



## APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

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### MINUTES

**Chairman** | Michael Farrar

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

**CALL TO ORDER-** Chairman Farrar called the meeting to order at 5:59 p.m.

**PLEDGE OF ALLEGIANCE**

**PRAYER-** Prayer was offered by Chairman Farrar.

**ROLL CALL**

**PRESENT**

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Garth Hood

Commissioner Bradley Farrar

**CONFLICT OF INTEREST DISCLOSURES**

None declared.

**APPROVAL OF MINUTES**

1. Minutes: February 01, 2023.

**MOTION:** Commissioner Fralish motioned to approve the minutes from February 1, 2023.

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

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

Commissioner Farrar - Aye

Commissioner Hood - Abstain

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was four aye and one abstain and the motion carried 4-1.

Chairman Farrar commented that Commissioner Hood abstained due to being absent.



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---

## **MINUTES**

### **HEARING ON THE FOLLOWING | DISCUSSION AND ACTION**

2. **Public Hearing:** Zone Change Application for AV-1351-D (Approx. 199 N Coyote Rd) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of "We would like to build a single family home on our lot." Applicant: Aaron and Jill Hamblin.

Chairman Farrar opened the public hearing.

Margaret Osocki: 1024 W Little Pinion. Questioning single family home on agricultural as she thought the code was changed that if you are going to do agricultural that you have to do agricultural. Also, lots surrounding are residential.

Chairman Farrar closed the public hearing.

3. **Discussion and Action:** Zone Change Application for AV-1351-D (Approx. 199 N Coyote Rd) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of "We would like to build a single family home on our lot." Applicant: Aaron and Jill Hamblin.

Chairman Farrar commented he has done homework on this application and he does not believe this should be an agricultural zone. Recommendation of Rural Estate-5 (RE-5) discussed.

Applicant Jill Hamblin is present, she commented that they own the lot trying to get re-zoned and they agree with the recommendation of rural estate zoning. They are trying to stay as rural as possible.

**MOTION:** Commissioner Farrar motioned that we recommend approval to the Town Council for the Zone Change Application for AV-1351-D subject to change to Rural Estate 5 acres.

**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.

4. **Public Hearing:** Zone Change Application for AV-2194-D, AV-2194-B, AV-2-2-27-432 (Approx: 1 N. Cinder Hill Road) from Open Space/Open Space Transition Zone (OS/OST) to Planned Development



## APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

---

### MINUTES

Overlay Zone (PD) for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential. Applicant: Hidden Rock Development Group.

Planning and Zoning Assistant Kyle Layton commented this is not a new application but rather an updated one at the recommendation of the Planning Commission. Also commented, additional parcel has been added due to existing wells on that parcel.

Planning and Zoning Assistant Kyle Layton gave report:

COMMENTS: Applicant is requesting a zone change to agricultural 5 acre and cabin with a planned development overlay. The intent is to develop a horizontal hotel. The property is currently surrounded by C-3 property to the West and North, as well as some BLM property to the East and South. The general plan shows this property as well as all surrounding properties as agricultural land.

This project was presented to the Joint Utility Committee on November 16<sup>th</sup>, 2022. Several concerns were brought up during this meeting and while the applicants have addressed some, the following are still concerns from staff:

The first concern is access to the property. It is currently accessed through Cinder Hill Road as well as Gouldwash Road. Both roads are not currently roads that have been dedicated to the town and run through multiple private properties. The transportation master plans show only a portion of Gouldwash road to be used for future planning. The master plan shows these roads as a collector street and would require major improvements to bring them up to town standards. Due to the size of the project the applicants would be required to have a primary access as well as a secondary access in case of emergency. Another concern with access would be approval from UDOT for access off highway 59 as far as staff knows there hasn't been any information on whether this would be possible.

The second concern is the site plan that was provided shows quite a bit of development on the hillside. The applicants did a good job of keeping the buildings on relatively flat ground but there are concerns on the road running through their property for emergency vehicle access. Much of their development is on a slope greater than 30% which is not allowed by Apple Valley's hillside ordinance. The hillside ordinance allows slopes up to a maximum of 12% for the road if the road is brought up to full improvements including pavement. It may be difficult to develop roads to meet these requirements.

The last concern is with the water the applicant has added property since their first proposal. The main reason for adding that property is to obtain some existing wells that would be dedicated to the project. It is unknown if the wells are working and could provide the water to the project.

End report.

Planning and Zoning Assistant Kyle Layton discussed a tentative Developer Agreement for this project. Chairman Farrar asked the applicant about the new parcel in escrow and how many acres it was. It was answered 102.50 acres. Planning and Zoning Assistant Kyle Layton commented when doing an





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1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

---

### MINUTES

approval with conditions he strongly recommends to put a timeframe on that approval. It was also discussed that the zone would not be changed until the developer agreement is approved.

Chairman Farrar discussed the safety net with the Planned Development Overlay Zone.

Chairman Farrar opened the public hearing.

Tony Ballard, lives in Hurricane, UT. Owns land next to applicant and they have had serious problems with the wells. He discussed improving Cinder Pit Rd and taking that road off his property. They could do it they just have to remove it off BLM property as well.

Chairman Farrar closed the public hearing.

The applicant was given the opportunity to address the Commissioners and public on the project. Slope analysis, UDOT traffic study, study on water, and public access road discussed. Cinder Hill and BLM road access discussed. Required improvements and dedications discussed. Also commented the current parcel in escrow is C-3 and we are looking to downsize to AG-5.

Chairman Farrar asked about dedicating development to local companies and/or Town citizens as we have general contractors in Town. Commissioner Farrar asked about the 689 acres in horse pasture and barn. The applicant answered that the goal is to keep it open space. Also asked about the 4.7 acres not included. The applicant answered private conversations are currently in discussion with that owner. Commissioner Hood asked about the 250,000-to-500,000-gallon tank. Planning Department Manager Frank Lindhardt commented a Development Agreement with the details will be done separately for the Town and the Big Plains Water Special Service District.

Laron Hall commented on BLM being ok for them to put a water tank on their property they would just have to get a permit. The applicant commented that Laron Hall is the owner of the 17-acre parcel in the project.

Brad Mammen, 1063 E Big Pinion Ln. Asked how big this hotel project and how many home sites there is.

The applicant answered 44 key hotel and there will be 22 residences.

Hiring local was discussed.

Chairman Farrar re-opened the public hearing.

Linda Noyes, 2846 N Purple Sage Rd. Question, when first brought up this project there was no discussion of homes.

Applicant answered owner of parcel reached out that was C-3 zoning and we are now interested in down zoning to agricultural home sites.

Annie Spendlove, 1260 E 2000 S. Commercial is very good for Towns. Villas are great. Would like to know the density of employee housing. This could bring good things to the community. Tourism keeps transients away from this area. She thinks this is a great thing for the town.



## APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

---

### MINUTES

James Tullis, property owner of AV-2194-A. Commented that he clarified that this application does not include his property.

Laron Hall owner of 17-acre parcel in project. He commented that he has been in the area over one hundred years, jokingly. The property belonged to his grandfather. This far exceeds anything that he has seen elsewhere. If nothing else we get a turning lane, he is 100 % in favor of this and appreciates what these guys are doing.

Rich Ososki, 1024 W Little Pinion Way. Asked once you get the stamp approval are the phases and length of time when in approval mode.

The applicant answered this is not a phased plan. From this point forward if approval will be of Developer Agreement coordination. After that the construction period is 2 years. 2.5-3 years before opened if throwing a number out there.

Rich Ososki, 1024 W Little Pinion Way. Commented, this is for the past administrations that have recommended contractors. Hiring local contractors is great but not in favor of recommending contractor's names.

Tony Ballard, lives in Hurricane, UT. Commented on water pipeline that ran through property.

Chairman Farrar closed the public hearing.

5. **Discussion and Action:** Zone Change Application for AV-2194-D, AV-2194-B, AV-2-2-27-432 (Approx: 1 N. Cinder Hill Road) from Open Space/Open Space Transition Zone (OS/OST) to Planned Development Overlay Zone (PD) for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential. Applicant: Hidden Rock Development Group.

Chairman Farrar commented he does not want growth and according to the Town survey many people agree but you can't stop it. Growing responsibly discussed and applicant is willing to cooperate and jump through hoops. Also, keeping an area low density will help water supply.

Commissioner Farrar questioned Planning and Zoning Assistant Kyle Layton the timeframe on Developer Agreement. A reasonable time would be 1-2 years to get the document in place. The applicant would feel comfortable for a year time limit. Commissioner Fralish discussed positive take with residents on this project.

**MOTION:** Commissioner Farrar motioned that we recommend approval to the Town Council on the zone change application for AV-2194-D, AV-2194-B, AV-2-2-27-432 from Open Space Transition / Open Space to Planned Development Overlay Zone, Cabin Zone for the stated purpose of planned development of low density hotel and large ranch lot AG-5 residential subject to a development agreement with the Town reached within a year.

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





## APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

---

### MINUTES

**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.

**6. Public Hearing:** Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-15.

Planning Department Manager Frank Lindhardt reported on the Accessory Dwelling Unit (ADU) proposed change. He continued currently we have a guesthouse casita ordinance. We brought Stephen Nelson from Hurricane and he explained the pros and cons of additional dwelling units. The trouble in Southern Utah is related to vacation rentals and the affected rental market. People are having a challenging time finding a place to buy or rent. We want to keep trying to find the balance of letting people do what they want vs controlling, carving a middle road. He reviewed the changes presented in the packet.

Chairman Farrar commented about affordable housing and four hundred sq feet is the average. He continued, the pros of allowing people to make income by renting them out which is the biggest change. With that comes rules, you have to live on the property. This would stop developers and investors from buying houses and weed out the issues with short term rentals.

Chairman Farrar opened the public hearing.

Chairman Farrar read public comment received from Debbie Kopp, 2222 E Ranch Rd. Dear Commissioner and planning members. Let me just start out by saying that I appreciate all the hard work you all put into these meetings. I appreciate your attempt to do a survey in fb - but I wish the town could have done it on more of a wide scale. I am not for the changing of the ADU business- we don't have the water we have subpar roads why don't we try and fix what's wrong with the town that will help all residents - there are fires that are way more important than this- a previous town survey stated the community wanted apple valley to be rural - how does adding more homes to the mix stick with that vision. A comment was made to me that if this passes it won't even matter, no one will do it - my question is then why are we doing it. who is the one to benefit from this. I feel we need to enforce the ordinances that we have now before changing and making more/ we have a home in town now with several homes on a lot and nothing is being done about that - I think this change is just opening the door for more people to abuse the codes and not being penalized for it. This topic along with many



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1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

---

### MINUTES

other is causing great divide in the town. My last question to you as the Chairperson and the rest of the commissioners is do you individually and as a group feel that the people that come to the meetings or participate on zoom do our opinions matter. It's been said that we are a small group and we have our own personal agendas and our opinions really don't matter - this is total disrespect for we the people our opinions do matter. Thank you for your time, Debbie Kopp

Chairman Farrar discussed Facebook and opinions do matter.

Becky Wood, 1331 E Red Sage Ln. Commented the presentation from Hurricane was excellent. They went to a Council meeting in Hurricane as well and were impressed. Wants Apple Valley to stay small. Small taxes that come in from rentals could help the Town and is in favor.

Margaret Ososki, 1024 W Little Pinion Way. This Public Hearing is just a formality and what is said here does not matter. Town wide survey on the back on the water bills would have been nice. Cons is increased density.

Chairman Farrar commented on density, we don't regulate who lives in the house. Density discussed amongst Commissioners.

Rich Ososki, 1024 W Little Pinion. Discussed John Peay's house and stated it is a short-term rental. His property is back in the woods and you can't even tell. Has seen it all, I have lived here through 6 different administrations. ADU issue is by the far worst ever experienced. Mayor has used several scenarios. Discussed state mandates ADU. We are less than nine hundred of us. Why does he keep shoving codes down our throats. Apple Valley does not need more code when we cannot even enforce the code we have. Increasing density is not what we need. The Mayor must have forgotten the survey that the residents want low density. Commented about code enforcement and it being a joke. Apple Valley has the worst reputation in the county.

Chairman Farrar commented about enforcement and this code being less. He continued, the focus seems to be on the Mayo. The Mayor does not have a vote on the Planning Commission and he doesn't have influence on his vote.

Brad Mammen, 1063 Big Pinion. The enforcement being homeowner must be on property.

Annie Spendlove, 1260 E 2000 S. They did lot split and built home right next to theirs. An ordinance on employee housing was mentioned that was previously in the books. Her son is renting a room in Hurricane for \$1000 a month. Income potential vs maybe considering going up to a bigger home to give growth for young family. There is nothing to rent in Apple Valley. Rentals for a young family are beneficial. Smaller subdivisions have CCR's in place for this issue.

Stewart Riding 1456 N Mt Zion Dr. Just moved a little over a year and half ago. Time in life when the ADU is beneficial to him.

Kyle Layton, commented from the building inspector's point of view. His suggestion is regarding the definition of internal ADUs. He continued, State code defines this and his recommendation is having a





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---

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good definition. The possible issues with applications with internal ADU and detached ADU can lead to problems with the definition of ADU. Suggested clear definition of internal ADU.

Chairman Farrar closed the public hearing.

- 7. Discussion and Action:** Repeal Title 10.28.270 Guesthouses Or Casitas and Replace Title 10.28.270 Accessory Dwelling Unit (ADU), Ordinance-O-2023-15.

Chairman Farrar commented about the Facebook poll and he received input from the community. He continued this is not a large change from the current ordinance except the change of renting, besides other minor changes. Commissioner Hood voiced concerned about now every landowner is now a landlord.

Chairman Farrar commented on research and his suggestion regarding the number of ADU's per parcel Section B subsection 1.

#### B. General Provisions:

1. Number of ADU's Per Parcel. An ADU shall only be permitted on a parcel with a single-family dwelling. Only one ADU is permitted on a lot that is zoned less than ten (10) acres. On a lot or parcel that is zoned ten (10) acres or more, one additional accessory dwelling unit may be approved by Town Council. No more than two (2) accessory dwellings shall be allowed on a lot or parcel, except when zoned and approved in a planned development that complies with all applicable town ordinances. Only one ADU on the property may be rented.

Commissioner Fralish agreed with the reasonable compromise.

**MOTION:** Chairman Farrar motioned that we recommend for approval the new Apple Valley Ordinance, Accessory Dwelling Unit Ordinance O-2023-15 with the corrections made in red that Jenna now has you know we all have before us. Basically, saying that: Only one ADU is permitted on a lot that is zoned less than ten (10) acres. On a lot or parcel that is zoned ten (10) acres or more, one additional accessory dwelling unit may be approved by the Town Council. No more than two (2) accessory dwellings shall be allowed on a lot or parcel.

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

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

Commissioner Farrar - Aye  
Commissioner Hood - Nay  
Commissioner Palmer - Aye  
Commissioner Fralish - Aye





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1777 N Meadowlark Dr, Apple Valley  
Wednesday, March 01, 2023 at 6:00 PM

### MINUTES

Chairman Farrar - Aye

The vote was four aye and one nay 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 7:56 p.m.

Date Approved: 4/5/23

Approved BY: [Signature]

Chairman | Michael Farrar

Attest BY: [Signature]

Town Clerk/Recorder | Jenna Vizcardo

