



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 07, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, December 07, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Allen Angell

Commissioners | Lee Fralish | Margaret Ososki | Richard Palmer | Garth Hood

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

<https://us02web.zoom.us/j/88262735265>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 882 6273 5265

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

1. Minutes: November 2, 2022
2. Minutes: November 15, 2022

HEARING ON THE FOLLOWING | DISCUSSION AND POSSIBLE ACTION ITEMS

3. **Public Hearing:** Update Title 11.12 Standards, Ordinance-O-2022-60.
4. **Discussion and Action:** Update Title 11.12 Standards, Ordinance-O-2022-60.
5. **Public Hearing:** Zone Change for AV-2194-D and AV-2194-B | Approx: 1 N. Cinder Hill Road from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. Applicant: Hidden Rock Development Group
6. **Discussion and Action:** Zone Change for AV-2194-D and AV-2194-B | Approx: 1 N. Cinder Hill Road from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. Applicant: Hidden Rock Development Group
7. **Public Hearing:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-63.
8. **Discussion and Action:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-63.
9. **Public Hearing:** Adopt Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.
10. **Discussion and Action:** Adopt Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.

ADJOURNMENT

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

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.



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Chairman | Allen Angell

Commissioners | Lee Fralish | Forrest Kuehne | Margaret Ososki | Richard Palmer

CALL TO ORDER- Chairman Angell called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Allen Angell

Commissioner Lee Fralish

Commissioner Margaret Ososki

Commissioner Richard Palmer

Commissioner Forrest Kuehne

Staff and/or Consultants Present

Town Clerk/Recorder Jenna Vizcardo

Town Administrator Jauna McGinnis

Planning Department Manager Frank Lindhardt

Planning and Zoning Assistant Kyle Layton

CONFLICT OF INTEREST DISCLOSURES

None declared.

CONSENT AGENDA

1. Welcome new Planning Commission member: Richard Palmer.

Chairman Angell welcomed Richard Palmer as Planning Commission member.

Commissioner Palmer commented that he has been in Apple Valley for five years and he lives up on Gooseberry, 961 W Smithsonian Way.

2. Welcome new Planning Commission alternate member: Garth Hood.

Commissioners welcomed Garth Hood.

APPROVAL OF MINUTES

3. Minutes: August 9, 2022
4. Minutes: August 17, 2022
5. Minutes: September 7, 2022



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MOTION: Commissioner Ososki motioned to approve the minutes from August 9, 2022, August 17, 2022, and September 7, 2022.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING

6. **PUBLIC HEARING:** Zone Change for AV-1354-NP-6-A from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. Applicant: The Little Creek Trust Dated April 28, 2021, Agent: Sophia Daley, Ordinance-O-2022-61.

Planning and Zoning Assistant, Kyle Layton reported: This property consists of 5.00 acres that is undeveloped and is currently zoned OST. It is bordered by OST properties to the North, East, and South as well as OSC (Open Space Conservation) to the West. There are residential properties to the East and South of this property. It appears that the property will have water via a private well as it is too far from any municipal water services. Rocky Mountain Power has supplied a will serve letter stating that they will be able to provide power to the property. Applicant has also submitted an agreement for approval of onsite wastewater system from Ash Creek Special Services District. The following is our report based upon the property location and other facts: Required considerations to approve a zone change. When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

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

The general plan shows this property as a low-density residential area. The proposed zoning of Agricultural 5 acre is consistent with a low-density zone.

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



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This property is surrounded by mostly undeveloped property with 2 residences, one to the east and one to the north of the property.

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

This property is consistent with the surrounding property.

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

Applicant has provided documentation for most major utility services.

Applicant commented that there in the process of getting the easements access since application has been filed as well as on the building permit level.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

22. **DISCUSSION AND ACTION:** Zone Change for AV-1354-NP-6-A from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. Applicant: The Little Creek Trust Dated April 28, 2021, Agent: Sophia Daley, Ordinance-O-2022-61.

Chairman Angell commented he the only thing that is not kosher with this is the 7-acre minimum and this parcel is grandfathered in. Planning Department Manager Frank Lindhardt commented we are proposing a change of the 7-acre minimum later in the meeting. Commissioners discussed if a general plan map amendment was needed. It was decided it was not needed.

Chairman Angell asked applicant if there was another home on the property and the applicant stated, there is a manufactured home that was approved through previous administrations. Chairman Angell commented that you are only allowed one primary residence on the parcel.

MOTION: Commissioner Kuehne motioned to approve zone change application for AV-1354-NP-6-A from Open Space/Open Space, with recommendation to Town council at the next meeting. Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5).

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:



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Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

7. **PUBLIC HEARING:** Zone Change for AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. Applicant: Caren Widner.

Applicant states this was Agricultural zoning in 1997 as purchased. Planning and Zoning Assistant Kyle Layton states sometimes there is confusion due to the tax statement having the word agricultural but that is for tax purposes and not zoning.

Planning and Zoning Assistant Kyle Layton reported: Applicant has put in application with the stated purpose to change the property back to a previous zoning designation of agricultural. This property consists of 10.00 acres that is undeveloped and is currently zoned OST. It is bordered by A-20 properties to the North, OST Property to the East, A-10 Property to the South, and RE-1 Properties to the West. The properties to the south and east are currently undeveloped, the properties to the north and west are developed with single family residences. Application was submitted to the Joint Utility Committee and did not receive any feedback. The following is based upon the property location and other facts: **REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

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

- The General plan shows this property as a medium density residential. A zone change to A-10 is not necessarily medium density (medium density is considered 1-5 acres).

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

- Property is bordered by private residences on the north and west and vacant land to the south and east. Applicant has not stated whether there are any plans to build a residence on this property or if the property will solely be used for agricultural purposes. Property seems to match surrounding development.



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

- There appears to be no negative affect to neighboring properties cause by this zone change.

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

- Applicant has not provided any proof of utilities. However, it does have access to a main road. Utilities may be something that could be addressed at the time of the building permit. Joint Utility Committee did not have any negative response to this application.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

23. **DISCUSSION AND ACTION:** Zone Change for AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. Applicant: Caren Widner.

MOTION: Commissioner Ososki motioned that we recommend zone change on AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10).

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

8. **PUBLIC HEARING:** General Plan Map Amendment, Ordinance-O-2022-58.

Planning Department Manager Frank Lindhardt reported proposal is to change one section to residential medium.

Chairman Angell opened the public hearing.



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No public comments.

Chairman Angell closed the public hearing.

26. **DISCUSSION AND ACTION:** General Plan Map Amendment, Ordinance-O-2022-58.

Commissioner Kuehne commented about changing on the legend.

MOTION: Commissioner Fralish motioned approve the changes to the general plan amendment Ordinance-O-2022-58 and send on to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

13. **PUBLIC HEARING:** Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.

Planning Department Manager, Frank Lindhardt discussed we are almost at 1,000 population and this will allow us to qualify with the State for low-income housing. This will allow their casita, part of their house or RV/Trailer if hooked up to all utilities to be rented. This allows people to stay in their home and rent out a part of their home for additional income if necessary. He clarified this does not apply to short term rentals.

Chairman Angell opened the public hearing.

Richard Ososki, 1024 W Little Pinion: Commented this opens the door for abuse. People are going to rent them out. Voiced concerned about nuisance complaints and code enforcement.

Rich Kopp, 2222 E Ranch Rd: Commented about the question is it will be limiting to one RV at your house. Of course, subject to the same ordinances.

Anthus Barlow, 1650 S 2220 E: Commented, wondering about why there wouldn't be a size of lot allowance due to large size Ag lots.

Allison Kapisky, 2808 N Foothill Dr: Questioned how many. If you are going to rent out your RV, she feels a business license is necessary and concerned with code enforcement.



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Rich Kopp, 2222 E Ranch Rd: Questioned about property line distances.

Richard Ososki, 1024 W Little Pinion: Commented about septic tanks.

Mayor Lindhardt read from the ordinance to clarify the setbacks are in the ordinance as well as size requirements.

Chairman Angell closed the public hearing.

31. **DISCUSSION AND ACTION:** Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.

Planning Department Manager Frank Lindhardt clarified the setbacks that have previously been on the books.

Planning Department Manager Frank Lindhardt commented liked idea of adding cannot exceed 50% of the backyard.

Discussion amongst Commissioners to see if a business license would be required. Town Administrator Jauna McGinnis interjected if this is for long term rental, we don't require anyone else to currently have a business license so why would we this be any different.

Commissioner Kuehne commented the correct term is moderate income housing rather than low-income housing. He also mentioned that an RV is not considered a permanent structure so that would need to be updated in the ordinance in his opinion.

MOTION: Commissioner Fralish motioned to table Ordinance changes to O-2022-36 until we have further information and set it up for work meeting.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

18. **PUBLIC HEARING:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.



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Planning Department Manager Frank Lindhardt discussed adopting the ordinance from the county for shipping containers. He continued this is an attempt to meet both side in the middle. He read presented changes in packet.

Chairman Angell opened the public hearing.

Joanie Moses, 2888 N Foothill: Questioned about property that 1.63 acres, theoretically how many can she put up. She continued, two is too many for her neighborhood.

Alison Kapisky, 2808 N Foothill: Commented we already had this discussion way back. But the thing is we don't want them. She commented about them being an eyesore.

Rich Ososki, 1024 W Little Pinion Way: Commented about a compromise was done in 2019. He continued in Gooseberry is all open. He has issues with code enforcement and trying to get rid of shipping containers. See Attached. (Attachment A, 3 pages total)

Sid Johannsen, 2848 N Foothill Dr: He agreed with what has been said previously. Continued, it would de-value property value. Concerned with the open property in Gooseberry.

Colton Winder: Commented not currently resident but owns property, he commented about permissible uses in agricultural.

Pamela Quayle: Commented about industrial look. This is only going to further this industrial look.

Patricia Parker, 2826 Purple Sage: I tried to voice my opinion and wasn't allowed on zoom. My opinion is shipping containers are considered commercial and construction use not for residential area. I should have been allowed to speak. Who do I complain to my husband is concern with his hearing disability. Thank you.

Chairman Angell closed the public hearing.

36. **DISCUSSION AND ACTION:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.

Commissioner Ososki commented about the email received from residents that are her neighbors against this update.

Chairman Angell asked the commissioners if they see anyway to modify based on the complaints they received at the public hearing.

Commissioner Kuehne mentioned that shipping containers are not considered accessory buildings.

Chairman Angell liked the idea of striking F in the ordinance.

Commissioner Ososki proposed under 2 acres nothing over 20' shipping container.

Chairman Angell commented about adding this item to a work meeting.



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Commissioner Kuehne asked about the requirement of shielding.

MOTION: Commissioner Ososki motioned to table the Ordinance amendment to 10.28.230 Accessory Buildings to a work meeting, date to be scheduled at a later time.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

10. **PUBLIC HEARING:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.

Planning Department Manager Frank Lindhardt reported on amendment in the ordinance presented. He continued proposed change for permitted use, only after a building permit issued. Also adding conditional use permits.

Chairman Angell opened the public hearing.

Rich Kopp, 2222 E Ranch Rd: Commented this is exactly what happened in front of my house, if you have to dedicate a road, oh well in his opinion.

Chairman Angell closed the public hearing.

28. **DISCUSSION AND ACTION:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.

Chairman Angell asked what is typically done. Planning Department Manager Frank Lindhardt responded on smaller lots you don't have a minimum; you have an average size lot in the subdivision. He continued; his thought is density. As a government, we need to find what is reasonable without overreaching. Conversation amongst commissioners for a compromise of 5 acres. Chairman Angell asked what our medium density is. Planning Department Manager Frank Lindhardt responded 1-5 acres.

Debbie Kopp, 2222 E Ranch Rd: Commented about her road and the issues she has dealt with.

Commissioner Kuehne questioned about acquiring a building permit for a permanent dwelling.



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Planning Department Manager Frank Lindhardt made suggestion to add everything under accessory buildings and uses.

Commissioner Kuehne and Commissioner Ososki suggested for permanent dwelling not be necessary for a church. For 5, 6 and 7 no permanent residence required. Commissioner Kuehne discussed about disallowed pets in Rural Estates. Commissioner Kuehne made suggestion to copy language from 10.10.060 SF regarding household pets. He commented about domesticated farm animal being different than household pet. Also, page 113 in packet paragraph H has four misspelled words.

MOTION: Chairman Angell motioned to adopt the changes to title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33 with the discussed changes and recommend approval by the Town Council.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

24. **DISCUSSION AND ACTION:** Preliminary Site Plan for AV-1376-B-3 | 1442 E 2000 S for the proposed use of food processing. Applicant: Nuance Management, LLC

Planning and Zoning Assistant, Kyle Layton reported:

Applicant is applying for a site plan review for a commercial property. The proposed use of the commercial property will be food processing, specifically freeze drying. The property is bordered to the north by open space BLM property, to the east by residential estate 5 acre, to the south by open space transition and residential estate 1 acre, and to the west by open space transitions. The property is currently zoned C-3 which was voted on and approved by the Town Council of September 21st 2022.

This application was sent to most of the Joint Utility Committee and a few comments were received. Big Plains and the Fire department responded with concerns about how water runoff from the adjacent BLM property will be dealt with. Anthus Barlow responded to this by letting me know that the water runoff does not currently run across the property. It is currently routed to a drainage



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culvert that runs under the highway and they will continue to direct the water down the same path. The plans also show a detention basing to handle water runoff from their own property.

The same department also expressed that we make sure that they are using our town standards for their access road coming into the property. This will be addressed during construction documents. The applicant is also aware that some improvements will be required on Bubbling Wells including a pavement section that ties into the highway and extends a certain distance down Bubbling Wells road.

Comments were also received from Ash Creek Special Services District. They were asking about the septic system. They did not see any information for the treatment of the food processing waste. They sent a “pre-treatment” survey for the applicant to fill out. In talking with the applicant over the phone they informed staff that they have not gotten into detail with Ash Creek or the health department. It was advised that they start that process as soon as possible so that we can make sure that they are meeting those requirements before a building permit will be issued.

The public works department and the town engineer were unreachable in the early stages of this project but staff will continue to seek out their approval and comments.

A preliminary site plan shall include at least the following information [10.07.100.d.2.a.1-9]:

1. The Name, Address and telephone number of the applicant and the applicant’s agent, if any;
 - a. This information has been received by staff and all but the phone number is on the preliminary site plan
2. Location, topography showing two-foot contours, identification of 30 percent or greater slopes, and layout of proposed uses;
 - a. Application shows topography at 1-foot contours with no slopes 30 percent or greater
3. Location of open space;
 - a. There will be no open space with this project
4. Proposed access to the property and traffic circulation patterns;
 - a. The site plan shows the property being accessed using 2000 south street.
5. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities;
 - a. Site plan shows all required utilities
6. Proposed reservations for parks, playgrounds, schools, and other public facility sites, if any;
 - a. None
7. Adjoining properties and uses;



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a. Site plan shows adjacent parcel numbers but does not specify the use, these uses were specified when the zone change was requested.

8. Tables showing the number of acres in the proposed development and a land use summary;

a. Site plan does show the number of acres on the property. There will only be one use on the property for food processing.

9. A phased development plan if applicable.

a. No phased development in this project.

Planning and Zoning Assistant Kyle Layton commented he recommends if approved to have conditions and put a timeframe on it.

MOTION: Commissioner Fralish motioned we approve the Preliminary Site Plan for parcel AV-1376-B-3 with the restrictions of the sewer, water and road concerns as listed and the road concerns are to road base 2000 S and paving the first 25 feet into the highway in.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

25. Lot Line Adjustment for AV-1366-A-16 & AV-1366-A-17. Applicant: Farrar, Michael and Karale.

Planning and Zoning Assistant, Kyle Layton reported: Applicant has submitted application with the stated purpose of adjusting the lot lines for these two properties. Property 1 is not in compliance with current zoning as it is right now, lot line adjustment would bring that property into compliance with the current zoning. Both properties have an existing single-family residence. Property is surrounded by multiple properties of similar size with single family residences on the properties. Overall application would achieve more compliance than what is currently there. Application was sent to Joint Utility Committee and did not return with any negative comments.

Planning Department Manager Frank Lindhardt commented that the town initiated this and asked them to do for compliance purposes.



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MOTION: Commissioner Fralish motioned that we recommend approval to the Town Council for the lot line adjustments for parcels AV-1366-A-16 and AV-1366-A-17.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

Chairman Angell commented if this does not need to go to Town Council for approval than the Planning Commission has approved.

11. **PUBLIC HEARING:** Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.

Planning Department Manager Frank Lindhardt reported the changes proposed in the ordinance presented.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

29. **DISCUSSION AN ACTION:** Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.

Commissioner Ososki commented about clarification on what equipment is in reference to. She also commented about semi-trailers being parked on streets.

Chairman Angell commented this ordinance doesn't reference trailers. He likes that the ordinance requires permits.

MOTION: Commissioner Ososki motioned that we pass 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34 to the Town Council.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:



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Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

12. **PUBLIC HEARING:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.

Planning Department Manager Frank Lindhardt reported on the changes in the ordinance presented. He commented adding conditional uses and specifically prohibiting anything that is not shown in this section will be prohibited unless Planning Commission has determined that it could be a conditional use or it is very similar to one of the other uses.

Chairman Angell opened the public hearing.

Rich Ososki, 1024 W Little Pinion Way: Commented about the CCR's in Gooseberry.

Chairman Angell closed the public hearing.

30. **DISCUSSION AND ACTION:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.

Chairman Angell commented for 5, 6 and 7 no permanent residence required. Also, change from 1250 to 1000 and number 10 make change from 2.5 acre to 5 acre. The ordinance changes that we recommend approval of include the changes we already discussed plus the change to line out Single Family 0.25 acre.

MOTION: Chairman Angell motioned with the proposed changes that we discussed that we recommended the update to Title 10.10.060 regarding Ordinance-O-2022-35. The ordinance changes that we recommend approval of include the changes we already discussed plus the change to line out Single Family 0.25 acre. Chairman Angell motioned to update my original motion to include lining out of the 0.25-acre lot districts.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes



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Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

14. **PUBLIC HEARING:** Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.

Planning Department Manager Frank Lindhardt reported the changes in the ordinance presented.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

32. **DISCUSSION AND ACTION:** Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.

MOTION: Commissioner Kuehne motioned that we recommend the amendment to 10.10.030 C Commercial Zones of Apple Valley land use and send it forward to the Town Council as Ordinance-O-2022-38 as written.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

15. **PUBLIC HEARING:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.

Planning Department Manager Frank Lindhardt reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

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MINUTES

No public comments.

Chairman Angell closed the public hearing.

33. **DISCUSSION AND ACTION:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.

MOTION: Chairman Angell motioned approve the update to Title 10.10.040 as written for approval by the Council.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

16. **PUBLIC HEARING:** Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.

Planning Department Manager Frank Lindhardt reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

34. **DISCUSSION AND ACTION:** Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.

MOTION: Commissioner Ososki motioned that we approved definitions Ordinance amendment to 10.04.010 Terms Defined of Apple Valley land use and Ordinance number O-2022-40 to the Town Council.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:



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Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

9. **PUBLIC HEARING:** Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.

Planning Department Manager Frank Lindhardt reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

Colton Winder commented is this basis of science. He would rather see it limited with the number of pigs rather than the time. For a lot of family's pigs is a great source of food opportunity.

Chairman Angell responded he believed it had to do with kids and 4-H.

Chairman Angell closed the public hearing.

27. **DISCUSSION AND ACTION:** Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.

Planning Department Manager Frank Lindhardt discussed we have 5-acre agricultural parcel randomly all over the Town.

Chairman Angell commented to change the 2.5-acre designation to 5-acre.

MOTION: Commissioner Palmer motioned to recommended approval of the changes on 10.10.020 Agricultural Zone, Ordinance from 2.5-acre to 5-acre and all the proposed changes on Ordinance-O-2022-17.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes



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The vote was unanimous and the motion carried.

17. **PUBLIC HEARING:** Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

35. **DISCUSSION AND ACTION:** Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.

Commissioner Ososki commented about certain items being in the different zones.

Planning Department Manager Frank Lindhardt commented only applies if this item is under conditional uses.

MOTION: Commissioner Kuehne motioned to forward Ordinance O-2022-41 to the Town Council as written.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

19. **PUBLIC HEARING:** Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.



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37. **PUBLIC HEARING:** Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.

MOTION: Commissioner Fralish motioned we forward to Town Council the changes to Ordinance-O-2022-43 under Title 10.10.090.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

20. **PUBLIC HEARING:** Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

38. **DISCUSSION AND ACTION:** Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.

Commissioner Ososki commented about not maintaining the ditches that is not on your property.

Planning Department Manager Frank Lindhardt discussed the egress to your property is the reason the culvert is the responsibility of the resident.

MOTION: Commissioner Ososki motioned that we approve amendment 10.18.020 Ordinance O-2022-56 and send to town council for approval as written.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes



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Commissioner Palmer - Yes

Commissioner Fralish - Yes

Chairman Angell - Yes

The vote was unanimous and the motion carried.

21. **PUBLIC HEARING:** Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

39. **DISCUSSION AND ACTION:** Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

MOTION: Chairman Angell motioned that we recommend to Town Council that they approve the updates as written to Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes

Commissioner Kuehne - Yes

Commissioner Palmer - Yes

Commissioner Fralish - Yes

Chairman Angell - Yes

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes



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Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

Meeting adjourned at 10:01 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Angell Allen

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



SPECIAL PLANNING COMMISSION WORK SESSION

1777 N Meadowlark Dr, Apple Valley
Tuesday, November 15, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell

Commissioners | Lee Fralish | Margaret Ososki | Richard Palmer | Garth Hood

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Allen Angell

Commissioner Lee Fralish

Commissioner Margaret Ososki

Commissioner Richard Palmer

Commissioner Garth Hood

CONFLICT OF INTEREST DISCLOSURES

None declared.

DISCUSSION AND POSSIBLE ACTION ITEMS

1. Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.

Chairman Angell commented we had some lively discussion about this the last time. Chairman Angell commented we are here to deliberate what is best for the Town.

Commissioner Ososki mentioned that its the amount of shipping containers that are allowed in the new ordinance that is bothering. She also feels that shipping containers should not be considered an accessory building but rather in their own category.

Chairman Angell asked for any other comments from the commissioners.

Commissioner Fralish commented with the compromise previously in the ordinance, doesn't feel any reason to change it at this time.

Commissioner Hood is a little torn on this, mentioned about neighbor that has a shipping container in plain sight and he would never even know that it is a shipping container. Commissioner Fralish mentioned issue with enforcement. Chairman Angell stated there are a number of municipalities that bake into their ordinances what the penalties are. He would like to suggest to staff to make explicit what the penalties are. According to Utah State Law if we have penalties baked into our ordinances, we still do have to give time to comply. He would like to direct staff for example we are allowed as a municipality not following an ordinance is a misdemeanor, he would like to see this baked into our ordinances. Chairman Angell commented he did some research in other towns in Utah and some don't allow shipping containers. He continued maybe if under an acre don't allow it. Commissioner Ososki



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commented Frank Lindhardt (Mayor/Planning Department Manager) said to come up with suggestions for moderate income housing. She feels wording is fine for the 1 acre but maybe anything over 2 acres can have more. Chairman Angell asked if it makes sense to have minimum lot size to put any shipping containers at all. Commissioner Palmer disagreed with minimum lot size. Chairman Angell currently there are things that are done out of the ordinances. Commissioner Palmer recommending putting this out to vote for the public.

Chairman Angell suggested we not allow shipping containers on less than acre.

Town Administrator Jauna McGinnis commented I think one of the main problems with one acre is that it can be seen and de-value property values.

Commissioner Hood commented he would like to see the requirement for aesthetics.

Chairman Angell proposed of no container under an acre, 1 20-footer between 1-2.5, 2.5-5 acres 2 20 foot or 1 40-foot container, 5-20 acres 60 feet total, over 20 acres 100 feet total.

It was discussed and shared on screen for the following to be included in the motion:

0-1 acre - no containers

Greater than 1 - 2.5 acres - 20 feet

Greater than 2.5 - 5 acres - 40 feet

Greater than 5 - 20 acres - 60 feet

Greater than 20 acres - 100 feet

Omit travel trailers from I

Item # 6 move to item #1

Item #13 omit

Commissioner Angell commented to staff to move 6 to number one or A, make it really clear the first thing you see is they must be permitted. He also wonders if we should allow trusses for shade/storage. He does not know if we have to have that wording. Commissioner Fralish agreed to strike that wording. Chairman Angell commented this will only work if we get some penalty wording into our ordinances.

Commissioner Palmer commented about the verbiage of the Ordinance. He commented about the shipping container being considered an accessory building.

MOTION: Commissioner Ososki motioned that we accept Ordinance-O-2022-42 on Accessory Buildings And Accessory Uses General Requirements as discussed to Town Council. Commissioner Ososki motioned that we strike out I, travel trailers being used as an accessory building if they have water, sewer or electric available. Move the permit language #6 to the front of the ordinance so people can see that it needs to be permitted. We are going to strike #13 that



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the shipping containers can be used as the base to a truss-based roofing structure. The size on lots 0-1 acres no shipping containers, greater than 1 acre-2.5acres- one 20-foot shipping container, greater than 2.5acres-5 acres- 40 foot of shipping containers, greater than 5 acres- 20 acres- 60-foot shipping container, and greater than 20 acres- 100 feet of shipping containers.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

2. Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.

Chairman Angell recommend we strike all travel trailers and rvs. Commissioner Ososki commented we already have in our general plan language about moderate income housing that the state requires at city status. Chairman Angell commented allowing people to rent out casitas and renting out RVs. Also commented to move, permits required up front and move N to the front. Also, strike all travel trailers and RVs.

Commissioner Ososki questioned if people are allowed to rent out casitas and how we monitor that they are long term rentals. Chairman Angell commented he would like the town to come with enforcement provision for compliance. Commissioner Palmer questioned the classification of long term.

MOTION: Commissioner Hood motioned that we update Ordinance-O-2022-36 strike out the RV/travel trailers and move item N to the front of the Ordinance, so people can see that they have to have permits right up front and to recommend to the Town Council they approve those items, sending those items to the Town Council.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes



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Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Hood - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

Meeting adjourned at 7:24 pm.

Date Approved: _____

Approved BY: _____

Chairman | Angell Allen

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

**APPLE VALLEY
ORDINANCE O-2022-60**

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

SECTION 1: **AMENDMENT** “11.12 Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12 Standards (Non-existent)

AFTER AMENDMENT

11.12 Standards

SECTION 2: **AMENDMENT** “11.12.010 Departmental Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.010 Departmental Standards (Non-existent)

AFTER AMENDMENT

11.12.010 Departmental Standards

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, ~~water systems~~ and fire protection systems shall be prepared by the town engineer in accordance with the Town ~~of Apple Valley's~~ Design Standards and Specifications; standards for water distribution ~~and sewage disposal facilities~~ by Big Plains Water ~~and Sewer~~ Special Service District ~~with the assistance from the Utah State Department of Environmental quality and Southwest Utah Public Health Department;~~ standards for sewage disposal facilities by Ash Creek Special Service District.

SECTION 3: **AMENDMENT** “11.12.030 Fire Flow And Line Size Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.030 Fire Flow And Line Size Standards (Non-existent)

AFTER AMENDMENT

11.12.030 Fire Flow And Line Size Standards

The subdivision shall be improved in accordance with the Design Standards, rules and regulations, adopted by the town. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~ the following:

- A. All fire flow and line size standards shall conform to the international fire code.
- B. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer's expense and certified by a licensed engineer.
- C. Water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
- D. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of one thousand (1,000) feet.
- E. Previously approved subdivisions
 - 1. All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current requirements.
 - 2. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.
- F. Fire Hydrants specifications:
 - 1. All fire hydrants shall have one 4.5 inch and two (2) 2.5 inch outlets with NH threads.
 - 2. A six-inch (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.
 - 3. All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the Town Council.
 - 4. All hydrants shall be five (5) feet from the back of the curb or borrow ditch. In all cases hydrants shall have a five (5) foot elliptical radius of unobstructed clearance to adjacent obstacles.
 - 5. The lowest hydrant water outlet shall not be less than eighteen (18) inches nor more than thirty (30) inches above the final ground level.

G. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed two hundred and fifty feet (250) from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public right-of-ways and hydrants will be owned and maintained by the town.
3. Dead end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end street.

SECTION 4: **AMENDMENT** “11.12.040 Protection Strips” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.040 Protection Strips

Where subdivision street parallels contiguous property of other private property owners, the sub divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

AFTER AMENDMENT

11.12.040 Protection Strips Generally

Where subdivision street parallels contiguous property of other private property owners, the sub-divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub-divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

SECTION 5: **AMENDMENT** “11.12.020 Design Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.020 Design Standards

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be

made to this requirement where considerations for solar orientation are involved.

- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.
- N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
 - 2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
 - 5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
 - 6. No more than five (5) flag lots may be served by one staff portion of said lot.
 - 7. The land use authority shall specifically approve each flag lot.
 - 8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

AFTER AMENDMENT

11.12.020 Design Standards Generally

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~:

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed

and arranged so as to avoid requiring vehicles to back into traffic.

N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
6. No more than five (5) flag lots may be served by one staff portion of said lot.
7. The land use authority shall specifically approve each flag lot.
8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

SECTION 6: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: 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 8: EFFECTIVE DATE This Ordinance shall be in full force and effect from December 14, 2022.

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

APPLE VALLEY PLANNING DEPARTMENT ZONING CHANGE REVIEW

PARCEL ID: AV-2194-D & AV-2194-B

PLANNING COMMISSION SCHEDULED MEETING DATE: **DECEMBER 7TH, 2022**

TOWN COUNCIL SCHEDULED MEETING DATE: **DECEMBER 14TH, 2022**

PROPERTY OWNER: A & E DEVELOPMENT, LARON HALL

AGENT: HIDDEN ROCK DEVELOPMENT GROUP

ACRES: 84.08, 17.02

CURRENT ZONE: OST **PROPOSED ZONE:** C-3 OR PDC

GENERAL PLAN ZONE: AGRICULTURAL

COMMENTS: Applicant is requesting a zone change to a commercial or planned development commercial zone with the intent to develop a horizontal hotel. The property is currently surrounded by C-3 property to the West and North, as well as some BLM property to the East and South. The general plan shows this property as well as all surrounding properties as agricultural land.

This project was presented to the Joint Utility Committee on November 16th, 2022. Several concerns were brought up during this meeting and while the applicants have addressed some, the following are still concerns from staff:

The first concern is access to the property. It is currently accessed through Cinder Hill Road as well as Gouldwash Road. Both roads are not currently roads that have been dedicated to the town and run through multiple private properties. The transportation master plans show only a portion of Gouldwash road to be used for future planning. The master plan shows these roads as a collector street and would require major improvements to bring them up to town standards. Due to the size of the project the applicants would be required to have a primary access as well as a secondary access in case of emergency. Another concern with access would be approval from UDOT for access off highway 59 as far as staff knows there hasn't been any information on whether this would be possible.

The second concern is the site plan that was provided shows quite a bit of development on the hillside. The applicants did a good job of keeping the buildings on relatively flat ground but there are concerns on the road running through their property for emergency vehicle access. Much of their development is on a slope greater than 30% which is not allowed by Apple Valley's hillside ordinance. The hillside ordinance allows slopes up to a maximum of 12% for the road if the road is brought up to full improvements including pavement. It may be difficult to develop roads to meet these requirements.

The last concern is with the water and wastewater. These are issues that could be worked out later but may lead to very expensive development costs that the applicant needs to be aware of.

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

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

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

The town General Plan shows this property as Agricultural. This zone change would not be consistent with the General Plan

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

There is not currently much development in the vicinity of this project. The location is the old kokopelli golf course. So there is part of a clubhouse as well as the golf cart paths which are being proposed to be integrated into this project.

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

There is not currently any development on the adjacent property. This zone change would most likely set the course for how the property would be developed in this part of town.

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

There are not currently any utilities for this area. The applicant would need to provide all utilities and road access.

Example of a motion to Approve this application:

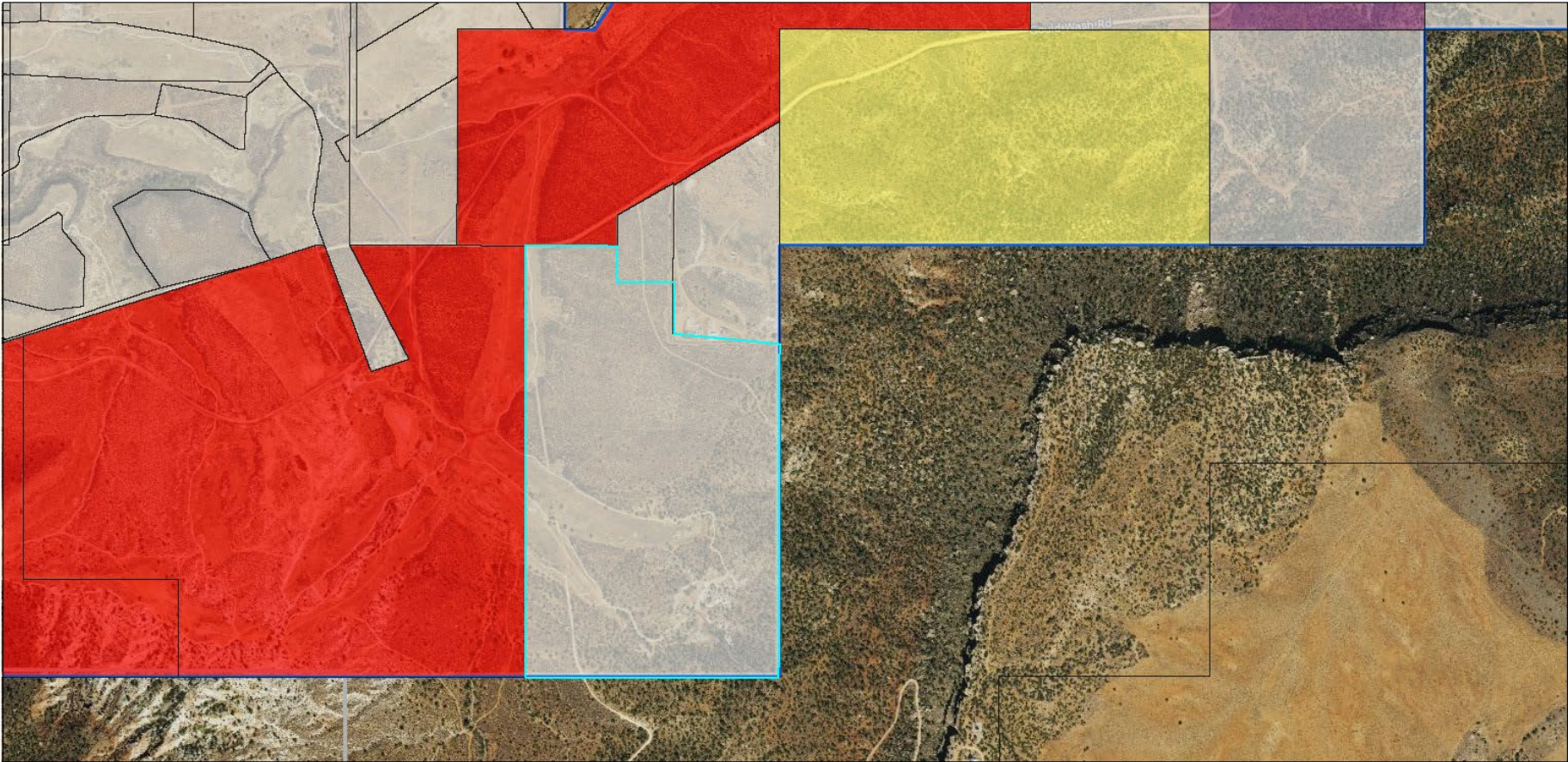
I make the motion we recommend approval to the Town Council for the zoning change for AV-2194-D & AV-2194-B from OST to C-3 or PDC based on the information provided in the staff report:

Example of a motion to Deny this application

I make the motion we recommend denial to the Town Council for the zoning change for AV-2194-D & AV-2194-B from OST to C-3 or PDC based on the information provided in the staff report:

Current Zoning

Apple Valley Zoning Districts



11/15/2022, 9:04:46 PM

- Washington County Parcels

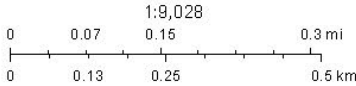
Future Annexation Boundary
- Zoning Districts

C-3 – General Commercial

OSC – Open Space Conservation
- OST – Open Space Transition

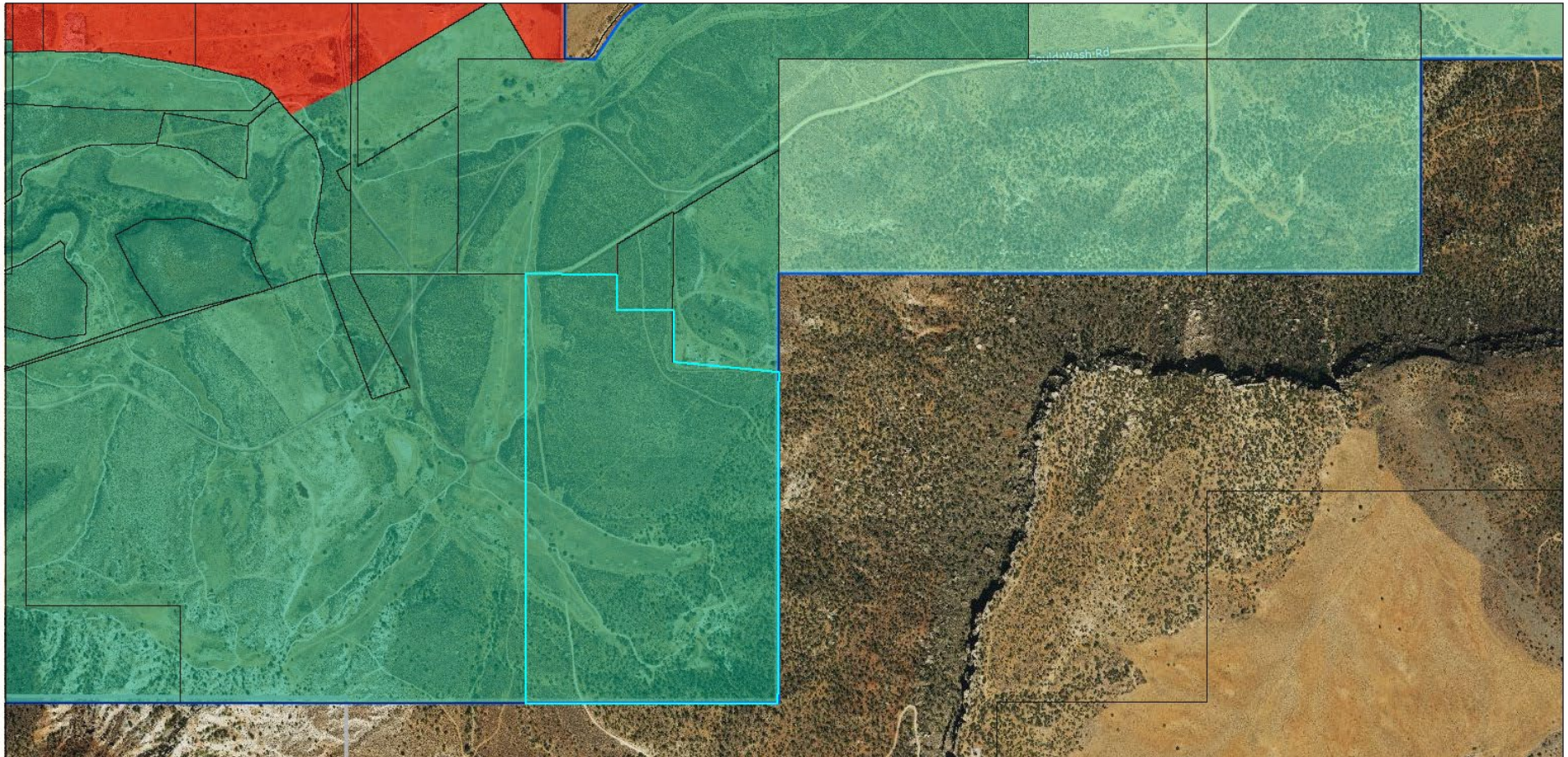
RE-10 – Rural Estate 10

Town Boundary



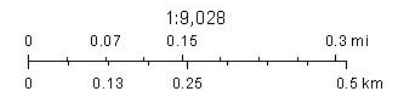
General Plan

Apple Valley Zoning Districts



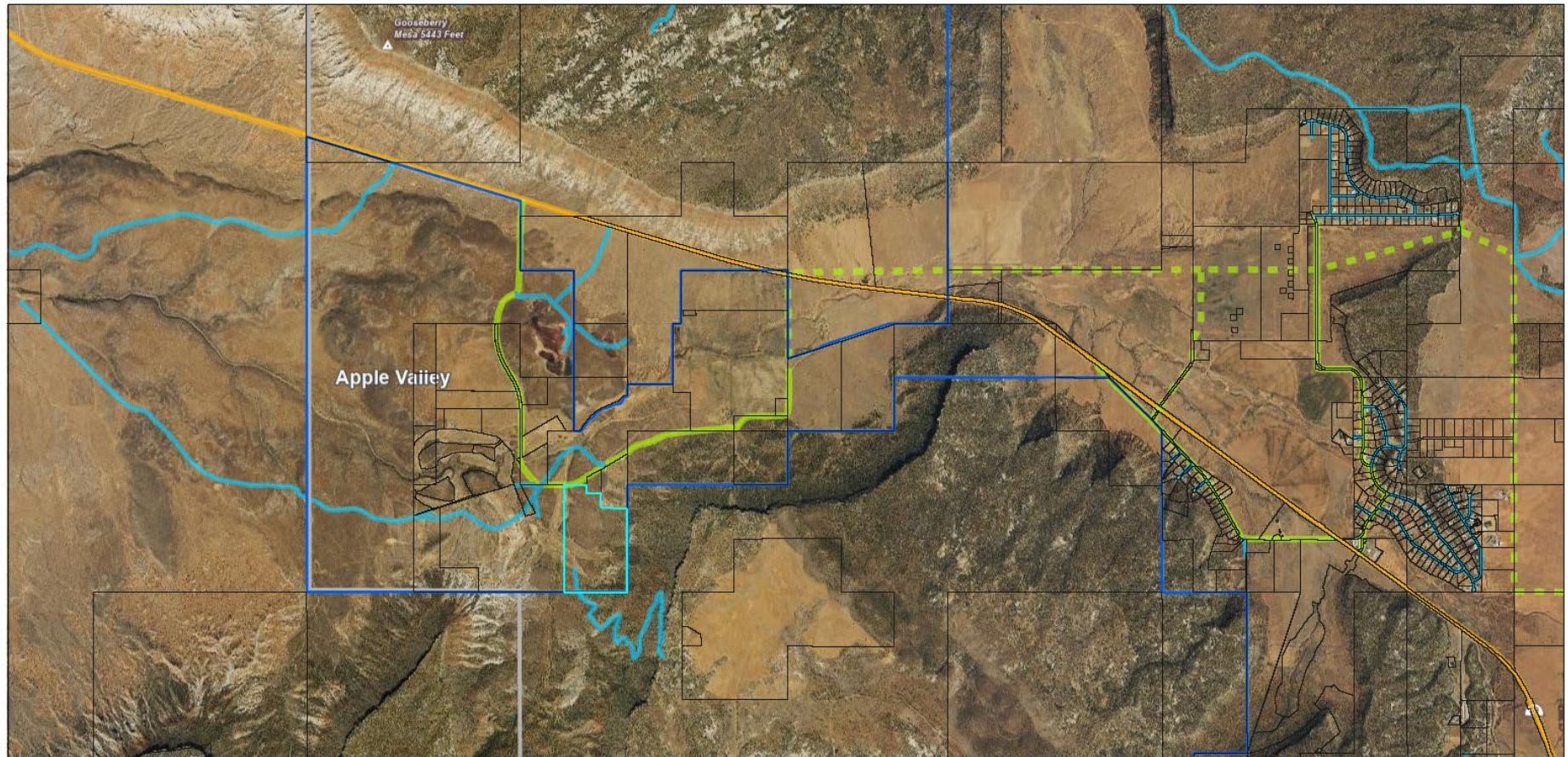
11/15/2022, 9:06:45 PM

- | | |
|---------------------------|---------------------------------|
| Washington County Parcels | R3 - Residential Low: 5 + Acres |
| General Plan | Future Annexation Boundary |
| A - Agricultural | Town Boundary |
| C - Commercial | |



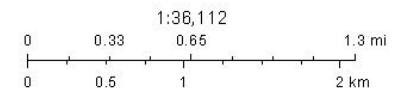
Roads Master Plan

Apple Valley Zoning Districts



11/15/2022, 9:08:12 PM

- | | | |
|---------------------------|---------------------------|----------------------------|
| Washington County Parcels | Minor Collector, Existing | Future Annexation Boundary |
| Apple Valley Roads | Minor Collector, Proposed | Town Boundary |
| Major Arterial, Existing | Local Road | |





APPLE VALLEY, UT

DECEMBER 07, 2022

OCULTA ROCA

PLANNING COMMISSION CONCEPT PACKAGE



TABLE
OF
CONTENTS

01	CONCEPT INTRODUCTION
02	SITE OVERVIEW
03	PRELIMINARY SITE DESIGN
04	CONCEPT DESIGN LANGUAGE
05	ZONING CODE: PDC

CONSERVATION HOSPITALITY + AGRITOURISM

"THE GOOD BUILDING IS NOT ONE THAT HURTS THE LANDSCAPE, BUT ONE WHICH MAKES THE
LANDSCAPE MORE BEAUTIFUL THAN IT WAS BEFORE THE BUILDING WAS BUILT."

-FRANK LLOYD WRIGHT

01

CONCEPT INTRODUCTION

OUR INTENTIONS

Hidden Rock Development Group is pleased to present a zone change request to Apple Valley for the properties shown in the Zone Change Application. Our Development, Oculta Roca (the “Project” or “Development”), is in control of parcels AV-2194-B and AV-2194-D located where the Kokopelli golf course was previously held.

The concept for Oculta Roca (“Hidden Rock” in Spanish) is an architectural + community driven hotel, restaurant and farm experience nestled within the beautiful landscape of Apple Valley.

By designing within nature and creating a space of togetherness and grounding we aspire to inspire and to create ripples contributing to the greater good.

It is our goal that this project can serve as an example of truly sustainable development; one that creates a symbiotic relationship between environment, community and economy.

OCULTA ROCA HAS A MISSION TO INSPIRE THE MIND AND NOURISH THE BODY WITHIN OUR PROPERTY LINES AND BEYOND.



It is our belief that when a project is successful at all three layers the outcome leads to a beautiful and unique development.

Land stewardship concepts for programming and amenities are to develop an agricultural focus in line with native ecology, guests, lifestyle, and a culinary experience, all while living lightly on the land and yielding immense positive results.

PROGRAMING

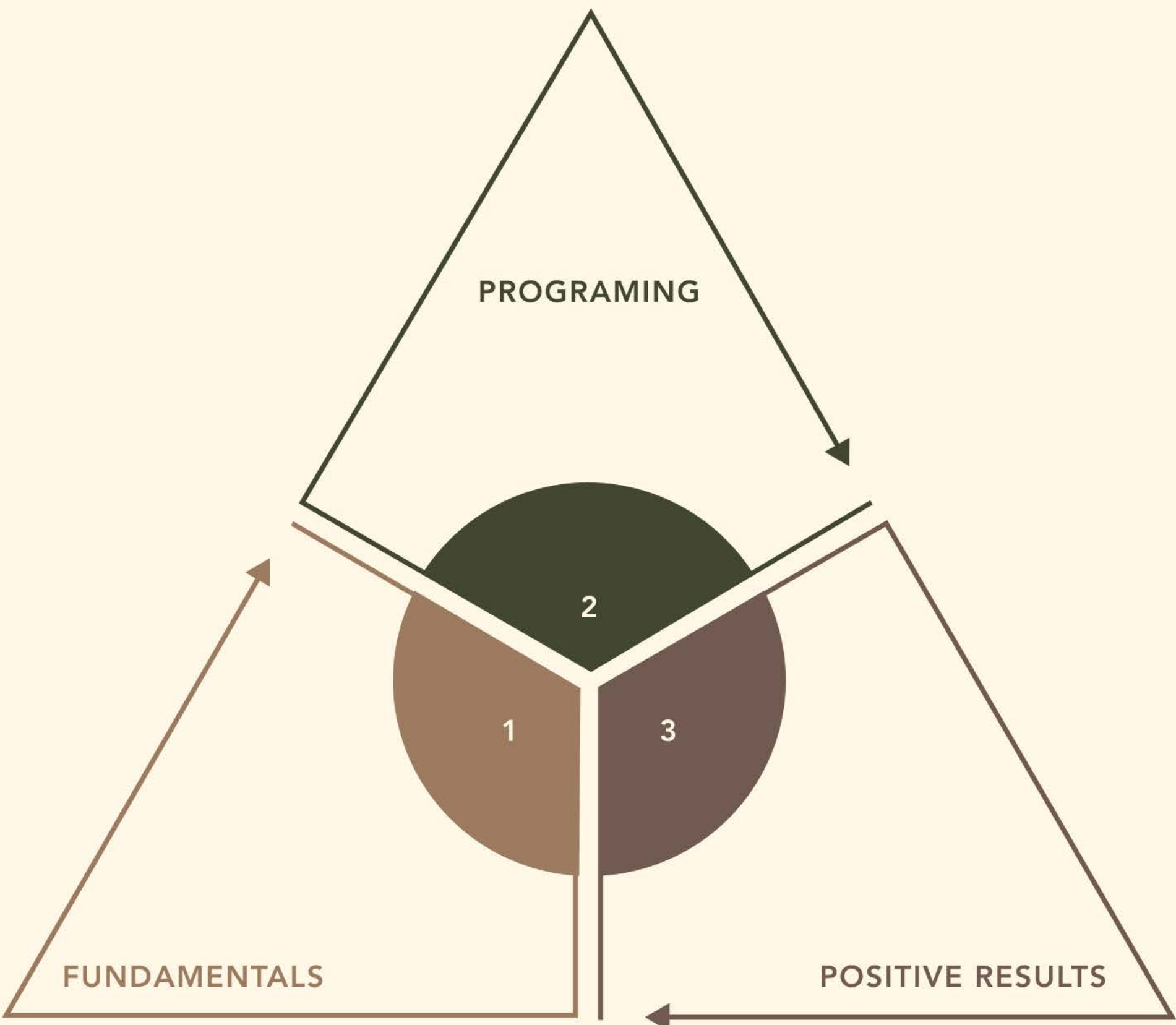
- Open Space
- Community Space
- Farm
- Hotel
- Amenity

FUNDAMENTALS

- Land Stewardship
- Native Habitat Restoration
- Sustainability
- Design/ Architecture
- Activation

POSITIVE RESULTS

- Inspiration
- Education
- Open Space Preservation
- Community Engagement
- Economic Impact
- Job Creation
- Tax Revenue



GUIDING PRINCIPLES

WE ARE COMMITTED TO AN ONGOING RELATIONSHIP WITH HUMAN, LAND & COMMUNITY.

- To develop a concept that Apple Valley is proud of
- To regenerate the land’s native landscape
- To live lightly on the land
- To ground, connect and inspire the community and guests
- To remind people of their connection with the land
- To create a space for like-minded people to share common goals and explore new ideas
- To improve the health and wellness of the community and guests from the soil up
- To create a project that is inherently sustainable
- To nourish the land and the community
- To contribute to the greater good by offering visitors the experience of these guiding principles to take back to their communities
- To encourage ongoing community participation with the program and the land



CONSERVATION & RESTORATION HOSPITALITY

CONSERVATION

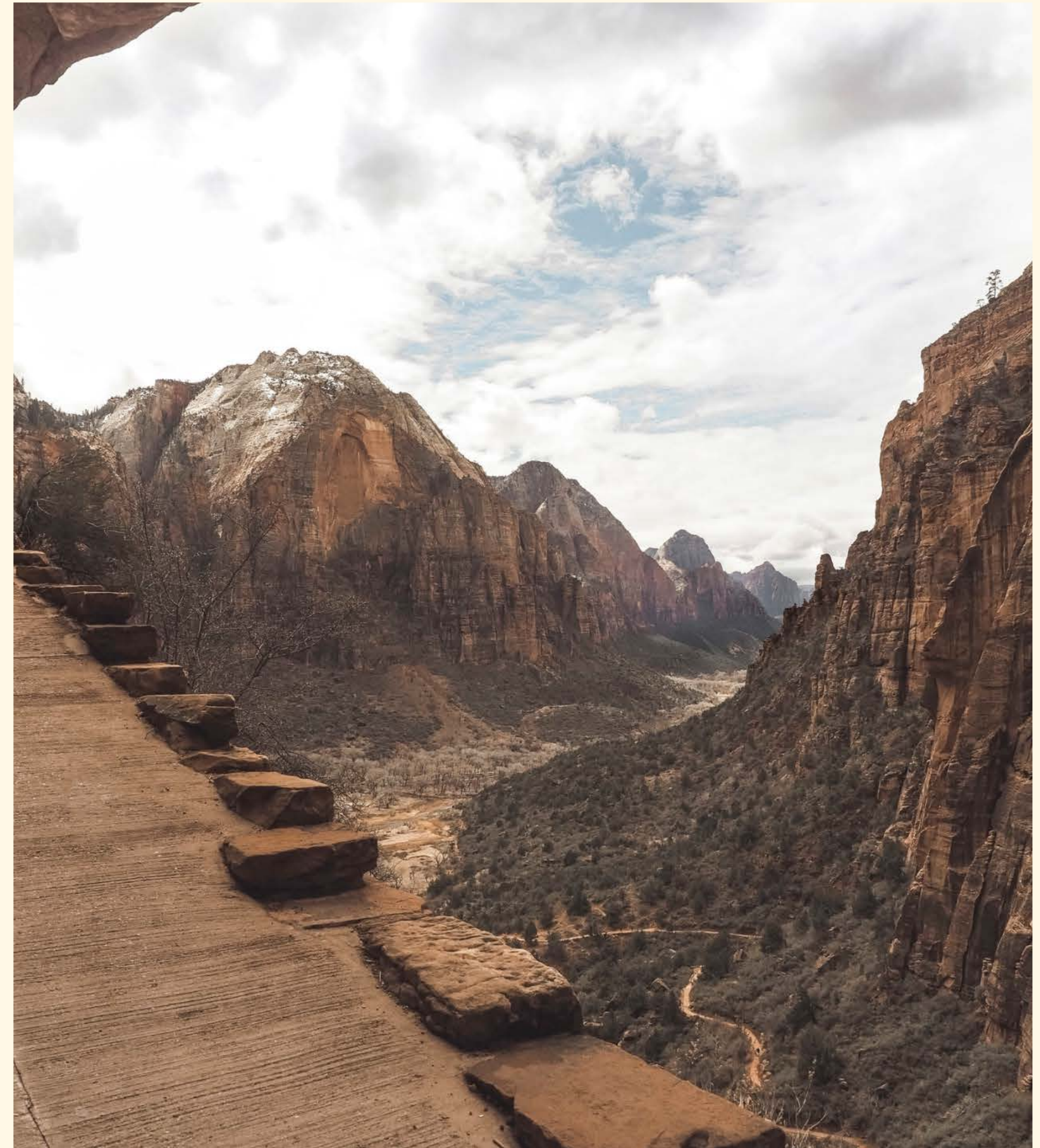
- By dedicating significant space to developing a diversified collection of native plant species, the project can demonstrate the rationale for integrating genetic preservation, conservation, restoration, and food production into a hospitality model.
- Developing a biodiverse plant collection will help achieve the project's overall vision while providing a source for plant material and a continuous resource for education and participation in the local community.
- Not only will the project strive to represent and embrace Utah native flora but will evolve into a diverse botanic collection and living seed bank of native Utah flora, supported by the hospitality / agritourism model.

RESTORATION

- Use compromised portions of the property, such as the previous golf greens, to implement an in-depth and comprehensive restoration model.
- Ecology and biodiversity encompasses a cornerstone of the project vision with the ultimate goal of creating a thriving, diverse interplay between native habitats and restoration agricultural systems.

Develop an initiative to actively support restoration initiatives and increase diversity throughout the neighboring bluffs preserve.

- Explore the potential of a mutually beneficial relationship with the adjacent BLM.





02

SITE OVERVIEW

AERIAL PERSPECTIVE



As seen on the map, these parcels are located on the far westerly portion of Apple Valley, annexed in over a decade ago.

AERIAL PERSPECTIVE



The site is accessed by two roads: Cinder Hill Road and Gouldwash Road.
Soon to be updated to Bobcat Lane as defined by the Transportation Plan.

AERIAL PERSPECTIVE



The parcel benefits from trails and direct access to BLM land making a well suited site for recreation.

SITE PHOTOS



SITE PHOTOS

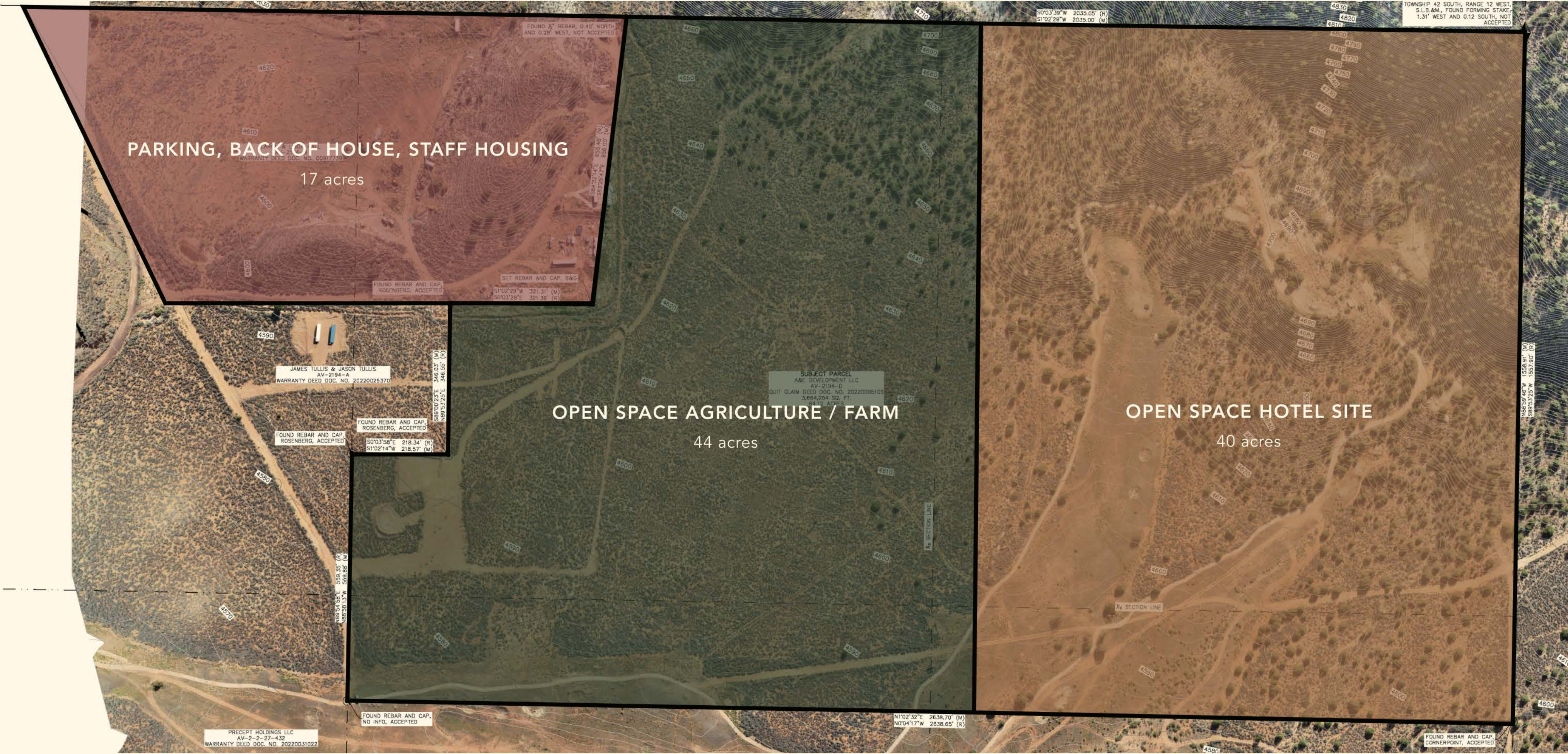




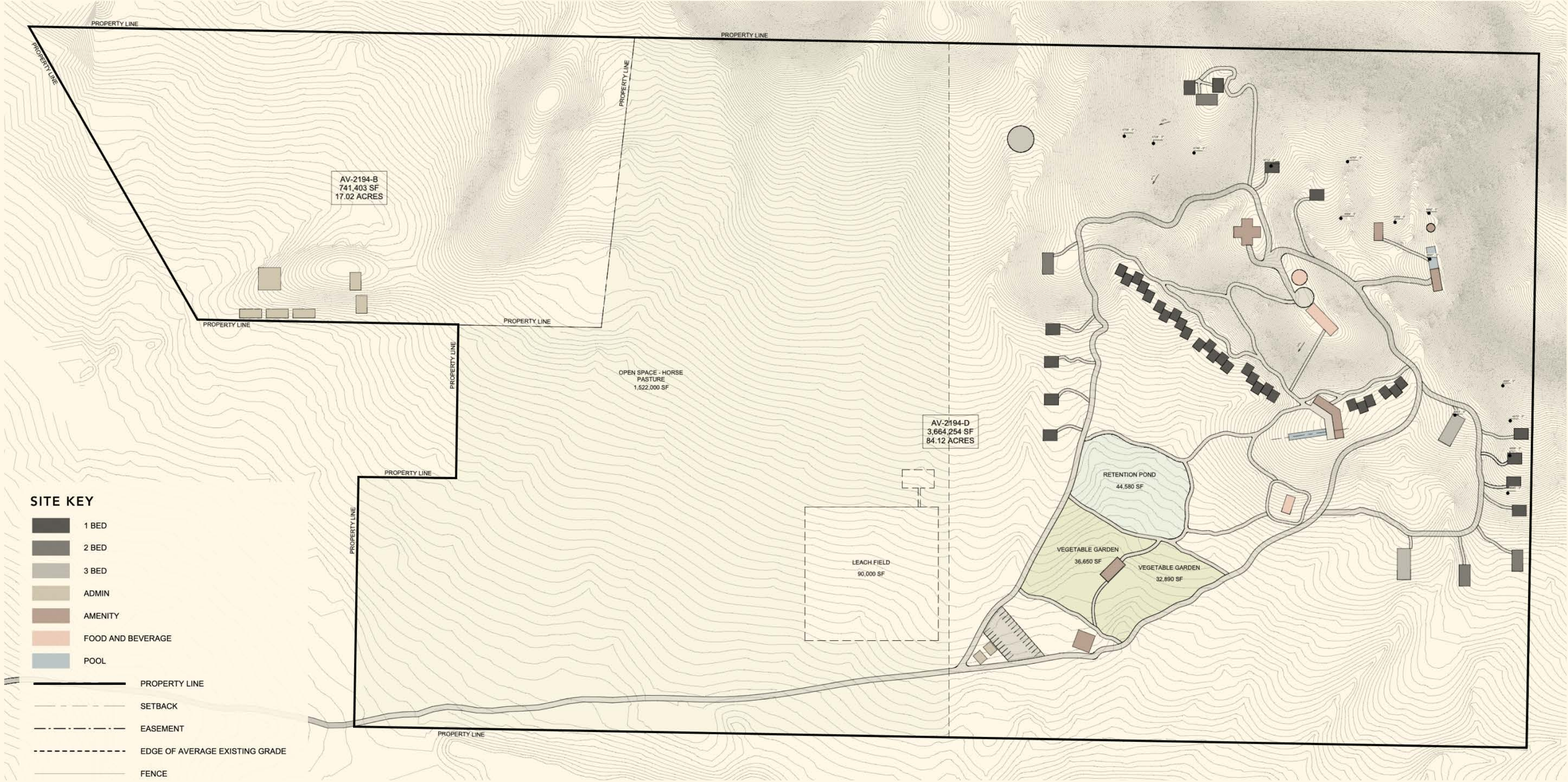
03

PRELIMINARY SITE DESIGN

SITE DISTRIBUTION



CONCEPT SITE PLAN





FARM

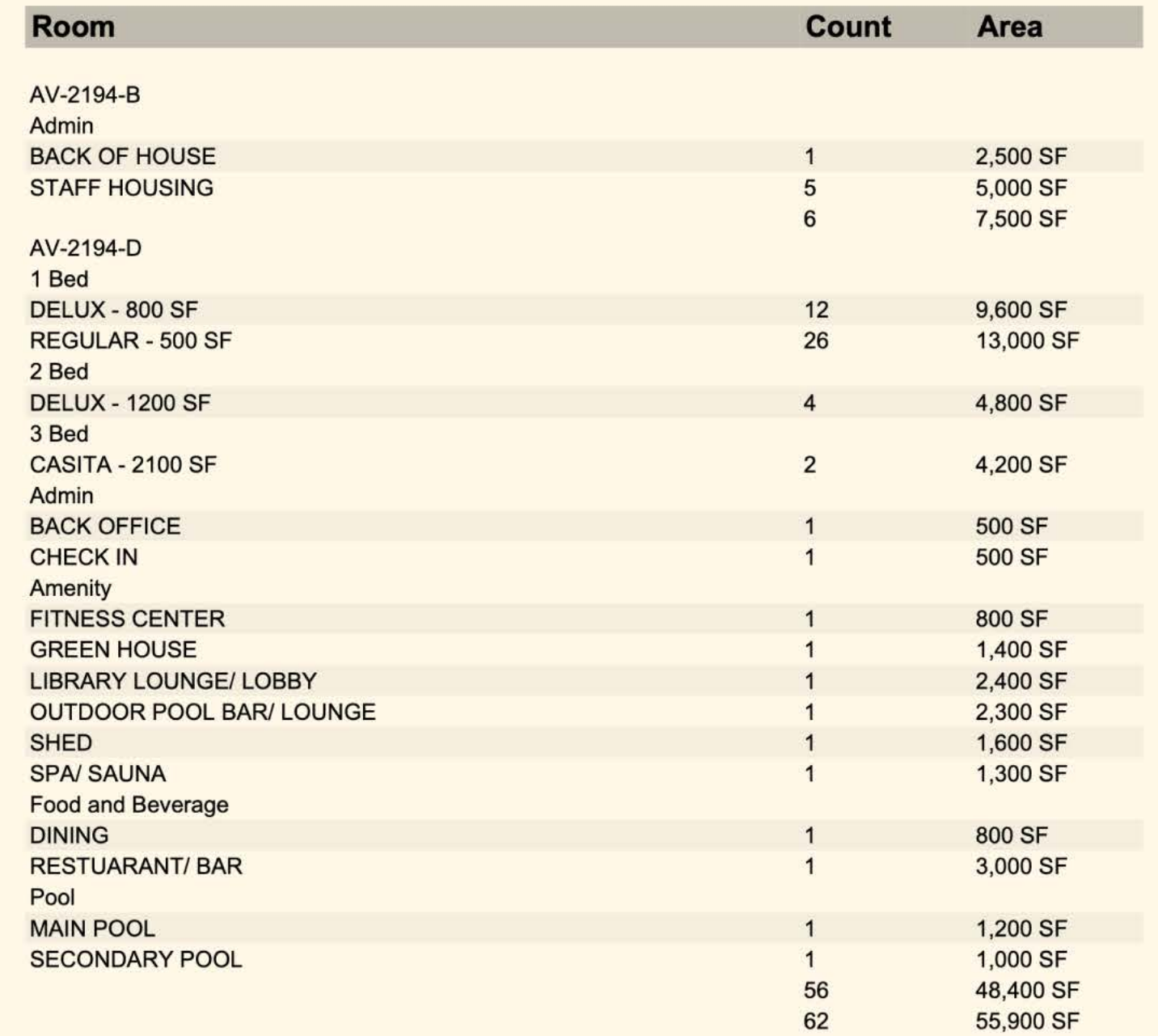
RESTAURANT

HOTEL

SPA

EMPLOYEE HOUSING

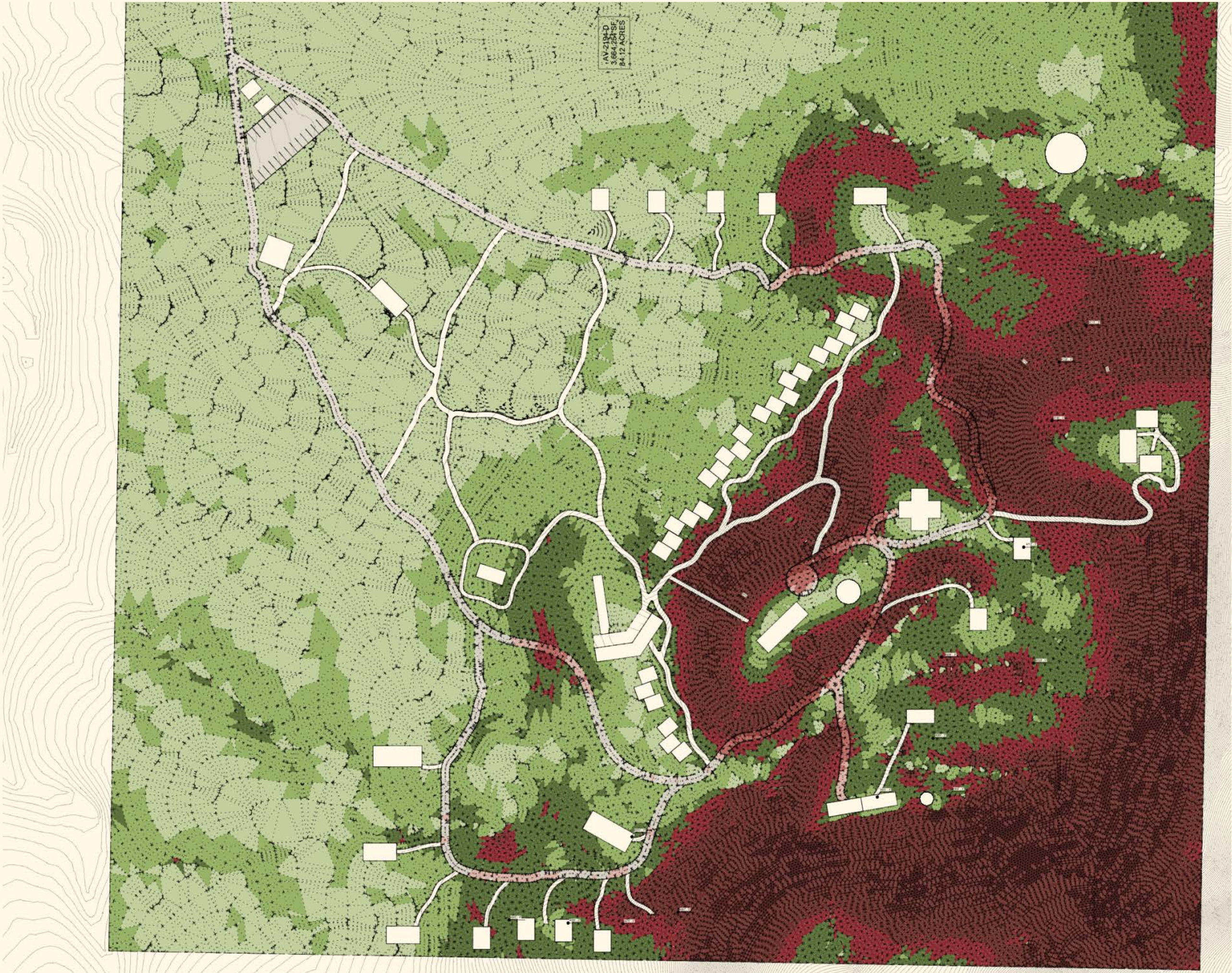
PLANNING COMMISSION | AV-2194 D + B | 57



TOTAL AREA = **3,664,254 SF** **(84.12 ACRES)** **100%**

TOTAL AREA : **741.403 SF** **(17.02 ACRES)** **100%**

SLOPE ANALYSIS



HILLSIDE ORDINANCE COMPLIANT

The project concept recognizes that the parcels are within the Hillside Slope Ordinance and the Development will be compliant within the ordinance set forth by Apple Valley.

THE ANALYSIS DEMONSTRATES THAT ALL OF THE CONCEPT'S BUILDING ENEVELOPE ARE WITHIN A GRADE 25% AND UNDER.

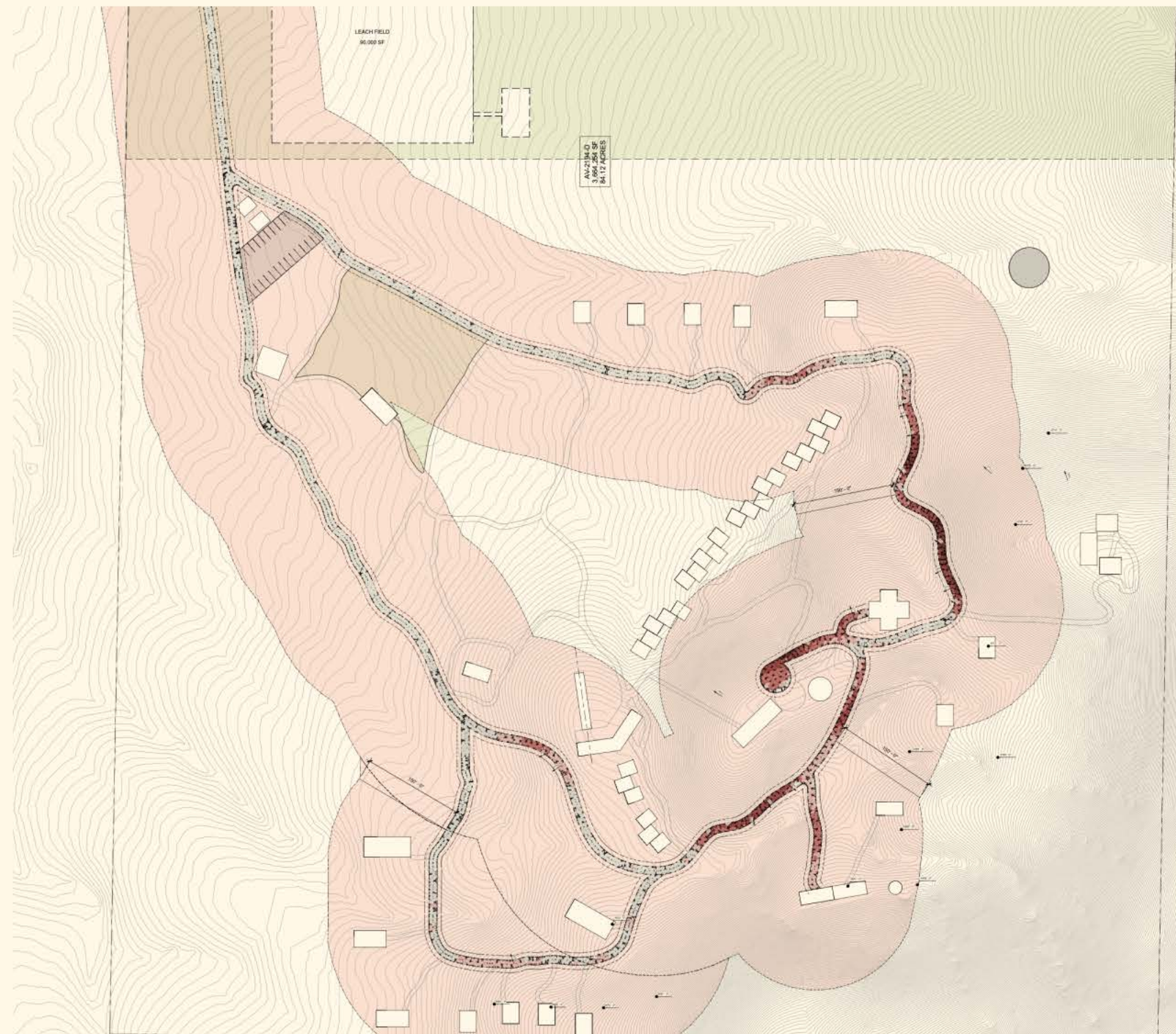
We plan to work with the Town's standards to minimize soil and slope instability and erosion, minimize the adverse effects of grading, cut and fill operations, preserve the character of the city's hillsides, and and otherwise supplement and amplify the town subdivision and zoning titles.

To further our sustainability practice, the Project aims to utilize existing roads and infrastructure cut previously by Kokopelli Golf Course into the site while upgrading the construction to current engineering requirements.

All road cuts will utilize natural bouldering retention to preserve the surrounding natural landscape.

0:12 - 1:12	0% - 8.3%
1:12 - 2:12	8.3% - 16.7%
2:12 - 3:12	16.7% - 25.0%
3:12 - 4:12	25.0% - 33.3%
4:12 - 5:12	33.3% - 41.7%

WATER REQUIREMENTS AND FIRE ACCESS



SITE ACCESS KEY

- 150' OFFSET FROM FIRE ROAD
- 12' - 0" ROAD
- 25' - 0" ROAD

SLOPE ANALYSIS KEY - ROAD

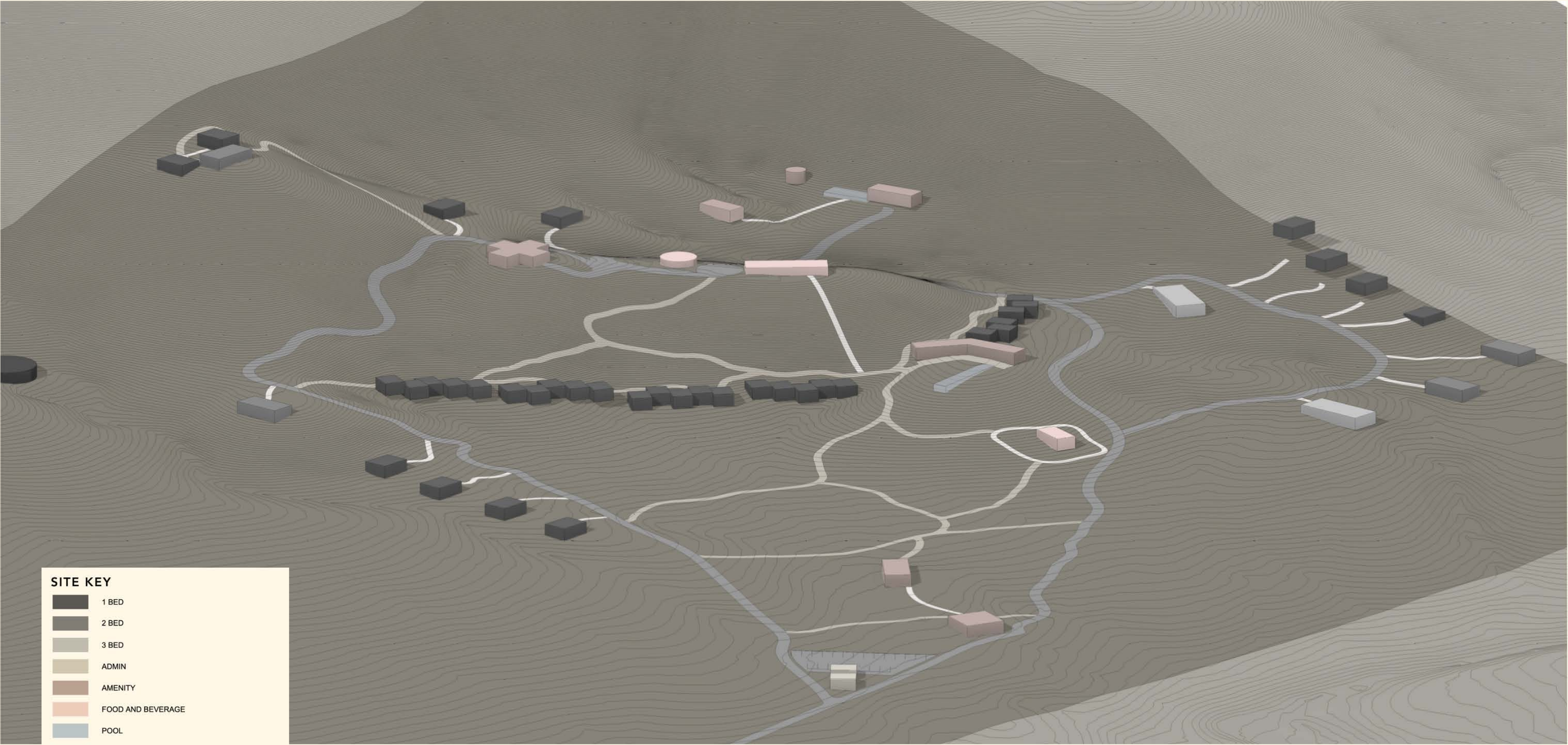
- | | | |
|---|-------------|---------------|
| | 0:12 - 1:12 | 0% - 8.3% |
| | 1:12 - 2:12 | 8.3% - 16.7% |
| | 2:12 - 3:12 | 16.7% - 25.0% |
| | 3:12 - 4:12 | 25.0% - 33.3% |
| | 4:12 - 5:12 | 33.3% - 41.7% |
| | 5:12 - 8:12 | 33.3% - 66.7% |

SITE ACCESS KEY

- ROAD - 12' - 0"
- PATH - 8' - 0"
- TRAIL - 6' - 0"

The Development is proposing a 500,000 gallon water tank (or greater if needed) and a new system within Big Plains Water District. This tank will supply all fire suppression, culinary and irrigation water requirements. The Development will collaboratively work with engineering to appropriately size the system to our requirements. The Project is proposing a fire lane to supply adequate aerial apparatus to all dwelling and amenity units. We acknowledge that a portion of the building envelope may require alternative means and methods to comply with fire code requirements. A percolation test has been completed and we will work with engineering to design and provide a fully compliant septic system for the Project. As indicated in the second image, the Development will increase walking trails, roads and pathways for improved access and use.

3D AXONOMETRIC VIEW

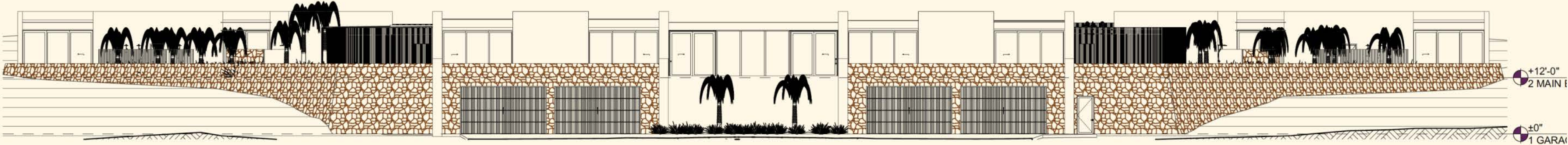


SITE KEY

	1 BED
	2 BED
	3 BED
	ADMIN
	AMENITY
	FOOD AND BEVERAGE
	POOL

EXAMPLE LOUNGE ELEVATIONS

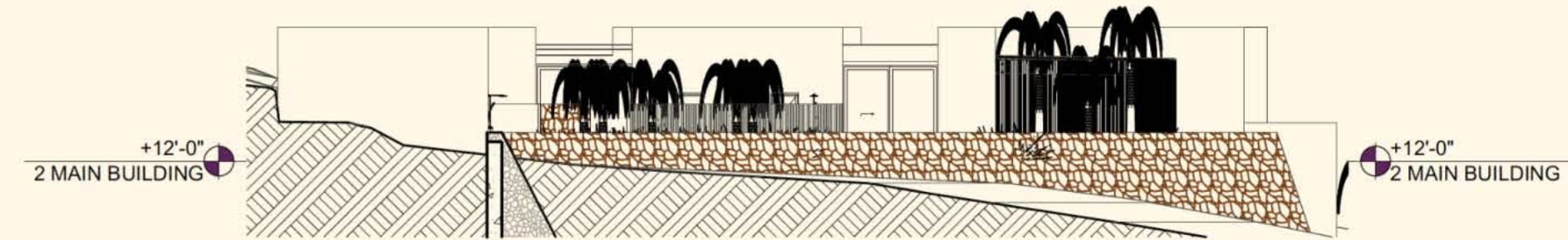
FRONT ELEVATION



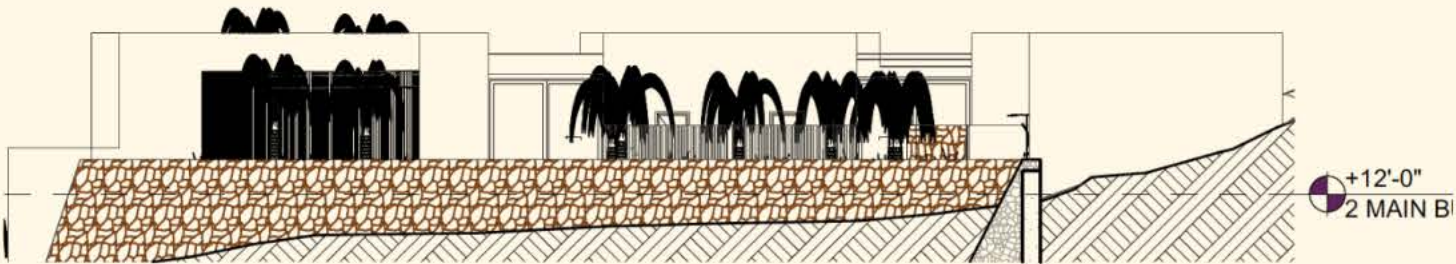
C1
A.05
West Elevation
SCALE: 1/16" = 1'-0"



SIDE ELEVATIONS



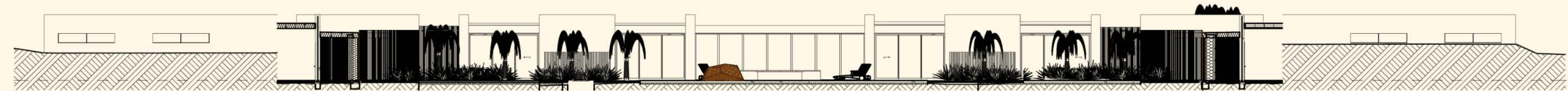
D1
A.05
North Elevation
SCALE: 1/16" = 1'-0"



D4
A.05
South Elevation
SCALE: 1/16" = 1'-0"



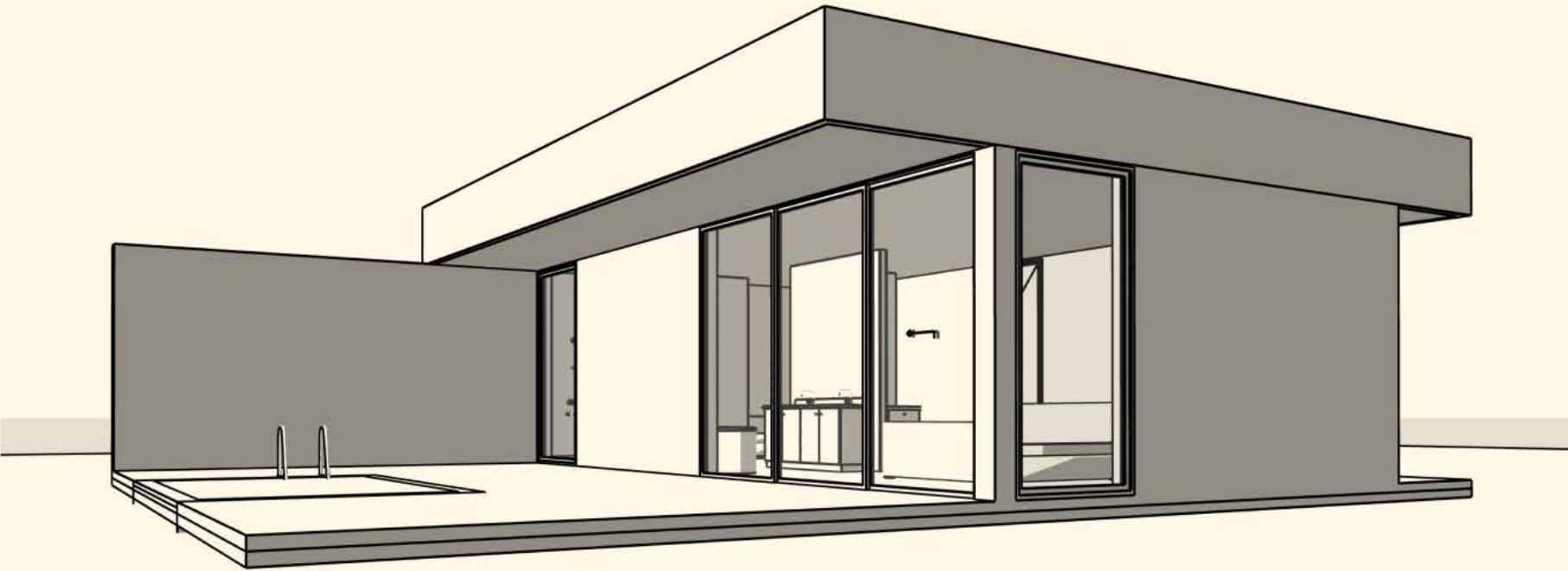
REAR ELEVATION



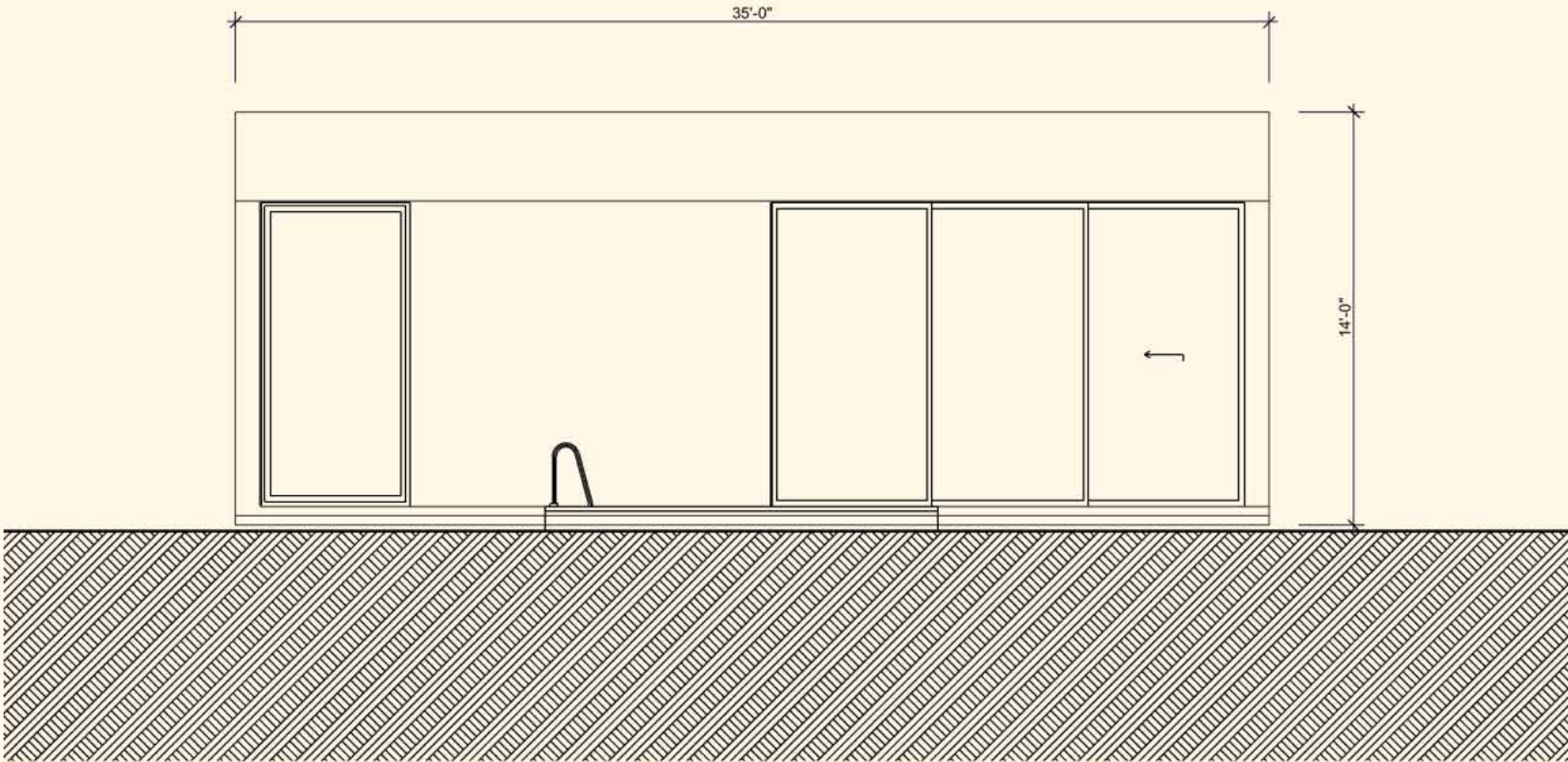
D1
A.05
East Elevation
SCALE: 1/16" = 1'-0"



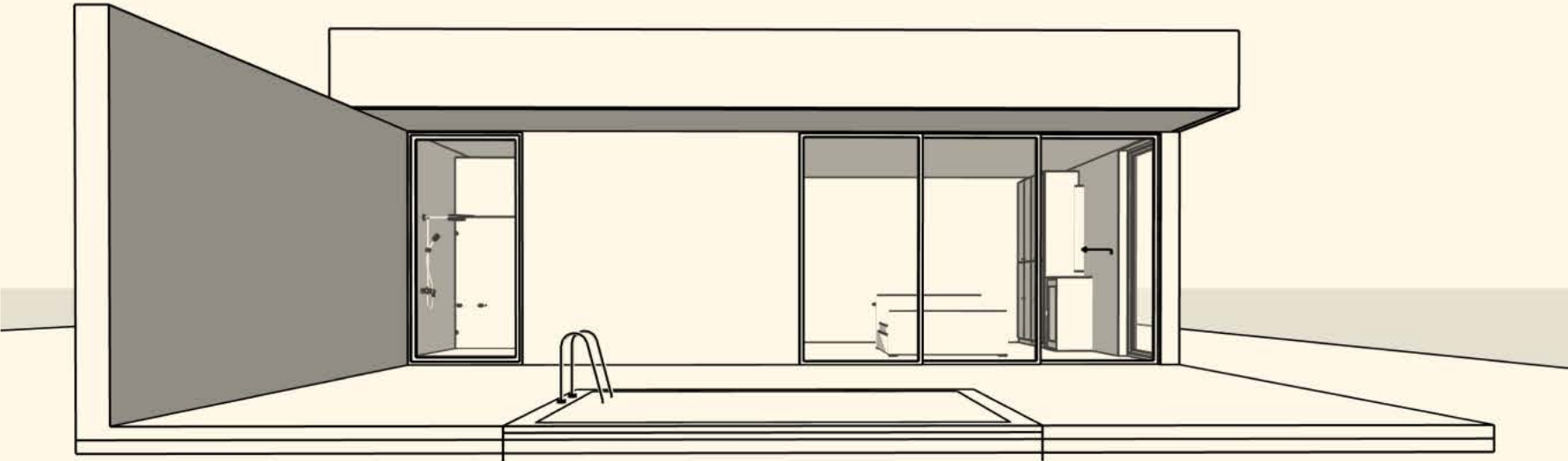
EXAMPLE BEDROOM ELEVATIONS



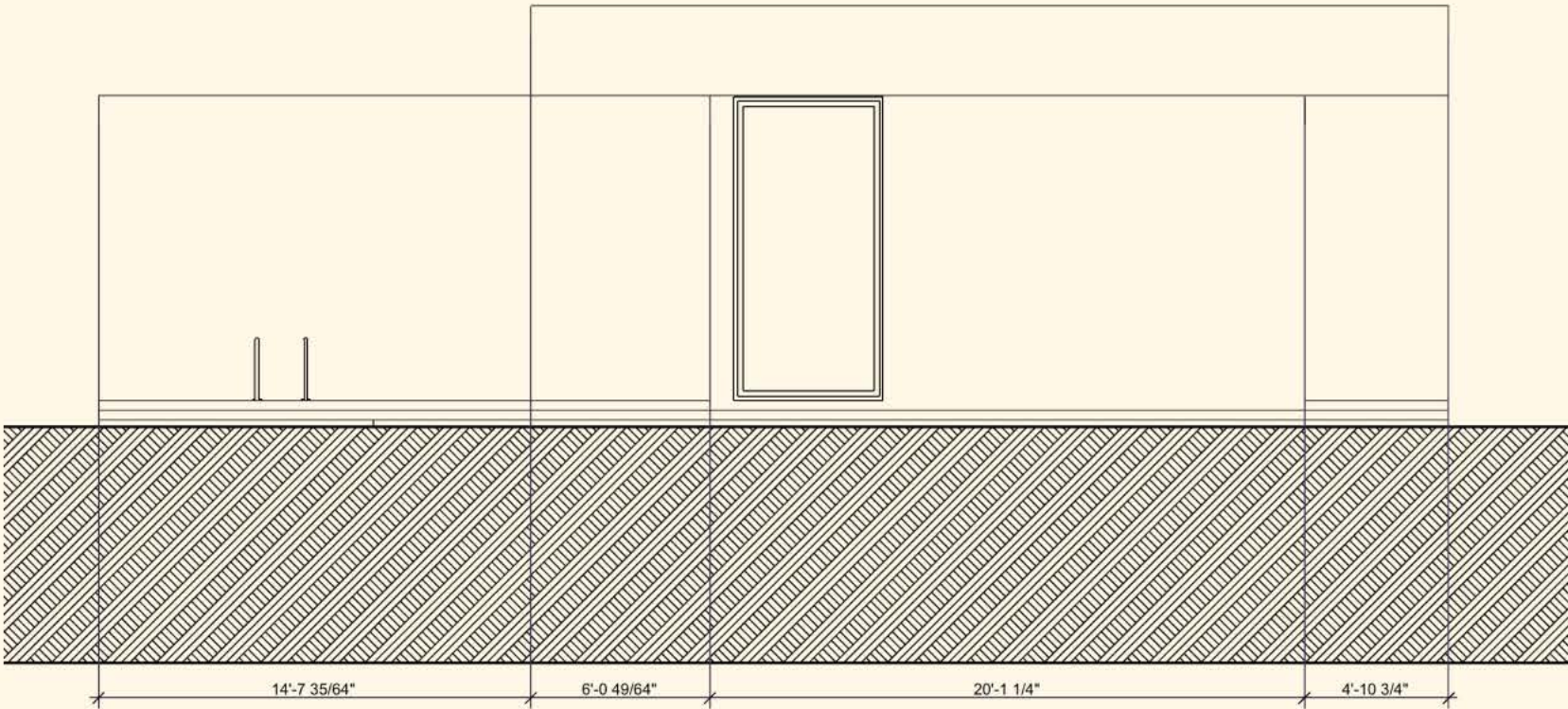
3D SIDE VIEW



FRONT ELEVATION



3D FRONT VIEW



SIDE ELEVATION

04

CONCEPT DESIGN LANGUAGE

DESIGN INTENT

The site and its existing natural topography can provide many moments for beautiful site lines when nestling the buildings into the site instead of developing over-scaled massings.

The proposed concept purposefully creates single-level small-formed structures in favor of a more fragmented and decentralized approach. Each function is accommodated in a separate building encouraging permeability, openness and access.

This allows each building to sit comfortably within the landscape - adopting their own character, while being part of a unified collection of structures.

Natural textured materials including rammed earth siding and stone that will patina over time, seamlessly integrating into the landscape, to celebrate Oculita Roca’s agrarian heritage.

“A BUILDING SHOULD APPEAR TO GROW EASILY FROM ITS SITE AND BE SHAPED TO HARMONIZE WITH ITS SURROUNDINGS IF NATURE IS MANIFEST THERE.”

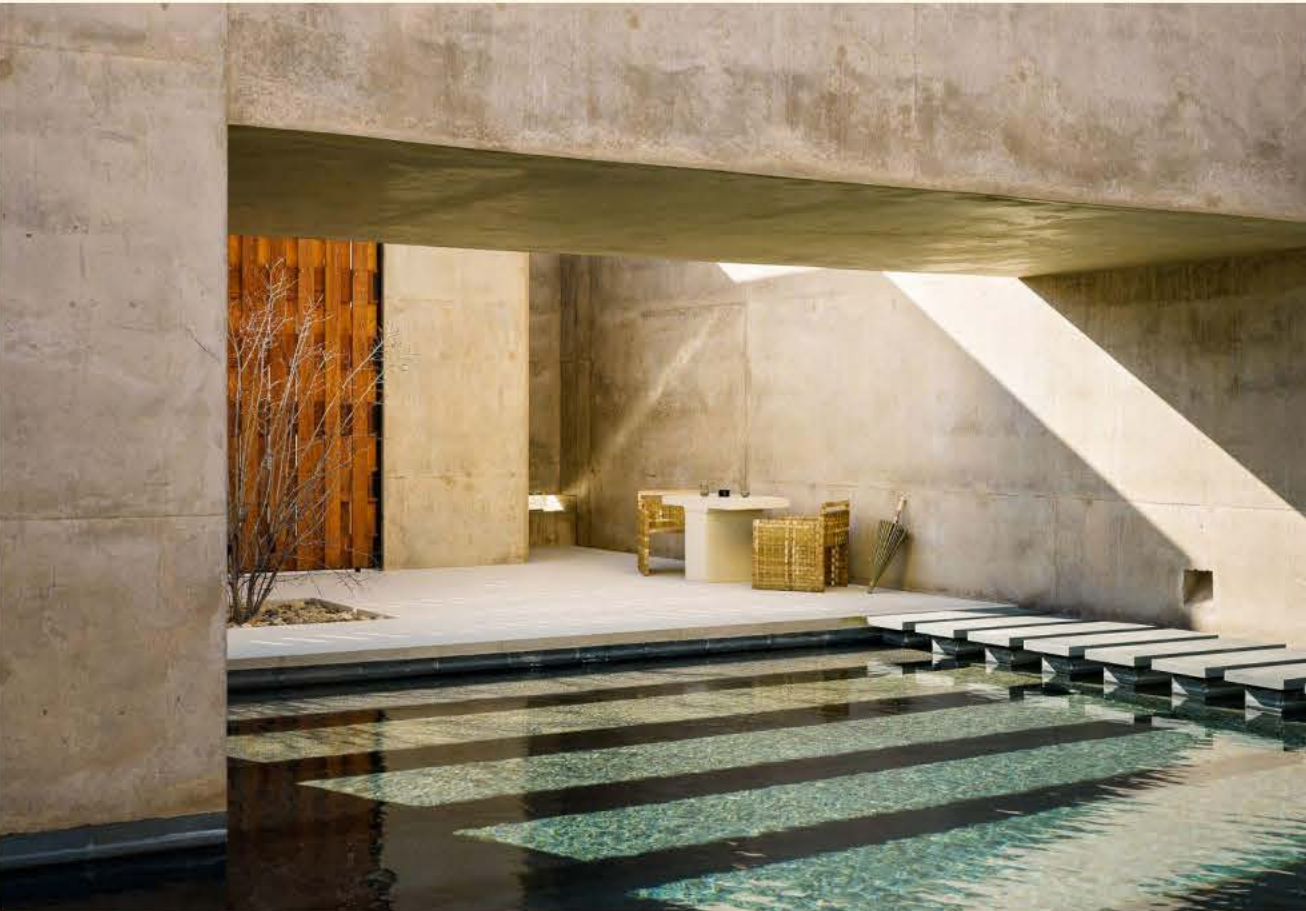
-FRANK LLOYD WRIGHT



ARCHITECTURAL DESIGN LANGUAGE



ARCHITECTURAL LOOK AND FEEL



FARM LOOK AND FEEL



AGRITOURISM CASE STUDIES

Item 6.



SEA RANCH - CALIFORNIA

One of the most prolific projects in California that blends nature with architecture is the Sea Ranch community in Northern California along 10 miles of coastline. Their original mantra was to “live lightly on the land”. The architecture and buildings were subordinate to the natural conditions of each site. They required the use of local natural materials that would age naturally with time. The landscape design was nearly no design, as it was all local and native and could only be restored to native condition.

BABYLONSTOREN FARM & HOTEL - SOUTH AFRICA

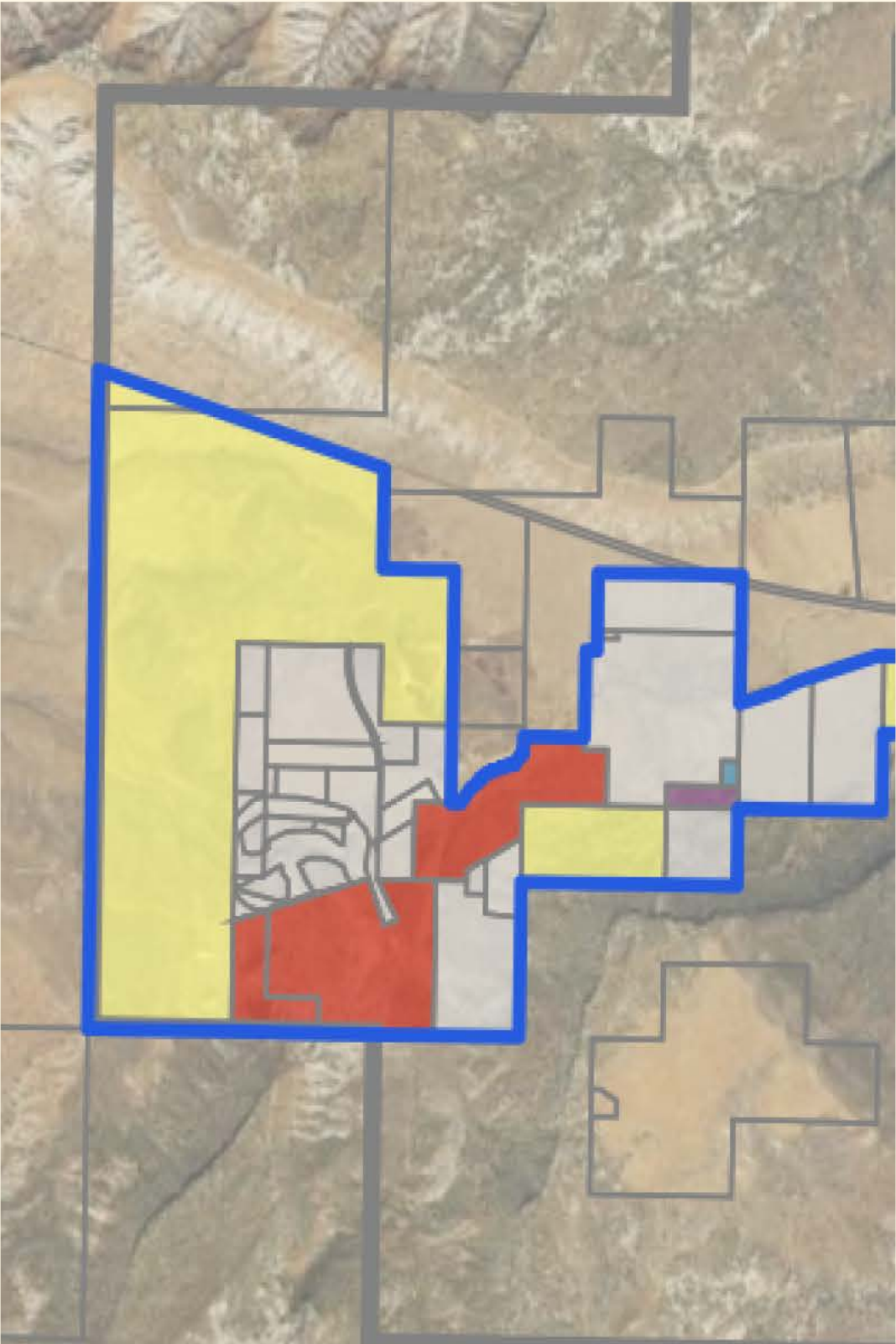
Babylonstoren is a beautiful property in South Africa that is a functioning farm, winery, hotel, restaurant and educational center. Their restaurant serves food grown on property and their spa utilizes botanicals from the gardens. A large component is educational workshops and creative classes that hover around utilizing and working with the land.



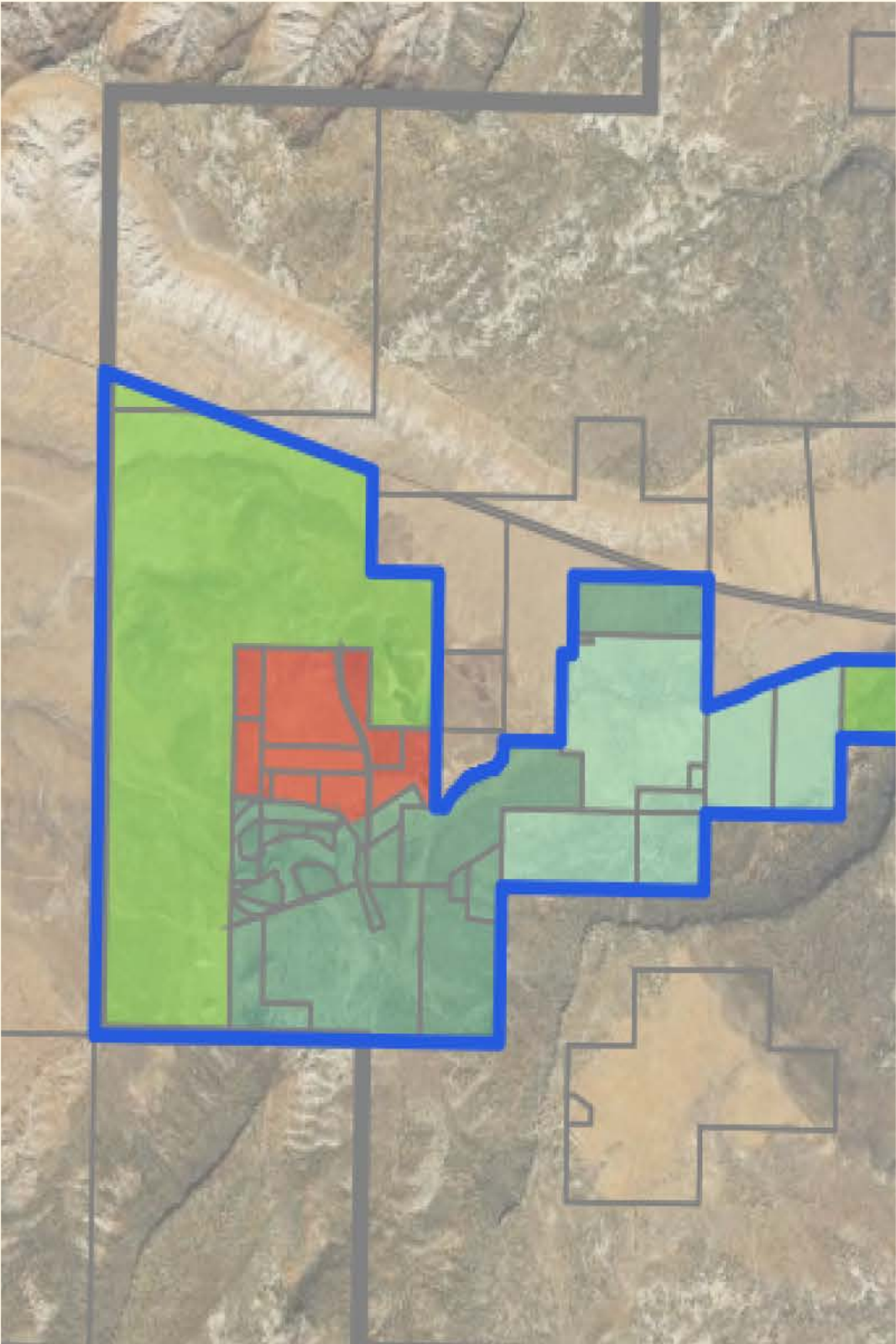
OS

ZONING CODE

WHY THIS SPECIFIC PARCEL?



ZONING MAP



GENERAL PLAN

Apple Valley Township annexed this area from Washington County with the original commercial use by Kokopelli Golf Course. We aim to rehabilitate the lands used by the golf greens, replanting the original natural flora and maintaining topography.

We believe that the area’s current zoning is disjointed and requires the Town’s oversight for future development. The Town’s participation in the master planning of this area is crucial to maintain the area’s natural integrity while permitting uses that benefit the community on a case by case basis. The Town is uniquely positioned to set the standard for sustainability and best practice developments in the area.

DEVELOPMENTS THAT PRESERVE THE RURAL CHARACTER OF APPLE VALLEY.

We believe this area is well positioned for Planned Commercial due to its remote nature and access while being suitable for low-medium density Agricultural/ Commercial based on the area’s significant distance from residential developments. Furthermore, this parcel benefits from its privacy and direct access to BLM land increasing recreational use while limiting negative impact on it’s neighbors.

The parcel is bordered by C-3 commercial on two sides. Current C-3 zoning allows for a plethora of commercial uses that, as stated by the Town’s General Plan Themes, would negatively impact the area such as large scale commercial (ie. industrial/manufacturing/retail/office).

The General Plan shows this property as Agricultural Area. The proposed PDC zoning and concept site plan is consistent with agritourism and open space conservation. We believe the Project creates a unique symbiotic relationship between the current area Zoning and future General Plan initiatives.

PROPOSED ZONE CHANGE REQUEST: FOUR STANDARDS

1. WHETHER THE PROPOSED AMENDMENT IS CONSISTENT WITH GOALS, OBJECTIVES AND POLICIES OF THE TOWN'S GENERAL PLAN;

We believe the Project aligns with the Town's General Plan to support and encourage the preservation of natural open space with the proposed Project planning to develop only 2% of the total lot size.

The General Plan shows this property as Agricultural Area. The proposed PDC zoning and concept site plan is consistent with agritourism and conservation. The Project will maintain the integrity of the long-term objectives set forth by the Planning Commission, City Council and Town's General Plan.

The Concept's dedicated open space will provide a multitude of agricultural uses that are in-line with the General Plan, inclusive of small-scale farm, greenhouse, vegetable garden, horse pasture, live-stock grazing, natural vegetation preservation.

3. THE EXTENT TO WHICH THE PROPOSED AMENDMENT MAY ADVERSELY AFFECT ADJACENT PROPERTY;

Due to the Project concept, we believe that the proposed PDC zoning is not only consistent with the C-3 properties that surround it but that the Project will have an immensely positive impact on the adjacent properties and broader Town. (ie: neighborly cooperation on improved access and added utility infrastructure).

2. WHETHER THE PROPOSED AMENDMENT IS HARMONIOUS WITH THE OVERALL CHARACTER OF EXISTING DEVELOPMENT IN THE VICINITY OF THE SUBJECT PROPERTY;

The property is surrounded by mostly undeveloped property. The Property is bordered by BLM land on both the East and South Side and bordered by C-3 Zoning on its North and West Side. The surrounding areas also contain OST and OSC zoning.

The Project utilizes a blend of existing permitted OST uses (ie. horticulture, farming operations, trails, bona fide farm buildings) while also introducing permitted uses allowed in the neighboring C-3 zoned parcels (ie. hotel, restaurant). We believe our project is harmonious with existing zoning in the area.

4. THE ADEQUACY OF FACILITIES AND SERVICES INTENDED TO SERVE THE SUBJECT PROPERTY, INCLUDING, BUT NOT LIMITED TO, ROADWAYS, PARKS AND RECREATION FACILITIES, POLICE AND FIRE PROTECTION, SCHOOLS, STORMWATER DRAINAGE SYSTEMS, WATER SUPPLIES, AND WASTEWATER AND REFUSE COLLECTION.

We have provided feasibility documentation from major utility providers. Our aim is to work with all public works to provide more-than adequate services to the project. It is our intent to create public road ways, highway turn lanes, fire lanes and public access to and from the property. Furthermore, we will provide a new water system (tank and lines), wastewater septic systems and storm water collection and retention.

PLANNED DEVELOPMENT COMMERCIAL

PURPOSE: The overall purpose of the planned development (PD) zone **is to allow and encourage flexibility and creativity in the design and development** of comprehensively planned projects, including but not limited to, cluster subdivisions that would not be possible under conventional zoning districts.

The PD Zone requires creative and efficient subdivision designs that provide areas of open space and other desirable subdivision design features.

The PD Zone is provided to promote efficiencies in the delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.

1. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.
2. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.
3. Allow for a more efficient and imaginative development of a specific property.
4. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.
5. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
6. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.
7. Encourage better land utilization, economy in the provisions of roads and utilities, and flexibility in design.
8. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
9. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
10. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
11. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures, and other means.
12. Encourage pedestrian circulation within the project and connections with adjacent land uses.
13. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.

CONSERVATION HOSPITALITY + AGRITOURISM

OUR GOAL IS TO HUMBLY CREATE A PLACE THAT WE ARE PROUD OF AND THAT THE COMMUNITY OF
APPLE VALLEY IS PROUD TO HAVE.

FOR MORE INFORMATION:

HIDDEN ROCK DEVELOPMENT GROUP

DALLIN JOLLEY

Dallin@HikkoDesign.com

(801) 674-6182

ANISH BHATIA

Anish@room9.com

(240) 994-3385



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 6.

Zone Change Application

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

Owner: Hidden Rock Development Group		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	
Existing Zone: OST		Proposed Zone: C-3	
For Planned Development Purposes: Acreage in Parcel ~101		Acreage in Application ~101	
Reason for the request Commercial development to match neighboring C-3 parcels			

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).

Official Use Only	Amount Paid: \$ 2614.50 + 3% fee	Receipt No: 42119
Date Received: 11/7/22	Date Application Deemed Complete:	
By: [Signature]	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 6.

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 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

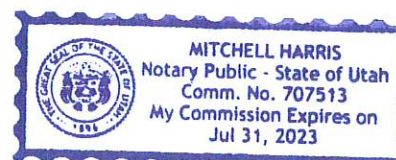
State of Utah)
County of Washington)§

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)



Applicant - Hidden Rock Development Group

Dallin Jolley
Managing Partner
1834 East Sage Hollow Drive
Draper, Utah 84020

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

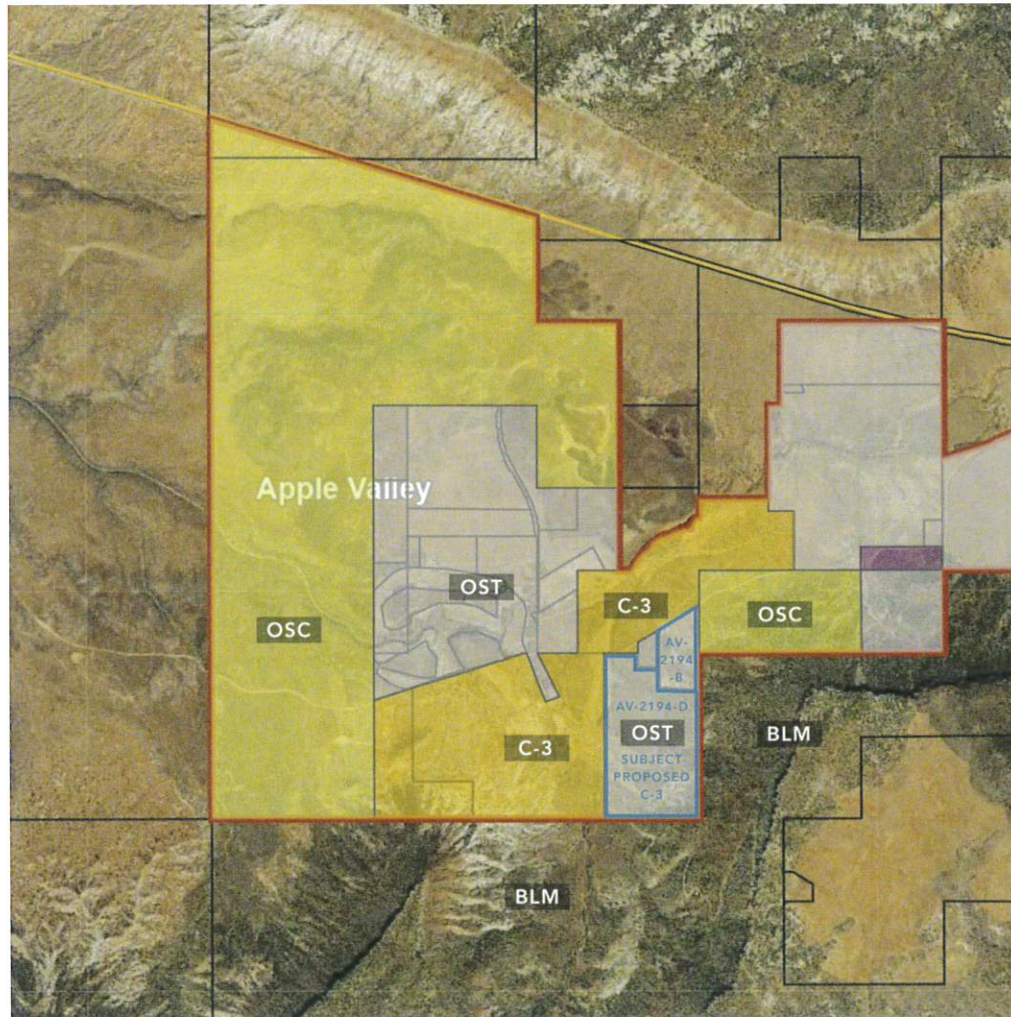
Current Owner –

AV-2194-D

A&E Development LLC
ELLEND LABARON
2975 N 7500 W
Abraham, UT 84635

AV-2194-B

HALL LARON W & LINDA W
120 W 975 N
Hurricane, UT 84737-1735

Property Map with Existing, Proposed and Abutting Properties Zoning Classification

**Subject property outlined in blue*

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.

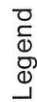
Parcel Number: AV-2194-B

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



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.

80



Parcels

Ownership

 U.S. Forest Service

U.S. Forest Service Wilderness

Bureau of Land Management

Bureau of Land Management Wilde

National Park Service

Shiwits Reserva

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

Mineral Claim

Notes

Item 6.

AFFIDAVIT
PROPERTY OWNER
AV-2194-D

STATE OF UTAH)

)S

COUNTY OF WASHINGTON)

I (We) A+E Development Eland S. LeBaron 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.

[Signature] Manager
Property Owner

Property Owner

Subscribed and sworn to me this 25 day of July, 2022.



Laura Joy Santos
Notary Public

Residing in: Millard Co

My Commission Expires: 7/31/23

AGENT AUTHORIZATION

I (We), A+E Development + Eland S. LeBaron Manager, 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] Manager
Property Owner

Property Owner

Subscribed and sworn to me this 21 day of November, 2022.



Laura Joy Santos
Notary Public

Residing in: Millard Co

My Commission Expires: 7/31/2023

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

STATE OF UTAH

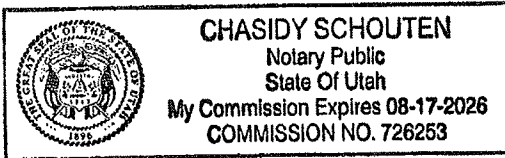
COUNTY OF WASHINGTON

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



Chasidy Schouten
Notary Public

Residing in: Hurricane, Utah

My Commission Expires: 08-17-2026

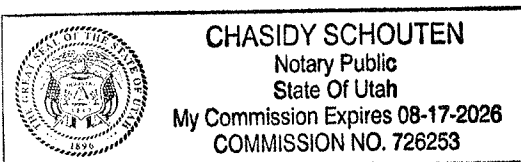
AGENT AUTHORIZATION

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



Chasidy Schouten
Notary Public

Residing in: Hurricane UT

My Commission Expires: 08-17-2026



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 Jerry Zaharias

Item 6.

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

Item 6.

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

Item 6.

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.

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

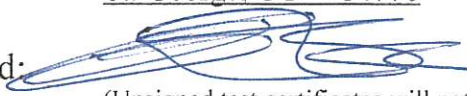
Date soil exploration(s) conducted: August 24, 2022

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

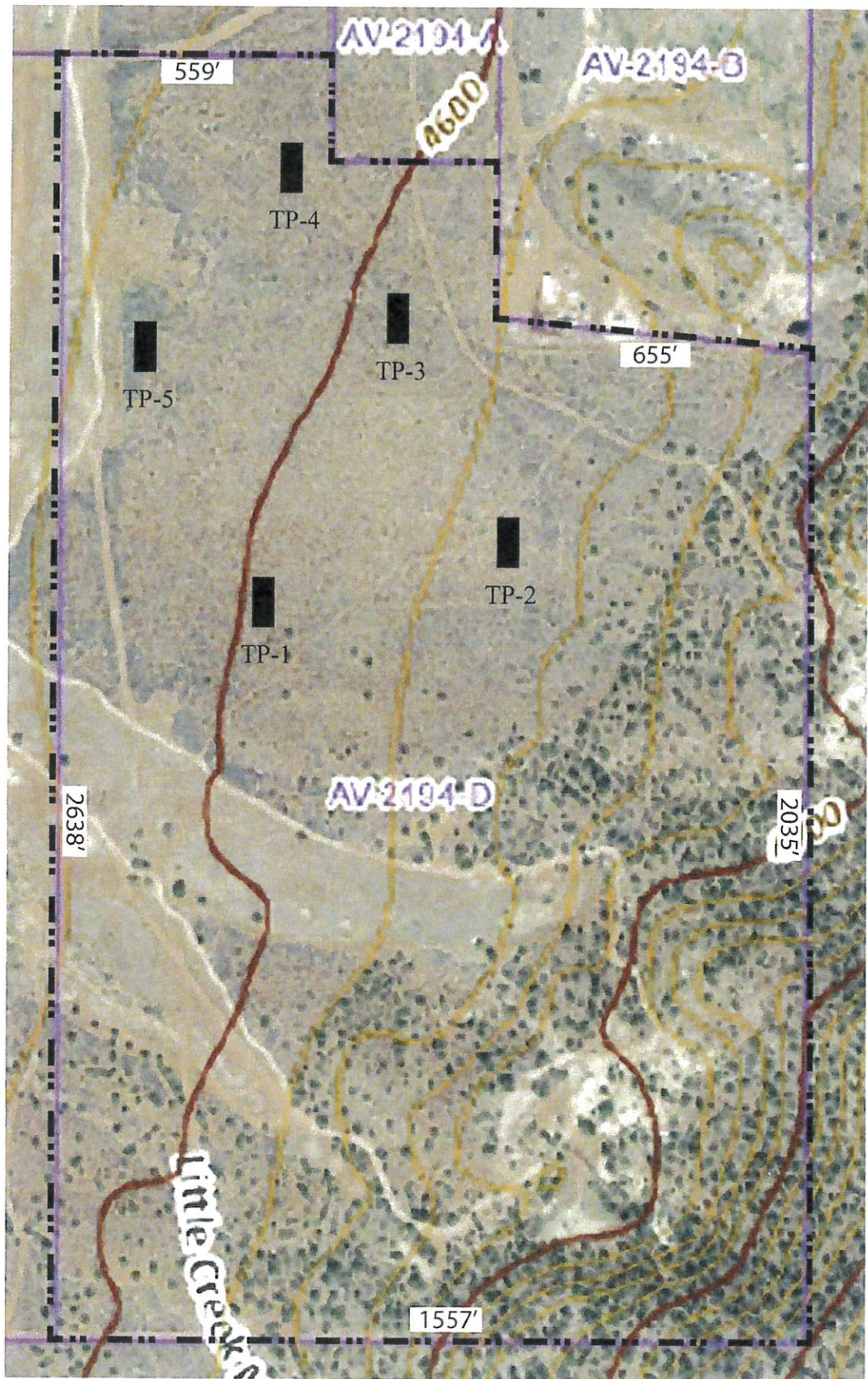
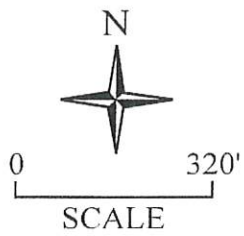
Date groundwater table determined: August 24, 2022

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

D

C

B

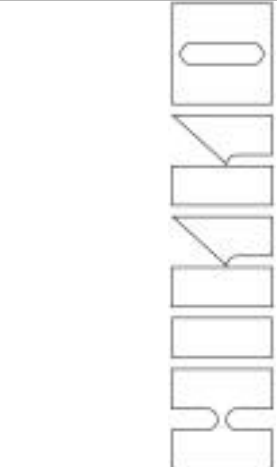
A



Architectural Site Plan

LEGEND			
SYMBOL	TYPE	MATERIAL	SIZE
	ROAD	CONCRETE	12'
	PATH	SOIL CEMENT	8'
	TRAIL	DIRT	6'

UNIT SCHEDULE			
SYMBOL	TYPE	GENERAL DESCRIPTION	QTY
	1 BED	20' X 25' SINGLE UNIT	38
	2 BED	20' X 25' 2 BED UNIT	4
	3 BED	36' X 70' THREE BED UNIT	2
	AMMENITIES	AS NEEDED	8
	BACK OF HOUSE	50' X 50' BUILDING	1
	CHECK IN	20' X 25' SINGLE UNIT	1
	SHED	20' X 25' SINGLE UNIT	1
	STAFF HOUSING	20' X 25' SINGLE UNIT	5



HIKKO DESIGN
1250 LONGBEACH AVE #119
LOS ANGELES, CA 90021
P 801.674.6182
dallin@hikkodesign.com

PRELIMINARY
NOT FOR CONSTRUCTION

APPLE VALLEY SITE

APPLE VALLEY
APPLE VALLEY, UTAH 84737

SCHEMATIC

REVISIONS
DESCRIPTION

DATE

#

PROJECT #: 22026

CHKD BY:

DRAWN BY: GARY ACTON

ISSUE DATE: XXXX/XXX

ARCHITECTURAL
SITE PLAN

AS.1



November 9, 2022

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-2194-D and AV-2194-B
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 C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. 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=10.10.030_C Commercial Zones](https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.030_C_Commmercial_Zones)

The hearing will be held **Wednesday, December 7, 2022 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 AV-2194-D					
AV-2-2-27-432					
AV-2194-A					
AV-2194-D					
AV-2-2-27-430					
AV-2194-B					
AV-2194-C					

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

**APPLE VALLEY
ORDINANCE O-2022-63**

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

SECTION 1: **AMENDMENT** “10.10.040 I Industrial Zone” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.040 I Industrial Zone

- A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
- B. Permitted Uses: Uses permitted in this zone are as follows:
 - 1. Recycling businesses, not including hazardous materials.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 - 1. Concrete batch plants.
 - 2. Gravel crushing equipment.
 - 3. Gravel pits.
 - 4. Hot mix asphalt plants.
 - 5. Landfill operations.
 - 6. Metal Building.
 - 7. Mining or ore processing operations.
 - 8. Open space or agricultural uses.
 - 9. Sewage lagoons and/or treatment plants.
 - 10. Storage, baling, and processing of wood, glass, paper, and junk.
- D. Any use not shown in this section 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. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
- b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage, including holding ponds for runoff, and such other public improvements as may be required.
- c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

F. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate

water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.

7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. 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.
9. 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.
 - a. 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.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
10. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVL 11 shall also be excluded from this zone.

AFTER AMENDMENT

10.10.040 I Industrial Zone

- A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
- B. Permitted Uses: Uses permitted in this zone are as follows:
 1. ~~Recycling businesses, not including hazardous materials.~~ None
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 1. Recycling businesses, not including hazardous materials
 2. Concrete batch plants.
 3. Gravel crushing equipment.
 4. Gravel pits.
 5. Hot mix asphalt plants.
 6. Landfill operations.
 7. Metal Building.
 8. Mining or ore processing operations.
 9. Open space or agricultural uses.
 10. Sewage lagoons and/or treatment plants.
 11. Storage, baling, and processing of wood, glass, paper, and junk.
- D. Any use not shown in this section 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. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
- b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage, including holding ponds for runoff, and such other public improvements as may be required.
- c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

F. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest

district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.

7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. 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.
9. 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.
 - a. 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.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
10. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVLU 11 shall also be excluded from this zone.

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 December 14, 2022.

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

**APPLE VALLEY
ORDINANCE O-2022-64**

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

SECTION 1: **ADOPTION** “10.10.130 Institutional Zone” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.130 Institutional Zone (Non-existent)

AFTER ADOPTION

10.10.130 Institutional Zone(*Added*)

- A. Purpose: The purpose of this zone is to provide for the development of public structures and uses and accommodate institutional development in a scale that integrates sensitively with surrounding residential neighborhoods, which includes uses of a public, nonprofit, or charitable nature generally providing local service on-site to local people.
- B. Permitted Uses
 - 1. Government buildings
 - 2. Cemeteries
 - 3. Churches and other buildings for the purpose of religious worship
 - 4. Convalescent homes, nursing homes, and homes for the aged
 - 5. Convents, seminaries and retreat centers
 - 6. Libraries
 - 7. Lodging, hospitality and care for the infirmed, disadvantaged, handicapped or abused (children, youth and adults)
 - 8. Museums and art galleries
 - 9. Nursery schools and day care centers
 - 10. Orphanages
 - 11. Police and fire stations
 - 12. Publicly owned and/or operated parks, playgrounds, community recreation centers and swimming pools
 - 13. Schools, elementary and secondary (grades K-12) and continuing education adult enrichment centers
 - 14. Summer camps
- C. Accessory Uses
 - 1. Customary accessory buildings and uses
 - 2. Fences and walls (AVLU 10.36)

3. Signs (AVLU 10.22)
4. Uses provided in conjunction with a permitted or conditional use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted or conditional use

D. Conditional Uses

1. Hospitals, clinics and health maintenance organizations
2. Colleges, universities, vocational, trade schools or other specialized educational facilities
3. Educational and medical related research facilities

E. Area and Height Regulations for Permitted and Conditional Uses

1. Minimum Lot Area - one (1) acre
2. Front Yard Setback - One hundred fifty (150) feet, only where the property abuts an arterial or collector street
3. Setback from any Adjacent Residential Zone - One hundred (100) feet
4. Internal Setbacks - Fifty (50) feet unless otherwise approved in accordance with a Site Plan as provided for in Subsection F(4) of this section
5. Maximum Height - Five (5) stories
6. In the case of this zone, more than one principal building as defined herein, may be permitted on one lot

F. Other Development Controls

1. Off-street parking and loading and/or unloading facilities shall be provided in accordance with AVLU 10.16.
2. No outdoor storage of any material (usable or waste) except firewood neatly stacked, shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which is not in accordance with AVLU 10.26.
4. No building shall be erected, or structurally altered, nor shall any grading take place on any lot or parcel in the Institutional Zone until a Site Plan Layout has been submitted and approved . Where development is proposed on a parcel of land that is a part of a larger tract of land which is under one ownership, the developer shall also be required to submit a plan for the entire property under said ownership, unless specifically waived by the town, in accordance with the plan requirement. Said plan shall show how the proposed development will be developed as an integral part of the much larger tract, including the coordination of land use and circulation (vehicular and pedestrian) with adjacent tracts of land.
5. A minimum of 20% of the total acreage of each site for a permitted use shall be set aside for open space use, exclusive of streets, parking areas, and buildings.

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 December 14, 2022.

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