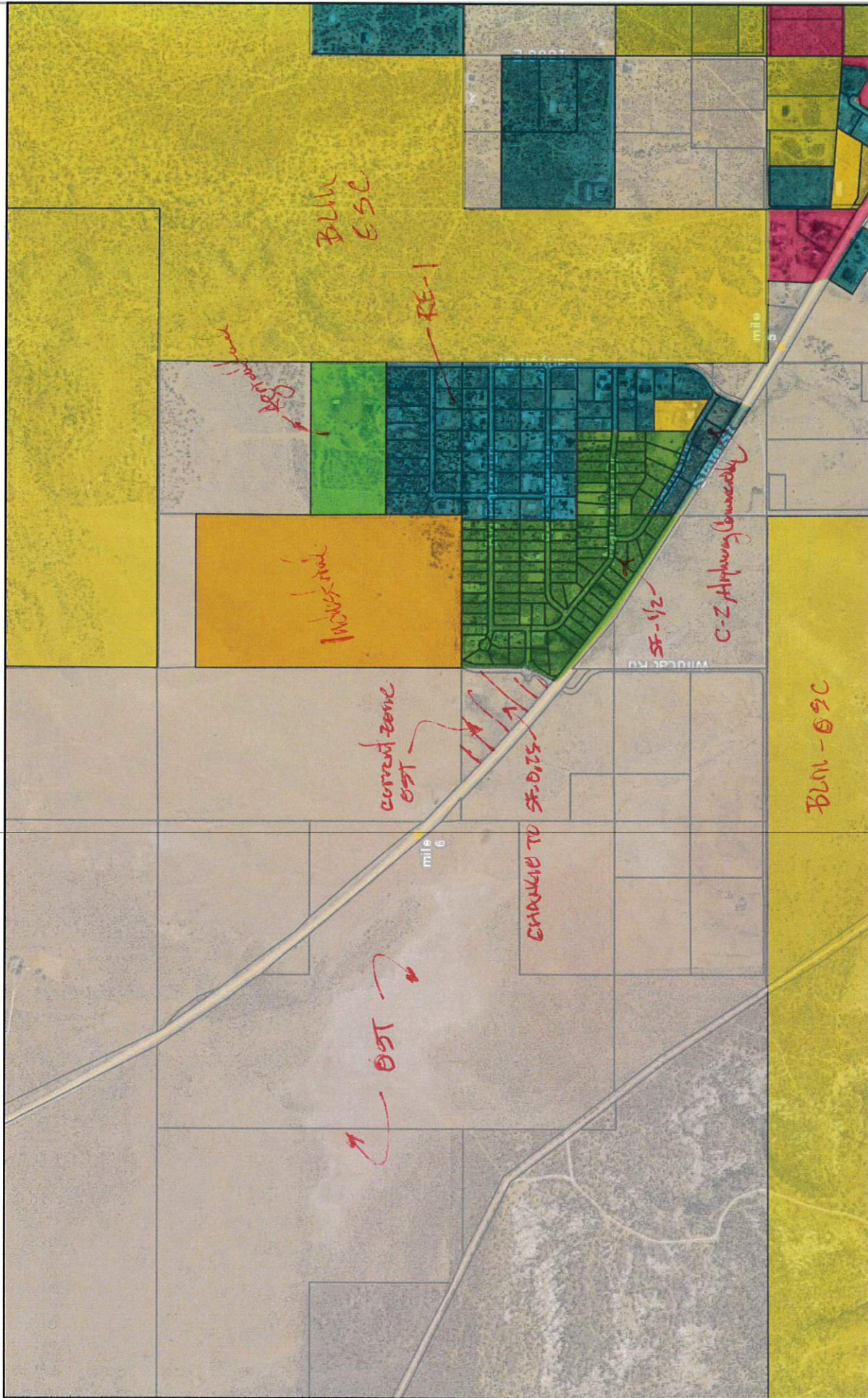
**Submittal Requirements: The zone change application shall provide the following:**

- A. The name and address of every person or company the applicant represents  
*Matt Jossop, Manager, jossop@cedarpointut.com; 2024 So. Eubank Blvd, Cedar Point, UT 84605; Email: rmjossop2@yahoo.com*
- 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	<i>10/4/21 paid fee ✓ #12284</i>		
Date Received:	<i>10/4/21</i>	By:	<i>[Signature]</i>
Date Application Deemed Complete:	<i>10/7/21</i>	By:	<i>[Signature]</i>

# Apple Valley Zoning Districts



9/9/2021, 10:45:51 AM

Zoning Districts

A - Agricultural

C-1 - Convenience Commercial

C-2 - Highway Commercial

C-3 - General Commercial

I-1 - Industrial

OSC - Open Space Conservation

OST - Open Space Transition

PD - Planned Development

Item 13.

Town of Apple Valley

Sunrise Cloud SMART GIS®





# Vistas at Cedar Point



**Legend**

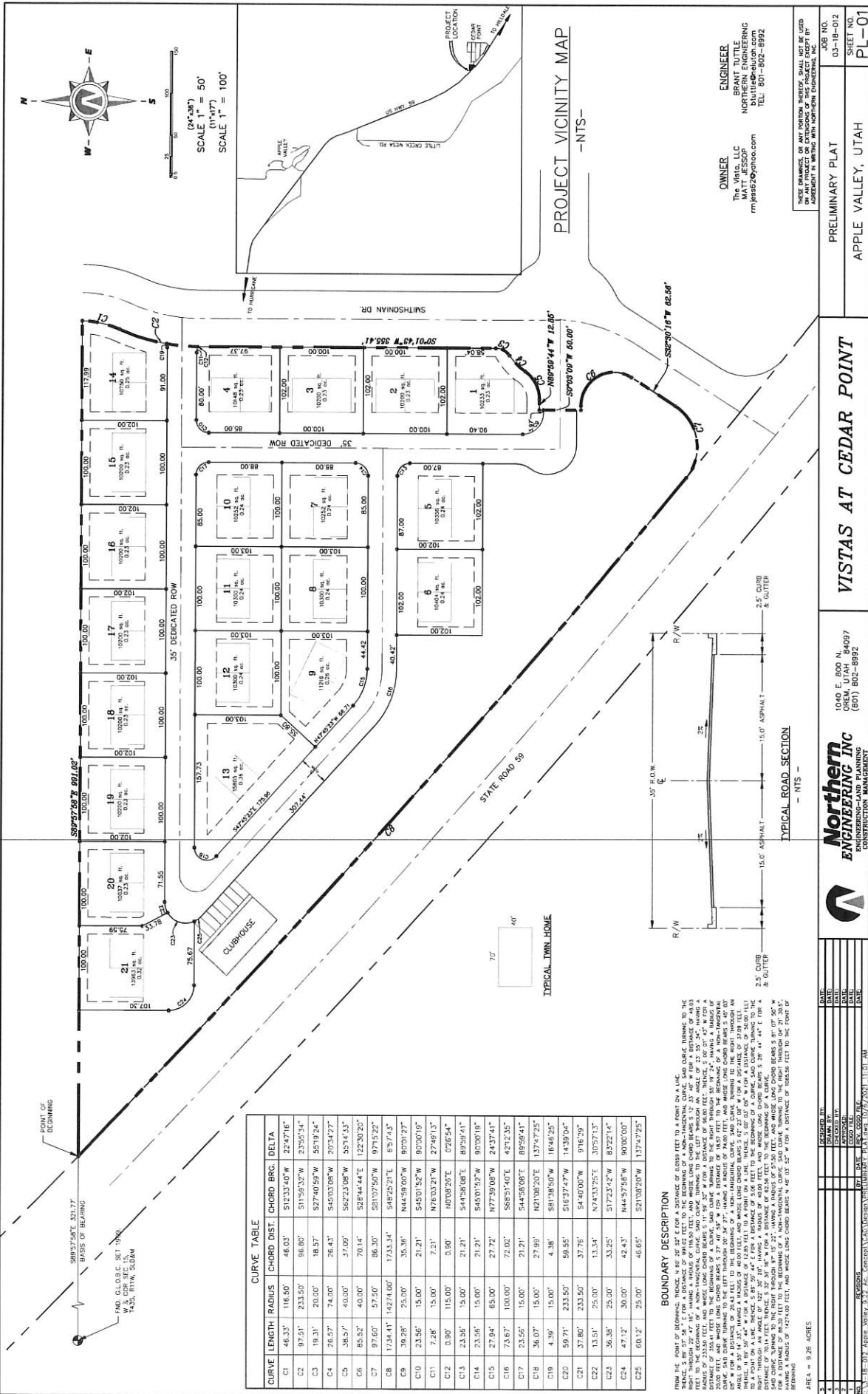
Parcels	
White box	U.S. Forest Service
Light Green box	U.S. Forest Service Wilderness
Yellow box	Bureau of Land Management
Orange box	Bureau of Land Management Wildlife
Light Blue box	National Park Service
Light Purple box	Shiwiwi Reservation
Light Green box	Utah Division of Wildlife Resources
Light Blue box	Utah Division of Transportation
Light Blue box	State Park
Light Blue box	State of Utah
Light Blue box	Washington County
Light Blue box	Municipally Owned
Light Blue box	School District
Light Blue box	Privately Owned
Light Blue box	Water
Light Blue box	Water Conservancy District
Light Blue box	State Assessed Oil and Gas
Light Blue box	Mining Claim

**Notes**  
 Adjoining Parcels

Item 13.

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.





*Information for Reference Purposes:*

File No.: W20681  
Tax Parcel No(s): AV-1386-D-1  
Property Address(es):  
VACANT LAND, ,

**EXHIBIT "A"**  
**Legal Description**

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°57'58" EAST, ALONG THE EAST-WEST CENTER SECTION LINE, 1312.79 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 89°57'58" EAST ALONG SAID CENTER SECTION LINE, 290.41 FEET TO THE NORTHWEST CORNER OF CEDAR POINT PHASE 1 SUBDIVISION; THENCE DEPARTING SAID CENTER SECTION LINE AND RUNNING ALONG THE SUBDIVISION BOUNDARY OF SAID CEDAR POINT PHASE 1 THE FOLLOWING SEVEN (7) COURSES: SOUTH 00°00'30" WEST, 213.66 FEET; THENCE SOUTH 64°58'16" WEST, 81.70 FEET; THENCE SOUTH 24°37'20" WEST, 83.97 FEET; THENCE SOUTH 00°00'30" WEST, 272.62 FEET; THENCE SOUTH 89°59'44" EAST, 194.15 FEET; THENCE NORTH 00°00'30" EAST, 101.55 FEET; THENCE SOUTH 89°59'21" EAST 909.70 FEET TO A POINT LOCATED ON THE WEST LINE OF SOUTH ZION ESTATES PHASE 2 SUBDIVISION; THENCE SOUTH 00°00'16" WEST, ALONG SAID LINE, 494.62 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH ZION ESTATES PHASE 2; THENCE SOUTH 89°59'21" EAST, ALONG THE SOUTH LINE OF SAID PHASE 2, 42.51 FEET TO THE NORTHWEST CORNER OF CEDAR POINT PHASE 2 SUBDIVISION; THENCE DEPARTING SAID LINE AND RUNNING SOUTH 00°00'30" WEST, ALONG THE WEST LINE OF SAID CEDAR POINT PHASE 2 AND THE WEST LINE OF CEDAR POINT PHASE 3 SUBDIVISION, 832.29 FEET TO THE SOUTHWEST CORNER OF SAID CEDAR POINT PHASE 3. SAID POINT ALSO BEING LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID UTAH STATE HIGHWAY-59. SAID POINT ALSO BEING ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 14,274.00 FEET, AND A CENTRAL ANGLE OF 07°30'10"; (RADIUS POINT BEARS NORTH 32°15'13" EAST); THENCE DEPARTING SAID PHASE 3 SUBDIVISION AND RUNNING NORTHWESTERLY ALONG SAID HIGHWAY LINE AND SAID CURVE, 1869.17 FEET TO A POINT OF CUSP CURVE TO THE LEFT, HAVING A RADIUS OF 57.50 FEET, AND A CENTRAL ANGLE OF 97°15'07"; (RADIUS POINT BEARS NORTH 39°42'23" EAST); THENCE DEPARTING SAID HIGHWAY LINE AND RUNNING EASTERLY ALONG SAID CURVE, 97.60 FEET; THENCE NORTH 32°30'16" EAST, 62.56 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, AND A CENTRAL ANGLE OF 122°30'00"; THENCE NORTHWESTERLY ALONG SAID CURVE 85.52 FEET; THENCE NORTH 89°59'44" WEST 5.06 FEET; THENCE NORTH 00°03'09" EAST, 50.00 FEET; THENCE SOUTH 89°59'44" EAST, 12.85 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, AND A CENTRAL ANGLE OF 55°14'15"; THENCE NORTHEASTERLY ALONG SAID CURVE, 38.56 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 74.00 FEET AND A CENTRAL ANGLE OF 20°34'15"; THENCE NORTHEASTERLY ALONG SAID CURVE, 26.57 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 55°18'33"; THENCE NORTHEASTERLY ALONG SAID CURVE, 19.31 FEET; THENCE NORTH 00°01'43" EAST, 355.41 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 233.50 FEET, AND A CENTRAL ANGLE OF 23°55'38"; THENCE NORTHERLY ALONG SAID CURVE, 97.61 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 116.50 FEET AND A CENTRAL ANGLE OF 22°47'22"; THENCE NORTHERLY ALONG SAID CURVE, 46.34 FEET TO THE POINT OF BEGINNING.

BEING THE PROPOSED PLAT OF CEDAR POINT-PHASE 4

Warranty Deed Page 1 of 3  
Gary Christensen Washington County Recorder  
09/30/2021 12:32:16 PM Fee \$40.00 By GT TITLE  
SERVICES

MAIL TAX NOTICES TO GRANTEE(S) AT:  
683 SOUTH 990 WEST  
HURRICANE, UTAH 84737



Property Reference Information:  
Tax Parcel No(s): AV-1366-D-1  
Property Address(es) (if any):  
VACANT LAND, ,

### WARRANTY DEED

ZION TINY HOME VACATIONS LLC, a UTAH limited liability company ("Grantor"),

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

THE VISTAS AT CEDAR POINT LLC ("Grantee(s)")

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

**See Attached Exhibit "A"**

With all the covenants and warranties of title from Grantor(s) in favor of Grantee(s) as are generally included with a conveyance of real property by warranty deed under Utah law, except for, however, the Property is subject to: (a) leases, rights of way, easements, reservations, plat maps, covenants, conditions, and restrictions appearing of record and enforceable in law; (b) zoning and other regulatory laws and ordinances affecting the Property; and (c) real property taxes and assessments for the year 2021 and thereafter.

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

Information for reference purposes:

GT Title File No.: **W20681**  
Tax Parcel No(s): **AV-1366-D-1**  
Property Address(es) (if any):  
**VACANT LAND, ,**

**-Signature Page to Warranty Deed-**

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

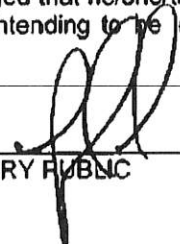
Witness the hand of Grantor this 29 day of **SEPTEMBER, 2021**.

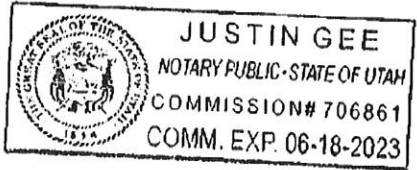
**ZION TINY HOME VACATIONS LLC**

By:   
**JERRY EVES**  
Its: **MANAGER**

STATE OF UTAH )  
COUNTY OF Wasatch ) ss.

On this 29 day of **September, 2021**, personally appeared before me **JERRY EVES**, who stated that he/she is the **MANAGER** of **ZION TINY HOME VACATIONS LLC**, the named Grantor of the within instrument, proved on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to this instrument, and duly acknowledged that he/she/they executed this instrument in his/her authorized capacity on behalf of said company, intending to be legally bound. Witness my hand and official seal.

  
NOTARY PUBLIC



*Information for Reference Purposes:*

File No.: W20681

Tax Parcel No(s): AV-1366-D-1

Property Address(es):

VACANT LAND, ,

**EXHIBIT "A"  
Legal Description**

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°57'58" EAST, ALONG THE EAST-WEST CENTER SECTION LINE, 1312.79 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 89°57'58" EAST ALONG SAID CENTER SECTION LINE, 290.41 FEET TO THE NORTHWEST CORNER OF CEDAR POINT PHASE 1 SUBDIVISION; THENCE DEPARTING SAID CENTER SECTION LINE AND RUNNING ALONG THE SUBDIVISION BOUNDARY OF SAID CEDAR POINT PHASE 1 THE FOLLOWING SEVEN (7) COURSES: SOUTH 00°00'30" WEST, 213.66 FEET; THENCE SOUTH 64°58'16" WEST, 81.70 FEET; THENCE SOUTH 24°37'20" WEST, 83.97 FEET; THENCE SOUTH 00°00'30" WEST, 272.62 FEET; THENCE SOUTH 89°59'44" EAST, 194.15 FEET; THENCE NORTH 00°00'30" EAST, 101.55 FEET; THENCE SOUTH 89°59'21" EAST 909.70 FEET TO A POINT LOCATED ON THE WEST LINE OF SOUTH ZION ESTATES PHASE 2 SUBDIVISION; THENCE SOUTH 00°00'16" WEST, ALONG SAID LINE, 494.62 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH ZION ESTATES PHASE 2; THENCE SOUTH 89°59'21" EAST, ALONG THE SOUTH LINE OF SAID PHASE 2, 42.51 FEET TO THE NORTHWEST CORNER OF CEDAR POINT PHASE 2 SUBDIVISION; THENCE DEPARTING SAID LINE AND RUNNING SOUTH 00°00'30" WEST, ALONG THE WEST LINE OF SAID CEDAR POINT PHASE 2 AND THE WEST LINE OF CEDAR POINT PHASE 3 SUBDIVISION, 832.29 FEET TO THE SOUTHWEST CORNER OF SAID CEDAR POINT PHASE 3. SAID POINT ALSO BEING LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID UTAH STATE HIGHWAY-59. SAID POINT ALSO BEING ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 14,274.00 FEET, AND A CENTRAL ANGLE OF 07°30'10"; (RADIUS POINT BEARS NORTH 32°15'13" EAST); THENCE DEPARTING SAID PHASE 3 SUBDIVISION AND RUNNING NORTHWESTERLY ALONG SAID HIGHWAY LINE AND SAID CURVE, 1869.17 FEET TO A POINT OF CUSP CURVE TO THE LEFT, HAVING A RADIUS OF 57.50 FEET, AND A CENTRAL ANGLE OF 97°15'07"; (RADIUS POINT BEARS NORTH 39°42'23" EAST); THENCE DEPARTING SAID HIGHWAY LINE AND RUNNING EASTERLY ALONG SAID CURVE, 97.60 FEET; THENCE NORTH 32°30'16" EAST, 62.56 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, AND A CENTRAL ANGLE OF 122°30'00"; THENCE NORTHWESTERLY ALONG SAID CURVE 85.52 FEET; THENCE NORTH 89°59'44" WEST 5.06 FEET; THENCE NORTH 00°03'09" EAST, 50.00 FEET; THENCE SOUTH 89°59'44" EAST, 12.85 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, AND A CENTRAL ANGLE OF 55°14'15"; THENCE NORTHEASTERLY ALONG SAID CURVE, 38.56 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 74.00 FEET AND A CENTRAL ANGLE OF 20°34'15"; THENCE NORTHEASTERLY ALONG SAID CURVE, 26.57 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 55°18'33"; THENCE NORTHEASTERLY ALONG SAID CURVE, 19.31 FEET; THENCE NORTH 00°01'43" EAST, 355.41 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 233.50 FEET, AND A CENTRAL ANGLE OF 23°55'38"; THENCE NORTHERLY ALONG SAID CURVE, 97.51 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 116.50 FEET AND A CENTRAL ANGLE OF 22°47'22"; THENCE NORTHERLY ALONG SAID CURVE, 46.34 FEET TO THE POINT OF BEGINNING.

BEING THE PROPOSED PLAT OF CEDAR POINT-PHASE 4

AFFIDAVIT  
PROPERTY OWNER

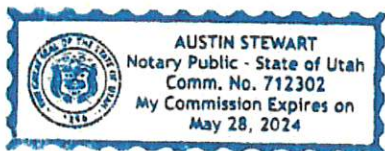
STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

I (We) The Vistas, LLC being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application. Parcel AV-1366-D-1

Ronald W. Stewart  
Property Owner

Property Owner

Subscribed and sworn to me this 30 day of September, 2021.



A Stewart  
Notary Public

Residing in: Hurricane UT

My Commission Expires: May 28 2024

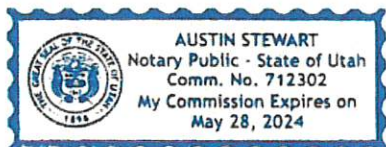
AGENT AUTHORIZATION

I (We), The Vistas, LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Brand Tuttle, Northern Engineering to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application. Parcel AV-1366-D-1

Ronald W. Stewart  
Property Owner

Property Owner

Subscribed and sworn to me this 30 day of September, 2021.



A Stewart  
Notary Public

Residing in: Hurricane UT

My Commission Expires: May 28 2024

APPLE VALLEY PLANNING DEPARTMENT  
ZONING CHANGE REVIEW

PARCEL ID: AV-1343-A-1

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** TLW Investments LLC Verified by: County Records Warranty Deed

**AGENT:** Alliance Consultants Verified by Supplied Affidavit Unable to verify

**ACRES IN TAX ID:** 40

**ACRES IN APPLICATION:** 40

**CURRENT ZONE:** Open Space Transitional (OST) **PROPOSED ZONE:** Rural Estates 1 Acre lots (RE-1)

**ADJACENT ZONES:** Open Space Transition (OST), Open Space Conservation (OSC)

**GENERAL PLAN ZONE:** Residential Medium Density 1-5 Acre Lots.

---

**COMMENTS:** All application problems we brought out at our previous Planning Commission meeting, has been addressed.

FYI. The Town Master Road plan shows a mid valley proposed collector road, which is adjacent to this property to the north and east. The main connection point to this property should be from Main Street or the proposed collector road, when they are available. The applicant would also be required to provide for a secondary access to Main Street in order to be able to develop this property.

---

**REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

**ANSWER:** This application meets the minimum suggested size on the General Plan, if minimum is what the town wants for this parcel.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

**ANSWER:** There is no development adjacent to this property but it is harmonious with the closest adjacent developments.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

**ANSWER:** There is no development adjacent to this property so it does not adversely affect adjacent property owners.

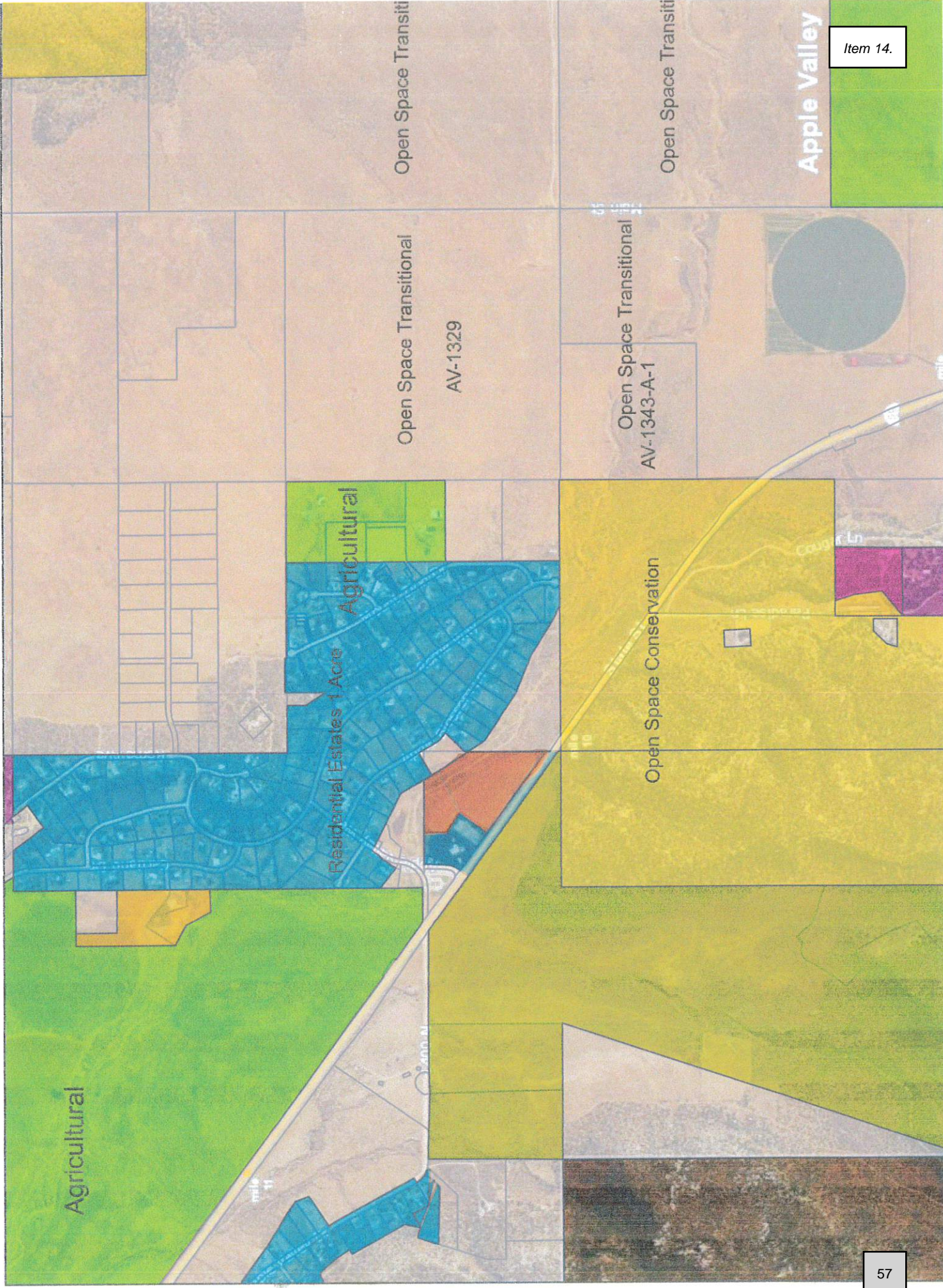
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

**ANSWER:** There is no access to this property from any direction. There are also serious questions about the Town having adequate services to be able to service the property, especially since there are no street, water or sewer services anywhere close to this property.



NOT SUPPLIED BY APPLICANT

# AV-1329 & AV-1343-A-1 Current Zoning



Item 14.

NOT SUPPLIED BY APPLICANT AV-1329 & AV-1343-A-1 GENERAL PLAN



11/25/2021, 9:04:21 PM

- General Plan
- R-1/2 Acre
- C-Commercial
- R-1 Acre
- R-MED
- Washington County Parcels



Item 14.



Town of Apple Valley  
1777 N. Meadowlark Drive, Apple Valley, Utah 84737  
Phone: (435) 877-1190 Fax: (435) 877-1192  
www.applevalleyut.gov

**APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION**

Date of Planning Commission meeting for this agenda item to appear TBD by new council

Paperwork returned by Libby Wells (Date) 12/29/21

Name of Applicant: Travis & Libby Wells (TLW Investments)

Site Location: AV-1343-A-1 (40 Acres)

Mailing Address: 1363 Rome Way  
Apple Valley UT 84737

Phone: 208-681-5407

Purpose of Request: Zone change  
(1 acre)

Libby Wells  
Applicant Signature

- 1. Annexations: \$1500.00 filing fee
- 2. Conditional Use Permit: \$300.00 filing fee
- 3. Zone Changes: \$500.00 + Acreage Fee filing fee
- 4. Subdivisions: \$1500.00 filing fee
- 5. Lot Line Adjustment: \$200.00 filing fee
- 6. Lot Split (2 Lots): \$250.00 filing fee
- 7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

\_\_\_\_\_/\_\_\_\_\_  
Planning Commission Chairman / Date

\_\_\_\_\_/\_\_\_\_\_  
City Administration / Date



Town of Apple Valley

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

Item 14.

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: TLW Investments LLC, Phone: 208-681-5407, Address: 1363 N Rome, Email: libbywells@infowest.com, City: Apple Valley, State: Utah, Zip: 84737, Agent: Travis or Libby Wells, Parcel ID: AV-1343-A-1, Existing Zone: Open Space, Proposed Zone: RE-1, Reason for the request: develop subdivision

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

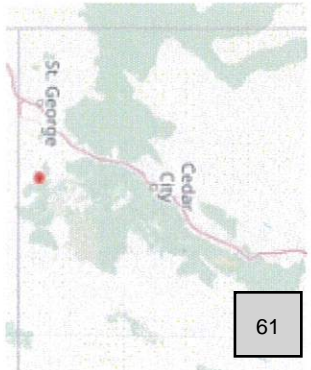
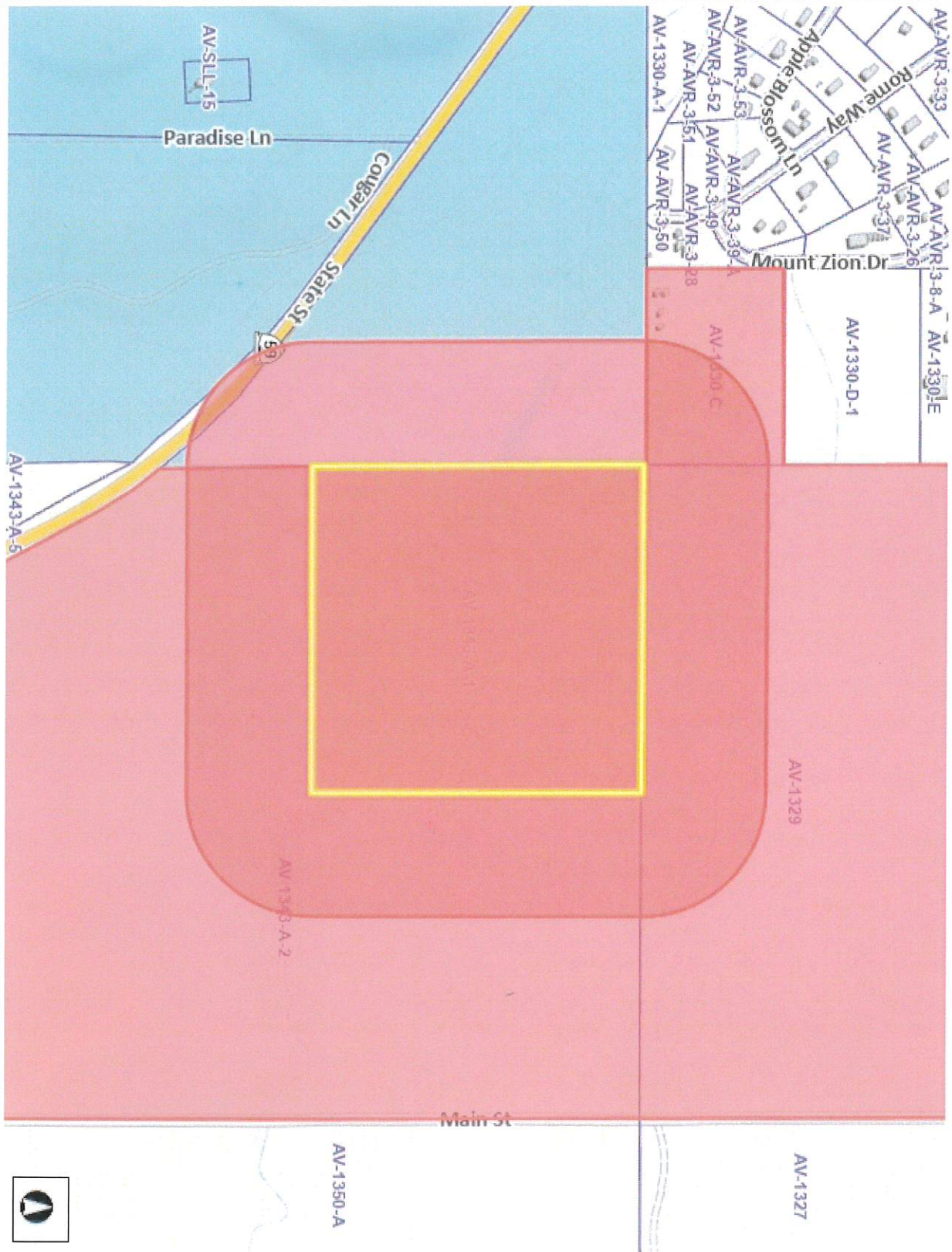
- A. The name and address of every person or company the applicant represents
B. An accurate property map showing the existing and proposed zoning classifications
C. All abutting properties showing present zoning classifications
D. An accurate legal description of the property to be rezoned
E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning.
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: 10/21/21, By: [Signature]
Date Application Deemed Complete: 10/21/21, By: [Signature]



# Title

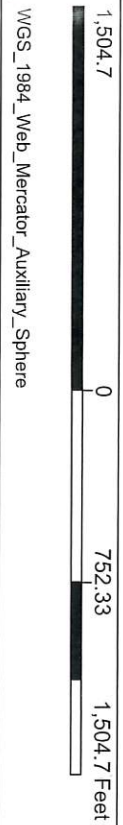


### Legend

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

### Notes

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.



AFFIDAVIT  
PROPERTY OWNER

Item 14.

STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

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

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 21 day of October, 2021.



[Signature]  
Notary Public

Residing in: Wash. Co.

My Commission Expires: July 5, 2024

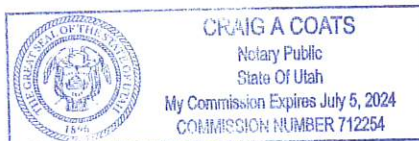
AGENT AUTHORIZATION

I (We), <sup>LW</sup> Cedar-Vista-LLC <sup>LLC</sup> TLW Investments LLC the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Alliance Consulting to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 21 day of October, 2021.



[Signature]  
Notary Public

Residing in: Wash. Co.

My Commission Expires: July 5, 2024



**Apple Valley AV-1343-A-1**

The Northwest Quarter, of the Northeast quarter of Section 32, Township 42 South, Range 11 West, Salt Lake Base and Meridian.

Warranty Deed Page 1 of 3  
Gary Christensen Washington County  
Recorder  
08/02/2021 03:38:39 PM Fee \$40.00 By GT  
TITLE SERVICES

MAIL TAX NOTICES TO GRANTEE AT:  
1363 NORTH ROME WAY, APPLE VALLEY, UTAH 84737



Property Reference Information:  
Tax Parcel No(s): AV-1343-A-1 40 ACRES  
Property Address(es) (if any):  
ADDRESS UNASSIGNED, APPLE VALLEY, UT 84737

**WARRANTY DEED**

**CEDAR VISTA LLC**, a UTAH limited liability company ("Grantor"),  
in exchange for good and valuable consideration, hereby conveys and warrants to  
**TLW INVESTMENTS LLC**, AN IDAHO limited liability company ("Grantee"),  
in fee simple the following described real property located in WASHINGTON County, Utah, together with  
all the appurtenances, rights, and privileges belonging thereto, to wit (the "Property"):

**THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN.**

With all the covenants and warranties of title from Grantor in favor of Grantee as are generally included  
with a conveyance of real property by warranty deed under Utah law, except for, however, the Property is  
subject to: (a) leases, rights of way, easements, reservations, plat maps, covenants, conditions, and  
restrictions appearing of record and enforceable in law; (b) zoning and other regulatory laws and  
ordinances affecting the Property; and (c) real property taxes and assessments for the year 2021 and  
thereafter.

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



Information for reference purposes:

OT Title File No.: W44447  
Tax Parcel No(s): AV-1343-A-1  
Property Address(es) (if any):  
ADDRESS UNASSIGNED, APPLE VALLEY, UT 84737

**-Signature Page to Warranty Deed-**

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

Witness the hand of Grantor this 2<sup>nd</sup> day of AUGUST, 2021.

CEDAR VISTA LLC

By: [Signature]  
JOHN BAGLEY  
Its: MANAGER

STATE OF Idaho }  
~~UTAH~~ } ss.  
COUNTY OF Madison }

On this 2<sup>nd</sup> day of August, 2021, personally appeared before me JOHN BAGLEY, who stated that he/she is the MANAGER of CEDAR VISTA LLC, the named Grantor of the within Instrument, proved on the basis of satisfactory evidence to be the person whose name(s) is/are subscribed to this Instrument, and duly acknowledged that he/she/they executed this Instrument in his/her authorized capacity on behalf of said company, intending to be legally bound. Witness my hand and official seal.

[Signature]  
NOTARY PUBLIC



**WATER RIGHTS ADDENDUM TO LAND DEEDS**

Grantor: CEDAR VISTA LLC  
 Grantee: TLW INVESTMENTS LLC  
 Tax ID Number(s): AV-1343-A-1

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

**Check one box only**

- 1  All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.
- 2  Only a portion of Grantor's water rights are being conveyed.  
 (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)
- 3  No water rights are being conveyed.
- 4  Water rights are being conveyed by separate deed.

Proceed to Section

A  
B  
C  
C

Important Notes  
(see other side)

Section	Important Notes (see other side)
<p><b>A</b> The water right(s) being conveyed include Water Right No(s). _____                      along with all applications pertaining to the water right(s) listed in this Section A,                      and all other appurtenant water rights. (Proceed to Section C)</p>	N1 N2 N3
<p><b>B</b> Only the following water rights are being conveyed: (check all boxes that apply)</p> <p><input type="checkbox"/> All of Water Right No(s). _____</p> <p><input checked="" type="checkbox"/> 31.37 acre-feet from Water Right No. 81-4536 for: _____ families;                      _____ acres of irrigated land; stock water for _____ Equivalent Livestock Units;                      and/or for the following other uses _____</p> <p><input type="checkbox"/> _____ acre-feet from Water Right No. _____ for: _____ families;                      _____ acres of irrigated land; stock water for _____ Equivalent Livestock Units;                      and/or for the following other uses _____</p> <p>Along with all applications pertaining to the water right(s) listed in this Section B.                      (Proceed to Section C)</p>	N1 N4 N5 N5 N2
<p><b>C</b> Disclosures by Grantor: (check all boxes that apply)</p> <p><input type="checkbox"/> Grantor is endorsing and delivering to Grantee stock certificates for _____ share(s) of                      stock in the following water company: _____</p> <p><input type="checkbox"/> Culinary water service is provided by: _____</p> <p><input type="checkbox"/> Outdoor water service is provided by: _____</p> <p><input type="checkbox"/> There is no water service available to Grantor's Parcel(s).</p> <p><input type="checkbox"/> Other water related disclosures: _____</p>	N6 N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: \_\_\_\_\_

Grantee's Acknowledgment of Receipt: \_\_\_\_\_

Grantee's Mailing Address: 1365 North Ramo Way, Apple Valley, Utah 84757

NOTE: GRANTEE MUST KEEP A CURRENT ADDRESS ON FILE WITH THE UTAH DIVISION OF WATER RIGHTS

FILED EFFECTIVE



# ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

2005 NOV 25 AM 9:40

(Instructions on back of application)

SECRETARY OF STATE  
STATE OF IDAHO

1. The name of the limited liability company is:

TLW Investments LLC

2. The street address of the initial registered office is:

2105 Coronado, Idaho Falls, ID 83404

and the name of the initial registered agent at the above address is:

Kari M. Campos

3. The mailing address for future correspondence is:

2675 South 45th East Idaho Falls, ID 83406

4. Management of the limited liability company will be vested in:

Manager(s)  or Member(s)  (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name	Address
<u>Travis Wells</u>	<u>2675 South 45th East Idaho Falls, ID 83406</u>
_____	_____
_____	_____
_____	_____
_____	_____

6. Signature of at least one person responsible for forming the limited liability company:

Signature: [Handwritten Signature]

Typed Name: Travis Wells

Capacity: President

Signature \_\_\_\_\_

Typed Name: \_\_\_\_\_

Capacity: \_\_\_\_\_

Y:\corp\forms\LLC form\startoforganization.p65  
Revised 07/2002

Secretary of State use only

IDAHO SECRETARY OF STATE  
11/25/2005 05:00  
CK: 2989 CT: 1681 BH: 923849  
1 @ 100.00 = 100.00 ORGAN LLC # 2

W 44902

# Operating Agreement For TLW Investments LLC

## 1. Formation and Focus

### 1.1. Formation

The Company, TLW Investments LLC, was formed on November 25 2005, as an Idaho Limited Liability Company by filing Articles of Organization with the Idaho Secretary of State.

### 1.2. Purpose

The business of the Company is:

To hold and manage real property investments; and

To engage in any other lawful business that the managers shall choose to undertake.

### 1.3. Powers

As provided by Idaho law, the Company shall have and exercise all powers necessary or convenient to affect its legal purposes, which are all lawful purposes.

### 1.4. Operative documents

The initial documents of this Company are its articles of organization and this Operating Agreement.

## 2. Members

### 2.1. Initial Members

The initial members of the Company are those holding the following membership units:

Member	Units
Travis Wells	50
Libby Wells	50

### 2.2. Initial Capital Contributions

The members' initial capital contributions are those as shown on attachment B to this agreement.

### 2.3. Voting rights

When members have a right to vote, their voting rights shall be equal to the number of membership units they hold. Each unit shall give rise to one vote. The total votes that can currently be cast are 100.

## 3. Management

### 3.1. Generally – Managers

The management of this limited liability company is vested in its Managers. The Managers shall have the exclusive power and authority to conduct the general business of the Company. The Managers shall delegate the daily operations of the business to the officers. In conducting the business of the Company, the Managers shall have all rights, duties and powers conferred by the Act. The Managers are hereby expressly authorized on behalf of

the Company to make decisions with respect to the Company's business and to take actions necessary to carry out such decisions other than those within the authority of the officers, at the cost, expense and risk of the Company. The Managers' authority includes the following:

To spend the capital and income of the Company in the exercise of any rights or powers possessed by the Managers hereunder.

To purchase, hold, operate, manage, develop, purchase equipment and other property as required and to enter into agreements with others.

To open bank accounts and execute promissory notes, deeds of trust, checks, drafts and other negotiable instruments.

To borrow money as may be necessary to carry out the purposes of the Company, and execute all notes, mortgages, security agreements and other documents in connection therewith.

To enter into and execute agreements, contracts, documents and instruments of any kind or character with any person.

To pay all taxes and assessments of whatever kind or nature imposed upon or against the Company or Company properties and for such purposes to make such returns and do all such other acts and things as they may deem necessary or advisable.

To pay any and all fees and expenses incurred in connection with the organization or operation of the Company (including, without limitation, legal fees), the sale of interests therein.

To invest Company funds in any manner deemed appropriate or desirable.

To prosecute, defend, arbitrate, settle or compromise such litigation or claims as may be necessary or desirable to protect the interest of the Company.

To hold title to any property of the Company as nominee of the Company.

To delegate all or any of their duties hereunder, and in furtherance of any such delegation, to appoint, employ, or contract with any person that they may, in their sole discretion, deem necessary or desirable for the transaction of the business of the Company.

At all meetings of Managers, a Manager may vote in person or by proxy executed in writing by the Manager or by his duly authorized attorney-in-fact. Such proxy shall be filed with the Chairman of the meeting before or at the time of the meeting. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

### 3.2. Duties

The Managers shall carry out their duties in good faith, in a manner they believe to be in the best interests of the Company, and with such care as ordinarily prudent persons in a like position would use under similar circumstances. A Manager who so performs his or her duties shall not have any liability by reason of being or having been a Manager of the Company. The Managers shall devote such time to the business of the Company as they, in their discretion, deem necessary for the efficient carrying on of the Company's business.

### 3.3. Number

The number of Managers of the Company shall initially be one (1), and the initial Manager shall be Travis Wells. The number of Managers may be increased or decreased by the vote of Members with aggregate Voting Interests of more than 50 percent, but no decrease shall have the effect of shortening the term of any incumbent Manager.

### 3.4. Tenure and Removal

The initial Managers shall hold office until the first annual meeting of the Members and until their successors have been elected and qualified. At the first annual meeting of Members and at each annual meeting thereafter, the Members shall elect Managers to hold office until the next succeeding annual meeting. Each Manager shall hold office for the term for which he or she is elected and until his successor has been elected and qualified. At a properly called meeting, any Manager may be removed upon the affirmative vote of all Members.

### 3.5. Reliance by Third Parties

No third party dealing with the Company shall be required to ascertain whether a Manager is acting in accordance with the provisions of this Agreement. All third parties may rely on a document executed by any one of the Managers as binding the Company, unless the third party has actual notice that it should not rely on such document. The foregoing provisions shall not apply to third parties who are affiliates of a Member or a Manager. A Manager acting without authority shall be liable to the Members for any damages arising out of his or her unauthorized actions.

### 3.6. Resignation

A Manager may resign at any time by giving written notice to the Members. Unless otherwise specified in the notice, the resignation shall take effect upon receipt by the Members, and the acceptance of the resignation shall not be necessary to make it effective.

### 3.7. Newly Created Manager Positions and Vacancies

Newly created Manager positions resulting from an increase in the number of Managers shall be filled by the majority vote of Members. A Manager elected to fill a position resulting from an increase in the number of Managers shall hold office until the next annual meeting of Members and until his or her successor has been elected and qualified. Vacancies occurring for any reason shall be filled by the majority vote of Members. A Manager elected to fill a vacancy shall be elected to hold office for the remaining term of his predecessor.

### 3.8. Transactions Between Company and Manager

A Manager may contract and deal with the Company, or cause any person or entity affiliated with the Manager to contract or deal with the Company, provided such contracts and dealings are on terms comparable to and competitive with those available to the Company from others dealing at arm's length.

### 3.9. Management Fees and Reimbursements

The Managers shall be compensated as provided by Members with aggregate Voting Interests of more than 50%. Each Manager shall be reimbursed by the Company for any reasonable out-of-pocket costs incurred on behalf of the Company.

### 3.10. Insurance

The Managers shall maintain for the protection of the Company and all of its Members such insurance as the Managers, in their sole discretion, deem necessary for the operations being conducted.

### 3.11. Limitation of Liability and Indemnification

A Manager shall not be liable, responsible or accountable in damages or otherwise to the Company or to the members of the Company for any action taken or failure to act on behalf of the Company unless the act or omission constitutes gross negligence or willful misconduct. The Company shall indemnify and hold harmless the Managers and their agents and employees to the fullest extent allowed by the Act.

### 3.12. Quorum

A majority of all Managers shall be necessary to constitute a quorum at meetings of the Managers. Each of the Managers hereby consents and agrees that one or more Managers may participate in a meeting of the Managers by means of conference telephone or similar communication equipment by which all persons participating in the meeting can hear each other at the

same time, and such participation shall constitute presence in person at the meeting. If a quorum is present, the affirmative vote of the majority of the Managers at the meeting shall be the act of the Managers.

### 3.13. Informal Action

Any action required or permitted to be taken at a meeting of the Managers may be taken without a meeting if the action is evidenced by a written consent describing the action taken, signed by each Manager entitled to vote. Action taken under this section is effective when all Managers entitled to vote have signed the consent, unless the consent specifies a different effective date.

### 3.14. Annual Meeting

The annual meeting of the Managers shall be held immediately after the annual meeting of Members, or at such other time and on such other day as shall be fixed by the Managers, for the purpose of electing officers and for the transaction of such other business as may come before the meeting. If the election of officers shall not be held on the day designated for an annual meeting of the Managers, or at any adjournment thereof, the Managers shall cause the election to be held at a special meeting of the Managers as soon as may be convenient.

### 3.15. Special Meetings

Special meetings of the Managers for any purpose or purposes may be called by any Manager.

### 3.16. Place of Meeting

The Managers may designate the place of meeting for any annual meeting and the person calling a special meeting may designate the place for such special meeting. If no designation is made, the place of meeting shall be the registered office of the Company.

### 3.17. Notice to Managers

Notice of a special meeting shall be given to every Manager at least forty-eight (48) hours before the time of the meeting, stating the date, time, and place of the meeting. The notice need not describe the purpose of the meeting. Notice may be given orally to the Manager, personally or by telephone or other wire or wireless communication. Notice may also be given in writing by telegraph, teletype, electronically transmitted facsimile, electronic mail, mail, or private carrier. Notice shall be effective at the earliest of the time it is received; five days after it is deposited in the United States mail, properly addressed to the last address for the Manager shown on the records of the Company, first class postage prepaid; or the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, postage prepaid, in the United States mail and if the return

receipt is signed by the Manager to which the notice is addressed.

## 4. Members

### 4.1. Limited Liability

The liability of each Member shall be limited as set forth in section 53-619 of the Act. Except as permitted under this Agreement, a Member shall take no part in the control, management, direction or operation of the affairs of the Company and shall have no power to bind the Company.

### 4.2. Quorum

A majority of the outstanding voting rights, represented in person or by proxy, shall be necessary to constitute a quorum at meetings of the Members. Each of the Members hereby consents and agrees that one or more Members may participate in a meeting of the Members by means of conference telephone or similar communication equipment by which all persons participating in the meeting can hear each other at the same time, and such participation shall constitute presence in person at the meeting. If a quorum is present, the affirmative majority vote of the members represented at the meeting and entitled to vote on the subject matter shall be the act of the Members, unless a greater number is required by the Act. In the absence of a quorum, those present may adjourn the meeting for any period, but in no event shall such period exceed sixty days.

### 4.3. Informal Action

Any action required or permitted to be taken at a meeting of the Members may be taken without a meeting if the action is evidenced by a written consent describing the action taken, signed by each Member entitled to vote. Action taken under this section is effective when all Members entitled to vote have signed the consent, unless the consent specifies a different effective date.

### 4.4. Annual Meeting

The annual meeting of the Members shall be held at such time and on such day as shall be fixed by the Managers, for the purpose of electing Managers and for the transaction of such other business as may come before the meeting. If the election of Managers shall not be held on the day designated for an annual meeting of the Members, or at any adjournment thereof, the Managers shall cause the election to be held at a special meeting of the Members as soon as may be convenient.

### 4.5. Special Meetings

Special meetings of the Members for any purpose or purposes may be called by a Manager or by holders of not less than one-tenth of all membership units.

#### 4.6. Place of Meeting

The Managers may designate the place of meeting for any annual meeting and the person calling a special meeting may designate the place for such special meeting. If no designation is made, the place of meeting shall be the registered office of the Company.

#### 4.7. Notice of Meeting

Notice of a special meeting shall be given to every Member at least forty-eight (48) hours before the time of the meeting, stating the date, time, and place of the meeting. The notice need not describe the purpose of the meeting. Notice may be given orally to the Member, personally or by telephone or other wire or wireless communication. Notice may also be given in writing by telegraph, teletype, electronically transmitted facsimile, electronic mail, mail, or private carrier. Notice shall be effective at the earliest of the time it is received; five days after it is deposited in the United States mail, properly addressed to the last address for the Member shown on the records of the Company, first class postage prepaid; or the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, postage prepaid, in the United States mail and if the return receipt is signed by the Member to which the notice is addressed.

#### 4.8. Proxies

At all meetings of Members, a Member may vote in person or by proxy executed in writing by the Member or by his duly authorized attorney-in-fact. Such proxy shall be filed with a Manager of the Company before or at the time of the meeting. No proxy shall be valid after eleven months from the date of its execution, unless otherwise provided in the proxy.

#### 4.9. Conduct of Meeting

At each meeting of the Members, a Chairman for that particular meeting shall be elected. The Chairman shall be the Member in attendance who has received the majority vote of the members represented at the meeting. The Chairman shall preside over and conduct the meeting and shall appoint someone in attendance to make accurate minutes of the meeting. Following each meeting, the minutes of the meeting shall be sent to each Manager and Member.

### 5. Officers

#### 5.1. General

The officers of the Company shall be a President and Treasurer. The managers may appoint such other officers as they may consider necessary. The managers shall determine the terms and duties necessary for additional

officers. The salaries, if any, for all the officers of the Company shall be fixed by the Managers.

#### 5.2. Election and term of office

The President and Treasurer shall be elected by the managers annually at the annual meeting of the managers. The President and Treasurer shall hold office until the first of the following to occur: (1) until his successor shall have been duly elected and shall have qualified, (2) until his death, (3) until he shall resign, or (4) until he shall have been removed in the manner provided in this agreement.

#### 5.3. Removal and vacancies

Any officer or agent may be removed by the managers whenever, in their judgment, the best interests of the Company will be served.

#### 5.4. President

The President shall be the chief executive officer of the Company and shall, subject to the power and authority of the managers, be empowered to handle the day-to-day operations of the Company. The current President of the Company shall be Travis Wells.

#### 5.5. Treasurer

The treasurer shall be the financial officer of the Company and shall have the care and custody of all funds, securities, evidences of indebtedness and other personal property of the Company. The treasurer shall also receive and give receipts and acquittances for monies paid in on account of the Company, and paid out of the Company funds for all bills and other just debts of the Company. She shall have such other powers and perform such other duties as may be from time to time prescribed by the President. The current Treasurer of the Company shall be Libby Wells.

### 6. Transfers

#### 6.1. Transfers – Generally

Except as provided in the next subparagraph, no member may transfer his or her membership interest in the company without the prior written approval of all members.

#### 6.2. Transfers to members and descendants

A member may transfer his membership units in the company to a member or their descendants without the prior written approval of all the members. The transfer may be for any consideration the transferring member considers appropriate, or it may be a transfer by gift or at death. The transferee under this subparagraph shall become a substitute member upon compliance with the conditions in section 7, without the need for the written consent of all the other members.

Transfers under this subparagraph shall not be subject to the option rights under section 6.3.

### 6.3. Other transfers – first option

Except as provided in section 6.2, any transferee receiving a membership interest, whether by operation of law or otherwise, shall not be a substituted member. Such transferee must comply with the requirements under section 7 to become a substituted member. Additionally, except as provided in section 6.2, the membership interest of any transferee, whether received by operation of law or otherwise, shall be subject to an option to repurchase by the remaining members or the Company, as the remaining members shall agree, upon the terms and conditions established in this section 6.3. The option to repurchase may be exercised at anytime by delivering written notice to the transferee. If the option to repurchase is exercised, the closing shall occur within 90 days of the delivery of the written notice. The purchase price shall be determined by the following formula:

The value of all cash and marketable securities owned by the Company on the date the option is exercised; plus

Fair market value of any real property owned by the Company on the date the option is exercised. Fair market value shall be determined by an independent appraiser chosen by the Company; less

The current amounts due any creditors of the Company as of the date the option is exercised;

The resulting total shall be divided by the number of outstanding membership units.

If the amount of the purchase price is less than \$10,000.00, the full amount of the purchase price shall be paid at closing. If the amount of the purchase price is more than \$10,000.00 but less than \$50,000.00, then the purchase price shall be paid in equal annual installments over 5 years with interest accruing at the applicable federal rate as of the date the option is exercised. If the amount of the purchase price is \$50,000.00 or more then the purchase price shall be paid in equal annual installments over 10 years with interest accruing at the applicable federal rate as of the date the option is exercised. Whenever the purchase price is to be paid over time, the purchaser of the membership units shall provide the assets of the Company or the membership units of the purchaser as collateral.

### 6.4. Transferor ceases to be a member upon transfer of entire membership interest

Upon transferring its entire membership interest, voluntarily or involuntarily, the transferor ceases being a member and shall have no further voting or other rights.

### 6.5. Transfers subject to this agreement

All transferees of any membership interest in this Company shall hold their interest or rights subject to the terms of this agreement. This shall be true regardless of whether the holder of the interest obtained it by gift, transfer for value, or by operation of law.

## 7. Substituted Member

No assignee, legatee, or transferee (by conveyance, operation of law or otherwise) of the whole or any portion of a member's interest in the Company shall have the right to become a substituted Member without the written consent of all of the Members. The granting or denial of a request for such written consent shall be within the absolute discretion of each Member. A substituted Member shall succeed to all the rights and interest of his assignor in the Company. An assignee of a Member who is not admitted as a Member shall be entitled only to the distributions to which his assignor would otherwise be entitled. Unless a transferee is a substituted member, the transferee of a membership interest shall be disregarded by the Company when dealing with the voting rights of its members.

### 7.1. Death or disability

If a Member shall die, his personal representative, administrator or trustee, or, if he shall be adjudicated insane or incompetent, his committee, conservator or representative, or if a Member shall be dissolved, merged or consolidated, its successor in interest, shall have the same economic rights and obligations that such Member would have had if he had not died or had not been adjudicated insane or incompetent or had not been dissolved, merged or consolidated, except that the personal representative, administrator, trustee, committee, conservator, representative or successor shall not become a substituted Member without the unanimous written consent of the other Members.

### 7.2. Assumption of transferor's obligations

No transfer of any interest in the Company otherwise permitted under this agreement shall be effective for any purpose whatsoever until the transferee shall have assumed the transferor's obligations to the extent of the interest transferred and shall have agreed to be bound by all the terms and conditions hereof, by written instrument, duly acknowledged, in form and substance reasonably satisfactory to the Managers.



### 7.3. Additional conditions to be a substituted Member

As conditions to his admission as a substituted Member, (a) any assignee, legatee, transferee or successor of a Member shall execute and deliver such instruments, in form and substance satisfactory to the Managers, as the Managers shall deem necessary, and (b) such assignee, legatee, transferee or successor shall pay all reasonable expenses in connection with his admission as a substituted Member.

### 8. Issuance of new membership interests in the company

Only upon written approval by a majority vote of the members of the Company may new membership interests be issued and provided they pay a fair consideration for the interest being purchased. What is a fair consideration shall be determined by a majority vote of the members. Generally the consideration can be cash, cancellation of debt where the Company received the cash giving right to the debt, valuable property, or services. Before determining the value of services or property the members shall obtain independent valuation of the property or services.

Members shall not have a pre-emptive right to purchase any part of the offered interests to protect their percent of ownership.

### 9. Additional contributions by members

Unless approved unanimously by all the members, the Company may not assess additional contributions from its members.

### 10. Maintenance of capital accounts

#### 10.1. Increases to capital accounts

A capital account shall be maintained for each member in accordance with the provisions of Treasury Regulations (Reg.) adopted under section 704(b) of the Internal Revenue Code of 1986, as amended (Code), including the provisions contained in section 1 of Attachment A.

#### 10.2. Other adjustments

Upon the occurrence of the following events the value of each of the Company assets (including intangible assets such as goodwill) shall be adjusted to the fair market value for book purposes:

a contribution of money or other property (other than a de-minimis amount) to the Company by a new or existing member as consideration for an interest in the Company;

a distribution of money or other property (other than a de-minimis amount) by the Company to a retiring or continuing member as consideration for

an interest in the Company other than a distribution in which all members receive simultaneous distributions of undivided interest in the distributed property in proportion to their interest in the Company; or

the termination of the Company for federal income tax purposes pursuant to Code §708(b)(1)(B).

When an adjustment is made to fair market value pursuant to this section, the capital accounts of all members shall be adjusted as if the Company recognized gain or loss equal to the amount of such aggregate net adjustment. When an adjustment is made to fair market value pursuant to this section, the members' capital accounts shall be adjusted for allocation to them of depreciation, depletion, amortization and gain or loss on such book value of the property. When an adjustment is made to fair market value pursuant to this section, the members' distributive shares of depreciation, depletion, amortization, and gain or loss, as computed for tax purposes, with respect to such property shall be determined so as to take account of the variation between the adjusted tax basis and book value of such property in the same manner as under Code §704(c) and the regulations under Code §704(c). When the book value of property differs from its tax basis the depreciation, depletion or amortization taken for book purposes shall bear the same relationship to that taken for tax purposes as the book value of the property bears to the tax basis.

### 10.3. Transfer of an interest

Upon the transfer of all or a part of an interest in the Company, the capital account of the transferor that is attributable to the transferred interest carries over to the transferee member in accordance with Reg. § 1.704-(b)(2)(iv).

### 10.4. Interpretation

The manner in which capital accounts are to be maintained pursuant to this section is intended to comply with the requirements of section 704(b) of the Internal Revenue Code and its associated regulations. If in the opinion of the Company's accountants the manner in which capital accounts are to be maintained pursuant to the provisions of this article should be modified to comply with section 704(b) of the Code and associated regulations, then notwithstanding anything to the contrary contained in the provisions of this article, the method in which capital accounts are maintained shall be so modified; provided, however, that any change in the manner of maintaining capital accounts shall not materially alter the economic agreements of the members.

**11. Distributions & allocations****11.1. Net profits and net losses from operations**

Except as may be required by § 704(c) of the Code, net profits, net losses, and other items of income, gain, loss, deduction and credit shall be apportioned among the members in proportion to the member's membership units.

**11.2. Interim distributions**

From time to time, the managers shall determine by majority vote to what extent, if any, the Company's cash on hand exceeds the current and anticipated needs, including needs for operating expenses, debt service, acquisitions, reserves, and mandatory distributions, if any. To the extent such excess exists, the managers may make distributions in accordance with the members' membership units.

**11.3. Disproportionate allocations**

Tax items of loss, deduction, expense or credit may be disproportionately allocated to members only pursuant to a resolution unanimously adopted by the members. All disproportionate allocations shall be made under the rules set forth in section 2 of Attachment A.

**11.4. Allocations on sale of all assets or liquidation of Company**

On the sale of all or substantially all of the assets of the Company or with respect to the liquidation of the Company, allocations of loss shall be made among the members in proportion to their respective positive capital account balances until the positive capital account balances of the members are all reduced to zero, and thereafter among the members in accordance with their interests in the Company, and any profit associated with the sale of all the assets or with the liquidation of the Company shall be allocated as follows:

First, among the members having deficit capital account balances (proportionate to the deficit capital account balances of each of such members) an amount sufficient to reduce such deficit balances, to the fullest extent possible, to zero;

Second, among unit holders of any class of units having non-proportionate rights on liquidation; and

Third, to the holders of all other units on a pro rata basis.

**11.5. Retained profits**

Unless otherwise provided, retained profits shall be considered an increase in capital contribution of the Company.

**11.6. Capital distributions**

Distribution of capital assets (not current earnings) or distributions of property shall be made upon a vote of the members. No distribution shall be declared and paid unless, after the distribution is made, the assets of the Company are in excess of all liabilities of the Company, except liabilities to members on account of their contributions. Liquidating distributions shall be made as required in section 11.4.

**12. Section 754 election**

The Company shall make elections under Code section 754 upon the request of any member who would benefit from such an election.

**13. Term, Amendments, Dissociation, and Dissolution****13.1. Term**

The existence of the Company shall be perpetual.

**13.2. Amendments**

This operating agreement may be altered, amended, restated, or repealed, and a new operating agreement adopted by a 66% vote of all the members.

**13.3. Dissociation**

A person shall cease to be a member of this Company upon the occurrence of one or more of the events set forth in Idaho Code section 53-641(1)(a)-(k).

In order for a person to be removed from the company as provided under Idaho Code section 53-641(1)(c), at least 75% of the voting rights of the members must approve of the removal. If a person is removed from the company he or she shall receive fair value for the member's interest in the company as of the date of dissociation.

There shall be no dissociation under Idaho Code sections 53-641(1)(a) or 53-641(3). A member has no power to withdraw by voluntary act from this limited liability company. Upon dissociation the Company shall continue.

If a person ceases to be a member because of an event of dissociation under Idaho Code sections 53-641(1)(b)-(k), the person shall be treated as an assignee from the date of dissociation. The assignee shall only have an economic interest in the Company, and shall have no voting rights.

**13.4. Dissolution**

No dissolution shall occur by reason of any event of dissociation provided for under Idaho Code section 53-641. A vote to continue the business in the case of an event of dissociation will be presumed unless the members of the Company take affirmative action otherwise.

**14. Fiscal Matters****14.1. Fiscal Year**

The fiscal year of this Company shall begin on the first day of January and end on the last day of December each year.

**14.2. Deposits**

The Company shall maintain one primary depository account and all receipts and disbursements shall be made from that account. Additional depository accounts may be maintained but shall be used only to transfers funds from and to the main depository account.

**14.3. Signature Authority**

All checks, drafts or other orders for the payment of money, and all notes or other evidences of indebtedness issued in the name of the Company shall be signed by an officer of the Company.

**14.4. Accounting**

Periodically as the members shall agree accounting records and reports shall be prepared and distributed to all members. The members shall send any other financial information to other members upon their request for that information; however, the member preparing the report does not need to prepare special summaries or analysis for the members. His obligation shall be only to provide members, upon their request, what information he has.

**14.5. Accountant and lawyer**

The members shall select an accounting firm and law office to perform accounting and legal services for the Company. Those companies shall represent the Company only so long as acceptable to the members. The accounting firm shall have full access to all financial records of the Company. The accounting firm shall review the financial information being sent to the members to assure it is reasonably complete and accurate and based on a record system that is designed to capture all necessary information. It is not intended that the accounting firm audit the records of the Company, but it is intended that the accounting firm be able to assure the members they are receiving financial information adequate to enable them to understand the financial affairs of the Company.

**15. Books and Records**

The books and records of the Company shall be kept at the principal office of the Company. Any member of the Company shall have the right to examine at any reasonable time for reasonable purposes that promote the interests of the Company, all the books and records of the company. All financial records shall be maintained and reported based on generally acceptable accounting

practices unless the members decide to vary from those standards. Any variance must be adopted by a resolution in writing.

**16. Dispute resolution****16.1. Dispute Resolution**

All disputes between members that relate to this Company shall be settled exclusively as provided in this section.

Any controversy (including both actions in contract and in tort) arising out of or relating to this Operating Agreement, (including its formation, performance, modification or extension) for any form of relief (including damages, rescission, specific performance, and injunction, but excluding punitive damages that shall not be awardable) shall be settled by arbitration. The arbitration shall be conducted under the auspices of and by the rules of the American Arbitration Association. The arbitration shall be conducted in Idaho Falls, Idaho. Discovery shall be allowed at the discretion of the arbitrator. The decision of the arbitrator shall be final and binding upon the parties. The parties consent that any notice, motion, application or any paper concerning the arbitration may be served by certified mail, return receipt requested, or by personal service provided it allows reasonable time for appearance. The arbitration proceedings must be begun within one year after the claim arises. Failure to begin arbitration proceedings within that period shall constitute an absolute bar to the institution of any proceedings on that claim and a waiver of that claim.

**17. Miscellaneous****17.1. Principal Office**

The principal office of the Company in Idaho shall be located at 7496 S. Teapot Circle, Idaho Falls, Idaho 83406. The Company may have such other offices, either within or without the State of Idaho, as the members may designate or as the business of the Company may from time to time require.

**17.2. Registered Office**

The Company is required by the Idaho Limited Liability Company Act to maintain a registered office and agent in the State of Idaho. The address of the registered office of the Company is 2105 Coronado Street, Idaho Falls, Idaho 83404, and the initial registered agent at such address is Kari M. Campos. The registered office and the registered agent may be changed from time to time by action of the Managers and by filing the prescribed form with the Idaho Secretary of State.

**17.3. Waiver of Notice**

Whenever any notice is required to be given, a waiver in writing signed by the persons entitled to such notice shall be equivalent to the giving of the notice. It makes no

difference whether the waiver is signed before or after the event concerning which the notice is given.

**17.4. Indemnification by Company**

The Company may indemnify any person who was or is a party defendant or is threatened to be made a party defendant to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Company) by reason of the fact that he or she is or was a member of the Company, employee or agent of the Company, or is or was serving at the request of the Company, against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if the members determine that he or she acted in good faith and in a manner she or he reasonably believed to be in or not opposed to the best interest of the Company, and with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolocontendere or its equivalent, shall not itself create a presumption that the person did or did not act in good faith and in a manner that she or he reasonably believed to be in the best interest of the Company, and, with respect to any criminal action or proceeding, had reasonable cause to believe that her or his conduct was unlawful.

**18. Adoption and Ratification**

This agreement is adopted on the date indicated after this paragraph and is retroactively effective as of \_\_\_\_\_, 2005. This agreement is a private agreement between the parties and is not to be, in any form or manner, disclosed to non-management third parties. Also the conduct and operation of this Company as well as the relationship of the Company (including management) to its members and the relationship between the members involving Company matters is private and confidential. Should there be disagreements resulting in arbitration, all such arbitration matters and procedures shall be under closed seal and are never to be disclosed to people outside the arbitration procedure.

Dated: \_\_\_\_\_, 2005

  
\_\_\_\_\_  
Travis Wells

  
\_\_\_\_\_  
Lobby Wells

**APPLE VALLEY PLANNING DEPARTMENT  
ZONING CHANGE REVIEW**

PARCEL ID: AV-1329

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** TLW Investments LLC Verified by:  County Records  Warranty Deed

**AGENT:** Alliance Consultants Verified by  Supplied Affidavit  Unable to verify

**ACRES IN TAX ID:** 157.75

**ACRES IN APPLICATION:** 157.75

**CURRENT ZONE:** Open Space Transitional (OST) **PROPOSED ZONE:** Rural Estates 1 Acre lots (RE-1)

**ADJACENT ZONES:** Agricultural (AG), Open Space Transition (OST), Open Space Conservation (OSC)

**GENERAL PLAN ZONE:** Residential Medium Density 1-5 Acre Lots.

**COMMENTS:** The ownership problems we brought out in the last planning commission meeting has all been addressed except the fact that current and previous owner of this and adjacent properties have done multiple lot splits that did not go through the Apple Valley Town legal process to subdivide these properties (including this parcel), and we are therefore under no obligation to even consider this application. They should be required to go back and make those lots splits legal, before we consider this application, however the following is our comments on this application.

The Town Master Road plan shows a mid valley proposed collector road, which is adjacent to this property to the east. The main connection point to this property should be from Main Street. The applicant would also be required to provide for a secondary access to Main Street in order to be able to develop this property.

The following is our report based upon the property location and other facts:

**REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

**ANSWER: This application does meet the General Plan as it shows Medium Density which is 1–5-acre lots**

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

**ANSWER: No, it is not harmonious with the immediate adjacent properties to the east, which all average over 10 acres each and zoned agricultural, so agricultural 5 acre lots, or Rural Estate 5 Acre lots would be more harmonious with the adjacent properties.**

3. The extent to which the proposed amendment may adversely affect adjacent property; and

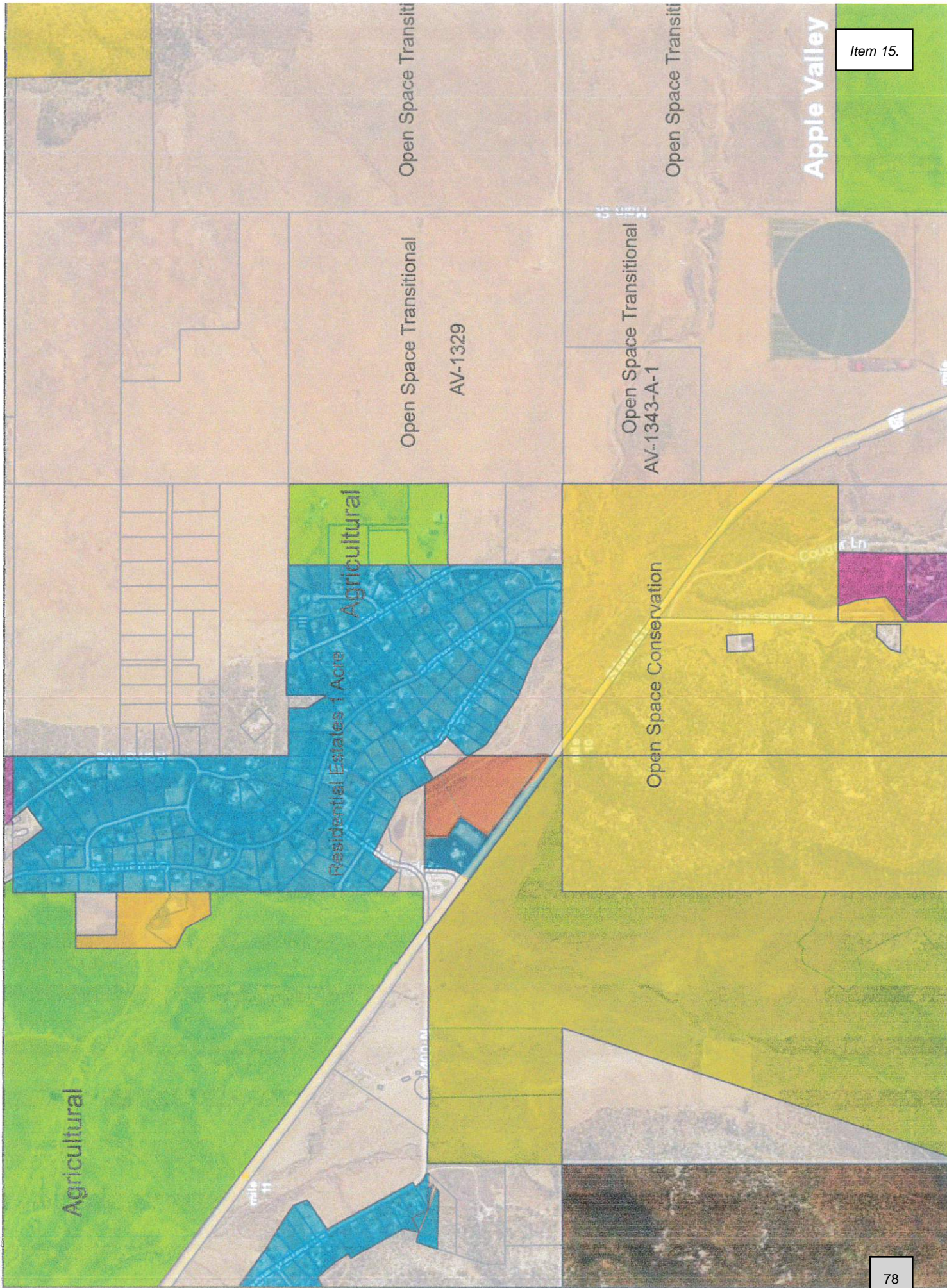
**ANSWER: Bringing this high of a density immediately next to low density agricultural property could adversely affect the adjacent property owners.**

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, storm water drainage systems, water supplies, and waste water and refuse collection.

**ANSWER: There is road access from Main Street to this property, however there is no other access or connection to any other roads to this property at this time, as mentioned above. There are also serious questions about the Towns ability to provide adequate services such as water and sewer to service the property**

AV-1329 & AV-1343-A-1 Current Zoning

NOT SUPPLIED BY APPLICANT



NOT SUPPLIED BY APPLICANT  
AV-1329 & AV-1343-A-1 GENERAL PLAN



11/25/2021, 9:04:21 PM

- General Plan
- R-1/2 Acre
  - C-Commercial
  - R-1 Acre
  - R-MED
  - Washington County Parcels

0

Item 15.



Town of Apple Valley  
1777 N. Meadowlark Drive, Apple Valley, Utah 84737  
Phone: (435) 877-1190 Fax: (435) 877-1192  
www.applevalleyut.gov

**APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION**

Date of Planning Commission meeting for this agenda item to appear TBIS by new council

Paperwork returned by Libby Wells (Date) 12/29/21

Name of Applicant: Travis & Libby Wells (TUV Investments)

Site Location: AV-1329 (160 Acres)

Mailing Address: 1363 Rome Way  
Apple Valley UT 84737

Phone: 208-681-5407

Purpose of Request: Zone change  
(1 acre)

Libby Wells  
Applicant Signature

- 1. Annexations: \$1500.00 filing fee
- 2. Conditional Use Permit: \$300.00 filing fee
- 3. Zone Changes: \$500.00 + Acreage Fee filing fee
- 4. Subdivisions: \$1500.00 filing fee
- 5. Lot Line Adjustment: \$200.00 filing fee
- 6. Lot Split (2 Lots): \$250.00 filing fee
- 7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

\_\_\_\_\_  
Planning Commission Chairman / \_\_\_\_\_ Date

\_\_\_\_\_  
City Administration / \_\_\_\_\_ Date





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

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: TLW Investments LLC	Phone: 208-681-5407
Address: 1363 N. Rome	Email: libbywells@infowest.com
City: Apple Valley	State: Utah
Agent: (If Applicable) Travis or Libby Wells	Zip: 84737
Address/Location of Property:	Parcel ID: AV-1329
Existing Zone: open space	Proposed Zone: RE-1 and SF 1/2
Reason for the request develop subdivision	

**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

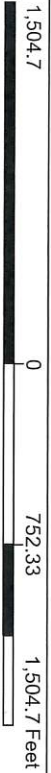
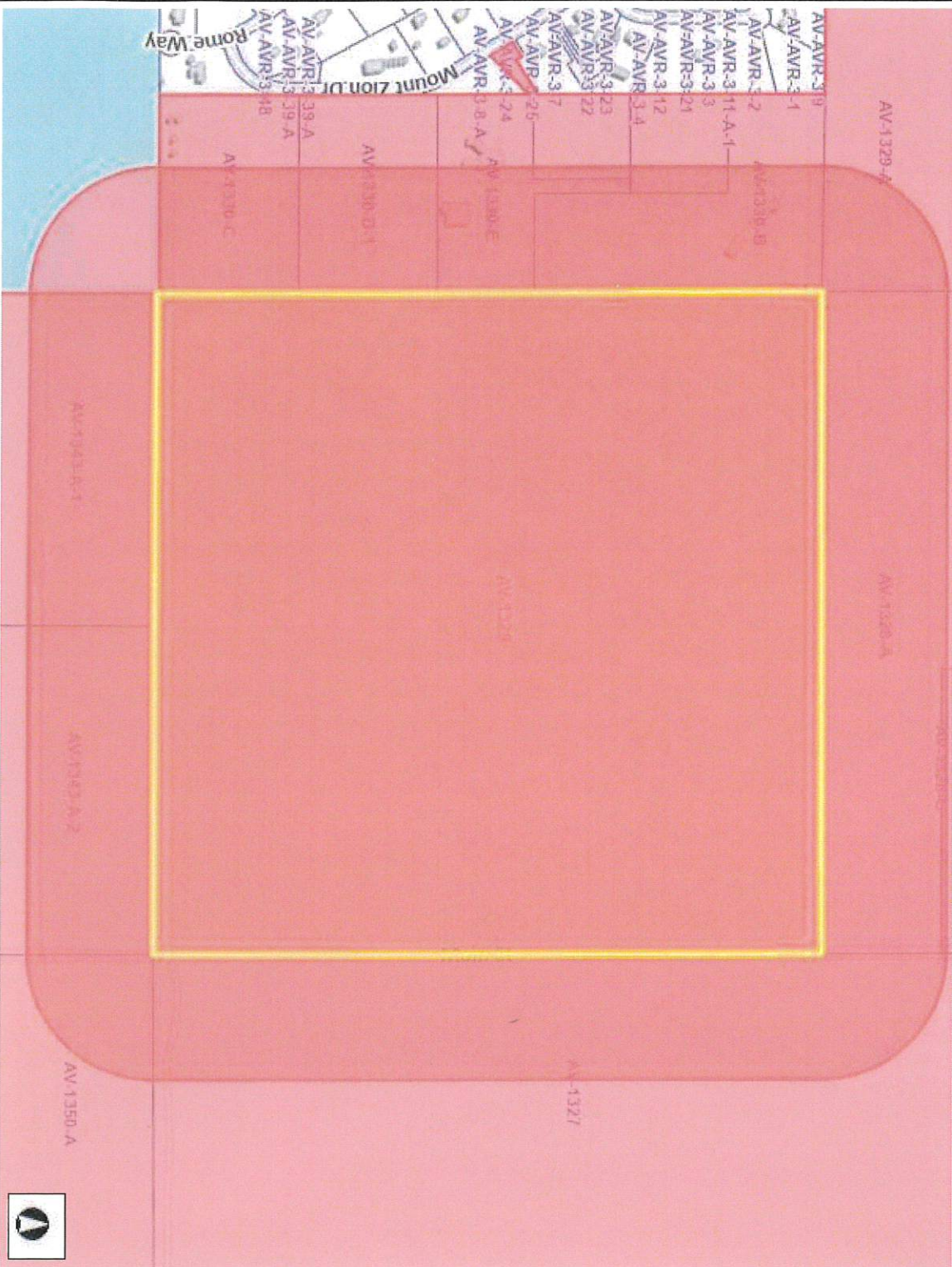
Note: To avoid delays in processing your Zone Change request, It is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second 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	Re-Received
Date Received: 10/21/21	By: [Signature]
Date Application Deemed Complete: 10/21/21	By: [Signature]

Re-Received 12/29/21 [Signature]

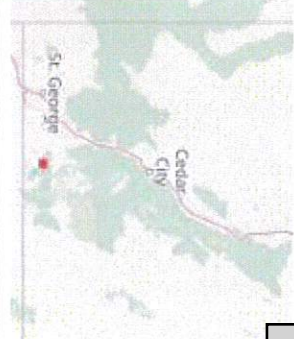


# Title



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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



## Notes

**Legend**

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

AFFIDAVIT  
PROPERTY OWNER

Item 15.

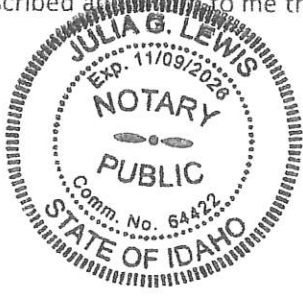
STATE OF Idaho )  
COUNTY OF Jefferson )S  
~~WASHINGTON~~

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

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 20<sup>th</sup> day of October, 2021.



[Signature]  
Notary Public

Residing in: Lewisville, IN 46031

My Commission Expires: November 9, 2026

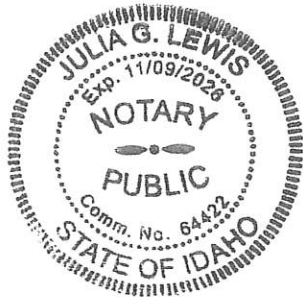
AGENT AUTHORIZATION

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

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 20<sup>th</sup> day of October, 2021.



[Signature]  
Notary Public

Residing in: Lewisville, IN 46031

My Commission Expires: November 9, 2026

AFFIDAVIT  
PROPERTY OWNER

Item 15.

STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

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

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 21 day of October, 2021.



[Signature]  
Notary Public

Residing in: Wash. Co.

My Commission Expires: July 5, 2024

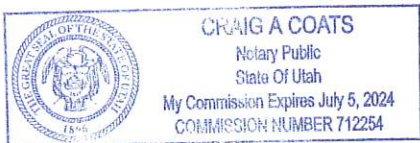
AGENT AUTHORIZATION

I (We), <sup>LW</sup>Cedar Vista LLC <sup>LLC</sup>TLW Investments LLC the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Alliance Consulting to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 21 day of October, 2021.



[Signature]  
Notary Public

Residing in: Wash. Co.

My Commission Expires: July 5, 2024



**Apple Valley AV-1329**

The Southeast Quarter of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian.

Quit Claim Deed Page 1 of 2  
Russell Shirts Washington County Recorder  
09/13/2017 03:04:28 PM Fee \$14.00 By FIRST  
AMERICAN ST. GEORGE MAIN

WHEN RECORDED MAIL TO  
AND MAIL TAX NOTICES TO:  
Cedar Vista, LLC  
4805 South 3300 West  
Rexburg, Idaho 83440

Space above for County Recorder's use  
Parcel I.D. #s AV-1328-A  
AV-1329  
AV-1343-A-1

16.0 Acres

### QUIT CLAIM DEED

**A.V. HOLDINGS, LLC**, a Utah limited liability company ("Grantor") of 2150 South 1300 East, Suite 150, Salt Lake City, Utah 84106, hereby QUIT CLAIMS to **CEDAR VISTA, LLC**, an Idaho limited liability company ("Grantee") of 4805 South 3300 West, Rexburg, Idaho 83440, for the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the following-described tract of land in Washington County, State of Utah:

SEE ATTACHED LEGAL DESCRIPTION.

WITNESS the hand of said Grantor this 7th day of September, 2017.

A.V. HOLDINGS, LLC a Utah limited liability company

By: MFG Property Management, LLC, a Utah limited liability company

By: *Richard H. Miller*  
Name: Richard H. Miller  
Its: Manager

STATE OF UTAH )

COUNTY OF SALT LAKE )

On this 7th day of September, 2017, personally appeared before me *Richard H. Miller*, the signer of the within instrument, who duly acknowledged to me that he executed the same in the capacity indicated above.

*Richard H. Miller*  
Notary Public

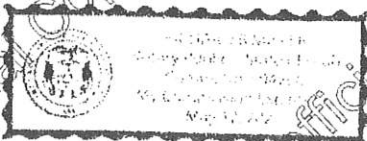


Exhibit "A"

**PARCEL 1:**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 42, SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°57.52" EAST ALONG THE SECTION LINE 2639.81 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE SOUTH 0°05.25" EAST, ALONG THE QUARTER SECTION LINE 1019.60 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°58.46" EAST 1003.04 FEET; THENCE SOUTH 0°05.25" EAST 572.41 FEET; THENCE NORTH 89°58.45" EAST 502.43 FEET; THENCE SOUTH 0°05.25" EAST 562.64 FEET; THENCE NORTH 89°58.45" EAST 1136.51 FEET TO A POINT ON THE SECTION LINE; THENCE SOUTH 0°06.19" EAST ALONG THE SECTION LINE 480.65 FEET TO THE EAST QUARTER OF SAID SECTION 29; THENCE SOUTH 89°58.45" WEST ALONG THE QUARTER SECTION LINE 2642.11 FEET TO THE CENTER OF SAID SECTION 29; THENCE NORTH 0°05.25" WEST ALONG THE QUARTER SECTION LINE 1615.71 FEET TO THE TRUE POINT OF BEGINNING.

**PARCEL 2:**

THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, ALSO:  
THE NORTHWEST QUARTER, LESS AND EXCEPTING THE SOUTH 40.0 ACRES (AS MEASURED ALONG THE SOUTH LINE) OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 11 WEST SALT LAKE BASE AND MERIDIAN; ALSO LESS AND EXCEPTING THE FOLLOWING: BEGINNING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 42 SOUTH, RANGE 11 WEST SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°57.52" EAST ALONG THE SECTION LINE 2639.81 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE SOUTH 0°05.25" EAST ALONG THE QUARTER SECTION LINE 1019.60 FEET; THENCE NORTH 89°57.52" WEST 2639.41 FEET TO A POINT ON THE SECTION LINE; THENCE NORTH 0°06.46" WEST ALONG THE SECTION LINE 1019.60 FEET TO THE POINT OF BEGINNING.

**PARCEL 8:**

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN.

Together with a portion of Water Rights No. 81-4536, change application a30467, being 98.93 acre feet

254



# AMENDMENT TO CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Base Filing fee: \$30.00.

Complete and submit the application in duplicate.

**FILED EFFECTIVE**

2017 OCT -2 AM 10: 32

SECRETARY OF STATE  
STATE OF IDAHO

- The name of the limited liability company is:  
Cedar Vista, LLC
- The date the certificate of organization was originally filed : September 10, 2012
- The name of the limited liability company is amended to:  
\_\_\_\_\_
- The complete street and mailing addresses of the principal office is amended to:  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_  
(Mailing Address, if different)
- The mailing address for future correspondence (annual reports) is amended to:  
\_\_\_\_\_  
(Address)
- The name and address of the managers/members shall be amended as follows:  
Add:  Delete:  Richard H. Miller 2150 South 1300 East, Ste 150, Salt Lake City, UT84106  
(Name) (Address)  
Add:  Delete:  \_\_\_\_\_  
(Name) (Address)  
Add:  Delete:  \_\_\_\_\_  
(Name) (Address)

7. Signature of a manager, member, or authorized person.

Printed Name: John K Bagley

Signature:

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Rev. 05/2015

Secretary of State use only

IDAHO SECRETARY OF STATE  
10/02/2017 05:00  
CK:1050 CT:346414 BH:1605382  
1@ 30.00 = 30.00 ORGAN AMEN #2

W117131



Item 15.

[Printer friendly view](#)

Query: AccountNumID = 0154941

Showing 1 result on 1 page

**Account# Summary**

	<b>Parcel #: AV-1329</b>	<b>Owner: CEDAR VISTA LLC</b>
0154941	Situs:	Legal: <b>S: 29 T: 42S R: 11W SE1/4 SEC 29</b>
	Acres: 157.75	<b>T42S R11W.</b>
	Version: 07/20/2021 11:21:12-208 AM to: MAX	

# Account 0154941

### Location

Account Number 0154941  
 Parcel Number AV-1329  
 Tax District 45 - Apple Valley Town  
 Acres 157.75

Situs 0, 0

Legal S: 29 T: 42S R: 11W SE1/4 SEC 29  
T42S R11W.

### Parent Accounts

### Parent Parcels

Child Accounts 0563943  
 0690399  
 1095372

### Child Parcels 1329-A

1329-B-SE  
 AV-1329-D

### Sibling Accounts

### Sibling Parcels

### Owner

Name CEDAR VISTA LLC  
 PO BOX 122  
 REXBURG, ID 83440

### Value

Market (2021) \$654,700  
 Taxable \$176,620  
 Tax Area: 45 Tax Rate:  
 0.008909

### Type Actual Assessed Acres

Ag Land \$174,700 \$174,700 58.220  
 Farm  
 Land \$480,000 \$1,920 160.000  
 FAA

### Transfers

#### Entry Number

#### Recording Date

00434469  
00567275  
00571351  
00571352  
00948541  
20060005889  
20070002934  
20100015231  
20100016490  
20100016491  
20110014619  
20110031703  
20110031704  
20120044925  
20170037242  
20190000956  
20210002782

05/26/1993 11:51:00 AM  
05/29/1997 04:17:00 PM  
07/15/1997 09:55:00 AM  
07/15/1997 09:56:00 AM  
06/01/2005 04:53:00 PM  
03/01/2006 04:56:21 PM  
01/18/2007 03:09:47 PM  
05/10/2010 02:52:32 PM  
05/20/2010 01:46:28 PM  
05/20/2010 01:46:28 PM  
05/11/2011 03:09:01 PM  
10/18/2011 02:16:28 PM  
10/18/2011 02:16:28 PM  
12/31/2012 02:26:54 PM  
09/13/2017 03:04:28 PM  
01/09/2019 11:15:43 AM  
01/13/2021 03:17:11 PM

B: 730 P: 247  
B: 1104 P: 412  
B: 1116 P: 493  
B: 1116 P: 495  
B: 1750 P: 1084

### "Tax"

### Images

#### Tax Year

#### Taxes

2021 \$1,573.51  
 2020 \$24.36

• GIS





Home

Search

Forms

Lists

Help

# Business Search

CEDAR VISTA



Advanced ▾

Results: 1

**Form Info**

**Status**

**Filing Date**

**Agent**

**CEDAR VISTA, LLC**  
(360008)  
*Limited Liability Company*  
(D)



**Active-Existing**

09/10/2012

**JOHN K BAGLEY**

**APPLE VALLEY PLANNING DEPARTMENT  
PRELIMINARY PLAT REVIEW**

PARCEL ID: AV-1319-A

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** Was 2000 Main LLC, now KDLR LLC & K&D Family LLC (Kerri Holt)

Verified by: County Records Warranty Deed

**AGENT:** Was Scout Holm, Now None, Verified by Supplied Affidavit Unable to verify

**ACRES IN TAX ID:** 66

**ACRES IN APPLICATION:** 66

**PROPOSED LOTS:** 29

---

**COMMENTS:** At the last Planning Commission meeting is December, this property was on the agenda for a Preliminary Plat approval. It was tabled to allow the applicant to rectify a multitude of problems with their application and their plat, as you can see from the attached review. They were also required to obtain Water District preliminary approval prior to Preliminary Plat approval. None of the above items has been corrected, including getting preliminary approval from the Water District.

This property was owned by 2000 Main LLC (Travis Holm) but, was SOLD to another investor KDLR LLC & K&D Family LLC (Kerri Holt) on December 14<sup>th</sup>, 2021, so 2000 Main LLC is no longer the owner of the property on this application.

I have talked to the new owner, and he informed me that he would let us know, just after Christmas and New Year’s Eve, if he was interested in pursuing this application, but to date, we have only received one affidavit from Mr. Holt for the West Temple subdivision, assigning Travis Holm as his agent on that property, and no affidavit for this property or any other property that Mr. Travis Holm sold.

Since 2000 Main LLC is no longer the owner of the property on this application, and we have not heard anything from the new owner, about continuing this application, and no attempt has been made to correct any of the items from their application that needed correction, it is my recommendation that this application be denied.

It is also my recommendation that if the new owner apply for a preliminary plat approval within the next 8 months on this property, that the application fees paid on this application, shall be transferred to his new application.

USE THIS

Item 16.

PRELIMINARY PLAT REVIEW

PARCEL ID: AV-1319-A

Prepared for Planning Commission meeting dated: 12-1-21 Town Council Dated 12-2-21

ACRES IN APPLICATION: 66 # Lots 29

PRELIMINARY PLAT APPLICATION FEE: AMOUNT: \$1,500

TOTAL FEE PAID WITH APPLICATION: AMOUNT:

RECEIPT NUMBER: RECEIVED BY:

CURRENT ZONE: RE-1 Minimum Lot Width: 100' Minimum Lot Average: 1 ACRE

- Is The application to appear before the Planning Commission included? NO
- Is the application to appear before the Town Council included? NO
- Is there an approximate address/location identified for the subject property? YES ON PLAT
- Is there a copy of a warranty deed or preliminary title report showing evidence the applicant has control of the property? NO
- Does the proposed subdivision front a public dedicated road as required in 11.08.40 G? NO
- Is a letter from adjacent property owners included if required for an access or easements? NO
- Is a letter from Big Plains Water and Sewer District included, confirming availability of water and sewer or that they have given a preliminary review and acceptance of such proposed services? NO
- Is there a tentative plan for drainage, drainage easements and drainage retention? NO
- Are all existing waterways, ditches, or canals identified and re-alignments shown on the Plat? NO
- Are all easements for water, sewer, utilities and other purposes shown? NO
- Do all the lots average the minimum required by the zoning? YES
- Do all the lots meet the minimum required frontage required by the zone? YES
- Is any of the property affected by our Hillside and Sensitive Lands Zoning? YES
- Do all the proposed roads meet town road standards? NO NEITHER IN WIDTH, NOR IMPROVEMENTS
- Are there road connections stubbed out to all adjacent properties and arrangements for temporary turn around shown. N/A
- Does any of the lots have direct access to a Major Collector Road? (Not allowed). NO
- Do any Major Collector roads exceed 8% grade? N/A
- Is the plat marked with any street grades that exceed 5%? NO

- Are all vertical contours not greater than 5'? *YES*
- Are there any double fronted or flag lots? (Requires special permission). *No*
- Is there a phasing plan? *YES*
- Are all parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision, so marked? *YES*
- Is any of the property affected by our Hillside and Sensitive land ordinance and are all potential geological restraints identified on the plat? (Special Permits required). *YES*
- 

## COMMENTS:

If it is determined that this plat is not acceptable and it is to be tabled, we suggest the following motion:

**I make the motion that we table the subdivision plat for AV-1319-A, for 90 days to allow the developer to determine if they can rectify the problems identified in the checked box (  ) adjacent to each item on the Preliminary Plat review form. (Read each item identified). This Review form shall be part of this motion.**

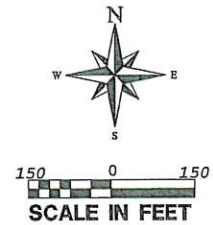
**CONTACT OF OWNER:**  
 SCOUT HOLM, REP  
 OWNER: 2000 MAIN LLC  
 ADDRESS: 2120 COTTONWOOD CYN #125, HOLM, UT 84718  
 PHONE: 435-690-0519

**CURRENT ZONING: SF-1.0**

# PRELIMINARY PLAT FOR: MILES MARK

LOCATED NORTH END OF ROME AVENUE IN APPLE VALLEY, WASHINGTON COUNTY, UTAH  
 IN SOUTHEAST QUARTER OF SECTION 19, T42S, R11W, SLB&M.

PRELIMINARY PLAT FIGURES  
 LAND= 66 ACRES  
 LOTS VARY FROM 1 TO GREATER THAN 1 ACRE.  
 UNITS= 29



NO	REVISIONS	DESCRIPTION	DATE	BY

**PROVALUE ENGINEERING, INC.**  
 Engineers - Land Surveyors - Land Planners  
 29 SOUTH 850 WEST, SUITE 1  
 HERRING CITY, UTAH 84737  
 Phone: (435) 668-4001



PRELIMINARY PLAT FOR:  
**MILES MARK**  
 IN 6E 1/4, SECTION 19, T42S, R11W, SLB&M  
 LOCATED IN NORTH END OF ROME AVENUE, APPLE VALLEY, UTAH  
 WASHINGTON COUNTY, UTAH

DATE: 11/22/2021  
 SCALE: 1"=150'  
 JOB NO:  
 216-013  
 SHEET NO:  
**1 OF 1**

THE MITIGATION OF POTENTIAL HAZARDS WILL BE RECOMMENDED IN THE FUTURE GEOTECHNICAL REPORT.

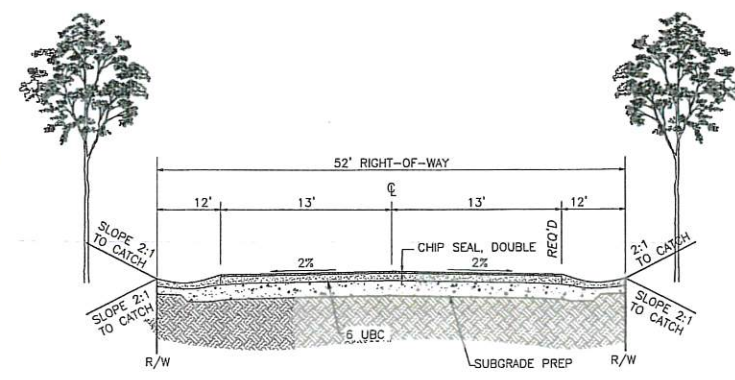
- PLAN FOR STORM DRAINAGE**
- DETENTION BASIN AT SOUTH END OF LOT 14
  - RIPRAP CHECK DAMS ON ALL ROADS
  - EACH LOT TO RETAIN THEIR OWN RUNOFF

- PLAN FOR COMMUNICATIONS INFRASTRUCTURE**
- COORDINATE WITH CABLE AND PHONE COMPANIES THE DESIGN AND INSTALLATION OF COMMUNICATIONS WIRE AND EQUIPMENT IN THE PUBLIC UTILITY EASEMENT THE SIDE OF EACH ROAD RIGHT-OF-WAY.

- WATER PLAN**
- THE PLAN IS TO INSTALL A 12" WATER MAIN FROM A NEW WATER TANK AND WELL THAT WILL BE LOCATED ON THE EAST SIDE OF REDSTONE (EAST OF MAIN STREET).
  - THE NEW WATER TANK WILL BE 330,000 GALLONS.
  - THE NEW WELL WILL BE 80+ GALLONS PER MINUTE.
  - THE NEW 12" WATER MAIN WILL SUPPLY 200 FEET OF HYDRAULIC HEAD AT MILES MARK WHICH WILL BE 88 P.S.I. IN PRESSURE.
  - AN 8" WATER MAIN WILL BE INSTALLED IN THIS SUBDIVISION.

- SEWER PLAN**
- THE PLAN IS TO INSTALL A 6" PRESSURE SEWER MAIN FROM ROME AVE. DOWN GUBLER DRIVE TOWARD THE SEWER TREATMENT CENTER THAT WILL BE INSTALLED WEST OF DESERT ROSE BOULEVARD, JUST SOUTH OF GOULDS WASH.
  - THE LOTS WILL HAVE THEIR OWN SEPTIC TANK AND EFFLUENT PUMPS TO CREATE A S.T.E.P. AND S.T.E.G. SYSTEM.
  - THE TREATMENT AREA WILL USE THE TREATED WASTEWATER TO WATER A NEW TOWN PARK.

- LEGEND**
- PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - PROPOSED TRAIL
  - SECTION LINE
  - ◆ SECTION CORNER AS DESCRIBED
  - CHURCH
  - OPEN SPACE
  - 0.5 ACRE LOTS
  - > 1 ACRE LOTS
  - COMMERCIAL LOTS

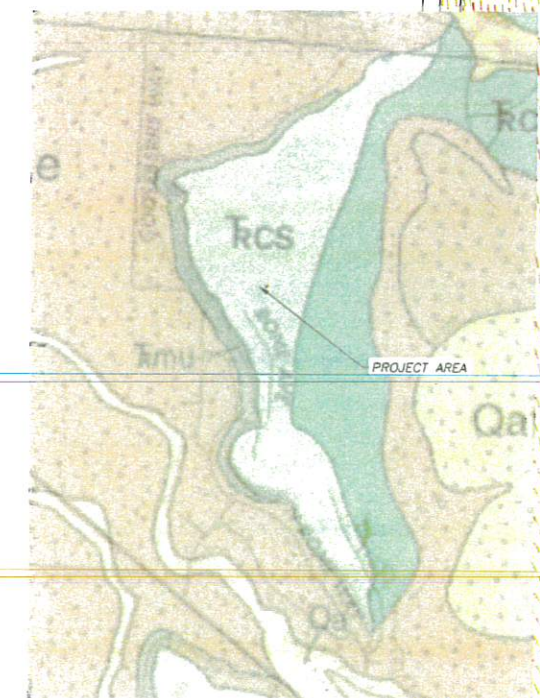


**LEGAL DESCRIPTION**

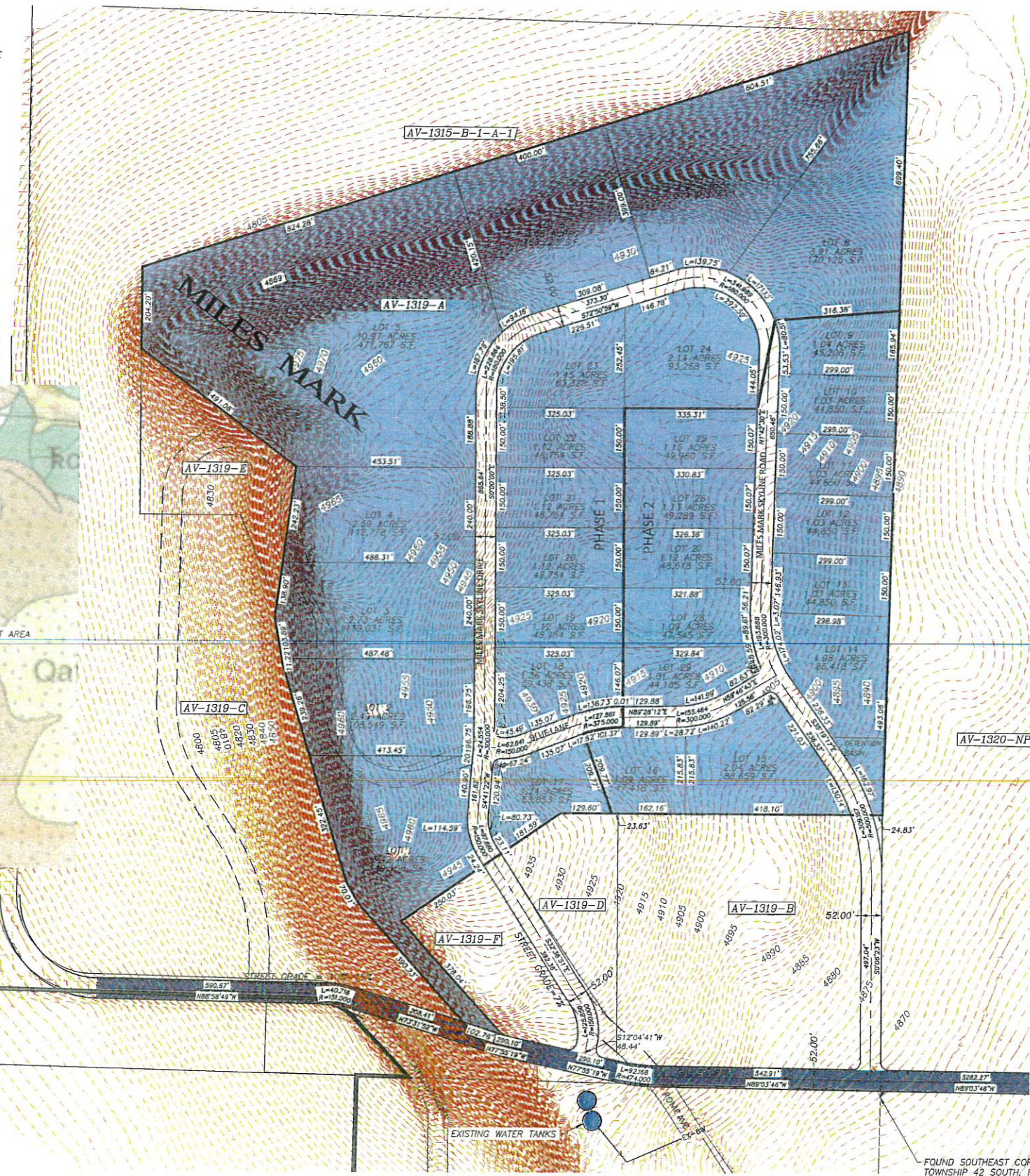
ALL OF PARCEL # AV-1319-A BEGINNING N 0°04'54" W 660 FT ALG SEC/L FM SE CORNER SEC 19, T42S, R11W, THENCE N 89°59'43" W 660 FT; THENCE S 0°04'54" E 660 FT TO S LN; THENCE N 89°59'43" W 265.66 FT ALG SEC/L; THENCE N42°41'51" W 592.97 FT; THENCE N 30°10'41" W 70.01 FT; THENCE N 17° W 561.691 FT; THENCE N 09°53'02" W 115.299 FT; THENCE N 07°40' E 380.775 FT; THENCE N 53°30' W 431.246 FT; THENCE N0°05'25" W 204.755 FT; THENCE N 71°45'53" E 1980.339 FT TO E1/4 COR; THENCE S 0°04'54" E 1973.81 FT ALG SEC/L TO POB LESS; BEGINNING AT A POINT ALONG THE SECTION LINE SITUATED SOUTH 89° 59' 23" WEST 660.0 FEET FROM THE SOUTH EAST CORNER OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SLB&M, AND RUNNING THENCE NORTH 00° 05' 48" WEST 660.0 FEET; THENCE SOUTH 89° 59' 23" WEST 153.23 FEET; THENCE SOUTH 55° 59' 06" WEST 483.63 FEET; THENCE SOUTH 42° 42' 45" EAST 430.03 FEET; THENCE SOUTH 89° 58' 49" WEST A DISTANCE OF 69.96 FEET; THENCE SOUTH 42° 42' 45" EAST 100.00 FEET; THENCE NORTH 89° 59' 23" EAST ALONG THE SECTION LINE 265.66 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 65.58 ACRES.

**GEOLOGICAL HAZARDS**

FAULTS & SURFACE FAULTING	NONE
LIQUEFACTION	NONE
FLOODING	ZONE X- NO FLOODING
LANDSLIDE HAZARD	CLIFF BAND
ROCKFALL HAZARD	LOW TO HIGH
BRECCIA PIPES AND PALEOKARST	NONE
CALICHE	NONE
COLLAPSIBLE SOIL	NONE
EXPANSIVE SOIL	ESL-LOW SUSCEPTIBILITY TO EXPANSION
GYPSIFEROUS SOIL & ROCK	NONE
PIPING & EROSION	SUSCEPTIBLE ROCK
SHALLOW BEDROCK	BRB-BURIED: BEDROCK GENERALLY > 5 FEET BENEATHENCE SOIL COVER
WIND BLOWN SAND	NONE
SHALLOW GROUND WATER	SCW3-MODERATELY TO FREELY DRAINING SOILS



**SOILS DESCRIPTION OF PROPERTY:**  
 TRCS: SHINARUMP CONGLOMERATE MEMBER (UPPER TRIASSIC) MEDIUM- TO COARSE-GRAINED SANDSTONE, PEBBLY SANDSTONE, AND LESSER PEBBLY CONGLOMERATE, LOCALLY WITH SILTY SANDSTONE, CLAYSTONE, AND SAGITTIC CLAYSTONE INTERBEDS, THAT FORMS PROMINENT CLIFFS, HOGBACKS, AND MESAS; CLASTS ARE SUBROUNDED CHERT AND QUARTZITE, MOSTLY THICK BEDDED WITH BOTH PLANAR AND LOW-ANGLE CROSS-STRAATIFICATION, ALTHOUGH THIN, PLATY BEDS WITH RIPPLE CROSS-STRAATIFICATION OCCUR LOCALLY; PREDOMINANTLY PALE- TO DARK-YELLOWISH-ORANGE, BUT PALE-RED, GRAYISH-RED, PALE-ORANGE, AND PALE-YELLOW-BROWN HUES ARE COMMON; COMMONLY STAINED BY IRON-MANGANESE OXIDES, LOCALLY FORMING "PICTURE STONE"; CONTAINS POORLY PRESERVED PETRIFIED WOOD AND PLANT DEBRIS, COMMONLY REPLACED IN PART BY IRON-MANGANESE OXIDES; UPPER CONTACT MARKS A SHARP TOPOGRAPHIC BREAK AND TYPICALLY CORRESPONDS TO THE FIRST APPEARANCE OF VARICOLORED, SWELLING MUDSTONE; DEPOSITED IN BRANDED STREAMS THAT FLOWED NORTH AND NORTHWEST (STEWART AND OTHERS, 1972a; DUBIEL, 1994; DECOURTEN, 1998); TYPICALLY ABOUT 100 FEET (30 M) THICK, BUT RANGES FROM 5 TO 250 FEET (2-75 M) THICK DUE TO DEPOSITION OVER PALEOTOPOGRAPHY DEVELOPED ON THE TR-3 UNCONFORMITY



FOUND SOUTHEAST CORNER OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN

Miles Mark

# PRELIMINARY PLAT APPLICATION

Town of Apple Valley  
1777 North Meadowlark Dr.  
Apple Valley, Utah 84737  
(435)877-1190  
Fax (435)877-1192

Fee: \$1,500, Lot Split \$250

For Office Use Only:  
File No. AV-1319-A  
Receipt No. √#1081

Name: 2000 main Telephone: 702-701-1443

Address: [Redacted] Holm UT Fax No. \_\_\_\_\_  
84718

Email: holmbrand@gmail.com

Agent (If Applicable): Travis Holm Telephone: 702-701-1443

Address/Location of Subject Property: \_\_\_\_\_

Tax ID of Subject Property: AV-1319-A Zone District: RE-1.0 1ac or greater

Proposed Use: (Describe, use extra sheet if necessary) RE-1.0  
1 acre to greater than 1 acre lots For development

Submittal Requirements: The preliminary plat application shall provide the following:

- 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
  - a. The proposed name of the subdivision.
  - b. The location of the subdivision, including the address and section, township and range.
  - c. The names and addresses of the owner or subdivider, if other than the owner.
  - d. Date of preparation, and north point.
  - e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- 2. Existing Conditions: The preliminary plat shall show:
  - a. The location of the nearest monument.
  - b. The boundary of the proposed subdivision and the acreage included.
  - c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
  - d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
  - e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
  - f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.



- g. Existing \_\_\_\_\_ ditches, canals, natural drainage channels and open waterways and any proposed realignments.
- h. Contours at vertical intervals not greater than five (5) feet.
- i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- j. Information on whether property is located in desert tortoise take area

(Preliminary Plat Application – Page 2)

- 3. Proposed Plan: The subdivision plans shall show:
  - a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.
  - b. The layout, numbers and typical dimensions of lots.
  - c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
  - d. Easements for water, sewers, drainage, utilities, lines and other purposes.
  - e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
  - f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
  - g. Approximate radius of all center line curves on highways or streets.
  - h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
  - i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
  - j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
  - k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
  - l. Will this subdivision be phased? If yes show possible phasing lines.
  - m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

- 4. Required copies of plans:
  - a. Three copies of all full scale drawings
  - b. One copy of each drawing on a 11 x 17 inch sheets. (8 1/2 x 11 is acceptable if the project is small and the plans are readable at that size).

**5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property**

**NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 noon 10 full business days before the Planning Commission meeting at which you plan for your application to be heard.**

\*\*\*\*\*

(Office Use Only)

Date Received: 11/16/21 Application Complete: YES  NO

Date application deemed to be complete: 11/16/21 Completion determination made by: [Signature]

PRELIMINARY PLAT APPLICATION page 3 (General Information)

**PURPOSE**

The preliminary plat application is the first step in land development process in those instances where land is divided for eventual sale. The process is established to insure that all proposed divisions of land conform to the Town General Plan and to adopted development standards of the Land Use Ordinance.

**WHEN REQUIRED**

The preliminary plat is required any time land is to be divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on installment plan or upon any and all other plans, terms and conditions. It is not required on agricultural divisions where the agricultural parcel is divided to be combined with another agricultural parcel, nor is it required when two un-subdivided properties are merged, or where the boundary between two un-subdivided properties are adjusted.

The preliminary plat must be approved before a final plat can be processed and recorded.

Subdivision approval process:

- Determine current zoning for property.
- If zoning fits desired subdivision, meet with Planning staff to discussed the proposed project.
- Obtain a preliminary plat application form and complete the application and have a plat prepared by an engineer to meet the requirements on the preliminary plat application.
- Submit completed application, preliminary plat, and required fee to Planning Department before noon on the Wednesday two weeks before desired Planning Commission meeting. ( see submittal dates sheet)
- Appear at the scheduled Planning Commission meeting to discuss preliminary plat, hear comments, answer questions, and receive recommendation of approval or disapproval from Planning Commission.
- Appear at the next scheduled Town Council meeting that occurs after the Planning Commission meeting at which a recommendation was received. Hear Town Council comments, answer questions, and receive Town Council decision Town Council can approve the plat with conditions, recommend changes and send it back to the Planning Commission, or deny the plat.

If the preliminary plat is approved, have construction drawings for utilities and streets prepared by an engineer according to the Town standards. Construction drawings must be approved by the Planning and Zoning department, Town Engineer, Rocky Mountain Power, Southwest Public Health Department and Big Plains Water and Sewer Special Service District. Approval means changes are made and all required signatures are obtained.

Once the preliminary plat is approved by the Town Council, the applicant has one year after receiving approval of the preliminary plat to submit the final plat to the Planning Commission for action. The Planning Commission may authorize a one-year time extension, provided the extension request is made before the one year time limit is reached. The Planning Commission will review and make recommendation to the Town Council on the final plat when submitted. The Town Council will typically review the Planning Commission recommendation within 1-2 weeks after the Commission action on the final plat.

**APPEALS**

The Planning Commission makes a recommendation to the Town Council, so there is no appeal. The Town Council's action on a preliminary plat is final unless appealed to the appropriate court.

**AFFIDAVIT  
PROPERTY OWNER**

STATE OF UTAH )  
:SS

COUNTY OF )

I (we) 2003 main, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]  
(Property Owner)

[Signature]  
(Property Owner)



Subscribed and sworn to me this 16<sup>th</sup> day of NOV. 2021

Layla Mangum  
(Notary Public)

Residing in: UTAH

My Commission Expires: 8/8/2023

**AGENT AUTHORIZATION**

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

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
(Notary Public)

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**PRELIMINARY PLAT FOR:  
MILES MARK**  
LOCATED NORTH END OF ROME AVENUE IN APPLE  
VALLEY, WASHINGTON COUNTY, UTAH  
IN SOUTHWEST QUARTER OF SECTION 19, T42S, R11W, S18&M.

**CONTACT OF OWNER:**  
SCOTT NOLAN, INC.  
ADDRESS: 2120 COTTWOOD CYN #125, NOLAN, UT 84718  
PHONE: 435-690-0519

**CURRENT ZONING: SF-10**

**PLAN FOR STORM DRAINAGE**

- BEHIND CHECK DAMS ON ALL ROADS
- EACH LOT TO RETURN FLOW ON R/OFF

**PLAN FOR COMMUNICATIONS INFRASTRUCTURE**

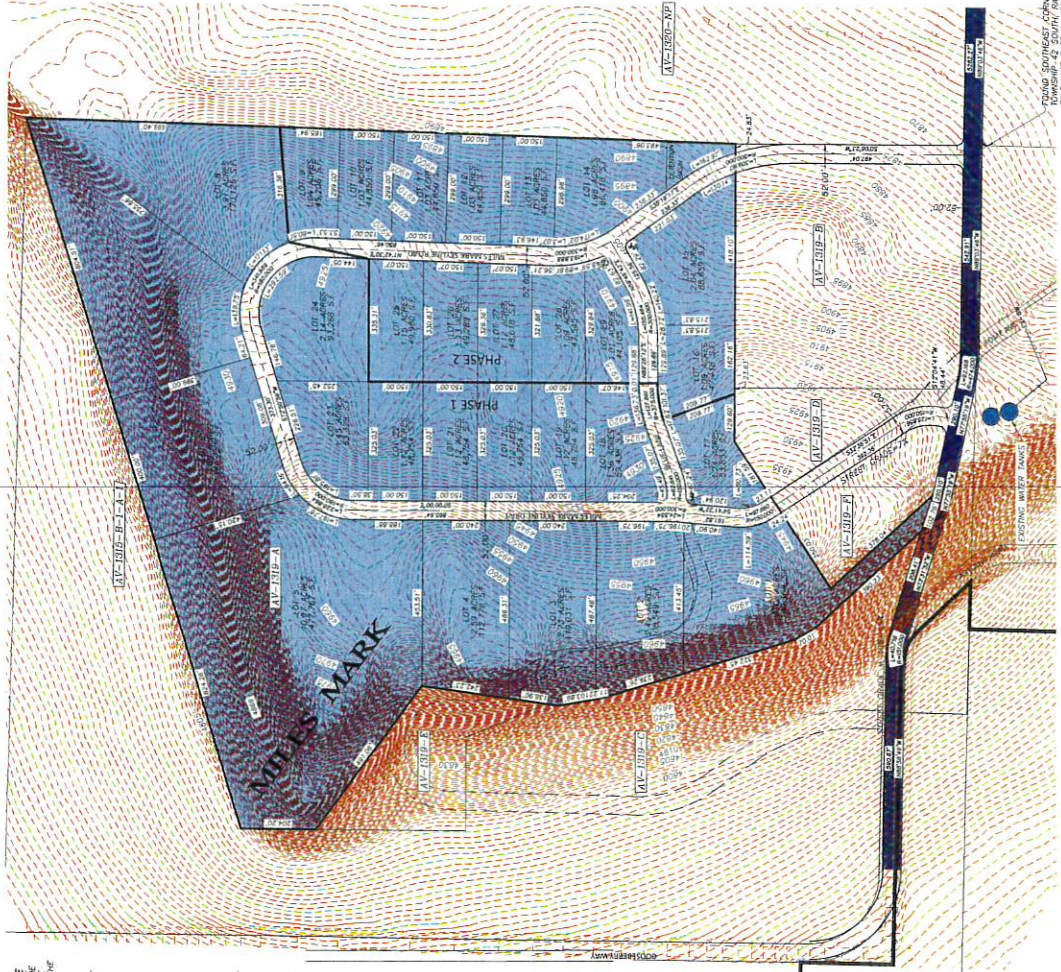
- COORDINATE WITH CABLE AND PHONE COMPANIES THE
- ADDITIONAL FUTURE COMMUNICATIONS WIRE
- AND FIBER OPTIC WIRE TO BE INSTALLED ON THE
- SIDE OF EACH ROAD FRONT-OF-WAY.

**WATER PLAN**

- THE PLAN IS TO INSTALL A 12" WATER MAIN FROM
- A NEW WATER TANK AND WELL THAT WILL BE
- OF MAIN STREET) EAST SIDE OF RUSTONE (EAST
- THE NEW WELL WILL BE 100' DEEP.
- THE MAIN WILL BE 12" DIAMETER.
- MINUTE 12" WATER MAIN WILL SERVE A 200' FEET
- OF HYDRAULIC HEAD AT MILES MARK WHICH WILL
- AN 8" WATER MAIN WILL BE INSTALLED IN THIS
- SUBDIVISION.

**SEWER PLAN**

- THE PLAN IS TO INSTALL A 4" PRESSURE SEWER
- MAIN FROM ROME AVE. DOWN CHASLER DRIVE
- BE INSTALLED WEST OF EXISTING RUSTONE WADSWORTH.
- THE LOSS OF POTENTIAL HEAD WILL BE
- EFFLUENT PUMPS TO CREATE A S.T.E.P. AND
- THE TREATMENT AREA WILL USE THE TREATED
- WASTEWATER TO WATER A NEW TOWN PARK.



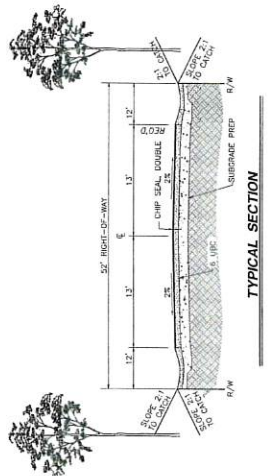
**LEGEND**

- CHURCH
- OPEN SPACE
- 0.5 ACRE LOTS
- > 1 ACRE LOTS
- COMMERCIAL LOTS

PROPERTY LINE  
ADJACENT PROPERTY LINE  
PROPOSED TRAIL  
SECTION CORNER AS DESCRIBED

5' HIGH-OF-WAY  
CHIP SEAL DOUBLE R/O  
SUBGRADE PREP  
R/W

1" = 100'  
SCALE IN FEET



**LEGAL DESCRIPTION**

ALL OF PARCEL # 01-1319-A  
BEGINNING IN 07-34 W 660 FT ALONG SEC. 19, T42S, R11W, THENCE N 89°59'43" W 660  
562.977 FT, THENCE N 30°10'11" W 70.01 FT, THENCE N 17° W 561.691 FT, THENCE N 08°25'02" W 115.899 FT,  
THENCE N 07°40' E 250.775 FT, THENCE N 52°30' W 491.246 FT, THENCE N05°25' W 204.755 FT, THENCE N  
A POINT ALONG THE SECTION LINE SITUATED SOUTH 89°59'23" WEST 660.0 FEET FROM THE SOUTH EAST  
CORNER OF SAID SECTION 19, T42S, R11W, S18&M, THENCE S 89°59'23" WEST 660.0 FEET TO THE  
44° CORNER OF SAID SECTION 19, T42S, R11W, S18&M, THENCE S 89°59'23" WEST 660.0 FEET TO THE  
48.61 FEET, THENCE SOUTH 42° 42' 45" EAST 40.03 FEET, THENCE SOUTH 89° 49' WEST A DISTANCE OF  
SECTION LINE, 256.66 FEET MORE OR LESS TO THE POINT OF BEGINNING, CONTAINING 265.89 ACRES.

**GEOLOGICAL HAZARDS**

HAZARD	RECOMMENDATION
FALTS & SURFACE FAILING	NONE
UNDEFACTION	NONE
FLOODING	ZONE A - NO FLOODING
LANDSLIDE HAZARD	CLIFF BAND
ROCKFALL HAZARD	LOW TO HIGH
BRICKA PIPES AND PALEODRAFT	NONE
CLAYE	NONE
COLLAPSE SOIL	NONE
EXPANSIVE SOIL	NONE
GYPSIFEROUS SOIL & ROCK	NONE
SPRING & EROSION	SUSCEPTIBLE ROCK
SHALLOW BEDROCK	BRG-BASED BEDROCK, GENERALLY > 5 FEET BENEATH SOIL COVER
WIND BLOWN SAND	NONE
SHALLOW GROUND WATER	NONE

THE MITIGATION OF POTENTIAL HAZARDS WILL BE RECOMMENDED IN THE  
FUTURE GEOLOGICAL REPORT.

NO.	DESCRIPTION	DATE	BY

ROYALTY ENGINEERING, INC.  
1610 SOUTH 1000 WEST, SUITE 100  
SALT LAKE CITY, UTAH 84119  
PHONE: (801) 488-4323



PRELIMINARY PLAT FOR  
MILES MARK  
LOCATED IN NORTH END OF ROME AVENUE, APPLE VALLEY, WASHINGTON COUNTY, UTAH

DATE DRAWN: 11/15/2023  
DRAWN BY: JMM  
CHECKED BY: JMM  
SCALE: AS SHOWN

**1 OF 1**

**APPLE VALLEY PLANNING DEPARTMENT  
PRELIMINARY PLAT REVIEW**

PARCEL ID: AV-1325,1326,1327,1345,1346 & 1348-A

PLANNING COMMISSION SCHEDULED MEETING DATE: 1/20/22

TOWN COUNCIL SCHEDULED MEETING DATE: \_\_\_\_\_

**PROPERTY OWNER:** Previous Owner 2000 Main LLC. Current Owner: KDLR LLC & K & D Family LLC Verified by County Records Warranty Deed

Agent: Previously Scout Holm, Now: Nobody Verified by Supplied Affidavit Unable to verify

**ACRES IN TAX ID:** 1,080

**ACRES IN APPLICATION:** 794.7 **PROPOSED LOTS:** 344

---

**COMMENTS:** At the last Planning Commission meeting in December, these properties were on the agenda for a Preliminary Plat approval. It was tabled to allow the applicant to rectify a multitude of problems with their application and their plat, as you can see from the attached review. They were also required to obtain Water District preliminary approval prior to Preliminary Plat approval. None of the above items has been corrected, including getting preliminary approval from the Water District.

This property was SOLD to another investor on December 14<sup>th</sup>, 2021, so 2000 Main LLC is no longer the owner of the properties on this application.

I have talked to the new owner, and he informed me that he would let us know, just after Christmas and New Year's Eve, if he was interested in pursuing this application. We did receive one affidavit from Mr. Holt assigning Travis Holm as the new owners' agent for the West Temple Subdivision, but we have not received anything for this property.

Since the applicant, 2000 Main LLC is no longer the owner of the properties on this application, and we have not heard anything from the new owner about if he wishes to pursue this application, and that no attempt has been made to correct any of the items from their application that needed correction, it is my recommendation that this application be denied.

It is also my recommendation that if the new owner apply for a preliminary plat approval within the next 8 months on these properties, that the application fees paid on this application, shall be transferred to his new application.

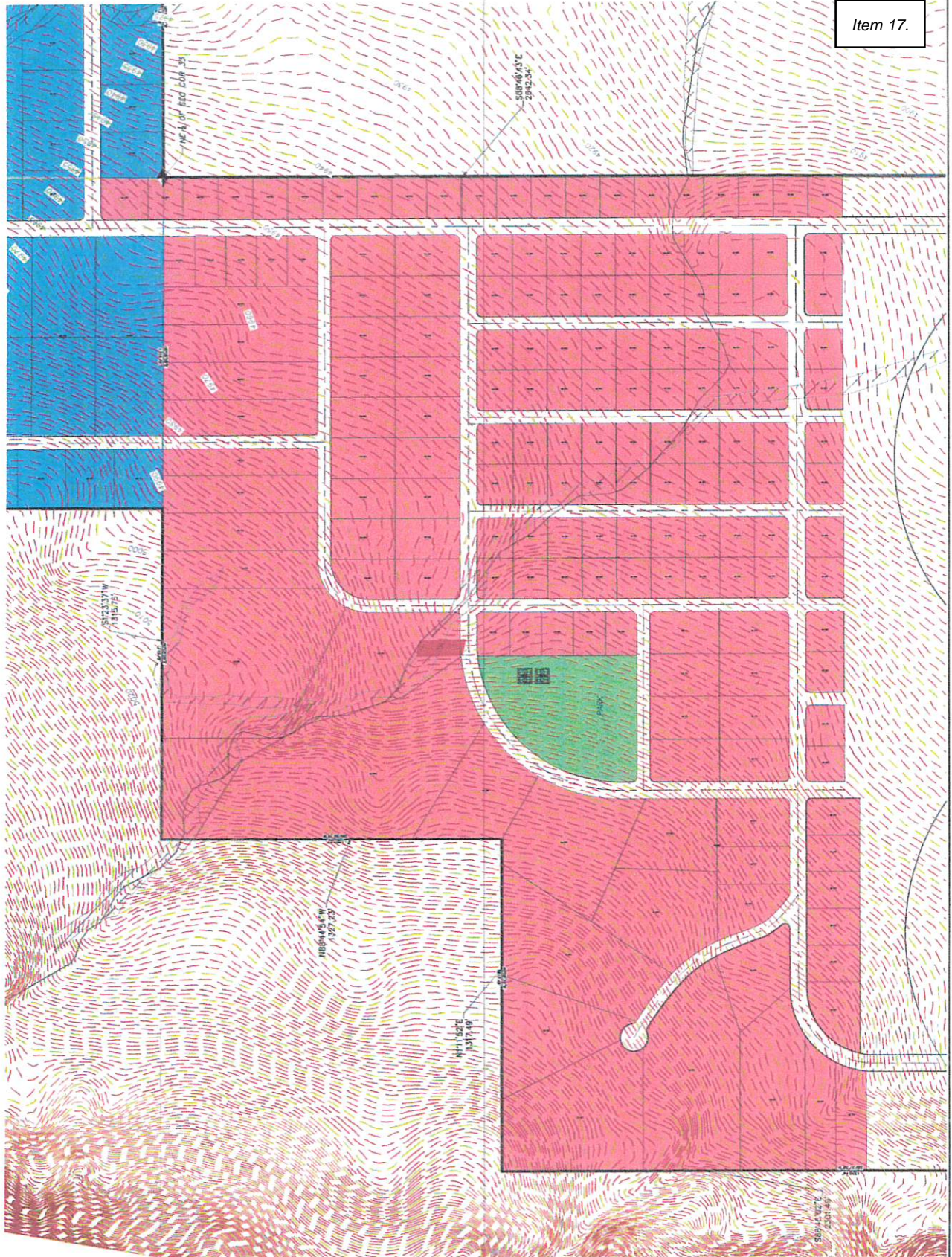
# PRELIMINARY PLAT FOR: REDSTONE

LOCATED IN APPLE VALLEY,  
WASHINGTON COUNTY, UTAH

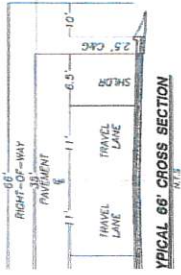
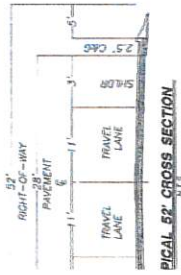
PRELIMINARY PLAT FIGURES  
LOTS = 344  
TOTAL ACRES = 794.7

## LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED TRAIL
- SECTION LINE
- SECTION CORNER AS DESCRIBED
- EXISTING WASH
- CURRENT ZONE
- 5F-1/2
- 5F-1.0



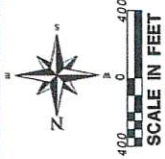
Item 17.



# PRELIMINARY PLAT FOR: REDSTONE

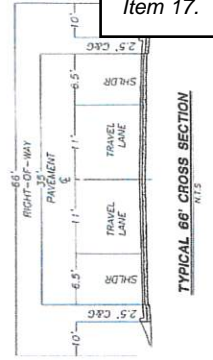
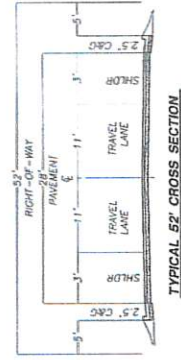
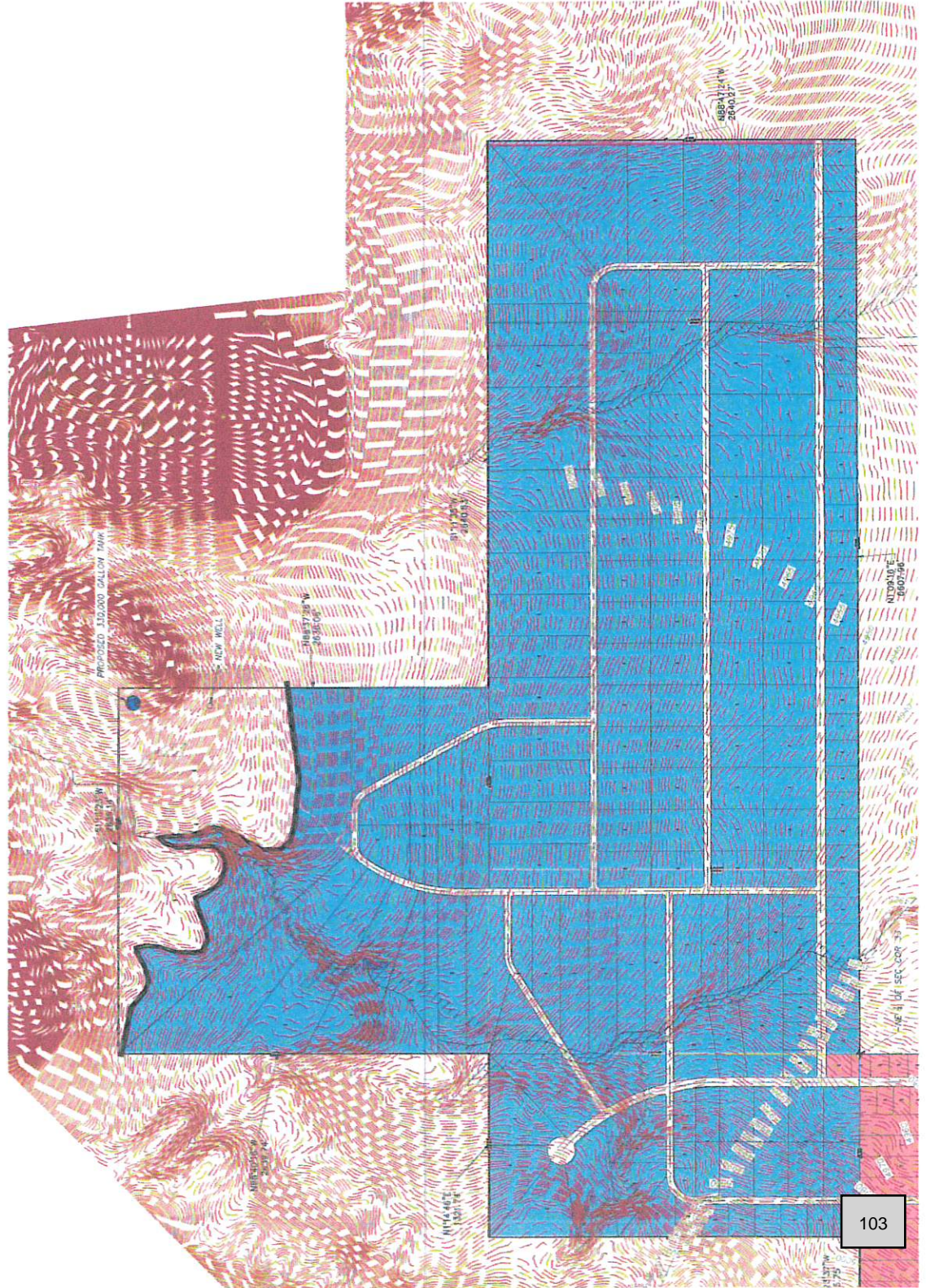
LOCATED IN APPLE VALLEY  
WASHINGTON COUNTY, UTAH

PRELIMINARY PLAT FIGURES  
LOTS = 344  
TOTAL ACRES = 794.7



### LEGEND

- PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - PROPOSED TRAIL
  - SECTION LINE
  - SECTION CORNER AS DESCRIBED
  - ENGINEERING WASH
- CURRENT ZONE
- SF=1/2'
  - SF=1.0



Item 17.

PRELIMINARY PLAT REVIEW

PARCEL ID: AV-1345, 1327, 1325, 1346, 1348-A, 1326

Prepared for Planning Commission meeting dated: 12/1/21 Town Council Dated 12/2/21

ACRES IN APPLICATION: 1080 # Lots 344

PRELIMINARY PLAT APPLICATION FEE: AMOUNT: \$1,500

TOTAL FEE PAID WITH APPLICATION: AMOUNT:

RECEIPT NUMBER: RECEIVED BY:

CURRENT ZONE: RE-1 Minimum Lot Width: 100' & 80' Minimum Lot Average: 1 ACRE & 1/2 ACRE

- Is The application to appear before the Planning Commission included? NO
- Is the application to appear before the Town Council included? NO
- Is there an approximate address/location identified for the subject property? NO
- Is there a copy of a warranty deed or preliminary title report showing evidence the applicant has control of the property? NO
- Does the proposed subdivision front a public dedicated road as required in 11.08.40 G? YES
- Is a letter from adjacent property owners included if required for an access or easements? NA
- Is a letter from Big Plains Water and Sewer District included, confirming availability of water and sewer or that they have given a preliminary review and acceptance of such proposed services? NO
- Is there a tentative plan for drainage, drainage easements and drainage retention? NO
- Are all existing waterways, ditches, or canals identified and re-alignments shown on the Plat? NO
- Are all easements for water, sewer, utilities and other purposes shown? NO
- Do all the lots average the minimum required by the zoning? NO
- Do all the lots meet the minimum required frontage required by the zone? CANT TELL
- Is any of the property affected by our Hillside and Sensitive Lands Zoning? YES
- Do all the proposed roads meet town road standards? NO USE TO MAJOR COLLECTOR & 60' RESIDENT ALTERNATIVE SIDEWALK MISSING
- Are there road connections stubbed out to all adjacent properties and arrangements for temporary turn around shown.
- Does any of the lots have direct access to a Major Collector Road? (Not allowed). YES FIX
- Do any Major Collector roads exceed 8% grade? ? GRADES MISSING
- Is the plat marked with any street grades that exceed 5%? NO



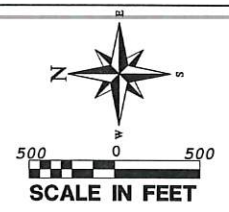
- Are all vertical contours not greater than 5'? **YES**
- Are there any double fronted or flag lots? (Requires special permission). **NO**
- Is there a phasing plan? **NO**
- Are all parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision, so marked? **YES NO OWNERSHIP MARKED**
- Is any of the property affected by our Hillside and Sensitive land ordinance and are all potential geological restraints identified on the plat? (Special Permits required).

## COMMENTS:

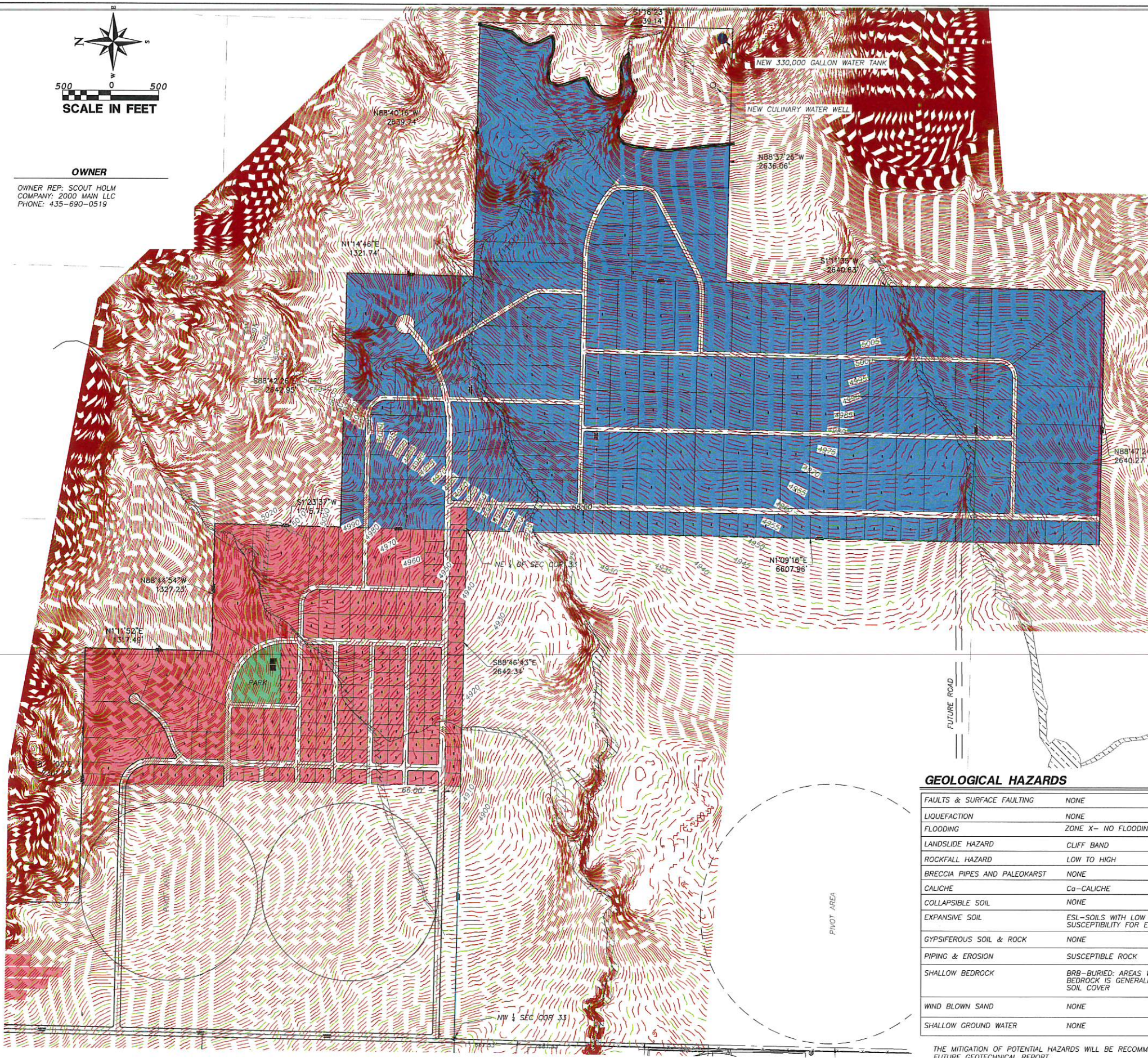
If it is determined that this plat is not acceptable and it is to be tabled, we suggest the following motion:

*AV- 1345, 1325, 1326*

**I make the motion that we table the subdivision plat for 1327, 1346, 1348-A, for 90 days to allow the developer to determine if they can rectify the problems identified in the checked box (  ) adjacent to each item on the Preliminary Plat review form. (Read each item identified). This Review form shall be part of this motion.**



**OWNER**  
OWNER REP: SCOUT HOLM  
COMPANY: 2000 MAIN LLC  
PHONE: 435-690-0519



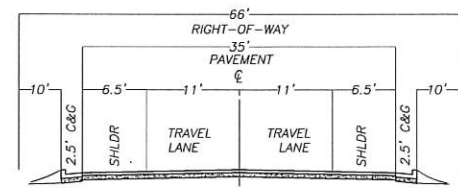
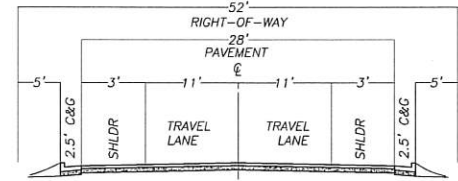
# PRELIMINARY PLAT FOR: REDSTONE

LOCATED IN APPLE VALLEY,  
WASHINGTON COUNTY, UTAH

PRELIMINARY PLAT FIGURES  
LOTS = 344  
TOTAL ACRES = 794.7

## LEGEND

- PROPERTY LINE
  - ADJACENT PROPERTY LINE
  - PROPOSED TRAIL
  - SECTION LINE
  - ⚡ SECTION CORNER AS DESCRIBED
  - EXISTING WASH
- CURRENT ZONE**
- SF-1/2
  - SF-1.0



## LEGAL DESCRIPTION

ALL OF PARCELS # AV-1345, AV-1327, AV-1326, AV-1346, & AV-1348-A

## PLAN FOR COMMUNICATIONS INFRASTRUCTURE

- COORDINATE WITH CABLE AND PHONE COMPANIES FOR THE DESIGN AND INSTALLATION OF COMMUNICATIONS WIRE AND EQUIPMENTS IN THE PUBLIC UTILITY EASEMENT ON EACH SIDE OF ROAD AFTER RIGHT OF WAY.

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- THE NEW WATER TANK WILL BE 330,000 GALLONS.
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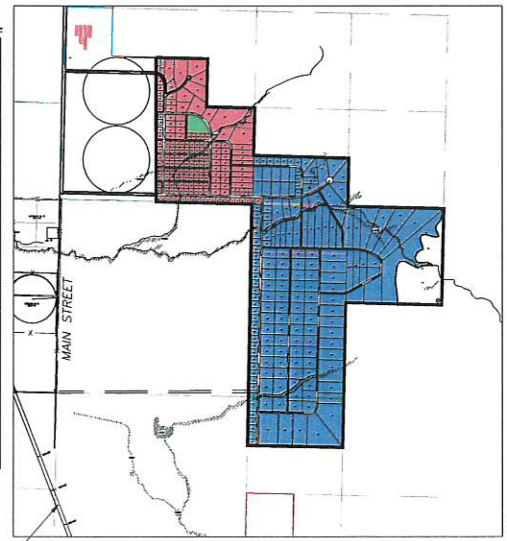
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## GEOLOGICAL HAZARDS

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LIQUEFACTION	NONE
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ROCKFALL HAZARD	LOW TO HIGH
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THE MITIGATION OF POTENTIAL HAZARDS WILL BE RECOMMENDED IN THE FUTURE GEOTECHNICAL REPORT.



NO	REVISIONS	DESCRIPTION	DATE	BY

**PROVALUE ENGINEERING, INC.**  
Engineers - Land Surveyors - Land Planners  
20 South 850 West, Suite 1  
Hurricane City, Utah 84713  
Phone: (435) 556-3077 CHAD HILL



PRELIMINARY PLAT FOR:  
**REDSTONE**  
T425 R11W SECTION 28.27, AND 34  
LOCATED IN APPLE VALLEY, UTAH  
WASHINGTON COUNTY, UTAH

DATE: 11/12/21  
SCALE: 1"=500'  
JOB NO:  
216-013  
SHEET NO:  
**1 OF 3**

STATE STREET (HIGHWAY 59)

**OWNER**  
 OWNER REP: SCOUT HOLM  
 COMPANY: 2000 MAIN LLC  
 PHONE: 435-690-0519

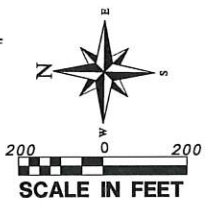
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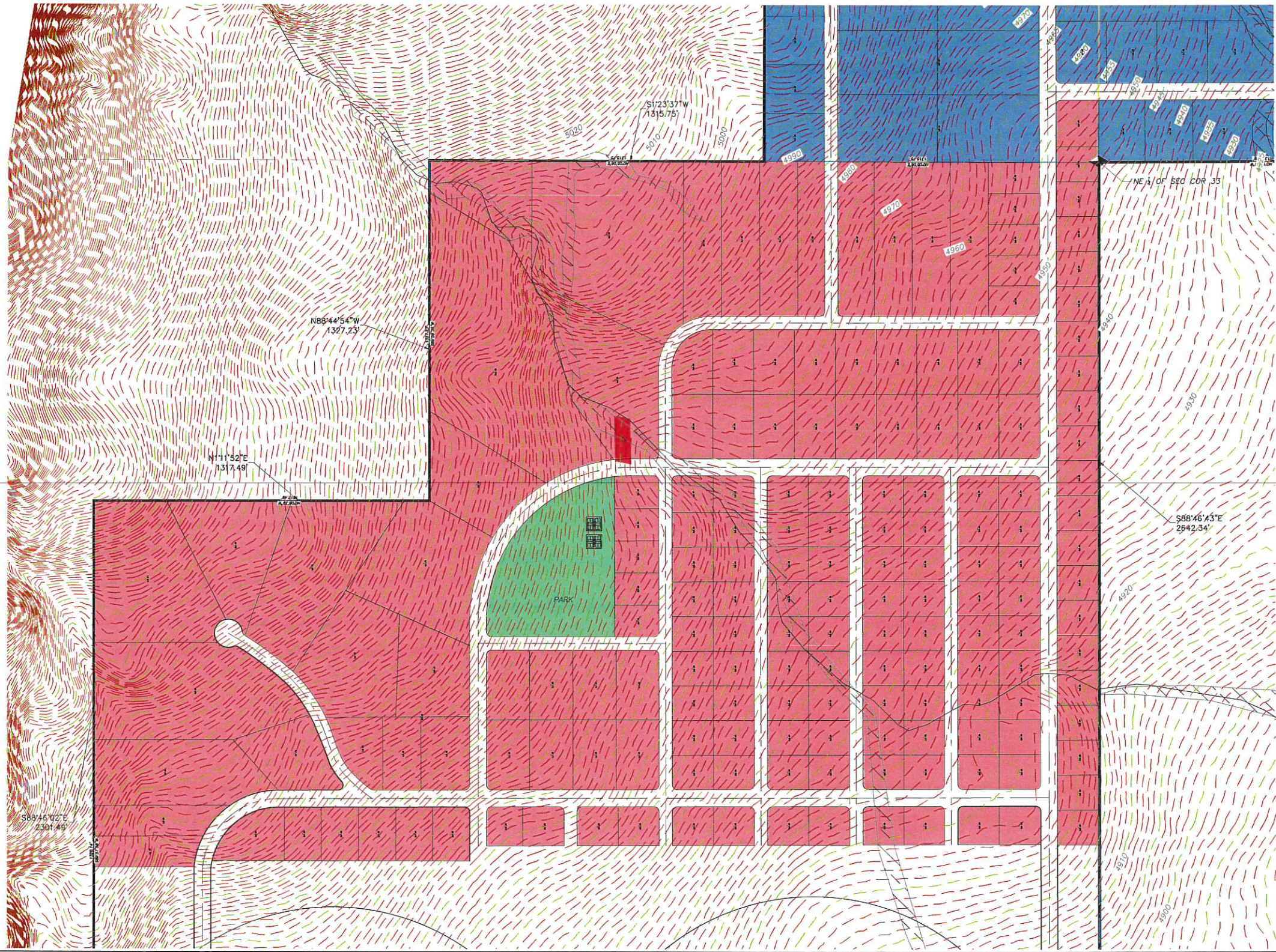
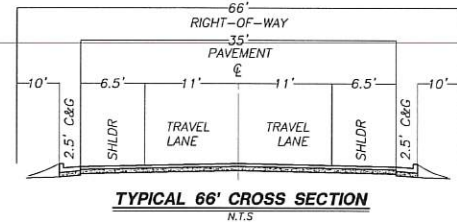
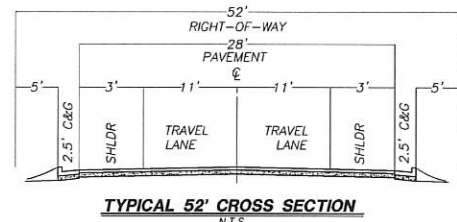
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NO.	REVISIONS	DESCRIPTION	DATE	BY

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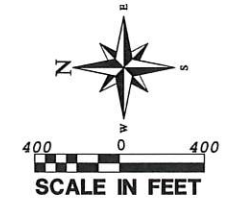
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 LOCATED IN APPLE VALLEY, UTAH  
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DATE: 11/12/2021  
 SCALE: 1"=200'  
 JOB NO:  
 276-013  
 SHEET NO:  
**2 OF 3**

**OWNER**  
 OWNER REP: SCOUT HOLM  
 COMPANY: 2000 MAIN LLC  
 PHONE: 435-690-0519

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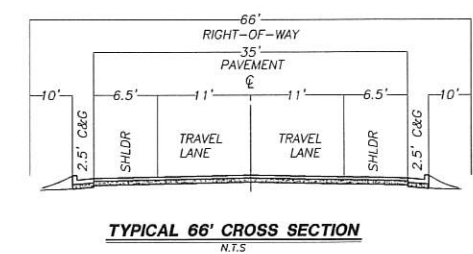
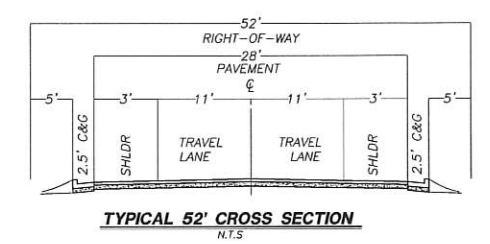
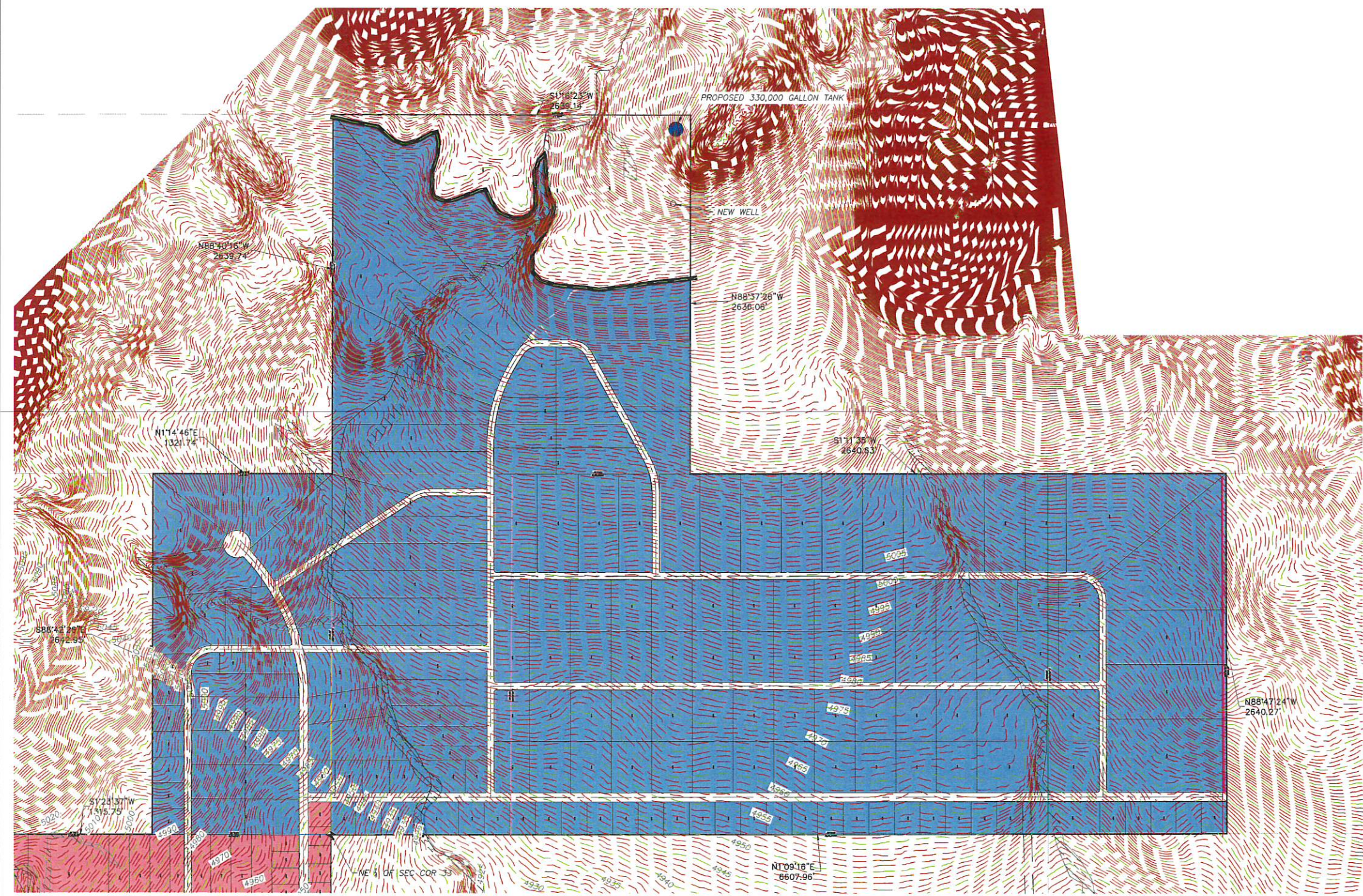


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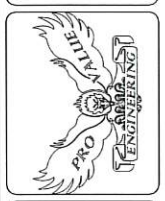
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REVISIONS

NO	DESCRIPTION	DATE	BY

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 20 South 850 West, Suite 1  
 Provo, Utah 84607  
 Phone: (435) 648-8307 / Fax: (435) 648-8307  
 Phone: (435) 550-3071 / Chad Hill



PRELIMINARY PLAT FOR:  
**REDSTONE**  
 T426 R114 SECTIONS 28, 31, AND 34  
 LOCATED IN APPLE VALLEY, UTAH  
 WASHINGTON COUNTY, UTAH

DATE: 11/1/2013  
 SCALE: 1"=400'

JOB NO:  
 276-013

SHEET NO:  
**3 OF 3**

276-013

*Redstone*

# PRELIMINARY PLAT APPLICATION

Town of Apple Valley  
1777 North Meadowlark Dr.  
Apple Valley, Utah 84737  
(435)877-1190  
Fax (435)877-1192

Fee: \$1,500, Lot Split \$250

For Office Use Only:  
File No. Redstone  
Receipt No. J#1080

Name: 2000 main Telephone: 202-701-1443

Address: [Redacted] Holm, UT Fax No. 8478

Email: scoutholm7@gmail.com

Agent (If Applicable): Scout Holm Telephone: 435-690-0519

Address/Location of Subject Property: \_\_\_\_\_

Tax ID of Subject Property: AV-1345, 1327, 1326, 1346, 1348-A Zone District: SF-1.0/SF 1/2

Proposed Use: (Describe, use extra sheet if necessary) SF 1.0 / SF 1/2

### Submittal Requirements: The preliminary plat application shall provide the following:

- 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
  - a. The proposed name of the subdivision.
  - b. The location of the subdivision, including the address and section, township and range.
  - c. The names and addresses of the owner or subdivider, if other than the owner.
  - d. Date of preparation, and north point.
  - e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- 2. Existing Conditions: The preliminary plat shall show:
  - a. The location of the nearest monument.
  - b. The boundary of the proposed subdivision and the acreage included.
  - c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
  - d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
  - e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
  - f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.

- g. Existing \_\_\_\_\_ ditches, canals, natural drainage channels and open waterways and any proposed realignments.
- h. Contours at vertical intervals not greater than five (5) feet.
- i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- j. Information on whether property is located in desert tortoise take area

(Preliminary Plat Application – Page 2)

3. Proposed Plan: The subdivision plans shall show:
- a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.
  - b. The layout, numbers and typical dimensions of lots.
  - c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
  - d. Easements for water, sewers, drainage, utilities, lines and other purposes.
  - e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
  - f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
  - g. Approximate radius of all center line curves on highways or streets.
  - h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
  - i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
  - j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
  - k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
  - l. Will this subdivision be phased? If yes show possible phasing lines.
  - m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

4. Required copies of plans:
- a. Three copies of all full scale drawings
  - b. One copy of each drawing on a 11 x 17 inch sheets. (8 ½ x 11 is acceptable if the project is small and the plans are readable at that size).

**5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property**

**NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 noon 10 full business days before the Planning Commission meeting at which you plan for your application to be heard.**

\*\*\*\*\*

(Office Use Only)

Date Received: 11/17/21 Application Complete: YES  NO

Date application deemed to be complete: 11/17/21 Completion determination made by: [Signature]

PRELIMINARY PLAT APPLICATION page 3 (General Information)

### PURPOSE

The preliminary plat application is the first step in land development process in those instances where land is divided for eventual sale. The process is established to insure that all proposed divisions of land conform to the Town General Plan and to adopted development standards of the Land Use Ordinance.

### WHEN REQUIRED

The preliminary plat is required any time land is to be divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on installment plan or upon any and all other plans, terms and conditions. It is not required on agricultural divisions where the agricultural parcel is divided to be combined with another agricultural parcel, nor is it required when two un-subdivided properties are merged, or where the boundary between two un-subdivided properties are adjusted.

The preliminary plat must be approved before a final plat can be processed and recorded.

Subdivision approval process:

- Determine current zoning for property.
- If zoning fits desired subdivision, meet with Planning staff to discussed the proposed project.
- Obtain a preliminary plat application form and complete the application and have a plat prepared by an engineer to meet the requirements on the preliminary plat application.
- Submit completed application, preliminary plat, and required fee to Planning Department before noon on the Wednesday two weeks before desired Planning Commission meeting. ( see submittal dates sheet)
- Appear at the scheduled Planning Commission meeting to discuss preliminary plat, hear comments, answer questions, and receive recommendation of approval or disapproval from Planning Commission.
- Appear at the next scheduled Town Council meeting that occurs after the Planning Commission meeting at which a recommendation was received. Hear Town Council comments, answer questions, and receive Town Council decision Town Council can approve the plat with conditions, recommend changes and send it back to the Planning Commission, or deny the plat.

If the preliminary plat is approved, have construction drawings for utilities and streets prepared by an engineer according to the Town standards. Construction drawings must be approved by the Planning and Zoning department, Town Engineer, Rocky Mountain Power, Southwest Public Health Department and Big Plains Water and Sewer Special Service District. Approval means changes are made and all required signatures are obtained.

Once the preliminary plat is approved by the Town Council, the applicant has one year after receiving approval of the preliminary plat to submit the final plat to the Planning Commission for action. The Planning Commission may authorize a one-year time extension, provided the extension request is made before the one year time limit is reached. The Planning Commission will review and make recommendation to the Town Council on the final plat when submitted. The Town Council will typically review the Planning Commission recommendation within 1-2 weeks after the Commission action on the final plat.

### APPEALS

AFFIDAVIT  
PROPERTY OWNER

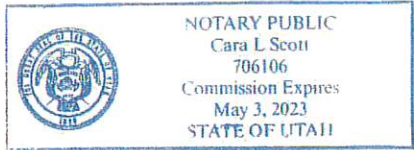
STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

I (We) 2000 MAIN, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 9th day of Nov, 2021.



[Signature]  
Notary Public

Residing in: Hurricane, UT

My Commission Expires: May 3, 2023

AGENT AUTHORIZATION

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

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

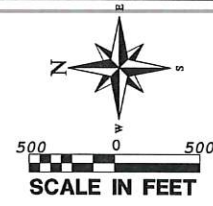
Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

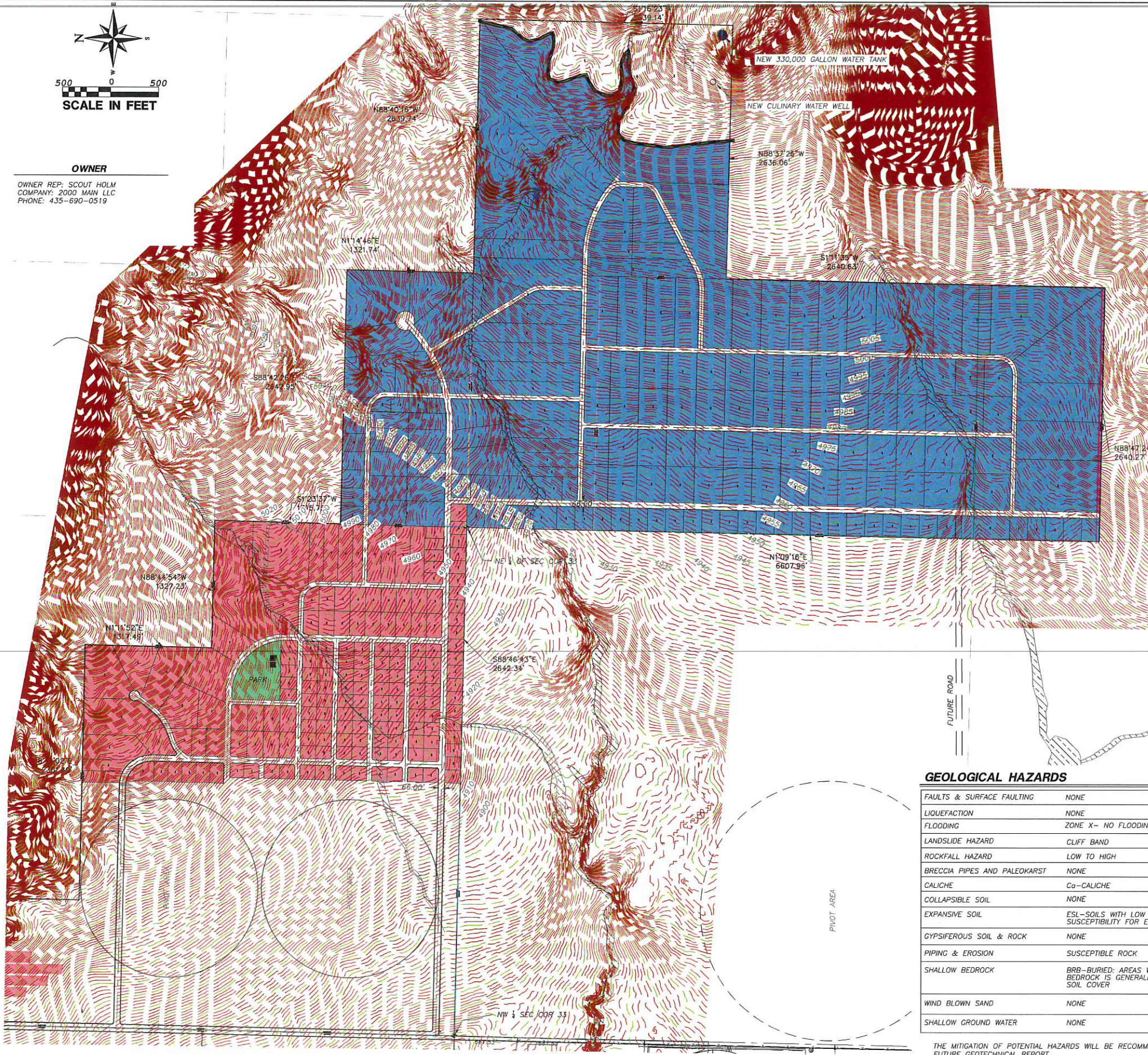
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COMPANY: 2000 MAIN LLC  
PHONE: 435-690-0519



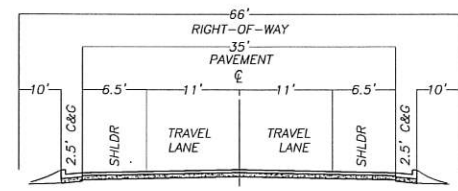
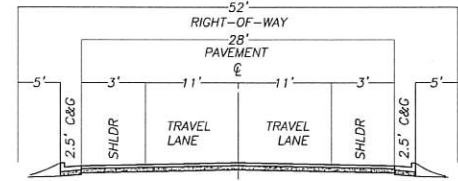
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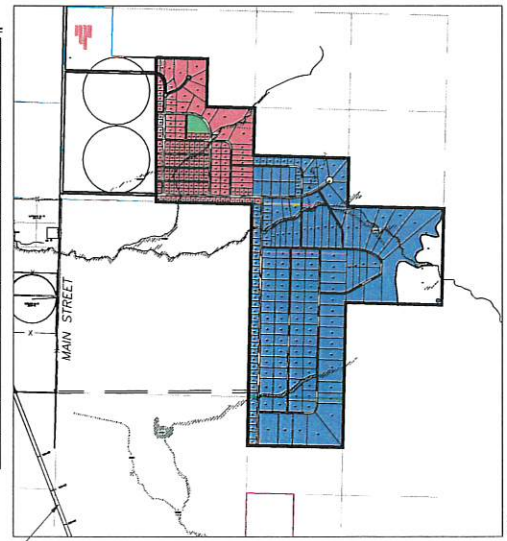
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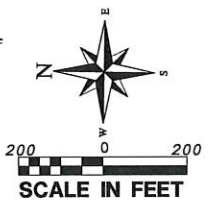
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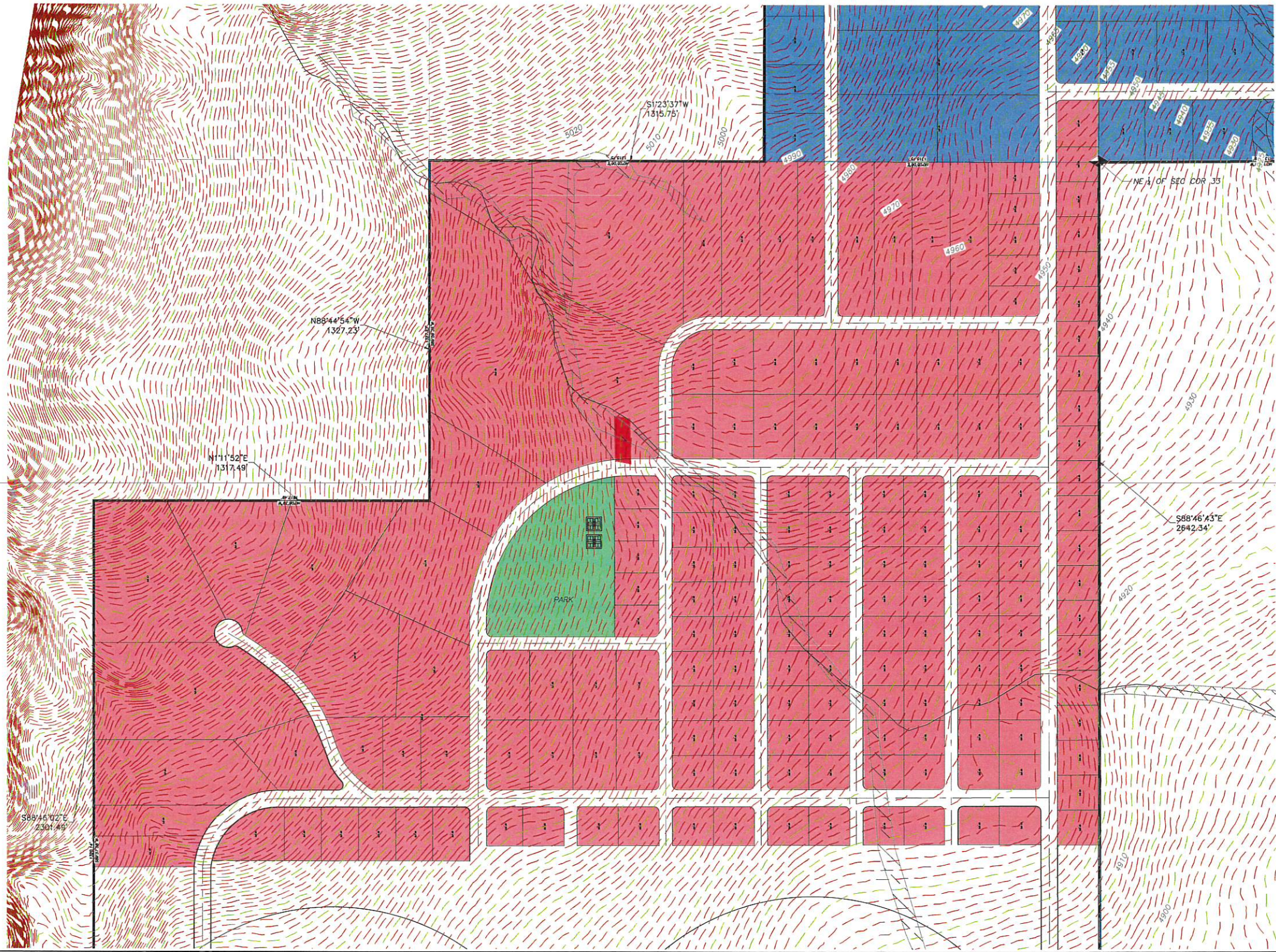
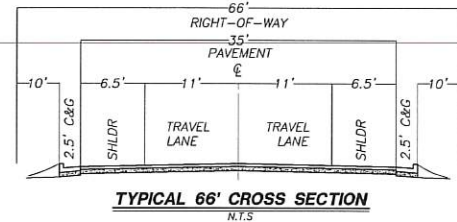
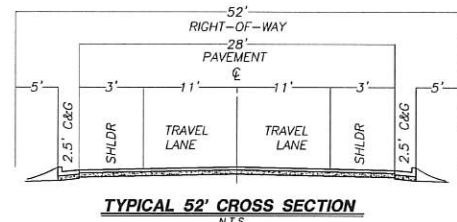
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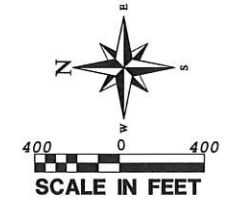
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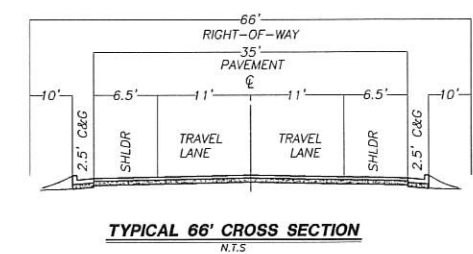
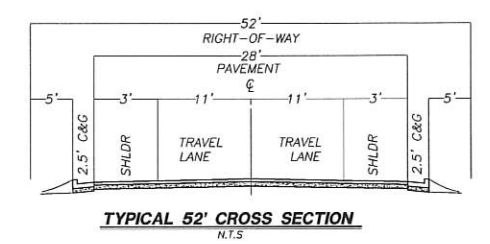
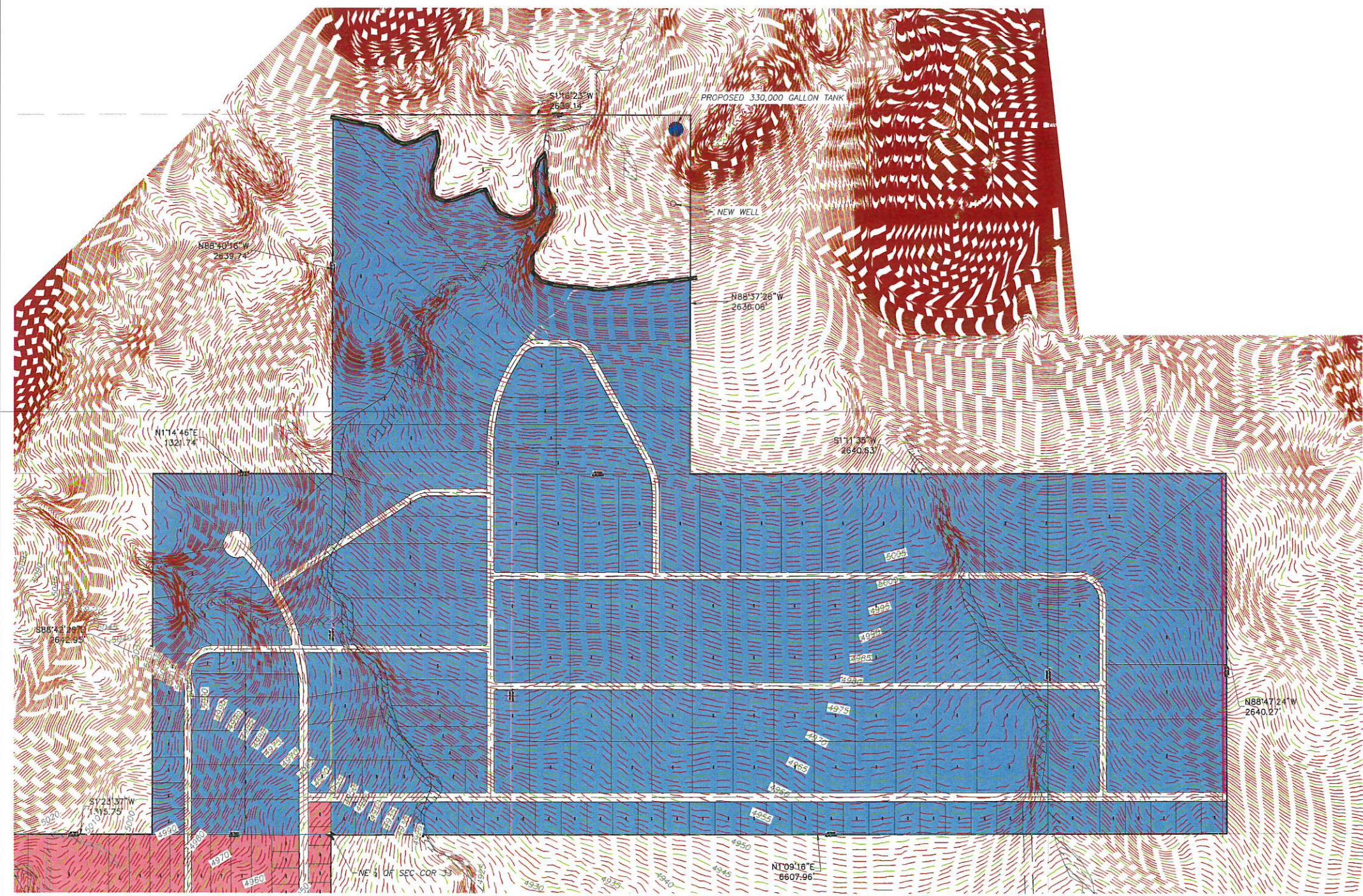


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- SECTION LINE
- ▲ SECTION CORNER AS DESCRIBED
- ▨ EXISTING WASH

**CURRENT ZONE**

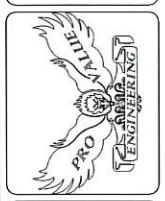
- SF-1/2
- SF-1.0



REVISIONS

NO.	DESCRIPTION	DATE	BY

**PROVALUE ENGINEERING, INC.**  
 Engineers - Land Surveyors - Land Planners  
 20 South 850 West, Suite 1  
 Provo, Utah 84607  
 Phone: (435) 690-8307 / Fax: (435) 690-8307  
 Phone: (435) 950-3071 / Chad Hill



PRELIMINARY PLAT FOR:  
**REDSTONE**  
 T426 R114 SECTIONS 28, 31, AND 34  
 LOCATED IN APPLE VALLEY, UTAH  
 WASHINGTON COUNTY, UTAH

DATE: 11/1/2013  
 SCALE: 1"=400'

JOB NO:  
 276-013

SHEET NO:  
**3 OF 3**

**TOWN OF APPLE VALLEY**

**ORDINANCE O-2022-01**

**TEMPORARY LAND USE REGULATIONS INCLUDING MORATORIUM ON ZONING, DEVELOPMENT, AND SUBDIVISION APPLICATIONS AND ALL BUILDING ACTIVITY ON LANDS WITHIN THE TOWN OF APPLE VALLEY**

**WHEREAS**, Utah Code Annotated § 10-9a-504 authorizes the Town Council, as the legislative body of the Town of Apple Valley (the "Town"), to enact an ordinance establishing a temporary land use regulation for all or part of the Town, for up to six (6) months, without prior Planning Commission consideration or recommendation, provided there is a compelling, countervailing public interest; and

**WHEREAS**, the office of the State Engineer for the State of Utah has advised the Big Plains Water and Sewer Special Service District ("Big Plains SSD"), which is the water provider for the Town and which the Town Council oversees, that the Apple Valley Water System can only support thirty (30) more single unit residential connections or thirty (30) equivalent residential units (ERU) before it exceeds its storage capacity; and

**WHEREAS**, the Town has previously approved subdivisions that are in the process of being developed, which subdivisions include numbers of approved residential lots that will far exceed thirty (30) single unit residential connections; and

**WHEREAS**, according to information provided to the Town Council, the number of platted, single-family lots already approved by the Town but not yet developed exceeds the number of residential water connections that the Apple Valley Water System's current storage capacity can support; and

**WHEREAS**, the Utah Department of Environmental Quality, Division of Drinking Water, has reported in its schedule created on September 29, 2021, that the Cedar Point Water System (PWS ID: UTAH27089) "lacks more than 20% of required source capacity"; and

**WHEREAS**, the Town has received numerous complaints regarding the sufficiency, pressure, and quality of culinary water provided through the Cedar Point Water System to existing residents; and

**WHEREAS**, the Town Council is in the process of taking an inventory of, doing an assessment of, and planning for necessary infrastructure, including water, power, roads, fire protection, police, and wastewater to support the existing and future increased needs of the Town; and

**WHEREAS**, the Town Council finds that many of the Town's ordinances, policies and procedures, which include, but are not necessarily limited to, the Town's General Plan, zoning ordinances, subdivision ordinances, construction standards, street and traffic plan, water and wastewater ordinances and policies, trails plan, storm water plan, and other similar documents, policies and procedures, either do not exist or must be revised and updated to protect the health, safety and welfare of its citizens and to fully address the burgeoning growth that is now occurring and is expected to continue to occur; and

**WHEREAS**, the Apple Valley Planning Commission and Town Council is in the process of revising its General Plan to better meet the needs of a growing and evolving Town; and

**WHEREAS**, the extraordinarily large number of subdivision, planned development, and other large-scale residential development applications being submitted to the Town in recent months has placed pressure on the Town's capacity beyond the Town's existing ability to adequately evaluate the applications in light of the Town's limited and inadequate services and services, which places at risk the health, safety and welfare of its citizens; and

**WHEREAS**, the Town Council finds that accepting zoning and development applications during the time that the Town is in the process of inventorying and assessing its infrastructure, revising its ordinances, policies, and procedures regarding development to adequately protect the health, safety and welfare of the Town’s citizens, and updating the General Plan, will compromise the health, safety and welfare of the Town’s citizens and place unfair burdens on a disproportionate number of landowners and taxpayers within the Town; and

**WHEREAS**, the Town Council has determined and found that there is a compelling, countervailing public interest to impose a six-month temporary land use ordinance restriction in the form of a moratorium on all zoning, commercial construction, and development in the Town of Apple Valley to allow the Town to conduct a comprehensive inventory and review of its existing infrastructure and its ability to provide further services to additional developments, as well as a comprehensive review and necessary additions to and revisions to applicable ordinances, policies and procedures pursuant to Utah Code Annotated § 10-9a-504.

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

1. All land use applications, zone change applications, subdivision applications, preliminary and final plat applications, approval of development agreements, and commercial building permit applications are prohibited.
2. Residential building permit applications are prohibited for development within the Cedar Point Water System, which system is identified by the Utah Division of Drinking Water as PWS ID: UTAH27089.
3. Outside of the Cedar Point Water System, no more than thirty (30) residential building permits may be issued for development located within the Apple Valley Water System area serviced by the Big Plains SSD.
4. The moratorium shall be in effect for a period of six months from the date this Ordinance is adopted by the Town Council.
5. This Ordinance shall become effective immediately upon publication or posting as set forth by State law.

**ADOPTED AND PASSED**, by the APPLE VALLEY TOWN COUNCIL this 27th day of January, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk

\_\_\_\_\_  
Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

- Council Member Sair           voted \_\_\_\_\_
- Council Member Whitmore   voted \_\_\_\_\_
- Council Member McGinnis   voted \_\_\_\_\_
- Council Member               voted \_\_\_\_\_
- Mayor Walters                 voted \_\_\_\_\_