



TOWN COUNCIL HEARING AND MEETING-

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 23, 2024 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, October 23, 2024**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Michael Farrar

Council Members | Kevin Sair | Janet Prentice | Annie Spendlove | Scott Taylor

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/82661513795>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 826 6151 3795

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

PUBLIC HEARING

1. Amend Title 7.10.060 Establishment Of Residential Fees And Billing (Paperless Billing Credit), Ordinance O-2024-72.
2. Amend Title 12.02 Building Codes, Ordinance O-2024-73.
3. Amend Title 5.04 Business Licenses Generally, Ordinance O-2024-76.

DISCUSSION AND ACTION

- [4.](#) Ordinance O-2024-83, Granting An Electric Utility Franchise And General Utility Easement To Rocky Mountain Power.
5. Approval for the Big Plains Water Special Service District to deed parcel AV-1366-A-8-C back to the Town of Apple Valley for the establishment of a Cedar Point Fire Station.
- [6.](#) Ordinance O-2024-72, Amend Title 7.10.060 Establishment Of Residential Fees And Billing (Paperless Billing Credit).
- [7.](#) Ordinance O-2024-73, Amend Title 12.02 Building Codes.
- [8.](#) Ordinance O-2024-76, Amend Title 5.04 Business Licenses Generally, Ordinance O-2024-76.
- [9.](#) Ordinance O-2024-71, Repeal Title 10.42 Controlled Growth Management Plan.
*Planning Commission recommended approval on October 16, 2024.
- [10.](#) Ordinance O-2024-74, Amend Title 10.10.020 A Agricultural Zone.
*Planning Commission recommended approval on October 16, 2024.
- [11.](#) Ordinance O-2024-75, Amend Title 10.22.090 Unlawful Signs, Removal, And Indemnification.
*Planning Commission recommended approval on October 16, 2024.

- [12.](#) Resolution R-2024-37, Authorizing the Lease of Town-Owned Land to the Grassroots Garden Committee.
- [13.](#) Contract renewal annually with Civic Plus formerly Municode.
14. Attorney Engagement Scope.
*Tabled from September 25, 2024 Town Council Meeting.
- [15.](#) Ordinance O-2024-77, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-2-A. Applicant: The Little Creek Living Trust Dated April 28, 2024.
*Planning Commission recommended approval on October 2, 2024.
- [16.](#) Ordinance O-2024-78, Zone Change Application from Open Space Transition and Agricultural (A-40) to A-X Agricultural Zone for parcels: AV-1350-A, AV-1344, AV-1351-A-1. Applicant: Sup I, II , III, LLC.
*Planning Commission recommended approval on October 2, 2024.
- [17.](#) Ordinance O-2024-79, Zone Change Application from Planned Development to A-X Agricultural Zone for parcel: AV-JHLS-1. Applicant: Darcy Anne Pauken.
*Planning Commission recommended approval on October 2, 2024.
- [18.](#) Ordinance O-2024-80, Zone Change Application from Rural Estates 20 Acres to A-X Agricultural Zone for parcel: AV-1376-F. Applicant: Barbara and Steven Hayden TRS.
*Planning Commission recommended approval on October 2, 2024.
- [19.](#) Ordinance O-2024-81, Zone Change Application from Rural Estates 20 Acres to A-X Agricultural Zone for parcel: AV-1376-E. Applicant: Paul and Kathleen Hansen TRS.
*Planning Commission recommended approval on October 2, 2024.
- [20.](#) Ordinance O-2024-82, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1372-C. Applicant: Richard and Brittany Fischer.
*Planning Commission recommended approval on October 2, 2024.

CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- [21.](#) Disbursement Listing for September 2024.
- [22.](#) Budget Report for Fiscal Year 2025 through September 2024.
- [23.](#) Minutes: September 12, 2024 - Special Town Council Work Meeting.
- [24.](#) Minutes: September 25, 2024 - Town Council Meeting.

MAYOR'S TOWN UPDATE

- [25.](#) Lot Split Application_AV-1365-O_Jonathan J George.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION: IF NECESSARY

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.

TOWN OF APPLE VALLEY
ORDINANCE O-2024-82

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1372-C FROM OPEN SPACE
TRANSITION ZONE (OST) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification of parcel AV-1372-C from Open Space Transition Zone (OST) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-1372-C is changed from Open Space Transition Zone (OST) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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

ORDINANCE NO. 2005-3-O

AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE AND
GENERAL UTILITY EASEMENT TO PACIFICORP

Be it ordained by the Legislative Body of the Township of Apple Valley, Utah as follows:

1. Statutory Authority
2. Purpose
3. Findings
4. Grant of Franchise and General Utility Easement
5. Term
6. Acceptance by PacifiCorp
7. Non-Exclusive Franchise
8. Apple Valley Regulatory Authority
9. Indemnification
10. Annexation
11. Plan, Design, Construction and Installation of Company Facilities
12. Relocations of Electric Facilities
13. Subdivision Plat Notification
14. Trees and Trimming
15. Renewal
16. No Waiver
17. Transfer of Franchise
18. Amendment
19. Non-Contestability - Breach of Contract
20. Notices
21. Severability
22. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 10-3-701, 10-3-702, 10-1-302 (6) and 10-8-21(1953, as amended).

2. Purpose.

The purpose of this ordinance is to grant to PacifiCorp, an Oregon corporation, d.b.a. Utah Power ('PacifiCorp'), a non-exclusive franchise granting to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances in, under, along, over and across the public ways within the Township of Apple Valley, for the purpose of supplying and transmitting electrical power and energy to the inhabitants of the Township of Apple Valley ('Apple Valley'), subject to the terms and restrictions contained therein, being granted by Apple Valley.

3. Findings.

A. Apple Valley was incorporated by the State of Utah on the 14th day of October 2004.

B. PacifiCorp is a regulated public utility that provides electric power and energy to the citizens of Apple Valley and other surrounding areas.

C. Providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of Apple Valley.

D. Apple Valley has the authority, pursuant to the provisions of Utah Code Annotated, § 10-8-21 (1953, as amended) to regulate power line facilities within the public ways and to grant to PacifiCorp a general utility easement for the use thereof.

E. It is in the best interest of the residents of Apple Valley that Apple Valley set forth the terms and conditions by which PacifiCorp shall use the public ways of Apple Valley.

4. Grant of Franchise and General Utility Easement.

Apple Valley hereby grants to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as "Public Ways") within Apple Valley, for the purpose of supplying and transmitting electric power and energy to the inhabitants of Apple Valley and persons and corporations beyond the limits thereof.

5. Term.

The term of this Franchise and General Utility Easement is for ten (10) years commencing on the date of acceptance by the Company as set forth in Section 6 below.

6. Acceptance by PacifiCorp.

Within sixty (60) days after the passage of this ordinance by Apple Valley, PacifiCorp shall file an unqualified written acceptance thereof, with Apple Valley Clerk, otherwise the ordinance and the rights granted herein shall be null and void.

7. Non-Exclusive Franchise.

The right to use and occupy the Public Ways of Apple Valley shall be nonexclusive and Apple Valley reserves the right to use the Public Ways for itself or any other entity that provides utility service to Apple Valley residences; provided, however, that such use shall not unreasonably interfere with PacifiCorp's Electric Facilities or PacifiCorp's rights as granted herein.

8. Apple Valley Regulatory Authority.

In addition to the provision herein contained, Apple Valley reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or Apple Valley Ordinance.

9. Indemnification.

Apple Valley shall in no way be liable or responsible for any loss or damage to property or any injury to, or death of, any person that may occur in the construction, operation or maintenance by PacifiCorp of its Electric Facilities. PacifiCorp shall indemnify, defend and hold Apple Valley harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of PacifiCorp's use of the Public Ways within Apple Valley, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. Apple Valley shall: (a) give prompt written notice to PacifiCorp of any claim, demand or lien with respect to which Apple Valley seeks indemnification hereunder; and (b) unless in Apple Valley's judgment a conflict of interest exists between Apple Valley and PacifiCorp with respect to such claim, demand or lien, permit PacifiCorp to assume the defense of such claim, demand, or lien with counsel satisfactory to Apple Valley. If such defense is not assumed by PacifiCorp, PacifiCorp shall not be subject to liability for any settlement made without its consent, which consent shall not be unreasonably withheld. Notwithstanding any provision hereof to the contrary, PacifiCorp shall not be obligated to indemnify, defend or hold Apple Valley harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of Apple Valley or any of its officers or employees.

10. Annexation.

A. Extension of Apple Valley Limits. Upon the annexation of any territory to Apple Valley, the rights granted herein shall extend to the annexed territory to the extent Apple Valley has such authority. All Electrical Facilities owned, maintained, or operated by PacifiCorp located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

B. Notice of Annexation. When any territory is approved for annexation to Apple Valley, Apple Valley shall, not later than ten (10) working days after passage of an

ordinance approving the proposed annexation, provide by certified mail to the Grantee: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of Apple Valley's ordinance approving the proposed annexation. The notice shall be mailed to:

PacifiCorp Customer Contact Center
P.O. Box 400
Portland, Oregon 97202-0400

With a copy to:

PacifiCorp
Attn: Office of the General Counsel
201 South Main Street, Suite 2200
Salt Lake Apple Valley, UT 84111

11. Plan, Design, Construction and Installation of Company Facilities.

A. All Electric Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and Apple Valley laws, codes and regulations.

B. Except in the case of an emergency, PacifiCorp shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from Apple Valley which permit shall not be unreasonably withheld, conditioned, or delayed. PacifiCorp will abide by all applicable ordinances and all reasonable rules, regulations and requirements of Apple Valley, and Apple Valley may inspect the manner of such work and require remedies as may be necessary to assure compliance. Notwithstanding the foregoing, PacifiCorp shall not be obligated to obtain a permit to perform emergency repairs.

C. All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of Apple Valley and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of Apple Valley.

D. If, during the course of work on its Electrical Facilities, PacifiCorp causes damage to or alters the Public Way, public property, or private property, including, but not limited to, any street or dedicated easement or sewer, electric facility, water main, fire alarm, police communication or traffic control, PacifiCorp shall (at its own cost and expense and in a manner approved by Apple Valley) replace and restore it in as good a condition as existed before the work commenced.

E. In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, PacifiCorp shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by Apple Valley ordinance.

F. Apple Valley shall have the right without cost to use all poles and suitable overhead structures owned by PacifiCorp within Public Ways for Apple Valley wires used in connection with its fire alarms, police signal systems, or other communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by Apple Valley for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that PacifiCorp shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by Apple Valley shall be in such a manner as to prevent safety hazards or interferences with PacifiCorp's use of same. Nothing herein shall be construed to require PacifiCorp to increase pole size, or alter the manner in which PacifiCorp attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. Apple Valley attachments shall be installed and maintained in accordance with the reasonable requirements of PacifiCorp and the current addition of the National Electrical Safety Code pertaining to such construction. Further, Apple Valley attachments shall be attached or installed only after written approval by PacifiCorp, which approval shall not be unreasonably withheld.

G. PacifiCorp shall have the right to excavate the Public Ways subject to reasonable conditions and requirements of Apple Valley. Before installing new underground conduits or replacing existing underground conduits, PacifiCorp shall first notify Apple Valley of such work and shall allow Apple Valley, at its own expense, to share the trench of PacifiCorp to lay its own conduit therein, provided that such action by Apple Valley will not unreasonably interfere with PacifiCorp's Electric Facilities or delay project completion.

H. Before commencing any street improvements or other work within a Public Way that may affect PacifiCorp's Electric Facilities, Apple Valley shall notify PacifiCorp.

12. Relocations of Electric Facilities.

A. Apple Valley reserves the right to require PacifiCorp to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to Apple Valley. Within a reasonable period of time after written notice, PacifiCorp shall promptly commence and complete the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, Apple Valley shall, with the assistance and consent of PacifiCorp, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of Apple Valley. Apple Valley shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of PacifiCorp to obtain reimbursement.

B. PacifiCorp shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the

area, or is made for the convenience of a customer, PacifiCorp may charge the expense of removal or relocation to the developer or customer. For example, PacifiCorp shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition or caused by a private development.

13. Subdivision Plat Notification.

Before Apple Valley approves any new subdivision, Apple Valley shall submit the plat for review to PacifiCorp. Upon approval of the plat, Apple Valley shall mail notification of such approval and a copy of the plat to PacifiCorp:

Utah Power
455 N Old Highway 91
Hurricane, UT 84737

14. Trees and Trimming.

Prior to removing, trimming, cutting and/or pruning any trees, shrubs, or vegetation in a Public Way that interferes with PacifiCorp's Electrical Facilities, PacifiCorp shall obtain Apple Valley's permission, which permission shall not be unreasonably withheld. PacifiCorp shall comply with all Apple Valley ordinances or regulations regarding the removing, trimming, cutting and/or pruning of trees, shrubs, or vegetation in Apple Valley Public Ways.

15. Renewal.

At least 120 days prior to the expiration of this Franchise, PacifiCorp and Apple Valley shall agree to either extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise.

16. No Waiver.

Neither Apple Valley nor PacifiCorp shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

17. Transfer of Franchise.

PacifiCorp shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, unless Apple Valley shall first give its approval in writing, which approval shall not be unreasonably withheld; provided, however, inclusion of this Franchise as property subject to the lien of PacifiCorp's mortgage(s) shall not constitute a transfer or assignment.

18. Amendment.

At any time during the term of this Franchise, Apple Valley through its Town Council, or PacifiCorp may propose amendments to this Franchise by giving thirty (30) days written notice to the other of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by Apple Valley and PacifiCorp and formally adopted as an ordinance amendment.

19. Non-Contestability - Breach of Contract.

A. Neither Apple Valley nor PacifiCorp will take any action for the purpose of securing modification of this Franchise before either the Public Service Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve difference in interpretation of the Franchise nor shall PacifiCorp be precluded from seeking relief from the Courts in the event Public Service Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

B. In the event PacifiCorp or Apple Valley fails to fulfill any of their respective obligations under this Franchise, Apple Valley, or PacifiCorp, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

20. Notices.

Unless otherwise specified herein, all notices from PacifiCorp to Apple Valley pursuant to or concerning this Franchise shall be delivered to Apple Valley Clerk's Office, or home, if the Apple Valley Clerk does not have an office. Unless otherwise specified herein, all notices from Apple Valley to PacifiCorp pursuant to or concerning this Franchise shall be delivered to the Executive Vice President of Utah Power & Light Company at 201 South Main, 23rd Floor, Salt Lake City, Utah 84111 and such other office as PacifiCorp may advise Apple Valley of by written notice.

21. Severability.

If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

23. Effective Date.

This ordinance takes effect ten (10) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the Town Clerk and a complete copy of the Ordinance shall be posted in three (3) public places within the boundaries of Apple Valley as required by law.

APPROVED AND ADOPTED this 3rd day of March 2005.

APPLE VALLEY TOWNSHIP


MARY REEP
Mayor

ATTEST:


ALICE BAUGH
Apple Valley Clerk

Council Member Evan Brown voted AYE
Council Member Kathy Pugmire voted AYE
Council Member Jan Hirschi voted AYE
Council Member Dale Kingsley voted AYE
Mayor Mary Reep voted AYE



March 30, 2005

To the Honorable Mayor and
City Council
Apple Valley, Utah

Gentlemen/Ladies:

PacifiCorp, doing business as Utah Power, hereby accepts the ordinance passed by
your Honorable Body on the 3rd of March, 2005, entitled:

"AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE
AND GENERAL UTILITY EASEMENT TO PACIFICORP"

according to all its terms and conditions and files this, its written acceptance, in
accordance with the requirements of said ordinance.

Very truly yours,

PACIFICORP, doing business as
UTAH POWER

By A. Richard Walje
A. Richard Walje
Executive Vice President

WITNESS:

Julie K. Blair



36 USC 220506
Proud Sponsor of the
2002/2004 U.S. Olympic Games

**APPLE VALLEY
ORDINANCE O-2024-72**

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

SECTION 1: AMENDMENT “7.10.060 Establishment Of Residential Fees And Billing” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

7.10.060 Establishment Of Residential Fees And Billing

A. There is hereby established a monthly residential waste collection and disposal fee for each residence or residential unit in Town, which shall include the following amounts:

1. The amount to be paid to Republic in the amount of \$6.90 per month per residence, which shall be subject to an annual increase of 2.5%; and
2. The amount to be paid to the District for administrative costs and expenses in the amount of \$4.45 per month per residence, which shall be subject to an annual increase of ten cents (\$.10); and
3. Paperless Billing-Each customer using the paperless billing option to receive their solid waste bill will receive a \$1.50 credit on their monthly bill. Customers billed by the town on behalf of another entity will receive the paperless billing credit for their monthly billing even if they do not have solid waste service. The credit will only be applied once per invoice, per month. This credit is available only to residents and businesses of the Town, no vendors outside of town may receive the credit.

~~3.4.~~ Such amount as may be established from time to time by resolution of the Town Council for administrative costs and expenses incurred by Town in billing and collection.

B. The residential fee established hereby for basic collection service is for the availability of service provided by Town through the District and its authorized agent, Republic, and said fee shall be due and owing when service is available, regardless of whether said service is actually utilized.

C. Fees for residential waste collection and disposal services provided by Town shall be paid on a monthly basis, and shall be included in any billing for other municipal services supplied by Town. Payments for residential waste collection and disposal services not received on or before the last day of the month following the month for which services were provided shall be deemed delinquent and shall thereafter bear interest at the rate of 5 per cent per month until paid in full, and shall be subject to all collection practices or procedures as may be established

from time to time by ordinance.

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-73**

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

SECTION 1: **AMENDMENT** “12.02 Building Codes” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.02 Building Codes

Section 1. Adoption of IRC Section R319.1 The Town of Apple Valley hereby adopts and enacts Section R319.1 of the 2021 International Residential Code, which establishes standards for the identification of addresses on residential buildings. Section 2. Address Identification Requirements 1. Display of Address:

- All residential buildings within the Town shall have their addresses clearly displayed on the property.
- Addresses must be visible from the street and positioned to be easily read from a distance.

2. Size and Contrast:

- Address numbers shall be a minimum of four (4) inches in height.
- The numbers must be in a contrasting color to the background for improved visibility.

3. Location:

- Address identification shall be placed near the front entrance of the building or at the edge of the property facing the street.
- In cases where the building is not directly adjacent to the street, additional identification may be required at the driveway entrance.

4. Materials:

- Address numbers should be made of durable materials suitable for outdoor exposure, ensuring longevity and visibility in various weather conditions.

Section 3. Enforcement and Compliance

1. Inspections:

- The Building Inspector shall verify compliance with these address identification

requirements during building inspections.

2. Penalties:

- Failure to comply with this ordinance may result in penalties as established by the Town Council.

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-76**

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

SECTION 1: **AMENDMENT** “5.04.040 Unlawful To Operate Without A License” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.04.040 Unlawful To Operate Without A License

Unless exempted by state, federal or local law, it shall be unlawful for any person to engage in business or work within the town, regardless of business address whether on a temporary or permanent basis, without first procuring the Apple Valley Business ~~L~~License required by this Chapter. All licenses issued under the provisions of this Chapter are non-transferable and expire on December 31st of each year.

SECTION 2: **AMENDMENT** “5.04.010 Purpose” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.04.010 Purpose

The purpose of this Chapter is to enact an Apple Valley ~~B~~Business ~~L~~License fee structure and schedule consistent with state law.

SECTION 3: **AMENDMENT** “5.04.060 License Application” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.04.060 License Application

Applications for Apple Valley business licenses shall be made in writing to the Town Clerk, or his or her designee. Each application shall state the name of the applicant, the location of the

business, if any, the fee to be paid, the name and address of the business agent residing in the town who is authorized to receive service of process and any communication regarding the applicant's license, state sales tax reporting number, state contractor's license number, if applicable, and state real estate broker's license number. if applicable, and shall contain such additional information as may be needed for the purpose of issuing the license. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the mayor, or his or her designee.

SECTION 4: **AMENDMENT** “5.04.070 Application Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.070 Application Fee

The applicant must include the fee designated on the Apple Valley Business License Fee Schedule with his or her completed application.

SECTION 5: **AMENDMENT** “5.04.080 Refund Of Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.080 Refund Of Fee

Unless otherwise provided herein, no Apple Valley business license fee is refundable for any reason whatsoever, once the license has been issued. If a license is denied, the applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00), which shall be retained to offset application processing costs.

SECTION 6: **AMENDMENT** “5.04.100 Inspections For Code Compliance/Notice Of Infraction License Revocation” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.100 Inspections For Code Compliance/Notice Of Infraction License Revocation

Prior to the issuance of a license to engage in a business not previously licensed at that

location, or a business with a change of location, the applicant shall permit inspection of the prospective place of business to ensure compliance with building, fire, and health codes. Businesses licensed within the Town may be inspected periodically for compliance with building, fire, and health codes. Failure to comply with town codes may result in revocation of the Apple Valley business license.

SECTION 7: **AMENDMENT** “5.04.160 Duty To Display License” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.160 Duty To Display License

Every licensee keep his/her Apple Valley business license displayed and exhibited in a conspicuous place within the Business while the license is in force. Every licensee that does not have a fixed place of Business shall carry such license with him at all times while carrying on the Business for which the license is issued and shall produce the license for inspection when requested to do so.

SECTION 8: **AMENDMENT** “5.04.170 Branch Establishments” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.170 Branch Establishments

A separate Apple Valley business license must be obtained for each branch establishment or separate location in which business is engaged in, within the town, as if such branch establishment or location were a separate business. Each license authorizes the licensee to engage only in the business licensed at the location and in the manner designated in such license.

SECTION 9: **AMENDMENT** “5.04.180 Separate Businesses, Licensed Premises” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.180 Separate Businesses, Licensed Premises

Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate Apple Valley business license for each such business and must pay the required license fee for such business.

SECTION 10: **AMENDMENT** “5.04.200 Exceptions To The Business License Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.200 Exceptions To The Business License Fee

No Apple Valley business license fee shall be imposed under this section upon the following persons or businesses:

- A. Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
- B. Any insurance company or agent, for so long as state law exempts them;
- C. Any contractor holding a valid license issued by the local jurisdiction in which the licensee has its principal place of business, and by the state under Utah Code 58-55 Part 3. Such contractor must be able to present his state contractor license and valid business license to any authority or client upon request. It shall be unlawful for any person to conduct business within the town as a contractor without holding a valid state contractor license qualifying the licensee for the type of work to be done or without holding a valid business license in the entity where the principal business office is located.
- D. Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business;
- E. Any tow truck motor carrier holding a valid business license to perform tow truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the town.
- F. Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of the town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- G. Any person who sells his/her own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year;

- H. Any person selling surplus household goods or furnishings at a private residence in the garage or yard, if such garage sale is held no more frequently than three (3) days in any one calendar quarter at the same residence.
- I. Any person engaged in agriculture.
- J. Any person engaged in a business in conjunction with an event sponsored by Apple Valley, where a booth or space is rented from the town. In such case, the business license fee shall be considered included in the booth or space rental fee.

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

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.

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-71**

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

SECTION 1: **REPEAL** “10.42.1 Purpose Of Chapter” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.1 Purpose Of Chapter

~~The purpose of this Chapter is to control the rate and distribution of residential development on a year-to-year basis in the interest of advancing the public welfare by ensuring that the Town is maintained as a healthy, spacious, clean, well balanced, carefully controlled community primarily by preserving its small town atmosphere and character and avoidance of uncontrolled and rapid growth and to accomplish that purpose by:~~

- ~~A. Maintaining the Town separate and distinct geographically from other communities;~~
- ~~B. Emphasizing the preservation of existing open spaces and agricultural land;~~
- ~~C. Maintaining a balance and mix of housing and building types and values and thus providing a range of prices and rents in order to accommodate a variety of housing needs;~~
- ~~D. Providing and maintaining parks and recreational areas; and~~
- ~~E. Maintaining and augmenting as needed public utilities and services without detriment to existing dwellings.~~

SECTION 2: **REPEAL** “10.42.2 Definitions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.2 Definitions

~~All terms used in this Chapter are intended to have standard definitions, meanings and connotations, and are intended to be consonant with the meanings ascribed to them in other chapters of this Code, but unless otherwise required by the context, the following terms shall have the specific meanings stated in this Section:~~

~~ALLOTMENT: The assignment or grant by the Town Council of a share or portion of the aggregate number of dwelling units permitted to be constructed in any designated construction year, pursuant to the provisions of this Chapter.~~

~~CONSTRUCTION YEAR: A period of time consisting of one year commencing at the date the Town Council passes this ordinance.~~

~~DEVELOP: To construct a dwelling or alter a dwelling so that an increase in the number of dwellings results.~~

~~DEVELOPER: The legal or beneficial owners of real property proposed as a development or project in which one or more dwellings are constructed by the same contractor, person or entity for the sale to or use of persons or entities other than the legal or beneficial owner of the real property.~~

~~DEVELOPMENT: The act of developing a lot or subdividing a parcel of land for residential development.~~

~~DEVELOPMENT CONTROL PLAN: The scheme, program or method provided in this Chapter for construction of a dwelling.~~

~~DWELLING OR UNIT: A building, or portion thereof, designed or intended to be used exclusively for residential purposes, including "single-family", "two-family", and "multiple-family dwellings". Each dwelling is a unit.~~

~~ENTITY: A distinct unit other than a natural person, such as a partnership, corporation, limited liability company or any other type of organization.~~

~~EXCEPTION: Developments not subject to this Chapter.~~

~~LEAPFROG DEVELOPMENTS: Development of a tract of land which is separated from developed land by one or more undeveloped tracts, requiring extension of the Town's utility services and facilities beyond planned augmentation.~~

~~LOT: Any lot, parcel, tract of land, or combination thereof, shown on a plot of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Title, and having its principle frontage upon a street or upon an officially approved place.~~

~~OWNER/BUILDER: A person or entity, who is the owner of record of real property, and proposes to construct or constructs a single-family dwelling on that real property for the~~

~~occupancy and use of that person or entity.~~

~~PARCEL: Any real property improved or unimproved or portions thereof shown on the preceding tax roll as a unit or as continuous units, which is subject to or may be divided for the purpose of sale, lease or transfer of all or any part thereof, whether immediate or future, into two (2) or less lots or parcels.~~

SECTION 3: **REPEAL** “10.42.3 Initial Construction Year” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.3 Initial Construction Year

~~The initial construction year shall be the fiscal year beginning at the date the Town Council passes this ordinance.~~

SECTION 4: **REPEAL** “10.42.4 Applicability” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.4 Applicability

~~The provisions of this Chapter shall apply to the development of all lots, and houses within the Town limits.~~

SECTION 5: **REPEAL** “10.42.5 Development Allotments Required” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.5 Development Allotments Required

~~Notwithstanding the provisions of any other ordinance or resolution, no dwelling shall be constructed, and no building permit shall be issued, unless an allotment, if required, has been~~

~~obtained therefore in accordance with this Chapter.~~

SECTION 6: **REPEAL** “10.42.6 Number Of Allotments For Construction Year” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

10.42.6 Number Of Allotments For Construction Year

~~A. The total number of allotments for dwellings for each construction year shall be limited to twenty (20) dwellings.~~

SECTION 7: **REPEAL** “10.42.7 Reservation For Future Year Allotments” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

10.42.7 Reservation For Future Year Allotments

~~The commitment of the Town Council to grant future allotments (reservations) for dwellings to developers is limited to a total of fifty percent (50%) of the allotments or ten (10) units for one (1) year beyond the current construction year. Applications for reservations will be reviewed by the Planning Commission at the time of current year allotments and awarded by the Town Council on the basis of the recommendation by the Planning Commission pursuant to Section 10.42.10 of this Chapter. Award of reservations shall be for a specific construction year(s) and constitute allotments only for that construction year(s). Reservations are subject to cancellation by the Town Council for any reason the Town Council sees fit.~~

SECTION 8: **REPEAL** “10.42.8 Development Allotment Applications” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

10.42.8 Development Allotment Applications

~~An application for an allotment for dwelling(s) shall be made to the Planning Commission on a~~

~~Town application form and shall include the following documents:~~

~~A. Site utilization map, including:~~

- ~~1. Vicinity map to show the relationship of the surrounding areas and the Town which may consist of a small inset map; and~~
- ~~2. The site use layout map showing the extent, locations and type of proposed dwellings, the nature and extent of open space and any other proposed uses.~~

~~B. Site development plan showing:~~

- ~~1. Location of proposed building on lot or parcel;~~
- ~~2. Topography;~~
- ~~3. Lot or parcel size;~~
- ~~4. Existing and proposed building, trees, landscaping areas;~~
- ~~5. Street alignments showing coordination with the City street system; and~~
- ~~6. Open space, bicycle paths, equestrian trails or paths.~~

~~C. Preliminary architectural plans showing:~~

- ~~1. Typical architectural elevations;~~
- ~~2. Types and numbers of dwellings structure.~~

~~D. Public facilities plans showing:~~

- ~~1. Needed public facilities to be provided, if any, such as critical linkages to the major street system, schools; or~~
- ~~2. Other vital public facilities as identified by the Master Plan, capital improvement program or special facilities plan.~~

~~E. Development schedule showing:~~

- ~~1. Proposed calendar schedule of development including phasing, if any;~~
- ~~2. All applicable processes such as tentative and final subdivision maps, prezoning or rezoning, site design review and similar matters.~~

~~F. Financial information schedule showing financial information sufficient to enable the Town to determine if the developer is capable of undertaking and completing the development. Financial information may be submitted on a confidential basis to the Mayor.~~

~~G. Applications for required rezoning, rezoning or variances for the development must also be filed, and all filing fees shall be returned if allotments are not awarded.~~

~~H. Such other information as may be reasonably required by the Planning Commission.~~

SECTION 9: **REPEAL** “10.42.9 Planning Commission Evaluation” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.9 Planning Commission Evaluation

~~The Planning Commission shall determine whether the proposed development conforms to the development control plan and the provisions of this Title.~~

~~A. If the Planning Commission determines that a proposed development does not conform to the development control plan, the application shall be rejected. The applicant shall be given a written notice of such rejection within ten (10) days after the Commission's determination of the application.~~

~~B. The applicant may appeal the decision of the Planning Commission to the Town Council.~~

SECTION 10: **REPEAL** “10.42.10 Planning Commission Evaluation” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.10 Planning Commission Evaluation

~~Proposed developments determined by the Planning Commission or the Town Council to conform to the development control plan shall be evaluated and given a recommendation by the Planning Commission.~~

~~A. All applicants for allotments or their representatives must appear before the Planning~~

~~Commission at the meeting at which their application is being evaluated and rated:~~

~~B. Each proposed development shall be examined by the Planning Commission to determine its effect upon Town facilities and services. If the development is found to be inadequately served by public facilities or services, the application shall be rejected in writing and the reasons therefor.~~

~~C. A review of the applications by the Planning Commission shall consist of the following factors:~~

- ~~1. The capacity of the water system to provide for the requirements of the proposed development, without system extensions beyond those which the developer agrees to provide.~~
- ~~2. The capacity of the sewer system to handle the wastes of the proposed development without system extensions beyond those which the developer agrees to provide.~~
- ~~3. The capacity of the proposed drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer agrees to provide.~~
- ~~4. The ability of the fire and police departments to provide protection according to the response standards of the city without the necessity of establishing additional stations or equipment.~~
- ~~5. The capacity of major street linkages to provide for the traffic needs of the proposed development without substantially altering existing traffic patterns or overloading the existing street system and the availability of other public facilities (such as parks and playgrounds) to meet the additional demands for vital public services, without system extensions beyond those which the developer agrees to provide.~~

~~D. The town staff shall review the application with regard to architectural continuity and appropriateness of the area and other existing construction. This review will include, but is not limited to, color usage, landscaping, building placement and all other considerations as are deemed necessary to assure an overall conformance with purposes of this chapter.~~

~~E. The Planning Commission shall examine each application for dwellings and give a recommendation to the Town Council, who will make the final decision regarding the applicant's award of allotments.~~

SECTION 11: REPEAL “10.42.11 Award Of Allotments” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.11 Award Of Allotments

~~A. Following the recommendation from the Planning Commission, the Town Council shall review the application for the allotments and the Planning Commission's recommendation and make a decision.~~

~~B. Allotments shall not be awarded for more than five (5) dwellings for a single development in a construction year. A "single development" is defined to include two (2) or more real properties adjacent to each other and owned, legally or beneficially, by a person or entity, or any combination thereof, which has a common ownership interest, legal or beneficial, of more than ten percent (10%) in each such property. In addition, the developer(s) must demonstrate that the developments in question are distinct and separate from each other in terms of density, housing types and design. The developer(s) shall also have the burden of proof of establishing the absence of common owner legal or beneficial interests described herein, and that said proposed developments do not violate the intent of this section.~~

~~C. If an applicant desires reservation of future years' dwelling allotments, the applicant may apply to the Planning Commission for such reservations subject to sections 10.42.6 and 10.42.7 of this chapter. The reserved dwellings shall be considered allotments for the construction year for which the reservations are granted and subject to such other conditions as the Town Council may impose. No developer may obtain more than a total of five (5) dwelling units or reservations for dwellings or a combination thereof.~~

~~D. If no applicant is eligible for an allotment award, the available allotments shall be rescinded.~~

~~E. An application containing misleading, disguised, or erroneous information with an intent to circumvent this chapter shall be rejected.~~

SECTION 12: **REPEAL** "10.42.12 Appeals To Town Council" of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.12 Appeals To Town Council

~~The town clerk shall place the appeals to the Town Council on the agenda for the next regular Town Council meeting. The decision of the Town Council shall be final and conclusive. Following an appeal, an applicant may not apply again for a year unless there are substantial changes to the application.~~

SECTION 13: **REPEAL** “10.42.13 Review Of Progress” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.13 Review Of Progress

~~The Planning Commission and Planning Department shall review each proposed development having an allotment award to determine whether satisfactory progress is being made with the implementation of the approved plans. Allotments awarded will be automatically rescinded if the building permit for the proposed development expires, or if no building permit is applied for and issued within six months of the award of the allotments.~~

SECTION 14: **REPEAL** “10.42.14 Exceptions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.14 Exceptions

~~The following proposed developments are exempt from the provisions of this Chapter:~~

~~A. Dwellings proposed to be constructed for or constructed by owner/builders are exempt from the application and allotment process, but each such dwelling upon issuance of a building permit shall be counted as part of the total allotment awarded for the construction year involved. This exception shall be limited to one dwelling by each owner/builder for a three (3) year period commencing from the issuance of the building permit. Ten (10) allotments for dwellings shall be reserved for owner/builders for the first six (6) months of each construction year. The remainder of these ten (10) allotments, in the second half of the construction year, may be allotted to developers at Town Council's discretion. Owner/builder applications which exceed the ten (10) units reserved, or which are filed in the second half of the construction year, shall receive an allotment if any are available. If no allotments are available for that construction year, the owner/builder will receive a reservation for the next construction year.~~

SECTION 15: **REPEAL** “10.42.15 Severability” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

10.42.15 Severability

~~Should any word, phrase, paragraph or other portion of this Chapter be found by any competent judicial or other authority to be illegal or invalid, that portion shall be severed and the remainder of the Chapter will remain valid and in full force and effect.~~

SECTION 16: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 17: **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 18: **EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-74**

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

SECTION 1: **AMENDMENT** “10.10.020 A Agricultural Zone” of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.020 A Agricultural Zone

A. Purpose: The purpose of this zone is to preserve appropriate areas for permanent agricultural use, actively devoted to agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.

B. Permitted Uses: Uses permitted in this zone are as follows:

1. Crop production, horticulture and gardening
2. Farm buildings and uses
3. Household pets
4. Farming livestock
5. Stands for sale of produce grown and sold on premises
6. Veterinarian
7. Weaner Pigs
8. Residential Dwelling

C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:

1. Agritourism
2. Agricultural Industry
3. Animal Specialties
4. Kennel, Commercial
5. Metal Building
6. Recreation and Entertainment, Outdoor (A-10, A20, A-40 only)
7. Stable, Public

D. Any use not specifically allowed under permitted or conditional uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4.

E. Development Standards in Agricultural Zones:

	Zones				

Development Standard	A-X	A-40	A-20	A-10	A-5		
Lot standards							
Minimum lot area	Any Size above 5 acres*	40 acres*	20 acres*	10 acres*	5 acres*		
Minimum lot width	400 feet	400 feet	400 feet	300 feet	300 feet		
Building standards							
Maximum height, main building ¹	35 feet	35 feet	35 feet	35 feet	35 feet		
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet	35 feet		
Setback standards - front yard							
Any building ²	30 feet	30 feet	30 feet	30 feet	30 feet		
Setback standards - rear yard							
Main building	30 feet	30 feet	30 feet	30 feet	30 feet		
Accessory building	No requirement	No requirement	No requirement	No requirement	No requirement		
Setback standards - interior side yard							
Main building	15 feet	15 feet	15 feet	15 feet			
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement	No requirement		
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet	20 feet		
Setback standards - street side yard							
Main building		15 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet	20 feet		

Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
ADD Animals permitted					
*Required minimum size may be calculated prior to a required road dedication. **No more than one (1) primary home on a property.					

Notes:

F. Modifying Regulations:

1. Fur farms, silos, fish farms or the keeping of exotic animals may not be approved in the A-5 district.
2. Location of Corral or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit in an adjacent zone.
3. The housing of weaner pigs is subject to the following requirements:
 - a. "Weaner pigs" shall be defined as pigs that will be one year of age or less and do not weigh more than three hundred fifty (350) pounds at the end of the five (5) month period in which the weaner pig is kept.
 - b. Agricultural parcels adjacent to residential zoned parcels are not eligible for the raising of weaner pigs.
 - c. All weaner pigs shall be kept only during the months of December through April.
 - d. Setbacks for pens for weaner pigs shall be the same as required for other animals.
 - e. No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by the owner or keeper of the pig.
 - f. All pens shall be cleaned regularly, a minimum of three (3) times weekly.
 - g. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
4. 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.
5. 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.

6. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. On large lots 5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.
8. For a lot split on zone A-X, the landowner/applicant must apply for a zone change to match the new lot sizes that will be created if the new lots will be smaller than forty (40) acres. If the new lots created from the lot split are above 40 acres, the land may stay zoned A-X.

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2024-75**

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

SECTION 1: **AMENDMENT** “10.22.090 Unlawful Signs, Removal, And Indemnification” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.22.090 Unlawful Signs, Removal, And Indemnification

- A. Compliance with Code: All signs shall be maintained in good structural condition, in compliance with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the national electrical code and additional construction standards hereinafter set forth in this section.
- B. Abandoned Signs: Any sign, including all structural, support and other componential elements, which is located on a property, premises or structure which:
 - 1. Becomes vacant and unoccupied for a period of one hundred eighty (180) days or more,
 - 2. Pertains to a time, event or purpose which no longer applies, or
 - 3. Pertains to an occupant or business different from the resident occupant or business shall be deemed to have been abandoned. Abandoned signs shall be removed according to the provisions of this section.
- C. Dangerous or Defective Signs: No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Dangerous or defective signs shall be removed in accordance with this section.
- D. Unlawful Signs:
 - 1. Any sign displayed, erected, installed, suspended, attached, moved, enlarged, replaced, converted or altered after the effective date hereof, which does not comply with the provisions of this title, shall be deemed unlawful. Any work in progress on such sign shall be ordered by the planning commission or designee to cease immediately and said sign shall be removed in accordance with the provisions of this section.
 - 2. Signs which are not in compliance with this chapter and are therefore considered unlawful according to this section and which continue to be in noncompliance according to the provisions of these sign regulations, shall be deemed unlawful, and shall be removed according to the provisions of this section.
- E. Removal Of Signs: The ~~planning commission~~ code enforcement officer or designee

shall cause to be removed any sign not in compliance with safety or maintenance standards, abandoned signs, dangerous or defective signs, or unlawful signs. The planning commission or designee shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within fifteen (15) days, the sign shall be removed in accordance with the provisions of this section.

1. Notices: All notices shall be mailed by certified mail to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and shall be posted on said sign or on the premises.
2. Time Periods: Any time periods provided in this section shall be deemed to commence on the date of the certified mailing. If more than one notice is sent by certified mail, the date of the first notice mailed shall apply. Signs may be required to be removed as a condition of a conditional use permit without further notice.
3. Appeal: The sign owner or property owner on whose property the sign is located may appeal the determination ordering removal or compliance by filing a written notice of appeal with the planning commission within fifteen (15) days after mailing of the notice pursuant to this chapter.
4. Emergency Abatement: Notwithstanding the above, in cases of emergency, the planning commission or designee may cause the immediate removal of a dangerous or defective sign without notice.

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

TOWN OF APPLE VALLEY, UTAH

RESOLUTION R-2024-37

A RESOLUTION AUTHORIZING THE LEASE OF TOWN-OWNED LAND TO THE GRASSROOTS GARDEN COMMITTEE

WHEREAS, the Town Council recognizes the importance of promoting community-driven initiatives that enhance the well-being, sustainability, and environmental stewardship of the town;

WHEREAS, the Grassroots Garden Committee (the “Committee”) is a volunteer organization that seeks to establish a community garden to benefit residents through education, food production, and local engagement;

WHEREAS, the Committee has requested the lease of town-owned land located across (west) from the cemetery to establish and maintain a community garden;

WHEREAS, the Town Council supports initiatives that foster a sense of community, encourage healthy lifestyles, and promote sustainable use of land within the town;

WHEREAS, the lease of town-owned land to the Committee for \$1 per year reflects the Town Council’s support for community-led projects and represents the town’s investment in the long-term success of this initiative;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley, Utah, as follows:

Approval of Lease: The Town Council hereby approves the lease of the town-owned land located across (west) from the cemetery to the Grassroots Garden Committee for the purpose of establishing a community garden.

Term and Consideration: The lease shall be for a term of 5 years with an annual rental rate of \$1, symbolizing the town’s commitment to community-led initiatives.

Responsibilities of the Committee:

- a. The Committee shall be responsible for the maintenance and operation of the community garden, including the care of the leased land.
- b. The Committee shall ensure that all gardening activities comply with town ordinances and applicable state regulations.
- c. The Committee shall provide the town with annual updates on the garden's progress and community involvement.

Termination: The lease may be terminated by the Town of Apple Valley with 60 days’ written notice, if deemed necessary for the best interest of the town.

Effective Date: This Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Apple Valley Town Council this 23rd day of October, 2024, by the following vote:

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

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

Michael L. Farrar, Mayor

Jenna Vizcardo, Town Recorder



Item 13.

Invoice

Updated Remittance Address:
(FOR PAYMENTS ONLY)
CivicPlus LLC
PO Box 737311
Dallas TX 75373-7311

#318328

12/1/2024

PO #

Bill To

Accounts Payable
Apple Valley Utah
1777 N. Meadowlark Dr
Apple Valley Utah 84737

TOTAL DUE

\$2,186.63

Due Date: 12/31/2024

Terms	Due Date	PO #	Approving Authority
Net 30	12/31/2024		

Qty	Item	Start Date	End Date
1	Premium Web Open Subscription	12/1/2024	11/30/2025
1	Web Open Platform Migration	12/1/2024	11/30/2025

Total	\$2,186.63
-------	------------

Due	\$2,186.63
-----	------------

To pay your invoice with a credit card [Click Here](#).

Please submit payment via ACH using the details below. Please send notification of ACH transmission via email to remittance@civicplus.com. That address is not monitored for other inquiries or notifications. For any other invoice questions or information, please contact us at accounting@civicplus.com.

Bank Name	Account Name	Account Number	Routing Number
JPMorgan Chase	CivicPlus LLC	910320636	021000021



(Jenna) Town Clerk <clerk@applevalleyut.gov>

Fwd: CivicPlus Invoice – #318328

1 message

Michelle Kinney <mkinney@applevalleyut.gov>

Tue, Oct 1, 2024 at 12:17 PM

To: Town Clerk <clerk@applevalleyut.gov>, Town of Apple Valley <mayor@applevalleyut.gov>

This billing is a reminder that we have a contract renewal annually with Civic Plus formerly Municode. This contract is renewed yearly and must be approved by the council.

Please add to the next meeting for approval/denial.

Thanks.

Michelle Kinney

Town of Apple Valley

Big Plains Water Special Service District

Finance Director/ Deputy Clerk

435-877-1190

[1777 N Meadowlark Dr.](#)

[Apple Valley UT 84737](#)

----- Forwarded message -----

From: **CivicPlus Accounting** <accounting@civicplus.com>

Date: Tue, Oct 1, 2024 at 10:36 AM

Subject: CivicPlus Invoice – #318328

To: <accounting@applevalleyut.gov>

Valued Customer,

Your invoice is attached.

We are aware that invoices require approval in your organization, so we send renewal invoices 60 to 90 days early to help ensure they are paid timely. If you have any questions, please contact our CivicPlus Accounting team at accounting@civicplus.com or (888) 228-2233 x 291.

If a PO number is required on your invoice, please send it to accounting@civicplus.com.

For our most current W9, please click this link to take you to our website:

<https://www.civicplus.com/verify>

Remittance Address for Checks ONLY:

PO Box 737311

Dallas, TX 75373-7311

****Please include the invoice number on your check**

ACH/Wire Account Information:

JPMorgan Chase New York, NY 10017

Account #910320636

Bank Routing #021000021

**Please send remittance information to accounting@civicplus.com

Item 13.


Headquarters Address for ALL other documents:

302 S. 4th Street, STE 500
Manhattan, KS 66502

As always, thank you for being part of our CivicPlus Family,

CivicPlus Accounting Team



 **Invoice_318328_1727800586544.pdf**
45K

**TOWN OF APPLE VALLEY
ORDINANCE O-2024-77**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1354-NP-2-A FROM OPEN SPACE TRANSITION ZONE (OST) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley ("Town") has been petitioned for a change in the zoning classification of parcel AV-1354-NP-2-A from Open Space Transition Zone (OST) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town's General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-1354-NP-2-A is changed from Open Space Transition Zone (OST) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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



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

See Fee Schedule Page 2

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: The Little Creek Living Trust Dated April 28, 2021		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable) Sophia Daley		Phone: [REDACTED]	
Address/Location of Property: AV-1354-NP-2-A		Parcel ID: AV-1354-NP-2-A	
Existing Zone: OST		Proposed Zone: Agricultural AG-X	
For Planned Development Purposes: Acreage in Parcel 5 Acres		Acreage in Application 5 Acres	
Reason for the request Current farming, and possibly future residence			

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

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

Applicant Signature Sophia Daley		Date 8/16/24
Official Use Only	Amount Paid: \$	Receipt No:
Date Received: RECEIVED AUG 21 2024	Date Application Deemed Complete:	
By: [Signature]	By:	



C



DOC # 20240025902

Item 15.

Warranty Deed Page 1 of 2
 Gary Christensen Washington County Recorder
 08/16/2024 03:10:53 PM Fee \$ 40.00
 By THE LITTLE CREEK LIVING TRUST



WHEN RECORDED, MAIL DEED
 AND TAX NOTICES TO:
 The Little Creek Living Trust
 628 S. 700 W.
 Hurricane, UT 84737

Warranty Deed

Tax ID No. AV-1354-NP-2

Tax ID No. AV-1354-NP-7

Colton B. Winder, Tamara A. Winder, & Eliza Sophia J. Daley, Trustees of THE LITTLE CREEK LIVING TRUST DATED APRIL 28, 2021, Grantor, hereby Conveys and Warrants to Colton B. Winder, Tamara A. Winder, & Eliza Sophia J. Daley, Trustees of THE LITTLE CREEK LIVING TRUST DATED APRIL 28, 2021 or any amendments thereto, Grantee, the following described parcel of land in Washington County, State of Utah, to-wit:

(AV-1354-NP-2 and AV-1354-NP-7 combined description—single Tax ID No. to be assigned)
 BEGINNING AT A POINT ON THE WEST SIXTEENTH LINE, SAID POINT LIES SOUTH 00°02'12" EAST 417.42 FEET ALONG SAID WEST SIXTEENTH LINE FROM THE CENTER-WEST SIXTEENTH CORNER (NW COR, NE 1/4 SW 1/4) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 11 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°55'43" EAST 521.78 FEET; THENCE SOUTH 00°02'12" EAST 417.42 FEET; THENCE NORTH 89°55'43" WEST 521.78 FEET TO A POINT ON SAID WEST SIXTEENTH LINE; THENCE ALONG SAID WEST SIXTEENTH LINE NORTH 00°02'12" WEST 417.42 FEET TO THE POINT OF BEGINNING. CONTAINS 5.000 ACRES.

TOGETHER WITH all improvements and appurtenances there unto belonging.

SUBJECT TO easements, rights-of-way, restrictions, and reservations of record and those enforceable in law and equity.

IN WITNESS WHEREOF, said Grantor has caused their names to be hereunto affixed, this 16th day of August, A.D. 2024.

Colton B. Winder as Trustee
 Colton B. Winder, Trustee

Tamara A. Winder as Trustee
 Tamara A. Winder, Trustee

Eliza Sophia J. Daley as Trustee
 Eliza Sophia J. Daley, Trustee

Continued on Page 2

Tax ID No. AV-1354-NP-2
Tax ID No. AV-1354-NP-7

WITNESS my hand and official stamp the date in this certificate first above written:

CINDY JESSOP
Notary Public - Arizona
Mohave Co. / #627680
Expires 05/15/2026

***** END OF DOCUMENT *****



Town of Apple Valley

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

See Fee Schedule Page 2

Item 16.

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: SUP I LLC, SUP II LLC, SUP III LLC		Phone:	
Address:		Email:	
City:	State:	Zip:	
Agent: (If Applicable)		Phone:	
Address/Location of Property: North of 59 on Main Street		Parcel ID: AV-1350-A, AV-1344, AV-1351-A-1	
Existing Zone: OST/A-40		Proposed Zone: A-X	
For Planned Development Purposes: Acreage in Parcel		Acreage in Application ¹⁴⁹²	
Reason for the request Switch from OST to A-X			

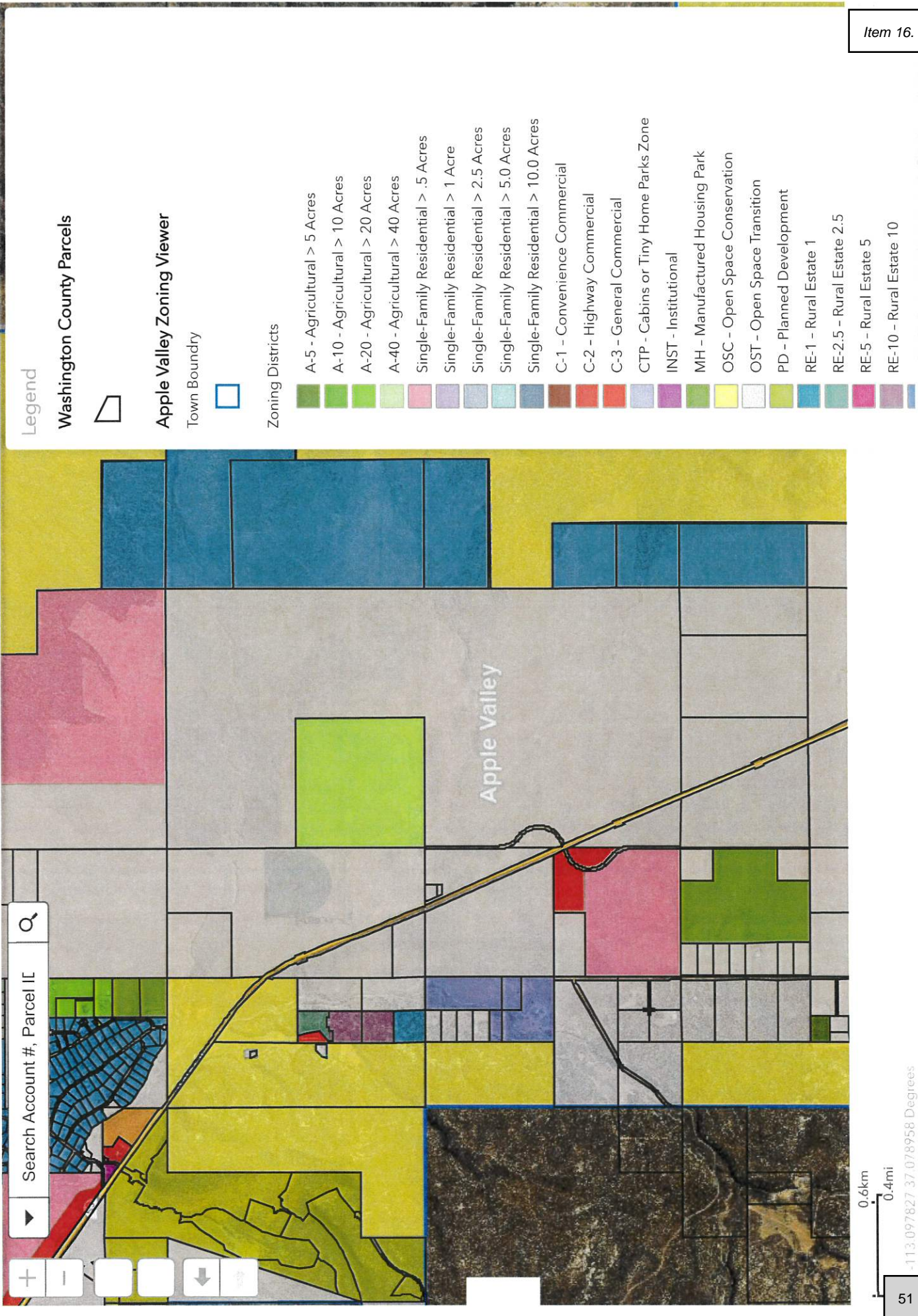
Submittal Requirements: The zone change application shall provide the following:

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

Applicant Signature	Date
	8-21-24

Official Use Only	Amount Paid: \$	Receipt No:
Date Received: 8/21/24	Date Application Deemed Complete:	
By:	By:	

Apple Valley Zoning Districts Viewer



Search...

Tools

Item 16.

Search...

Tools

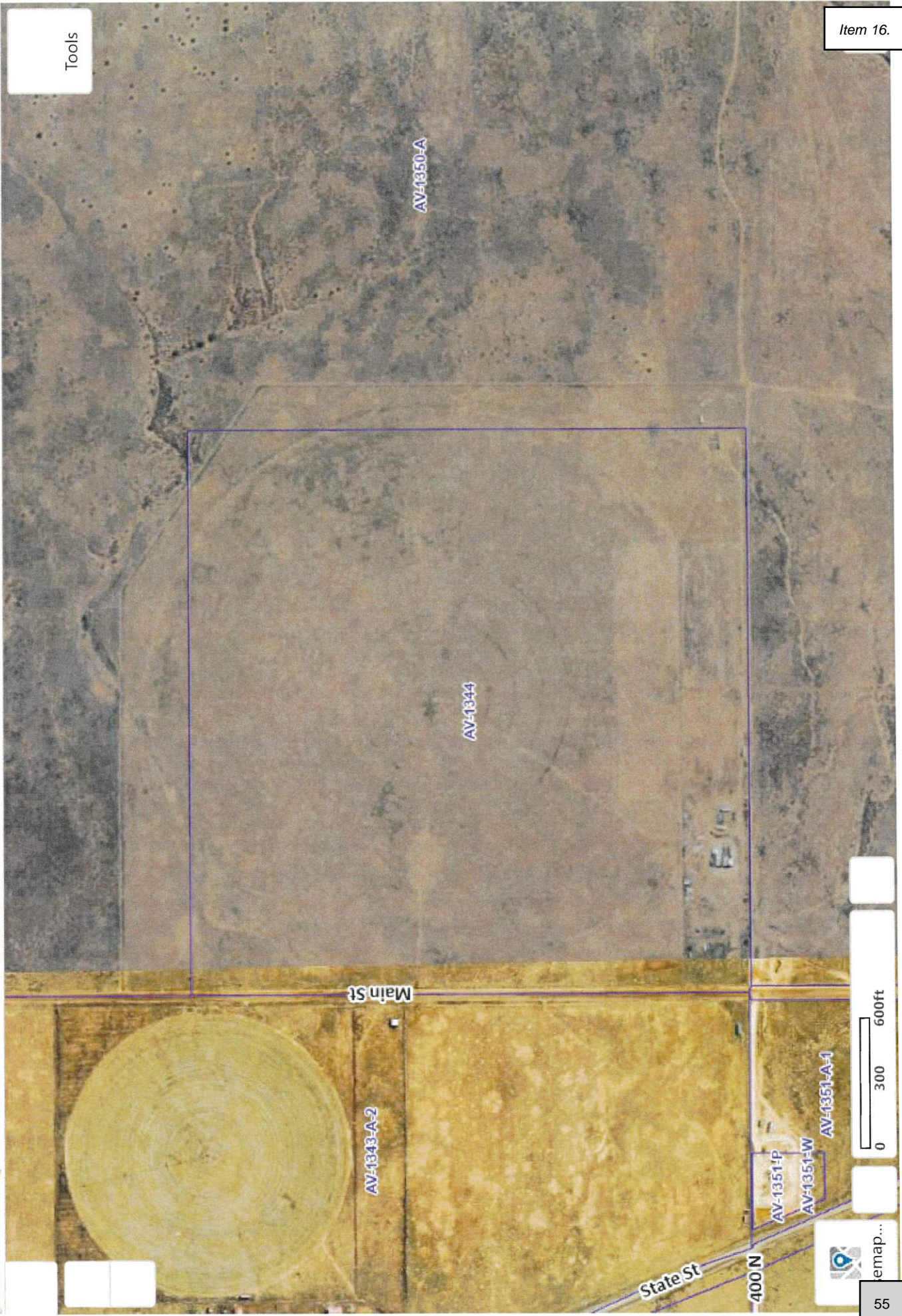
Item 16.

<https://geoproducts.washco.utah.gov/Html5Viewer/index.html?viewer=AssessorReport>



Search...

Sign in





Search...

Sign in



Item 16.

0 300 600ft

semap...

Quit Claim Deed Page 1 of 14
Russell Shirts Washington County Recorder
05/12/2017 11:06:38 AM Fee \$ 47.00
By SLOAN & SLOAN

**After recording return to:**

Stephen R. Sloan, Esq.
Sloan & Sloan, P.C.
215 South State Street, Suite 101
Salt Lake City, UT 84111

Mail tax notices to:

SUP I, LLC
15066 Junction Circle
Draper, UT 84020

Parcel Nos. AV-1344 and AV-1350

Quitclaim Deed

SHIRL R. GRAFF, as Trustee of THE SHIRL R. AND BETH GRAFF TRUST dated May 14, 1993, as to an undivided 2/13 interest, CORINNE GRAFF KRENN, who took title as CORINNE KRENN, as to an undivided 1/13 interest, ROBERT S. GRAFF, as to an undivided 1/13 interest, RANDALL M. GRAFF, as to an undivided 1/13 interest, LESLIE ANN GRAFF, who took title as LESLIE ANN RUTLEDGE, as to an undivided 1/13 interest, SHIRLEE ALLEN, as to an undivided 1/13 interest, FRANCINE RUDD, as to an undivided 1/13 interest, BARRY J. GRAFF, as to an undivided 1/13 interest, AMY B. BALDWIN, as to an undivided 1/13 interest, SHAWN H. GRAFF, as to an undivided 1/13 interest, DARIN R. GRAFF, as to an undivided 1/13 interest, and JASON C. GRAFF, as to an undivided 1/13 interest, collectively hereinafter GRANTORS, hereby convey and warrant to the extent provided below, but not otherwise, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to SUP I, LLC, a Utah limited liability company, GRANTEE, the following described real property located in Washington County, State of Utah:

THE NORTH HALF AND THE SOUTHEAST QUARTER OF
SECTION 33, TOWNSHIP 42 SOUTH, RANGE 11 WEST,
SALT LAKE BASE & MERIDIAN

AND

THAT PORTION OF SECTION 4, TOWNSHIP 43 SOUTH,
RANGE 11 WEST, SALT LAKE BASE & MERIDIAN, LYING
EASTERLY OF STATE HIGHWAY 59 (U-59)

IN WITNESS WHEREOF, GRANTORS have executed this Quitclaim
Deed this 4th day of May, 2017.

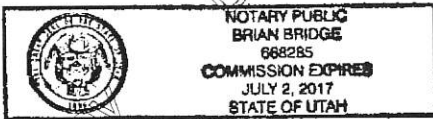
Shirl R. Graff
Shirl R. Graff, Trustee of "The Shirl R.
and Beth Graff Trust" dated May 14,
1993

STATE OF UTAH)


COUNTY OF SALT LAKE)

: ss.

The foregoing instrument was acknowledged before me this 9TH day of
MAY, 2017, by SHIRL R. GRAFF, Trustee of "The Shirl R. and Beth Graff
Trust" dated May 14, 1993.




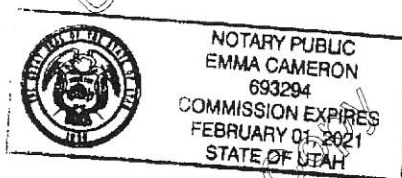
Brian Bridge
NOTARY PUBLIC

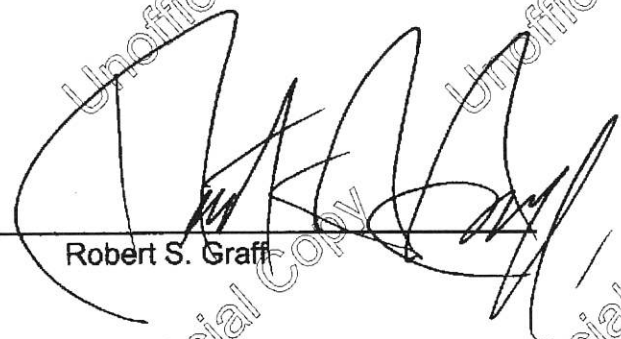

Corinne Graff Krenn

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

The foregoing instrument was acknowledged before me this 20 day of
march, 2017, by CORINNE GRAFF KRENN.


NOTARY PUBLIC




Robert S. Graff

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) ss.

The foregoing instrument was acknowledged before me this 11 day of March, 2017, by ROBERT S. GRAFF.


NOTARY PUBLIC

See
attached
Certification

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Alameda }

On March 11, 2017 before me, Doug Ricardo (Notary Public)
(Data, insert name and title of the officer)

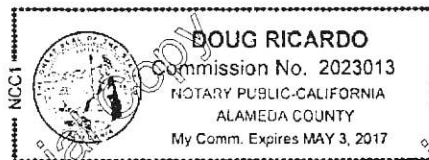
personally appeared Robert S. Gaff,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Doug Ricardo
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Quit Claim Deed
(Title or description of attached document)
Parcel #s AV-1344 & AV-1350
(Title or description of attached document continued)

Number of Pages _____ Document Date 3/11/2017

CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)
☐ Corporate Officer


(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.


Randall M. Graff

STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

March The foregoing instrument was acknowledged before me this 2nd day of
_____, 2017, by RANDALL M. GRAFF.


NOTARY PUBLIC



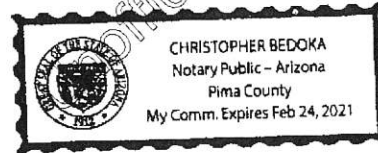
Leslie Ann Graff

Leslie Ann Graff

STATE OF ARIZONA

)
: SS.
)

COUNTY OF PIMA



The foregoing instrument was acknowledged before me this 10th day of
MARCH, 2017, by LESLIE ANN GRAFF.

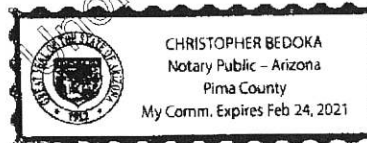
Christopher Bedoka
NOTARY PUBLIC


Shirlee Allen

STATE OF ARIZONA

)
: SS.
)

COUNTY OF PIMA



The foregoing instrument was acknowledged before me this 10TH day of MARCH, 2017, by SHIRLEE ALLEN.


NOTARY PUBLIC

Francine Rudd
Francine Rudd

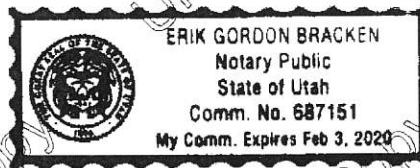
STATE OF UTAH

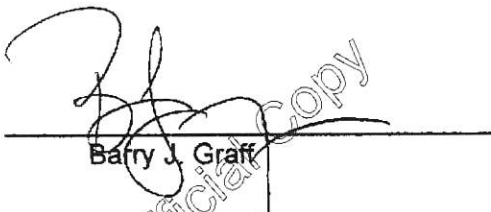
)
: ss.
)

COUNTY OF UTAH

The foregoing instrument was acknowledged before me this 3 day of
March, 2017, by FRANCINE RUDD.

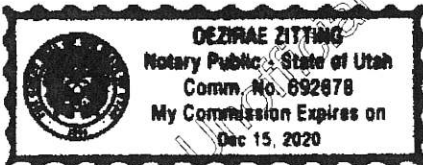
Erik Gordon Bracken
NOTARY PUBLIC




Barry J. Graff

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 4 day of May, 2017, by BARRY J. GRAFF.




NOTARY PUBLIC

Amy B. Baldwin
Amy B. Baldwin

STATE OF UTAH

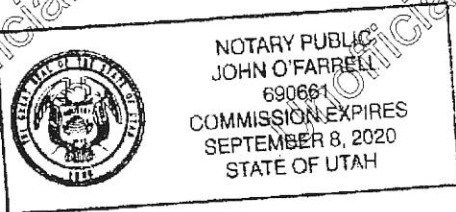
)

: SS.

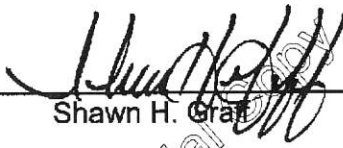
COUNTY OF UTAH

)

The foregoing instrument was acknowledged before me this 6th day of March, 2017, by AMY B. BALDWIN.



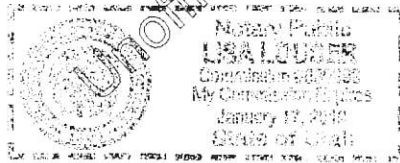
NOTARY PUBLIC


Shawn H. Graff

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

March The foregoing instrument was acknowledged before me this 3rd day of
2017, by SHAWN H. GRAFF.


NOTARY PUBLIC



Darin R. Graff
Darin R. Graff

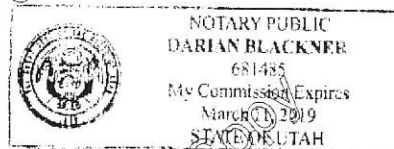
STATE OF UTAH)


: ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 17 day of May, 2017, by DARIN R. GRAFF.

Darin R. Graff
NOTARY PUBLIC





Jason C. Graff

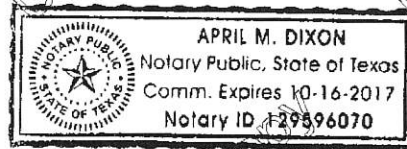
STATE OF TEXAS)
COUNTY OF BEXAR) ss.

April The foregoing instrument was acknowledged before me this 5 day of
April, 2017, by JASON C. GRAFF.



NOTARY PUBLIC

4836-7254-7648, v. 2





After recording return to:

Stephen R. Sloan, Esq.
 Sloan & Sloan, P.C.
 215 South State Street, Suite 101
 Salt Lake City, UT 84111

Mail tax notices to:

SUP III, LLC
 15066 Junction Circle
 Draper, UT 84020

Parcel Nos. AV-1350, AV-1-3-5-111 and 1355-A

Quitclaim Deed

SHIRL R. GRAFF, as Trustee of THE SHIRL R. AND BETH GRAFF TRUST dated May 14, 1993, as to an undivided 2/13 interest, CORINNE GRAFF KRENN, who took title as CORINNE KRENN, as to an undivided 1/13 interest, ROBERT S. GRAFF, as to an undivided 1/13 interest, RANDALL M. GRAFF, as to an undivided 1/13 interest, LESLIE ANN GRAFF, who took title as LESLIE ANN RUTLEDGE, as to an undivided 1/13 interest, SHIRLEE ALLEN, as to an undivided 1/13 interest, FRANCINE RUDD, as to an undivided 1/13 interest, BARRY J. GRAFF, as to an undivided 1/13 interest, AMY B. BALDWIN, as to an undivided 1/13 interest, SHAWN H. GRAFF, as to an undivided 1/13 interest, DARIN R. GRAFF, as to an undivided 1/13 interest, and JASON C. GRAFF, as to an undivided 1/13 interest, collectively hereinafter GRANTORS, hereby convey and warrant to the extent provided below, but not otherwise, for the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, to SUP III, LLC, a Utah limited liability company, GRANTEE, the following described real property located in Washington County, State of Utah:

THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN

AND

THAT PORTION OF SECTION 4, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN, LYING WESTERLY OF STATE HIGHWAY 59 (U-59)

AND

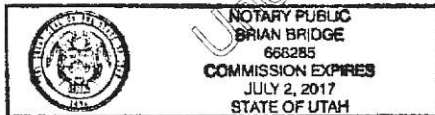
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN, LYING EASTERLY OF STATE HIGHWAY 59 (U-59).

IN WITNESS WHEREOF, GRANTORS have executed this Quitclaim Deed this 4th day of May, 2017.

Shirl R. Graff
Shirl R. Graff, Trustee of "The Shirl R.
and Beth Graff Trust" dated May 14,
1993

STATE OF UTAH)
) : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 9th day of
MARCH, 2017, by SHIRL R. GRAFF, Trustee of "The Shirl R. and Beth Graff
Trust" dated May 14, 1993.



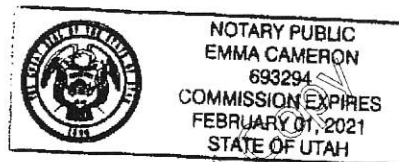
Brian Bridge
NOTARY PUBLIC


Corinne Graff Krenn

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 20 day of
March, 2017, by CORINNE GRAFF KRENN.


NOTARY PUBLIC




Robert S. Graff

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

The foregoing instrument was acknowledged before me this 11 day of March, 2017, by ROBERT S. GRAFF.

*See attached
Certification*


NOTARY PUBLIC

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Alameda }

On March 11, 2017 before me, Doug Ricardo (Notary Public)
(Here insert name and title of the officer)

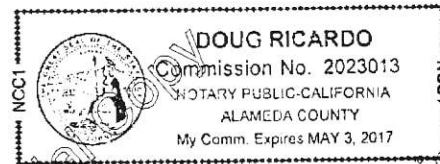
personally appeared Robert S. Craft
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Doug Ricardo
Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Quit Claim Deed
(Title or description of attached document)
PARCELS AV-1350, AV-1-3-5-114
(Title or description of attached document continued) 1355-A
Number of Pages _____ Document Date 3/11/2017

CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual(s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.


Randall M. Graff

STATE OF UTAH)
: ss.
COUNTY OF TOOELE)

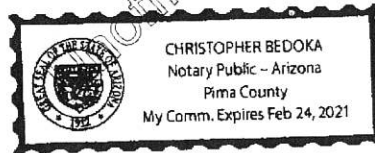
The foregoing instrument was acknowledged before me this 2nd day of March, 2017, by RANDALL M. GRAFF.


NOTARY PUBLIC





Leslie Ann Graff

STATE OF ARIZONA)
COUNTY OF PIMA) SS.



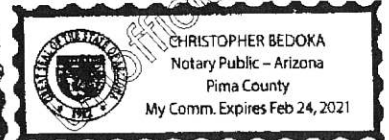
The foregoing instrument was acknowledged before me this 10TH day of
MARCH, 2017, by LESLIE ANN GRAFF.


NOTARY PUBLIC


Shirlee Allen

STATE OF ARIZONA)
: SS.
COUNTY OF PIMA)

CHRISTOPHER BEDOKA
Notary Public - Arizona
Pima County
My Comm. Expires Feb 24, 2021



The foregoing instrument was acknowledged before me this 10TH day of
MARCH, 2017, by SHIRLEE ALLEN.


NOTARY PUBLIC

Francine Rudd
Francine Rudd

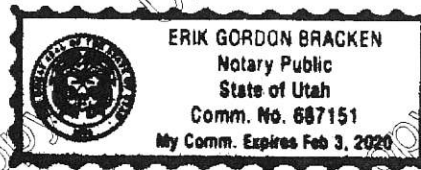
STATE OF UTAH)

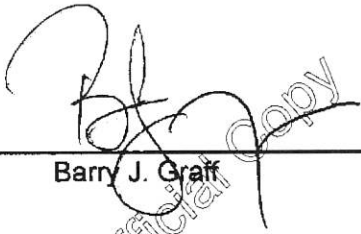
: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 3 day of
March, 2017, by FRANCINE RUDD.

Erik Gordon Bracken
NOTARY PUBLIC

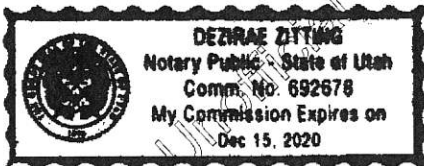




Barry J. Graff

STATE OF UTAH)
COUNTY OF UTAH) ss.

The foregoing instrument was acknowledged before me this 04 day of May, 2017, by BARRY J. GRAFF.





NOTARY PUBLIC

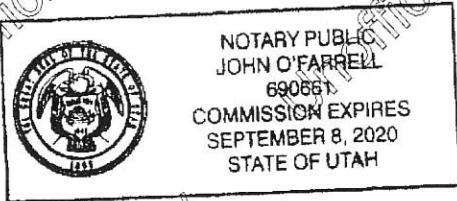
Amy B. Baldwin
Amy B. Baldwin

STATE OF UTAH)

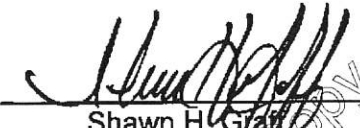
: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 6th day of May, 2017, by AMY B. BALDWIN.



[Signature]
NOTARY PUBLIC


Shawn H. Graff


STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

March The foregoing instrument was acknowledged before me this 3rd day of
2017, by SHAWN H. GRAFF.



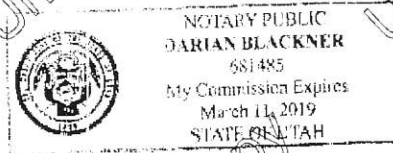

NOTARY PUBLIC

Darin R. Graff
Darin R. Graff

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

The foregoing instrument was acknowledged before me this 17 day of may, 2017, by DARIN R. GRAFF.

Darin Blackner
NOTARY PUBLIC




Jason C. Graff

STATE OF TEXAS)

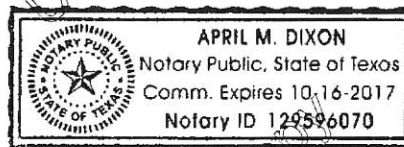
: ss.

COUNTY OF BEXAR)

The foregoing instrument was acknowledged before me this 5 day of April, 2017, by JASON C. GRAFF.


NOTARY PUBLIC

4843-5923-3856, v. 3



FAA Withdrawal Page 1 of 2
 Russell Shirts Washington County Recorder
 10/26/2020 08:24:12 AM Fee \$ 0.00
 By WASHINGTON COUNTY ASSESSOR



Withdrawal of Application

Washington County Assessor
 Utah State Tax Commission

Farmland Assessment Act
 UCA 59-2-501 to 515
 Form TC-601

It is requested that the application for taxation under the
 Farmland Assessment Act of 1969 be withdrawn.

Owner Information

Name(s) Filed Under SUP I LLC		
Mailing Address 15086 JUNCTION CIR		Telephone Number
City DRAPER	State UT	Zip 84020

Property Information

Property Identification numbers and complete legal description (additional pages if necessary)

Account Number: 0155229

Parcel Number: AV-1350-A

(USE 3.57 AC OF THE FOLLOWING LEGAL DESC.): S: 4 T: 43S R: 11W S: 33 T: 42S R: 11W THE NORTH HALF AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN AND THAT PORTION OF SECTION 4, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN, LYING EASTERLY OF STATE HIGHWAY 59 (U-59)

LESS: NORTH ROAD: BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF STATE ROUTE 59, SAID POINT BEING SOUTH 01°00'33" WEST 229.90 FEET ALONG THE SECTION LINE AND EAST 56.40 FEET FROM THE CORNER COMMON TO SECTIONS 4 & 5, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN; AND RUNNING, BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF STATE ROUTE 59, SAID POINT BEING SOUTH 01°00'33" WEST 229.90 FEET ALONG THE SECTION LINE AND EAST 56.40 FEET FROM THE CORNER COMMON TO SECTIONS 4 & 5, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING; THENCE NORTH 21°37'31" WEST 66.00 FEET ALONG SAID NORTHWESTERLY LINE OF STATE ROUTE 59; THENCE NORTH 68°22'29" EAST 59.83 FEET; THENCE NORTH 970.54 FEET ALONG AN ARC OF A 477.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 21°37'31" WEST, LONG CHORD BEARS NORTH 10°05'08" EAST 811.58 FEET WITH A CENTRAL ANGLE OF 116°34'42" THENCE NORTH 45°12'13" WEST 82.02 FEET; THENCE NORTHWEST 464.87 FEET ALONG AN ARC OF A 543.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 41°47'47" EAST, LONG CHORD BEARS NORTH 23°40'40" WEST 450.81 FEET WITH A CENTRAL ANGLE OF 49°03'08"); THENCE NORTH 00°50'54" EAST 1,521.69 FEET TO THE SECTION LINE; THENCE SOUTH 89°01'25" EAST 33.00 FEET ALONG THE SECTION LINE TO THE SECTION CORNER COMMON TO SECTIONS 4 & 5 TOWNSHIP 43 SOUTH, RANGE 11 WEST, AND SECTION 32 & 33, TOWNSHIP 42 SOUTH, RANGE 11 WEST SALT LAKE BASE & MERIDIAN; THENCE SOUTH 89°00'56" EAST 33.00 FEET ALONG THE SECTION LINE; THENCE SOUTH 00°50'54" WEST 1,521.54 FEET; THENCE SOUTHEAST 4.37 FEET ALONG AN ARC OF A 477.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 89°09'06" EAST, LONG CHORD BEARS SOUTH 23°40'39" EAST 396.01 FEET WITH A CENTRAL ANGLE OF 49°03'08"); THENCE SOUTH 48°12'13" EAST 82.02 FEET; THENCE SOUTH 1,104.83 FEET ALONG AN ARC OF A 543.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 41°47'47" WEST, LONG CHORD BEARS SOUTH 10°05'08" WEST 923.87 FEET WITH A CENTRAL ANGLE OF 116°34'42"); THENCE SOUTH 68°22'29" WEST 59.83 FEET TO THE POINT OF BEGINNING. TOGETHER WITH A 15' PUBLIC UTILITY, SLOPE AND DRAINAGE EASEMENT RUNNING PARALLEL WITH SAID DESCRIPTION AS SHOWN.

Explanation

Division (split) of original parcel, APPLE VALLEY TOWN ROADWAY

Certification (Sign below)

Owner Signature (SUP I LLC)

X

Date

County Assessor's Signature

Date

Tom Duran T

10-22-2020

Notary Signature

Date

Acknowledged
Before Me

Elizabeth Mackay

10-22-2020

Notary Stamp



ELIZABETH MACKAY

Notary Public
State Of Utah

My Commission Expires 02-13-2022
COMMISSION NO. 698562

DOC # 20170031481

Item 16.

FAA Application Page 1 of 2
Russell Shirts Washington County Recorder
08/02/2017 12:20:00 PM Fee \$ 13.00
By WASHINGTON COUNTY ASSESSOR



Application for Assessment and Taxation of Agricultural Land

Washington County Assessor

Farmland Assessment Act
UCA 59-2-501 to 515
Form TC-582

Owner
SUP III LLC
15066 JUNCTION CIR
DRAPER, UT 84020

Date of Application
06/28/2017

Total Acres
246.24

Property identification numbers and complete legal description (additional pages if necessary)

Account Number: 0155237

Parcel Number: AV-1351-A-7

S: 5 T: 43S R: 11W S: 4 T: 43S R: 11W S: 9 T: 43S R: 11W THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN

THAT PORTION OF SECTION 4, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE & MERIDIAN,
LYING WESTERLY OF STATE HIGHWAY 59 (U-59)

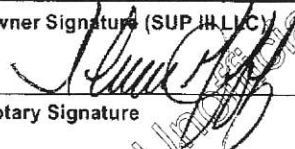

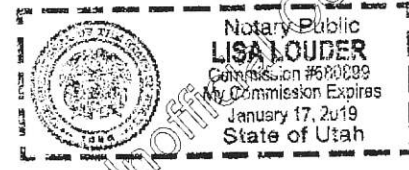
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 43 SOUTH, RANGE 11 WEST,
SALT LAKE BASE & MERIDIAN, LYING EASTERLY OF STATE HIGHWAY 59 (U-59).

Certification

Read the following and sign below.

I certify: (1) THE FACTS SET FORTH IN THIS APPLICATION ARE TRUE. (2) The agricultural land covered by this application constitutes no less than five contiguous acres exclusive of homesite and other non-agricultural acreage (see Utah Code 58-2-503 for waiver). (3) The land is currently devoted to agricultural use and has been so devoted for two successive years immediately preceding the tax year for which valuation under this act is requested. (4) The land produces in excess of 50 percent of the average agricultural production per acre for the given type of land and the given county or area. (5) I am fully aware of the five-year rollback tax provision which becomes effective upon a change in use or other withdrawal of all or part of the eligible land. I understand that the rollback tax is a lien on the property until paid and that the application constitutes consent to audit and review. I understand that I must notify the county assessor of a change in land use to any non-qualifying use, and that a penalty of the greater of \$10 or 2 percent of the computed rollback tax due for the last year will be imposed on failure to notify the assessor within 120 days after change in use.

Corporate Name SUP III, LLC

Owner Signature (SUP III, LLC) X 	Date <u>7-17-17</u>
Notary Signature 	Date Subscribed and Sworn Before Me
Notary Stamp 	

County Assessor Signature (Subject to review) 	Date <u>8-2-17</u>
--	-----------------------

After recording return to:

Stephen R. Sloan, Esq.
Sloan & Sloan, P.C.
215 South State Street, Suite 101
Salt Lake City, UT 84111

Quit Claim Deed Page 1 of 14
Russell Shirts Washington County Recorder
05/12/2017 11:06:38 AM Fee \$ 47.00
By SLOAN & SLOAN

**Mail tax notices to:**

SUP II, LLC
15066 Junction Circle
Draper, UT 84020

Parcel No. AV-1344

Quitclaim Deed

SHIRL R. GRAFF, as Trustee of THE SHIRL R. AND BETH GRAFF TRUST dated May 14, 1993, as to an undivided 2/13 interest, CORINNE GRAFF KRENN, who took title as CORINNE KRENN, as to an undivided 1/13 interest, ROBERT S. GRAFF, as to an undivided 1/13 interest, RANDALL M. GRAFF, as to an undivided 1/13 interest, LESLIE ANN GRAFF, who took title as LESLIE ANN RUTLEDGE, as to an undivided 1/13 interest, SHIRLEE ALLEN, as to an undivided 1/13 interest, FRANCINE RUDD, as to an undivided 1/13 interest, BARRY J. GRAFF, as to an undivided 1/13 interest, AMY B. BALDWIN, as to an undivided 1/13 interest, SHAWN H. GRAFF, as to an undivided 1/13 interest, DARIN R. GRAFF, as to an undivided 1/13 interest, and JASON C. GRAFF, as to an undivided 1/13 interest, collectively hereinafter GRANTORS, hereby convey and warrant to the extent provided below, but not otherwise, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to SUP II, LLC, a Utah limited liability company, GRANTEE, the following described real property located in Washington County, State of Utah:

THE SOUTHWEST QUARTER OF SECTION 33,
TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE
BASE & MERIDIAN

IN WITNESS WHEREOF, GRANTORS have executed this Quitclaim
Deed this 4th day of May, 2017.

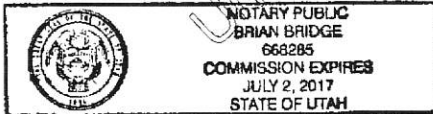
Shirl R. Graff
Shirl R. Graff, Trustee of "The Shirl R.
and Beth Graff Trust" dated May 14,
1993

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 9TH day of
MARCH, 2017, by SHIRL R. GRAFF, Trustee of "The Shirl R. and Beth Graff
Trust" dated May 14, 1993.



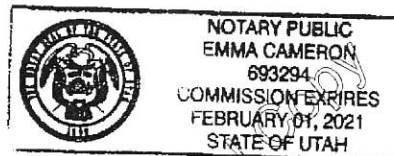
Brian Bridge
NOTARY PUBLIC


Corinne Graff Krenn

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 20 day of
march, 2017, by CORINNE GRAFF KRENN.


NOTARY PUBLIC



Robert S. Graff

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

The foregoing instrument was acknowledged before me this 11 day of March, 2017, by ROBERT S. GRAFF.

See attached
Certification

NOTARY PUBLIC

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Alameda }

On March 11, 2017 before me, Doug Ricardo (Notary Public)
(Here insert name and title of the officer)

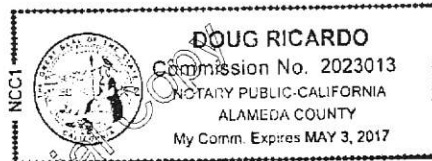
personally appeared Robert S. Graft
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Quitclaim Deed
(Title or description of attached document)

Parcel AV-1344
(Title or description of attached document continued)

Number of Pages _____ Document Date 3/11/2017

CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)
☐ Corporate Officer


(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - Indicate title or type of attached document, number of pages and date.
 - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.


Randall M. Graff

STATE OF UTAH)
) ss.
COUNTY OF TOOELE)

March The foregoing instrument was acknowledged before me this 2nd day of
_____, 2017, by RANDALL M. GRAFF.

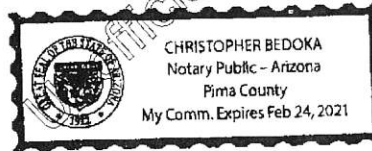

NOTARY PUBLIC





Leslie Ann Graff

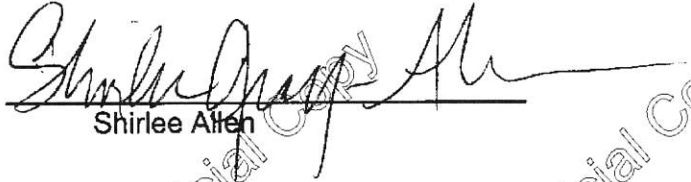
STATE OF ARIZONA)
COUNTY OF PIMA)

: SS.

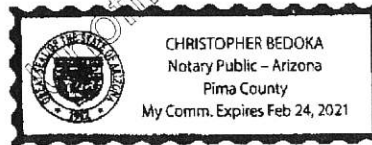


The foregoing instrument was acknowledged before me this 15th day of MARCH, 2017, by LESLIE ANN GRAFF.


NOTARY PUBLIC


Shirlee Allen

STATE OF ARIZONA)
COUNTY OF PIMA) ss.



The foregoing instrument was acknowledged before me this 10TH day of
MARCH, 2017, by SHIRLEE ALLEN.


NOTARY PUBLIC

Francine Rudd

Francine Rudd

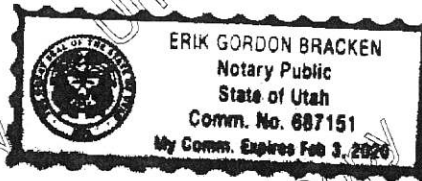
STATE OF UTAH)

: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 3 day of
March, 2017, by FRANCINE RUDD.

Erik Gordon Bracken
NOTARY PUBLIC



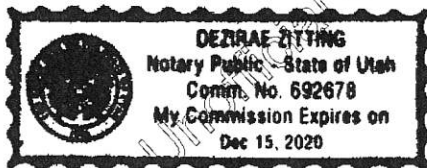

Barry J. Graff

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 4 day of May, 2017, by BARRY J. GRAFF.




NOTARY PUBLIC

Amy B. Baldwin
Amy B. Baldwin

STATE OF UTAH)

: ss.

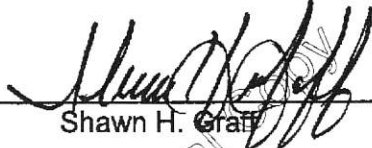
COUNTY OF UTAH)

May 14 The foregoing instrument was acknowledged before me this 6th day of
May, 2017, by AMY B. BALDWIN.

[Signature]
NOTARY PUBLIC



NOTARY PUBLIC
JOHN O'FARRELL
690661
COMMISSION EXPIRES
SEPTEMBER 8, 2020
STATE OF UTAH


Shawn H. Graff

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

March The foregoing instrument was acknowledged before me this 3rd day of
2017, by SHAWN H. GRAFF.



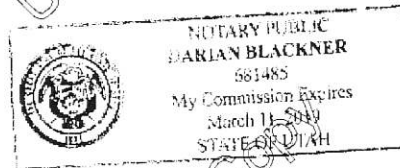

NOTARY PUBLIC

Darin R. Graff
Darin R. Graff

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

March The foregoing instrument was acknowledged before me this 17 day of
2017, by DARIN R. GRAFF.

Darin R. Graff
NOTARY PUBLIC





Jason C. Graff

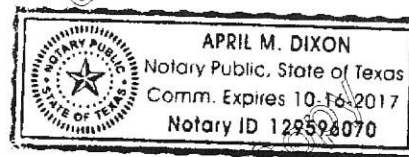
STATE OF TEXAS)
 : ss.
COUNTY OF BEXAR)

April The foregoing instrument was acknowledged before me this 5 day of
April, 2017, by JASON C. GRAFF.



NOTARY PUBLIC

4847-1561-3760, v. 2



**TOWN OF APPLE VALLEY
ORDINANCE O-2024-78**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCELS AV-1350-A, AV-1344, AV-1351-A-1 FROM OPEN SPACE TRANSITION ZONE (OST) AND A AGRICULTURAL ZONE (A-40) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification of parcel AV-1350-A, AV-1344, AV-1351-A-1 from Open Space Transition Zone (OST) and A Agricultural Zone (A-40) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-1350-A, AV-1344, AV-1351-A-1 is changed from Open Space Transition Zone (OST) and A Agricultural Zone (A-40) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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

**TOWN OF APPLE VALLEY
ORDINANCE O-2024-79**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-JHLS-1 FROM OPEN SPACE TRANSITION ZONE (OST) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley ("Town") has been petitioned for a change in the zoning classification of parcel AV-JHLS-1 from Open Space Transition Zone (OST) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town's General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-JHLS-1 is changed from Open Space Transition Zone (OST) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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



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

See Fee Schedule Page 2

Item 17.

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: Darcy Anne Pauken		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable) N/A		Phone: N/A	
Address/Location of Property: 37°02'27.7"N 113°03'53.5"W		Parcel ID: AV-JHLS-1	
Existing Zone: PD		Proposed Zone: A-5 AG-X	
For Planned Development Purposes: Acreage in Parcel ^{5.25}		Acreage in Application ^{5.25}	
Reason for the request Amend the current PD to obtain Agricultural > 5 Acres zoning			

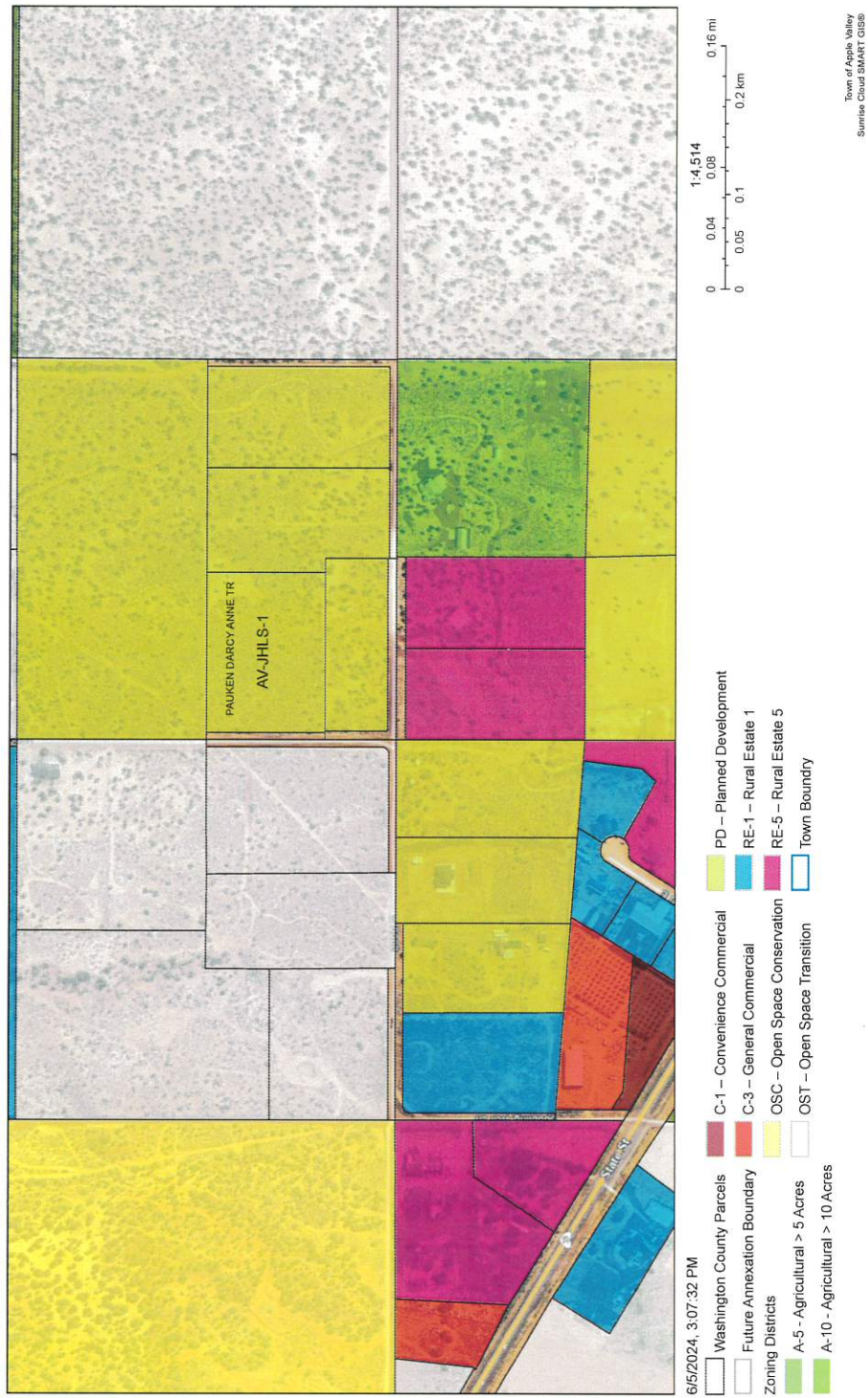
Submittal Requirements: The zone change application shall provide the following:

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

Applicant Signature 	Date 8/22/2024
-------------------------	--------------------------

Official Use Only	Amount Paid: \$	Receipt No:
Date Received: 8/22/24	Date Application Deemed Complete:	
By:	By:	

Apple Valley Zoning Districts

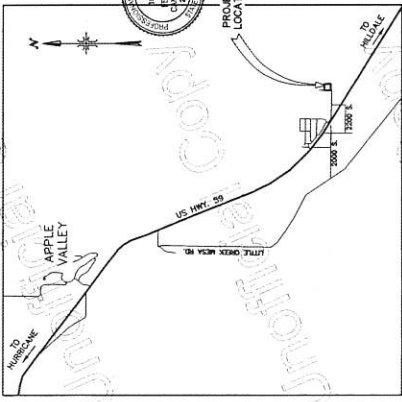
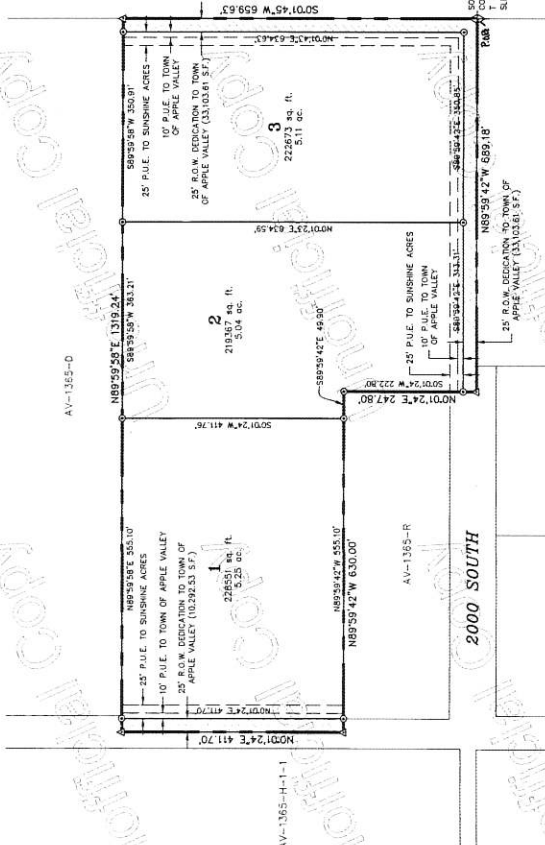


JOHN HOLM LOT SPLIT
RECORD OF SURVEY
WITHIN THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 14,
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
JANUARY 2021

- LEGEND**
- FOUND BRASS CAP
 - SET 5/8" IRON PIN
 - CALCULATED POINT, NOT SET
 - SET SUBDIVISION MARKER
 - RIGHT-OF-WAY BOUNDARY
 - RIGHT-OF-WAY LINE
 - SECTION LINE
 - EASEMENT
 - EXISTING DEED LINE
 - RIGHT-OF-WAY DEDICATION

- NOTES:**
- SEWER SEPTIC SYSTEM REQUIRED.
 - BOARD OF HEALTH APPROVAL REQUIRED.
 - PRIOR TO BEGINNING BUILDING CONSTRUCTION.
 - CURRENT PARCEL NUMBER IS AV-1385-2.

SCALE: 1" = 100'
SCALE: 1" = 200'



SURVEYOR'S CERTIFICATE

I, FERRIS L. CAMPBELL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 54, CHAPTER 1, PART 1, OF THE UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. 4492 (15/24). I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A RECORD OF SURVEY OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M, AND HAVE SUBMITTED SAID TRACT OF LAND INTO LOT, STREET, AND EASEMENT, AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH THE UTAH CODE ANNOTATED, 1953 AS AMENDED, AND AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EXISTING FACILITIES, AS DEFINED IN SECTION 54-6-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND AS REPRESENTED ON THE PLAT, HAVE BEEN CORRECTLY LOCATED AND PLACED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

BOUNDARY DESCRIPTION

A PARCEL OF LAND, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M, APPLE VALLEY, UTAH, CONTAINING 18.38 ACRES.

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE S89°59'42"W, 630.00 FEET; THENCE N87°59'42"W, 411.70 FEET; THENCE N89°59'42"W, 139.24 FEET; THENCE S00°14'57"W, 659.63 FEET TO THE REAL, CONTAINING 18.38 ACRES.

OWNER'S DEDICATION

UNWITNESSED BY TWO NEUTRAL PERSONS, AND BY THE UNDERSIGNED, OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBMITTED TO THE BOARD OF HEALTH OF THE TOWN OF APPLE VALLEY, UTAH, AND TO THE BOARD OF PUBLIC WORKS OF THE TOWN OF APPLE VALLEY, UTAH, FOR THEIR REVIEW AND OTHER PUBLIC USES AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HANDS THIS DAY OF Feb. 24, A.D. 2021. **JOHN HOLM LOT SPLIT**

BY: John Holm **JOHN HOLM**

ACKNOWLEDGMENT

STATE OF UTAH, COUNTY OF WASHINGTON, J.S.S.

ON THE 24th DAY OF February, A.D. 2021, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DECLARATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.

MY COMMISSION NUMBER 707513 **Michael H. Harris** (A NOTARY COMMISSIONED IN UTAH)

MY COMMISSION EXPIRES July 31, 2023 **Michael H. Harris** (PRINT NAME OF NOTARY)

MAYOR APPROVAL

THE MAYOR OF THE TOWN OF APPLE VALLEY, UTAH, HAS REVIEWED THE ABOVE DECLARATION AND HAS APPROVED THE SAME. THE MAYOR HAS REVIEWED THE DECLARATION AND HAS REVIEWED THE DECLARATION ON THIS DAY OF Feb. 24, A.D. 2021.

Michael H. Harris **Michael H. Harris** (PRINT NAME OF MAYOR)

TOWN OF APPLE VALLEY

WASHINGTON COUNTY TREASURER

APPROVED AS TO RECEIPT OF THIS DECLARATION ON THIS DAY OF Feb. 24, A.D. 2021.

David Whitcomb **David Whitcomb** (PRINT NAME OF TREASURER)

WASHINGTON COUNTY TREASURER

BIG PLAINS WATER SPECIAL SERVICE DISTRICT

THE BIG PLAINS WATER SPECIAL SERVICE DISTRICT HAS REVIEWED THE ABOVE DECLARATION AND HAS REVIEWED THE DECLARATION ON THIS DAY OF Feb. 24, A.D. 2021.

David Whitcomb **David Whitcomb** (PRINT NAME OF MANAGER)

MANAGER

RECEIVED

MAR 18 2021

Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT
1000 E. 1000 N. SUITE 100
SALT LAKE CITY, UT 84107
(801) 802-8992

Rock Canyon RESOURCES, LLC
435 482 339
435 635 114

NARRATIVE

THIS PLAT REPRESENTS A TAX PARCEL AVAILABLE OWNED BY JOHN HOLM. THE PURPOSE IS TO SURVEY THIS PIECE OF LAND AND TO ESTABLISH EASEMENTS FOR INGRESS, EGRESS, AND UTILITIES.

DOC # 20210021011
RECORDED IN THE PUBLIC RECORDS OF WASHINGTON COUNTY, UTAH, ON 03/25/2021 AT 08:15:08 AM.

SUBDIVISION APPROVAL PROCESS

AFFIDAVIT

PROPERTY OWNER

Item 17.

STATE OF UTAH)
)s
COUNTY OF WASHINGTON)

I (We) Darcy Anne Pauken, 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 22 day of August, 2024.



Madison Pescado
Notary Public

Residing in: Las Vegas, NV

My Commission Expires: 12/08/2027

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ 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.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

Residing in: _____

My Commission Expires: _____

DOC # 20210021011

Map (Conveying Property) Page 1 of 2
Gary Christensen Washington County Recorder
03/25/2021 08:15:09 AM Fee \$ 56.00
By JOHN MARK HOLM



MAP

NAME: JOHN HOLM LOT SPLIT

LOTS: 3 MAP: 4580

PARCEL: AV-1365-Q

JOHN HOLM

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M, APPLE VALLEY, UTAH.

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 14; THENCE N.89°59'42"W. 689.18 FT. ALONG SECTION LINE; THENCE N.0°01'24"E. 247.80 FEET; THENCE N.89°59'42"W. 630.00 FEET; THENCE N.0°01'24"E. 411.70 FEET; THENCE N.89°59'58"E. 1319.24 FEET; THENCE S.0°01'45"W. 659.63 FEET TO THE REAL POINT OF BEGINNING.

CONTAINING 16.39 ACRES.

North

Monson Dean

956 W 360 S Hurricane UT 84737

East

M & K Southern Utah Holdings LLC

258 W Telegraph Rd

Washington UT 84780

South

Bistline Ladell J SR

PO Box 99

Colorado City AZ 86021

Across Street to the West

G&H Inv Properties

2002 S 1100 W

Woods Cross UT 84087

Across Street North West

Jessop Matt & Pam G

1854 S 1800 E

Apple Valley UT 84737

Corrected Warranty Page 1 of 2
Gary Christensen Washington County Recorder
04/21/2023 11:18:48 AM Fee \$40.00 By GT TITLE
SERVICES

MAIL TAX NOTICES TO GRANTEE AT:
8175 ARVILLE STREET #317
LAS VEGAS NV 89139



Property Reference Information:

Tax Parcel No(s): AV-JHLS-1
Property Address(es) (if any):
(UNASSIGNED ADDRESS), APPLE VALLEY, UT 84737

CORRECTIVE WARRANTY DEED

JARED PAUL MCGREGOR AND AUTUMN RAYLINE DIANE MCGREGOR ("Grantor(s)"),

in exchange for good and valuable consideration, hereby convey(s) and warrant(s) to

DARCY ANNE PAUKEN, as Trustee of THE TRADE WINDS NAVIGATION TRUST U/A/D OCTOBER 19, 2018 ("Grantee"),

in fee simple the following described real property located in **WASHINGTON** County, Utah, together with all the appurtenances, rights, and privileges belonging thereto, to wit (the "Property"):

LOT 1, JOHN HOLM LOT SPLIT, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

With all the covenants and warranties of title from Grantor(s) in favor of Grantee as are generally included with a conveyance of real property by warranty deed under Utah law, except for, however, the Property is subject to: (a) leases, rights of way, easements, reservations, plat maps, covenants, conditions, and restrictions appearing of record and enforceable in law; (b) zoning and other regulatory laws and ordinances affecting the Property; and (c) real property taxes and assessments for the year 2023 and thereafter

[Remainder of page intentionally left blank. Signatures appear on the following page.]

****BEING RECORDED TO CORRECT ENTRY 20230008655****

Information for reference purposes:

GT Title File No.: W53098

Tax Parcel No(s): AV-JHLS-1

Property Address(es) (if any):

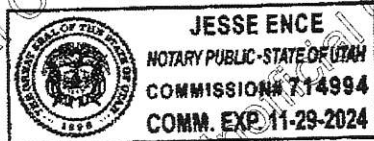
(UNASSIGNED ADDRESS), APPLE VALLEY, UT 84737

-Signature Page to Warranty Deed-Witness the hand of Grantor(s) this 2nd day of MARCH, 2023.
JARED PAUL MCGREGOR
AUTUMN RAYLINE DIANE MCGREGOR

STATE OF UTAH

COUNTY OF WASHINGTON) ss.

On this 2nd day of March, 2023, personally appeared before me JARED PAUL MCGREGOR and AUTUMN RAYLINE DIANE MCGREGOR, the named Grantor(s) of the within instrument, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and duly acknowledged that he/she/they executed this instrument. Witness my hand and official seal.


NOTARY PUBLIC

**TOWN OF APPLE VALLEY
ORDINANCE O-2024-80**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1376-F FROM RURAL ESTATES 20 ACRES ZONE (RE-20) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley ("Town") has been petitioned for a change in the zoning classification of parcel AV-1376-F from Rural Estates 20 Acres Zone (Re-20) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town's General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-1376-F is changed from Rural Estates 20 Acres Zone (Re-20) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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



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

See Fee Schedule Page 2

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: HAYDEN H STEVE & BARBARA TRS		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone:	
Address/Location of Property: 2483S 1200 E		Parcel ID: AV-1376F	
Existing Zone: RE-20		Proposed Zone: AGRICULTURE A-X	
For Planned Development Purposes: Acreage in Parcel <u>20 ACRES</u>		Acreage in Application <u>20.0</u>	
Reason for the request N1/2 NW1/4 SE1/4 Sec 22 zone chg to agriculture			

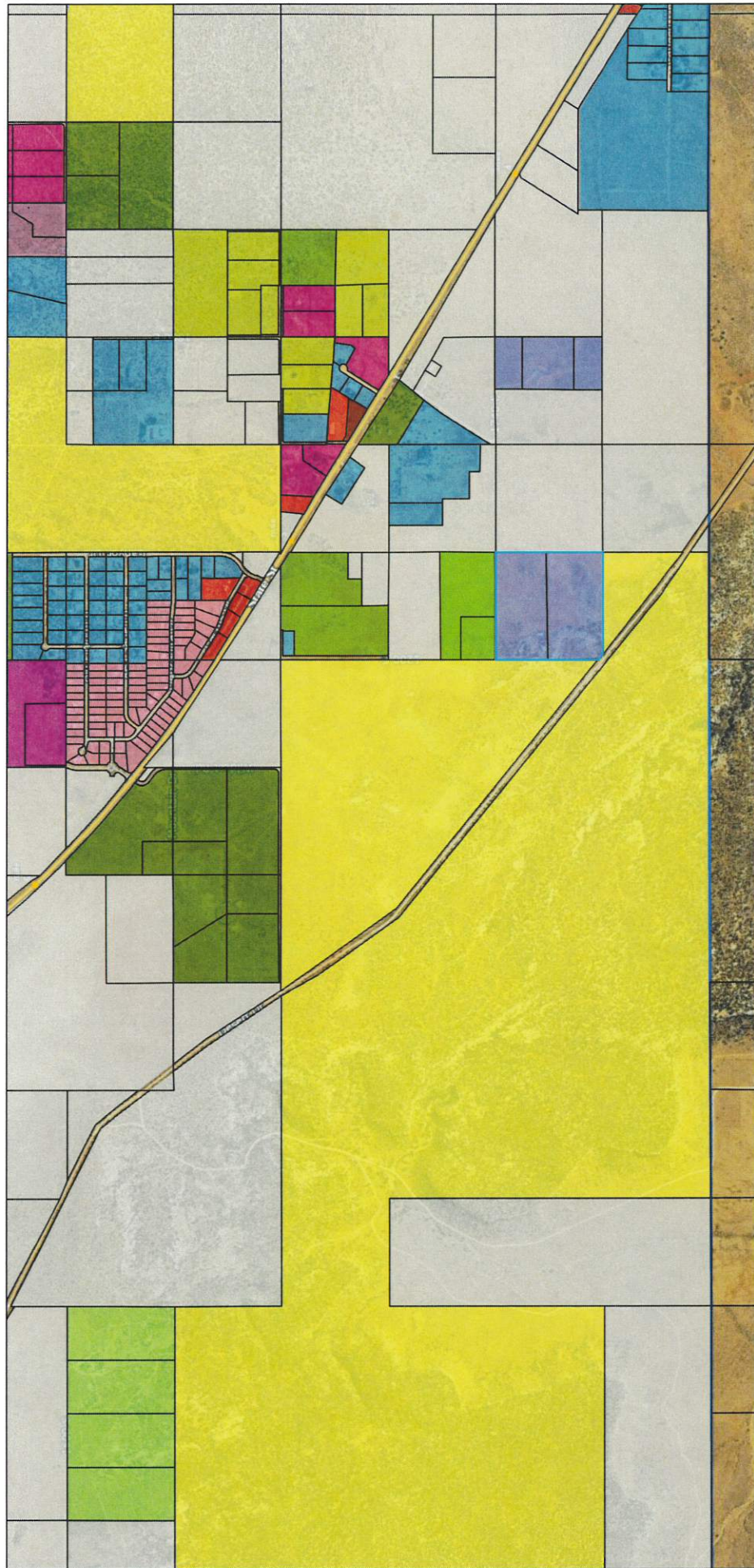
Submittal Requirements: The zone change application shall provide the following:

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

Applicant Signature 	Date 8-27-24
-------------------------	------------------------

Official Use Only	Amount Paid: \$	Receipt No:
Date Received: 8/27/24	Date Application Deemed Complete:	
By:	By:	

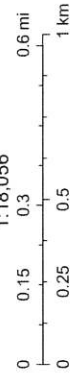
Apple Valley Zoning Districts



9/9/2024, 5:54:29 PM

- Washington County Parcels
- Future Annexation Boundary
- Zoning Districts
- A-5 - Agricultural > 5 Acres
- A-10 - Agricultural > 10 Acres
- A-20 - Agricultural > 20 Acres
- A-40 - Agricultural > 40 Acres
- Single-Family Residential > .5 Acres
- C-1 - Convenience Commercial
- C-2 - Highway Commercial
- C-3 - General Commercial
- INST - Institutional
- OSC - Open Space Conservation
- OST - Open Space Transition
- PD - Planned Development
- RE-1 - Rural Estate 1
- RE-5 - Rural Estate 5
- RE-10 - Rural Estate 10
- RE-20 - Rural Estate 20
- Town Boundary

1:18,056



Town of Apple Valley
Sunrise Cloud SMART GIS®

Item 18.



Hayden Property AV-1376L AV1376F



Legend



Ownership

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

Notes



1,504.7 0 752.33 1,504.7 Feet

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

Warranty Deed Page 1 of 3

Gary Christensen Washington County Recorder
 09/27/2023 02:35:46 PM Fee \$40.00 By LEGAL
 TITLE INSURANCE AGENCY, LLC

WHEN RECORDED
 MAIL TAX NOTICE TO:

Grantee:

2483 South 1200 East
 Apple Valley UT 84737

WARRANTY DEED

Rising Sun Trust, dated 26th day of February, 2022, by Richard Timpson, Trustee, Barbara Jessop, Trustee, Richard Edson Jessop, Trustee.

Grantor(s),

of Hurricane, Utah

hereby CONVEYS and WARRANTS to

H. Steve Hayden And Barbara Hayden, And To Their Successors, As Trustees Of The H. Steve And Barbara Hayden Revocable Trust, U/T/A Dated September 24, 2014

Grantee(s),

of Hurricane, Utah, for the sum of TEN DOLLARS and other good and valuable consideration, the following tract of land in Washington County, State of Utah to-wit:

See Attached Exhibit "A"

* Note: Grantors acquired title as Rising Sun Trust, dated 26th day of February, 2022, by Richard Timpson, Trustee (Grantor), Barbara Jessop, Trustee (Grantee), Richard Edson Jessop, Trustee (Grantee); however, the title of (Grantor)/(Grantee) was a reference to their positions in the trust.

WITNESS the hand of said grantor(s) this 22 day of September, 2023.

Rising Sun Trust, dated 26th day of
 February, 2022, by Richard
 Timpson, Trustee, Barbara Jessop,
 Trustee, Richard Edson Jessop,
 Trustee

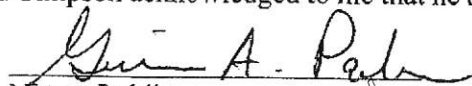


By: Richard Timpson, Trustee

STATE OF UtahCOUNTY OF Washington

)ss

On the 22nd day of September, 2023, personally appeared before me Richard Timpson, who, being duly sworn did say that he is the Trustee of the Rising Sun Trust, dated 26th day of February, 2022, and that said instrument was signed on behalf of said Trust, by authority granted under the Trust Agreement, and said Richard Timpson acknowledged to me that he as such Trustee executed the same.


 Notary Public

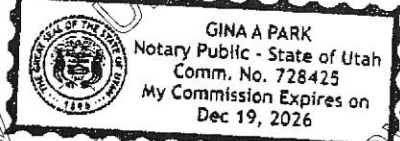

GINA A PARK
 Notary Public - State of Utah
 Comm. No. 728425
 My Commission Expires on
 Dec 10, 2024

Rising Sun Trust, dated 26th day of
February, 2022, by Richard
Timpson, Trustee, Barbara Jessop,
Trustee, Richard Edson Jessop,
Trustee

Barbara Jessop
By: Barbara Jessop, Trustee

STATE OF Utah)
COUNTY OF Washington)ss

On the 22nd day of September, 2023, personally appeared before me Barbara Jessop, who, being duly sworn did say that she is the Trustee of the Rising Sun Trust, dated 26th day of February, 2022, and that said instrument was signed on behalf of said Trust, by authority granted under the Trust Agreement, and said Barbara Jessop acknowledged to me that she as such Trustee executed the same.



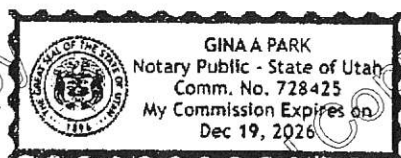
Gina A. Park
Notary Public

Rising Sun Trust, dated 26th day of
February, 2022, by Richard
Timpson, Trustee, Barbara Jessop,
Trustee, Richard Edson Jessop,
Trustee

Richard Edson Jessop
By: Richard Edson Jessop, Trustee

STATE OF Utah)
COUNTY OF Washington)ss

On the 22nd day of September, 2023, personally appeared before me Richard Edson Jessop, who, being duly sworn did say that he is the Trustee of the Rising Sun Trust, dated 26th day of February, 2022, and that said instrument was signed on behalf of said Trust, by authority granted under the Trust Agreement, and said Richard Edson Jessop acknowledged to me that he as such Trustee executed the same.



Gina A. Park
Notary Public

Exhibit "A"

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER
AND THE SOUTH ONEHALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE
BASE AND MERIDIAN.

TOGETHER WITH ALL WATER RIGHTS APPURTENANT THERETO

TOGETHER WITH AND SUBJECT TO A FIFTY (50) FOOT PERIMETER RIGHT-OF-WAY
AND EASEMENT AS GRANTED AND FULLY DESCRIBED IN THAT CERTAIN
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED
JULY 11, 1977 AS ENTRY NO. 185195 IN BOOK 222 AT PAGE 491, WASHINGTON
COUNTY RECORDER'S OFFICE.

Subject to easements, restrictions and rights of way appearing of record and enforceable in law
and subject to 2023 taxes and thereafter.

TAX SERIAL NO.: **AV-1376-L** (a portion thereof)

**TOWN OF APPLE VALLEY
ORDINANCE O-2024-81**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1376-E FROM RURAL ESTATES 20 ACRES ZONE (RE-20) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley ("Town") has been petitioned for a change in the zoning classification of parcel AV-1376-E from Rural Estates 20 Acres Zone (Re-20) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town's General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-1376-E is changed from Rural Estates 20 Acres Zone (Re-20) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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



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

See Fee Schedule Page 2

Item 19.

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: <i>Paul B. and Kathleen C. Hansen Revocable Trust</i>		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone:	
Address/Location of Property: <i>2591 Desert Drive</i>		Parcel ID: <i>AV 1376 E</i>	
Existing Zone: <i>DSTRE-20</i>		Proposed Zone: <i>AG-X</i>	
For Planned Development Purposes: Acreage in Parcel		Acreage in Application <i>20</i>	
Reason for the request <i>Already have home, Agricultural.</i>			

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

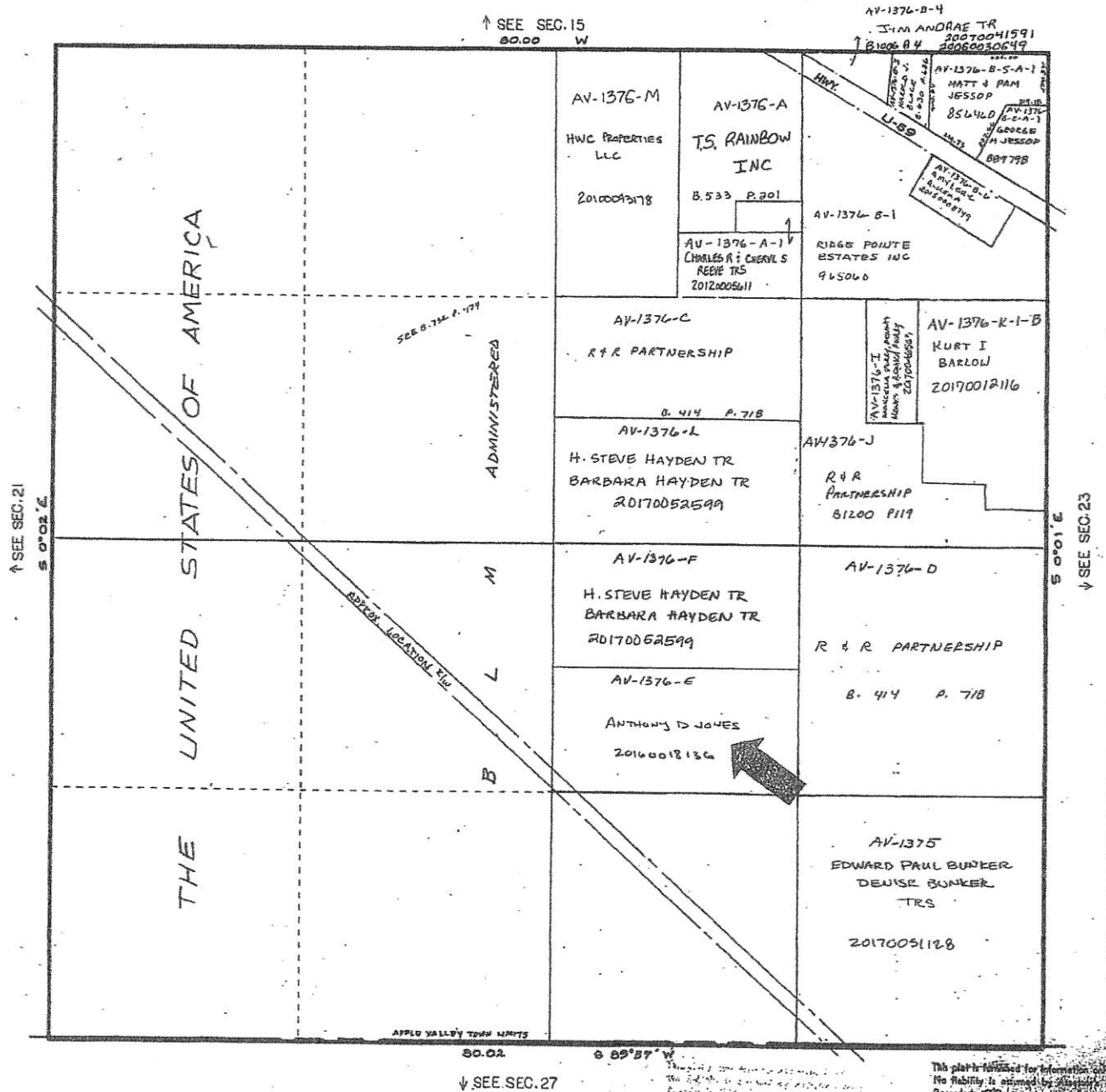
- ☐ A. The name and address of owners in addition to above owner.
- ☐ B. An accurate property map showing the existing and proposed zoning classifications
- ☐ C. All abutting properties showing present zoning classifications
- ☐ D. An accurate legal description of the property to be rezoned
- ☒ E. A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

Applicant Signature <i>Paul B Hansen</i>	Date <i>8-27-2024</i>
---	--------------------------

Official Use Only	Amount Paid: \$	Receipt No:
Date Received: <i>8/27/24</i>	Date Application Deemed Complete:	
By: <i>[Signature]</i>	By:	

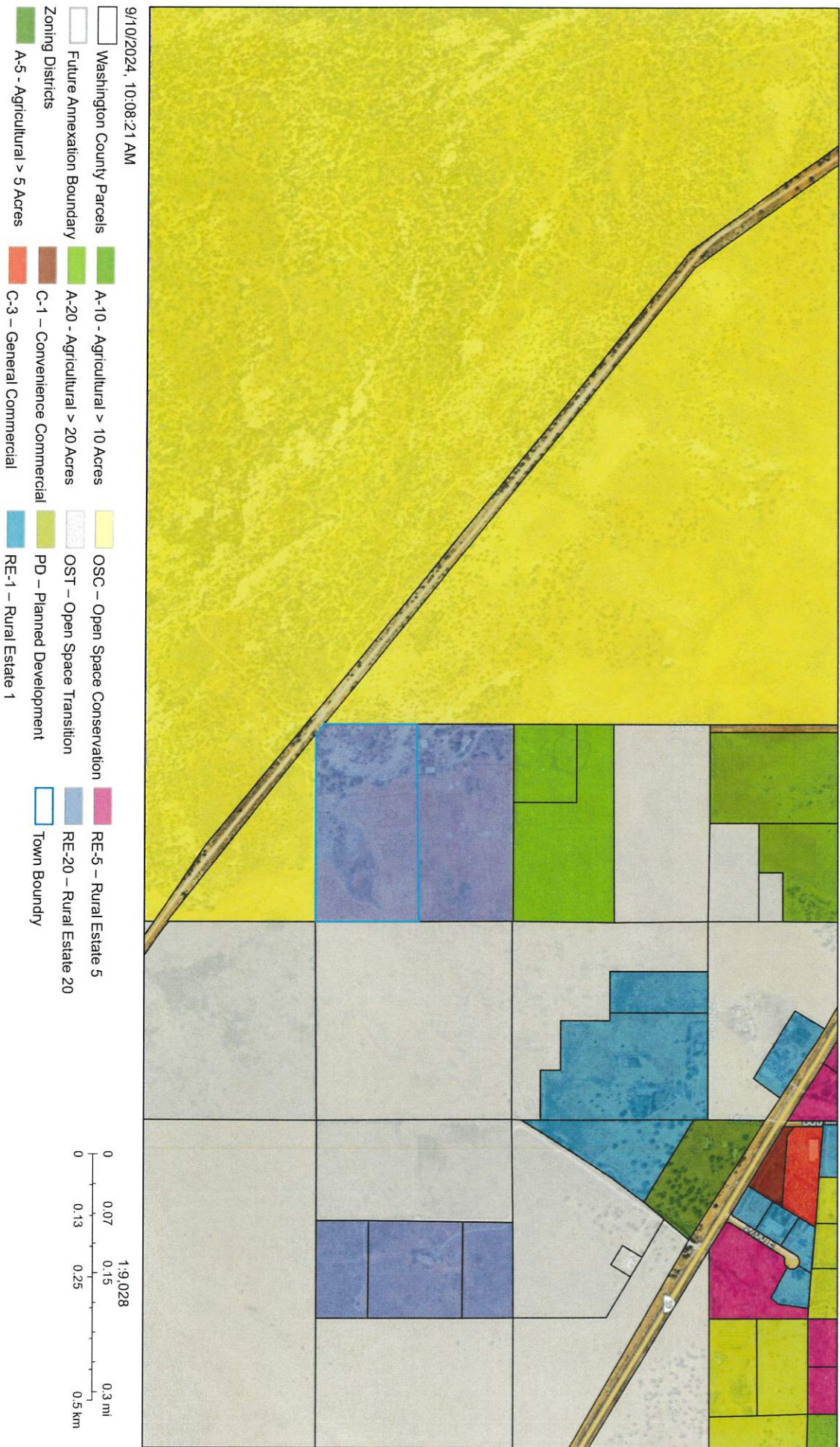
BOOK 2 PAGE 43-22

SECTION 22
T43 S -- R 11 W
SALT LAKE BASE & MERIDIAN
SCALE: ONE INCH=400 FEET
WASHINGTON COUNTY, UTAH



This map is for information purposes only and is in no way to be incorporated as being part of this Commitment and/or Title Insurance Policy.

Apple Valley Zoning Districts





Washington County Recorder
87 N. 200 E. Suite 101
St. George, UT 84770
(435)634-5709

Re: 20240021886
0374556
AV-1376-E
07/11/2024 03:32:14 PM

Item 19.

Frequently in the examination of Deeds, errors are detected that may seriously impair the validity of the transaction and purpose of the document. When possible, as a courtesy, the discrepancies are noted and called to the attention of interested parties. An examination of THIS DOCUMENT (copy provided) disclosed the following:

Incorrect or incomplete legal description, as noted on the copy

INCORRECT TOWNSHIP

TOWNSHIP IN LEGAL GIVEN READS AS "TOWNSHIP 34 SOUTH" WHEN THE TOWNSHIP SHOULD BE "TOWNSHIP 43 SOUTH"
THE TOWNSHIP WAS INCORRECT ON DOCUMENTS 202400149721 AND 20240021886.

Prompt attention should be given this notice, and if of sufficient importance your Title Company or Attorney should be contacted to record the correct document

The person who prepares and/or submits a document for recording is responsible for the content of the document (not the Washington County Recorder's Office). If there is a problem or error in the document, the document will need to be re-recorded, with a new signature and new notarization, or a new document may be recorded to fix the problem. RECORDING FEES WILL APPLY to record these documents.

Warranty Deed Page 1 of 3

Gary Christensen Washington County Recorder
 07/11/2024 03:32:14 PM Fee \$40.00 By JEFFS
 AND JEFFS, P.C.

WHEN RECORDED RETURN TO: and mail tax notice to:
 Paul B. Hansen and Kathleen C. Hansen, Trustees
 7867 South 2200 West
 Spanish Fork, UT 84660

*See preceding doc
 20240014971 (attached)*

Correction Warranty Deed

Paul B. Hansen and Kathleen C. Hansen, Trustees of the Paul B. and Kathleen C. Hansen Family Trust dated January 1, 2008, Grantors, hereby CONVEYS and WARRANTS to Paul B. Hansen and Kathleen C. Hansen, Trustees, or any successor trustees, of the Paul B. and Kathleen C. Hansen Revocable Trust dated May 14, 2024, Grantees, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the following described tract of land in Washington County, State of Utah:

The South Half of the Northwest Quarter of the Southeast Quarter (S1/2 NW1/2 SE1/4) of Section 22, Township 34 South, Range 11 West, Salt Lake Base and Meridian.

Tax Parcel Number AV-1376-E

Correction to Deed recorded May 14, 2024 as Entry No, 20240014971 corrected to add Water Rights Addendum to Land Deeds attached hereto and made a part hereof.

WITNESS the hand of said *Grantors*, this 11th day of July, 2024.

Paul B. Hansen

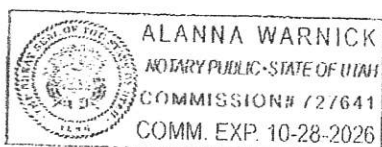
Paul B. Hansen, Trustee of the Paul B. and Kathleen C. Hansen Family Trust dated January 1, 2008

Kathleen C. Hansen

Kathleen C. Hansen, Trustee of the Paul B. and Kathleen C. Hansen Family Trust dated January 1, 2008

STATE OF UTAH)
 : ss.
 COUNTY OF UTAH)

On the 11th day of July, 2024, personally appeared before me Paul B. Hansen and Kathleen C. Hansen, Trustees of the Paul B. and Kathleen C. Hansen Family Trust dated January 1, 2008, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.



Alanna Warnick
 Notary Public

**TOWN OF APPLE VALLEY
ORDINANCE O-2024-82**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1372-C FROM OPEN SPACE TRANSITION ZONE (OST) TO A AGRICULTURAL ZONE (A-X)

WHEREAS, the Town of Apple Valley ("Town") has been petitioned for a change in the zoning classification of parcel AV-1372-C from Open Space Transition Zone (OST) to A Agricultural Zone (A-X); and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on October 2, 2024. In a meeting on the same day the Planning Commission recommended approval of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation; and,

WHEREAS, the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town's General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 23rd day of October 2024, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The Zoning Designation for parcel AV-1372-C is changed from Open Space Transition Zone (OST) to A Agricultural Zone (A-X).

SECTION II: Update of the Official Zoning Map. The official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective immediately without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 23rd day of October, 2024.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

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



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

See Fee Schedule Page 2

Item 20.

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: Richard & Brittany Fischer		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone:	
Address/Location of Property: 1241 South Desert		Parcel ID: AV-1372-C	
Existing Zone: OST		Proposed Zone: AGG 5	
For Planned Development Purposes: Acreage in Parcel _____ Acreage in Application <u>22.5</u>			
Reason for the request We have agg animals and also have children who <i>want to build next to us.</i>			

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

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

Applicant Signature <i>Richard Fischer</i>	Date <i>8-29-2024</i>
---	--------------------------

Official Use Only	Amount Paid: \$	Receipt No:
Date Received: <i>8/29/24</i>	Date Application Deemed Complete:	
By: <i>[Signature]</i>	By:	

Location	Owner	Value
Account Number 0793646	Name FISCHER RICHARD S & BRITTANY	Market (2024) \$804,200
Parcel Number AV-1372-C	1241 S DESERT DR	Taxable \$292,625
Tax District 45 - Apple Valley Town	APPLE VALLEY, UT 84737	Tax Area: 45 Tax Rate: 0.006853
Acres 22.25		Type Actual Assessed Acres
Situs 1241 S DESERT DR , APPLE VALLEY		Primary \$523,700 \$288,035 1.000
Legal S: 17 T: 43S R: 11W BEG AT PT W ALG SEC/L, 1196.26 FT FM NE COR SEC 17 T43S R11W; TH S 1236.85 FT; TH N57*20 W 178.28 FT; TH N53*25 W 1013.00 FT; TH N37"00 W 672.18 FT; TH N89*59'52 E 1368.04 FT TO POB.		Farm
Parent Accounts 0155542		Land \$280,500 \$4,590 21.250
Parent Parcels AV-1372-A		FAA
Child Accounts		
Child Parcels		
Sibling Accounts		
Sibling Parcels		

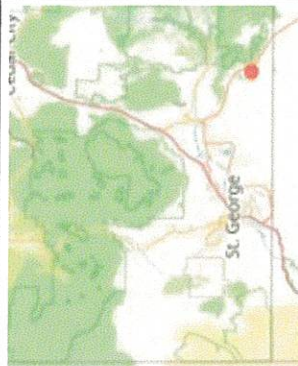
Transfers

Entry Number	Recording Date	
00156531	08/13/1973 12:00:00 AM	B: 140 P: 415
00434469	05/26/1993 11:51:00 AM	B: 730 P: 247
00840861	09/16/2003 04:48:00 PM	B: 1582 P: 1493
00995114	01/03/2006 04:42:00 PM	B: 1830 P: 2409
00998035	01/19/2006 09:21:00 AM	B: 1835 P: 844
00998036	01/19/2006 09:21:00 AM	B: 1835 P: 845
20060008468	03/16/2006 01:14:18 PM	
20070056354	11/27/2007 02:45:36 PM	
20070056355	11/27/2007 02:45:36 PM	
20090045239	11/30/2009 02:44:31 PM	
20100011450	04/08/2010 04:35:19 PM	
20100011451	04/08/2010 04:35:19 PM	
20100011452	04/08/2010 04:35:19 PM	
20110025166	08/18/2011 08:31:21 AM	
20110031703	10/18/2011 02:16:28 PM	
20110031704	10/18/2011 02:16:28 PM	
20130046730	12/20/2013 02:54:08 PM	
20130046792	12/23/2013 09:50:18 AM	
20190000956	01/09/2019 11:15:43 AM	
20220051468	11/30/2022 08:24:08 AM	
20220051469	11/30/2022 08:24:08 AM	
20240013804	05/03/2024 01:48:40 PM	
20240014516	05/10/2024 10:13:32 AM	
20240017414	06/04/2024 10:20:34 AM	
20240017416	06/04/2024 10:20:34 AM	

Tax	Images
Tax Year	Taxes
*2024	\$2,005.36
2023	\$2,018.55
	• GIS



Title



Legend



Ownership

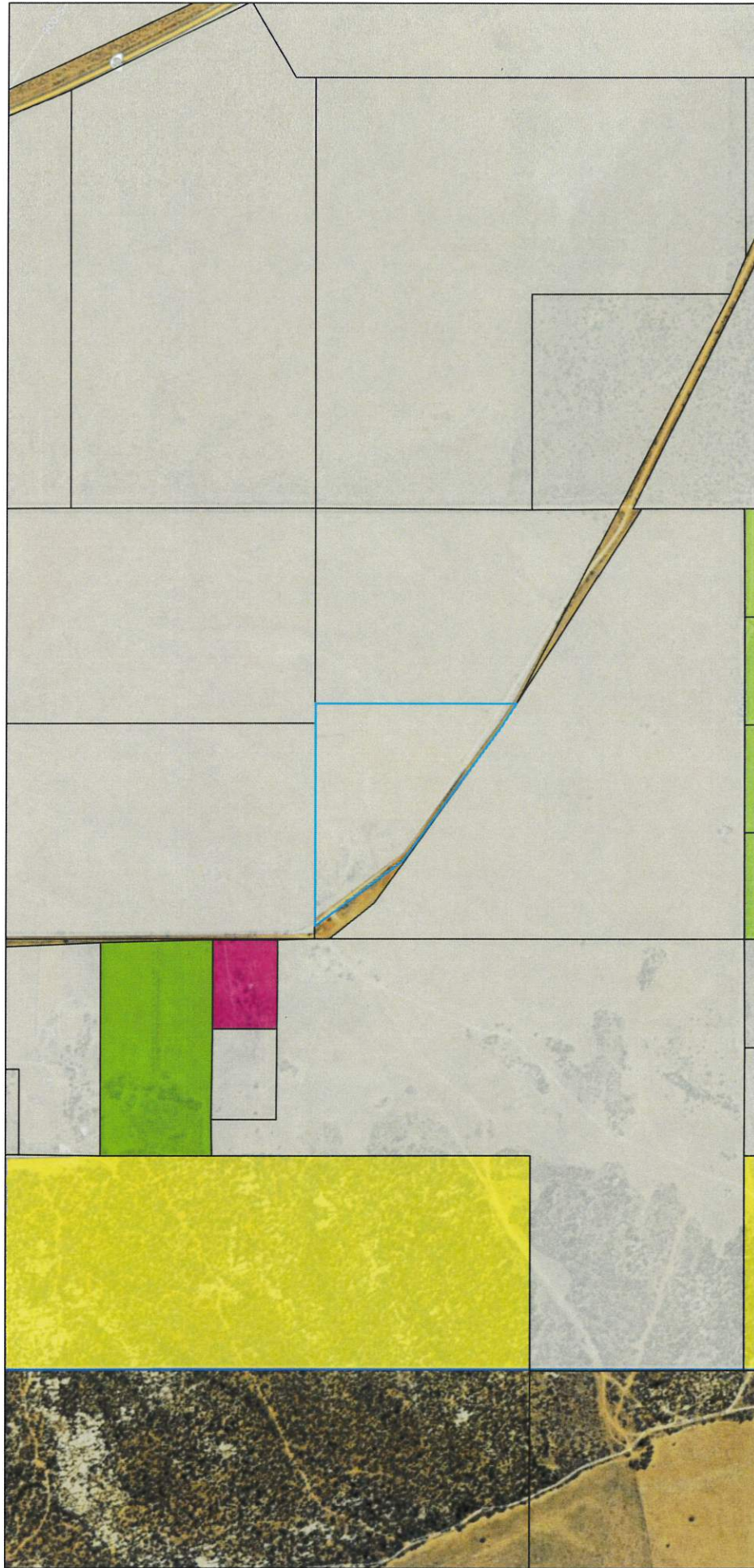
- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Shiwiits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally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

Notes

1,504.7 0 752.33 1,504.7 Feet

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

Apple Valley Zoning Districts



9/9/2024, 12:50:32 PM

- Washington County Parcels
- Future Annexation Boundary
- Zoning Districts
- A-20 - Agricultural > 20 Acres
- A-40 - Agricultural > 40 Acres
- OSC - Open Space Conservation
- OST - Open Space Transition
- RE-5 - Rural Estate 5
- Town Boundary

1:9,028
0 0.07 0.13 0.15 0.25 0.3 mi
0 0 0.13 0.25 0.5 km

Warranty Deed Page 1 of 2

Gary Christensen Washington County Recorder

06/04/2024 10:20:34 AM Fee \$40.00 By US TITLE

INSURANCE AGENCY

WHEN RECORDED MAIL TO
AND MAIL TAX NOTICE TO:

Richard Smith Fischer
1241 South Desert Drive
Apple Valley, UT 84737

WARRANTY DEED

File No.: 073379

APN: AV-1372-C

Richard Smith Fischer,

Grantor(s), of , County, State of , hereby convey(s) and warrant(s) to

Richard Smith Fischer and Brittany Fischer, husband and wife as joint tenants,

Grantee(s), of Apple Valley, Washington County, State of Utah, for the sum of ten dollars and other good
and valuable consideration, the following tract of land located in Washington County, Utah, to wit:

See Exhibit A attached hereto and made a part hereof.

Subject to easements, restrictions, and rights of way appearing of record or enforceable in law or equity.

Witness the hand(s) of said Grantor(s) this 30 day of May, 2024.

Richard Smith Fischer

STATE OF UTAH)

:ss)

COUNTY OF Washington)

The foregoing instrument was acknowledged before me the 30 day of May,
2024 by Richard Smith Fischer.

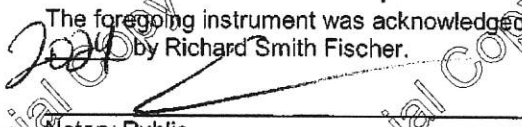
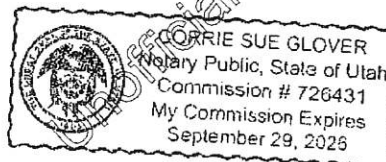

Notary Public


EXHIBIT "A"

COMMENCING AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 43 SOUTH, RANGE 11 WEST, OF THE SALT LAKE BASE & MERIDIAN; THENCE N89°57'28"W ALONG THE NORTH SECTION LINE 1776.74 FEET TO THE POINT OF BEGINNING;

THENCE S00°02'41"W 830.13 FEET; THENCE N54°08'04"W 800.05 FEET; THENCE N38°23'34"W 350.99 FEET TO THE QUARTER SECTION LINE; THENCE N00°04'49"E ALONG SAID LINE, 86.93 FEET TO THE CENTER SECTION CORNER; THENCE S89°57'28"E ALONG THE QUARTER SECTION LINE, 866.87 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING SOUTHWESTERLY OF THE NORTHEASTERLY LINE OF AN EXISTING ROADWAY.

Situated in Washington County

APN: AV-1372-C

TAX_ID	FIELD5	FIELD6	FIELD8	FIELD10
AV-1371-NP	MIDNIGHT PROPERTIES L C	180 W 975 N # 23-12	HURRICANE	UT 84737-1735
AV-1354-NP-11-B	BLACK TREVOR & DORIS D	1094 S COYOTE RD	APPLE VALLEY	UT 84737
AV-1372-C	FISCHER RICHARD S & BRITTANY	1241 S DESERT DR	APPLE VALLEY	UT 84737
AV-1354-A-1	BANG PROPERTIES LLC, ROXSTAR PROPERTIES LLC	1745 E 3850 S # 1	SAINT GEORGE	UT 84790
AV-1372-B	MIDNIGHT PROPERTIES LC	180 W 975 N	HURRICANE	UT 84737-1735
AV-1372-A	SCOW BOB J & CINDY H	1705 W 400 S	HURRICANE	UT 84737-2454
AV-1354-B	BANG PROPERTIES LLC, ROXSTAR PROPERTIES LLC	1745 E 3850 S # 1	SAINT GEORGE	UT 84790

**Town of Apple Valley
Disbursement Listing
SBSU Operating - 09/01/2024 to 09/30/2024**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Lindsay, Shauna Marie	5707	02/29/2024		09/16/2024	\$70.59	Purchasing
Van De Hey, Robert and Jamell	5721	03/07/2024		09/04/2024	\$105.93	Purchasing
Chase Paymentech	C932024	09/03/2024	\$449.95			Purchasing
Google LLC	G09032024	09/03/2024	\$361.83			Purchasing
Home Depot	HD09032024	09/03/2024	\$111.63			Purchasing
Home Depot	HD932024	09/03/2024	\$434.38			Purchasing
Superior Technical Solutions LLC	STS09032024	09/03/2024	\$653.00			Purchasing
Alkema, Amy	5915	09/04/2024	\$3,000.00			Purchasing
Van De Hey, Robert and Jamell	5916	09/04/2024	\$105.93			Purchasing
Amazon Capital Services	5917	09/05/2024	\$1,311.43			Purchasing
Cottam Law LLC	5918	09/05/2024	\$1,540.00			Purchasing
Jenkins Oil Company Inc.	5919	09/05/2024	\$2,798.26			Purchasing
JP Cooke Co.	5920	09/05/2024	\$83.49			Purchasing
Michael Farrar, CPA	5921	09/05/2024	\$600.00			Purchasing
Pelorus Methods, Inc.	5922	09/05/2024	\$700.00			Purchasing
Revco Leasing	5923	09/05/2024	\$302.51			Purchasing
South Central Communications	5924	09/05/2024	\$451.39			Purchasing
Sunrise Engineering Inc.	5925	09/05/2024		09/05/2024	\$121.50	Purchasing
Town of Apple Valley	5926	09/05/2024	\$1,618.18			Purchasing
Buck's Ace Hardware	5927	09/05/2024	\$154.15			Purchasing
Tink's Napa Superior Auto Parts	5928	09/05/2024	\$27.98			Purchasing
State Bank of Southern Utah	SBSU09052024	09/05/2024	\$25.00			Purchasing
USPS	USPS952024	09/05/2024	\$292.00			Purchasing
Payroll	0906241200	09/06/2024	\$8,509.29			Paycheck
Fralish, Lee W	5914	09/06/2024	\$138.52			Paycheck
Internal Revenue Service	EFTPS0906202	09/06/2024	\$1,842.48			Payroll
Utah Retirement Systems	URS09062024	09/06/2024	\$1,256.21			Payroll
XPress Bill Pay	XPB962024	09/06/2024	\$298.25			Purchasing
Henry Schein	5929	09/09/2024	\$641.07			Purchasing
Municipal Emergency Services, Inc.	5930	09/09/2024	\$1,910.00			Purchasing
Big Plains Water SSD	5931	09/09/2024	\$55,688.60			Purchasing
Cottam Law LLC	5932	09/10/2024	\$1,430.00			Purchasing
Utah State Division of Finance	5933	09/11/2024	\$63,243.41			Purchasing
Andreasen, Carl	5934	09/11/2024	\$98.95			Purchasing
Home Depot	HD9112024	09/11/2024	\$283.20			Purchasing
Arizona Strip Landfill Corporation	5935	09/12/2024	\$100.00			Purchasing
Shums Coda	5936	09/12/2024	\$2,437.50			Purchasing
Washington County Solid Waste	5937	09/12/2024	\$5,273.15			Purchasing
Gubler, Stephen	5938	09/16/2024	\$49.00			Purchasing
Lindsay, Shauna Marie	5939	09/16/2024	\$70.59			Purchasing
Rocky Mountain Power	RMP9162024	09/16/2024	\$442.05			Purchasing
State Bank of Southern Utah	SBSU09162024	09/16/2024	\$25.00			Purchasing
Zoom Video Communications Inc.	Z9182024	09/18/2024	\$15.99			Purchasing
Buck's Ace Hardware	5940	09/19/2024	\$273.13			Purchasing
Henry Schein	5941	09/19/2024	\$16.10			Purchasing
James R Weeks	5942	09/19/2024	\$162.50			Purchasing
Scholzen Products	5943	09/19/2024	\$435.20			Purchasing
Utah Valley University	5944	09/19/2024	\$10.00			Purchasing
Otter AI Inc.	OAI9192024	09/19/2024	\$133.48			Purchasing
Payroll	0920241200	09/20/2024	\$8,113.53			Paycheck
Internal Revenue Service	EFTS09202024	09/20/2024	\$1,720.56			Payroll
Utah Retirement Systems	URS09202024	09/20/2024	\$1,273.37			Payroll
			\$170,912.24		\$298.02	

**Town of Apple Valley
Disbursement Listing
SBSU Fire - 09/01/2024 to 09/30/2024**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Utah Department of Health (UDOH)	UDOH0905202	09/05/2024	\$75.00			Purchasing
Little Creek Station	LCS09062024	09/06/2024	\$26.60			Purchasing
Carquest of Hildale	CQH09102024	09/10/2024	\$15.99			Purchasing
Carquest of Hildale	CQH9102024	09/10/2024	\$14.41			Purchasing
Utah Communications Authority	UCA9112024	09/11/2024	\$565.24			Purchasing
Maverik	M09122024	09/12/2024	\$72.59			Purchasing
Maverik	M9122024	09/12/2024	\$47.81			Purchasing
Maverik	M9132024	09/13/2024	\$84.81			Purchasing
Tagg N Go Express Car Wash	TNG9302024	09/30/2024	\$15.00			Purchasing
			\$917.45		\$0.00	

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2024 to 09/30/2024
25.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	2,540.52	1,559.03	6,805.62	160,000.00	4.25%
3130 General Sales and Use Taxes	34,364.80	0.00	0.00	175,000.00	0.00%
3140 Energy and Communication Taxes	8,077.11	4,937.92	13,373.69	40,000.00	33.43%
3150 RAP Tax	1,832.13	1,599.06	3,612.33	18,000.00	20.07%
3160 Transient Taxes	3,567.74	0.00	0.00	18,000.00	0.00%
3180 Fuel Tax Refund	3.08	0.00	0.00	0.00	0.00%
3190 Highway/Transit Tax	3,863.86	0.00	0.00	17,100.00	0.00%
Total Taxes	54,249.24	8,096.01	23,791.64	428,100.00	5.56%
Licenses and permits					
3210 Business Licenses	600.00	1,650.00	2,400.00	10,500.00	22.86%
3221 Building Permits-Fee	13,308.94	375.00	1,777.51	45,000.00	3.95%
3222 Building Permits-Non Surcharge	1,996.34	93.75	413.13	7,750.00	5.33%
3224 Building Permits Surcharge	17.71	0.00	1.54	450.00	0.34%
3225 Animal Licenses	40.00	40.00	40.00	800.00	5.00%
Total Licenses and permits	15,962.99	2,158.75	4,632.18	64,500.00	7.18%
Intergovernmental revenue					
3356 Class "C" Road Allotment	42,791.27	0.00	0.00	112,000.00	0.00%
3358 Liquor Control Profits	0.00	0.00	0.00	1,100.00	0.00%
Total Intergovernmental revenue	42,791.27	0.00	0.00	113,100.00	0.00%
Charges for services					
3230 Special Event Permit	150.00	3,146.50	3,146.50	1,000.00	314.65%
3410 Clerical Services	66.48	46.50	46.50	400.00	11.63%
3416 Other Interdepartmental Charges	125.00	5,000.00	10,000.00	60,000.00	16.67%
3431 Zoning and Subdivision Fees	17,660.00	1,600.00	4,000.00	20,000.00	20.00%
3440 Solid Waste	15,152.98	5,287.05	15,861.15	61,000.00	26.00%
3441 Storm Drainage	12,453.84	4,223.87	12,649.19	49,000.00	25.81%
3461 GRAMA Requests	115.00	0.00	0.00	100.00	0.00%
3470 Park and Recreation Fees	225.00	0.00	0.00	100.00	0.00%
3481 Sale of Cemetery Lots	300.00	0.00	0.00	0.00	0.00%
3482 Cemetery Perpetual Care	300.00	0.00	0.00	0.00	0.00%
3615 Late Charges/Other Fees	550.21	131.16	650.63	1,000.00	65.06%
Total Charges for services	47,098.51	19,435.08	46,353.97	192,600.00	24.07%
Fines and forfeitures					
3510 Fines	298.80	0.00	1,288.23	5,000.00	25.76%
Total Fines and forfeitures	298.80	0.00	1,288.23	5,000.00	25.76%
Interest					
3610 Interest Earnings	11,386.05	5,084.39	15,955.71	42,200.00	37.81%
Total Interest	11,386.05	5,084.39	15,955.71	42,200.00	37.81%
Miscellaneous revenue					
3640 Sale of Capital Assets	7,500.00	0.00	0.00	0.00	0.00%
3690 Sundry Revenue	1,290.73	1,687.99	1,554.10	5,000.00	31.08%
3801.1 Impact fees - Fire	3,128.00	0.00	0.00	6,800.00	0.00%
3801.3 Impact fees - Roadways	10,270.00	0.00	0.00	24,600.00	0.00%
3801.6 Impact fees - Storm Water	4,325.79	0.00	0.00	31,000.00	0.00%
3801.7 Impact fees - Parks, Trails, OS	2,620.00	0.00	0.00	6,600.00	0.00%
Total Miscellaneous revenue	29,134.52	1,687.99	1,554.10	74,000.00	2.10%
Total Revenue:	200,921.38	36,462.22	93,575.83	919,500.00	10.18%
Expenditures:					
General government					
Council					
4111.110 Council/PC Salaries and Wages	5,875.00	550.00	2,404.99	13,000.00	18.50%
4111.130 Council/PC Employee benefits	449.54	42.09	183.64	1,000.00	18.36%
4111.210 Council/PC Travel Reimbursement	0.00	0.00	0.00	1,000.00	0.00%
4111.220 Council/PC Training	0.00	0.00	0.00	1,000.00	0.00%
Total Council	6,324.54	592.09	2,588.63	16,000.00	16.18%
Administrative					
4141.110 Admin Salaries and Wages	27,594.30	8,767.95	30,790.78	99,000.00	31.10%
4141.130 Admin Employee Benefits	3,284.38	1,550.46	4,762.49	17,100.00	27.85%
4141.140 Admin Employee Retirement - GASB 68	1,280.38	927.79	3,243.04	7,000.00	46.33%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2024 to 09/30/2024
25.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4141.210 Admin Dues, Subs & Memberships	289.52	133.48	3,706.96	8,000.00	46.34%
4141.220 Admin Public Notices	0.00	0.00	0.00	100.00	0.00%
4141.230 Admin Training	0.00	0.00	325.00	1,000.00	32.50%
4141.240 Admin Office/Administrative Expense	2,688.31	656.31	2,438.19	8,000.00	30.48%
4141.250 Admin Equipment Expenses	5,356.61	2,017.34	5,037.25	10,000.00	50.37%
4141.260 Admin Building & Ground Maintenance	4,176.42	206.21	869.16	4,500.00	19.31%
4141.270 Admin Utilities	939.66	2,060.23	6,409.61	7,600.00	84.34%
4141.280 Admin Telephone and Internet	1,326.59	451.39	1,352.66	8,100.00	16.70%
4141.290 Admin Postage	801.65	292.00	584.00	3,700.00	15.78%
4141.320 Admin Engineering Fees	1,069.25	1,053.00	972.00	3,500.00	27.77%
4141.330 Admin Legal Fees	11,477.50	3,512.50	4,840.00	50,000.00	9.68%
4141.340 Admin Accounting & Auditing	5,493.75	0.00	2,812.50	20,000.00	14.06%
4141.350 Admin Building/Zoning/Planning Fees	3,410.00	0.00	8,563.75	30,000.00	28.55%
4141.390 Admin Bank Service Charges	0.00	50.00	65.00	200.00	32.50%
4141.410 Admin Insurance	12,603.16	0.00	14,772.81	16,000.00	92.33%
4141.490 Admin Travel Reimbursements	207.70	1,105.74	1,286.50	1,500.00	85.77%
4141.500 Admin Weed Abatement	508.00	0.00	0.00	1,500.00	0.00%
4141.610 Bad Debt Expense	0.00	0.00	(20.00)	250.00	-8.00%
4141.740 Admin Capital Outlay	1,860.19	0.00	0.00	0.00	0.00%
4170 Elections	0.00	0.00	0.00	1,500.00	0.00%
Total Administrative	84,367.37	22,784.40	92,811.70	298,550.00	31.09%
Total General government	90,691.91	23,376.49	95,400.33	314,550.00	30.33%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	0.00	0.00	0.00	15,000.00	0.00%
4253.250 Animal Control Supplies	0.00	0.00	0.00	100.00	0.00%
Total Police	0.00	0.00	0.00	15,100.00	0.00%
Fire					
4220.110 Fire Salaries & Wages	13,690.26	4,506.88	16,646.88	67,200.00	24.77%
4220.130 Fire Employee Benefits	1,047.46	344.76	1,273.46	5,600.00	22.74%
4220.135 Fire Employee Retirement - GASB 68	2,218.30	795.82	2,811.33	8,100.00	34.71%
4220.150 Fire Contract Expense	0.00	0.00	1,164.00	8,000.00	14.55%
4220.210 Fire Dues, Subscriptions & Memberships	0.00	0.00	285.00	1,200.00	23.75%
4220.230 Fire Travel, Mileage & Cell	150.00	84.88	134.88	600.00	22.48%
4220.240 Fire Office & Other Expenses	447.78	26.60	252.59	500.00	50.52%
4220.250 Fire Equipment Maintenance & Repairs	1,443.89	580.24	1,387.01	11,000.00	12.61%
4220.260 Fire Rent Expense	0.00	0.00	0.00	6,000.00	0.00%
4220.360 Fire Training	150.00	290.21	556.33	2,100.00	26.49%
4220.450 Fire Small Equip/Supplies	10,869.00	30.40	1,086.82	15,000.00	7.25%
4220.455 EMS Medical Supplies	0.00	16.10	657.17	0.00	0.00%
4220.460 Fire Supplies-Fundraisers	0.00	0.00	1,910.00	500.00	382.00%
4220.465 Fire Gear	31.99	0.00	0.00	23,000.00	0.00%
4220.480 Fire Mitigation MOU Expenditures	0.00	0.00	0.00	15,000.00	0.00%
4220.560 Fire Equipment Fuel	3,714.78	68.02	941.24	4,000.00	23.53%
Total Fire	33,763.46	6,743.91	29,106.71	167,800.00	17.35%
Total Public safety	33,763.46	6,743.91	29,106.71	182,900.00	15.91%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	643.00	77.00	984.00	15,200.00	6.47%
4410.130 Road Employee Benefits	49.68	5.89	75.29	200.00	37.65%
4410.275 Road Improvements	0.00	0.00	850.00	0.00	0.00%
4410.450 Road Department Supplies	6,104.65	0.00	0.00	30,000.00	0.00%
4410.560 Road Equipment Fuel	1,421.61	0.00	0.00	2,000.00	0.00%
4410.810 Road Principal	35,000.00	36,000.00	36,000.00	36,000.00	100.00%
4410.820 Road Interest	28,121.65	27,243.41	27,243.41	27,275.00	99.88%
4415.110 Public Works Wages and Contract Labor	14,432.25	4,884.00	15,964.00	30,300.00	52.69%
4415.130 Public Works Employee Benefits	1,115.48	373.62	1,221.24	0.00	0.00%
4415.140 Public Works Employee Retirement - GASB 68	1,091.29	0.00	0.00	0.00	0.00%
4415.450 Public Works Supplies	8,136.60	1,246.90	2,605.99	6,000.00	43.43%
4415.550 Public Works Equipment Maintenance	3,322.31	0.00	3,351.33	3,000.00	111.71%
4415.560 Public Works Equipment Fuel	1,633.64	0.00	1,066.96	2,000.00	53.35%
4415.570 Public Works Travel, Mileage, Cell	623.17	0.00	0.00	500.00	0.00%
4415.610 Public Works Storm Drainage	666.55	0.00	0.00	2,000.00	0.00%
4415.615 Storm Drainage Improvements	1,457.14	435.20	2,432.00	0.00	0.00%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2024 to 09/30/2024
25.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4415.740 Public Works Capital Outlay	17.37	0.00	13,000.00	0.00	0.00%
Total Highways	103,836.39	70,266.02	104,794.22	154,475.00	67.84%
Sanitation					
4420.460 Solid Waste Service	10,132.36	100.00	16,684.55	60,000.00	27.81%
Total Sanitation	10,132.36	100.00	16,684.55	60,000.00	27.81%
Total Highways and public improvements	113,968.75	70,366.02	121,478.77	214,475.00	56.64%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	1,506.50	220.00	1,232.00	2,000.00	61.60%
4540.130 Park/Rec Employee Benefits	115.71	16.85	94.27	0.00	0.00%
4540.250 Park/Rec Department Expenses	136.58	0.00	309.07	1,000.00	30.91%
4540.460 Park/Rec Community Events Supplies	1,450.12	0.00	(27.86)	4,000.00	-0.70%
Total Parks	3,208.91	236.85	1,607.48	7,000.00	22.96%
Cemetery					
4590.470 Cemetery Capital Outlay	56.96	0.00	0.00	0.00	0.00%
Total Cemetery	56.96	0.00	0.00	0.00	0.00%
Total Parks, recreation, and public property	3,265.87	236.85	1,607.48	7,000.00	22.96%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	131,575.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	6,800.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	24,600.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	31,000.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	6,600.00	0.00%
Total Transfers	0.00	0.00	0.00	200,575.00	0.00%
Total Expenditures:	241,689.99	100,723.27	247,593.29	919,500.00	26.93%
Total Change In Net Position	(40,768.61)	(64,261.05)	(154,017.46)	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2024 to 09/30/2024
25.00% of the fiscal year has expired

	<u>Prior YTD</u>	<u>Current Period</u>	<u>Current YTD</u>	<u>Annual Budget</u>	<u>Percent Used</u>
Change In Net Position					
Expenditures:					
General government					
Administrative					
4141.740 Capital Outlay Expenses	11,799.89	0.00	45,000.00	0.00	0.00%
Total Administrative	<u>11,799.89</u>	<u>0.00</u>	<u>45,000.00</u>	<u>0.00</u>	<u>0.00%</u>
Total General government	<u>11,799.89</u>	<u>0.00</u>	<u>45,000.00</u>	<u>0.00</u>	<u>0.00%</u>
Parks, recreation, and public property					
Cemetery					
4590.470 Cemetery Capital Outlay	319.45	0.00	0.00	0.00	0.00%
Total Cemetery	<u>319.45</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Parks, recreation, and public property	<u>319.45</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expenditures:	<u>12,119.34</u>	<u>0.00</u>	<u>45,000.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Change In Net Position	<u>(12,119.34)</u>	<u>0.00</u>	<u>(45,000.00)</u>	<u>0.00</u>	<u>0.00%</u>



SPECIAL TOWN COUNCIL WORK MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, September 12, 2024 at 9:30 AM

MINUTES

CALL TO ORDER- Mayor Farrar called the meeting to order at 9:31 a.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Michael Farrar, Council Member Kevin Sair, Council Member Janet Prentice, Council Member Annie Spendlove, Council Member Scott Taylor, Deputy Clerk Michelle Kinney.

OTHERS PRESENT

Attorney Matt Ence representing Oculita Roca and Developer Dallin Jolley with Oculita Roca.

DISCUSSION

1. PID Discussion.

Mayor Farrar began by explaining the goal of educating the council members, similar to how they had been educated by Matt Ence, an attorney specializing in Public Infrastructure Development (PID). The mayor introduced Dallin Jolley, who is leading the Oculita Roca Hidden Rock development, and mentioned that the developers want to implement a Public Infrastructure District (PID) for the project. The mayor explained that the funds from a PID are strictly for public infrastructure related to the development. They clarified that these funds cannot be used for internal development features, such as streets or other aspects maintained by the developer. At this point, the mayor invited Dallin Jolley Matt Ence to provide a more detailed explanation from the ground up.

Dallin Jolley provided an overview of the Oculita Roca project, which consists of three parcels totaling 84, 17, and 101 acres located on the former site of the old Kokopelli Golf Course. They had been working on securing approvals and finalized their development agreement for a landscape-style hotel and residential cabins at the end of June. The residences would consist of large lots designed for agro-tourism. He mentioned the existing infrastructure, such as a water line from the former golf course, was inadequate. After conducting tests on a new well, they found positive results, indicating sufficient water flow. However, it was proposed connecting to the Apple Valley water system to ensure a reliable supply of culinary water for the project.

Council Member Prentice clarified that the existing well would be used only for irrigation purposes, while a new culinary water line would be installed. Discussions had taken place regarding the costs associated with this connection.

Dallin Jolley detailed four primary infrastructure improvements necessary for the development:

1. **Highway Turn-off Lane:** They had been working with UDOT on the design of a turn-off lane on Highway 59, which would include a slowdown lane and an acceleration lane to manage traffic effectively.

2. **Cinder Hill Road Improvements:** Plans were in place to widen and pave Cinder Hill Road to facilitate access to the hotel and residential entrances.
3. **Gould Wash Road:** This would be a graded access road for fire safety, not paved, leading towards Gould Wash.
4. **Water Tank Expansion:** An agreement was reached with Apple Valley to upsize the existing water tank to a one-million-gallon capacity to meet the project's needs.

Dallin Jolley explained that the Public Infrastructure District (PID) would allow the project to increase property taxes on the parcels, enabling them to obtain a bond for funding the infrastructure improvements. He emphasized the importance of completing the necessary infrastructure before commencing construction on the project, noting that the total estimated cost for these improvements could reach around \$10 million. The PID would specifically cover the costs associated with infrastructure while ensuring that neighboring properties would not be affected.

Mayor Farrar clarified that the proposed development would not impact existing residents' taxes; only the new properties being developed would see an increase in their tax obligations. The developers would notify potential buyers of the 18 lots about the tax implications in advance. The mayor emphasized that the development would not affect anyone else in Apple Valley. Council Member Prentice added that the views and size of the lots would be appealing to potential buyers. The mayor speculated that the new homes could be valued around \$5 million on five-acre lots, suggesting that buyers would likely not be concerned about the increase in taxes.

Dallin Jolley discussed the vision for the development, emphasizing that the large luxury ranch lots would complement the amenities offered by the hotel, including an equestrian center. He described the project as ideal for individuals who might want a second home, where they could keep their horses at the equestrian center while enjoying their time in the area. Jolley noted that while the overall site spans 725 acres, the plan is to develop only about 60 homes, with each lot averaging between five and ten acres. He highlighted that this approach would attract clientele interested in upscale, spacious properties.

Council Member Prentice suggested that if the project were successful, there could be opportunities to expand by acquiring adjacent properties, referencing a possible deal involving Travis Holms and a garden project. Jolley mentioned his positive relationship with Holm and expressed a desire to develop a well-planned community that aligns with the essence of Apple Valley, which he characterized by larger lot sizes, outdoor recreation, and agriculture.

Dallin Jolley acknowledged the long negotiation process with landowners, noting the importance of maintaining a consistent development theme across the area. He reiterated that the focus is on creating beautiful, spacious lots rather than smaller one-acre lots, which he believed would not suit the region's character. Jolley concluded by offering to provide more details on how the public improvement district (PID) would function, ensuring the council was informed about the project's overall goals and layout.

Mayor Farrar addressed the council, clarifying key points about the public improvement district (PID) and its implications for Apple Valley. He reassured attendees that the project would not increase taxes for existing residents, emphasizing that only the properties involved in the development would be affected. He stated that if the project were to go bankrupt or be sold, the financial responsibilities would not revert to Apple Valley; instead, the PID would remain tied to the property.

He acknowledged the existence of negative perceptions surrounding the PID, attributing them to misinformation. Mayor Farrar shared that he had initially been hesitant about the PID but changed his mind after engaging with Matt and gaining a better understanding of how it operates. He expressed a desire to dispel rumors and clarify that the PID is designed to protect the town from financial liability related to the development.

Dallin Jolley addressed the common concerns associated with Public Improvement Districts (PIDs), explaining that they often gain a negative reputation when developers attempt to implement them in areas with numerous landowners, leading to resistance from neighbors who feel they do not need the improvements but will face increased property taxes. He clarified that their project is situated in an isolated area and would only impact their own parcels, thereby not requiring support from adjacent landowners. Jolley emphasized that the project's value is adequate to cover the necessary public infrastructure costs, allowing them to utilize the PID as a financing tool through bonds instead of needing to invest significant equity upfront.

Council Member Prentice added that this approach promotes transparency by securing additional funding for the project.

Matt Ence addressed the council, noting that previous speakers had covered many main points. He discussed the map presented, highlighting the two main components of the project: the resort and residential areas, represented in blue and green. Ence explained that they would be requesting the approval of one Public Improvement District (PID) for each part of the project. This separation into two PIDs would provide the developer with flexibility in phasing and allow for potential bond issuances tailored to the distinct timelines and needs of each project segment.

Matt Ence also mentioned the turquoise boundary on the map, which designates a larger annexation area beyond the two PID zones. This area would enable the developer and surrounding property owners the option to participate in future developments. Importantly, he clarified that property owners could choose not to participate in the PID, as no PID could be created without their consent. The annexation area aims to preserve future options without imposing any obligations on the property owners unless they agree to participate later.

Mayor Farrar clarified that when property owners opt to join the Public Improvement District (PID), their properties will be subject to taxation. He emphasized that this tax obligation would only apply if they chose to participate in the PID.

Dallin Jolley addressed the council, noting that while nothing has been signed regarding the project, he had spoken with all involved property owners, who indicated their intention to participate in the annexation. However, without signed agreements, creating a Public Improvement District (PID) at this stage would not be practical. He acknowledged that additional work is necessary, including cleaning up parcels and rezoning. Jolley mentioned discussions with Matt Lowe about acquiring several parcels to facilitate the next phase of development. He emphasized that establishing the annexation area signals to the town council the intention for future development, even though the project is not yet finalized. The annexation serves as a proactive measure to inform the council of the potential area for development down the line.

Matt Ence discussed the financial structure of the Public Improvement Districts (PIDs), noting that property taxes are the primary source of repayment for bonds issued by the PIDs. He clarified that only properties whose owners have consented to join the PID would be subject to these taxes. Typically, bonds are issued for a 30-year term, and financial analysts project anticipated property taxes based on new development and expected increases in property values to structure the repayment plans. Matt Ence provided an example from Apple Valley, where three existing PIDs have faced challenges in development. He noted that one PID had issued bonds, increasing property taxes to fund preliminary development work. If the property were sold to another developer in the future, that developer would inherit the existing PID and any available funds, ensuring that financial responsibilities do not revert to the town, even in cases of bankruptcy. He emphasized that the developers assume responsibility for the property taxes, understanding the potential impact on property values and marketability. This decision is made to finance the substantial infrastructure costs involved in the project. Dallin Jolley reinforced the development team's intention not to sell the property but to retain it as a long-term asset, with plans for residential lots and a hotel, indicating a commitment to developing a sustainable and generational asset.

Council Member Prentice expressed enthusiasm about the project, stating that it would be a good fit for the area, particularly given its appeal for biking and recreational activities. Dallin Jolley highlighted the area's proximity to Zion National Park, noting its natural beauty and potential for success if the project is executed properly.

Matt Ence opened the floor for questions from the council members, inviting further discussion or inquiries regarding the project.

Council Member Taylor expressed the need to clarify his understanding of the Public Improvement District (PID), specifically inquiring about the source of funding for the PID.

Matt Ence explained that when a Public Improvement District (PID) issues a bond, the process is similar to that of a municipality issuing bonds. The PID puts an offering out in the market, inviting investors to purchase the bonds, which serves as the source of funding for the project. He noted that these bonds are typically bought by large investment firms, such as BlackRock and Vanguard, rather than individual investors. Ence highlighted that these municipal bonds often offer a higher return compared to standard municipal bonds due to their slightly higher risk. Despite this, they remain attractive to investors because they are tax-free government bonds, meaning investors do not have to pay taxes on the interest earned from them. This tax advantage is a significant factor in attracting investment in the PID bonds.

Council Member Taylor sought clarification on how residents moving into the area would pay taxes. He asked about the mechanism of tax payment and inquired specifically about which entity the residents would be paying taxes to, questioning whether it would be to the county.

Matt Ence responded to Council Member Taylor's inquiry by explaining that, like all property owners, residents moving into the area will receive an annual property tax notice. He clarified that these notices include various line items, such as school district taxes, and for those properties within the PID, there will be an additional line item indicating the tax rate for the Colter Roca Public Infrastructure District. He confirmed that these taxes would be collected alongside the rest of the property taxes.

Mayor Farrar expressed his concerns regarding the potential impact of the Public Improvement District (PID) on the town and existing residents. He emphasized that if a property owner were to go bankrupt, the property would be auctioned off, and prospective buyers should be aware of any PID associated with the property taxes. He reiterated the importance of ensuring the town's safety and outlined how the PID allows developers to avoid upfront capital costs by effectively providing a 0% interest loan, which is repaid through property taxes. Mayor Farrar highlighted that new residents would ultimately bear the costs, whether through increased lot prices or through taxes, which is beneficial as many residents prefer not to pay large sums up front. He underscored that the main concerns were ensuring that existing residents in Apple Valley are not adversely affected, that new residents are informed of the PID in advance, and that the town remains shielded from any liabilities associated with the PID.

Council Member Taylor inquired about the build timeline for the project, referencing Dallin's earlier comments. He specifically asked if the plan is to complete essential infrastructure, such as the million-gallon water tank and roads, before commencing the actual project build.

Dallin Jolley confirmed that the plan is to complete all public infrastructure as quickly as possible before starting the vertical construction of the project. He explained that this includes horizontal improvements such as burying power lines to eliminate overhead lines, which is a priority. He clarified that the goal is to have all necessary horizontal infrastructure ready for the project to proceed vertically. In response to Council Member Taylor's follow-up, he confirmed that the water tank will be completed and operational with water before any vertical construction begins.

Council Member Taylor clarified that the water tank should be completed and filled with water before any vertical construction of the project begins. He emphasized the importance of ensuring that the tank is operational prior to advancing with the development.

Matt Ence addressed the timing of the bond issuance for the proposed Public Infrastructure Districts (PIDs). He noted that if the town approves the creation of the PIDs, it is realistic to issue the first bonds by the end of the year. Once the bonds are issued, the developer would have access to the funds to begin constructing infrastructure. He mentioned that if the town desires, they can stipulate in the PIDs' governing document that the water tank be the first priority for construction. However, he acknowledged that securing the property for the water tank involves additional steps outside the developer's control. Overall, he indicated that infrastructure development could commence as soon as the beginning of the year.

Dallin Jolley expressed that as a developer, he is eager to begin all infrastructure work immediately upon the approval of the Public Infrastructure District (PID) and the sale of bonds. Once the bond is secured and funds are available, there is no reason to delay starting the project, since payments would need to be made regardless. He indicated that the plan is to initiate all four phases of the infrastructure development as soon as possible. Jolley mentioned that civil engineering for Cinder Hill Road and the highway turn-off lane is about 90% complete, as they had already preemptively invested in this work, expecting reimbursement through the bond if approved. He confirmed his readiness to proceed with the water tank as part of the initial infrastructure efforts.

Mayor Farrar reiterated that the water tank is the top priority for the project. He emphasized that the town had communicated this clearly, and the development would proceed with the water tank as the first step before moving on to other aspects of the project.

Dallin Jolley expressed agreement with prioritizing the water tank, emphasizing that they are prepared to act as soon as the property and design are ready. He stated that completing the water infrastructure early benefits the development by providing water for construction. The developer is committed to moving quickly once the necessary steps are in place.

Council Member Taylor inquired about the impact of the recently passed "control development" measure on the developers. They asked how this new regulation might affect their project.

Mayor Farrar clarified that the recently passed regulation only pertains to building permits for one-acre lots.

Dallin Jolley clarified that the intention is not to build all 18 homes but to sell the parcels. As part of the vertical construction for the hotel, they plan to build three or four homes as spec units to showcase the strict design standards they will implement. He emphasized that the homeowners' association (HOA) will enforce design standards, including a requirement for single-level homes with a desert palette, as well as specified minimum and maximum square footage for the residences, aiming to prevent the construction of excessively large houses, such as those exceeding 20,000 square feet.

Council Member Taylor inquired about the potential negative impacts of the proposed developments on the town, seeking to understand any drawbacks that might arise from the project.

Matt Ence explained that approving the Public Infrastructure District (PID) involves certain responsibilities for the town council. Specifically, as long as the PID exists, the council will be responsible for appointing board members for the district, particularly since there will be no permanent residents on the hotel side of the property. Although the PID operates as an independent entity, any vacancies on its board will need to be filled by appointments from the town council. According to state code, eligible candidates for the board must be property owners or their representatives. If the current developers remain the owners and operators of the hotel resort property, they will request the council to appoint board members when necessary.

Mayor Farrar clarified that a representative from the town council could also serve on the board of the Public Infrastructure District (PID).

Matt Ence clarified that for the residential side of the Public Infrastructure District (PID), the governance structure differs. Once a certain threshold of residents is reached, the board will transition to an elected body, eliminating the need for the town council to appoint board members for that specific PID. However, property owner representation is still required on the board, contingent upon agreement from the property owners.

Mayor Farrar inquired whether the board of the Public Infrastructure District (PID) is responsible for determining how to allocate the funding.

Matt Ence explained that the Public Infrastructure Districts (PIDs), even after issuing bonds, share similar responsibilities with the town. These responsibilities include creating annual budgets and submitting annual reports to the state auditor. The PIDs must also provide quarterly disclosures and conduct annual audits. The board primarily manages these administrative tasks once the bonds are issued. Matt Ence clarified that the PID board consists of property owner representatives until it transitions to an elected board. He mentioned that while the developer manages the initial phases, including infrastructure spending before selling lots, the town council will appoint members to the hotel portion of the board upon request. He emphasized that the town council will not be responsible for the minutes and administrative tasks, which will be handled by the PID board. Additionally, Ence noted that once any infrastructure is built and dedicated to the town, the town will take on the responsibility for its maintenance and operation, similar to situations without PIDs. He acknowledged concerns related to the Jepson PID, suggesting that the town has not faced significant backlash despite any issues that arose in that project.

Dallin Jolley discussed the Jepson Canyon PID as an example of a challenging scenario that did not negatively impact the town. He explained that if property from the Jepson Canyon PID were sold, the new owners would benefit from the remaining cash reserves to complete infrastructure projects, despite taking on an adjusted mill rate for taxes. Jolley emphasized that while he may not know the specific details of that situation, it highlights the importance of considering potential negative scenarios in PID management. He reassured that their goal is to avoid such issues and ensure that the new development will not adversely affect the town.

Mayor Farrar clarified the implications of infrastructure development by private developers. He explained that any infrastructure constructed by a developer, such as water tanks or roads, would be donated to the town and the town would then be responsible for maintaining that infrastructure. He mentioned the decision to require specific standards for roads, including asphalt, curbs, and gutters, to facilitate easier maintenance. Mayor Farrar expressed concerns about allowing wells to be drilled on the new property, referencing past issues with a project in Cedar Point, where problems arose after the wells were drilled. He advocated for connecting the new development to the existing water system for better maintenance and reliability.

Matt Ence noted that some infrastructure may be owned and operated by separate entities, such as the local water district or Ash Creek Special Service District. In such cases, if Ash Creek were to oversee the sewer system, it would not be donated to the town, and Ash Creek would be responsible for its maintenance and operation. He emphasized that any associated fees for connecting to these systems would be determined by the respective entity.

Mayor Farrar discussed the potential development of a sewer system by Ash Creek. He clarified that if Ash Creek requested the construction of a sewer system, it would not be donated to the town but would instead be donated to Ash Creek. In this case, Ash Creek would be responsible for the maintenance of the sewer system. He noted that if other entities wished to connect to this system, Ash Creek would charge them for the connection, and those fees would go directly to Ash Creek.

Matt Ence emphasized that the creation of a Public Infrastructure District (PID) does not affect the town's responsibilities regarding development approvals. He clarified that the PID has no role in the approval process for development agreements, building permits, or infrastructure designs. All such

approvals would continue to be managed by the town, regardless of whether the PID is in place, ensuring that the town retains its authority in these matters.

Council Member Sair requested details regarding the responsibility for the bond, specifically who is responsible for applying for it and how the financial implications of the bond would not fall on others.

Matt Ence explained that once a Public Improvement District (PID) is created, it operates as an independent local entity, similar to a special service district. Each PID has its own board, budget, and legal responsibilities, separating it from the town's obligations.

Council Member Sair inquired about the responsibility related to bonds. They posed a hypothetical situation where if the town borrowed \$100,000 for roads, whether that amount would then be tied to the properties affected by the bond.

Matt Ence clarified that the town has the authority to issue bonds, but if it were to do so, that debt would appear on the town's balance sheet. In contrast, the bonds issued by the Public Improvement District (PID) do not reflect on the town's financial statements. He emphasized that once a PID is created, the town is not responsible for its debts, as clearly stated in the governing code. Ence reassured that there is minimal risk of the town being liable for the PID's financial obligations, similar to the independence of entities like Ash Creek. He offered to provide a reference from the code if needed.

Mayor Farrar discussed concerns surrounding the Public Improvement District (PID) in the town, noting a prevailing perception that the town has been anti-growth and is focused on slow, responsible development. He explained that the approval of a PID could enable individuals like a hypothetical "John Smith," who may own property but lack sufficient funds, to begin developing. Mayor Farrar suggested that this perception contributed to a negative view of PIDs within the community. He acknowledged that there were concerns about the potential for increased development, particularly with quarter-acre lots, which some in the town administration viewed unfavorably. He emphasized that the town's hesitance regarding PIDs stemmed from a desire to control growth and maintain the community's character.

Dallin Jolley addressed the mindset of many developers who seek to have a Public Improvement District (PID) approved as a means to access capital for their projects. He emphasized that this approach is not the one his team has taken. Instead, they aim to work collaboratively with the town to ensure that any necessary infrastructure is in place, aligning with the previously approved development agreements. Jolley described the PID as a financing tool that allows for the issuance of bonds to fund essential public infrastructure, which is crucial for their development project. He praised Mayor Farrar for effectively negotiating the inclusion of a new water tank in their agreement, highlighting its significant benefit to the town. Jolley expressed a desire for their development to positively contribute to the community, emphasizing a win-win scenario where both the developers and the town can benefit. He noted that to successfully build the water tank, as well as comply with state and local requirements for turn lanes and other infrastructure, capital support is needed.

Mayor Farrar shared that he initially opposed the idea of a Public Improvement District (PID), influenced by previous negative perceptions and his own lack of knowledge. He recounted telling the developers that the town would not consider a PID, even in the development agreement (DA), stating his reluctance due to what he referred to as the "black cloud" surrounding PIDs. However, after consulting with the

town attorney, Heath Snow, and further discussions with Matt Ence, both of whom explained the benefits and workings of a PID, his perspective shifted. Mayor Farrar acknowledged that with more understanding, he realized the PID might not be as negative as he initially thought.

Dallin Jolley explained that the original development agreement, included a strict prohibition on PIDs. He requested that the mayor remain open to discussing PIDs, recognizing that there were misunderstandings about them, especially given how poorly they had been handled in the past. Jolley asked only for the removal of the clause that banned applying for a PID, believing that once the process was understood, it would be clear that it could benefit the town—particularly with projects like the water tank and water lines. He expressed gratitude for the opportunity to hold a working session to clarify the true nature of the PID.

Council Member Taylor asked for clarification, stating that the developer is going to build the development as planned. The PID would provide additional benefits, such as the water tank. Taylor noted that having the water tank built upfront, before the entire development is completed, would be a benefit. Even if the full development took longer, the town would still have the water tank in place for use.

Dallin Jolley confirmed that while the vertical construction of the hotel will take time due to ongoing architectural and structural engineering work, they are open to getting the PID approved now. This would allow them to complete necessary infrastructure, such as highway turn lanes and roads, ahead of vertical construction. Jolley emphasized the importance of having infrastructure in place first to avoid disorganized and messy developments, highlighting that having a paved road and water infrastructure benefits both the developer and the town. Even if vertical construction is delayed, the town would still benefit from the completed infrastructure, like the water tank.

Mayor Farrar explained that approving the PID poses no risk to the town, while the developer benefits by receiving capital upfront at a 0% interest rate. This allows the developer to save money that would otherwise go to investors in the form of interest payments. With these savings, the developer is offering to help the town by contributing to the construction of a one-million-gallon water tank. This mutually beneficial arrangement is made possible by the cost savings from the PID.

Mayor Farrar clarified that the key benefit of the PID is the developer's ability to save money, which they are using to assist the town with needed infrastructure, such as a water tank and pipeline. The pipeline will be installed properly and include fire hydrants, avoiding the issues faced by the Kokopelli Golf Course, which struggled with water access and legal complications. The developer will also handle turn lanes and other infrastructure. If the developer were to go bankrupt, the infrastructure would remain, and the loan tied to the property would follow to the new owners, ensuring the town retains its improvements.

Matt Ence clarified that while the developer benefits from upfront capital, there is still an interest rate associated with the bond. The interest is built into the property tax, and the current market rate is estimated to be around 6-7%.

Council Member Sair asked about the estimated timeline for when the water tank would be completed, noting that everything seemed to be in order.

Dallin Jolley explained that there were some steps to be taken before the tank construction could begin.

Council Member Sair inquired whether a contractor had already been secured for the construction of the water tank. Dallin Jolley stated that he is indifferent to which contractor is chosen for the tank construction, as long as the process is transparent and fair. He emphasized the importance of ensuring that no one is profiting unfairly and mentioned that they would likely go out to bid for the project, collaborating with the town in the process.

Mayor Farrar explained that while they are working on arranging the bond pending town council's approval of the PID. They could expect to receive funding by the end of this year or in January, they would also begin the process of getting bids for the project. He mentioned that they would first consult with Town Engineer Nate Wallentine with Sunrise Engineering to initiate the design process and secure any necessary land for the project. Mayor Farrar noted that Nate suggested positioning the tank slightly higher to improve water pressure for existing residents and to facilitate water distribution to the area. He emphasized the goal of having everything ready by January, so they could move forward efficiently once the funding is secured.

Council Member Sair inquired if they were working with Mr. Holm on the project. Mayor Farrar mentioned that Mr. Travis Holm owns the property where the water tank might be located and stated that there is already an easement in place. He acknowledged he hadn't worked out all the details with Nate yet, particularly concerning the required height for the water tank.

Council Member Spendlove interjected, suggesting it might be helpful to clarify a point, and then asked if the taxes would decrease after the 30-year period once the bond is paid off.

Matt Ence explained that while it's not guaranteed that taxes will remain the same, bonds typically do not last the full 30 years. He noted that after five years, there is usually an option for refinancing, which could lead to changes in the bond's structure, potentially resulting in a shorter term or different interest rates. Matt Ence clarified that when the bond is initially issued, it is structured as a 30-year bond. If no changes occur, property taxes would be paid for the full 30 years. Once the bonds are fully repaid, the property taxes would cease. He explained that the bond is based on projected property tax collections, which means if those collections exceed expectations, the bonds could be paid off sooner. Conversely, if collections are lower than anticipated, the payment period could extend, but there is a maximum limit of 40 years. In a worst-case scenario where no development occurs for 40 years, the property owner would continue to pay property taxes until that period ends, after which bondholders would bear the risk of not being repaid. Matt Ence explained how the flow of funds works once the town approves the bids and the PID conducts its first bond issuance, which could realistically close in January of the following year. He noted that the money raised from investors purchasing the bonds would be held by a third-party bank, specifically UMB Bank, which serves as the bond trustee.

The funds are drawn in a manner similar to a construction loan. As infrastructure costs are incurred—such as for the water tank or road work—the developer can request disbursements from the bond trustee. To ensure that the amounts requested are legitimate and accurate, each requisition must be certified by a professional engineer. Ence mentioned that in some cases, towns have requested that their engineer sign off on the costs before funds are disbursed. He affirmed that this is feasible and would not alter the funding flow, as it simply changes who certifies the requisitions. The bond trustee

has the flexibility to pay funds either to the developer for reimbursement or directly to third parties, such as contractors building the water tank. In either scenario, invoices are typically submitted to the district, and draw requests can be prepared by either the bond trustee's office or the developer. These requests are then certified by the appropriate engineer. Once clarified that funds can be paid directly to subcontractors without going through the developer if needed.

Discussion Points:

1. Use of Funds:

- Mayor Farrar clarified that the funds can only be utilized for public infrastructure. This includes improvements such as highways, turn lanes, water systems, and other public-related projects, but cannot be used for developments within the property or for private utilities like power, telecom, or gas.

2. Legislative Requirements:

- Council Member Sair inquired about the requirement for town approval for certain developments. Mayor Farrar explained this was established as a checks-and-balances system to ensure transparency and accountability in the approval process. Council Member Prentice added that the state recently created infrastructure financing districts that have different approval processes, but those districts have limitations on funding sources.

3. Responsibility and Maintenance:

- Mayor Farrar emphasized the town's responsibility to maintain any infrastructure funded through these means. Council Members discussed the need for developers to ensure water systems are adequately maintained and expanded as necessary.

4. Infrastructure Developments:

- Mayor Farrar noted the importance of ensuring that a million-gallon concrete water tank is prioritized within development agreements. This tank is deemed crucial for the anticipated growth and water needs of the area. Discussions included how these infrastructure upgrades would also contribute to increased tax revenue through transient taxes from lodges and developments.

5. Financial Implications:

- The council discussed the financial aspects of the project, including a proposed tax levy of 10 mills, translating to \$1,000 annually for every \$100,000 of property value. Mayor Farrar and the council members explained that this rate is necessary to support the financing needed for the project, which includes a mixture of high-end residential and resort development.

6. Public Involvement:

- Mayor Farrar mentioned that hard copies of the project proposals would be shared with the council members for review before the next meeting. The intent is to discuss these documents in detail at the upcoming town council meeting scheduled for September 25.

7. Overall Costs:

- The estimated total cost for the project is approximately \$9.3 million, with the council noting that this figure includes soft costs and is based on preliminary bids for various components of the infrastructure.

8. Property Tax Clarifications:

- The implications of the proposed property taxes were discussed, noting that primary residences may qualify for a state exemption that reduces assessed property values by 45%, affecting the total tax burden.

Conclusion: The council members appreciated the transparency in the discussions and expressed a commitment to ensuring that the proposed developments and infrastructure upgrades align with the town's growth and financial stability. Further discussions and reviews are planned for the upcoming meeting.

ADJOURNMENT

MOTION: Council Member Taylor moved we adjourn.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a vote:

Council Member Spendlove - Aye

Council Member Taylor - Aye

Mayor Farrar - Aye

Council Member Sair - Aye

Council Member Prentice - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 10:50 a.m.

Date Approved: _____

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo



TOWN COUNCIL MEETING
1777 N Meadowlark Dr, Apple Valley
Wednesday, September 25, 2024 at 6:00 PM

MINUTES

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

PLEDGE OF ALLEGIANCE

PRAYER- Council Member Prentice offered the prayer for the meeting.

ROLL CALL

PRESENT

Mayor Michael Farrar

Council Member Kevin Sair

Council Member Janet Prentice

Council Member Annie Spendlove

Council Member Scott Taylor

DECLARATION OF CONFLICTS OF INTEREST

None declared.

MAYOR'S TOWN UPDATE

In the mayor's update, Mayor Farrar apologized to the council and the public for not maintaining effective communication, particularly on social media and the late release of the meeting agenda. The mayor acknowledged the busy schedule over the past weeks, dealing with water issues, attorneys, and developers. The mayor assured the public and council of efforts to improve communication and get agendas out earlier.

The mayor then provided an update on a repaired water tank, emphasizing the safety concerns that necessitated the repair. The tank, which had been leaking for years, was repaired by an external contractor and is now considered structurally sound for at least another year, giving time to construct a new million-gallon tank. The mayor mentioned upcoming meetings regarding the tank's construction and funding, with potential access to funds as early as January or February. The fix is intended to stabilize the situation until the new tank is ready.

The mayor also announced a pipeline ceremony scheduled for the next day, inviting the council to attend. Representatives from the State Division and the Washing County Water Conservancy District would be present for the groundbreaking ceremony. The mayor expressed hope that the project would improve public perception of Apple Valley's water issues, potentially boosting property values and opportunities for refinancing.

Additionally, the mayor reported on a recent sanitary inspection of the town's water system, which yielded positive results except for a minor, long-standing issue related to the construction of the million-gallon tank, which did not result in penalties. The mayor also addressed ongoing issues with the town's springs, specifically the presence of coliform bacteria. Efforts to address the problem included cleaning and inspecting the springs, with updates promised for the public.

Council Member Prentice commended the mayor's work, and the mayor noted the opportunity to learn more about the springs and their potential for future water development. The mayor mentioned that efforts to clean the springs revealed roots blocking water flow, which had been partially addressed.

Council Member Sair provided an update on the gazebo project, stating that it was becoming more stabilized but still required some finishing touches. Council Member Prentice discussed the community garden and a planned fundraiser during Founders Day. The mayor approved the fundraiser, subject to availability, and noted that the

community garden was progressing well, with plans for its location finalized. The garden would be available for both residents in need and those interested in gardening.

PUBLIC COMMENTS: 3 MINUTES EACH - DISCRETION OF MAYOR FARRAR

Mayor Farrar opened the floor for public comments, allowing each speaker three minutes to present their comments.

Resident Rich Ososki raised concern about business licensing in Apple Valley. He stated that, based on his understanding, it appears that a business license is not required to operate a business in town. He specifically mentioned an ATV business and ATV repair shop operating in a residential area under a license with another city. Ososki also suggested that other businesses might be operating similarly or using licenses from other towns in Utah. He noted that, according to the current administration, this practice is considered legal due to a loophole in the town code, which lacks a specific mention of "Apple Valley" in the requirements. Ososki acknowledged the recent fee increases aimed at fairness and requested that the council investigate this issue to determine if there is a problem with the existing code.

Mayor Farrar responded to Rich Ososki's comment, confirming that Ososki was correct about the current ordinance. The mayor acknowledged that the ordinance currently states that a business must have a business license but does not specify that it must be from the Town of Apple Valley. The mayor apologized for not addressing this issue sooner and assured Ososki that it would be placed on the next meeting's agenda. The mayor committed to amending the ordinance to require a business license specifically issued by the Town of Apple Valley to eliminate this loophole and prevent businesses from using licenses from other towns, such as Hilldale.

The mayor instructed Town Clerk Jenna to note the addition of this item to the next agenda for discussion and modification of the ordinance. The mayor also mentioned that although their own business, operating in marketing with a business address in Apple Valley, required an Apple Valley business license, they would double-check the specifics. The mayor committed to consulting the town attorney, Heath, to clarify the situation and ensure the ordinance is correctly interpreted and enforced.

MAYOR'S TOWN UPDATE

1. Lot Split Application_AV-1365-N_Izaak McHenry_Todd Chamberlain

Mayor Farrar discussed the lot split application AB-1365 involving Isaac McHenry and Todd Chamberlain. The application is a simple request from a retired firefighter who owns a 10-acre lot and wishes to divide it into two 5-acre lots for himself and a friend or relative. The property is located near Red Hawk and Bubbling Wells. The mayor explained that in the past, the applicant had been informed that a new road, bar ditches, and drainage would need to be constructed for the lot split, which would have been prohibitively expensive. However, Planning Commission Chairman Bradley Farrar proposed a solution allowing the applicant to create an easement along the side of the first property, which he owns, to access the second lot. This solution eliminated the need for additional costly infrastructure, and the lot split was approved. The mayor emphasized that this approach reflects a broader intention to work with property owners who want to split their parcels for family members and to make the process more user-friendly. He also mentioned the need to review and potentially update ordinances to support such flexibility.

DISCUSSION AND ACTION

2. Attorney Engagement Scope.

The council discussed the engagement and role of the town attorney, led by Council Member Sair and Town Attorney Heath Snow. Council Member Sair emphasized the need for legal clarification on the council's responsibilities and procedures, particularly regarding ordinances. The council expressed a desire for the attorney to review ordinances before they are presented to ensure compliance with state and federal laws.

Town Attorney Heath Snow explained his role in representing municipalities and offered his services to attend meetings remotely at a reduced rate. He recommended reviewing each ordinance before council approval and stated his willingness to provide legal guidance in real time during council meetings if necessary. He also mentioned that he typically coordinates with the mayor and the town clerk, Jenna, to determine if his presence is needed based on the agenda.

The mayor expressed openness to the council, accessing the attorney when needed, while emphasizing the importance of cost control. The mayor supported having the attorney review complex ordinances and agreed that the attorney could be present for meetings if requested by council members.

The mayor confirmed that he would continue consulting the attorney on complex matters and reiterated his respect for the attorney's expertise. The attorney clarified that he limits his interactions with town representatives and does not take calls directly from residents.

Council members agreed to table the discussion on finalizing the attorney's scope until further deliberation could occur.

MOTION: Council Member Sair motioned that we table the Attorney Engagement Scope to next town council meeting.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye

Council Member Sair - Aye

Mayor Farrar - Aye

Council Member Spendlove - Aye

Council Member Taylor - Aye

The vote was unanimous and the motion carried.

3. Oculita Roca Development Agreement Addendum and Public Infrastructure Development (PID).

*Set Public Hearing Date Only.

Mayor Farrar addressed agenda item number three, which involved the Oculita Roca development agreement addendum and the Public Infrastructure District (PID). The mayor stated that a public hearing was scheduled for two weeks from the current meeting date, following a recommendation from the town's attorney, Heath Snow, who suggested it was necessary. However, Matt Ence, the attorney specializing in PIDs, advised that a public hearing was not required. Despite this, the public hearing was already scheduled, and the mayor expressed a commitment to proceed.

The mayor noted that Heath, who acknowledged Matt's expertise in PIDs, had reviewed the PID proposal sent by Matt and had no initial concerns. Although Heath had not yet provided official approval, the

mayor intended to proceed with the proposal pending Heath's confirmation. The mayor planned to invite both Matt and Heath to attend the public hearing in two weeks to provide additional assurances and address any concerns the council may have.

The mayor also mentioned that he had prepared paperwork for an agreement related to the million-gallon water tank and indicated that everything appeared to be progressing well. A motion was called to set the public hearing date formally.

MOTION: Council Member Taylor moved that we set a public hearing date for the Oculta Roca Development Agreement Addendum and Public Infrastructure Development (PID) for October 9, 2024 at 6:00 p.m.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

4. Ordinance-O-2024-66, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington TRS.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced agenda item four, ordinance O-2024-66, a zoning application to change parcel AV-1354-NP-5-A from Open Space Transition (OST) to Agricultural (AG-X). The applicants, Vance and Connie Covington, requested the rezoning for the 19-acre parcel located near Coyote.

MOTION: Council Member Spendlove motioned that we approve Ordinance-O-2024-66, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1354-NP-5-A. Applicant: Vance and Connie Covington.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

5. Ordinance-O-2024-67, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented agenda item five, ordinance O-2024-67, for a zone change of parcel AV-1355-8 from Open Space Transition (OST) to Agricultural (AGX). The applicant, Heber Albert, intends to use the 90-acre parcel south of Main Street for agricultural purposes before future development. The planning commission recommended approval on September 4, 2024.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-67, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1355-A. Applicant: Heber Allred. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

6. Ordinance-O-2024-68, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve TRS.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item six, ordinance O-2024-68, for a zone change of parcel AV-1376-A-1 from Open Space Transition (OST) to Agricultural (AGX). The applicants, Charles R. and Cheryl S. Reeve, requested the change for their 6.25-acre property at 2200 South. The planning commission recommended approval on September 4, 2024. The mayor clarified that the property is located on 2200 South, not near Bubbling Wells.

MOTION: Council Member Spendlove motioned that we approve Ordinance-O-2024-68, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1376-A-1. Applicant: Charles R and Cheryl S Reeve. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

7. Ordinance-O-2024-47, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced item seven, ordinance O-2024-47, for a zone change of parcel AV-1328-8 from Open Space Transition (OST) to Agricultural (AGX). The applicants, Ciel Holdings and Plum Land Investment LLC are requesting the change for approximately 62 acres located off Main Street and Daybreak Mesa, east of the Wells subdivision. The property lies between Wells and Main Street, near the mountainside.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-47, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1328-A. Applicant: Ciel Holdings and Plumb Land Investment LLC. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member XX.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
Council Member Sair - Aye
Mayor Farrar - Aye
Council Member Spendlove - Aye
Council Member Taylor - Aye

The vote was unanimous and the motion carried.

Mayor Farrar acknowledged a comment from a representative of Plum Investment LLC, who expressed appreciation for the council's attention and the work done with the planning commission regarding the zoning application. The representative thanked the council for their efforts, and Mayor Farrar expressed gratitude for their attendance and for pursuing the AG-X zoning.

8. Ordinance-O-2024-48, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item eight, ordinance O-2024-48, for a zone change of parcels AV-1378-E and AV-1378-L from Open Space Transition (OST) to Agricultural (AG-X). The applicant, Michael Barrett, owns 22 acres located east of Bubbling Wells and south of Highway 59.

MOTION: Council Member Spendlove motioned that we approve Ordinance-O-2024-48, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-E, AV-1378-L. Applicant: Michael Barrett. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

9. Ordinance-O-2024-49, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item nine, ordinance O-2024-49, for a zone change of parcels AV-1378-F, AV-1378-J, and AV-1378-K from Open Space Transition (OST) to Agricultural (AGX) for 40 acres owned by Michael James and Jennifer K. Ross, located at the fire chief's residence.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-49, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-F, AV-1378-J, AV-1378-K. Applicant: Michael James and Jennifer Kay Gross. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Prentice.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

10. Ordinance-O-2024-63, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item ten, ordinance O-2024-63, for a zone change of parcel AV-1351-E from Open Space Transition (OST) to Agricultural (AG-X) for five acres owned by Matthew and Tiffannie Bullington. The planning commission recommended approval on September 4, 2024.

MOTION: Council Member Prentice motioned that we accept Ordinance-O-2024-63, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcel: AV-1351-E. Applicant: Matthew and Tiffannie Bullington, according to the Planning Commission's recommendation for approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

11. Ordinance-O-2024-58, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar presented item eleven, ordinance O-2024-58, for a zone change of parcels AV-1378-B, AV-1378-C, and AV-1378-D from Open Space Transition (OST) to Agricultural (AGX) for 160 acres owned by Pat Melfi of Land Development Solutions, located near Canaan.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-58, Zone Change Application from Open Space Transition to A-X Agricultural Zone for parcels: AV-1378-B, AV-1378-C, AV-1378-D. Applicant: Land Development Solutions LLC. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

12. Ordinance-O-2024-69, Repeal Title 10.10.040 I Industrial Zone.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced item twelve, ordinance O-2024-69, proposing the repeal of Title 10.10.040, which pertains to the industrial zone. The planning commission recommended approval on September 4, 2024. The mayor explained that the town currently has no properties in the industrial zone, and a recent town survey indicated that residents do not want an industrial zone, prompting the proposal to eliminate it.

MOTION: Council Member Prentice motioned that we accept Ordinance-O-2024-69, Repeal Title 10.10.040 Industrial Zone. Planning Commission recommendation on September 4, 2024.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye

Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

13. Ordinance-O-2024-70, Amend Title 10.10.050 RE Rural Estates Zone.

*Planning Commission recommended approval on September 4, 2024.

Mayor Farrar introduced item thirteen, ordinance O-2024-70, to amend Title 10.10.050 regarding rural estate zoning. The planning commission recommended approval on September 4, 2024. The amendment aims to simplify the zoning designations by eliminating RE-10, RE-20, and RE-X. Moving forward, parcels over 10 acres will fall under agricultural (AG) zoning categories such as AG-10, AG-20, and AG-X, while rural estate (RE) zones will be limited to smaller parcels of 1, 2.5, and 5 acres. The mayor clarified that the goal is to reduce the number of zones for the small town, aligning parcel sizes more clearly with either rural or agricultural use.

MOTION: Council Member Taylor moved that we approve Ordinance-O-2024-70, Amend Title 10.10.050 RE Rural Estates Zone. Planning Commission recommended approval on September 4, 2024.

SECOND: The motion was seconded by Council Member Spendlove.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

CONSENT AGENDA

14. Disbursement Listing for August 2024.
15. Budget Report for Fiscal Year 2025 through August 2024.
16. Minutes: August 13, 2024 Event Committee.
17. Minutes: August 26, 2024 Special Town Council and Planning Commission Meeting.
18. Minutes: August 26, 2024 - Town Council and Planning Commission - Work Session.
19. Minutes: September 10, 2024 - Events Committee Meeting.

Mayor Farrar reviewed the consent agenda. He noted that all items could be approved with a single motion, pending council review and agreement. The mayor highlighted an item in the disbursement listing involving equipment rentals related to the purchase of the mini excavator and trailer.

MOTION: Council Member Spendlove motioned that we approve the Consent Agenda, number 14 Disbursement Listing for August 2024, number 15 Budget Report for Fiscal Year 2025 through August 2024, number 16 Minutes: August 13, 2024 Event Committee, number 17 Minutes: August 26, 2024 Special Town Council and Planning Commission Meeting, number 18 Minutes: August 26, 2024 - Town Council and Planning Commission - Work Session, number 19 Minutes: September 10, 2024 - Events Committee Meeting.

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
 Council Member Spendlove - Aye
 Mayor Farrar - Aye
 Council Member Sair - Aye
 Council Member Prentice - Aye

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION: IF NECESSARY

Mayor Farrar called for a motion to enter a closed session for the purpose of discussing pending or imminent litigation. The mayor indicated they would reconvene afterward to adjourn the meeting and then move into the water board meeting.

MOTION: Council Member Spendlove motioned for a closed session for pending or imminent litigation.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Farrar called for a vote:

Council Member Prentice - Aye
 Council Member Sair - Aye
 Mayor Farrar - Aye
 Council Member Spendlove - Aye
 Council Member Taylor - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

Mayor Farrar reconvened the meeting at 6:32 p.m. and called for a motion to adjourn.

MOTION: Council Member Sair motioned to adjourn the meeting

SECOND: The motion was seconded by Council Member Taylor.

VOTE: Mayor Farrar called for a Roll Call vote:

Council Member Taylor - Aye
Council Member Spendlove - Aye
Mayor Farrar - Aye
Council Member Sair - Aye
Council Member Prentice - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 6:32 p.m.

Date Approved: _____

Approved BY: _____
Mayor | Michael L. Farrar

Attest BY: _____
Town Clerk/Recorder | Jenna Vizcardo



Town of Apple Valley

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

Item 25.

Filing Fee \$800.00

Simple Lot Split Application

Name of Applicant Jonathan J. George Phone number [REDACTED]
Address of Residence [REDACTED]
Parcel number (each parcel requires a separate application) AV-1365-0
Purpose for Lot Split To create two building lots.

REQUIRED DOCUMENTS

1. 24x36 Mylar map with Record of Survey information
2. Signature Blocks Required:
 - i. Mayoral signature with Town Recorder Attested line,
 - ii. Big Plains Water SSD signature,
 - iii. Town Attorney signature,
 - iv. Property Owners signature
 - v. If property has a lien, a Signature Release from the Lender
 - vi. County Treasurer Signature Release
3. Identical electronic version emailed to the Town Recorder for Town electronic record. (email to clerk@applevalleyut.gov)
4. 11x17 identical version of the Mylar map with Mayoral signature line. (Town paper record)
5. Copy of Property Title Report within 90 days.
6. Record of Survey must include utility easements, existing or that may be required. Street access to all lots that are existing, or that may be required. Any road dedications required.

THIS LOT SPLIT APPLICATION IS TO BE USED IN ACCORDANCE WITH TITLE 11.02.040 WHICH INCLUDES, BUT IS NOT LIMITED TO:

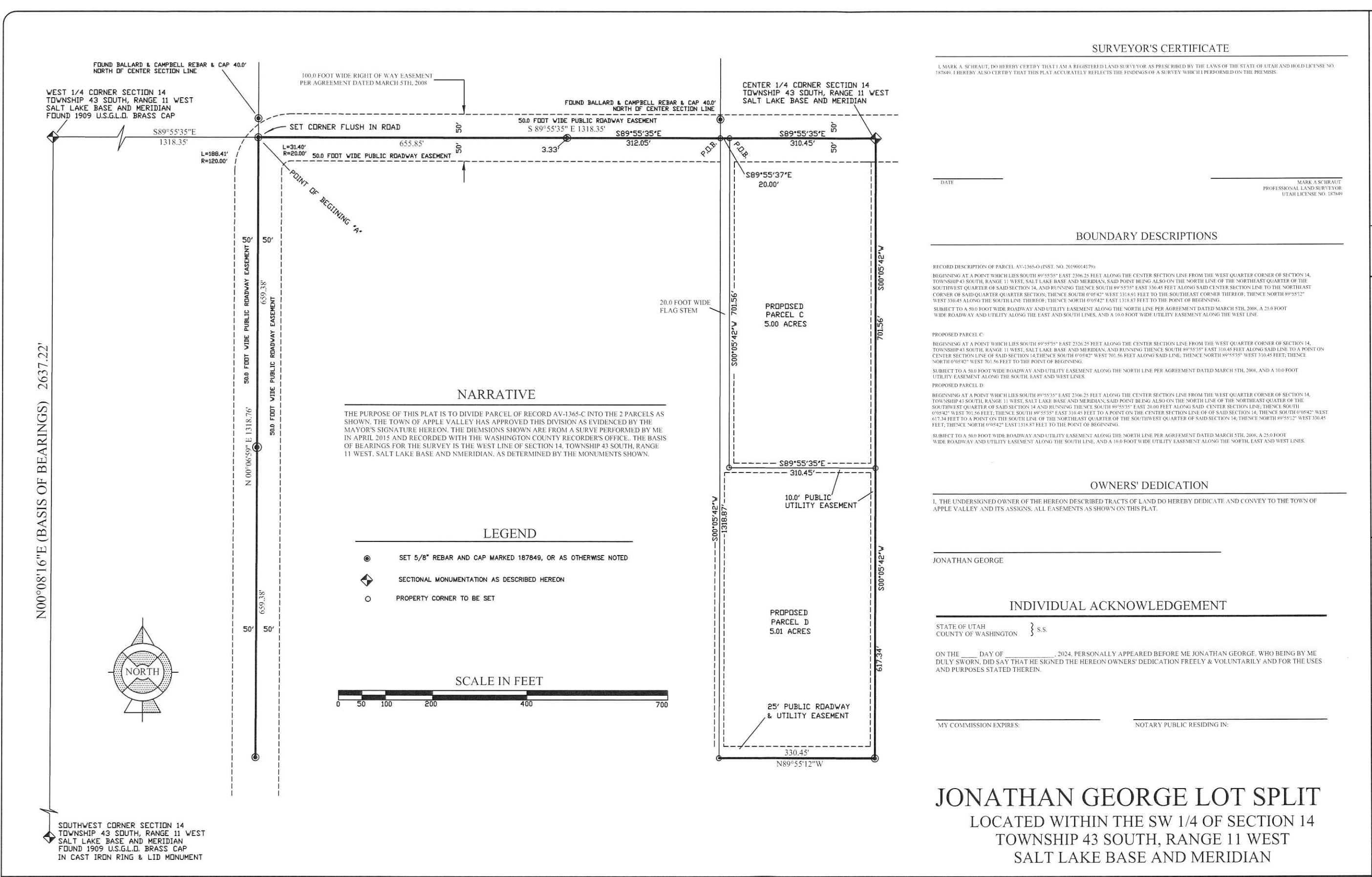
- A. A subdivision creating no more than one new lot may be approved by the Town staff without the necessity of preparing and filing a preliminary plat or final plat if:
 1. Notice is provided by Town as required by this title.
 2. The proposed subdivision:
 1. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for streets or other public purpose. Created lots shall be located on a public right-of-way or dedicated street.
 2. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.
 3. Has been approved by the culinary water authority, sanitary sewer authority, and all other members of the joint utility commission, in writing.
 4. Is located in a zoned area and conforms to all applicable land use code or has properly received a variance from the requirements of an otherwise conflicting and applicable land use code.
- B. A lot or a parcel resulting from a division of agricultural land is exempt from the plat requirements of this title if the lot or parcel:

1. Meets the minimum size requirement of applicable zoning; and is not used and will not be used non-agricultural purpose.
- C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements (as per Title 11.08) to the proposed lot, has been reviewed and approved by all members of the joint utility commission, in writing. No building permit will be issued for said lot until the approved improvements are constructed and accepted.
- D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be graphically illustrated on a record of survey map and by deed, and upon approval of Town staff, shall be recorded with the county recorder.
- E. Notice of the application, prior to the recording for a lot split shall be on the Town Council consent agenda following the receipt of the application.

Paperwork submitted by Jonathan J George Date 9-24-24

Applicant Signature [Signature] Date 9-24-24

Official Use Only	Amount Paid: \$ <u>800.00</u>	Receipt No: <u>52441</u>
Date Received: <u>RECEIVED SEP 25 2024</u>	Date Application Deemed Complete:	
By: <u>[Signature]</u>	By:	



SURVEYOR'S CERTIFICATE

I, MARK A. SCHRAUT, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND HOLD LICENSE NO. 187849. I HEREBY ALSO CERTIFY THAT THIS PLAT ACCURATELY REFLECTS THE FINDINGS OF A SURVEY WHICH I PERFORMED ON THE PREMISES.

DATE: _____

MARK A. SCHRAUT
PROFESSIONAL LAND SURVEYOR
UTAH LICENSE NO. 187849

BOUNDARY DESCRIPTIONS

RECORD DESCRIPTION OF PARCEL AV-1365-C (INST. NO. 20190014179):

BEGINNING AT A POINT WHICH LIES SOUTH 89°55'35" EAST 2306.25 FEET ALONG THE CENTER SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ALSO ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, AND RUNNING THENCE SOUTH 89°55'35" EAST 330.45 FEET ALONG SAID CENTER SECTION LINE TO THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE SOUTH 0°05'42" WEST 1318.91 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE NORTH 89°55'12" WEST 330.45 FEET ALONG THE SOUTH LINE THEREOF, THENCE NORTH 0°05'42" EAST 1318.87 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 50.0 FOOT WIDE ROADWAY AND UTILITY EASEMENT ALONG THE NORTH LINE PER AGREEMENT DATED MARCH 5TH, 2008, A 25.0 FOOT WIDE ROADWAY AND UTILITY EASEMENT ALONG THE EAST AND SOUTH LINES, AND A 10.0 FOOT WIDE UTILITY EASEMENT ALONG THE WEST LINE.

PROPOSED PARCEL C:

BEGINNING AT A POINT WHICH LIES SOUTH 89°55'35" EAST 2326.25 FEET ALONG THE CENTER SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ALSO ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, AND RUNNING THENCE SOUTH 89°55'35" EAST 310.45 FEET ALONG SAID CENTER SECTION LINE TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION 14, THENCE SOUTH 0°05'42" WEST 701.56 FEET ALONG SAID LINE, THENCE NORTH 89°55'35" WEST 310.45 FEET, THENCE NORTH 0°05'42" WEST 701.56 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 50.0 FOOT WIDE ROADWAY AND UTILITY EASEMENT ALONG THE NORTH LINE PER AGREEMENT DATED MARCH 5TH, 2008, AND A 10.0 FOOT UTILITY EASEMENT ALONG THE SOUTH, EAST AND WEST LINES.

PROPOSED PARCEL D:

BEGINNING AT A POINT WHICH LIES SOUTH 89°55'35" EAST 2306.25 FEET ALONG THE CENTER SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ALSO ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, AND RUNNING THENCE SOUTH 89°55'35" EAST 20.00 FEET ALONG SAID CENTER SECTION LINE, THENCE SOUTH 0°05'42" WEST 701.56 FEET, THENCE SOUTH 89°55'35" EAST 310.45 FEET TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION 14, THENCE SOUTH 0°05'42" WEST 617.34 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, THENCE NORTH 89°55'12" WEST 330.45 FEET, THENCE NORTH 0°05'42" EAST 1318.87 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 50.0 FOOT WIDE ROADWAY AND UTILITY EASEMENT ALONG THE NORTH LINE PER AGREEMENT DATED MARCH 5TH, 2008, A 25.0 FOOT WIDE ROADWAY AND UTILITY EASEMENT ALONG THE SOUTH LINE, AND A 10.0 FOOT WIDE UTILITY EASEMENT ALONG THE NORTH, EAST AND WEST LINES.

OWNERS' DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACTS OF LAND DO HEREBY DEDICATE AND CONVEY TO THE TOWN OF APPLE VALLEY AND ITS ASSIGNS, ALL EASEMENTS AS SHOWN ON THIS PLAT.

JONATHAN GEORGE

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF WASHINGTON } S.S.

ON THE ____ DAY OF _____, 2024, PERSONALLY APPEARED BEFORE ME JONATHAN GEORGE, WHO BEING BY ME DULY SWORN, DID SAY THAT HE SIGNED THE HEREON OWNERS' DEDICATION FREELY & VOLUNTARILY AND FOR THE USES AND PURPOSES STATED THEREIN.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC RESIDING IN: _____

JONATHAN GEORGE LOT SPLIT
LOCATED WITHIN THE SW 1/4 OF SECTION 14
TOWNSHIP 43 SOUTH, RANGE 11 WEST
SALT LAKE BASE AND MERIDIAN

<p>TREASURER APPROVAL</p> <p>I, WASHINGTON COUNTY TREASURER, CERTIFY ON THIS THE ____ DAY OF _____, A.D. 2024, THAT ALL TAXES, SPECIAL ASSESSMENTS AND FEES, DUE AND PENDING ON THIS SUBDIVISION PLAT HAVE BEEN PAID IN FULL.</p> <p>_____ WASHINGTON COUNTY TREASURER</p>	<p>APPROVAL OF WATER SUPERINTENDENT</p> <p>THE ABOVE LOT SPLIT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE, ON THIS ____ DAY OF _____, 2024.</p> <p>_____ BIG PLAINS WATER SSD SUPERINTENDENT</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS ____ DAY OF _____, 2024.</p> <p>_____ APPLE VALLEY TOWN ATTORNEY</p>	<p>APPROVAL AND ACCEPTANCE BY THE TOWN OF APPLE VALLEY</p> <p>WE, THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, HAVE REVIEWED THE ABOVE LOT SPLIT PLAT AND BY AUTHORIZATION OF SAID TOWN COUNCIL, RECORDED IN THE MINUTES OF ITS MEETING OF THE ____ DAY OF _____, A.D. 2024, HEREBY ACCEPT IT WITH ALL COMMITMENTS AND OBLIGATIONS THERETO.</p> <p>_____ ATTEST: TOWN RECORDER</p> <p>_____ APPLE VALLEY TOWN MAYOR</p>
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REVISIONS	
DATE	
MARK A. SCHRAUT PROFESSIONAL LAND SURVEYOR 100 NORTH FORK DRIVE SPRINGDALE UT 84707 PH 435-772-3223	
PREPARED FOR JONATHAN GEORGE	
LOCATED WITHIN THE SW 1/4 OF SECTION 14 TOWNSHIP 43 SOUTH, RANGE 11 WEST SALT LAKE BASE AND MERIDIAN	
JULY 2024	SHEET 1 OF 1