TOWN OF APPLE VALLEY
Planning Commission
Hearing Notice

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY WILL HOLD A **PUBLIC HEARING** DURING THE **PLANNING COMMISSION MEETING ON TUESDAY, NOVEMBER 17TH, 2020, AT 6:00 PM** AT 1777 N MEADOWLARK DR, APPLE VALLEY, UT 84737.

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the Planning Commission Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial in phone numbers will be provided when the agenda for the meeting is published on the Town website or via https://www.utah.gov/pmn

Zoom Meeting ID: 869 9633 7105

The agenda shall be as follows:

1. Call to Order, Pledge, and Roll Call
2. Conflict of Interest Disclosures
3. Approval of Minutes for Prior Meetings
    a. September 9th, 2020
4. Public Comments
5. Informational Summaries
    a. Personnel Changes
6. Administrative Applications Pending/Approved
    a. Lot Split Applications
7. Public Hearings:
    a. Public Hearing for GENERAL PLAN MAP DESIGNATION CHANGE of parcels: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 to A-5 (Agriculture 5 Acre)
    b. Public Hearing for ZONE CHANGE of parcels: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 from OS/OST to A-5 (Agriculture 5 Acre)
8. New Planning Commission Business:
    a. Consideration and Possible action on GENERAL PLAN DESIGNATION CHANGE for Parcels: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 to A-5 (D-O-2020-23)
    b. Consideration and Possible action on ZONE CHANGE for Parcels: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 from OS/OST to A-5 (D-O-2020-24)
9. Unfished Planning Commission Business:
    a. Consideration and Possible Action on Final Plan (AVC 10.10.120(I)) for AV-1338-H-3
    b. Consideration and Possible Action on Ordinance Creating the Tourist Commercial Zone (TC) (D-O-2020-25)

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should notify the town at 435-877-1190.

OPENING

Chairperson Prentice brought the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

ROLL CALL/PRESENT

Chairperson Prentice
Commissioner Angell
Commissioner Jorgensen
Commissioner Fralish

Deputy Clerk Ben Billingsley

EXCUSED

Jerry Zaharias

NO CONFLICT OF INTEREST DECLARATIONS

CONSENT AGENDA

A. **Approval of meeting minutes for January 8, 2020**
B. **Approval of meeting minutes for May 13, 2020 Page 3 typo; P should be PC**
C. **Approval of meeting minutes for May 27, 2020**
D. **Approval of meeting minutes for June 10, 2020**

MOTION:	Commissioner Jorgensen moves to approve the minutes for January 8, 2020, May 13, 2020, May 27, 2020 and June 10, 2020	
SECOND:	Commissioner Fralish	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

The vote was unanimous and the motion carried.

Discussion and Action

1. Public Hearing for GENERAL PLAN MAP CHANGE of Parcels AV-1376-A and AV-1376-M from R-1 Residential 1 acre to Agricultural. Applicant Jeff and Susanne Spendlove.

They will be building a home on the one acre lot and another home on the 19 acres.

Chairperson Prentice opens the public hearing

1.26.26 Public asks to clarify the zone change. This is across from Cedar Pointe.

Chairperson Prentice closes the public hearing

2. Public Hearing for ZONE CHANGE of parcels AV-1376-A and AV-1376-M from OST/OSC Open Space to A-10 Agricultural 10 acre and the Southwest Corner of AV-1376-M to RE-1 Rural Estates 1 acre. GP Designation R-1 acre. Applicant Jeff and Susanne Spendlove.

Chairperson Prentice opens the public hearing

Chairperson Prentice closes the public hearing

3. Discussion and possible action on General Plan Map change of parcels AV-1376-A and AV-1376-M from R-1 to Agricultural.

MOTION:	Commissioner Angell moves to approve the change of the general map for AV-1376-A and AV-1376-M from R-1 to AG.	
SECOND:	Commissioner Fralish	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

The vote was unanimous and the motion carried

4. Discussion and possible action on zone change for parcels AV-1376-A and AV-1376-M from OST/OSC to A-10 and RE-1.

MOTION:	Commissioner Angell moves to approve the zone change for parcel AV-1376-A and AV-1376-M from OTC/OSC to AG-10 and RE-1 respectively.	
SECOND:	Commissioner Jorgensen	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

MOTION:	Commissioner Angell moves to send these motions to the Town Council for their discussion and approval.	
SECOND:	Commissioner Jorgensen	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye

Commissioner Prentice	Aye
Commissioner Angell	Aye

5. Public Hearing for ZONE CHANGE of parcel AV-1354-B from OST/OSC Open Space to C-2 Commercial and CTP Cabins Tiny Home Park Zone. GP Designation Commercial/Agricultural. Applicant Bang Properties (Kerry Bang)

Applicant mentions that they have plans to create large buffer zones around the park.

Chairperson Prentice opens the public hearing

Margaret Ososki asks what the project will look like.

Kerry Bang introduces his idea of the project will start as a fairly small, low density, higher end tiny cabin project with a lot of common areas, parks and walking paths. He wants this to be a low density project. They want this to blend in with the landscape and compliment the area.

Commissioner Angell mentions that many people are probably concerned about traffic. How many units will be built? Applicant states that the project is currently 50 acres, which he sees as a 100 unit density.

Trevor Black – Shows a proposal for residential and asks why he's not asking for residential at this time.

Kerry Bang responds that it's just a buffer space for now.

Trevor Black – asks about the phasing of the project and when he would get to the residential portion of the project.

Kerry Bang responds that his goal is not to chop up the land and sell it off, and that they want the project to be their long term project and eventually they may want their personal home or ranch on the property.

Heber Allred – lives off the road, and initially thinks that the project is a good idea, and would like to know what the plans are for water.

Kerry Bang responds that he would like to bring water down Coyote road to the project instead of a well system.

Richard Fischer responds that the water main is ¾ mile away and needs to be a 12" line. He also states he doesn't think the residential buffer area is large enough. He's also uncomfortable with the density as it's presented. He is concerned with nightly rentals with people coming and going around his family.

Applicant responds that they would like this project to have a rural feel with the cabins being spread over the area, not shoulder to shoulder. This project will also phase out starting with approximately 10-20 cabins.

Commissioner Angell asks about a barrier between the residential and tiny cabin portion of the project.

Applicant hopes to keep with landscape buffering.

Mary Cannady asks why they are doing the zone change before the lot split. She shares her concern about moving ahead to quickly.

Chairperson Prentice closes the public hearing.

6. Discussion and possible action on zone change of parcel AV-1354-B from OST/OSC to C-2 Commercial and CTP Cabins Tiny Home Park Zone.

Commissioner Angell feels like this project fits really well with the Town's vision/general plan for the area.

MOTION:	Commissioner Jorgensen moves to approve the zone change of AV-1354-B from OST/OSC to C-2 and CTP Tiny Home Park Home for approval and forward to Town Council	
SECOND:	Commissioner Angell	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye
	Commissioner Zaharias	Aye

7. Discussion and possible action on lot line adjustment for AV-1369-B and AV-1369-C. Applicant Mike Farrar.

Chairperson Prentice states that items 7, 8 and 9 will no longer be addressed by the Town as state law has changed and no longer requires the Planning Commissioner to address.

8. Discussion and possible action on lot line adjustment for AV-CDPT-4-35 and AV-CDPT-4-34. Applicant Scott Rothenbush

9. Discussion and possible action on lot line adjustment for AV-AVR-2-44-C and AV-AV-AVR-2-44-B. Applicant Louie Ford
10. Public Hearing for proposed changes to 11.02.040 Necessity of Plat; Exemption from Plat Requirements.

Chairperson Prentice asks Mayor Lisonbee to introduce the proposal for a change.

Mayor states that many people would like lot splits to go before the Planning Commission and have a public hearing. Mayor states that the state code doesn't allow us to say no to a lot split. He states that the restriction is all based on zoning.

Mayor uses a lot line adjustment as an example. The state has updated policy on this because they don't want a Town to be able to say no to a lot line adjustment. The state law allows lot splits up to 10 parcels without platting. When a lot line change happens in an area that is platted then then a record of survey is not acceptable.

Chairperson Prentice opens the public hearing

Mary Cannady – responds to the statement that they are trying to keep people from moving in is false. She proposed a process to the Planning Commission that would be a simple process. She became involved because she felt some situations with lot splits went awry. She states this is not St. George we have homes in the middle of juniper trees on dirt road that are in rough shape. She recommends the planning commission or a planning commission representative get involved with lot splits and be the applicant's partner in working through the issues.

Margaret Ososki – states that no accusations were made of being secretive, she just saw a problem and brought it their attention, and she never accused the mayor of having too much power.

Robert Campbell – states that this is a question for legal if the attorney is available. If the town cannot override state law this not an issue.

Heber Allred –Most people buy land to do something with it. Too much regulation can kill projects and we should be leaning toward owner property rights.

Richard Fischer – states that he volunteers with roads, and states that prescriptive easements used by more than 1 family for over 2 years that becomes a road that the Town maintains. He states you can't simply buy property and close down an existing road, and becomes a public right of way.

Frank Lindhardt – states there are two ways to subdivide a property, first through the subdivision ordinance which is very cumbersome. The state and the Town have a way to simplify the process if it meets certain requirements. He suggests that people in town would like see

what is going on and recommends putting everything before the planning commission and town council for transparency. More than one reviewer is always better.

Chairperson Prentice closes public hearing

Ben points out there is one more public comment

There are a lot of complications with this process and Mary mentioned a contact person for the process and he believes that is a great idea.

11. Discussion and possible action on changes to 11.02.040 Necessity of Plat; Exemption from Plat Requirements

Commissioner Angell states that they as a Planning Commission are not experts on this topic. He sees this as staff work, not as Planning Commission work. He suggests making an addition to the amendment that these show up on the PC agenda as a courtesy notice to the public.

Town Attorney Guzman states that each jurisdiction can tailor this to each Town's needs and wants. He clarifies that Commissioner Angell is suggesting a "Notice of Application Received" describing the lot and that it's being internally reviewed, this can be placed on a Town Council agenda.

Commissioner Fralish also states he would like to see the signature blocks added from each approving party.

MOTION:	Commissioner Angell moves to approve the amendments with this addition as indicated; a notice of application will be approved on a town council agenda as well as signature blocks for each approving party; to 11.02.040 exemption of plat requirements.	
SECOND:	Commissioner Fralish	
VOTE:	Chairperson called for a vote:	
	Commissioner Jorgensen	Aye
	Commissioner Fralish	Aye
	Commissioner Prentice	Aye
	Commissioner Angell	Aye

Shawn clarifies the final comment

ADJOURNMENT

MOTION:	Commissioner Fralish moves to adjourn	
SECOND:	Commissioner Jorgensen	
VOTE:	Chairperson called for a vote:	
	Chairperson Prentice	Aye

Commissioner Jorgensen	Aye
Commissioner Fralish	Aye
Commissioner Angell	Aye

The vote was unanimous and the motion carried

Meeting adjourned at 7:21 pm.

Date approved: _____

_____
Chairperson

ATTEST BY: _____

Town of Apple Valley
1777 N. Meadowlark Drive, Apple Valley, Utah 84737
Phone: (435) 877-1190 Fax: (435) 877-1192
www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear _____

Paperwork returned by Brittany Fischer (Date) 10/8/20

Name of Applicant: Richard Fischer

Site Location: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6

Mailing Address: [redacted]

Phone: [redacted]

Purpose of Request: General plan amendment to change listed parcels from the current plan to agriculture.

[redacted]

1. Annexations: $1500.00 filing fee
2. Conditional Use Permit: $300.00 filing fee
3. Zone Changes: $500.00 + Acreage Fee filing fee
4. Subdivisions: $1500.00 filing fee
5. Lot Line Adjustment: $200.00 filing fee
6. Lot Split (2 Lots): $250.00 filing fee
7. General Plan Amendment: $500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

_____ / _____
Planning Commission Chairman Date

_____ / _____
City Administration Date

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

Fee: $500.00 + Acreage Fee	
1 – 100 Acres:	$50.00/Acre
101 – 500 Acres:	$25.00/Acre
501 + Acres:	$10/Acre

Zone Change Application

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

Name: Richard Fischer		Phone: [redacted]	
Address: 14620 S. Highland Home Rd		Email: [redacted]	
City: [redacted]	State: [redacted]	Zip: [redacted]	
Agent: (If Applicable)		Phone:	
Address/Location of Property:	Parcel ID: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6		
Existing Zone: OST/OSC		Proposed Zone: A6	
Reason for the request			

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

- ☑ A. The name and address of every person or company the applicant represents
- ☐ 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. Stamped envelopes with the names and address's 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
- ☐ F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

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.

Official Use Only	
Date Received: 10/8/20	By: Mek
Date Application Deemed Complete:	By:

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) Karale Farrar, Michael Farrar, Jerry Farrar, Shirlin Farrar, being duly sworn, deposed 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.

Karale R
Property Owner

Shirlin Farrar
Property Owner

Property Owner

Property Owner

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

See attached for Notary

Notary Public

Residing in: _____

My Commission Expires: _____

AGENT AUTHORIZATION

I (We), Karale Farrar, Michael Farrar, Jerry Farrar, Shirlin Farrar, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Richard Fisher 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.

Karale R
Property Owner

Shirlin Farrar
Property Owner

Property Owner

Property Owner

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

See attached for Notary

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 Riverside

Subscribed and sworn to (or affirmed) before me on this 28th day of September, 2020, by Karale Farrar, Michael Farrar, Jerry Farrar and Shirlin Farrar proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

AMBER MONTE
Notary Public – California
Riverside County
Commission # 2205237
My Comm. Expires Jul 15, 2021

(Seal) Signature Amber Monte

Attached Document: Zone Change Application: 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 Riverside

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Notary Public – California
Riverside County
Commission # 2205237
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(Seal) Signature Amber Monte

Attached Document: Application to Appear Before the Planning Commission. Agent Authorization

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

October 26th, 2020

RE: NOTICE OF PUBLIC HEARING — CHANGE TO GENERAL PLAN
Parcel Numbers: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to modify the general plan for the above-listed parcel(s) to A-5 (Agricultural 5 Acre) for the purpose building homes. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder's office or at the following link: https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.020_A_Agricultural_Zone

The hearing will be held November 4th, at 6:00 PM. MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning Administrator, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

The acting Planning and Zoning Administrator can be reached by phone at (435) 877-1190, or by email at administrator@applevalleyut.gov. Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Apple Valley Town Council.

Kind Regards,

John Barlow,
Finance Director
Phone: (435) 877-1190
Fax: (435) 877-1192
www.applevalleyut.gov

Mayor Marty Lisonbee
Council Members: Debbie Kopp, Paul Edwardsen, Mike McLaughlin, and Dale Beddo

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Fee: $500.00 + Acreage Fee	
1 – 100 Acres:	$50.00/Acre
101 – 500 Acres:	$25.00/Acre
501 + Acres:	$10/Acre

Zone Change Application

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

Name: Mike Farrar Carole Farrar Jerry & Shirlin Farrar		Phone [redacted]	
Address: 14620 S Highland Home Rd		Email [redacted]	
City [redacted]	State: [redacted]	Zip [redacted]	
Agent: (If Applicable) Richard Fischer		Phone [redacted]	
Address/Location of Property:	Parcel ID: AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6		
Existing Zone: OST/OSC		Proposed Zone: A6	
Reason for the request: to change from open space to agriculture in order to split lots & build residential homes.			

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

- ☑ A. The name and address of every person or company the applicant represents
- ☐ 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. Stamped envelopes with the names and address's 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
- ☐ F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

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.

Official Use Only	
Date Received:	By:
Date Application Deemed Complete:	By:

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)ss
COUNTY OF WASHINGTON)

I (We) Karale Farrar, Michael Farrar, Jerry Farrar, Shirlin Farrar, being duly sworn, deposed 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.

Karale L
Property Owner

Shirlin Farrar
Property Owner

Property Owner

Property Owner

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

See attached for Notary

Notary Public

Residing in: _____

My Commission Expires: _____

AGENT AUTHORIZATION

I (We), Karale Farrar, Michael Farrar, Jerry Farrar, Shirlin Farrar, 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.

Karale L
Property Owner

Shirlin Farrar
Property Owner

Property Owner

Property Owner

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Notary Public

Residing in: _____

My Commission Expires: _____

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State of California
County of Riverside

Subscribed and sworn to (or affirmed) before me on this 28th day of September, 20 20 by Karate Farrar, Michael Farrar, Jerry Farrar and Shirlin Farrar proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

AMBER MONTE
Notary Public – California
Riverside County
Commission # 2205237
My Comm. Expires Jul 15, 2021

(Seal) Signature Amber Monte

Attached Document: Application to Appear Before the Planning Commission. Agent Authorization

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

TO: Planning Commission; Town Council; Mayor
FROM: John Barlow, Apple Valley Finance Director
DATE: October 29th, 2020
RE: Staff Review of Rezone Application for AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 to A-5

APPLE VALLEY PLANNING COMMISSION APPLICATION STAFF REPORT

Application Type: Rezone Application
Applicant Name: Richard Fischer
Project Address:
Current Zoning: Open Space (OS)
Proposed Zoning: Agriculture 5-Acre (A-5)
Legislative/Administrative Proceeding: Legislative
Approval Authority: Apple Valley Town Council
Appeal Authority: Apple Valley Appeal Authority

Date of Public Hearing: November 4th, 2020
Location of Public Hearing: Apple Valley Town Hall
Body of Public Hearing: Apple Valley Planning Commission
Notice to Mailed to Neighbors: October 26th, 2020

Summary of Application

The Applicant is requesting an amendment to the zoning map to change 4 parcels located southwest of the Cedar Point Subdivision from Open Space (OS) to Agricultural 5-Acre zoning, for the stated purpose of building residential units in a low density pattern.

Background

There were two applications that were submitted simultaneously with the same request. Planning staff has determine to treat them as one application and has notified the applicant's agent; Richard Fischer.

General Plan and Zoning

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

The general plan map has this property designated open space (OS/OST); however, the applicant is has also requested that the Planning Commission consider changing that designation.

Standards for Approval/Denial

Apple Valley ordinance to expressly give a standard for approval; however, the staff recommends at least considering the following:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city'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, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Staff Analysis

Please keep in mind that the list of consideration above and discussed below are NOT a comprehensive list of consideration, but a recommended minimum amount of consideration.

PZ Commission can make a recommendation based on: ANY RATIONAL BASIS. This is the most flexible level of discretion given to you under the law.

Is the applicant request consistent with the General Plan's (GP) goals, objectives, and policies?

Considering the applicant is also requesting that the Planning Commission consider recommending to the Council the approval of a general plan amendment that would make the proposed zone change consistent with the general plan; the recommendation the Planning Commission chooses to make to the Council will dictate the answer to this question.

If the Planning Commission recommends the change the General Plan designation, then it could be considered consistent. If the Planning Commission recommend NOT to

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www.applevalleyut.gov

change the General Plan designation, and leave it as it is, then proposed zone change is NOT consistent with the general plan.

Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?

The character of existing development near the subject properties is ranges from very low density up to ½ acre density. It is the opinion of staff that this is harmonious with the character of existing development with the vicinity of the subject property.

Will the proposed amendment adversely affect adjacent property?

There are no immediate adverse effects anticipated.

Is there adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection?

There are adequate facilities to support the requested level of density.

Staff Recommendation

Staff recommends approving the zone change request if the planning commission determines that it will recommend to the Town Council a change to the general plan designating the subject parcels as Agricultural 5-Acre.

1777 North Meadowlark Drive
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Fax: (435) 877-1192
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Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?

2. Am I granting this application based on who the applicant is?

3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:

- Color
- Disability
- Family Status
- Sex/Gender
- Race
- Religion
- National Origin
- Familial Status
- Military Service

If the answer is yes to any of the questions above, STOP. Consult with Town Staff, or the City Attorney.

Mayor Marty Lisonbee
Council Members: Debbie Kopp, Paul Edwardsen, Mike McLaughlin, and Dale Beddo

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Sample Motions

(Approve without conditions) I move we recommend that the Town Council approve the zoning map amendment requested for parcel(s) AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 to A-5 (Agriculture 5 Acre) based on the findings set forth in the staff report and (if applicable) for the following additional reasons: _____.

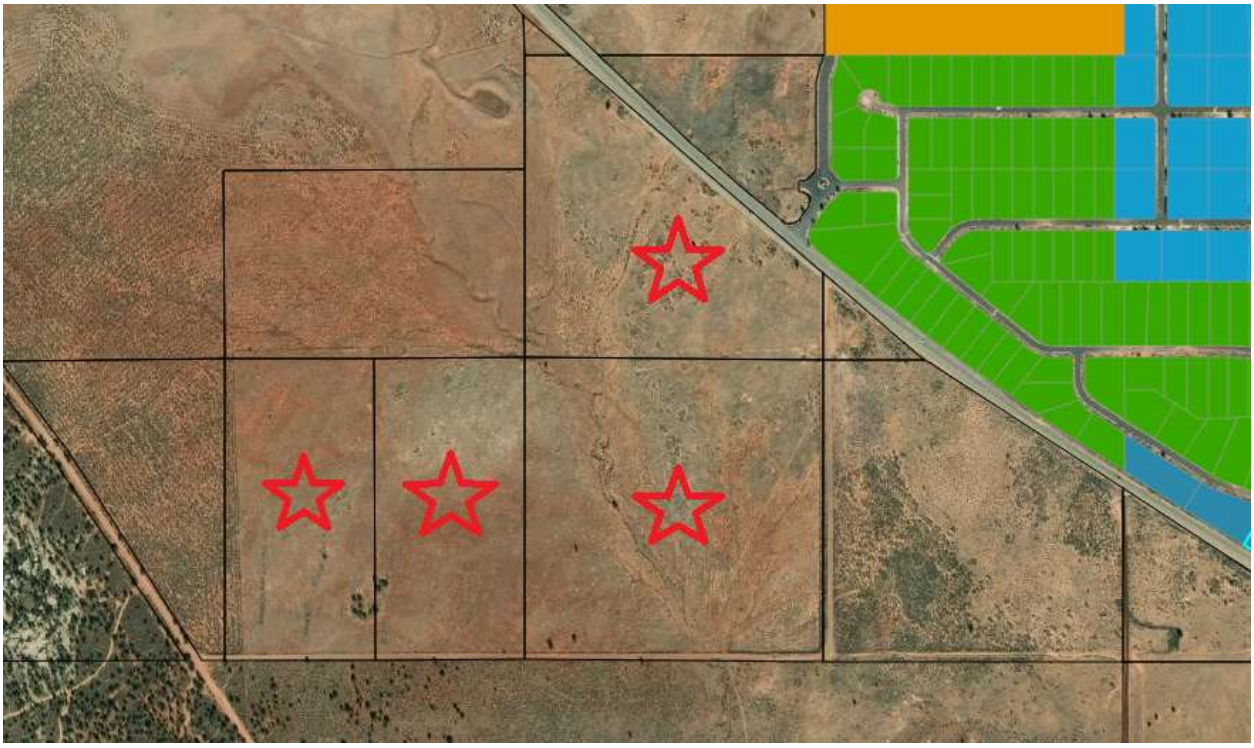
(Approve with conditions) I move we recommend that the Town Council approve the zoning map amendment requested for parcel(s) AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 to A-5 (Agriculture 5 Acre) with the following conditions: [list conditions] _____.

(Deny) I move we recommend the Town Council deny the zoning map amendment requested for parcel(s) AV-1369-B; AV-1369-C; AV-1366-A-5; AV-1366-A-6 to A-5 (Agriculture 5 Acre) based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we postpone considering the text amendment application to the next regular planning commission meeting, and direct staff to report back about _____ _____.

Mayor Marty Lisonbee
Council Members: Debbie Kopp, Paul Edwardsen, Mike McLaughlin, and Dale Beddo

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CHRISTOPHER J & JAYME M CASTLE
PARCEL NO. AV-1338-B

N 14°15'00" E 204.09'

N 11°15'00" E 148.97'

PARCEL 1
93,703 SQ FT OR
2.15 ACRES

PARCEL 2
115,927 SQ FT OR
2.66 ACRES

N 88°49'29" W 556.11'

192.36'

363.75'

S 89°54'09" W 535.38'

197.82'

337.56'

N 60°57'35" E 250.00'

N 13°11'18" E 103.32'

PHILLIP A & N NA L
MANGIALETTO
PARCEL NO. AV-AVR-1-18-A
DOCUMENT NO. 20160002866

EXISTING WATER METER

S 88°49'29" E 210.80'

S 28°56'21" W 83.17'

S 49°22'56" W 94.62'

S 41°09'01" W 391.17'

A FRESH CURB
APPEAL, INC.
PARCEL NO.
AV-1338-H-1

PARCEL 3
497,338 SQ FT OR
11.42 ACRES

R=220.92'
L=80.00'
Δ=20°44'53"

N 32°24'24" E (R)

R=220.92'
L=80.00'
Δ=20°44'53"

EXISTING FIRE HYDRANT

CONNECT TO EXISTING WATER

N 11°39'31" E (R)

R=220.92'
L=43.81'
Δ=11°21'44"

S 89°42'03" E 36.19'

APPLE VALLEY DRIVE

25.00'

50 FOOT W DE ROAD AND
UTILITY EASEMENT,
DOCUMENT NO. 20140033328

10 FOOT W DE ELECTRICAL
TRANSMISSION LINES,
ENTRY NO. 295337

10 FOOT WIDE ELECTRICAL
TRANSMISSION LINES,
ENTRY NO. 295338

11.00' ALL-WEATHER SURFACE
(FIRE ACCESS)

14.00' ASPHALT

14.00'

INSTALL 514 LF±
8" WATER MAIN

S 0°03'20" E 742.07'

HINCKLEY'S INC.
TAX ID #AV-1338-A-2
INSTRUMENT #589797
W1/2, SE1/4,SW1/4

INSTALL FIRE HYDRANT

INSTALL 216 LF±
6" WATER MAIN

6.00' (FIRE ACCESS)

20.00'

350' FIRE RADIUS

STUB 8" WATER LINE FOR
FUTURE CONNECTION

UNIT 1

UNIT 2

UNIT 3

UNIT 4

UNIT 5

UNIT 6

UNIT 7

UNIT 8

UNIT 9

UNIT 10

UNIT 11

RECEPTION, CAFE
& GENERAL STORE

COMMON OPEN SPACE

DEVELOPED COMMON
AREA 3,000 SF

EMPLOYEE HOUSING

EMPLOYEE HOUSING

MAINTENANCE SHED

S 89°52'21" W 973.54'

ALL WEATHER
ACCESS (NOT PAVED)

ADDRESS: 1297 N APPLE VALLEY DR
PARCEL # AV-1338-H-1
SITE AREA: 497,338 SF (11.42 ACRES)
ZONE: PDC
USE: SHORT TERM RENTAL CABINS
CABIN SIZE: 600 SF EACH (NEW BUILDS)
UNITS: 11 UNITS
DENSITY: 0.96 D.U./ACRE
PARKING:
UNITS 11 x 2 = 22 REQUIRED
26 PROVIDED
COMMON OPEN SPACE: 24,900 SF (5%)

OWNER CONTACT
ROBERT & MARIA CAMPBELL
435-251-7622
435-922-6901

0 40
20 80
SCALE: 1" = 40'
(SCALE ONLY VAL D FOR 24" x 36" PAPER)

PATH: L:\UTAH\PROJECTS\ACTIVE 2019\FX\19065.00 - SG SMALL SURVEY PROJECTS\19065.057 - CAMPBELL APPLE VALLEY\700 - CAD\DESIGN\19065.057_MP.DWG

CivilScience
INFRASTRUCTURE, INC.
1453 S. DIXIE DRIVE, SUITE 150
ST. GEORGE, UT 84770
435.986.0100

NOT FOR CONSTRUCTION

REUSE OF DRAWINGS
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NO.	DESCRIPTION	BY	APR.	DATE
	REVISION			

GOOSEBERRY & LITTLE CREEK CABINS

PD ZONE CHANGE

LOCATED IN APPLE VALLEY, UTAH

PROJ. #:	Fx. 19065.057
DATE:	10/06/2020
DESIGN BY:	BLW
CHECKED BY:	KCS
SCALE OF SHEET	
HOR SCALE:	1" = 40'
VER SCALE:	N/A

SHEET

1 OF 1

APPLE VALLEY
ORDINANCE O-2020-25

AN ORDINANCE CREATING THE TOURIST COMMERCIAL ZONE

WHEREAS, on May 13, 2020 the Planning Commission of the Town of Apple Valley held a public hearing to consider comments on updates to 10.10.030 C Commercial Zones; and,

WHEREAS, the Planning Commission has recommended proposed amendments to the Town Council; and,

WHEREAS, the Town Council has reviewed the Planning Commission's recommendation and has determined that these ordinances are in the best interest of the health, safety, and welfare of the citizens of the Town of Apple Valley; and,

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed, and held on the 20th day of May, 2020, and upon motion duly made and seconded;

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

SECTION 1: **AMENDMENT** "10.10.030 C Commercial Zones" of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:
    1. C-1 Convenience Commercial Zone:
        a. The C-1 convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, personal services such as hair cutting and hair dressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone.
        b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained as much as possible. Stores, shops or businesses shall be retail establishments only and shall be

permitted only under the following conditions:

(1) Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
(2) No entertainment except music shall be permitted in any C-1 zone.
(3) All uses must be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

2. C-2 Highway Commercial Zone:
    a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
    b. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.
3. C-3 General Commercial Zone:
    a. The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

       Since the zone permit s such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.
    b. The C-3 general commercial zones should be located principally in existing communities and not along major highways. To maximize traffic safety, property owners should shall provide access in a manner that will minimize the hazard of traffic leaving and entering roadways.

       To maximize traffic safety, a traffic impact study must be performed.

       As this zone primarily serves the traveling public, all traffic should enter and exit any commercial property in this zone from the highway, major and arterial roads, and not through residential roads if located adjacent to residential areas.
4. TC Tourist Commercial Zone
    a. The objective of the TC zone is to provide space within the Town for tourist-based uses. The intent of the zone is to allow for recreational

activity to enhance the tourism experience in Apple Valley.

b. The zone is designated for small-scale commercial activities targeted to enhance the outdoor recreational experience.

c. The location of TC zones shall not be located within 1500 feet of any existing residential zone.

d. Development in this zone will be sustainable in nature, constituting mixed density development, best practice methods of waste disposal, and longevity in quality and built form. development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances, will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment

B. Permitted Uses: In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "N" will not be allowed in that zone. The following list is not intended to be all inclusive, but rather, indicative of uses permitted in the zone. Any uses not specified as permitted shall be prohibited.

	C-1	C-2	C-3	TC
Air conditioning, sales and service	N	N	P	N
Altering, pressing and repairing of wearing apparel	P	P	P	N
Amusement enterprises	N	P	P	P
Animal hospital	N	P	P	N
~~All services must be provided and conducted within a completely enclosed building~~				
Antique, import or souvenir shop	N	P	P	P
Arcade	N	P	P	N
Arcade	N	P	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P	P
Athletic club	P	P	P	N
Auction establishment (retail goods only)	N	N	P	N
Automobile, new or used sales and service	N	P	P	N

Automobile parts sales (new)	N	P	P	N
Automobile rental	N	P	P	N
Art Gallery	N	P	P	P
Automobile repair including paint, body, fender, brake, muffler, upholstery or transmission (completely enclosed building)	N	N	P	N
Bakery manufacture limited to foods retailed on premises	P	P	P	P
Bank or financial institution	P	P	P	N
Barber shop	P	P	P	N
Beauty shop	P	P	P	N
Bed and breakfast inn	P	P	N	P
Bar Pub, Tavern	N	P	P	P
Billiard parlor	N	P	P	P
Bicycle sales and service	N	P	P	P
Boat sales and service	N	N	P	N
Bookbinding	P	P	P	P
Bookstore, retail	P	P	P	P
Bowling alley	N	P	P	P
Building materials sales	N	N	P	N
Bus terminal	N	P	P	N
Cabinet shop	N	N	P	N
Cabins	N	N	N	P
~~Care~~Cafe or cafeteria	P	P	P	P
Camera store	P	P	P	P
Candy store, confectionery	P	P	P	P
Campgrounds	N	N	N	P
Car wash	N	P	P	N
Caretakers dwelling, incidental to a commercial use	N	P	P	N
Carpet and rug cleaning	N	N	P	N

Catering establishment	N	P	P	N
Child nursery	P	N	P	N
Clinics, medical or dental	N	P	P	N
Clothing and accessory store	N	P	P	N
Coal and fuel sales office	N	N	P	N
Convenience markets (including sale of gasoline)	P	P	P	P
Crematorium	N	N	P	N
Dairy product store	P	P	P	N
Dance hall	N	P	P	N
Delicatessen	P	P	P	N
Department store	N	P	P	N
Drapery and curtain store	N	P	P	N
Drugstore	N	P	P	N
Educational institutions	N	P	P	N
Egg and poultry store (retail sales only), no live bird slaughtering permitted	P	P	P	N
Electrical and heating appliances and fixtures sales and services	N	N	P	N
Electronic equipment sales and service	N	P	P	N
Employment agency	N	P	P	N
Fabric and textile store	N	P	P	N
Farm implement sales	N	P	P	N
Fence, sales and service	N	N	P	N
Florist shop	P	P	P	P
Fruit store (enclosed)	P	P	P	P
Furniture sales and repair	N	P	P	N
Garden supplies and plant material sales	N	P	P	N
Gift store	P	P	P	P
Government buildings or uses, no industrial	N	P	P	N

Greenhouse and nursery, soil and lawn service	N	P	P	N
Grocery store	P	P	P	N
Gunsmith	N	P	P	N
Hardware stores	N	P	P	N
Health club	P	P	P	N
Health food store	P	P	P	P
Hobby and crafts store	N	P	P	N
Hospitals	N	P	P	N
Hotel	N	NP	NP	P
Household appliance sales and service	N	P	P	N
Ice cream parlor	P	P	P	P
Ice manufacture and storage	N	N	P	N
Ice store or vending station	P	P	P	N
Insurance agency	N	P	P	N
Interior decorating and designing establishment	N	P	P	N
Janitor service and supply	N	N	P	N
Jewelry store sales and service	N	P	P	P
Laboratory, dental or medical	N	P	P	N
Laundry or dry cleaners, Laundromat	P	P	P	N
Legal office	N	P	P	N
Library	N	P	P	N
Liquor store	N	P	P	N
Locksmith	N	P	P	N
Lodge or social hall	N	P	P	P
Lodging Hotel, Motel, (not RV or Cabins) (Short-term)	N	NP	NP	P
Lounge	N	P	P	P
Lumber yard	N	N	P	N

Manufactured home sales lot and service	N	P	P	N
Medical office	N	P	P	N
Monument works and sales	N	N	P	N
Mortuary	N	P	P	N
Museum	N	P	P	N
Music store	N	P	P	N
Needlework, embroidery or knitting store	N	P	P	N
Newsstand	P	P	P	N
Nursery school	P	N	P	N
Office supply, office machines sales and service	N	P	P	N
Optometrist, optician or oculist	N	P	P	N
Paint or wallpaper store	N	P	P	N
Park and playground	P	P	P	P
Pawnshop	N	P	P	N
Pet and pet supply store	N	P	P	N
Pharmacy	N	P	P	N
Photographic supplies	N	P	P	N
Physician or surgeon office clinic	N	P	P	N
Plumbing shop	N	P	P	N
Pool hall	N	P	P	P
Popcorn or nut shop	N	P	P	P
Post office	N	P	P	N
Printing, lithographing, publishing or reproduction sales and service	N	P	P	N
Professional office	N	P	P	N
Radio and television sales and service	N	P	P	N
Real estate agency	N	P	P	P
Reception center or wedding chapel	N	P	P	N
Recreation center	N	P	P	P

Rental agency for home and garden equipment	N	P	P	N
Restaurant	P	P	P	P
Restaurant, drive-in	P	P	P	P
Roller skating rink	N	P	P	N
RV Park or RV Resort - Transient tourist use	N	N	N	P
Secondhand store	N	P	P	P
Service station, handi-mart	P	P	P	P
Shoe repair and shoe shine shop	N	P	P	N
Shoe store	N	P	P	N
Sign painting	N	P	P	N
Sign sales	N	P	P	N
Storage rental units	N	P	P	N
Supermarket	N	N	P	N
Theater, indoor	N	P	P	N
Theater, outdoor	N	P	P	N
Tiny Home Park - transient use	N	N	N	P
Tire recapping or retreading	N	P	P	N
Tire sales and service	N	N	P	N
Toy store, retail	N	P	P	P
Trailer sales and service	N	P	P	N
Travel agency	N	P	P	N
Tourist Tours Operations	N	N	N	P
Used car lot	N	P	P	N
Variety store	N	P	P	P
Vegetable stand	P	P	P	P
Winery	P	P	P	P

C. General Requirements:

	C-1	C-2	C-3	TC
Minimum lot area	None	None	None	
Maximum zone area	None	None	None	None
Minimum yard setbacks from property line (in feet)				
Front	25	25	25	25
Side	10	10	10	10
Side facing a street on a corner lot	25	25	25	25
Rear	10	10	10	10
Building heights (in feet)				
Minimum	8	8	8	8
Maximum	35	35	35	35
Heights are maximum unless specifically approved to a greater height by the planning commission				
Minimum distance between buildings	10	10	10	10

1. Site Plan Approval:
    a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas and such other improvements as may be required relating to the specific use proposed.
    b. The site plan, or an additional plan drawn to the same scale, shall show utility locations, including water, power, drainage, telephone; cable TV, sewer or septic tank location, fire hydrants, street improvements and such other public improvements as may be required.
    c. Planning commission review and Town Council approval shall precede the issuance of any permit for site improvement, or construction permit for utility systems. No building permits shall be issued until all underground site improvements have been installed and construction authorized by the building inspector.

D. Special Provisions:
    1. Storage Of Materials And Merchandise: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six (6') feet in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
    2. Trash, Combustible Materials, Junk and Debris: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
    3. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
    4. Protection Of Adjoining Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.

    5. Residential Dwellings: No residential dwelling of any kind is permitted in any commercial zoning district.
    6. Lighting: all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVLU 10.26.
    7. All lodging located in a commercial zone, shall require an on-site manager.

E. Abandoned, Wrecked, or Junk Vehicles:
    1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:
        a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
            (1) Such use is authorized in the zone where the use is located, and
            (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.
        b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on pri va te or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL
_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____
Councilmember Edwardsen	_____	_____	_____	_____
Councilmember Beddo	_____	_____	_____	_____

Presiding Officer

_____
Marty Lisonbee, Mayor, Apple Valley

Attest

_____
Michelle Kinney, Clerk Apple Valley