



## PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, January 14, 2026 at 6:00 PM

### AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, January 14, 2026**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Chairman** | Bradley Farrar

**Commissioners** | Lee Fralish | Garth Hood | Stewart Riding | Dan Harsh

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 8266151 3795

#### CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CONFLICT OF INTEREST DISCLOSURES

#### HEARING ON THE FOLLOWING

1. Ordinance O-2025-44, Zone Change Application, Current Zone: Open Space Transition, Proposed Zone: Agricultural Five Acres, Project location: AV-1365-J, located at the intersection of 2200 East and 2200 South, Acres: 15.

#### DISCUSSION AND POSSIBLE ACTION ITEMS

- [2.](#) Ordinance O-2025-44, Zone Change Application, Current Zone: Open Space Transition, Proposed Zone: Agricultural Five Acres, Project location: AV-1365-J, located at the intersection of 2200 East and 2200 South, Acres: 15.
- [3.](#) Planning Commission 2026 Annual Meeting Schedule.

#### APPROVAL OF MINUTES

- [4.](#) Minutes: December 10, 2025 - Planning Commission Hearing and Meeting.

#### TRAINING

5. Open and Public Meetings.

#### ADJOURNMENT

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

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

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



Proposal: Zone Change Application

Current Zone: OST

Proposed Zone: A-5

Acres: 15

Project location: AV-1365-J

Number of Lots: 1

Report prepared by Eldon Gibb, Planning Consultant with Shums Coda

The applicant is proposing to change the zoning from the current OST to a proposed A-5. The property is located at the intersection of 2200 east and 2200 South (AV-1365-J) and is 15 acres in size. The purpose for the zone change is to prepare to split the lot into 3 parcels that are 5 acres each.

The property is currently zoned OST. Surrounding zoning is OS to the north and south, RE-20 to the east and RE-5 to the west. The General Plan for this property is Residential Low 5+ Acres. The General Plan for the adjacent properties are also Residential Low 5+ Acres. The applicant is asking to change the zone from OST to AG-5 which is not in line with the General Plan map; however, the proposal would create larger lot sizes and help preserve the agricultural and historic heritage of Apple Valley.

If approved, this property would have Residential uses to the east and west. Furthermore, the general plan shows residential uses to the north and south of this property. When considering this Zone Change, the town may want to keep the permit uses in mind for the RE Zones [RE-Zone permitted uses](#) (10.10.050 which is identified in the general plan) and the A-5 zone [A-5 permitted uses](#) (10.10.020 which is being proposed) to ensure the land continues to be used in a way that is in line with the long-term vision of the town.



**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 \$1,600

Item 2.

## Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: Back Country Holdings LLC / Timothy Polishook		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable) Thomas Timpson		Phone: [REDACTED]	
Address/Location of Property: East Ranch Road, Apple Valley, UT 84737		Parcel ID: AV-1365-J	
Existing Zone: OST (Open Space Transition)		Proposed Zone: A-5 (Agriculture 5)	
For Planned Development Purposes: Acreage in Parcel 15 acres		Acreage in Application 15 acres	
Reason for the request So lot can be split into (3) 5-acre lots			

### 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. The property currently has 3 water services; power is immediately adjacent along south side of parcel; sewer will be on-site wastewater / septic.
- ☒ 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 11/20/25
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Official Use Only Date Received: RECEIVED NOV 24 2025	Amount Paid: \$ 1,600.00 Date Application Deemed Complete:	Receipt No: 59128
By: M. Kinney	By:	



## Town of Apple Valley

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

## ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Timothy Polishook am/are the applicant(s) of the application known as  
Zone Change Application located on parcel(s)  
AV-1365-J within the Town of Apple Valley, Washington County, Utah.

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

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

Signature(s):

Timothy Polishook

Name

Applicant/Owner


11/20/25  
 Date

Name

Applicant/Owner

Date

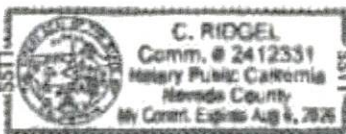
Name

Applicant/Owner

Date

State of CaliforniaCounty of Nevada

On this 20<sup>th</sup> day of November, in the year 2025, before me, C. Ridgel a notary public, personally appeared Timothy Polishook, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.



Witness my hand and official seal.

(notary signature)

(seal)



**\$Application Fee + Acreage fee (Per Lot Being Changed)**

**Commercial & Industrial:** \$4,000 plus \$50 per acre for the first 100 acres;

\$30 per acre for the second 100 acres; \$20 per acre for each acre over 200 acres

**Agricultural:** \$1,000 plus \$40 per acre for the first 100 acres;

\$20 per acre for the second 100 acres; \$10 per acre for each acre over 200 acres

**Residential:** \$2000 plus \$200 per acre for the first 100 acres;

\$150 per acre for the second 100 acres; \$100 per acre for each acre over 200 acres

**All Other Zones:** \$1,000 plus \$40 per acre or portion thereof over one acre

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

#### **REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE**

When approving a zone change, the following factors shall be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives and Policies of the Town's General Plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

#### **PROCESS**

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report and forward a recommendation to the Town Council for approval, approval with modifications, or denial of the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the Town Council will consider and act on the Commission's recommendation. The action of the Town Council is final. If denied, a similar application generally cannot be heard for a year.

[illegible]

Washington County Parcels

Town Boundary

Zoning Districts

A-5 - Agricultural > 5 Acres

A-X - A Agriculture

OSC - Open Space Conservation

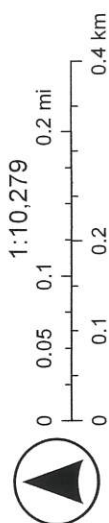
OST - Open Space Transition

RE-1 - Rural Estate 1

RE-5 - Rural Estate 5

RE-10 - Rural Estate 10

RE-20 - Rural Estate 20



*Item 2.*





11 North 300 West, Washington, Utah 84780  
TEL 435.652.8450 | FAX 435.652.8416

November 12<sup>th</sup>, 2025

Preliminary Water Service Letter  
For  
Timothy Polishook/Back Country Holdings  
(1 lot)

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

1. Proposed connection into Cedar Point water system.
  - a. We will need engineering calculations to ensure proper culinary requirements, fire flows and pressures throughout the development's system.
2. If current infrastructure is unable to meet flow requirements; and upon discussion and approval of the Town you may be required to bring source, build a tank and infrastructure designed to meet culinary, irrigation, and fire suppression needs as requisite by the Town.
3. Standard connection fees will apply.
4. Easements as required for water infrastructure and Town access.
5. Upon completion of the water system by the Developer and approval of the Town's designated engineer and Water Superintendent, said water system and easements will be deeded to the Town.

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

The Town provides this letter for the purpose of a Preliminary Plat Application, and it is NOT a Will Serve Letter.

This letter will Expire in 6 months from the date on this letter which is May 12<sup>th</sup>, 2026.

Please call me at (435) 652-8450 with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nathan Wallentine".

Nathan Wallentine  
Town Engineer  
Sunrise Engineering, Inc.

A handwritten signature in blue ink, appearing to read "Mike Farrar".

Mike Farrar  
Mayor  
Town of Apple Valley



# SUBDIVISION APPROVAL PROCESS

## AFFIDAVIT

### PROPERTY OWNER

Item 2.

STATE OF UTAH )

)S

COUNTY OF WASHINGTON )

I (We) Timothy Polishook

, 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.

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**SEE ATTACHED FOR  
NOTARIAL WORDING  
& SEAL**

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

### AGENT AUTHORIZATION

(We), Timothy Polishook, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Thomas Timpson 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\_\_\_\_.

**SEE ATTACHED FOR  
NOTARIAL WORDING  
& SEAL**

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

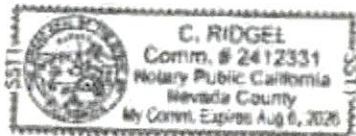
My Commission Expires: \_\_\_\_\_

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 Nevada

Subscribed and sworn to (or affirmed) before me on this 20<sup>th</sup>  
day of November, 2025, by Timothy Polishook

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature

C. Ridge

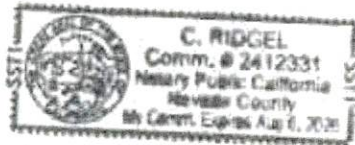
Title: Affidavit Property Owner

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 Nevada

Subscribed and sworn to (or affirmed) before me on this 20<sup>th</sup>  
day of November, 2025, by Timothy Polishook

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in blue ink, appearing to be 'C. Ridgel', written over a horizontal line.

Title: Agent Authorization



## Property Report for Parcel AV-1365-J

### Property Information

**Acres:** 15.00  
**Zoning:** Open Space Transition  
**Is Property in a Special Flood Hazard Area?** No  
**Is Property in a 0.2% Annual Chance Flood Area?** No  
**Is Property in a Floodway?** No

*\* Determination of flood zone information is based upon 2009 FEMA Digital Flood Insurance Rate Map Database but does not substitute for a Flood Verification letter. For more information, please visit the FEMA Flood Map Service Center website <https://msc.fema.gov/portal/home> or contact your municipal Engineering department.  
 City zoning information is based on the best available information and should be independently verified by contacting each municipality directly.*

### Voting Districts

**Washington County Precinct:** APV01  
**U.S. Senate District:** 27  
**U.S. Congressional District:** 2  
**Utah House District:** 72  
**Washington County School Board District:** 5

*\* Visit [Vote.Utah.gov](http://Vote.Utah.gov) or <https://geoprodvm.washco.utah> for more voting information.*

### Tax Information

**Tax District:** Apple Valley Town  
**Residential Classification:** N/A  
**Book & Page:** N/A  
**Reference Document:** 20240028791

### Community/Public Services

**Law Enforcement:** Washington Co. Sheriff  
**Fire Protection:** Colorado City Fire Dept  
*\* In an emergency, ALWAYS dial 9-1-1!*

#### Schools:

Three Falls Elementary  
 Hurricane Intermediate  
 Hurricane Middle  
 Hurricane High

*\* For more information, including bus routes, visit the Washington Co. School District at <https://www.washk12.org/> or Iron Co. School District at <https://irondistrict.org/>*

### Utilities

**Culinary Water:** N/A  
**Sewer:** On-site wastewater/septic (Ash Creek SSD)  
**Electricity:** Rocky Mountain Power  
**Natural Gas:** N/A  
**Internet Service Providers (Cable):** TDS

*\* For more information on Internet services available in your area, see Decision Data.org, <https://decisiondata.org/internet-providers-by-zip-code-plus-tv/>*

**Solid Waste Collection Day:** Thursday

*\* For more information on solid waste and recycling services, visit the Washington County Solid Waste website at <http://www.wcsww.org/>*

### Legal Description:

S: 14 T: 43S R: 11W SLB&M  
 NE1/4 NE1/4 SEC 14 T43S R11W.  
 LESS: N1/2 NW1/4 NE1/4 NE1/4 SEC 14.  
 LESS: E1/2 NE1/4 NE1/4 OF SEC 14 T43S R11W.

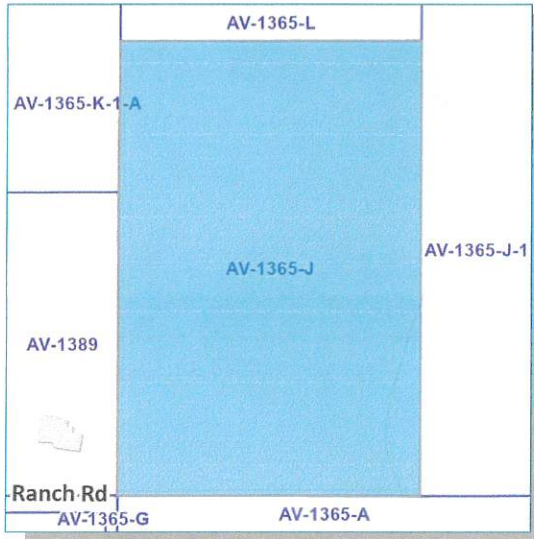
NOTE: The information shown on this map was compiled from many sources and is not guaranteed to be correct. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not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

Report Generated 3/21/2025 by Washington County GIS

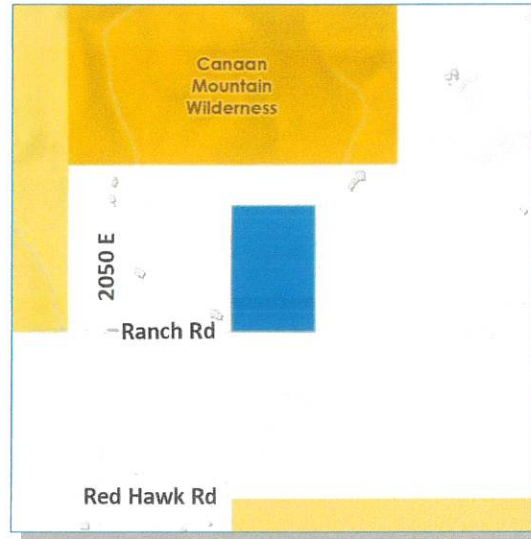
**Washington County, Utah**  
 County Administration Building  
 111 E. Tabernacle Street  
 St. George, UT 84770-3443  
[www.washco.utah.gov](http://www.washco.utah.gov)



## Property Report for Parcel AV-1365-J



Parcel highlighted in blue.



Overview Map

*NOTE: The information shown on this map was compiled from many sources and is not guaranteed to be correct. 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.*

Report Generated 3/21/2025 by Washington County GIS

**Washington County, Utah**  
 County Administration Building  
 111 E. Tabernacle Street  
 St. George, UT 84770-3443  
[www.washco.utah.gov](http://www.washco.utah.gov)





April 10, 2025

Apple Valley  
1777 North Meadowlark Drive  
Apple Valley, UT 84737

**Subject: Zone Change – Parcel AV-1365-J**

Ash Creek Special Service District takes no exception to the proposed zone change for Parcel AV-1365-J.

The Owners hereby acknowledge and agree that the minimum lot size required for the installation of a conventional septic system is seven (7) acres. The Owners further acknowledge and agree that the proposed zone change, which would permit the creation of five (5) acre lots, does not satisfy the minimum septic density requirements for conventional septic systems. Accordingly, the installation of an advanced septic system shall be required on each individual lot. The Owners further acknowledge and agree that, as a condition of development, each lot owner shall be required to sign the Ash Creek Special Service District Septic Agreement and obtain all necessary septic permits from the Southwest Utah Public Health Department.

After approval, owners agree to pay all costs associated with construction and installation of the advanced septic system. Please let us know if you have any questions.

Sincerely,

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

1350 South Sandhollow Road, Hurricane, UT 84737  
phone: 435.635.2348  
email: ashcreek@infowest.com





*Let's turn the answers on.*

Dixie Service Center  
Estimating Dept.  
455 N. Old Hwy 91  
Hurricane, UT 84737

April 9, 2025

Thomas Timpson  
Back Country Holdings LLC.



Re: New Residential Subdivision Zoning

Located: Parcel #: AV-1365-J

Dear: Thomas Timpson

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

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

Sincerely,

Keldan Guymon  
Estimator  
Dixie Service Center  
435-688-3711

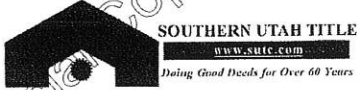
Warranty Deed Page 1 of 5

Russell Shirts Washington County Recorder

06/14/2017 01:47:53 PM Fee \$20.00 By

SOUTHERN UTAH TITLE COMPANY

When recorded mail deed and tax notice to:  
 Back Country Holdings LLC, a California Limited  
 Liability Company  
 3101 Clement Street  
 San Francisco, CA 94121



Order No. 193381 - CP  
 Tax I.D. No. AV-1365-J

Space Above This Line for Recorder's Use

**WARRANTY DEED**

**Beard Properties, LLC, a Utah Limited Liability Company**, grantor(s), of St. George, County of Washington, State of Utah, hereby **CONVEY and WARRANT** to

**Back Country Holdings LLC, a California Limited Liability Company, a Utah Limited Liability Company**, grantee(s) of San Francisco, County of , State of California, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION the following described tract of land in Washington County, State of Utah:

See Attached Exhibit "A"

See Water Rights Addendum to Land Deeds attached hereto and made a part hereof

TOGETHER WITH all improvements and appurtenances there unto belonging, and being SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 7<sup>th</sup> day of June, 2017.

BEARD PROPERTIES, LLC, a Utah Limited Liability  
 Company

By: [Signature]

Michael A. Beard, Manager

STATE OF Utah )

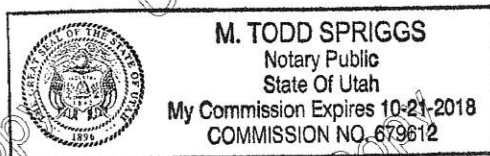
:ss.

COUNTY OF Washington )

On the 7<sup>th</sup> day of June, 2017, personally appeared before me, Michael A. Beard, who being by me duly sworn, did say that he/she is the Manager of BEARD PROPERTIES, LLC, a Utah Limited Liability Company, and that said instrument was signed by him/her in behalf of said limited liability company by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and said Michael A. Beard acknowledged to me that said limited liability company executed the same.

[Signature]  
 NOTARY PUBLIC

My Commission Expires: 10/21/18



**WATER RIGHTS ADDENDUM TO LAND DEEDS**

Grantor: Beard Properties, LLC, a Utah Limited Liability Company  
Grantee: Back Country Holdings LLC, a California Limited Liability Company, a Utah Limited Liability Company  
Tax ID Number(s): AV-1365-J

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

**Check one box only**

- 1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.  
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)  
3 ☒ No water rights are being conveyed.  
4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A

B

C

C

Important Notes  
(see other side)

Section		Important Notes (see other side)
A	The water right(s) being conveyed included Water Right No(s), along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) <input type="checkbox"/> All of Water Rights No(s). <input type="checkbox"/> acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses <input checked="" type="checkbox"/> acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5  N5  N2
C	Disclosures By Grantor: (check all boxes that apply) <input type="checkbox"/> Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: <b>Big Plains Water</b> <input checked="" type="checkbox"/> Culinary water service is provided by: <b>Apple Valley Town**</b> <input type="checkbox"/> Outdoor water service is provided by: <input type="checkbox"/> There is no water service available to Grantor's Parcel(s). <input checked="" type="checkbox"/> Other water related disclosures: **3 Standby Water Hookups transfer with the property. No Water shares or stock certificates will be issued.	N6  N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: BEARD PROPERTIES, LLC, a Utah Limited Liability Company

  
Michael A. Beard, Manager

Grantee's Acknowledgment of Receipt: Back Country Holdings LLC, a California Limited Liability Company

**See Counterpart**

Timothy M. Polishook, Manager

Greg G. Gahagan, Manager

Grantee's Address: 3101 Clement Street, San Francisco, California 94121

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



**WATER RIGHTS ADDENDUM TO LAND DEEDS**

Grantor: Beard Properties, LLC, a Utah Limited Liability Company  
Grantee: Back Country Holdings LLC, a California Limited Liability Company  
Tax ID Number(s): AV-1365-J

In connection with the conveyance of the above referenced parcel(s), Grantor hereby conveys to Grantee without warranty, except for a warranty of title as to all claiming title by or through Grantor, the following interests in water and/or makes the following disclosures:

**Check one box only**

- 1 ☐ All of Grantor's water rights used on Grantor's Parcel(s) are being conveyed.  
2 ☐ Only a portion of Grantor's water rights are being conveyed. (County Recorder should forward a copy of this form to the Utah Division of Water Rights if Box 1 or 2 above is checked)  
3 ☒ No water rights are being conveyed.  
4 ☐ Water rights are being conveyed by separate deed.

Proceed to Section

A  
B

C  
C

Important Notes  
(see other side)

**Section**

A	The water right(s) being conveyed included Water Right No(s) along with all applications pertaining to the water right(s) listed in this Section A, and all other appurtenant water rights (Proceed to Section C)	N1 N2 N3
B	Only the following water rights are being conveyed: (check all boxes that apply) <input type="checkbox"/> All of Water Rights No(s). <input type="checkbox"/> acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses <input type="checkbox"/> acre-feet from Water Right No. for: families acres of irrigated land: stock water for Equivalent Livestock Units; and/or for the following other uses Along with all applications pertaining to the water right(s) listed in this Section B. (Proceed to Section C)	N1 N4 N5  N5  N2
C	Disclosures By Grantor: (check all boxes that apply) <input type="checkbox"/> Grantor is endorsing and delivering To Grantee stock certificates for Shares stock in the following water company: <b>Big Plains Water</b> <input checked="" type="checkbox"/> Culinary water service is provided by: <b>Apple Valley Town**</b> <input type="checkbox"/> Outdoor water service is provided by: There is no water service available to Grantor's Parcel(s). <input checked="" type="checkbox"/> Other water related disclosures: **3 Standby Water Hookups transfer with the property. No Water shares or stock certificates will be issued.	N6  N7 N8 N9 N10

Attach and sign additional copies of this form if more space is needed.

The undersigned acknowledge sole responsibility for the information contained herein even though they may have been assisted by employees of the Utah Division of Water Rights, real estate professionals, or other professionals, except to the extent that title insurance or a legal opinion concerning such information is obtained.

Grantor's Signature: BEARD PROPERTIES, LLC, a Utah Limited Liability Company

**See Counterpart**

Michael A. Beard, Manager

Grantee's Acknowledgment of Receipt: Back Country Holdings LLC, a California Limited Liability Company

Timothy M. Polishook, Manager

Greg G. Gahagan, Manager

Grantee's Address: 3101 Clement Street, San Francisco, California 94121

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

# NOTES TO WATER RIGHTS ADDENDUM TO LAND DEEDS

Please read the following notes carefully in order to avoid problems and the possible loss of the water rights being conveyed in connection with this transaction.

**The mere purchase of a water right does not guarantee: (1) that the water right is in good standing with the Utah Division of Water Rights; (2) that the owner has clear title to the water right; (3) that the Division will recognize the ownership change; or (4) that the Division will approve any proposed changes or extensions regarding the water right. You are encourage to conduct proper "due diligence" research into any water right before purchasing it.**

- N1 Once this Water Rights Addendum has been recorded at the County Recorder's Office, Grantee must prepare a "Report of Water Right Conveyance" or "ROC" (available from the Utah Division of Water Rights) and file it with the Utah Division of Water Rights in order to: (1) have the Division's records updated with current ownership and address information; (2) file any application on these water rights; and (3) receive notifications concerning deadlines and other essential information pertaining to these rights. **Failure to do so PROMPTLY may result in the loss of these water rights.** Help with reviewing the water rights and completing the ROC can be obtained from the Utah Division of Water Rights and/or water professionals, such as attorneys, engineers, surveyors, and title professionals with experience in water rights and water law.
- N2 A water right often has one or more applications on file with the Utah Division of Water Rights that affect that water right, such as change applications, extension requests, and non-use applications. These applications should be transferred with the water right. The Grantee should review the water right applications and other documents on file with the Utah Division of Water Rights.
- N3 Water rights owned by the Grantor and used on Grantor's Parcel may be "appurtenant" to Grantor's Parcel. Not all appurtenant water rights have been assigned a water right number because not all water rights are "of record." If Section A is being completed, this conveyance includes all appurtenant water rights, whether or not they are listed by water right number or are of record. Grantee should investigate each water right listed and determine if there are any water rights that are not of record. If there are water rights not of record, Grantee should seriously consider making them of record by filing the appropriate forms with the Utah Division of Water Rights.
- N4 100% of the water rights listed here are being conveyed to Grantee. A Report of Water Right Conveyance (see N1 above) should be filed on each water right listed here. The Water Rights listed in Section B may not provide sufficient water for all of the historic water uses.
- N5 Less than 100% of the water right listed is being conveyed to Grantee. The exact portion to be conveyed, expressed in terms of the beneficial uses associated with this portion of the water right must be described. This description generally consists of: (1) the number of families for domestic (indoor culinary) uses (generally quantified as 0.45 acre-feet per family for a year-round residence and 0.25 acre-feet per family for a seasonal residence); (2) the number of acres irrigated (this involves issues of "irrigation duty" [the number of acre-feet of water allowed per acre of irrigated land] and "sole supply/supplemental supply" [the amount of water allocated to each water right when more than one right is used on the same land or for the same livestock]; and (3) the number of livestock being watered (expressed in terms of equivalent livestock units or "ECUS" which are quantified at the rate of 0.028 acre-feet per EAU for full-year use. Any other uses being conveyed should be similarly described. Help with evaluating, quantifying, and/or describing the uses can be obtained from the Utah Division of Water Rights and/or water professionals.
- N6 Shares of stock in water companies (including irrigation, canal, and ditch companies) are generally not transferred by deed. Each company has procedures for transferring ownership. The company should be contacted to ascertain the appropriate procedures to follow. The most common procedure is for the Grantor to endorse and deliver the stock certificate to the Grantee, who then presents that certificate to company for issuance of a new certificate in the Grantee's name. If another procedure is to be followed, that should be noted on the "Other water related disclosures" line in Section C of this form. Each company also defines how much water is associated with a particular share and what fees and assessments are charged. The Grantee should contact the company about all such issues.
- N7 If culinary water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N8 If outdoor/secondary/irrigation water service is currently being provided to the Grantor's Parcel by a municipality, a water district, or a water company, that entity should be listed here and the Grantee should contact that entity to ascertain what is required to continue receiving such service.
- N9 If this box is checked, the Grantee should investigate what water IF ANY is available for use on the Grantor's Parcel.
- N10 This space should be used for any other information that the Grantor has which is relevant to water issues associated with the Grantor's Parcel.

The Utah Division of Water Rights (often referred to as the State Engineer's Office) is located at 1594 W. North Temple, Suite 220, PO Box 146300, Salt Lake City, Utah 84114-6300 Telephone: 801-553-7240 Web Address: [www.waterrights.utah.gov](http://www.waterrights.utah.gov)

Attachment to that certain Warranty Deed executed by Beard Properties, LLC, a Utah Limited Liability Company grantor(s), to Back Country Holdings LLC, a California Limited Liability Company grantee(s).

Order No. 193381  
Tax I.D. No. AV-1365-J

**EXHIBIT "A"**

**PARCEL 1:**

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 14, Township 43 South, Range 11 West, Salt Lake Base and Meridian.

LESS AND EXCEPTING THEREFROM the following described Parcels A and B:

**Parcel A:**

The North One-Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 14, Township 43 South, Range 11 West, Salt Lake Base and Meridian.

**Parcel B:**

The East One-Half of the Northeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 14, Township 43 South, Range 11 West, Salt Lake Base and Meridian.

\*\*\*

Initials 



TAX\_ID

AV-1365-L  
AV-1365-J  
AV-1365-K-1-B  
AV-1365-J-1  
AV-1365-G-3  
AV-1389  
AV-1365-K  
AV-1365-K-1-A  
AV-1365-A  
AV-1365-G-2

## FIELD5

HAWLEY NEIL B, HAWLEY JEANENE

BACK COUNTRY HOLDINGS LLC

KOPP RICHARD M TRUSTEE, RICHARD M KOPP AND DEBORAH A KOPP REVOCABLE LIVING TRUST DATED AUGUST 16 2019

PIERSON MARK TR, PIERSON LAUREL TR

BAISCH CURTIS JACOB TR, BAISCH FRANCES ALICIA TR

KOPP RICHARD M TRUSTEE, RICHARD M KOPP AND DEBORAH A KOPP REVOCABLE LIVING TRUST DATED AUGUST 16 2019

KOPP RICHARD M TRUSTEE, RICHARD M KOPP AND DEBORAH A KOPP REVOCABLE LIVING TRUST DATED AUGUST 16 2019

COOKE CHRISTIAN M TRUSTEE, COOKE FAMILY TRUST DATED SEPTEMBER 15 2025

BROWN DOUGLAS ANDREW TR, MILDICE LORNA LOUISE TR

FERNANDES AUSTIN & RAJNI

FIELD6	FIELD8	FIELD9	FIELD10
56 N SHADOW POINT DR	SAINT GEORGE	UT	84770
66 NORDHOFF ST	SAN FRANCISCO	CA	94131
2222 E RANCH RD	APPLE VALLEY	UT	84737
2400 E RANCH RD	HURRICANE	UT	84737
4068 W 2480 S CIR	HURRICANE	UT	84737
2222 E RANCH RD	APPLE VALLEY	UT	84737
2222 E RANCH RD	APPLE VALLEY	UT	84737
PO BOX 2887	COLORADO CITY	AZ	86021
2138 LONG SKY DR	SAINT GEORGE	UT	84770
14 BELMONT CT	MONROE TOWNSHI NJ		8831



December 1, 2025

RE: NOTICE OF PUBLIC HEARING — ZONING MAP AMENDMENT REQUEST

Parcel Number: AV-1365-J

Situs Addresses: Property located at the intersection of 2200 East and 2200 South

To Whom It May Concern:

You are invited to attend a public hearing to receive input from the public regarding a request to amend the zoning designation of the above-referenced parcel from Open Space Transition Zone (OST) to Agricultural 5 Acres Zone (AG-5). The applicant has indicated that the purpose of the requested amendment is to subdivide the property into three parcels of approximately five acres each.

Information regarding the AG-5 zoning regulations, including permitted uses and development standards, is available at the Town Recorder's Office or online at:

[https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.020\\_Agricultural\\_Zone](https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.020_Agricultural_Zone)

The hearing will be held on Wednesday, January 14, 2026 at 6:00 PM (MDT) at the Apple Valley Town Hall, located at:

1777 North Meadowlark Drive, Apple Valley, Utah 84737

Written comments or questions may be submitted by mail to:

Town of Apple Valley  
Attn: Planning and Zoning  
1777 North Meadowlark Drive  
Apple Valley, Utah 84737

Comments may also be delivered in person at the Apple Valley Town Hall.

Sincerely,  
Jenna Vizcardo  
Town Clerk and Recorder  
Town of Apple Valley



**TOWN OF APPLE VALLEY  
ORDINANCE O-2025-44**

Item 2.

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1365-J FROM OPEN SPACE TRANSITION ZONE (OST) TO AGRICULTURAL 5 ACRES ZONE (AG-5)**

**WHEREAS**, the Town of Apple Valley ("Town") has petitioned to rezone parcel AV-1365-J from Open Space Transition Zone (OST) to Agricultural 5 Acres Zone (AG-5); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on January 14, 2026, to consider the request and, in a meeting on the same date, voted to recommend approval of the zone change; and

**WHEREAS**, the Town Council has reviewed the Planning Commission's recommendation and finds that the proposed zone change serves a rational public interest, creating larger lot sizes, helping preserve the agricultural and historic heritage of Apple Valley; and

**WHEREAS**, on January 21, 2026 the Town Council of Apple Valley, Utah, convened in a duly noticed and held meeting to consider the proposed amendment;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, AS FOLLOWS:**

**SECTION I: Zoning Amendment**

The zoning designation for parcel AV-1365-J is hereby changed from Open Space Transition Zone (OST) to Agricultural 5 Acres Zone (AG-5).

**SECTION II: Official Zoning Map Update**

The Official Zoning Map shall be amended to reflect this zoning change.

**SECTION III: Effective Date:**

This ordinance shall take effect immediately upon passage and adoption.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Apple Valley, Utah, this 21st day of January, 2026.

PRESIDING OFFICER

\_\_\_\_\_  
Michael L. Farrar, Mayor

ATTEST:

\_\_\_\_\_  
Jenna Vizcardo, Town Clerk/Recorder

VOTE RECORD:	AYE	NAY	ABSENT	ABSTAIN
Mayor   Michael Farrar	_____	_____	_____	_____
Council Member   Kevin Sair	_____	_____	_____	_____
Council Member   Annie Spendlove	_____	_____	_____	_____
Council Member   Scott Taylor	_____	_____	_____	_____
Council Member   Richard Palmer	_____	_____	_____	_____



1777 North Meadowlark Drive, Apple Valley, Utah 84737  
 Phone: 435-877-1190 Fax: 435-877-1192  
[www.applevalleyut.gov](http://www.applevalleyut.gov)

## Planning Commission 2026 Annual Meeting Schedule

Planning Commission  
 2026 Annual Meeting Schedule

Notice Date & Time: 1/1/2026-12/31/2026 11:59 PM

Description/Agenda:

### 2026 ANNUAL MEETING SCHEDULE OF THE TOWN OF APPLE VALLEY

Public Notice is hereby given that the 2026 Annual Meeting Schedule of the Planning Commission of Apple Valley has been scheduled and shall be as follows:

Regular Meetings of the Planning Commission of Apple Valley will be held during the year 2026 at 6:00 p.m. on the second Wednesday of each month, unless otherwise specified, at the Town Office Building, 1777 N Meadowlark Drive, Apple Valley, UT 84737.

- January 14, 2026
- February 11, 2026
- March 11, 2026
- April 8, 2026
- May 13, 2026
- June 10, 2026
- July 8, 2026
- August 12, 2026
- September 9, 2026
- October 14, 2026
- **Tuesday, November 10, 2026** (*rescheduled due to Veterans Day on November 11*)
- December 9, 2026

Other meetings scheduled, in addition to those specified herein, shall be held or canceled as circumstances require. An agenda of each meeting will be posted at:

Town Office Building, 1777 N Meadowlark Drive, Apple Valley, UT 84737

Town of Apple Valley Website: <https://www.applevalleyut.gov/>

State of Utah Public Notice Website: <https://www.utah.gov/pmn/index.html>

Notice of Special Accommodations:

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.

Notice of Electronic or telephone participation: In accordance with state statute, one or more council members may be connected via speakerphone.

Other information:

Location: 1777 N Meadowlark Dr., Apple Valley, 84737

Contact information:

Jenna Vizcardo, [clerk@applevalleyut.gov](mailto:clerk@applevalleyut.gov), (435)877-1190



## PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, December 10, 2025 at 6:00 PM

### MINUTES

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT**

Chairman Bradley Farrar  
Commissioner Lee Fralish  
Commissioner Garth Hood  
Commissioner Stewart Riding  
Alternate Commissioner Dan Harsh

**ABSENT**

Commissioner Kael Hirschi

**CONFLICT OF INTEREST DISCLOSURES**

None declared.

**HEARING ON THE FOLLOWING**

1. Ordinance O-2025-42, Amend Title 10.02.050 Building Permit Required.  
Chairman Farrar opened the public hearing.  
No public comments.  
Chairman Farrar closed the public hearing.
2. Ordinance O-2025-43, Amend Title 10.28.250 Smaller Accessory Building Exempt From Building Permit Requirements.  
Chairman Farrar opened the public hearing.  
No public comments.  
Chairman Farrar closed the public hearing.
3. Preliminary Plat Application for Oculita Roca Resort, Project location: South side of Hwy 59 & Cinder Hills Rd / Gould Wash Rd.  
Chairman Farrar opened the public hearing.  
No public comments.  
Chairman Farrar closed the public hearing.

## DISCUSSION AND POSSIBLE ACTION ITEMS

4. Conditional Use Permit application for an accessory building prior to issuance of a building permit – Applicant: Lisa Mandile, Parcel AV-1354-D-7.

A Conditional Use Permit application was reviewed for an accessory building to be constructed prior to issuance of a primary building permit, submitted by the applicant for parcel AV-1354-D-7. The request was explained as allowing storage during an upcoming relocation. The Commission discussed the request, confirmed the structure would be permanent and subject to all applicable ordinances, and voted to approve the conditional use permit.

**MOTION:** Commissioner Hood motioned that we approve the Conditional Use Permit application for an accessory building prior to issuance of a building permit for Lisa Mandile, Parcel AV-1354-D-7.

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

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

Commissioner Fralish - Aye  
 Commissioner Hirschi - Absent  
 Chairman Farrar - Aye  
 Commissioner Hood - Aye  
 Commissioner Riding - Aye  
 Alternate Commissioner Harsh - Aye

The vote was unanimous and the motion carried.

5. Ordinance O-2025-42, Amend Title 10.02.050 Building Permit Required.

The Commission then considered Ordinance O-2025-42, which proposed exempting shipping containers 300 square feet or less from building permit requirements. The rationale for the amendment was discussed, including that shipping containers are pre-engineered structures and would remain subject to zoning, setback, and utility requirements despite the exemption. After discussion, the Commission voted to recommend approval of the ordinance.

**MOTION:** Commissioner Riding motioned to recommend approval of Ordinance O-2025-42, Amend Title 10.02.050 Building Permit Required.

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

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

Commissioner Fralish - Aye  
 Commissioner Hirschi - Absent  
 Chairman Farrar - Aye  
 Commissioner Hood - Aye  
 Commissioner Riding - Aye  
 Alternate Commissioner Harsh - Aye

The vote was unanimous and the motion carried.



6. Ordinance O-2025-43, Amend Title 10.28.250 Smaller Accessory Building Exempt From Building Permit Requirements.

Next, the Commission considered Ordinance O-2025-43, a companion amendment to ensure consistency within the municipal code regarding accessory buildings and shipping container exemptions. The Commission voted to recommend approval of this ordinance as well.

**MOTION:** Chairman Farrar motioned that we recommend approval on Ordinance O-2025-43, Amend Title 10.28.250 Smaller Accessory Building Exempt From Building Permit Requirements.

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

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

Commissioner Fralish - Aye  
 Commissioner Hirschi - Absent  
 Chairman Farrar - Aye  
 Commissioner Hood - Aye  
 Commissioner Riding - Aye  
 Alternate Commissioner Harsh - Aye

The vote was unanimous and the motion carried.

7. Preliminary Plat Application for Oculita Roca Resort, Project location: South side of Hwy 59 & Cinder Hills Rd / Gould Wash Rd.

The Commission then reviewed the Preliminary Plat Application for the Oculita Roca Resort, limited to the residential subdivision portion of the project. It was clarified that many agency comments received pertained to construction drawings and subdivision improvement plans, which were not under consideration at this stage. The Commission discussed outstanding items from the engineering review, including the need for updated will-serve letters and clarification of existing easements on future construction drawings or final plat documents. The Commission voted to approve the preliminary plat application, subject to receipt of the required will-serve letters and inclusion of existing easements on the appropriate future plans.

**MOTION:** Chairman Farrar motioned that we approve the Preliminary Plat Application for Oculita Roca Resort, Project location: South side of Hwy 59 & Cinder Hills Rd / Gould Wash Rd, pending that they get the two will server letters from items six and seven in Sunrise's report and make sure they show the existing easements on the Construction Drawings or Subdivision Improvement Plans.

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

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

Commissioner Fralish - Aye  
 Commissioner Hirschi - Absent  
 Chairman Farrar - Aye  
 Commissioner Hood - Aye  
 Commissioner Riding - Aye  
 Alternate Commissioner Harsh - Aye

The vote was unanimous and the motion carried.

#### APPROVAL OF MINUTES

8. Minutes: November 12, 2025 - Planning Commission Hearing and Meeting.
9. Minutes: November 18, 2025 - Special Planning Commission Hearing and Meeting.

Under approval of minutes, the Commission reviewed and approved the November 12, 2025 Planning Commission Hearing and Meeting minutes and the November 18, 2025 Special Planning Commission Hearing and Meeting minutes.

**MOTION:** Commissioner Fralish motioned that we approve the minutes of 11.12.25 and 11.18.25

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

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

Commissioner Fralish - Aye  
 Commissioner Hirschi - Absent  
 Chairman Farrar - Aye  
 Commissioner Hood - Aye  
 Commissioner Riding - Aye  
 Alternate Commissioner Harsh - Aye

The vote was unanimous and the motion carried.

#### ADJOURNMENT

With no further business, the Commission voted to adjourn the meeting. The meeting was adjourned following the affirmative vote of the members.

**MOTION:** Commissioner Fralish motioned to adjourn.

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

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

Commissioner Fralish - Aye  
 Commissioner Hirschi - Absent  
 Chairman Farrar - Aye  
 Commissioner Hood - Aye  
 Commissioner Riding - Aye  
 Alternate Commissioner Harsh - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:12 PM

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

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

Chairman | Bradley Farrar

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

Recorder | Jenna Vizcardo

DRAFT