



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, January 04, 2023 at 6:00 PM

MINUTES

Chairman | Michael Farrar

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

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 6:09 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Garth Hood

Commissioner Bradley Farrar

Other Staff Members Present

Town Clerk/Recorder Jenna Vizcardo

Town Administrator Jauna McGinnis

Mayor | Planning Department Manager Frank Lindhardt

Planning and Zoning Assistant Kyle Layton

CONFLICT OF INTEREST DISCLOSURES

None declared.

DISCUSSION AND ACTION

1. Discussion and Action: Appoint Chair and Co-Chair.

Mayor | Planning Department Manager Frank Lindhardt commented either someone can volunteer or someone can appoint someone and vote.

Commissioner Farrar volunteered to be chair. No other volunteers.

MOTION: Commissioner Fralish motioned that we appoint Mike Farrar as the Chair of the Apple Valley Planning Commission.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Mayor Lindhardt called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye



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The vote was unanimous and the motion carried.

Commissioner Fralish volunteered to be the Co-Chair. No other volunteers.

MOTION: Chairman Farrar motioned that we nominate Lee to be Co-Chair.

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Mayor Lindhardt called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

2. **Discussion and Action:** Preliminary Plat Application for AV-1378-Q, Mountain Valley Estates, phase 2. Owner: Land Development Solutions, Applicant: Brant Tuttle, Northern Engineering.

Planning and Zoning Assistant Kyle Layton gave report:

Application is for a preliminary plat for the Mountain Valley Estates Phase 2 subdivision. Phase two will consist of approximately 36 lots ranging from .92 acres up to 2.25 acres. The subdivision will be accessed by using Canaan Way off SR-59 and will have a secondary all weather emergency access on the OST property to the West. The subdivision borders the Canaan Mountain Estates phase one subdivision which has approximately 14 lots on the East as well as undeveloped OST to the West as well as the north. The south side of the property line is the Apple Valley Town limits, so it has Unincorporated County property to the south. This application went in front of the Joint Utility Committee on November 9th, 2022.

AV-1378-Q JUC COMMENTS

FOR AV-1378-Q Mountain Valley Subdivision

November 9, 2022

Ash Creek Special Sewer District

The Property must be served by an advanced septic treatment system with individual lots having a septic tank for the solids and a subdivision wide advanced affluent treatment system approved



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through the State of Utah and Ash Creek Special Service District. All sewer system improvements shall be installed as per Ash Creek Special Service District standards.

Rocky Mountain Power

Power needs to be installed to each lot as per Rocky Mountain Powers Standards

South Central Communications

The previously installed copper phone and cable wires need to be replaced with fiber optic wires to each lot as per Rocky Mountain Powers Standards

Big Plains Water District

The water line needs to be looped. A source capacity study needs to be completed and approved through the state and Big Plains Water District to ensure that storage and supply capacity is sufficient to meet the subdivision needs. All water system improvements need to be installed as per Big Plains Special Water District. Big Plain Water district does not guarantee water availability until impact fees has been paid and 1 AF of culinary water certificate per lot has been deeded to the district.

Apple Valley Public Works

The new road profiles need to meet the Apple Valley Design Standards with curb & gutter and sidewalk as approved by the Town Engineer.

A stormwater detention system needs to be installed in the subdivision and from the exiting subdivision to the storm water detention basin.

The roads through Canaan Mountain Estates Phase 1 needs to be paved (No curb & Gutter or sidewalk is required there).

An all-weather secondary emergency access to HWY-59 must be installed as per town Standards.

All subdivision improvements need to be installed as per The Town of Apple Valley Standards.

UDOT

Turning lanes needs to be installed on HWY 59 at Canaan Drive intersection as per UDOT Standards

End report.

Chairman Farrar asked about the acreage size. He also asked about the detention pound, and if it's on the open space parcel owned by the same individual. Also, the egress road was discussed due to the possibility of a future development on a separate subdivision. Chairman Farrar had issue with Apple Valley Public Works, requiring the existing road Canaan to be paved but no curb and gutters. His recommendation would be conditions with curbs and gutters required. Commissioner Fralish asked about access to UDOT. It was answered by Planning and Zoning Assistant Kyle Layton this is an existing access and the change is the turn lanes. Commissioner Farrar discussed the new ordinance of the average lot size that was passed a few months ago.



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MOTION: Chairman Farrar motioned we recommend approval to the Town Council with the conditions set forth by the JUC and our condition is that the portion of Canaan Road that they have to pave and they also have to do curbs and gutters.

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

3. Discussion and Action: Consider approval of 2023 Annual Meeting Schedule.

MOTION: Chairman Farrar motioned that we approve the Planning Commission 2023 Annual Meeting Schedule.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

Mayor Lindhardt commented before moving on he would like to report some changes to the agenda because it may affect some people in attendance for the hearings. Mayor Lindhardt requested agenda item #30 be tabled and moved to the next planning commission meeting. He met with the Director of Hurricane City's Planning Director Stephen Nelson and the next meeting will be a joint meeting with Town Council to discuss Accessory Dwelling Units (ADU) and have presentation given by Stephen Nelson. Chairman Farrar commented that the ADU agenda item is #29. Mayor Lindhardt confirmed that yes that is correct item # 29 will be tabled for the



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presentation. He continued also to table item #30. Three agenda items will be tabled, agenda item #28, agenda item #29, and agenda item #30.

- 28. Public Hearing:** Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-14.
- 29. Discussion and Action:** Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-14.
- 30. Discussion and Action:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-01.

MOTION: Chairman Farrar motioned to table items 28, 29, and 30.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

- 4. Public Hearing:** Update Title 10.10.110 Cabins Or Tiny Home Parks Zone and Title 10.12.120 Legal Nonconforming Lots, Ordinance-O-2023-02.

Planning Department Manager Frank Lindhardt commented proposing a few changes to an already existing ordinance. As presented, on page 4 first item, the minimum size requirement for a cabin park. He continued, currently the minimum size for RV is 5 acres, mobile home park is 10 acres, and for cabin park is 15 acres. He looked into what other cities require and what their minimum requirement is and it was 5 acres. He couldn't find any reason why we should require a larger park. Many people may feel smaller parks would be better than bigger parks. Also adding conditional uses to this zone. Some for example are maybe developers would like to add a rental shop or restaurant and this is something that would be permitted by conditional use. The Planning Commission is the body where the process of conditional permits goes through. He reviewed the other proposed changes presented in the packet. Chairman Farrar commented he does not agree with all the proposed changes.



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Chairman Farrar opened the public hearing.

Rich Ososki, 1024 W Little Pinion Way. He agreed he does not like higher density and less acreage. We don't want Apple Valley to be noted for tiny cabins. He moved here in 09, he likes the area the way it looks now. He understands we need to grow; we just need controlled growth. It also affects property value.

Margaret Ososki, 1044 W Little Pinion Way. The reason the cabin park is 15 acres is because they didn't want a bunch of a little cabins along highway 59. She does not want a bunch of tiny cabins.

Rich Kopp, 2222 E Ranch Rd. One he believes it should be pushed to 20 acres to prevent tiny cabins. This is not a true representation of the Town when you have 4 Planning Commission members from Cedar Point.

Janet Prentice, 1567 N Mt Zion Dr. She feels the minimum size should be kept at 15 acres. RV parks should be 20 acres so the people staying there can have accommodations. She feels we should leave it the way it is. However, she does like taking it down to 6 acres per unit.

Denise Pilkington, 1333 E Big Pinion Ln. Question, just talking about additional homes or tiny homes. We moved here 4 years and didn't want those there. Question to developer, isn't that going to affect Well 59.

Chairman Farrar closed the public hearing.

5. **Discussion and Action:** Update Title 10.10.110 Cabins Or Tiny Home Parks Zone and Title 10.12.120 Legal Nonconforming Lots, Ordinance-O-2023-02.

Chairman Farrar commented he doesn't feel the need change the minimum acreage size. Commissioner Hood agreed with the minimum of 15 acres. Chairman Farrar also commented he would rather keep it at 15 feet for the accessory buildings. Commissioners discussed. Commissioner Fralish gave history about the reason it was set at 15 acres because of a pending proposal in Cedar Point. The reason there is tiny cabins in Cedar Point is because it's zoned commercial next to the highway.

MOTION: Chairman Farrar motioned that we recommend to the city council we pass this with these stipulations, we keep it at 15 acres and we keep it at 15 feet accessory buildings and 600 sq foot and 5 per acre.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye



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Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

6. Public Hearing: Update Title 11.08.010 Required Improvements, Ordinance-O-2023-03.

Mayor | Planning Department Manager Frank Lindhardt commented housekeeping mainly, striking sewer on page 1.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

7. Discussion and Action: Update Title 11.08.010 Required Improvements, Ordinance-O-2023-03.

MOTION: Chairman Farrar motioned that we recommend approval to the city Council.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

8. Public Hearing: Update Title 11.08.020 Waste Disposal Systems, Ordinance-O-2022-04.

Mayor | Planning Department Manager Frank Lindhardt commented housekeeping changes, striking sewer and adding Ash Creek.

Chairman Farrar opened the public hearing.

No public comments.



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Chairman Farrar closed the public hearing.

9. Discussion and Action: Update Title 11.08.020 Waste Disposal Systems, Ordinance-O-2022-04.

MOTION: Chairman Farrar motioned recommended approving this to the Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

10. Public Hearing: Update Title 11.08.080 Water, Ordinance-O-2023-05.

Mayor | Planning Department Manager Frank Lindhardt commented housekeeping changes.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

11. Discussion and Action: Update Title 11.08.080 Water, Ordinance-O-2023-05.

MOTION: Commissioner Farrar motioned recommend approval to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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



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The vote was unanimous and the motion carried.

12. Public Hearing: Update Title 11.02.030 Definitions, Ordinance-O-2023-06.

Mayor | Planning Department Manager Frank Lindhardt reported housekeeping and reviewed changes presented in the packet.

Chairman Farrar opened the public hearing.

Rich Kopp, 2222 E Ranch Rd. On definitions make something clear. Definition of lot except for multiple family dwellings not more than one dwelling structure on one lot.

Chairman Farrar closed the public hearing.

13. Discussion and Action: Update Title 11.02.030 Definitions, Ordinance-O-2023-06.

MOTION: Chairman Farrar motioned we recommend approval to the Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

14. Public Hearing: Update Title 11.02.080 Construction Drawings, Ordinance-O-2023-07.

Mayor | Planning Department Manager Frank Lindhardt reported housekeeping item.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.



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15. Discussion and Action: Update Title 11.02.080 Construction Drawings, Ordinance-O-2023-07.

MOTION: Chairman Farrar motioned we recommend approval to Town Council.

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

16. Public Hearing: Update Title 11.02.100 Final Plat Requirements, Ordinance-O-2023-08.

Mayor | Planning Department Manager Frank Lindhardt reported housekeeping item.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

17. Discussion and Action: Update Title 11.02.100 Final Plat Requirements, Ordinance-O-2023-08.

MOTION: Chairman Farrar motioned we recommend approval to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.



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- 18. Public Hearing:** Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2023-09.

Mayor | Planning Department Manager Frank Lindhardt reported housekeeping item.

Chairman Farrar opened the public hearing.

Denise Pilkington, 1333 E Big Pinion Ln. Where is that manufactured home park.

Chairman Farrar closed the public hearing.

- 19. Discussion and Action:** Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2023-09.

MOTION: Chairman Farrar motioned we recommend approval to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

- 20. Public Hearing:** Update Title 10.28.150 Utility Requirements, Ordinance-O-2023-10.

Mayor | Planning Department Manager Frank Lindhardt reported housekeeping item and reviewed changes presented in packet.

Chairman Farrar opened the public hearing.

Linda Noyes, 2846 N Purple Sage Rd. Wants to know how Ash Creek is doing but has heard no feedback. A report card from Ash Creek as far as doing what the Town likes.

Chairman Farrar closed the public hearing.

- 21. Discussion and Action:** Update Title 10.28.150 Utility Requirements, Ordinance-O-2023-10.



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MOTION: Chairman Farrar motioned we recommend approval to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

- 22. Public Hearing:** Update Title 10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements, Ordinance-O-2023-11.

Mayor | Planning Department Manager Frank Lindhardt reviewed the changes presented in the agenda packet.

Chairman opened he public hearing.

No public comments.

Chairman closed the public hearing.

- 23. Discussion and Action:** Update Title 10.28.190 Curbs, Gutters, Sidewalks, And Road Improvements, Ordinance-O-2023-11.

MOTION: Chairman Farrar motioned that we recommend the Town Council to approve.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.



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24. Public Hearing: Repeal and Replace Title 10.10.120 Planned Development Zone, Ordinance-O-2023-12.

Mayor | Planning Department Manager Frank Lindhardt commented two ways to deal with Planned Development (PD). Planned Development is typically not something that is a strict zone. Planned Development allows to incorporate different elements in the project. Planned Development becomes their zone on a Master Plan and they can't deviate from that because that is their zone. The one we have on our books you do A and B and there are fixed parts but we only 3 options. We have proposed we drop this method and we do overlay. Overlay means you are bound by the underlying zone. The purpose of Planned Development is for flexibility to make things work better. This gives a lot of power to the Town. Uncertainty and surprise disappear because it is locked in up front. This zone is taken from Hurricane City.

Chairman Farrar asked if this would prevent someone changing for example to C-3 along the highway and putting in a Hotel. Planned Development is safer for the Town and developer. Commissioner Farrar asked about the site plan. Mayor | Planning Department Manager Frank Lindhardt stated if commercial it is a site plan and residential a preliminary plat but for Planned Development (PD) it is a Master Plan.

Chairman Farrar opened the public hearing.

Dr Robert Pilkington, 1333 E Big Pinion Ln. Commented about Hurricane. Who is we and who is they. If we don't have the talent why are bringing in an infrastructure and taking their suggestions, plagiarizing from a big city. We don't have a sewer. I have a septic. We are no we; we are no they. He has presented no facts. Think long about these we cannot do what they do.

Margaret Ososki, 1024 W Little Pinion Way. Somewhere in that code changing the lot line on the side yard down to 5 feet. To me going to 5 feet makes it sound like high density and people out here don't want that.

Mayor | Planning Department Manager Frank Lindhardt discussed the setbacks with planned development mixed uses. This is not for one subdivision. This is mixed use with variations. This is uses when talking about the zone, in this case mix and match to create a desired project. That is what a planned development is all about.

Janet Prentice, 1567 N Mt Zion Dr. She agreed with Mayor Frank Lindhardt. She has been working with Jepson Canyon for 12 years as a layout.

Mayor | Planning Department Manager Frank Lindhardt commented at the zone change level, Town Council has the most power. Zone changes for planned development is a powerful tool.

Alison Kapke, 2808 N Foothill Dr. I suggest you table this and read it through.

Rick Kopp, 2222 E Ranch Rd. Planned Development sounds like the perfect suggestion for someone that has extended family.



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Peggy Mammen, 1063 E Big Pinion Ln. I lived in Cedar Point before it was cedar point. We will have more rights with this proposed zone as a Town. This would be check and balances that we don't have now.

Brad Mammen, 1063 E Big Pinion Ln. This sounds like an overall plan for the future.

Chairman Farrar discussed the zoning difference and protecting the Town.

Barratt Nielson, 1396 Cedar Dr. Earlier last year an application came before us for zone change for 1 acre lots but they were proposing a mix of parcels. What will make you not do all 1 acre lots. Planned Development is perfect picture of what is going to happen on that lot and protects the Town. He really likes the Planned Development tool.

Chairman Farrar closed the public hearing.

25. Discussion and Action: Repeal and Replace Title 10.10.120 Planned Development Zone, Ordinance-O-2023-12.

Commissioner Fralish thinks this is the best thing the Town can do and is a huge protection for Town as well as developers. Commissioners agreed.

Commissioner Hood questioned the lot setbacks and is there a reason to go that low. Mayor | Planning Department Manager Frank Lindhardt responded this proposed setback is based on fire code.

MOTION: Chairman Farrar motioned we recommend to Town Council to approve this.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

26. Public Hearing: Update Title 10.07.090 Conditional Use Permit, Ordinance-O-2023-13.

Mayor | Planning Department Manager Frank Lindhardt discussed he can't wait until we are done with all this housekeeping stuff. This is the section that outlines all about conditional uses. 4-5 years we did



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away with conditional use permits due to State code. Now we are allowed and the Planning Commission is the body that will require people to apply for conditional use permit. This outlines the procedures and processes, including appealing.

Chairman Farrar opened the public hearing.

Rich Kopp, 2222 E Ranch Rd. Land use under rural estate zone no more than one home on property.

Chairman Farrar closed the public hearing.

27. Discussion and Action: Update Title 10.07.090 Conditional Use Permit, Ordinance-O-2023-13.

MOTION: Chairman Farrar motioned we recommend approval to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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

The vote was unanimous and the motion carried.

APPROVAL OF MINUTES

31. Minutes: December 7, 2022.

MOTION: Chairman Farrar motioned we approve.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

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



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The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 7:52 p.m.

Date Approved: _____

2/1/23

Approved BY: _____

Chairman | Michael Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo