



## PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley  
Wednesday, February 12, 2025 at 6:00 PM

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### HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, February 12, 2025 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Zone Change Application from Rural Estates Zone 1 acre (RE-1) to Agricultural Zone 20 acres (A-20) for parcel: AV-1365-C-1. Applicant: Kapxcellance Consulting Inc.
2. Amend Title 10.10.050 RE Rural Estates Zone, Ordinance O-2025-04.

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

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov) on the 28th day of January, 2025.

Dated this 28th day of January, 2025

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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

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



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

See Fee Schedule Page 2

## Zone Change Application

**Applications Must Be Submitted By The First Wednesday Of The Month**

Owner: <u>Kapxcellance Consulting INC.</u>		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable) <u>N/A</u>		Phone: <u>N/A</u>	
Address/Location of Property: <u>1443 E. 1800 S. Apple Valley UT 84737</u>		Parcel ID: <u>AV-1365-C-1</u>	
Existing Zone: <u>RE1</u>		Proposed Zone: <u>Agriculture</u>	
For Planned Development Purposes: Acreage in Parcel <u>19.78</u>		Acreage in Application <u>19.78</u>	
Reason for the request			

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

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

Applicant Signature: <u>[Signature]</u>	Date: <u>December 18, 2024</u>
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Official Use Only	Amount Paid: \$ <u>N/A.</u>	Receipt No:
Date Received: <u>12/18/24</u>	Date Application Deemed Complete:	
By: <u>[Signature]</u>	By:	

**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.

#### **REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE**

When approving a zone change, the following factors shall 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;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

#### **PROCESS**

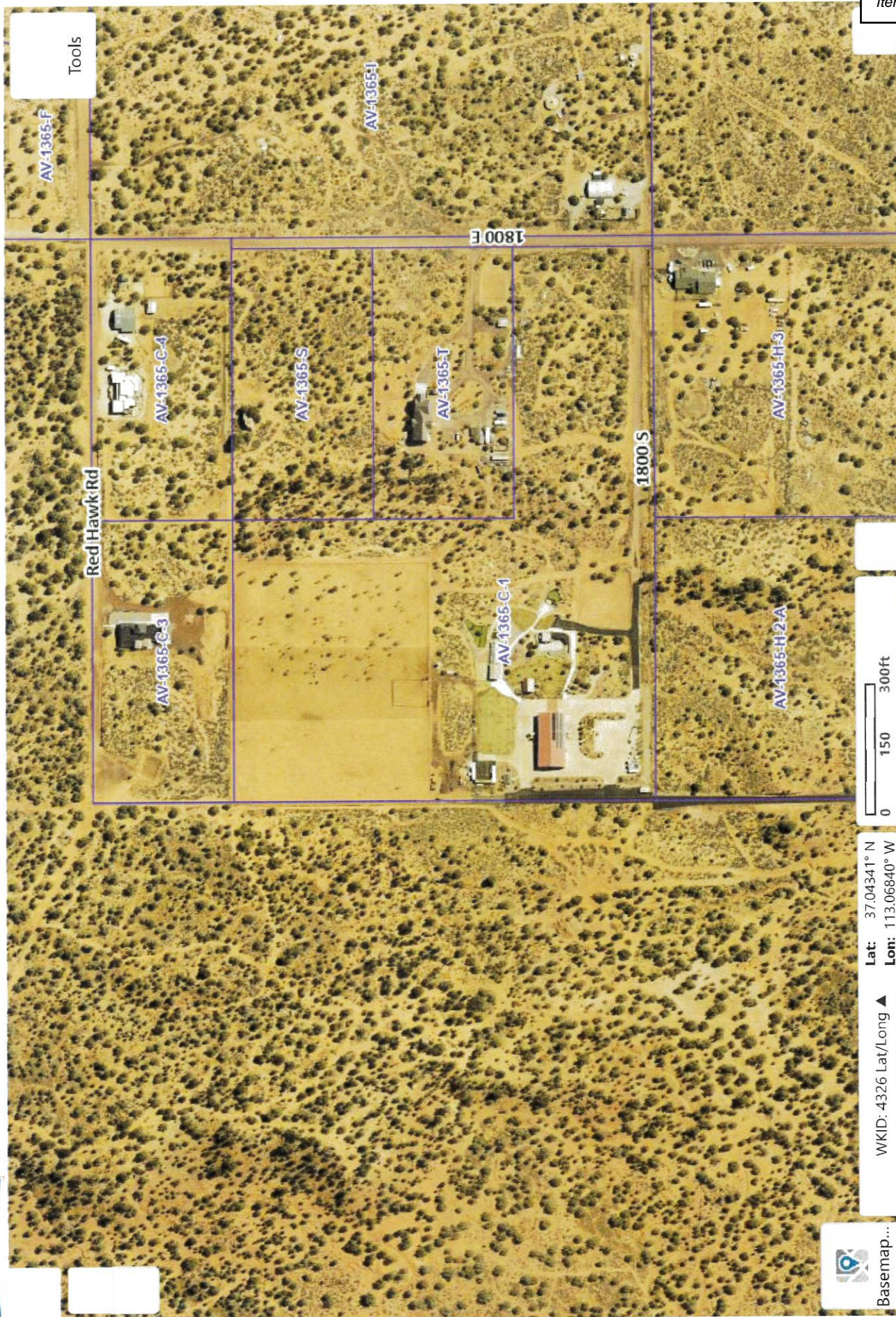
Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report and forward a recommendation to the Town Council for approval, approval with modifications, or denial of the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the Town Council will consider and act on the Commission's recommendation. The action of the Town Council is final. If denied, a similar application generally cannot be heard for a year.



Search...

Sign in



Item 1.

When recorded mail to:

~~1235 South 100 West~~ **PROVALUE Engineering**  
~~Hurricane, Utah 84737~~ **1381 S 325 W**  
~~Hurricane, UT 84737~~

**DOC # 20160004807**

Quit Claim Deed Page 1 of 2  
 Russell Shirts Washington County Recorder  
 02/16/2016 11:38:36 AM Fee \$ 13.00  
 By PROVALUE ENGINEERING



TAX I.D. No. AV-1365-C-1

**QUIT CLAIM DEED**

**KAPXCELLANCE CONSULTING INC., A UTAH CORPORATION, TRUSTEE OF THE  
 MK FAMILY TRUST, DATED SEPTEMBER 10<sup>TH</sup>, 2015**, of St. George City, County of  
 Washington, State of Utah, Grantor,

Hereby **QUIT CLAIMS** to:

**KAPXCELLANCE CONSULTING INC., A UTAH CORPORATION, TRUSTEE OF THE  
 MK FAMILY TRUST, DATED SEPTEMBER 10<sup>TH</sup>, 2015**, of St. George City, County of  
 Washington, State of Utah, Grantee,

For the sum of TEN AND NO/100 (and other good and valuable considerations) DOLLARS the  
 following described tract of land, located in Washington County, State of Utah.

**PARCEL 1:**

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 43 SOUTH,  
 RANGE 11 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE S00°02'30"W, ALONG  
 THE SECTION LINE, 329.71 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID  
 LINE AND RUNNING N89°59'12"E, 659.38 FEET; THENCE S00°01'57"W, 659.48 FEET; THENCE  
 N89°59'31"E, 634.49 FEET TO A POINT LOCATED ON THE WEST LINE OF 1800 EAST STREET;  
 THENCE S00°01'24"W, ALONG SAID LINE, 329.77 FEET TO A POINT LOCATED ON THE 1/16TH  
 LINE; THENCE DEPARTING SAID STREET LINE AND RUNNING S89°59'40"W, ALONG THE  
 1/16TH LINE, 1,294.08 FEET TO THE 1/16TH CORNER; THENCE N00°02'30"E, ALONG THE WEST  
 LINE OF SAID SECTION 14, 989.13 FEET TO THE POINT OF BEGINNING. CONTAINING 19.78  
 ACRES.

SUBJECT TO AND TOGETHER WITH THAT PORTION OF A 50.00 FOOT WIDE UTILITY, ACCESS  
 AND DRAINAGE EASEMENT ALONG THE EAST PROPERTY LINE ADJACENT TO 1800 EAST  
 STREET. SAID EASEMENT WIDTH PORTION BEING 25.00 FEET WIDE. A 50.00 FOOT WIDE  
 UTILITY, ACCESS AND DRAINAGE EASEMENT ALONG THE WEST AND SOUTH PROPERTY  
 LINES. SAID 50.00 FOOT WIDE EASEMENTS BEING DESCRIBED IN THAT CERTAIN  
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS ON FILE AT THE  
 WASHINGTON COUNTY, UTAH RECORDERS OFFICE AS ENTRY NUMBER 185195 &  
20130005682.

TOGETHER WITH ALL IMPROVEMENTS AND APPURTENANCES THEREUNTO BELONGING,  
 AND SUBJECT TO EASEMENTS, RIGHT OF WAY, RESTRICTIONS, AND RESERVATIONS OF  
 RECORD AND THOSE ENFORCEABLE IN LAW AND EQUITY.  
 WITNESS the hand of said Grantors this the 8th day of Feb, 2016.

  
**BY: KAPXCELLANCE CONSULTING INC., A UTAH CORPORATION, TRUSTEE OF  
THE MK FAMILY TRUST, DATED SEPTEMBER 10, 2015  
MASON L. KAPCSOS- PRESIDENT**

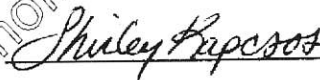
STATE OF UTAH)

ss  
COUNTY OF WASHINGTON)

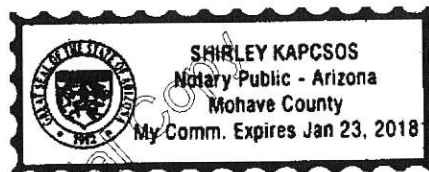
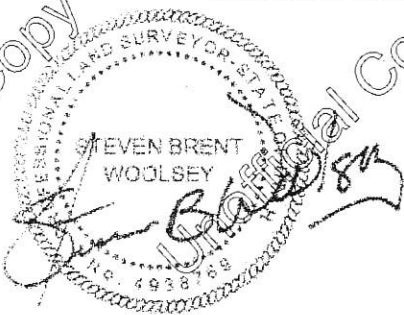
On this the 8<sup>th</sup> day of February, 2016, before me, the undersigned Notary Public, personally appeared **MASON L. KAPCSOS, PRESIDENT OF KAPXCELLANCE CONSULTING INC., A UTAH CORPORATION, TRUSTEE OF THE MK FAMILY TRUST, DATED SEPTEMBER 10, 2015**, the signer of this QUIT CLAIM DEED, and acknowledged to me that he executed the same.

Residing in Washington County, Utah

My commission expires: Jan. 23, 2018



NOTARY PUBLIC



**APPLE VALLEY  
ORDINANCE O-2025-04**

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

**SECTION 1:**        **AMENDMENT** “10.10.050 RE Rural Estates Zone” of the Apple Valley Land Use is hereby *amended* as follows:

**A M E N D M E N T**

**10.10.050 RE Rural Estates Zone**

- A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
- B. Permitted uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
  - 1. Single-family dwellings not less than 800 sq. ft. on the main floor, unless otherwise approved with a Conditional Use Permit (CUP);
  - 2. Accessory buildings and uses;
  - 3. Home occupations;
  - 4. Raising of crops, gardens, and horticulture;
  - 5. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information); permanent residence not required.
  - 6. Residential facility for the elderly (see AVLU 10.28 for supplementary information); permanent residence not required.
  - 7. Churches; permanent residence not required.
  - 8. Public park or playgrounds;
  - 9. The keeping of animals and fowl for family food production, but not for commercial use.
  - 10. Animal Allowances/Restrictions:
    - a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No lot shall exceed one hundred (100) points per acre or fifty (50) points per half-acre. All Lots will be apportioned 25 points in 0.25 acre increments up to 250 points or 2.5 acres. (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points). After 5 acres, 25 points per 0.25 acre increments up to 500 points or 7.5 acres.
    - b. Type of animal or fowl (number of points per animal), further restrictions:
      - (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig 25 points each, but not to exceed the maximum

- of ten (10) large animals per five (5) acres;
  - (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (8 points each), but not to exceed the maximum of twenty (20) medium animals per five (5) acres;
  - c. Chickens, ducks, pigeons, doves, rabbits, turkeys, geese, pheasants, and similar small and medium-size fowl are not to exceed twenty thirty (30) per One (1) acre;
  - d. No rooster is permitted on any lot which is less than one (1) acre. Lots 1 acre or larger may have one (1) rooster per thirty (30) chickens.
  - e. Only domestic and farm animals including household dogs and pets shall be kept on any lot with in the Rural Estates Zone.
  - f. Other than domesticated potbelly pigs allowed under AVL 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.
  - g. The following shall be excluded from consideration for the purpose of determining compliance with this section:
    - (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
    - (2) Residents 18 years or younger participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.
  - h. Animals shall be contained in proper pens, coups, corals, pasture, paddock, arena, or similar exercise area on owners property Animal enclosures shall be cleaned regularly, be kept in good repair, give the animals ample room, and offer the animals shelter and shade.
  - i. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited. Property owners must implement a fly mitigation program with deployment of fly traps, fly spray chemicals or fly predators and maintain these devices and methods during the fly season for vector control.
  - j. Violation of AVL 10.10.050.B.11 is an infraction punishable by fine up to \$750 if violation is not corrected within thirty (30) days of initial notice of violation.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
- 1. Accessory use and buildings before a building permit is issued.
  - 2. Raising of crops, gardens, and horticulture before a building permit is issued.
  - 3. Single family dwelling less than 800 sq. ft. on the main floor.
  - 4. The keeping of animals and fowl for family food production, but not for commercial use before a building permit is issued.
- D. Any use not specifically allowed under permitted uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.
- E. Height Regulations: No building shall be erected to a height greater than thirty-five (35) feet. No accessory building shall be erected to a height greater than twenty-five

(25) feet.

F. Minimum Area, Width, and Yard Regulations

District	Area	Lot Width in Feet	Yard Setbacks in Feet for Primary Residence			Square Feet Maximum Size of	Square Feet Maximum Size of	Maximum Building Coverage
			Front	Side	Rear			
	Minimum	Minimum				Accessory Building	Accessory Building	On lot (see 10.28.240 D)
RE-1.0	1.0 acre	100	25	10	10	4,000	700	50%
RE-2.5	2.5 acres	150	25	25	25	4,500	1,000	50%
RE-5.0	5.0 acres	200	25	25	25	5,000	1,500	50%

\*\* No more than one (1) Primary home on a property.

G. Modifying Regulations:

- a. Shipping containers shall not be stacked unless they are used for an accessory building structure or primary dwelling structure and the exterior is completely covered by an exterior siding that must meet all visual and structural requirements set forth by the building and safety ordinances.
- b. Any accessory building must not exceed 25 feet in height.
- c. All accessory building permits must be accompanied by a building permit for a primary dwelling or be used in conjunction with an existing primary dwelling. An accessory building permit may be issued without a primary dwelling being on the property with a Conditional Use Permit (CUP).
- d. No accessory building shall be occupied or used as any type of living space.
- e. Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.
- f. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property

- line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.
- g. Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
  - h. All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
  - i. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
    - (1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
    - (2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
  - j. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
  - k. For additional restrictions and clarifications in this zone, see AVL 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
  - l. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.
  - m. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

**SECTION 2: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 4: EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	AYE	NAY	ABSENT	ABSTAIN
Mayor   Michael Farrar	_____	_____	_____	_____
Council Member   Kevin Sair	_____	_____	_____	_____
Council Member   Annie Spendlove	_____	_____	_____	_____
Council Member   Scott Taylor	_____	_____	_____	_____
Council Member   Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk, Apple Valley

\_\_\_\_\_  
Michael Farrar, Mayor, Apple Valley