



## APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley  
Wednesday, December 01, 2021 at 6:00 PM

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### DRAFT MINUTES

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, December 01, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

**Chair |** Allen Angell

**Commissioners |** Janet Prentice | Richard Fischer | Lee Fralish | Wenn Jorgensen

**Clerk |** Jenna

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

website or via <https://www.utah.gov/pmn>

Zoom Meeting ID: 824 2963 4809

Zoom Meeting Passcode: 1234

If the meeting requests a password use 1234

Zoom Link: <https://us02web.zoom.us/j/82429634809>

#### **Chair Angel CALL TO ORDER – ROLL CALL & PLEDGE OF ALLEGIENCE**

**All Planning Commissioners present**

**Statement made by Chair Angell to remove item 13. Dayton Hall (Town Attorney) recommended to wait and discuss at that time since it was posted that way.**

**Chair Angell reads statement of a Republic. He states that we have a microcosm of a Republic here and our allegiance is to this Republic of Apple Valley; the planning commission in particular represents the town. We're going to be looking at quite a few applications from people who wish to bring change to Apple Valley**

1. Chair Angell states: Application for a zone change tells the applicant what criteria we will use to determine if the request is in the best interest of our Republic. These are the criteria we are going to use to determine our recommendations. Proposed Amendments need to be consistent with goals, objectives, and policies of the town's General Plan. A copy of the General Plan can be found on the town's website. Encourages citizens to review plan. Plans to review General Plan with lots of input from as many of the town citizens as possible.
  - a. Chair Angell reads from General Plan regarding Residential development
  - b. Reads General Plan and lists 4 requirements that are needed to approve a Proposed Amendment.

Chair Angell states: 2 minute time period on Public Opinion.

Chair Angell asks town staff to provide receipts showing the amount and date of application fees for the applicants in front of them this evening. He had requested this information on November 24<sup>th</sup>, 1 week ago. Asks Mayor Beddo if the planning commission provides the town with a 10 minute recess, would the town get that information for him. Mayor Beddo states that the fees are private. Chair Angell states that the town cannot process a zone process verification application if we can't verify that that fee has been paid. Clerk Jenna said that she can give him the information tomorrow. Chair Angell said he would

give Clerk Jenna to the end of the public meeting to get that information. Stresses need to follow formula of application. The very first thing is a checklist verifying that the fees have been paid. Dayton Hall recommendation: When each item comes up on the agenda, have the town clerk to confirm that the receipts have been paid.

Allen Angel made statement that he has asked for assistance by Hurricane City Planning Staff - Frank Lindhart, resident, was asked to help review applications for this meeting based on criteria mentioned earlier.

## **NO CONFLICT OF INTEREST DISCLOSURES**

## **APPROVAL OF MINUTES**

1. **PC Minutes DRAFT 10.06.2021-** Table approval of minutes. Chair Angell asks for updated minutes with motions specifically cited.

## **HEARING ON THE FOLLOWING**

2. **ZONE CHANGE APPLICATION FOR AV-1365-E FROM OPEN SPACE TO RE-10: APPLICANT DENNIS CLARK**  
Dennis Clark is not in attendance. Chair Angell asks if there is anyone to represent him. Someone (did not disclose name) states that he wants to build 1 single dwelling house on the property.

**Chair Angell opens up public hearing: No Comments**

**Chair Angell closes public hearing.**

**Motion:** Commissioner Prentice moves to go to item 10. Chair Angell decides to stay in order of agenda since Applicant Dennis Clark is not in attendance.

3. **ZONE CHANGE APPLICATION FOR AV-1329-B FROM OPEN SPACE TO SF-1.0: APPLICANT LADD MACDONALD**

Overview from App: We would like to request zone change to SF-1. States when property was bought 16-17 yrs ago, it was zoned R-1. When the process was started they realized it was zoned OST. Think that R-1 fits the town and matches the lots nearby and would be a good addition to the town. 62 Acre parcel.

**Chair Angell opens up public comment:**

Walter Josey 1224 N Rome Way – Asks how many acres are 1 acre zoned and how many acres are the ½ acre.

Chair Angell states that they are all 1 acre lots.

Patty (online) asks about location of parcel.

Commissioner (not sure who it is) responds: Located off Rome Avenue-North of new construction on Rome Ave, past water tank, doesn't go to Main street but has an easement to Main Street.

Question about infrastructure.

Chair Angell states that questions will be addressed at the end.

Question about how many lots.

Commissioner: 56 lots

Margaret Ososki Pinion Way - If that property is above Wells Property are they going to assist in retention basins.

Chair Angell responds "Good Question"

**Chair Angell closes public comment.**

**4. ZONE CHANGE FOR AV-1366-D-1 FROM OPEN SPACE TO SF-.25: APPLICANT NORTHERN ENGINEERING (AGENT: BRANT TUTTLE)**

5. Property is directly 9.2 acres plan patio homes withdrawn single family lots. Need to be at .25 lots for sewer system tying onto main road two accesses Smithsonian Dr.
6. Brittia Nelson 1396 Cedar this subdivision is high density goes against plan not coherent with existing housing going against our plan.  
Hearing Closed.

Read on record- Levi and Jennie Shepherd Questions and Concerns

RE: NOTICE OF PUBLIC HEARING – RE-ZONE REQUEST

Parcel Numbers: AV-1366-D-1

LEVI and JENNIE SHEPHERD QUESTIONS & CONCERNS

1) With already constrained water resources, how does Apple Valley plan to support nearly 40 additional Single Family Residential homes?

2) How does Apple Plan to Address sewage – With nearly 40 .25 acre lots, how is the development going to manage 40 home's waste septic systems? Can 10 acres handle 40 septic systems without polluting water sources?

3) What does this mean for Pacific Power customers who are already relying on a strained power grid that has constant power outages, can the power grid handle an additional 40 Single Family Residential homes?

4) What plans does Apple Valley have for water runoff from surrounding fields – is there going to be retention ponds for the property? There is already flooding from the surrounding land when it rains.

5) How does Apple Valley plan to keep its community safe and keeping crime at a minimum?

a) There is no Sheriff/Police department in close proximity for an additional 40 homes.

b) There is no Fire department in close proximity for an additional 40 homes.

c) No School zones for children

d) Traffic – there is already an abundance of speeders that go 70, 80, 90+ MPH on highway 59

6) Apple Valley infrastructure is already struggling to keep up with current growth with already approved communities. How will the city structure itself to handle such rapid growth?

a) Strained staffing for basic city functions such as, but not limited to - Water and Sewer, Admin & Finance, Fire department, Roads, Code Enforcement, Building Department, etc.

7) Last concern is property values for surrounding homes. Most if not all sought this place for the large country style lifestyle. With small lot and patio homes what will this do for home values? Appraisers already have a hard time comparing homes in the valley.

**5. ZONE CHANGE APPLICATION FOR AV-2184 AND AV-2165 FROM OPEN SPACE TO CABIN OR TINY PARKS ZONE AND PLANNED DEVELOPMENT ZONE AND RE-1.0: APPLICANT STANDARD DEVELOPMENT**

App: Travis Holm—What we have zone change 889 parcel west side of the valley all land surrounded by gooseberry mesa- majority 1 acre lots some 1 acre.

Margaret: How many cabins? Tiny Homes? Where on the road of 59 or back. Estimate with prelim plat here just for zone change.

6. ZONE CHANGE APPLICATION FOR AV-1343-A-1 FROM OPEN SPACE TO RE-1: APPLICANT TRAVIS AND LIBBY WELLS

Craig with alliance consult representing: This particular parcel 40 acres north off highway southeast East off gas station- Access from North side coming down from Main Street

Josey commented on flood plain control

7. ZONE CHANGE APPLICATION FOR AV-1329 FROM OPEN SPACE TO RE-1 AND SF-1: APPLICANT TRAVIS AND LIBBY WELLS  
160 acres requesting RE-1.

No public comments.

8. ZONE CHANGE APPLICATION FOR AV-1313-D-1 FROM AGRICULTURE TO SF-.50: APPLICANT 2000 MAIN LLC

App: Travis Holm—What we have zone change 889 parcel west side of the valley all land surrounded by gooseberry mesa- majority 1 acre lots some 1 acre.

Margaret: where are we getting the water for all these homes?

Brad Mamon 1063 E big pinion In Comment made by resident that didn't announce his information about infrastructure

Jerry Polite made comment on water why are we building.

Travis Holm made comment about water- out situation is different 2300 acre double the amount of The Town of Apple Valley. Unique situation 11 wells 6 more wells willing to connect to city water system.

Closed public hearing.

9 ZONE CHANGE APPLICATION FOR AV-1318 FROM AGRICULTURE TO SF-.50: APPLICANT STANDARD DEVELOPMENT LLC

10 No pubic comments

9. App: Travis Holm—What we have zone change 889 parcel west side of the valley all land surrounded by gooseberry mesa- majority 1 acre lots some 1 acre.

## DISCUSSION AND POSSIBLE ACTION ITEMS

10. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1365-E FROM OPEN SPACE TO RE-10: APPLICANT DENNIS CLARK

Frank Lindhardt made comment this application met all criteria

Zone plane rules read from "Hurricane City"

Planning Commission request to appear missing- this is just housekeeping.

Zone Change Rules/Question read by Frank Lindhardt.

Water is to the property and water meter is there- Recommendation approves.

Janet Prentice Motion to approve  
All utilities available  
All motioned yay.

**11. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1-3-5-211:**

APPLICANT ALLRED HEBER

136.62 Acres Application fee \$1500. They got zone change recently- zone change clarification is needed. The motion was Allen approved approved these 3 zones, what when where-deal with preliminary plat

From Application form:

Does this proposed subdivision front a public dedicated road-?

Is letter from adjacent – yes

Letter from BBWD- no

Easement-yes

Waterways-n/a

Average lot size minimum- it does not

Lot size frontage-yes

Property affected hillside ordinances-no

Sidewalks should be included- no road to south

Lots have major arterial- no

Major collector road 85 grade- n/a

Maps marks with street grades- n/a

Is phasing plan-no

Recommendation is to table

Janet made motion to table until Jan 2022 to allow applicant items missing or incomplete.

Review Form

1 Letter from BPSW

2 Easements needed

3 Average lot size does not meet zoning

4 Does not meet road standards not stubbed

5 Needs phasing plan-

6 Commercial properties needs preliminary site plan

**Motioned passed**

TC review recently approved zone change application because it does not match

**12. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1329-B FROM OPEN SPACE TO SF-1.0: APPLICANT LADD MACDONALD**

Frank Lindhardt made comment: Applicant confirmed price of \$2044.50

Read the zone change applications one inaccuracy but small of so minor

Zone Changes read

Would adverse properties if access is Rome Way- Not adequate because Rome way is not meant to be collector road. Also serious questions about water and sewer are issue. Frank recommends to not approving due to non-adequate services

Wenn Jorgensen wants to confirm that there were 2 deeds. Zone Change if they have plans to avoid using Rome Way-easement going to main street town would benefit going to gubler way

Travis Holm said he could give access.

Allen Angel reluctant to do zone change on promise. Richard Fischer says meets General maps

Allen Angel and Richard Fischer had meeting about the zone changes.

Allen Angel makes motion to recommend denial

While it meets minimum requirements this doesn't meet that predominantly should be large lots-5 acres. Rome Way is not meant to be collector road. Significant problem with water supply and sewer Motioned all, Richard Fischer opposes.

**13. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR AV-1329-B, APPLICANT LADD MACDONALD-**

Allen Angel made motion to table due to ZC being tabled

Motion is made all ayes

**14. DISCUSSION AND POSSIBLE ACTION ZONE CHANGE FOR AV-1366-D-1 FROM OPEN SPACE TO SF-.25: APPLICANT NORTHERN ENGINEERING (AGENT: BRANT TUTTLE)**

Frank Lindhart made comment 9 acres in CP. OST to SF-.25. GP shows to be commercial piece. Proposed zoning does not match general plan therefore should've requested general plan amendment prior to zone change application.

Janet made motion to table. Aye table

**Steps needed**

1. Complete zone change application corrected.

2. Address master plan- address if needed general plan amendment is needed. Come in as general plan amendment. Thought from PC. General Transportation Plan.

Lee made comment about general plan to

Dayton Hall made suggestion

Considerations and elements. Feasible zone change application where all are not met but other reasons that counter-react. We are looking at these as elements and not considerations.

Consideration for zone change. Scenarios meets others considerations ordinance does not technically to remove general plan amendment to apply for zone change.

**15. DISCUSSION AND POSSIBLE ACTION PRELIMINARY PLAT APPLICATION FOR AV-1366-D-1, APPLICANT NORTHERN ENGINEERING (AGENT: BRANT TUTTLE)**

**16. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR LOT AV-2184 AND AV-2165 FROM OPEN SPACE TO CABIN OR TINY PARKS ZONE AND PLANNED DEVELOPMENT ZONE AND RE-1.0: APPLICANT STANDARD DEVELOPMENT**

Frank Lindhart commented- Problem with owner agent. Table

1 No evidence application was fee paid

Provide ownership affidavit matching warranty

Property map showing existing class

Property map abutting

Allen Angel made motion to table to include warranty deed and updated map with table

All motion passed- missing documentation.

## Planning

### 17. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1343-A-1 FROM OPEN SPACE TO RE-1: APPLICANT TRAVIS AND LIBBY WELLS

Frank Lindhardt read zone change recommendation

Did not provide accurate map abutting or existing. Warranty deed

### 18. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1329 FROM OPEN SPACE TO RE-1 AND SF-1: APPLICANT TRAVIS AND LIBBY WELLS

Frank Lindhardt made comment: This is completely overwhelming.

Janet made motion January 2022. With Frank Lindhardt's items

All Motioned Aye.

Warranty Deed

Provide existing maps

Adjacent property

### 19. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1313-D-1 FROM AGRICULTURE TO SF-.50: APPLICANT 2000 MAIN LLC

Missing proposed zones.

Conversation with Frank Lindhart about the applicant confusion with map. Did not provide legal description of zone and did not provide preliminary report. Has own water to tie into Town.

Proposed location of zone. Maps showing abutting properties. Along hwy 59 was already approved for zoning.

Application

Allen Angel makes recommendation that appear before Planning Commission. All applicants have 2 applications to complete.

Merritts- current zone agricultural-proposed zoning SF .50

Not consistent with general plan

Has shown map but all sf.50 maps shows something different

Overall harmonious- there isn't out there closest 1 acre lot in Gooseberry, OST. Though all 1 acre. Desert Rose that is connected has already been approved for ½ acre is consistent.

#4 Is there adequate services- Access off hwy 59 however goulds wash sensitive lands, towns

Sewer- Large underground system

Allen Angel concerns to item #1

Travis Holm makes comment that to the north and south have been already approved for this zone.

Lee made comment that there has been zone change on both sides and they can't really deny.

Allen Angel is excited and made comment that he is excited to have water coming to the town. Janet commented on water storage.

Lee Fralish makes motion to Approve with acreage 70.84 AV-1313-D-1

Send to TC for Approval

All passed, aye- PC Recommends 4-0

20. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1318 FROM AGRICULTURE TO SF-.50: APPLICANT STANDARD DEVELOPMENT LLC

Frank Lindhart suggested preliminary title report. Allen Angel makes comment that this is the end of the year and we have a lot of requests. Travis Holm made comment that if we could be lenient

Warranty Deed application needs to be provided

Janet makes motion to table until January 2022 to all time to submit items. With items

Preliminary title report and warranty

Allen Angel from PC Make consider general plan amendment

Motion passed- Aye

21. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1319-A: APPLICANT 2000 MAIN

Motion TC review zoning

Frank Lindhart made comment.

No Letter from Service district- not present

Is there tentative plan for drains:

No collector roads:

Janet to make motion to table to Jan 2022 that all of Franks. May 22, 2019 12-5 acre lots

All motioned- pass

1. Proposed subdivision does not front a
2. Letter from from access
3. Letter from big plains
4. Drainage plans, canals and easements
5. Review hillside ordinance, make sure complies
6. Roads up to standards
7. Grades for proposed streets that do not exceed 5%
8. Warranty Deed needed

22. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1345,1327,1326,1346,1348-A: APPLICANT 2000 MAIN

Current zone

No warranty deed

Proposed subdivision front a public road- yes it does on Main Street

Adjacent from letter-n/a

Big plains letter- Ordinance

Waterways consideration, canals- no

Drainage easement- no

Easements from- no

Min average lot size- no

Sensitive hillside ordinance- yes

Missing minimum collector roads-yes

Missing sidewalks

Missing Main Street stubbing out

Direct access to collector road not allowed- yes

No grades-

No grades marked

All vertical contours not greater than 5 feet.

No phasing plan

No double front lots

No ownership marked

Is any property affected by hillside ordinance-

Janet made comment that general plan amendment is needed but since

Janet made motion to table Jan 2022 items identified

All motioned aye3.0

1 warranty deed

3. Big plains water letter showing consideration and approval and letter from state.
4. Tentative plan for drainage
5. Waterways, canals identified and realifend
6. Easements for water sewer utility
7. Ave lot size
8. Min width lot size shown
9. Hillside ordinance compliance
10. Roads meet town standards
11. Stubbed out roads to adjacent, if temporary show turn-around
12. No lots access collector
13. Maps collector roads grade
14. Street grade
15. Phasing plan

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

\_\_\_\_\_  
**Chair |** Allen Angell

Attest BY: \_\_\_\_\_  
Jenna Vizcardo, Town Clerk/Recorder