



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, March 01, 2023 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, March 01, 2023 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Zone Change Application for AV-1351-D (Approx. 199 N Coyote Rd) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of "We would like to build a single family home on our lot." Applicant: Aaron and Jill Hamblin.
2. Zone Change Application for AV-2194-D, AV-2194-B, AV-2-2-27-432 (Approx: 1 N. Cinder Hill Road) from Open Space/Open Space Transition Zone (OS/OST) to Planned Development Overlay Zone (PD) for the stated purpose of "Planned development of low density hotel and large ranch lot AG-5 residential." Applicant: Hidden Rock Development Group.
3. Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-15.

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

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the 16th day of February, 2023.

Dated this 16th day of February, 2023

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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

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



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

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

Item 1.

Zone Change Application

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

Owner: Aaron and Jill Hamblin		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone:	
Address/Location of Property:		Parcel ID: AV-1351-D	
Existing Zone: OST		Proposed Zone: A-5 - Agricultural > 5 Acres	
For Planned Development Purposes: Acreage in Parcel _____ Acreage in Application ^{5.01} _____			
Reason for the request: We would like to build a single family home on our lot.			

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

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

Applicant Signature <i>Aaron</i>	Date <i>02.01.2023</i>
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Official Use Only	Amount Paid: \$ <i>1,225.00</i>	Receipt No: <i>43514.</i>
Date Received: RECEIVED FEB 06 2023	Date Application Deemed Complete:	
By: <i>Town Clerk/Recorder.</i>	By:	



Town of Apple Valley

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

Parcel ID#

AV-1351-Item 1.

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Aaron and Jill Hamblin am/are the applicant(s) of the application known as
Hamblin Rezoning Project located on parcel(s)
AV-1351-D within the Town of Apple Valley, Washington County, Utah.

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

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

Signature(s):

Jill Hamblin
Name
Aaron Hamblin
Name

Hamblin
Applicant/Owner
[Signature]
Applicant/Owner

01-31-23
Date
01-31-23
Date

Name

Applicant/Owner

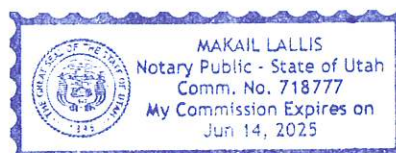
Date

State of Utah)
County of Washington)s

On this 31 day of January, in the year 2023, before me, Makail Lallis a notary public, personally appeared Jill Hamblin, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal. Makail Lallis
(notary signature)

(seal)



Item 1.

Search results for AW-135...



Address Information: ☐ X

Account ID: 675788

Address: _____

Subdivision: _____

Zoom to ☐ X

Legend

Washington County Parcels

Apple Valley Zoning Viewer

Town Boundary



Zoning Districts

- A-5 - Agricultural > 5 Acres
- A-10 - Agricultural > 10 Acres
- A-20 - Agricultural > 20 Acres
- A-40 - Agricultural > 40 Acres
- Single-Family Residential > .5 Acres
- Single-Family Residential > 1 Acre
- Single-Family Residential > 2.5 Acres
- Single-Family Residential > 5.0 Acres
- Single-Family Residential > 10.0 Acres
- C-1 - Convenience Commercial
- C-2 - Highway Commercial
- C-3 - General Commercial
- CTP - Cabins or Tiny Home Parks Zone
- INST - Institutional
- MH - Manufactured Housing Park
- OSC - Open Space Conservation
- OST - Open Space Transition
- PD - Planned Development
- RE-1 - Rural Estate 1
- RE-2.5 - Rural Estate 2.5
- RE-5 - Rural Estate 5
- RE-10 - Rural Estate 10
- RE-20 - Rural Estate 20
- RE-X - Rural Estate Zone Any Size
- RV-Park - Recreational Vehicle Park

When Recorded Mail To:
 Eagle Gate Title Insurance Agency, Inc.
 229 East St. George Blvd, #200
 St. George, UT 84770

TRUST DEED

With Assignment of Rents

THIS TRUST DEED made this 19th day of April, 2022, between Aaron A. Hamblin and Jill R. Hamblin, Husband and Wife as Joint Tenants, as Trustor, whose address is 72 W State St., Hurricane, UT 84737, Eagle Gate Title Insurance Agency, Inc., as Trustee, and Troy E. Eckard and Claire E. Eckard, as Beneficiary.

WITNESSETH: The Trustor Conveys and Warrants to Trustee in trust with power of sale, the following described property, situated in Washington County, State of Utah:

THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S1/2 NW1/4 NE1/4 NW1/4) OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN.

TOGETHER WITH:

A 50.00 FOOT EASEMENT FOR INGRESS AND EGRESS AND UTILITIES, AS CREATED BY SPECIAL WARRANTY DEEDS, RECORDED SEPTEMBER 23, 2002, AS ENTRY NOS. 782219, 782220, 782221 AND 782222, ALL IN BOOK 1488, AT PAGES 2242-2249, OFFICIAL WASHINGTON COUNTY RECORD, DESCRIBED AS FOLLOWS:

ALONG THE NORTH LINE OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (E1/2NE1/4NW1/4) OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, AND 25.00 FOOT EASEMENT FOR INGRESS AND EGRESS AND UTILITIES, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (W1/2NE1/4NW1/4) OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN.

APN: AV-1351-D

Together with all building, fixtures and improvements thereon and all water rights, rights of way, easements, rents, issues, profits, income, tenements, hereditaments, privileges and appurtenances thereunto belonging, now or hereafter used or enjoyed with said property, or any part thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues, and profits.

FOR THE PURPOSE OF SECURING (1) payment of the indebtedness evidenced by a promissory note of even date herewith, in the principal sum of **\$200,000.00**, made by Trustor, payable to the order of Beneficiary at the times, in the manner and with interest as therein set forth, and any extensions and/or renewals or modifications thereof; (2) the performance of each agreement of Trustor herein contained; (3) the payment of such additional loans or advances as hereafter may be made to Trustor, or his successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Trust Deed; and (4) the payment of all sums expended or advanced by Beneficiary under or pursuant to the terms hereof, together with interest thereon as herein provided.

WATER RIGHTS ADDENDUM TO LAND DEEDS

Grantor: Troy E. Eckard and Claire E. Eckard

Grantee: Aaron A. Hamblin and Jill R. Hamblin

Tax ID Number(s): AV-1351-D

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

Proceed to Section

1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.

A

2 ☒ Only a portion of Grantor's water rights are being conveyed.

B

(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.

C

4 ☐ Water rights are being conveyed by separate deed.

C

Important Notes

(see other side)

Section

A	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. <i>(Proceed to Section C)</i>	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) ☐ All of Water Right No(s). _____ ☒ 1 _____ acre-feet from Water Right No. <u>81-3363</u> for: _____ families; _____ acres of irrigated land; stock water for _____ Equivalent Livestock Units; and/or for the following other uses <u>Industrial</u> . ☐ _____ 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 _____. Along with all applications pertaining to the water right(s) listed in this Section B. <i>(Proceed to Section C)</i>	N1 N4 N5 N5 N2
C	Disclosures by Grantor: (check all boxes that apply) ☐ Grantor is endorsing and delivering to Grantee stock certificates for _____ share(s) of stock in the following water company: _____ ☐ Culinary water service is provided by: _____ ☐ Outdoor water service is provided by: _____ ☐ There is no water service available to Grantor's Parcel(s). ☐ Other water related disclosures: _____ _____	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: Aaron A. Hamblin Jill R. Hamblin

Grantee's Mailing Address: _____

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



State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

BRIAN C. STEED
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

April 21, 2022

AARON A HAMBLIN AND JILL R HAMBLIN

RE: Report of Water Right Conveyance for Water Right No.: 81-3363 (A39405)

Dear Water User:

Thank you for submitting a Report of Water Right Conveyance (ROC) to update owner contact information on the water right records of the Division of Water Rights. The Division has completed the processing of your ROC, so our records now reflect the information you have provided. As a water right owner, it is important that you continue to maintain a current mailing address with this office so that we may contact you if the need arises. Instructions and forms to update your address are available on our website at <http://waterrights.utah.gov> or can be obtained in any of our offices.

Please feel free to contact us at the phone number or email listed below if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Wilhelmsen".

Teresa Wilhelmsen, P.E.
State Engineer

STATEMENT OF A WATER RIGHT SEGREGATION STATE OF UTAH

For the purpose of informing the State Engineer of the segregation of a portion of a perfected or water right application consistent with section 73-3-27, this statement is hereby made, based upon the following showing of facts.

Water Right:

(Document created on Jan 17, 2023 by SZUFELT)

Water Right Number: 81-5579

Application #: A39405

(SZUFELT)

Segregated From: 81-3363 (A39405) on Jan 17, 2023

Parent Water Right Type: Application To Appropriate

Parent Water Right Status: Certificated

Owners:

Name: Aaron A. Hamblin and Jill R. Hamblin

Address:

Interest:

Remarks:

Dates:

Filed: Jul 13, 1988

Priority: May 28, 1969

General:

Quantity of Water: 1 ACFT

Source: Underground Water Well

County: Washington

Common Description: Big Plain Junction

Land Owned by Appl.:

County Tax Id#: .

Points of Diversion:

Points of Diversion - Underground:

(1) S 2141 ft. W 990 ft. from N4 corner, Sec 5 T 43S R 11W SLBM

Well Diameter: 8 in.

Depth: 140 to ft.

Year Drilled:

Well Log:

Well Id#: 8013

Elevation:

UTM: 311629.999, 4105539.986 (NAD83)

Source/Cmnt:

Proposed Water Uses:

Proposed Water Uses - Group Number: 610551

Water Rights Appurtenant to the following use(s):

81-3363(CERT), 81-5342(CERT), 81-5375(CERT), 81-5418(CERT), 81-5579(CERT),

Water Use Types:

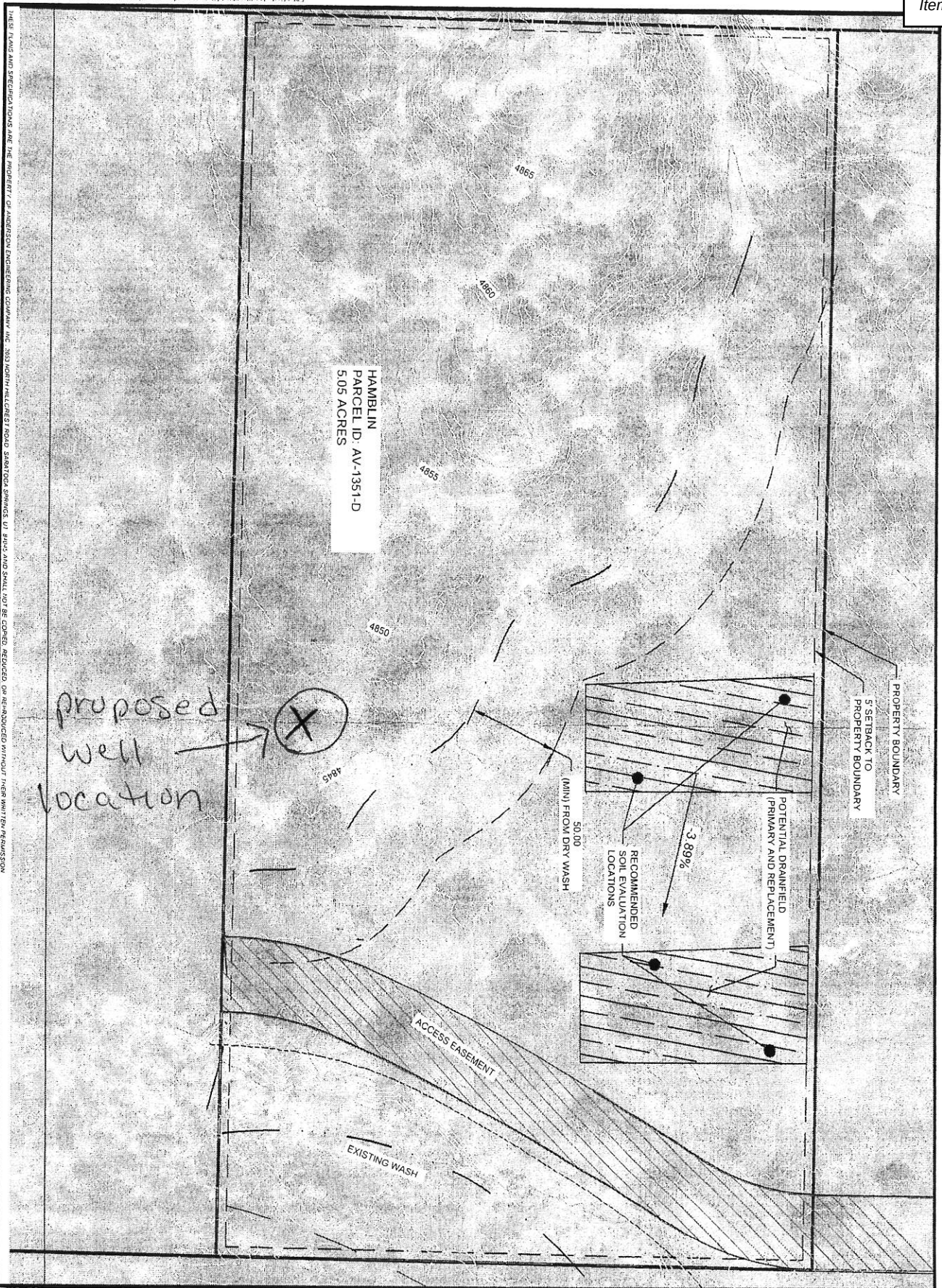
Industrial: Sand and gravel washing operation.

Period of Use: 01/01 to 12/31

Acre Feet Contributed by this Right for this Use: 1

Place Of Use:

	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 5 T 43S R 11W SLBM				X													
Group Acreage Total :																	



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF ANDERSON ENGINEERING COMPANY, INC. AND SHALL NOT BE COPIED, REPRODUCED, OR REPRODUCED WITHOUT THEIR WRITTEN PERMISSION.



ANDERSON
ENGINEERING COMPANY INC.

**HAMBLIN SEPTIC
PRE DESIGN**
(NON-STANDARD DRAWING)
APPLE VALLEY, UTAH

- NOTES:
1. ELEVATION CONTOURS SHOWN ARE FROM THE 1985 DATUM.
 2. ALTERNATIVE SEPTIC SYSTEM REQUIRED TO MEET TASH CREEK TOTAL NITROGEN (TN) REQUIREMENTS.
 3. POTENTIAL DRAINFIELD SHOWN ARE SUITABLE FOR SOIL EVALUATION.
 4. SOIL EVALUATION REQUIRED TO SIZE THE PROPOSED HOME & FIBERGLASS LID DRAINAGE UNIT.
 5. PROPOSED HOME & FIBERGLASS LID DRAINAGE UNIT TO BE DETERMINED AT LATER DATE.





Let's turn the answers on.

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

January 30, 2023

Re: Single Family Home on AV-1351-D

Located: Approx. 199 N. Coyote Road, Apple Valley, UT

Dear Jill Hamblin:

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

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

Sincerely,

Ruston Jenson
Estimator
Dixie Service Center
435-688-3708



Jill Hamblin <jillhamblin2@gmail.com>

Jill Hamblin - Pre-Design - Septic

Justin Dye <jdye@andersoneng.com>

Thu, Dec 8, 2022 at 1:31 PM

To: Jill Hamblin <jillhamblin2@gmail.com>

Cc: Ryan Eddy <reddy@andersoneng.com>, Brandon Anderson <banderson@andersoneng.com>

Greetings Jill,

We have completed our initial pre-design work regarding the septic system for your lot in Apple Valley. Please find the attached drawing for your review.

Key items:

- The site requires an alternative septic system in order to meet the Ash Creek septic density and total nitrogen (TN) effluent requirement of 20 mg/L. This can be accomplished with a packed-bed media treatment design.
- The lot has plenty of area outside the required setbacks for the drain field.
- Soil evaluation (and potentially a percolation test) is required to complete the feasibility determination.
 - The soil evaluation also provides the design parameters for the system.
 - Soil evaluation will determine the best location for the drain field and then the home can be positioned around it.
- A topographic survey of the site could be required for the design of the septic system.
 - The survey could also be used in the site and grading plans for the home.

Next steps:

1. Schedule and perform a soil evaluation.
 - a. We will provide a quote for this work - we'll just need to know if you need us to include the equipment/operator
 - i. If you have an excavator/operator contact we can meet them at the site to perform the work
 - ii. If needed, we can include the equipment/operator cost in our quote
 1. Note that we haven't found a consistent excavator in your area so we might have to mobilize one from the Salt Lake area.
2. Topographic survey (if required)
 - a. This could be required if the soil evaluation identifies shallow bedrock or groundwater.
3. Design a packed-bed media septic system
 - a. Soil evaluation information will provide design criteria
 - b. Once we have the design criteria we can provide a quote for the design
 - c. Home site and floor elevations will be needed in the design

We are available to discuss the findings over the phone later today or sometime next week. Just let us know when you are free. We're happy to answer any questions over email as well.

Regards,

-

Justin Dye, P.E.

*Principal | Team Lead - Civil***Anderson Engineering Co, Inc.**

Phone: 801-972-6222(x530) Cell: 801-360-0634

2053 N. Hillcrest Drive, Saratoga Springs, UT 84045

jdye@andersoneng.com www.andersoneng.com



THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF ANDERSON ENGINEERING COMPANY INC. 2053 NORTH HILL CREST ROAD SARATOGA SPRINGS UT 84045 AND SHALL NOT BE COPIED, REDUCED OR REPRODUCED WITHOUT THEIR WRITTEN PERMISSION

HAMBLIN SEPTIC
PRE DESIGN
(NON-STANDARD DRAWING)
APPLE VALLEY, UTAH

1. ELEVATION CONTOURS SHOWN ARE FROM A 2016 AERIAL PHOTOGRAPHY OF THE SITE WITH THE ELEVATION CONTOUR SURVEY OF THE SITE WILL BE REQUIRED TO DESIGN THE SEPTIC SYSTEM.
2. ALTERNATIVE SEPTIC SYSTEM REQUIRED TO MEET ASH CREEK TOTAL NITROGEN (TN) EFFLUENT STANDARDS (30 mg/L).
3. ALL AREAS OF THE SITE THAT ARE SUBJECT TO SATURATED SOIL BY SOIL ELEVATION.
4. SOIL EVALUATION REQUIRED TO PLACE THE DRAINAGE.
5. PROPOSED HOUSE IS 1 BEDROOMS.
6. THE DATE OF THE EVALUATION TO BE DETERMINED AT A LATER DATE.

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

Item 1.

Receipt No: 43514

Receipt Date: 02/06/2023

Time of Receipt: 02/06/2023 12:01 PM

1805 - Payment	<u>1,225.00</u>
	\$1,225.00

Check: 5026	<u>1,225.00</u>
	\$1,225.00



February 14, 2023

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-1351-D
Located: Approx. 199 N Coyote Road, Apple Valley, UT

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of “We would like to build a single family home on our lot.” The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder’s office or at the following link:

https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.020_A_Agricultural_Zone

The hearing will be held **March 1, 2023 at 6:00 PM** MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

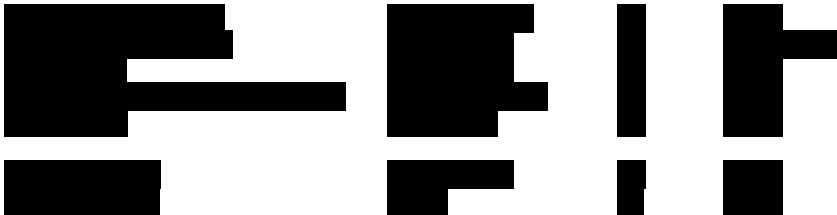
Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner’s property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the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

Kind Regards,

Jenna Vizcardo
Town Clerk

TAX_ID OF PARCELS LOCATED WITHIN 500' OF AV-1351-D

AV-1351-C	SANTA MARIA HOPE V, BALDIVINO JJEAN-CLAUDE V
AV-1343-A-7	THOMPSON RENAE L & MICHAEL WAYNE, THOMPSON JANETTE
AV-1351-F	REEVE ANNIE TR, REEVE CASSIE TR
AV-1351-B	APPLE VALLEY DEV LLC
AV-1343-A-3	GUBLER CORY, GUBLER MICAH T
AV-1351-D	HAMBLIN AARON A & JILL R
AV-1351-E	ECKARD TROY E & CLAIRE E





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

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

Zone Change Application

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

Owner: Hidden Rock Development Group LLC		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone:	
Address/Location of Property:		Parcel ID: AV-2194-D, AV-2194-B, AV-2-2-27-432	
Existing Zone: OST, OST, C-3 (respectively)		Proposed Zone: A-5, Cabin Zone(PD Overlay)	
For Planned Development Purposes: Acreage in Parcel ~204		Acreage in Application ~ 204	
Reason for the request Planned Development of low density hotel and large ranch lot AG-5 residential.			

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 	Date 02.07.2023
---	---------------------------

Official Use Only	Amount Paid: \$	Receipt No:
Date Received: February 15, 2023	Date Application Deemed Complete:	
By: 	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.



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

Parcel ID# _____

Item 2.

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Hidden Rock Development Group am/are the applicant(s) of the application known as
AV-2194-D + AV-2194-B + AV-2-27-432 located on parcel(s)
_____ within the Town of Apple Valley, Washington County, Utah.

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

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, or permit for which this application is being submitted; and
2. Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District") which verifies that there is a sufficient water supply and guarantee of water for the application or proof that another guaranteed source of water is available to the applicant; and
3. For any application which may be approved without the "Will Serve" letter from the District, the applicant assumes the entire risk of water availability for the project and/or application.

Signature(s):

Anish Bhatia

Name

Applicant/Owner

11/7/22

Date

Dallin Jolley

Name

Applicant/Owner

11.7.22

Date

Name

Applicant/Owner

Date

State of Utah)

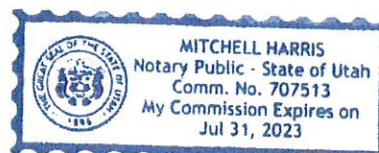
County of Washington)§

On this 7th day of November, in the year 2022, before me, Mitchell Harris a notary public, personally appeared Anish Bhatia & Dallin Jolley, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

(notary signature)

(seal)



**AFFIDAVIT
PROPERTY OWNER
AV-2-2194-D**

STATE OF UTAH

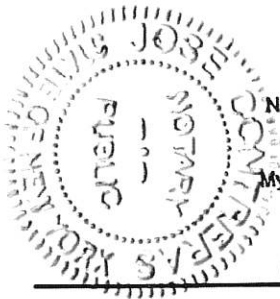
COUNTY OF WASHINGTON

I (We) Anish Bhatia, 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.

Anish Bhatia
Property Owner

Property Owner

Subscribed and sworn to me this 7th day of FEBRUARY, 20 23.



JOSE CONTRERAS
Notary Public - State of New York
No. 01CO6410946
Qualified in Bronx County
My Commission Expires 11/09/2024

J. Contreras
Notary Public

Residing in: BRONX, NY

My Commission Expires: 11/09/2024

JOSE CONTRERAS
Notary Public - State of New York
No. 01CO6410946
Qualified in Bronx County
My Commission Expires 11/09/2024

AGENT AUTHORIZATION

I (We), Anish Bhatia, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Hidden Rock Development Group 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.

Anish Bhatia
Property Owner

Property Owner

Subscribed and sworn to me this 7th day of FEBRUARY, 20 23.



JOSE CONTRERAS
Notary Public - State of New York
No. 01CO6410946
Qualified in Bronx County
My Commission Expires 11/09/2024

J. Contreras
Notary Public

Residing in: BRONX, NY

My Commission Expires: 11/09/2024

**AFFIDAVIT
PROPERTY OWNER
AV-2194-B**

STATE OF UTAH

)

)§

COUNTY OF WASHINGTON

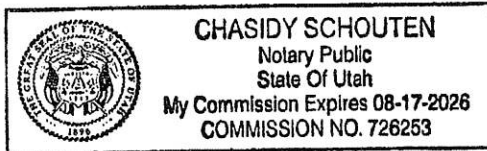
)

I (We) [Signature], 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 2 day of November, 2022.



Notary Public

Residing in:

Hurricane, Utah
My Commission Expires: 08-17-2026

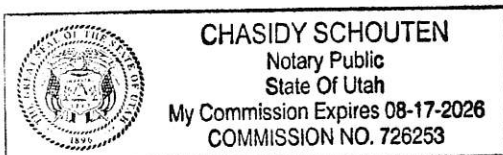
AGENT AUTHORIZATION

I (We), Laron Hall, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Hidden Rock Development Group 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 11th day of November, 2022.



Notary Public

Residing in:

Hurricane UT
My Commission Expires: 08-17-2026

**AFFIDAVIT
PROPERTY OWNER
AV-2-2-27-432**

STATE OF UTAH)
)
COUNTY OF WASHINGTON)

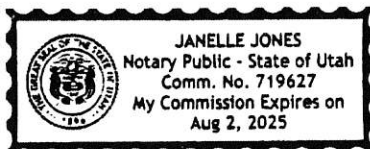
I (We) Precept Holdings LLC Jerry Eves Manager, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all 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.

Precept Holdings LLC Jerry Eves Manager

Property Owner

Property Owner

Subscribed and sworn to me this 7th day of February, 2023.



Janelle Jones
Notary Public

Residing in: 720 W. State Street UT, 84737

My Commission Expires: 8/2/2025

AGENT AUTHORIZATION

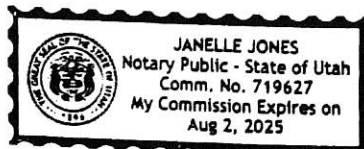
I (We), Precept Holdings LLC Jerry Eves Manager, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Anish Bhatia & Dallin Jolley to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body 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.

Precept Holdings LLC Jerry Eves Manager

Property Owner

Property Owner

Subscribed and sworn to me this 7th day of February, 2023.



Janelle Jones
Notary Public

Residing in: 720 W. State St. Hurricane UT 84737

My Commission Expires: 8/2/2025

SUBDIVISION APPROVAL PROCESS

	PROJECT NAME	√
	PROCESS (Must be done in this order)	
1	SUBMIT FOR A ZONING CHANGE (IF NEEDED) TO PLANNING MANAGER	
2	PLANNING COMMISSION MEETS AND SUBMITS RECOMMENDATION FOR ZONING TO TOWN COUNCIL	
3	TOWN COUNCIL MEETS AND CONSIDERS AND VOTES ON ZONING CHANGE (IF APPROVED, GO TO NEXT STEP)	
4	OBTAIN WATER DISTRICT PRELIMINARY WILL-SERVE LETTER FOR SUBDIVISION	
5	OBTAIN SEWER DISTRICT PRELIMINARY WILL-SERVE LETTER FOR SUBDIVISION	
6	OBTAIN POWER COMPANY PRELIMINARY WILL-SERVE LETTER FOR SUBDIVISION	
7	SUBMIT PRELIMINARY PLAT TO PLANNING COMMISSION (INCLUDE WILL-SERVE LETTERS)	
8	SUBMIT PRELIMINARY PLAT TO TOWN COUNCIL FOR THEIR APPROVAL	
9	SUBMIT PROPOSED CONSTRUCTION PLANS TO PUBLIC WORKS MANAGER	
10	TOWN AND ALL UTILITY COMPANIES REVIEW PROPOSED PLANS AND REDLINE PLANS	
11	PUBLIC WORKS CONSULTANT RETURNS REDLINES TO DEVELOPER	
12	DEVELOPER SUBMITS CORRECTED MASTER PLANS TO PUBLIC WORKS CONSULTANT	
13	POWER SIGNS OFF MASTER PLANS (ALL SIGNATURES COLLECTED BY PUBLIC WORKS CONSULTANT)	
14	WATER SIGNS OFF MASTER PLANS (ALL SIGNATURES COLLECTED BY PUBLIC WORKS CONSULTANT)	
15	TELEPHONE SIGNS OFF MASTER PLANS (ALL SIGNATURES COLLECTED BY PUBLIC WORKS CONSULTANT)	
16	SEWER SIGNS OFF MASTER PLANS (ALL SIGNATURES COLLECTED BY PUBLIC WORKS CONSULTANT)	
17	STREETS DEPARTMENT SIGNS OFF MASTER PLAN (ALL SIGNATURES COLLECTED BY PUBLIC WORKS CONSULTANT)	
18	PUBLIC WORKS SIGNS OFF MASTER PLANS STORMWATER DETENTION SYSTEM	
19	TOWN ENGINEER SIGNS OFF MASTER PLANS (ALL SIGNATURES COLLECTED BY PUBLIC WORKS CONSULTANT)	
20	MAYOR OR PUBLIC WORKS CONSULTANT SIGNS OFF THAT PLANS MEET ALL TOWN CODES & UTILITIES ARE SIGNED OFF	
21	SUBMIT FINAL PLAT TO TOWN PLANNING MANAGER	
22	FINAL PLAT REVIEWED AND SIGNED BY TOWN ENGINEER	
23	FINAL PLAT IS APPROVED AND SIGNED BY MAYOR	
24	FINAL PLAT IS REVIEWED AND SIGNED BY PLANNING COMMISSION CHAIRMAN	
25	FINAL PLAT IS REVIEWED AND APPROVED BY TOWN ATTORNEY	
26	DEVELOPER TO SUBMIT ENGINEERS ESTIMATE FOR SUBDIVISION IMPROVEMENT COSTS	
27	DEVELOPER TO PROVIDE GUARANTEE BOND IF RECORDING PRIOR TO COMPLETION; OR	
28	COMPLETE IMPROVEMENTS FIRST	
29	DEVELOPER PROVIDES 1 YEAR WARRANTY BOND OF 10-20% OF COST	
30	MAYOR OR PUBLIC WORKS CONSULTANT ISSUES NOTICE TO PROCEED	
31	FINAL PLAT IS RECORDED BY TOWN ATTORNEY	
32	START SELLING LOTS OR BUILDING HOMES	
33	AFTER 1 YEAR, SUBDIVISION IS INSPECTED AND PUNCH LIST PROVIDED TO DEVELOPER	
34	DEVELOPER FINISHES PUNCH LIST AND REQUESTS RELEASE OF WARRANTY BOND	
35	PUBLIC WORKS CONSULTANT INSPECTS IF PUNCH LIST IS COMPLETE	
36	IF PUNCH LIST IS COMPLETE, THE WARRANTY BOND IS RELEASED	

Applicant - Hidden Rock Development Group LLC

Dallin Jolley
Managing Partner
5889 South Highland Drive.
Holladay, Utah 84121

Anish Bhatia
Managing Partner
100 Norfolk St. Apt 6B
New York, NY 10002

Current Owner –AV-2194-D

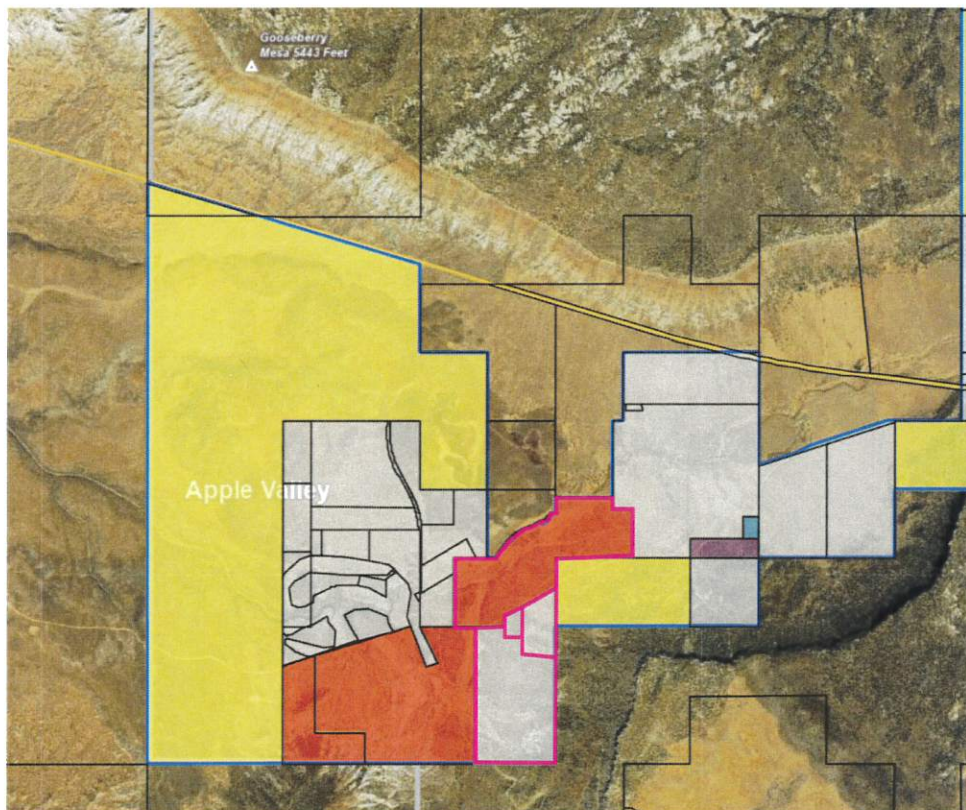
BHATIA, ANISH
HIKKO DESIGN LLC
1250 LONG BEACH AVE
LOS ANGELES, CA 90021

AV-2194-B

HALL LARON W & LINDA W
120 W 975 N
HURRICANE, UT 84737

AV-2-2-27432

PRECEPT HOLDINGS LLC
253 W 1480 S
HURRICANE, UT 84737

Property Map with Existing, Proposed and Abutting Properties Zoning Classification**Existing Zoning Classifications**

- A-5 - Agricultural > 5 Acres
- A-10 - Agricultural > 10 Acres
- A-20 - Agricultural > 20 Acres
- A-40 - Agricultural > 40 Acres
- Single-Family Residential > .5 Acres
- Single-Family Residential > 1 Acre
- Single-Family Residential > 2.5 Acres
- Single-Family Residential > 5.0 Acres
- Single-Family Residential > 10.0 Acres
- C-1 - Convenience Commercial
- C-2 - Highway Commercial
- C-3 - General Commercial
- CTP - Cabins or Tiny Home Parks Zone
- INST - Institutional
- MH - Manufactured Housing Park
- OSC - Open Space Conservation
- OST - Open Space Transition
- PD - Planned Development
- RE-1 - Rural Estate 1
- RE-2.5 - Rural Estate 2.5
- RE-5 - Rural Estate 5
- RE-10 - Rural Estate 10
- RE-20 - Rural Estate 20
- RE-X - Rural Estate Zone Any Size
- RV-Park - Recreational Vehicle Park

*Subject property outlined in pink. Proposed A-5 and Cabin Zone with PD Overlay

Accurate Legal Description**Parcel Number:** AV-2194-D

Legal: S: 27 T: 42S R: 12W BEG AT PT N89°53'25" E ALG S SEC/L 1080.46 FT FM SW COR SEC 27, T42S, R12W; TH N0°04'17" W 2638.65 FT TO PT ON C/S/L; TH N89°54'58" E ALG SD C/S/L 559.35 FT TO PT ON PARCEL DESC IN DOC #20070025178, TH ALG SD PARCEL FOL (2) CRSES: S0°03'58" E 218.34 FT; TH N89°53'25" E 346.55 FT TO PT ON PARCEL DESC IN INSTR #917739; TH ALG SD PARCEL FOL (2) CRSES: S0°03'58" E 321.36 FT; TH S84°32'14" E 655.48 FT TO C/S/L; TH S0°03'39" E ALG SD C/S/L 2035.05 FT TO S1/4 COR OF SD SEC 27; TH S89°53'25" W ALG S SEC/L 1557.90 FT TO POB.

Parcel Number: AV-2194-B

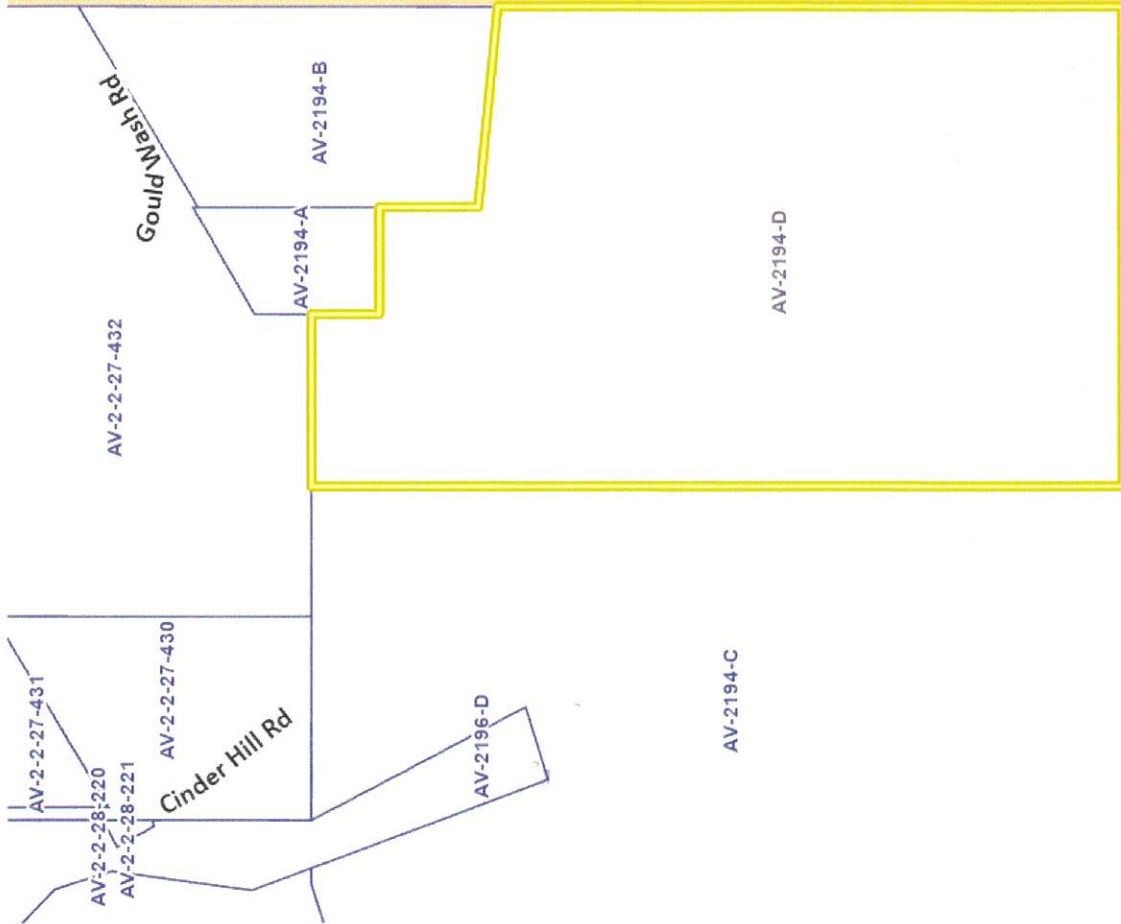
Legal: S 27 T: 42S R: 12W BEG SW COR SEC 27 T42S R12W TH N89°56'17E 2639.07 FT; TH N0°01'06W 2035 FT TO POB; TH N84°29'22W 656 FT; TH N0°01'06W 908.32 FT; TH N59°01'33E 761.40 FT; TH S0°01'06E 1363.17 FT TO POB

Parcel Number: AV-2194-B

Legal: BEGINNING AT A POINT BEING NORTH 89°54'51" EAST 659.96 FEET ALONG THE CENTER SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 42 SOUTH RANGE 12 WEST, SAL LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 00°04'47" WEST 1319.55 FEET TO THE SIXTEENTH LINE; THENCE NORTH 89°55'03" EAST 783.30 FEET TO THE FLOWLINE OF GOULDS WASH; THENCE ALONG THE FLOWLINE OF GOULDS WASH THE FOLLOWING 22 COURSES, NORTH 66°55'39" EAST 25.75 FEET; THENCE 27.02 FEET ALONG THE ARC OF A 59.43 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 26°03'11", WITH A CHORD BEARING OF NORTH 53°54'04" EAST AND A CHORD LENGTH OF 26.79 FEET TO A COMPOUND CURVE; THENCE 28.36 FEET ALONG THE ARC OF A 129.84 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°30'56", WITH A CHORD BEARING OF NORTH 34°37'00" EAST AND A CHORD LENGTH OF 28.31 FEET; THENCE NORTH 28°21'32" EAST 75.24 FEET; THENCE 69.55 FEET ALONG THE ARC OF A 383.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'15", WITH A CHORD BEARING OF NORTH 33°33'40" EAST AND A CHORD LENGTH OF 69.45 FEET; THENCE NORTH 38°45'47" EAST 232.66 FEET; THENCE 131.23 FEET ALONG THE ARC OF A 722.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 10°24'50", WITH A CHORD BEARING OF NORTH 43°58'12" EAST AND A CHORD LENGTH OF 131.05 FEET; THENCE NORTH 49°10'37" EAST 25.98 FEET THENCE 68.03 FEET ALONG THE ARC OF A 333.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11°42'16", WITH A CHORD BEARING OF NORTH 55°01'45" EAST AND A CHORD LENGTH OF 67.91 FEET; THENCE NORTH 60°52'53" EAST 80.09 FEET; THENCE 89.64 FEET ALONG THE ARC OF A 680.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 07°33'11", WITH A CHORD BEARING OF NORTH 64°39'28" EAST AND A CHORD LENGTH OF 89.58 FEET; THENCE NORTH 68°26'04" EAST 109.15 FEET; THENCE 96.79 FEET ALONG THE ARC OF A 733.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 07°33'57", WITH A CHORD BEARING OF NORTH 64°39'06" EAST AND A CHORD LENGTH OF 96.72 FEET TO A REVERSE CURVE; THENCE 126.88 FEET ALONG THE ARC OF A 600.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°06'58", WITH A CHORD BEARING OF NORTH 66°55'36" EAST AND A CHORD LENGTH OF 126.64 FEET; THENCE NORTH 72°59'05" EAST 34.20 FEET; THENCE 38.43 FEET ALONG THE ARC OF A 135.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 16°18'35", WHOSE RADIUS BEARS NORTH 16°56'26" WEST, WITH A CHORD BEARING OF NORTH 64°54'16" EAST AND A CHORD LENGTH OF 38.30 FEET TO A COMPOUND CURVE; THENCE 78.24 FEET ALONG THE ARC OF A 288.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°33'53", WITH A CHORD BEARING OF NORTH 48°58'02" EAST AND A CHORD LENGTH OF 78.00 FEET; THENCE NORTH 41°06'37" EAST 72.34 FEET; THENCE NORTH 46°31'48" EAST 31.66 FEET; THENCE NORTH 74°13'23" EAST 28.74 FEET; THENCE NORTH 80°18'58" EAST 33.64 FEET; THENCE SOUTH 81°36'05" EAST 34.61 FEET TO THE CENTER SECTION LINE; THENCE NORTH 00°04'18" WEST 280.57 FEET; THENCE NORTH 89°53'53" EAST 1117.63 FEET; THENCE SOUTH 00°05'00" EAST 199.84 FEET; THENCE NORTH 89°53'53" EAST 425.00 FEET; THENCE SOUTH 00°05'00" EAST 954.76 FEET TO THE SIXTEENTH LINE; THENCE SOUTH 89°54'24" WEST 1542.85 FEET TO THE SIXTEENTH CORNER; THENCE SOUTH 00°04'18" EAST 559.46 FEET; THENCE SOUTH 58°58'21" WEST 760.85 FEET; THENCE NORTH 00°04'33" WEST 15.26 FEET; THENCE SOUTH 59°57'46" WEST 400.00 FEET; THENCE SOUTH 00°04'33" EAST 184.39 FEET TO THE CENTER SECTION LINE; THENCE SOUTH 89°55'03" WEST 980.91 FEET; TO THE POINT OF BEGINNING.



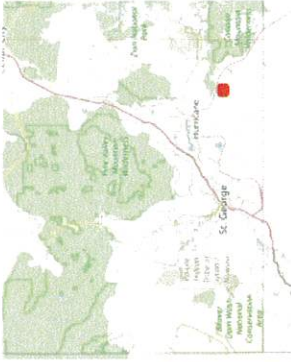
AV-2194-D



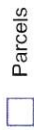
2199-A

1,504.7 0 752.33 1,504.7 Feet

IGS_1984_Web_Mercator_Auxiliary_Sphere



Legend

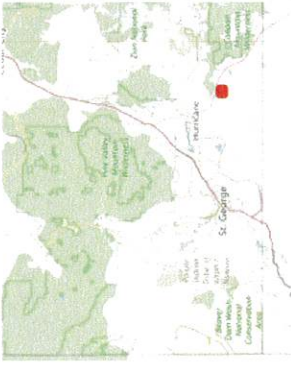


Ownership

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

Notes

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.



Parcels

Ownership

U.S. Forest Service

U.S. Forest Service Wilderness

Bureau of Land Management

Bureau of Land Management Wilde

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

Minor Claim

1,504.7	0	752.33	1,504.7 Feet
---------	---	--------	--------------

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.

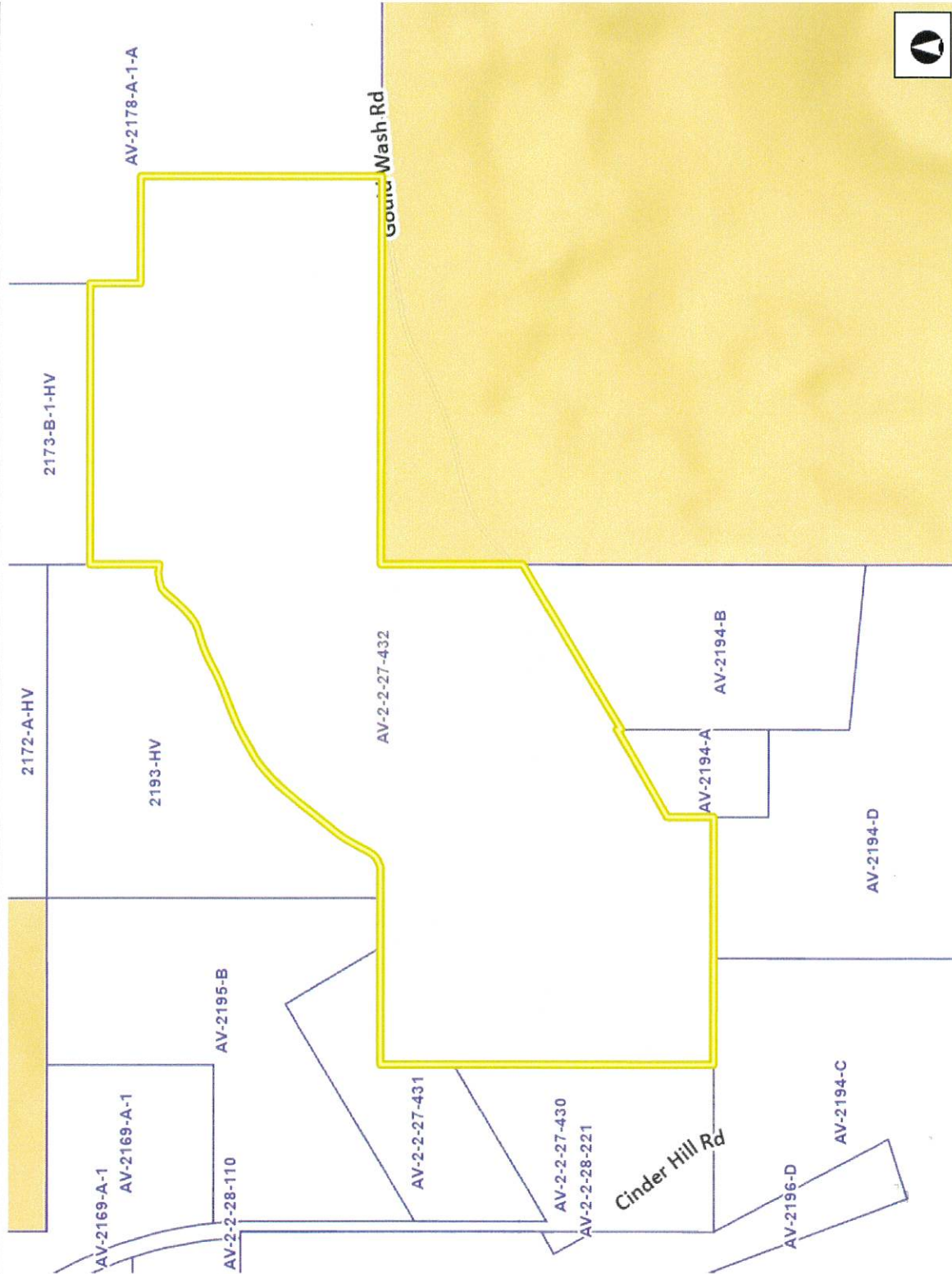
VGS_1984_Web_Mercator_Auxiliary_Sphere

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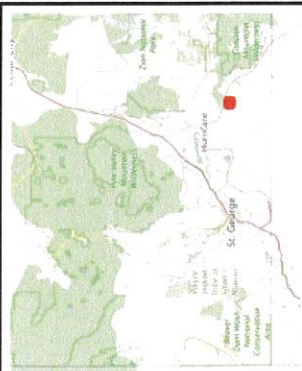
Item 2.



AV-2-2-27-432



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
 - 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

Item 2.



Let's turn the answers on.

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

October 18, 2022

Dallin Jolley
1 N. Cinder Hill Road
Apple Valley, UT 84737

Re: Oculita Roca Development

Located: Parcel #AV-2194-D

Dear Dallin Jolley:

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

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

Sincerely,

Ruston Jenson
Estimator
Dixie Service Center
435-688-3708



1777 N. Meadowlark Dr, Apple Valley, Utah 84737
Phone: 435-877-1194 Fax: 435-877-1192
www.applevalleyut.gov

Chairman Andy McGinnis
Board Member Frank Lindhardt
Board Member Harold Merritt
Board Member Ross Gregerson
Board Member Jarry Zaharias

Preliminary Water Letter
For
Hidden Rock Development Group LLC
Anish Bhatia and Dallin Jolley

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

1. Option to connect to district water main at N Apple Valley Dr. next to the Gooseberry Lodges.
2. Option to build a tank and infrastructure designed to meet not only culinary, irrigation, but also fire suppression for your entire development.
3. State and Local permits for well drilling.
4. Municipal/Culinary water rights deeded to the District.
5. Easements as required for water infrastructure and District access.
6. Upon completion of the water system by the Developer and approval of the District's designated engineer and Water Superintendent, said water system will be deeded to the District.

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

The District provides this letter for the purpose of a zone change and it is NOT a Will Serve Letter.

Andy McGinnis
Chairman
Big Plains SSD



Ash Creek Special Service District

1350 S. Sand Hollow Road

Hurricane, UT 84737

Office: (435) 635-2348 Fax: (435) 635-8550

ashcreek@infowest.com

October 24, 2022

Apple Valley
Kyle Layton
1777 North Meadowlark Drive
Apple Valley, UT 84737

RE: Parcel AV-2194-D

Kyle,

Ash Creek SSD takes no exception to the proposed zone change for parcel AV-2194-D. In lieu of a Will Serve, this letter communicates Ash Creek SSD's requirements.

After reviewing the conceptual site plan for parcel AV-2194-D, it appears the land will be used as a resort style property with no subdivision of the property creating individual lots for sale. Based on the proposed land use, a Body Politic agreement with Ash Creek SSD should not be needed. Wastewater treatment will be permitted through the state. The next step for the owner/developer will be to contact the Utah Division of Water Quality to work through the permitting process. This information has been provided to the owner/developer.

The owner/developer understand and agree that they will need to get plan approval for the sewer and treatment systems. After approval, they agree to pay all costs associated with construction of sewer and treatment systems and impact fees.

Please let us know if you have any questions.

Sincerely,

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



GEOTECHNICAL TESTING SERVICES, INC.
735 East Tabernacle. St. George, UT, 84770
(435) 628-9536 admin@gtsstg.com

October 18, 2022

Mr. Anish Bhatia



Subject: Soil Classification and Septic Feasibility
Parcel AV-2194-D
Apple Valley, Utah
GTS Project Number: 12925

Dear Mr. Bhatia:

As requested, we are providing you with the soil classification for the above noted project. It appears that the soils are sufficient for the installation of an onsite wastewater system; however, this letter should be provided to the Southwest Utah Public Health Department for their approval. Soil classification in accordance with Utah Administrative Code Section R317-4-13 was performed by us and reported herein.

In order to investigate the subsurface soils for this study, five, 5.75 to 9.5-foot deep test pits were excavated across the subdivision as shown on Figure 1. The subsurface soils encountered in the test pits consisted of granular, fine sandy loam to the maximum depth of exploration, 9.5 feet, which was the extent of the digging equipment. Groundwater was not encountered in the test pits during our investigation and there was no evidence of a historic ground water table within the depth of the test pits.

Considering soil classification and using values from Section R317-4-13, Table 6, a soil absorption rate (SAR) of 0.5 gallons/square foot/day can be used for sizing the absorption area. Please refer to the attached Soil Exploration Results.

Thank you for allowing us to provide these services for you. Please call our office at (435) 628-9536 if there are any questions regarding this project.

Very Truly Yours,
GEOTECHNICAL TESTING SERVICES, INC.

A handwritten signature in blue ink, appearing to read "Chris D. Volksen", written over the company name.

CHRISTOPHER D. VOLKSEN, P.E.
President

SOIL EXPLORATION RESULTS

Information Required for Determining Soil Suitability
for Individual Wastewater Disposal Systems

NAME: Parcel AV-2194-D
LOCATION OF Gould Wash Road
PROPERTY: Apple Valley, Utah

Statement of soil conditions obtained from soil exploration to a depth of 9.5 feet. In the event that absorption systems will be deeper than 5.5 feet, further soil explorations must be performed extending to a depth of at least 4.0 feet below the bottom of the proposed absorption field, seepage trench, seepage pit, or absorption bed. A descriptive log of the exploration is given below:

TEST PIT 1 (See Figure 1 for the location of the test pit)
0 - 5.0 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
5.0 - 5.75 Sandy Loam, granular, fine sand, reddish brown, cobbles (SAR= 0.50 gal/sqft/day)
5.75 Sandstone Bedrock
5.75 END OF THE TEST PIT - Refusal

TEST PIT 2 (See Figure 1 for the location of the test pit)
0 - 4.25 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
4.25 - 7.0 Sandy Loam, granular, fine sand, reddish brown, calcareous (SAR= 0.50 gal/sqft/day)
7.0 - 8.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
8.5 Sandstone Bedrock
8.5 END OF THE TEST PIT - Refusal

TEST PIT 3 (See Figure 1 for the location of the test pit)
0 - 3.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
3.5 - 4.5 Sandy Loam, granular, fine sand, reddish brown, cobbles (SAR= 0.50 gal/sqft/day)
4.5 - 5.5 Sandy Loam, granular, fine sand, reddish brown, calcareous (SAR= 0.50 gal/sqft/day)
5.5 - 9.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
9.5 END OF THE TEST PIT - Extent of Equipment

TEST PIT 4 (See Figure 1 for the location of the test pit)
0 - 4.0 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
4.0 - 6.0 Sandy Loam, granular, fine sand, reddish brown, calcareous (SAR= 0.50 gal/sqft/day)
6.0 - 9.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
9.5 END OF THE TEST PIT - Extent of Equipment

TEST PIT 5 (See Figure 1 for the location of the test pit)
0 - 8.0 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
8.0 Sandstone Bedrock
8.0 END OF THE TEST PIT - Refusal

Date soil exploration(s) conducted: August 24, 2022

Statement of present and maximum anticipated groundwater table throughout the property and area of the proposed absorption system: Not encountered or anticipated

Date groundwater table determined: August 24, 2022

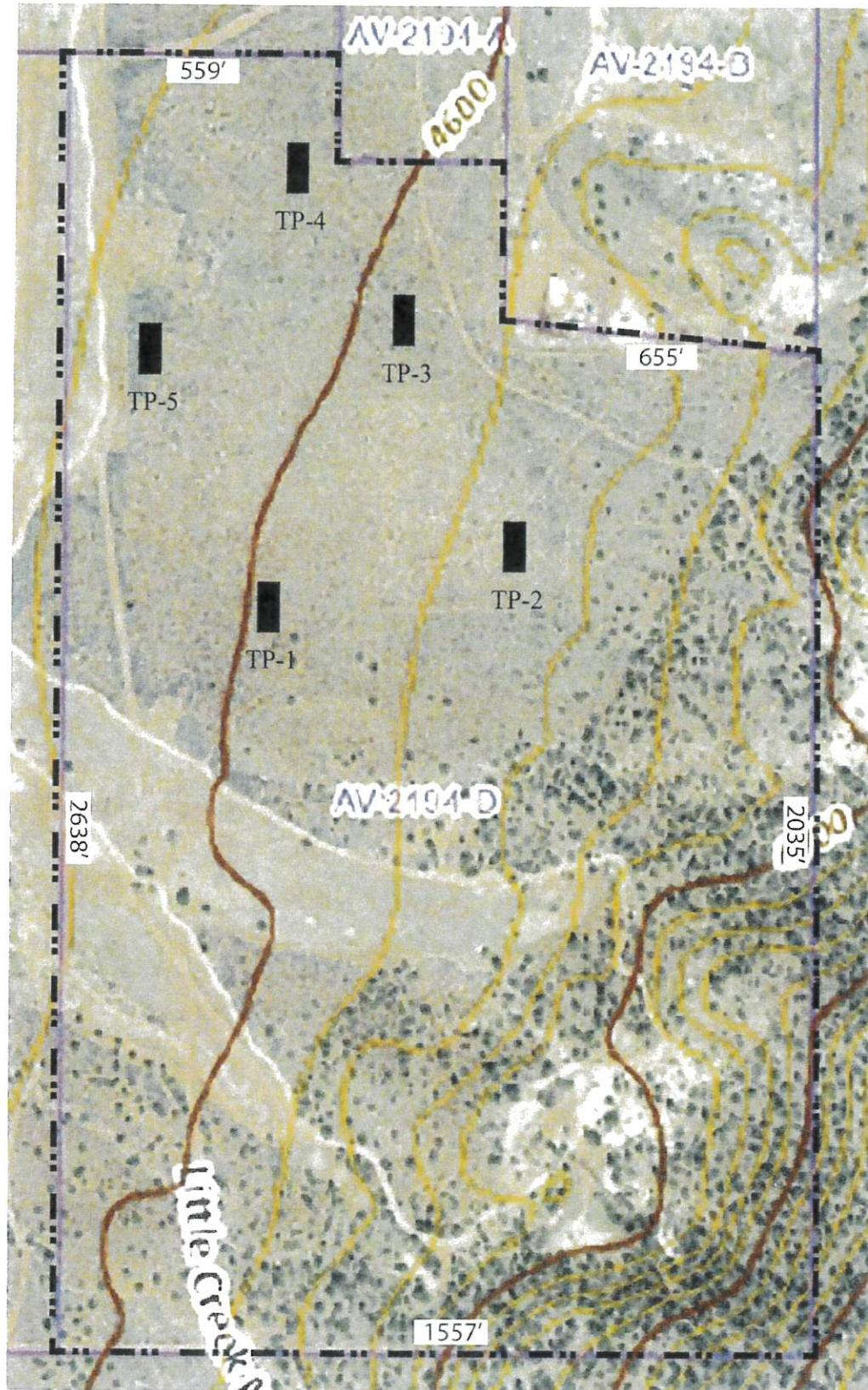
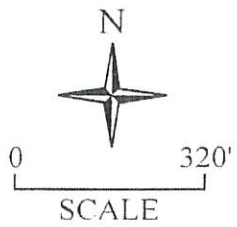
I hereby certify to the best of my knowledge, the forgoing information is correct.

Name: Carson Gardner
Address: 735 East Tabernacle
St. George, UT 84770

Signed: 

(Unsigned test certificates will not be accepted)

Date: 10-18-22



Engineering
Consulting
Testing

SITE PLAN

Client: Anish Bhatia
Project: Parcel AV-2194-D
Location: Gould Wash Road - Apple Valley, UT
Number: 12925

Figure 1



February 15, 2023

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-2194-D, AV-2194-B and AV-2-2-27-432
Approx: 1 N. Cinder Hill Road, Apple Valley UT, 84737

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Open Space/Open Space Transition Zone (OS/OST) to Planned Development Overlay Zone (PD) for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder's office or at the following link:

<https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.120> Planned Development Overlay Zone

The hearing will be held **Wednesday, March 1, 2023 at 6:00 PM** MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

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

Kind Regards,

Jenna Vizcardo
Town Clerk

TAX_ID'S WITHIN 500' OF AV-2194-D, AV-2194-B, AND AV-2-2-27-432

AV-2194-D
AV-2194-C
AV-2194-A
AV-2-2-27-432
AV-2-2-27-430
AV-2194-B

AV-2194-D
AV-2194-A
AV-2-2-27-432
AV-2194-B

2172-A-HV
AV-2178-A-1-A
AV-2194-D
AV-2-2-27-431
AV-2194-C
AV-2194-A
2173-B-1-HV
AV-2195-B
AV-2-2-27-432
AV-2-2-27-430
2193-HV
AV-2194-B

BHATIA ANISH, HIKKO DESIGN LLC
KKP PROPERTIES LLC
TULLIS JAMES W, TULLIS JASON S
PRECEPT HOLDINGS LLC
KOKOPELLI ESTATES LLC
HALL LARON W & LINDA W

BHATIA ANISH, HIKKO DESIGN LLC
TULLIS JAMES W, TULLIS JASON S
PRECEPT HOLDINGS LLC
HALL LARON W & LINDA W

BALLARD DAVID RAY & KARI K TRS
CINDER KNOLL VALLEY LC
BHATIA ANISH, HIKKO DESIGN LLC
KOKOPELLI ESTATES LLC
KKP PROPERTIES LLC
TULLIS JAMES W, TULLIS JASON S
BALLARD TONY RAND
BITTERWATER ENTERPRISES LLC
PRECEPT HOLDINGS LLC
KOKOPELLI ESTATES LLC
BALLARD DAVID RAY & KARI K TRS
HALL LARON W & LINDA W



B. General Provisions:

1. Number of ADU's Per Parcel. An ADU shall only be permitted on a parcel with a single-family dwelling. Only one ADU is permitted on a lot that is zoned less than ☐ five (5) ☐ Ten (10) ☐ _____ acres. On a lot or parcel that is zoned ☐ five (5) ☐ Ten (10) ☐ _____ or more, one additional accessory dwelling unit may be approved ☐ for each additional five (5) acres above the base five (5) acres, ☐ for each additional five (5) acres above the base five (5) acres, in the sole discretion of the town. No more than ☐ four (4) ☐ Two (2) ☐ Other _____ accessory dwellings shall be allowed on a lot or parcel, except when zoned and approved in a planned development that complies with all applicable town ordinances. Only one ADU on the property may be rented.

2. Size and Height. The size and height regulations for an ADU are as follows:

a. ☐ Eight hundred (800) sq. ft. maximum, ☐ _____ sq. ft. maximum

: For all lots ☐ or parcels in zones designated as one-half (1/2) acre minimum lot size or less, the ADU shall not exceed eight hundred (800) sq. ft. or be less than four hundred (400) sq. ft. The height shall not exceed twenty-five (25) ft.

☐ b. Twelve hundred (1200) sq. ft. maximum: For all lots or parcels in zones designated as forty thousand (40,000) sq. ft. minimum lot size up to two and one-half (2.5) acre minimum lot size, the ADU shall not exceed twelve hundred (1200) sq. ft. or be less than (400) sq. ft. The height shall not exceed thirty five (35) ft.

☐ c. Thirty-five hundred (3500) sq. ft. maximum: For all lots or parcels in zones designated as more than two and one-half (2.5) acre minimum lot size, the ADU shall not exceed thirty five hundred (3500) sq. ft. or be less than four hundred (400) sq. ft. The height shall not exceed thirty five (35) ft.

**APPLE VALLEY
ORDINANCE O-2023-15**

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

SECTION 1: REPEAL AND REPLACE “10.28.270 Guesthouses Or Casitas” of the Apple Valley Land Use is hereby *repealed and replaced* as follows:

BEFORE REPEAL AND REPLACE

10.28.270 Guesthouses Or Casitas

The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.
- B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. Setbacks: All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. Parking: All guesthouses or casitas shall provide a minimum of one off street parking space.
- H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. Height and Size Restrictions: All guesthouses or casitas shall be limited to one story,

with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas.

- K. Occupancy Without Compensation: Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.
- L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.
- M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.
- N. Permits Required:
 - 1. The use application approval for a guesthouse or casita shall be received before a building permit is issued.
 - 2. The commission is authorized to approve an application for a guesthouse or casita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.
- O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

AFTER REPEAL AND REPLACE

10.28.270 ~~Guesthouses Or Casitas~~ Accessory Dwelling Unit (ADU)

~~The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.~~

- ~~A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.~~
- ~~B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.~~
- ~~C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot.~~

~~No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or easita.~~

- ~~D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or easita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or easita.~~
- ~~E. Square Footage: The square footage of a guesthouse or easita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or easita shall be three hundred (300) square feet.~~
- ~~F. Setbacks: All guesthouses or easitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.~~
- ~~G. Parking: All guesthouses or easitas shall provide a minimum of one off street parking space.~~
- ~~H. Construction: The construction of all guesthouses or easitas shall meet all requirements of the adopted building code.~~
- ~~I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or easitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.~~
- ~~J. Height and Size Restrictions: All guesthouses or easitas shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and easitas.~~
- ~~K. Occupancy Without Compensation: Guesthouses or easitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.~~
- ~~L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or easita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.~~
- ~~M. Deed Restriction: As a condition of approval required to establish a guesthouse or easita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or easita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or easita.~~
- ~~N. Permits Required:

 - ~~1. The use application approval for a guesthouse or easita shall be received before a building permit is issued.~~
 - ~~2. The commission is authorized to approve an application for a guesthouse or easita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other~~~~

regulations are met.

~~Θ. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.~~

A. Purpose and Intent: The purpose of this chapter is to provide regulations for accessory dwelling units (ADU) that are incidental and accessory to a single-family dwelling, where permitted in the zone. ADU's are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate-income housing is necessary. ADU's created in accordance with this section will assist in providing for this need.

B. General Provisions:

1. Number of ADU's Per Parcel. An ADU shall only be permitted on a parcel with a single-family dwelling. Only one ADU is permitted on a lot that is zoned less than ___ five (5), ___ ten (10), ___ acres. On a lot or parcel that is zoned ___ five (5), ___ ten (10), ___ acres or more, one additional accessory dwelling unit may be approved for each additional five (5) acres above the base five (5) acres, in the sole discretion of the town. No more than ___ four (4), ___ two (2), ___ other accessory dwellings shall be allowed on a lot or parcel, except when zoned and approved in a planned development that complies with all applicable town ordinances. Only one ADU on the property may be rented.
2. Amenities. An ADU shall contain sufficient amenities to be defined as a dwelling. An ADU shall not have more than one kitchen.
3. Parking. Two parking spaces shall be provided on site for each ADU, and it shall be on a hard-surface area. Only one parking space is required for an internal ADU, and it shall be on a hard-surface area.
4. Occupancy. Either the ADU or the single-family dwelling shall be owner-occupied and be the primary residence of the owner-occupant with the primary residential exemption as determined by the Washington County Assessor's office, to utilize the other dwelling as a long-term rental dwelling. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of one hundred eighty-three (183) consecutive calendar days during the calendar year, except temporary leave for religious, military, or other legitimate purposes qualified as owner occupancy if not exceeding two years. While away, the owner shall not offer the owner-occupied dwelling unit for rent separately from the ADU.
5. Short Term Rentals Not Permitted. Neither the single-family dwelling unit, nor the accessory dwelling unit, shall be used or licensed as a short-term rental unless specifically permitted in accordance with Title 10, Chapter 14.
6. Relevant Authority Approvals. The ADU shall comply with regulations,

ordinances and building codes for a single-family dwelling. Approval is required from all utility and service providers and the Building Official.

C. Standards And Requirements:

1. Standards Same as Single Family Dwelling. If new construction for an ADU is proposed or will occur, the standards for single family dwellings shall apply. An ADU shall comply with the same permit standards, lot development standards, and setbacks as required in the respective zone. No travel trailer, boat, recreational vehicle, or similar item shall be used as an ADU.
2. Size and Height. The size and height regulations for an ADU are as follows:
 - a. Eight hundred (800) sq. ft. maximum, ____ sq. ft maximum: For all lots, the ADU shall not exceed eight hundred (800) sq. ft. or be less than four hundred (400) sq. ft. The height shall not exceed twenty-five (25) ft.
 - b. For an internal ADU, the ADU shall not exceed the size permitted in state law (10-9a-530), or the height in section 10.28.270.C.2.a, b and c.
 - c. For an internal ADU located entirely within the basement of a single-family dwelling, it may include the entire basement area regardless of square footage.
3. Relationship to the Single-Family Dwelling; Appearance. The exterior design of an accessory dwelling unit, or the building that contains an ADU, shall compliment the single-family dwelling in a manner that preserves the appearance of the lot's single family use.
 - a. The exterior of the accessory dwelling unit shall either:
 - (1) Conform to the single-family dwelling in architectural style and materials on all sides of the building and roof; or
 - (2) Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
 - (3) Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
 - b. An ADU located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall not be determined to be an internal ADU if the distance between them is fifteen (15) feet or greater.
4. Access. The main access into an internal ADU shall be on the side or rear of the primary dwelling, as viewed from the front lot line. Each ADU shall have direct access to the exterior of the building in a manner that does not require passage through any other part of a building.
5. Undivided Ownership. Ownership of an ADU shall not be transferred separately from the single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable town ordinances. The primary residence and the ADU(s) shall have the same physical and mailing address.
6. Site Layout Approval. The accessory dwelling unit shall be constructed at a

location on the lot or parcel approved by the town and service providers to take into account drainage, topography, setbacks, parking, utilities, easements and all other applicable standards.

7. Utilities. All utilities shall be sized and constructed to accommodate the primary dwelling and the ADU, as well as any other structures or uses on the lot or parcel.
8. Building Department Compliance. No ADU shall be constructed, converted or remodeled without a building permit issued at the time of the act. No permit shall be issued if there is an outstanding code violation on the parcel. If no building permit was issued at the time of construction, conversion or remodeling, the applicant shall apply for a building permit and pay all applicable fees to the town and applicable utility service providers. It is the applicant's responsibility to provide a certification of compliance from a qualified and licensed engineer to the Building Official that the ADU complies with all regulations, ordinances and building codes, and the town shall make a determination of adequacy of the certification of compliance, in its sole discretion.

D. Application Procedure: Approval of an accessory dwelling unit requires a building permit. The application and review procedure for a building permit is as follows:

1. Application Submittal Requirements.
 - a. A completed building permit application signed by the owner or assigned agent.
 - b. An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
 - c. A site plan drawn accurately to scale that shows property lines and dimensions, setbacks, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
 - d. Detailed floor plans, including elevations, draw to scale with labels on rooms indicating proposed uses.
 - e. Detailed utility plans, drawn to scale showing the location of private and public utility infrastructure on the lot or parcel, and the connections to any public utilities.
2. Review Procedure.
 - a. Upon submittal of a complete ADU application, Planning staff will review the application to verify compliance with this chapter and any other relevant component of town ordinances.
 - b. If the building permit application complies with relevant land use laws, and receives all required department and agency approvals, a building permit shall be issued. The ADU shall maintain compliance with the approved permit.
 - c. If the application does not comply, Planning staff shall notify the applicant in writing, using the notification method typical for similar

correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the application shall be denied. A denial by the Planning staff is an administrative decision. Alternatively, the applicant may withdraw the application, forfeiting the fee.

d. If the ADU is rented, a business license is required. License renewal requires owner's proof of continued compliance with the requirements in this section.

3. Use as a long-term rental dwelling. The primary dwelling or the ADU may be long term rented on the parcel or lot if the owner provides proof that the property has the primary residential exemption as determined by the Washington County Assessor's office, and that the primary residence or the ADU is owner-occupied. A deed restriction, recorded against the property on a form acceptable to the town, acknowledging that the lot or parcel will remain owner-occupied, is required for one ADU on the property to be long term rented.

E. Enforcement: Violations of this chapter are subject to enforcement and penalties as outlined in AVLU 10.02.190. Noncompliance with the standards of this section shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allowed the ADU.

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 effect from March 15, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley