



## APPLE VALLEY TOWN COUNCIL REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley  
Thursday, February 17, 2022 at 6:00 PM

### MINUTES

Mayor | Mason Walters |

Council Members | Kevin Sair | Robin Whitmore | Andy McGinnis | Barratt Nielson

**CALL TO ORDER-** Meeting started at 6:00pm by Mayor Walters

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

##### PRESENT

Mayor Mason Walters

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Clerk-Recorder | Jenna Vizcardo

#### DECLARATION OF CONFLICTS OF INTEREST

None declared.

#### CONSENT AGENDA

1. APPROVAL OF MINUTES FOR JANUARY 27, 2022

**Motion to table approval of minutes for January 27, 2022.**

**Motion by Council Member Sair, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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2. FINANCIALS FOR JANUARY 2022

Robin Whitmore made comment about bills that can be looked at in the Town Council.

53.88 through the way of the fiscal. 62% received spent of 51.4% of excepted expenditures.

3. Discussion only- Lot Split parcel AV-1351-A-1: Applicant- Rocky Mountain Power.

Mayor makes comment after 6 years of looking they have found a parcel that the can put up an electrical substation. Will take 12-18 months to complete. Along highway 59, were you turn left on Main Street the farthest corner. Have gone through all ordinances and our attorney. Discussion took place.

#### MAYOR'S TOWN UPDATE

Mayor Walters: We have been working behind the scenes. Plans that we have to start implenting. We do have plans soon to address the residents' concerns. Also creating community events, to create more of a community feel. Remind everyone to fill out the General Plan Survey. Feedback is very important as we plan for that.

## **PUBLIC COMMENTS**

Read by Clerk

Statement of Jason Graham of 1950 E 2000 S

I wish to comment on item 4 in the agenda packet, but the general message applies to other parts of this meeting. Please know it is the desire of myself along with many citizens in the Town of Apple Valley that the Town Council represent us and deny the building permit timeline changes as well as the grubbing of property standard.

Many have clearly established that it often takes longer than anticipated to build a house. Many homes here in Apple Valley for no lack of effort or money have taken longer than 1 year to complete their home. Requiring an extension that leads to a reapplication and a new set of fees is contrary to the freedoms we enjoy here in the United States. If you don't like to look of a home under construction, then buy it or don't look at it – simple. It is not in the interest of government to control this process and prevent a citizen from completed their home on their timeline. This is not Denmark or the Soviet Union, this is the Unites States of America and property rights are protected under the 5th amendment. Please do not try to take away our rights as citizens of the Unites States and Apple Valley.

There are many reasons a property owner may want to clear their own land without a building permit – or rather where a building permit is not even required. I may want to clear the sage brush and other invasive species from my land to plant dry grass or other species. Or I may want to clear a spot to park an RV or simply store equipment. Many of you folks from densely populated areas may scoff of that prospect, but you don't own my land. By requiring a building permit to clear vegetation from my own land you are directly interfering with my right of quite enjoyment of my own property. This is not Denmark or the Soviet Union, this is the Unites States of America and property rights are protected under the 5th amendment. Please do not try to take away our rights as citizens of the Unites States and Apple Valley.

Rich Kopp 2222 E Ranch Rd: Made comment that there has to be mechanism that hold developers, especially road developers, there has to be a timeline in place.

**Motion to close public comments**

**Motion made by Council Member Sair, Seconded by Mayor Walters.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

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## **DISCUSSION AND ACTION**

### **4. Update Title 10**

#### **1. 10.10.030 CHANGE COMMERCIAL ZONE**

**Motion to eliminate tourist commercial zone from Section 10.10.030 re-assign what was previously assigned to tourist commercial to c-2 and c-3 as appropriate and take opportunity to streamline commercial zone for later date.**

**Motion made by Council Member McGinnis, Seconded by Council Member Sair.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**2. 10.28.260 DELETE ACCESSORY BUILDING**

**Motion to DELETE ACCESSORY BUILDING 10.28.260 and add the word detached to 10.28.270 CHANGE GUEST HOUSE OR CASITA.**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

**3. 10.28.270 CHANGE GUEST HOUSE OR CASITA**

**Motion to DELETE ACCESSORY BUILDING 10.28.260 and add the word detached to 10.28.270 CHANGE GUEST HOUSE OR CASITA.**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**4. 10.28.280 ADD TIME RESTRICTIONS TO BUILDING**

**Motion to adopt 10.28.280 ADD TIME RESTRICTIONS TO BUILDING into our code**

**Motion made by Council Member Whitmore, Seconded by Council Member Nielson.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**5. 10.28.290 ADD BUILDING PERMIT EXPIRATION TIME**

**Motion to adopt 10.28.290 ADD BUILDING PERMIT EXPIRATION TIME into our code**

**Motion made by Council Member McGinnis, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**6. 10.28.300 ADD STORM WATER MIDIGATION**

**Motion to adopt 10.28.300 ADD STORM WATER MIDIGATION and add "completed and inspected" before issuance of occupancy permit**

**Motion made by Council Member Nielson, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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7. 10.28.310 ADD GRADING AND GRUBBING

Comment from Frank Lindhardt, Planning Dept Manager: At Planning Commission added soil testing is permitted.

**Motion to table 10.28.310 ADD GRADING AND GRUBBING and send back to Planning Commission for further review.**

**Motion made by Council Member Sair, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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5. Update Title 11

Planning Commission recommended the below actions at meeting on 2.3.22, please see draft minutes. PC recommended 5-0.

8. 11.02.020 CHANGE SCOPE AND ADD LIMITATION

**Motion to add 11.02.020 CHANGE SCOPE AND ADD LIMITATION and add no property owner may apply for building permit, general plan, zone change, conditional use permit until such violation has been corrected.**

**Motion made by Council Member Sair, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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9. 11.02.040 MAYOR SUBDIVIDE RESTRICTIONS

**Motion to amend 11.02.040 MAYOR SUBDIVIDE RESTRICTIONS as identified in the packet.**

**Motion made by Mayor Walters, Seconded by Council Member Sair.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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10. 11.02.100 ADD FORM AND ATTORNEY FEE CLAUSE

Subject to approval review by Attorney

**Motion to add new ordinance 11.02.100 ADD FORM AND ATTORNEY FEE CLAUSE**

**Land use change agreement subject on the approval of the Town Attorney.**

**Motion made by Council Member Sair, Seconded by Council Member Nielson.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**11. 11.02.120 ADD TO SUBDIVIDERS AGREEMENT**

Subject to approval review by Attorney

**Motion to amend 11.02.120 ADD TO SUBDIVIDERS AGREEMENT subject to the approval of the Town Attorney.**

**Motion made by Council Member McGinnis, Seconded by Council Member Whitmore.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**12. 11.08.040 CLARIFY STREET IMPROVEMENTS**

**Motion to amend 11.08.040 CLARIFY STREET IMPROVEMENTS. Strike K all together and we adopt the change as set forth in agenda packet.**

**Motion made by Council Member Whitmore, Seconded by Council Member Nielson.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**6. OTHER**

**13. CHANGE AND ADD TO TOWN DESIGN STANDARDS FOR STREET DESIGNS (Hurricane City Standards)**

Motion to adopting new set primarily included rural design standards. Adopting this and getting rid of old one.

**14. CHANGES TO STREET MASTER PLAN**

**A. WILDCAT AREA**

**B. BUBBLING WELLS AREA**

**15. ADOPT DEVELOPMENT AND BUILDING POLICY**

**13. CHANGE AND ADD TO TOWN DESIGN STANDARDS FOR STREET DESIGNS (adopt Hurricane City standards).**

**Motion made CHANGE AND ADD TO TOWN DESIGN STANDARDS FOR STREET DESIGNS (adopt Hurricane City standards).**

**Motion made by Council Member Nielson, Seconded by Council Member Sair.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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14. CHANGES TO STREET MASTER PLAN- Sunrise Engineering would need to review.

-Make Master Road plan more visible on website.

A. WILDCAT AREA

B. BUBBLING WELLS AREA

**Motion for changes to street master plan and make master road plan more visible on website.**

**Motion made by Council Member Nielson, Seconded by Council Member Sair**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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15. ADOPT DEVELOPMENT AND BUILDING POLICY

Video recording issue. Fixed the issue and made sure the recording was back on.

**Motion to adopt development and building policy with amending fire protection change that before any building permit issued that it meets all Utah State Fire Code and the International Fire code adopted in 2018.**

**Motion made by Mayor Walters, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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7. CONFIRMATION OF PREVIOUSLY APPROVED ZONE CHANGE FOR PARCEL AV-1378-Q – CANAAN MOUNTAIN ESTATES

**Motion to confirm PREVIOUSLY APPROVED ZONE CHANGE FOR PARCEL AV-1378-Q – CANAAN MOUNTAIN ESTATES PHASE 2**

**Motion made by Council Member Sair, Seconded by Council Member Nielson.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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8. SPECIAL EVENT PERMIT APPLICATION FOR HALF MARATHON RACE WITH VACATION RACES

**Motion to table SPECIAL EVENT PERMIT APPLICATION FOR HALF MARATHON RACE WITH VACATION RACES FOR CAMPING, EVENT IS OK WITHOUT CAMPING**

**Motion made by Council Member Nielson, Seconded by Mayor Walters.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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9. DISCUSSION AND POSSIBLE ACTION ON JOINT RESOLUTION BPW-R-2022-01: JOINT RESOLUTION OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT

Conversation about

-Adopt Rules and constructions

-Establish new seat for Apple Valley Mayor

Amend charter for sewer

Collect the fee and we keep 5% and give 95% to Ashcreek. The impact fees current is \$2600 go up to \$3300-3800 a month. Require 1197 Hans allice leu's study.

Discussion about the parameters of the resolution and a MOU will be stated. (Memorandum of understanding)

Conversation among the councilmembers.

**MOTION TO ADOPT JOINT RESOLUTION BPW-R-2022-01: JOINT RESOLUTION OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT**

**Motion made by Council Member Sair, Seconded by Council Member McGinnis.**

**Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson**

**Motion passed 5-0.**

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**REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS**

Events Committee-Debbie Kopp

April 16 Easter Egg Hunt around 11am

April 23 Chili Cook Off

Fire Department Liaison- Kevin Sair

-Defensible space around property

-2500 gallons of water collect on property in State of Utah

Code Enforcement- relatively slow, implemented first contact, 2nd red tag.

**REQUEST FOR A CLOSED SESSION**

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis,  
Council Member Nielson

**ADJOURNMENT**

Adjournment 9:21pm

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis,  
Council Member Nielson

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

Approved By: \_\_\_\_\_

Attest By: \_\_\_\_\_

Jenna Vizcardo, Clerk