



## PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, December 06, 2023 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 06, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Chairman** | Michael Farrar

**Commissioners** | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

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

#### HEARING ON THE FOLLOWING

1. Consider Recommendation of Approval of Amending Title 10.10.070 Open Space Zone, Ordinance-O-2023-36.
2. Consider Recommendation of Approval of Amending Title 10.10.080 Open Space Transition Zone, Ordinance-O-2023-37.

#### DISCUSSION AND POSSIBLE ACTION ITEMS

3. Consider Recommendation of Approval of Amending Title 10.10.070 Open Space Zone, Ordinance-O-2023-36.
4. Consider Recommendation of Approval of Amending Title 10.10.080 Open Space Transition Zone, Ordinance-O-2023-37.

#### APPROVAL OF MINUTES

5. Minutes: October 4, 2023.

#### 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](http://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.

APPLE VALLEY  
ORDINANCE O-2023-36

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

SECTION 1: AMENDMENT “10.10.070 Open Space Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.070 Open Space Zone

- A. Purpose: The purpose of this zone is to provide for protection of undeveloped private land.
- B. Permitted Uses: Uses permitted in this zone are as follows:
  - 1. Raising of crops, horticulture and gardening
  - 2. Undeveloped private land
  - 3. Trails and trail rides, non-motorized
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
  - 1. Bona fide farm buildings
  - 2. Public utilities and transmission lines
  - 3. Wireless communications facilities
  - 4. Farming operations
  - 5. Livestock grazing
  - 6. Trails and trail rides, motorized
- D. Height Regulations: No building shall be erected to a height greater than twenty five (25') feet without a conditional use permit.
- E. ~~Area, Width And Yard~~ Farm Building Regulations:

District	Area	Width in Feet	Yard <u>Farm Building</u> Setbacks in Feet		
			Front	Side	Rear
OS	<del>20 Acres</del>	400	25	25	25

(25' setback on corner and street side lots)

- F. Modifying Regulations: The following modifying regulations may be established by the land use authority relative to a specific use.
  - 1. Distance of Animal Housing: No corral, stable or kennel may be located within one hundred feet (100') of any adjacent dwelling or residential building lot.
  - 2.

Application of Minimum Acreage: ~~The~~ Twenty (20) acre minimum lot size applies only to the construction of farm ~~an~~-buildings.

- 3. Trails for motorized off-road vehicles (ORV) shall be no closer than 1000' from any residential dwelling.

**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 20, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor   Frank Lindhardt	_____	_____	_____	_____
Council Member   Jarry Zaharias	_____	_____	_____	_____
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-2023-37**

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

**SECTION 1: AMENDMENT** “10.10.080 Open Space Transition Zone” of the Apple Valley Land Use is hereby *amended* as follows:

**AMENDMENT**

**10.10.080 Open Space Transition Zone**

- A. Purpose: The purpose of this zone is to provide for protection of primarily undeveloped private land.
- B. Permitted Uses: Uses permitted in this zone are as follows:
  - 1. Bona fide farm buildings
  - 2. Farming operations
  - 3. Livestock grazing
  - 4. Raising of crops, horticulture and gardening
  - 5. Undeveloped private land
  - 6. Trails and trail rides
- C. Conditional Uses: SPACE LEFT BLANK INTENTIONALLY

Any use not specifically allowed under permitted or conditional uses shall be prohibited.

- D. Height Regulations: No building shall be erected to a height greater than thirty five (35') feet without a conditional use permit.
- E. ~~Area Width And Yard~~ Farm Building Regulations:

District	Area	Width in Feet	<del>Yard</del> <u>Farm Building</u> Setbacks in Feet		
			Front	Side	Rear
OST	<del>3 Acres</del>	<del>400</del>	25	25	25

(25' setback on corner and street side lots)

- F. Modifying Regulations: As may be established by the land use authority relative to a specific use:
  - 1. Distance of Animal Housing: no corral, stable or kennel may be located within one hundred feet (100') of any dwelling or residential building lot.
  - 2. Application of Minimum Acreage: Twenty (20) acre minimum lot size applies

- only to the construction of farm buildings.
- 3. Trails for motorized off-road vehicles (ORV) shall be no closer than 1000' from any residential dwelling.

**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 20, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor   Frank Lindhardt	_____	_____	_____	_____
Council Member   Jarry Zaharias	_____	_____	_____	_____
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 COMMISSION PUBLIC  
HEARING AND MEETING**  
1777 N Meadowlark Dr, Apple Valley  
Wednesday, October 04, 2023 at 6:00 PM

## MINUTES

**Chairman** | Michael Farrar

**Commissioners** | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

**CALL TO ORDER-** Chairman Farrar called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT**

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Bradley Farrar

**ABSENT**

Commissioner Garth Hood

**CONFLICT OF INTEREST DISCLOSURES**

None declared.

**HEARING ON THE FOLLOWING**

1. **Consider Recommendation of Approval to Amend Title 11.02.190 Grading Permit By Exception, Ordinance-O-2023-31.**

Chairman Farrar opened the public hearing.

Annie Spendlove, 1260 E 2000 S. She commented, take for instance my property, we have fields we are growing in. How does the grading and grubbing apply to agricultural.

Chairman Farrar closed the public hearing.

2. **Consider Recommendation of Approval to Amend Title 10.28.310 Grading And Grubbing Of Vacant Lots, Ordinance-O-2023-32.**

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

3. **Consider Recommendation of Approval to Amend Title 10.18.020 Residential Lots; Access, Ordinance-O-2023-34.**

Chairman Farrar opened the public hearing.



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## MINUTES

No public comments.

Chairman Farrar closed the public hearing.

### DISCUSSION AND POSSIBLE ACTION ITEMS

4. **Consider Recommendation of Approval to Amend Title 11.02.190 Grading Permit By Exception, Ordinance-O-2023-31.**

Chairman Farrar commented this is a housekeeping item and reviewed the ordinance presented in the agenda packet.

**MOTION:** Commissioner Farrar motioned that we recommend approval to amend title 11.02.190 Grading Permit By Exception, Ordinance-O-2023-31.

**SECOND:** The motion was seconded by Commissioner Palmer.

**VOTE:** Chairman Farrar called for a vote:

Commissioner Farrar - Aye  
Commissioner Palmer - Aye  
Commissioner Fralish - Aye  
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

5. **Consider Recommendation of Approval to Amend Title 10.28.310 Grading And Grubbing Of Vacant Lots, Ordinance-O-2023-32.**

Chairman Farrar reviewed the ordinance presented in the agenda packet.

**MOTION:** Commissioner Farrar motioned that we recommend approval to amend title 10.28.310 Grading And Grubbing Of Vacant Lots, Ordinance-O-2023-32.

**SECOND:** The motion was seconded by Commissioner Fralish.

**VOTE:** Chairman Farrar called for a vote:

Commissioner Farrar - Aye  
Commissioner Palmer - Aye  
Commissioner Fralish - Aye  
Chairman Farrar - Aye



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## MINUTES

The vote was unanimous and the motion carried.

**6. Consider Recommendation of Approval to Amend Title 10.18.020 Residential Lots; Access, Ordinance-O-2023-34.**

Chairman Farrar reviewed the ordinance presented in the agenda packet.

**MOTION:** Commissioner Farrar motioned that we recommend approval to amend title 10.18.020 Residential Lots; Access, Ordinance-O-2023-34.

**SECOND:** The motion was seconded by Commissioner Fralish.

**VOTE:** Chairman Farrar called for a vote:

Commissioner Farrar - Aye  
Commissioner Palmer - Aye  
Commissioner Fralish - Aye  
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

**7. Consider Recommendation of Approval for Preliminary Plat Application for Crimson Peaks subdivision. Agent: Travis Holm, Scout Holm.**

Chairman Farrar commented in the future, applications will not go on the agenda until the Board has verified it meets all the Town Ordinances for preliminary plat.

**MOTION:** Chairman Farrar motioned that we recommend approval for preliminary plat application for Crimson Peaks subject to the following conditions:

1. Big Plains Water Special Service District requires said developer to pay for a water study report to ensure there is an adequate supply of water in the Town's aquifer for this project.
2. I have already talked to Travis Holm about this but I wanted to add it on to make a record of it. Developer will be required to reimburse the Range RV campground for the cost of the deceleration lane installed on Highway 59 per the agreement that Travis





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## MINUTES

made with and I've already talked to Travis, he's good with that, he remembers and understands it, they have no problem with that.

**SECOND:** The motion was seconded by Commissioner Palmer.

**VOTE:** Chairman Farrar called for a vote:

Commissioner Farrar - Aye  
Commissioner Palmer - Aye  
Commissioner Fralish - Aye  
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

**8. Consider Recommendation of Approval for Preliminary Plat Application for West Temple Village Subdivision. Owner: Holm House LLC -Travis Holm, Agent: Matt Loo.**

**MOTION:** Chairman Farrar motioned that we recommend approval for preliminary plat application for West Temple Village subject to the following conditions:

1. Big Plains Water Special Service District requires said developer to pay for a water study report to ensure there is an adequate supply of water in the Town's aquifer for this project.
2. Developer will be required to reimburse the Range RV campground for the cost of the deacceleration lane installed on Highway 59 per the agreement made with Travis Holm.

**SECOND:** The motion was seconded by Commissioner Palmer.

**VOTE:** Chairman Farrar called for a vote:

Commissioner Farrar - Aye  
Commissioner Palmer - Aye  
Commissioner Fralish - Aye  
Chairman Farrar - Aye

The vote was unanimous and the motion carried.



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**MINUTES**

**APPROVAL OF MINUTES**

**9. Minutes: August 30, 2023.**

**MOTION:** Commissioner Fralish motioned we approve the minutes from 8.30.23.

**SECOND:** The motion was seconded by Commissioner Farrar.

**VOTE:** Chairman Farrar called for a vote:

- Commissioner Farrar - Aye
- Commissioner Palmer - Aye
- Commissioner Fralish - Aye
- Chairman Farrar - Aye

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 Farrar called for a vote:

- Commissioner Farrar - Aye
- Commissioner Palmer - Aye
- Commissioner Fralish - Aye
- Chairman Farrar - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:12 p.m.



**APPLE VALLEY PLANNING COMMISSION PUBLIC  
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**MINUTES**

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

Approved BY: \_\_\_\_\_

Chairman | Michael Farrar

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

Town Clerk/Recorder | Jenna Vizcardo

DRAFT