



SPECIAL APPLE VALLEY PLANNING COMMISSION
HEARING AND MEETING
1777 N Meadowlark Dr, Apple Valley
Tuesday, August 09, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell

Commissioners | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte | Margaret Ososki

CALL TO ORDER- Chairman Angell called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE- Chairman Angell led pledge of allegiance.

ROLL CALL

PRESENT

Chairman Allen Angell

Commissioner Lee Fralish

Commissioner Forest Kuehne

Commissioner Jeri Burhorn-Politte

ABSENT

Commissioner Margaret Ososki

CONFLICT OF INTEREST DISCLOSURES- None stated.

APPROVAL OF MINUTES

1. Minutes: July 6, 2022

Chairman Angell commented about Margaret Ososki not being represented on the voting in the minutes document presented.

Motioned to approve minutes July 6, 2022 with change of adding "Margaret Ososki" to the voting.

Motion made by Commissioner Fralish, Seconded by Commissioner Burhorn-Politte.

Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING

2. General Plan Map Amendment

Chairman Angell commented about the General Plan being a roadmap for the Town and that overview has not been done in a decade. He continued, the process of this update starting early 2021 and after the election this started going. The survey was done and participation in the survey was significant. The survey was sent to residents and data collection was done. This was a great representation of the Town. He also discussed zoning and general plan are different. When deliberating over a zone change, and one tool we use is, whether the proposed zone change is reflected in the General Plan. This does not mean an application cannot get a zone change. We are close to becoming a city and we have been on



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mission to get everything in order. The next thing is to have the General Plan in place to have perspective of what the residents want as a consensus.

Chairman Angell opened the hearing for the General Plan Map Amendment.

Ken Thompson-commented from zoom: He commented, my property is approved and legally divided into 5 acre lots. How can you change it to R3 with a 7-acre minimum. For some reason I can't unmute myself. Address hasn't been established. I own a lot at 2050E. 1600S. The town has had 6 months to fix the water problem, and very little if anything as even done. Where's the federal grant money.

Chairman Angell commented we are proposing changing the general plan and not zoning.

Kirk Willy, St George, Property off Main St, Apple: He commented, bought property with partner in 2005. He continued, he is a small developer and found out about the proposed change two weeks ago to the day. Property has been R-1 on zoning and thought they could count on 1 acre lots. He has not been disengaged. Commented about work meeting. Also, had meeting with Frank Lindhardt, Mayor and concerned what we designate in the General Plan. He does not feel this has been done in a transparent matter. Commented felt like we have decided we have our own slice of paradise and everyone else keep out. He also commented about the raise of fees for zone changes and felt not fair. He requested this item be tabled. (See Additional Letter requested to be added to the minutes:

ATTACHMENT A)

Commissioner Politte commented that is not the case. She continued, we are trying to mold and follow the consensus.

Travis Wells 1363 Rome Ave, Apple Valley. He questioned about the transportation map. He continued, why are we putting collector roads on Ag land. When building a new general plan, think you would create for growth. Also, the storm drainage plan 3- 4 years ago, ran through the land.

Richard Allen, Attorney of Lehi, Utah. He filed letter on behalf of DRL Investments regarding designation from residential low to residential medium. He continued; the land is surrounded by residential medium. He sees no reason why this should be designated a residential low. Felt no justification for creating lower density than surrounding area. Corresponded with Mayor Lindhardt and discussed the ground water protection. (See Additional Letter requested to be added to the minutes:

ATTACHMENT B)

Tish Lisonbee 1386 N Mt Zion Dr: She commented about survey and wanted to know who derived the questions. Commented about high density. Stated survey is full of contradiction. She felt ambiguous at the very least and not the will of the people.

Chairman Angell closed hearing on General Plan Map Amendment.

3. Transportation Map Amendment

Chairman Angell opened hearing for Transportation Map Amendment.



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Chairman Angell closed public hearing for Transportation Map Amendment.

4. Adopt General Plan

Chairman Angell opened the hearing to Adopt General Plan.

Allen read introduction of general plan that was included in the agenda packet.

"One of Washington County's newest towns is Apple Valley, incorporated Oct 14, 2004, and is located 12 miles east of the city of Hurricane along State Route 59. The population was 855 at the 2020 census. The 2010 population estimate by the US Census Bureau placed its population at 701. The town has experienced a 22% increase in population growth since the 2010 census."

"The general plan provides for the overall guidance of a town's growth and sets the course and direction for future development. Policy decisions related to the Town of Apple Valley's land use decisions should be consistent with the goals and policies outlined within the general plan. The Apple Valley General Plan is designed to provide policy direction to decision makers when considering development proposals and options for overall town development. The general plan should be updated and reviewed as necessary and generally updated every five years to ensure the document remains consistent with the Town of Apple Valley's vision and direction."

Chairman Angell commented on clarity of low-med-high density and discussed issue of wastewater in the Town. He continued the Town has had ordinances on the books except those that are grandfathered. If less than 7 acres a standard septic system cannot be used. Commissioner Fralish commented this information is coming from Ash Creek Special Service District. Chairman Angell commented General Plan and the vision of the future. He continued, if planning for the future, we must plan for the poop.

Travis Wells 1363 Rome Ave, Apple Valley: He commented about the General plan and showing a treatment plant for the future.

Kirk, Willy, 550 N Circle, St George: He commented, as a developer he is used to contributing. Points out introduction in General Plan and Town plan is template. For him to go from R-1 to Agricultural, adjacent to Main Street. Discussed about the curb and gutters and meeting with Mayor Lindhardt to discuss the survey. Asked if IP address were verified.

Commissioner Frailish asks about current zoning and doesn't preclude from a zone change.

Travis Wells 1363 Rome Ave, Apple Valley: He asked why council wants to be Agricultural. Chairman Angell commented that we don't. We want a rural community and we want the Town to maintain open space as much as possible which is the consensus of the Town.

Commissioner Politte commented on ground water source protection and how important is to our Town to protect our drinking water.



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Richard Allen, Attorney of Lehi, Utah. He commented about the problem with the General Plan considering the situation with ground water protection and lack of ground water. Clients' property has been designated low density.

Angell closed public hearing to Adopt General Plan.

DISCUSSION AND POSSIBLE ACTION ITEMS

5. **General Plan Map Amendment**
6. **Transportation Map Amendment**
7. **Adopt General Plan**

Chairman Angell discussed to inform staff to have a joint work meeting with Town Council on Wednesday August 17th at 6pm followed by a Special Planning Commission Meeting immediately following. He also commented about the colors in the General Plan map legend being too close together. He continued, public comments are not ignored and are a very important part of the democratic process. Let's represent those at a work session.

Motioned to table General Plan Map Amendment, Transportation Map Amendment, and Adopt General Plan until next week on August 17th Special Planning Commission Meeting after the joint work meeting.

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.

Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte

The vote was unanimous and the motion carried.

ADJOURNMENT

Motioned to adjourn meeting.

Motion made by Commissioner Fralish, Seconded by Commissioner Kuehne.

Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte

The vote was unanimous, 4-0 and the motion carried.

Meeting adjourned at 7:30 p.m.

Date Approved: _____

Approved BY: _____

Chair | Angell Allen

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

BRIAN G. LLOYD
ATTORNEY AT LAW
P.O. BOX 9131
SALT LAKE CITY, UTAH 84-109

August 3, 2022

Mayor Frank Lindhart
2608 West 510 North
Hurricane, UT 84737

Mayor Lindhart,

I write on behalf of Beautiful Valley, LLC, of which Kirk Willey is a manager. I understand that you and Mr. Willey had a meeting at your office on July 26, 2022, during which you discussed proposed alterations of the Land Use Plan of Apple Valley (the "Existing Plan"). In that meeting you communicated to Mr. Willey that proposed alterations to the Existing Plan would change the planning classification of approximately 18 acres of property that he and his partners have owned for more than 15 years from "R-1" to "Agricultural." You also informed him that he would have an opportunity to comment and have input at the next meeting in a short seven days' time - in a meeting at which you expected to present and immediately adopt a new land use plan, without meaningful public input.

Mr. Willey appreciates your willingness to meet with him; however, the messages you communicated in the meeting are extremely troublesome to him and appear to be inconsistent with proper municipal governance practices and due process, rife with personal interest and self-dealing by some town officials, and demonstrate a disregard for the fiduciary duties owed by elected officials to their constituents.

Although I understand many Apple Valley property owners have repeatedly expressed significant concerns regarding the actions taken and proposed to be taken by the town's Planning Commission and Town Council, this letter memorializes a number of the principal concerns which have been communicated to you and other town officials. The proposed action of the Planning Commission and Town Council to arbitrarily alter the Existing Plan without proper due process is fundamentally deficient in multiple respects, including the following:

1. Absence of proper notice and public disclosure. Although informal (and likely insufficient) notice of the combined Planning Commission and Town Council meetings held on July 20, 2022, was posted on the town website, the posting was obscure and confusing, with the Draft General Plan furtively attached to one of the many revised postings of previous town meetings - as an attachment to a job posting. The notice did not alert the public participants or other stakeholders to the location of the draft plan in those

attachments, nor was the draft plan available for distribution at the meeting, projected on a wall or otherwise displayed for viewing by the public.

Furthermore, in your meeting with Mr. Willey on July 26th, you also conveniently omitted to disclose to Mr. Willey that the draft plan was covertly posted on the town website - choosing instead to send Mr. Willey a rough screenshot of the proposed adjustments in a text message. The obtuse manner in which town officials chose to publish the draft plan does not constitute proper notice and is entirely consistent with the clandestine manner in which those officials have conducted the entire process.

At the July 20th meeting, public participants were relegated to seating in the rear of the room, where they were denied an opportunity to view the proposed revisions under discussion by town officials and were not allowed to approach the table on which the proposed alterations were displayed. Further, although the public participants in the meeting could overhear comments from the town officials regarding the proposed alterations (including repeated comments regarding the personal preferences of all town officials for low density treatment in nearly all cases), they were not allowed to comment or ask questions regarding the proposed alterations.

2. Insufficient opportunity for meaningful public comment. The limited and vague notice circulated by town officials with respect to the draft plan provided insufficient opportunity for the public to assess the proposed adjustments and the limited review period imposed by the town officials deprived the public of an adequate opportunity to review and comment on those adjustments. Mr. Willey has reported that you informed him that he could attend the meeting initially scheduled on August 2nd, but deferred to August 9th, and could comment on the proposed adjustments, but that the decision of the town officials with respect to the draft plan had essentially been made prior to the meeting (and prior to any meaningful opportunity for public comment). Even though you ultimately provided Mr. Willey with a text message displaying a rough copy of the draft plan several days before the original date of the meeting, the fact that town officials had already reached a private determination prior to any public comment makes the purported notice and comment period (limited as it was) farcical.

In the second meeting on July 20th, public participants were allowed to comment on procedural issues associated with the draft plan (such as the process to be followed for development of the preliminary plat, etc.), but they were denied any opportunity to comment on the fundamental issue of arbitrarily altering the Existing Plan which has been in place for many years. There were no draft copies of the draft plan available at the meeting, there was no display or projection of the draft plan at the meeting - other than on a single table which public participants were prohibited from approaching and there was no rationale for the proposed alterations presented. In short, the

public was invited to a meeting in which they were excluded from all substantive discussion, they were precluded from inquiring or commenting on the substance of the matter and decisions were made rapid-fire without public input. Once town officials had reached their private conclusions, public comment was allowed; however, since the public had been denied the opportunity to view changes made during the prior meeting, meaningful public inquiry or comment was impossible.

3. The limited information upon which town officials appear have based their decision is vague and incomplete. Following your meeting with Mr. Willey on July 26th, you sent him a text message with a small "screen-shot" of a rough drawing of the draft plan. Although the draft plan lacks the detail one would customarily expect to see in a document of such magnitude, it appears to indicate that the property which Mr. Willey and his affiliated entities have owned for more than 15 years, and which has been classified as "R-1" (minimum one-acre residential lots) throughout that period would be reclassified as "Agricultural" under the draft plan. Although the screen-shot lacks sufficient detail to enable Mr. Willey to assess the implications of the proposed alteration on its property, the screen-shot suggests that the town officials propose to arbitrarily and capriciously alter the Existing Plan to deprive Beautiful Valley (and numerous other long-term property owners) from any residential designation and relegate long-term residentially planned property to non-residential agricultural usage only.

The absence of detail regarding the draft plan and complete lack of analysis regarding the implications of the proposed modifications on existing property owners is particularly troublesome in light of your comment to Mr. Willey on July 26th that **the adoption of the draft plan is a foregone conclusion**. When Mr. Willey objected to not having any opportunity to view the draft plan, ask questions or have his comments and concerns taken into account over a reasonable amount of time, you stated that Mr. Willey could comment on the draft plan at a meeting scheduled for August 2nd (and now postponed to August 9th) - after which the draft plan would be passed in its entirety. Such an action would result in irreparable harm to Beautiful Valley and numerous other long-term property owners - and should not be based on vague, incomplete, and hurried analysis.

4. The limited justifications for alteration of the Existing Plan cited by town officials are subjective and unverified. In support of the proposed alteration of the Existing Plan, town officials have cited a "survey" which they claim demonstrates public approval of those alterations. Neither Mr. Willey, nor any of the other Apple Valley property owners whom he has contacted, received the purported survey. If a survey was conducted, and if that survey failed to solicit input from all stakeholders, the results of that survey are insufficient grounds for determination of an issue of such magnitude and should be entirely excluded from consideration by town officials in their
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evaluation of the draft plan. If town officials intend to base any aspect of their decision on the purported *survey*, they *have* a duty to disclose to all stakeholders the methodology, format and results of such survey in complete detail. All stakeholders should be permitted to view the survey questions, responses and tabulations, as well as the manner in which the survey was conducted and the identity, background and qualifications of the survey administrators. Absent such transparency, it would not be unreasonable for non-participating members of the public to express concerns that the *survey* was not impartially composed, did not present or allow for any considerations of the benefits that growth would bring to Apple Valley, and that it may amount to little more than opinions expressed by advocates of the draft plan.

Although town officials *have* repeatedly asserted that the *survey* results support the proposed action, the principals of Beautiful Valley, as well as other property owners whose property would be significantly and detrimentally impacted by the proposed alteration, find it interesting to note that the *vast* majority of existing town residents reside on lots of one acre or less.

5. Town officials who have declared their intention to approve the draft plan (as noted above, without appropriate due process) may be subject to significant conflicts of interest which they fail to acknowledge or address. Other than the purported *survey* referenced above, the principal justification for the proposed alteration of the Existing Plan frequently cited by town officials is pursuit and preservation of their personal interests. I am informed that on multiple occasions, town officials (whose fundamental responsibility is protection of the public interest) have indicated that the principal benefit to be obtained from the proposed alteration of the Existing Plan would be to have fewer people around them, and to preserve their personal unobstructed views. These statements, several of which are on the record in town meetings, as well as other comments from town officials, demonstrate the substantial conflicts of interest which have inappropriately influenced consideration of the draft plan by town officials. It appears that certain town officials may also have personal financial interests which would be benefitted by the adoption of the draft plan. Adoption of the draft plan in the face of such conflicts of interest would demonstrate a complete disregard for basic American presumptions regarding property rights, as well as a material breach of the fiduciary duties owed by those town officials to Apple Valley property owners.

It is the understanding of the Beautiful Valley principals that the foregoing concerns are illustrative of the deficiencies in the process which town officials have followed in their consideration of the draft plan - but are not exclusive. Given the scope and magnitude of those concerns, those principals respectfully request that town officials defer any action on the draft plan until the concerns are properly

addressed and the town has completed a legitimate, fully informed and impartial examination of the issue, consistent with appropriate due process. The alteration of the Existing Plan without appropriately addressing those concerns would be a significant breach of public trust and result in irreparable injury to long-term property owners whose interests town officials have a fiduciary duty to protect.

If, following your review of this letter, you, the Planning Commission and Town Council intend to proceed with the rescheduled August 9th meeting as currently proposed, without providing for proper public notice and comment on your predetermined draft, as well as other fundamental aspects of due process, Beautiful Valley requests that this letter be entered into the formal record of the meeting and that the objections set forth in this letter be formally noted in the minutes of the meeting.

In light of the significance of the concerns expressed in this letter, if town officials proceed with the draft plan without appropriate and impartial due process, Beautiful Valley and other property owners may *have* little alternative other than to seek to protect their long-term property rights through judicial or administrative proceedings. The principals of Beautiful Valley hope town officials will defer consideration of the draft plan until these and other concerns *have* been resolved - and that such proceedings will not be necessary. In particular, Mr. Willey will make himself available for further discussions as necessary.

Sincerely,

Br Lm!

Attorney at Law

cc: Nathan Reeve
Ruesch & Reeve
86 N. 3400 W. St., Unit C
Hurricane, UT 84737

Allen Angel - Chair/ Planning & Zoning
1582 N. Zion Circle
Apple Valley, UT 84737

ATTACHMENT B

RICHARD G. ALLEN
ATTORNEY AT LAW
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Lehi, Utah 84043

Telephone: (801) 766-1580

Email: rallen@lawyer.com

August 5, 2022

Planning Commission
Town Council
Town of Apple Valley
1777 N. Meadowlark Dr.
Apple Valley, Utah 84737
VIA EMAIL to Town Clerk: clerk@applevalleyut.gov

Re: STATEMENT IN SUPPORT OF REQUEST TO CHANGE PROPOSED AMENDED GENERAL PLAN MAP

This Statement is being made on behalf of DRL Investments, LLC, ("DRL") for the Public Hearing of the Planning Commission scheduled for 6:00 pm on August 9, 2022 and the Meeting of the Town Council scheduled for 6:30 pm on August 9, 2022. DRL requests that this letter be entered into the formal record of the above Planning Commission hearing and the Town Council meeting and that the objections set forth in this letter be formally noted in the minutes of that hearing and that meeting.

DRL is requesting a change to the designation of its land with Tax ID No. AV-1329-B (the "DRL Property") as well as the additional approximately 100 acres adjacent to and south of the DRL Property (collectively the "Subject Property") from the currently proposed designation of Residential Low 7 + Acres to a designation of Residential Medium 1 - 6.99 Acres. The Subject Property is shown in Exhibit A attached hereto, which is a copy of an enlarged portion of the proposed amended General Plan Map.

It is DRL's position that the current proposed designation of the Subject Property as Residential Low in the proposed amended General Plan Map is discriminatory and prejudicial to DRL and the other owners of the Subject Property. DRL also asserts that the currently proposed designation of the Subject Property is arbitrary and capricious, that it is inconsistent with State law and good land use policies and that it violates the stated goals, strategies and actions set out in the written portion of the proposed amended General Plan.

The request to change the proposed designation of the Subject Property from Residential Low to Residential Medium is supported by the following:

1. The Subject Property is surrounded on three sides by property that is designated as Residential Medium. There is no apparent reason for the Subject Property to have a different designation than the surrounding property. If there is no reason or justification for a designation

of the Subject Property different from the sunounding property, the Subject Property should have the same Residential Medium designation.

2. Final approval has been given by the Town for development of approximately 60 acres of the Subject Property as a subdivision with lots between 1.1 acres and 2.8 acres in size. (That subdivision is located in the middle of the Subject Property as shown on the attached Exhibit A.) The property covered by that subdivision is zoned R-1 and R-2.5 split zoning. Construction of that subdivision is underway. Designation of the Subject Property as Residential Low when nearly half of the Subject Property has already been zoned and is being developed in a manner that is inconsistent with Residential Low but is consistent with Residential Medium is clearly inappropriate and should not happen.

3. The zoning for the above subdivision will not be affected by the proposed designation of the Subject Property as Residential Low. Therefore, the designation of the Subject Property as Residential Low will only apply to the remaining portions of the Subject Property which creates two smaller isolated areas designated differently from the zoning and use designation for the areas sunounding them. That is contrary to the principals and standards that should apply to good planning and general plan maps.

4. DRL has filed for preliminary approval of an approximately 50 lot subdivision on the DRL Property that includes 62 acres of the Subject Property. That application is being held up by a zoning dispute that may be litigated. Seeking to change the designation of the Subject Property to a use that is inconsistent with DRL's development plans appears to be an inappropriate attempt to thwart DRL's development plans.

5. The first general plan map adopted by the Town within the first year of its existence designated the Subject Property as R-1 Residential which allowed for one acre lot subdivisions. Every subsequent general plan map except the currently proposed amended General Plan Map, has designated the Subject Property as R-1. R-1 is consistent with a designation of Residential Medium that also allows for one acre lots. A change in the designation of the Subject Property to a use that is inconsistent with its historical designation and with the development that has taken place on the Subject Property and current development plans clearly should not happen without substantial justification. However, no justification or explanation has been provided by the person or persons responsible for the preparing the currently proposed General Plan Map.

6. Much of the property directly adjacent and west and south of the Subject Property has been developed and is being occupied on lots that are mostly less than one acre. Section 2.4 of the written portion of the proposed amended General Plan states that: "The following goals and policies provide specific actions to promote Apple Valley resident's vision as discussed in the previous sections." The first goal is: "Provide for a land use pattern that complements the town's existing layout and physical assets." The first action associated with that goal is to update the town's zoning ordinances to ensure compatibility with surrounding land uses. Another action set out to support that goal is to require new residential developments be compatible and consistent with use patterns and/or adjacent developed lot sizes. This goal and

these actions are served by designating the Subject Property as Residential Medium. The designation of the Subject Property as Residential Low is clearly contrary the above goal and actions.

Under the above facts and circumstances DRL and the other owners of the Subject Property have a right to have the Planning Commission and others responsible for the proposed change in historical designation of that property give an explanation of the justification for the proposed designation of the Subject Property and allow DRL to respond to the same. Any such justification and DRL's response to the same should be made at the hearing on the proposed amendment to the General Plan Map and should be a part of the public record.

Changing the designation of the Subject Property from its historical designation to a designation different from the proposed designation of the property surrounding the Subject Property and different from the existing approved zoning and development of a substantial portion the Subject Property when the proposed designation is in violation of the written provisions of the proposed General Plan is clearly arbitrary and capricious and is therefore illegal under Utah law. That arbitrary and capricious designation of the Subject Property clearly damages DRL and the other owners of the Subject Property by significantly reducing the development potential of their property without any reason or justification.

In addition to opposing the above designation of the Subject Property, DRL asserts that the Town has not complied with Utah law in its attempt to amend its general plan. Utah Code § 10-9a-403 requires the Planning Commission to provide notice, as provided in Section 10-9a-203, of the intent to recommend to the legislative body a comprehensive general plan amendment **when it initiates** the process of preparing the planning commission's recommendation. § 10-9a-203 provides that **before** preparing a comprehensive general plan amendment each municipality within a county of the first or second class shall provide 10 calendar days notice of the municipality's intent to prepare a comprehensive general plan amendment to specified entities and locations. Washington County is a county of the second class so the Town is required to give the above notice before starting to prepare the proposed general plan amendment. From what DRL can determine, the Town did not give the required notice so its actions to amend the general plan are in violation of Utah law. If the Town asserts that it has complied with the above notice requirement, evidence of such compliance should be provided at the Planning Commission hearing and should be made a part of the record at that hearing.

DRL also objects to the notice of the upcoming meeting of the Town Council to approve the general plan amendment. The Planning Commission hearing on the General Plan Amendment is noticed to take place on August 9, 2022 starting at 6:00 pm. The Town Council meeting to take action on the general plan amendment is noticed to take place on August 9, 2022 starting at 6:30 pm. That makes it clear that the Town presupposes and intends that the Planning Commission will just rubberstamp and recommend approval of the general plan amendment without regard to what anyone says at the Planning Commission hearing. That intent is especially outrageous since that hearing will be the very first time that the public, including the landowners directly impacted by the proposed amendment, will have any opportunity to have

any input regarding the proposed General Plan Amendment. This intention is consistent with representations made by Mayor Frank Lindhardt to landowners that the Town will approve the general plan amendment at the next Town Council meeting notwithstanding how those owners feel about the proposed amendment.

The above notices also establish that the Town has no regard as to the accuracy of the notice and appear intended to discourage participation by the public at the meetings. The last meetings of the Planning Commission and the Town Council involving changes to the requirements for development of land within the Town were noticed in the same manner. As it turned out, the Planning Commission meeting that was held on July 20, 2022 lasted for over two hours and the Town Council meeting that had been noticed to start at 6:30 pm did not start until after 8:30 pm. As a result, most members of the public who came to attend the meetings left before the Town Council meeting started. This scheduling shows a complete lack of regard for the public and should result in a finding that the Town Council meeting was not legally noticed.

In light of the issues set out above, DRL believes that the process to amend the general plan amendment should be started over and should be conducted in accordance with Utah law. DRL also believes that the amended General Plan should take into consideration the issues and concerns of interested parties, including owners of property in the Town.

Whether or not the Town chooses to restart the general plan process, DRL requests that the proposed amendment to the General Plan Map be changed to designate the Subject Property as Residential Medium for the reasons set out above.

Richard G. Allen
Attorney for DRL Investments, LLC

Exhibit A

