SPECIAL TOWN COUNCIL - HEARING NOTICE FOR MUNICIPAL DISCONNECTION REQUESTS

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 30, 2024 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Town Council of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, October 30, 2024** at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Request for Disconnection #1 (~981 acres), Gooseberry Springs Ranch, LLC.
2. Request for Disconnection #2 (3,357 acres), Redstone at Canaan, LLC,.

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

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website http://pmn.utah.gov, and the Town Website www.applevalleyut.gov on the 2nd day of October, 2024.

Dated this 2nd day of October, 2024

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR

2150 SOUTH 1300 EAST, FIFTH FLOOR

SALT LAKE CITY, UTAH 84106

TELEPHONE (801) 328-1400

BBAIRD@DIFFICULTDIRT.COM

September 17, 2024

VIA EMAIL ONLY

Hon. Michael Farrar, Mayor
mayor@applevalleyut.gov

Hon. Kevin Sair, Council Member
ksair@applevalleyut.gov

Hon. Janet Prentice, Council Member
jprentice@applevalleyut.gov

Hon. Annie Spendlove, Council Member
aspendlove@applevalleyut.gov

Hon. Scott Taylor, Council Member
staylor@applevalleyut.gov

Mr. Bradley Foster Farrar
Planning Commission Chair
bfarrar@applevalleyut.gov

Mr. Lee Fralish
Planning Commission Vice-Chair
lee@applevalleyut.gov

Ms. Becky Wood
Planning Commission Member
bwood@applevalleyut.gov

Mr. Richard Palmer
Planning Commission Member
rpalmer@applevalleyut.gov

Mr. Garth Hood
Planning Commission Member
ghood@applevalleyut.gov

Ms. Jenna Vizcardo, Clerk/Recorder
clerk@applevalleyut.gov

Mr. Heath H. Snow, Esq.
Snow Caldwell Beckstrom & Wilbanks
Heath@scbwlaw.com

Re: Request for Disconnection # 1 (~981 acres)
Gooseberry Springs Ranch, LLC and BLM

Dear Mayor Farrar, Members of the Town Council, Members of the Planning Commission, Clerk/Recorder Vizcardo and Town Attorney, Mr. Snow:

I am counsel for Gooseberry Springs Ranch, LLC ("Gooseberry Springs"). Gooseberry Springs owns approximately 739 acres of real property currently within the boundaries of the Town of Apple Valley (the "Town") described as Tax ID #s AV-2165, 2182, 2183-A, and 2184 ("Gooseberry Springs's Property"). The United States Bureau of Land Management owns 112 acres near Gooseberry Springs's Property. The total area subject to this request is, thus, approximately 981 acres ("Disconnection Properties").

Pursuant to Section 10-2-501, Utah Code Ann., Gooseberry Springs hereby requests that the Town disconnect the Disconnection Properties from its boundaries.

The address for Gooseberry Springs is 2120 South Cottonwood Canyon Road, Box 125, Holm, Utah 84718. Gooseberry Springs owns 100% of the privately owned property within the totality of the Disconnection Properties. This letter is countersigned by Mr. Travis Holm who is the Manager of Gooseberry Springs. This information satisfies the requirements of Section 10-2-501(2)(b)(i). Mr. Travis Holm is hereby designated as the person with authority to act on behalf of Gooseberry Springs at the address listed above. That information satisfies the requirements of Section 10-2-501(2)(b)(iv). Please direct any future correspondence regarding this matter to Mr. Holm and please copy me on all such correspondence.

Attached is a map of the proposed disconnection which satisfies the requirements of Section 10-2-501(2)(b)(iii).

The disconnection is proposed because the Town has shown itself to be completely dysfunctional and unable to manage the governance or development of almost literally anything and, especially, Gooseberry Springs's Property. Most recently, the Town has attempted to downzone essentially all of the properties within the boundaries of the Town in a way that is inconsistent with law and manifests and unbelievable arrogance of power. The Town has shown that Gooseberry Springs's Property cannot be reasonably be provided any municipal services by the Town. The Disconnection Property is all currently vacant land and much of it is owned by the BLM which requires no municipal services. The Disconnection Property, as disconnected, would be "viable" in that it would get the services that Washington County has previously provided. Justice and equity require the disconnection. The proposed disconnection will not leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years (which is obviously true as almost no such services have or will be provided). The proposed disconnection will not make it economically or practically unfeasible for the municipality to continue to function as a municipality (which is obviously true as the taxes generated for the Town by the Gooseberry Springs's Property are miniscule while the BLM properties are exempt from any such taxes at all). The proposed disconnection will not leave or create any islands or peninsulas of unincorporated territory.

Further, the proposed disconnection will have no adverse effect on: (a) the municipality or community as a whole; (b) adjoining property owners; (c) existing or projected streets or public ways (since there are none); (d) water mains and water services; (e) sewer mains and sewer services; (f) law enforcement; (g) zoning; or (h) other municipal services.

Simply put, if the Town does not allow the Disconnection Property to disconnect peacefully then Gooseberry Springs will file suit in District Court to force the

disconnection. The Town will lose that suit and the Disconnection Property will be disconnected but only after the Town has wasted a fortune on attorney's fees. Based on *Bluffdale Mountain Homes v Bluffdale City*, 2007 UT 57, I am about as certain of that outcome as I can possibly be. Gooseberry Springs does not want to litigate this matter but will do so if it has to.

Section 10-2-502.5 puts the onus for giving public notice of this Petition (and, also, of the public hearing on the Petition required by Section 10-2-502.5) on the Town. Section 10-2-501(4) allows the Town to bill the petitioner for the costs of that notice. Gooseberry Springs agrees to pay those actual and reasonable costs.

I look forward to coordinating with you for the hearing required by Section 10-2-502.5, Utah Code Ann. Please contact me if you have any questions.

Sincerely,

Bruce R. Baird

Gooseberry Springs Ranch, LLC

_____
By Mr. Travis Holm, its Manager

cc: Client

Mayor Farrar, Members of the Town Council, Members of the Planning Commission, Clerk/Recorder Vizcardo and Town Attorney, Mr. Snow
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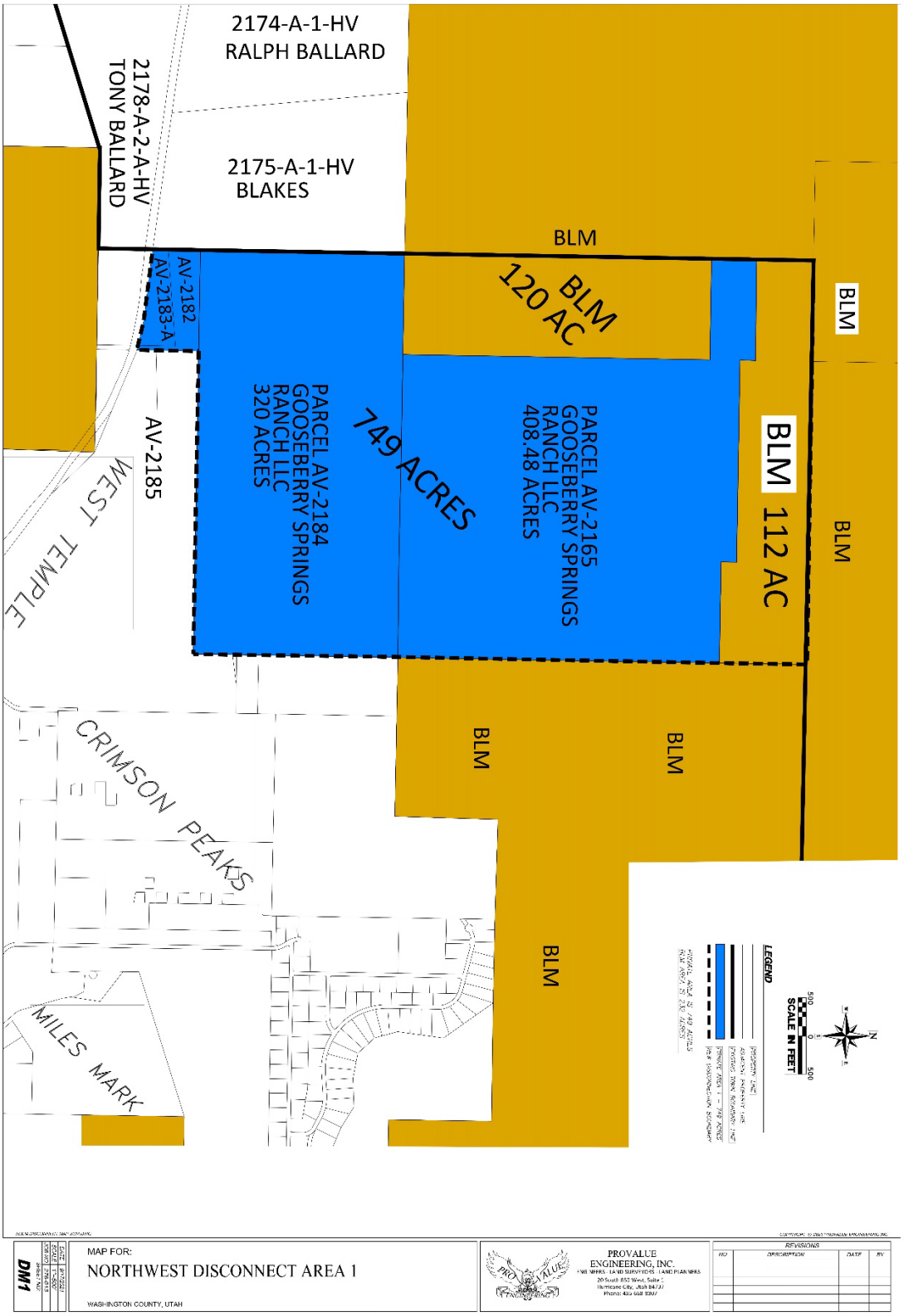

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Mr. Garth Hood
Planning Commission Member
ghood@applevalleyut.gov

Ms. Jenna Vizcardo, Clerk/Recorder
clerk@applevalleyut.gov

Mr. Heath H. Snow, Esq.
Snow Caldwell Beckstrom & Wilbanks
Heath@scbwlaw.com

Re: Request for Disconnection # 2 (3,357 acres)
Redstone at Canaan, LLC, Canaan Mountain Wilderness and BLM

Dear Mayor Farrar, Members of the Town Council, Members of the Planning Commission, Clerk/Recorder Vizcardo and Town Attorney, Mr. Snow:

I am counsel for Redstone at Canaan ("Redstone") owns approximately 1,160 acres of real property currently within the boundaries of the Town of Apple Valley ("Town") described as Tax ID #s AV- 1326, 1327, 1346, 1345, 1348-A, AV 1382-B, 1323-C, AV 1327-B ("Redstone's Property").

The United States Bureau of Land Management owns 240 acres near Redstone's Property. Also adjacent to Redstone's Property is approximately 1,957 acres which is a part of the Canaan Mountain Wilderness. The total area subject to this request is, thus, approximately 3,357 acres ("Disconnection Properties").

Pursuant to Section 10-2-501, Utah Code Ann., Redstone hereby requests that the Town disconnect the Disconnection Properties from its boundaries.

The address for Redstone is 2120 South Cottonwood Canyon Road, Box 125, Holm, Utah 84718. Redstone owns 100% of the privately owned property within the totality of the Disconnection Properties. This letter is countersigned by Mr. Travis Holm who is the Manager of Redstone. This information satisfies the requirements of Section 10-2-501(2)(b)(i). Mr. Travis Holm is hereby designated as the person with authority to act on behalf of Redstone at the address listed above. That information satisfies the requirements of Section 10-2-501(2)(b)(iv). Attached is a map of the proposed disconnection which satisfies the requirements of Section 10-2-501(2)(b)(iii).

The disconnection is proposed because the Town has shown itself to be completely dysfunctional and unable to manage the governance or development of almost literally anything and, especially, Redstone's Property. Most recently, the Town has attempted to downzone essentially all of the properties within the boundaries of the Town in a way that is inconsistent with law and manifests and unbelievable arrogance of power. The Town has shown that Redstone's Property cannot be reasonably be provided any municipal services by the Town. The Disconnection Property is all currently vacant land and much of it is owned by the BLM which requires no municipal services. The Disconnection Property, as disconnected, would be "viable" in that it would get the services that Washington County has previously provided. Justice and equity require the disconnection. The proposed disconnection will not leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years (which is obviously true as almost no such services have or will ever be provided). The proposed disconnection will not make it economically or practically unfeasible for the municipality to continue to function as a municipality (which is obviously true as the taxes generated for the Town by Redstone's Property are miniscule while the BLM properties are exempt from any such taxes at all). The proposed disconnection will not leave or create any islands or peninsulas of unincorporated territory.

Further, the proposed disconnection will have no adverse effect on: (a) the municipality or community as a whole; (b) adjoining property owners; (c) existing or projected streets or public ways (since there are none); (d) water mains and water services; (e) sewer mains and sewer services; (f) law enforcement; (g) zoning; or (h) other municipal services.

Simply put, if the Town does not allow the Disconnection Property to disconnect peacefully then Redstone will file suit in District Court to force the disconnection. The Town will lose that suit and the Disconnection Property will be disconnected but only after the Town has wasted a fortune on attorney's fees. Based on *Bluffdale Mountain Homes v Bluffdale City*, 2007 UT 57, I am about as certain of that outcome as I can possibly be. Redstone does not want to litigate this matter but will do so if it has to.

Section 10-2-502.5 puts the onus for giving public notice of this Petition (and, also, of the public hearing on the Petition required by Section 10-2-502.5) on the Town. Section 10-2-501(4) allows the Town to bill the petitioner for the costs of that notice. Redstone agrees to pay those actual and reasonable costs.

Please direct any future correspondence regarding this matter to Mr. Holm and please copy me on all such correspondence.

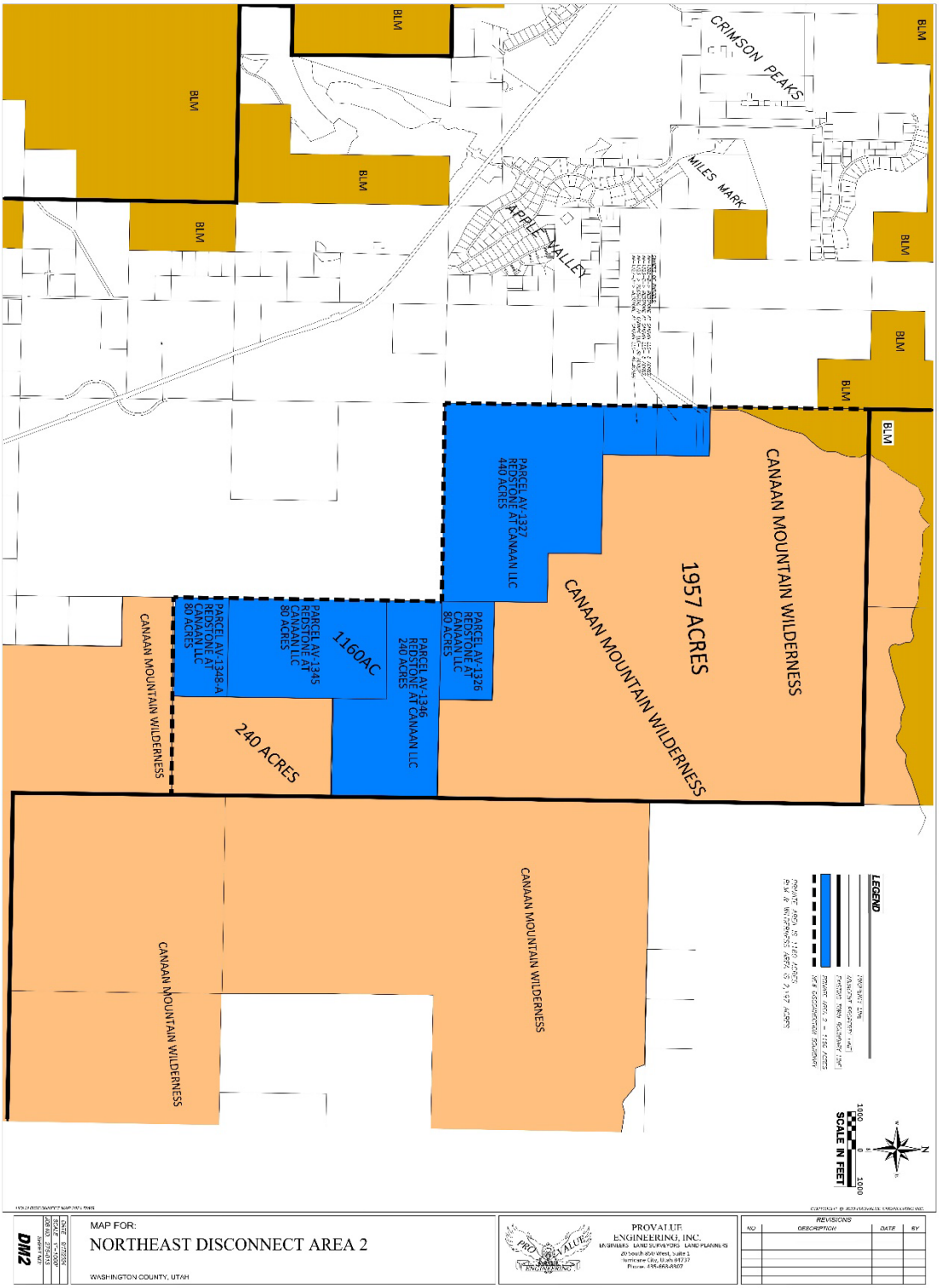
I look forward to coordinating with you for the hearing required by Section 10-2-502.5, Utah Code Ann. Please contact me if you have any questions.

Sincerely,

Bruce R. Baird

Redstone

_____
By Mr. Travis Holm, their Manager

cc: Client

Mayor Farrar, Members of the Town Council, Members of the Planning Commission, Clerk/Recorder Vizcardo and Town Attorney, Mr. Snow
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