



TOWN COUNCIL AND PLANNING COMMISSION - WORK SESSION

1777 N Meadowlark Dr, Apple Valley
Monday, August 26, 2024 at 11:00 AM

MINUTES

CALL TO ORDER- Mayor Farrar called the meeting to order at 11:12 am.

ROLL CALL

Town Council

Mayor | Michael Farrar

Council Members | Kevin Sair | Janet Prentice | Annie Spendlove | Scott Taylor

Planning Commission

Chairman | Bradley Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Becky Wood

DECLARATION OF CONFLICTS OF INTEREST

None declared.

DISCUSSION

1. Town initiated zone changes

Mayor Farrar discussed the town-initiated zone change. The mayor explained that the zone change would affect developers, not private property owners, and would increase the minimum lot sizes from half-acre and one-acre parcels to five-acre parcels. This change was driven by concerns about the town's limited water supply, despite the lack of a comprehensive water study. The mayor emphasized the importance of responsible growth for Apple Valley, noting that with the current zoning, the town could potentially accommodate over 70,000 homes, which would make it larger than St. George. The goal of the zone change was to promote slower, more responsible growth and preserve the town's open spaces.

Council Member Prentice remarked that the current developments align with Ted Gubler's original vision for the town, referencing 1984 when Apple Valley Ranch was platted.

Mayor Farrar continued the discussion on the town-initiated zone changes, clarifying that while the town was proposing to eliminate the Single Family Zone, this would not mean eliminating one-acre parcels. The mayor emphasized that rural estate zones, such as RE-1, RE-2.5, and RE-5, would still allow residents to have animals like horses, cows, and chickens, unlike the current Single Family Zone. The mayor referenced Cedar Point, where residents were restricted from having such animals due to the single-family zoning, but noted that a survey indicated strong support for allowing animals in the area. The mayor planned to hold meetings with Cedar Point residents to further discuss this potential change.

Additionally, the mayor addressed other zoning issues, including the intent to eliminate industrial zoning based on feedback from a town survey indicating that residents did not want factories or large-scale industrial developments. The mayor explained that although some areas were zoned for industrial use, no such developments existed, and the town aimed to remove this zoning category to reflect the community's preferences.



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The mayor also mentioned the need to revise the general plan to align with current zoning and development trends, as some developments were not consistent with the existing plan. The goal was to fix the general plan without incurring significant costs, ensuring that it complied with the town's future growth strategy.

Council Member Prentice then raised concerns about the construction access for a development in Gooseberry, noting that the original agreement intended for certain roads to be used only for utilities, not construction, to avoid disrupting nearby residents.

Mayor Farrar addressed concerns about construction access in Gooseberry, reiterating that construction traffic was not supposed to use certain roads originally designated for utilities, per the 2015 developer's agreement. The mayor emphasized that the town intended to ensure developers adhered to this agreement by requiring construction access via Main Street, similar to requirements for other developments in the area.

Council Member Prentice and other members agreed, emphasizing the need for developers to maintain Main Street and adhere to the terms of their agreements. The mayor acknowledged past agreements that may not have been properly enforced but stressed the importance of holding developers accountable moving forward. This would involve requiring developers to either follow existing agreements to the letter or renegotiate terms with the town to better align with community interests, such as preventing construction traffic from disrupting residential areas like Gooseberry.

The mayor also discussed positive interactions with cooperative developers who were willing to make changes that benefitted the town, such as adjusting the number of homes in their projects and paying for infrastructure improvements like pipelines. These developers aimed to align their projects with the vision for Apple Valley, which included larger lot sizes and open space preservation. The mayor emphasized that large-scale developments, such as proposals for 3,300 homes, were unrealistic and not feasible for the town to manage. Instead, more manageable, smaller-scale projects that maintained significant open space were preferred.

Council Member Prentice further noted that developments like the Canaan homes project, which included significant open space and a more reasonable number of homes, represented a more sustainable and realistic approach to growth for the town. The council was committed to preserving the rural character of Apple Valley and ensuring responsible development in line with this vision.

Regarding wastewater treatment, Mayor Farrar explained that Ash Creek had developed a wastewater processing plan for areas like West Temple and Crimson Peak. This plan would require these developments to construct their own treatment facilities, which would then be donated to Ash Creek for operation. This approach aims to prevent nitrate contamination of water supplies. The mayor also clarified the requirements for septic systems: properties under seven acres need a type three septic system, while properties over seven acres can use a standard system.



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Mayor Farrar discussed the challenges related to asphaltting a road project for the county. The planned road paving was halted when federal funding was redirected due to high costs for necessary bridges. As a result, the funds were reallocated to other projects, and it is uncertain when the road will be paved, possibly within 10 to 20 years. The county continues to maintain the road by grading it, with municipal and special service district water donations assisting in this effort. Developers will be responsible for road improvements, including asphaltting, as part of the town's ordinances.

Council Member Spendlove shared insights on how Midway preserved open space through conservation easements on private land, which helped maintain the area's openness. They noted the complexity of implementing similar conservation measures with BLM land, where land swaps are sometimes used but can be challenging.

2. Public Infrastructure District (PID)

Summary of Mayor Farrar's Discussion on Public Infrastructure Districts (PIDs) and Special Taxing Districts:

- **Clarification on PIDs:**
 - **Nature of PIDs:** Mayor Farrar explained that PIDs are often viewed negatively, but they can be beneficial under certain circumstances. They function as zero-interest loans for developers, which can facilitate development.
 - **Town Liability:** The town is not liable for any costs associated with a PID. If the developer goes bankrupt or sells the property, the PID stays with the property. The town's liability is effectively zero.
- **Benefits to the Town:**
 - **Cost Savings and Benefits:** For example, if a PID saves a developer significant interest costs, that saved money can be reinvested into the town. In the case of Oculita Roca, the developer might use PID savings to fund significant infrastructure improvements, such as a concrete water tank.
- **Special Taxing Districts:**
 - **Impact on New Residents:** The additional taxes from a PID are paid by new residents within the development area, not by existing town residents. For example, buyers in the Oculita Roca development would face higher taxes to cover the PID costs.
 - **Long-Term Impact:** New residents are aware of these additional taxes when purchasing property and accept them as part of the cost of living in the development.
- **Financing and Risk:**
 - **Due Diligence:** It is crucial for buyers to perform due diligence to understand any PID obligations associated with the property they are purchasing.



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- **Next Steps:**

- **Town Council Review:** Mayor Farrar indicated that PIDs will be presented to the town council eventually. Both the town's attorney and a PID expert, Matt Ence, will provide further information to ensure the council is well-informed before making any decisions.

- **Questions and Further Discussion:**

- The Mayor invited any additional questions and suggested that more detailed discussions will occur as the proposal progresses through the town council.

Council Member Spendlove's Question:

- **Clarification Sought:** Council Member Spendlove asked for clarification regarding the special taxing districts within new developments, particularly how they operate and impact residents.

Mayor Farrar's Response:

- **Explanation of Special Taxing Districts:**

- **Impact on Current Residents:** Mayor Farrar confirmed that current Apple Valley residents would not be affected by the special taxes associated with a PID. Only new residents within the PID area would pay these additional taxes.
- **Transferability of PID:** The PID obligation stays with the property. If a property is sold or auctioned, the new owner inherits the PID responsibility.

- **Further Discussion:**

- **Additional Information:** Mayor Farrar suggested that further detailed discussions involving the town's attorney and PID expert would be provided when the PID proposal is formally presented to the town council.

Commissioner Garth Hood's Question:

- **Financing Source:** Commissioner Hood asked about the source of financing for PIDs, specifically whether the funds are provided by private investors.

Mayor Farrar's Response:

- **Financing Source:**

- **Private Investment:** Mayor Farrar explained that the financing for PIDs comes from private investors. These investors take on the risk and provide the capital needed for the development. The PID acts as a zero-interest loan for the developer.



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- **Comparison with Other Models:** Mayor Farrar also compared PIDs to California's Mello-Roos districts, noting that while Mello-Roos involves government financing and special assessments, PIDs are funded by private investors.

3. Roundtable

Pipeline Update from Mayor Farrar:

- **Current Status:** The project is awaiting final approval. The archaeological study is with UDOT, and Mayor Farrar emphasized the urgency of getting it back. Once approved by UDOT, the next step is to get final approval from the Division of Drinking Water.
- **Timeline:** Typically, approval from the Division of Drinking Water takes four to six months. However, Mayor Farrar plans to expedite this process and may involve the governor's office if necessary to shorten the timeline.
- **Phases of the Project:**
 - **Phase 1:** Involves work at Bubbling Wells and the surrounding areas, including dirt work and pipeline installation.
 - **Phase 2:** Includes the remaining pipeline work and construction of the pump station. Drawings for the pump station are still pending.
- **Challenges:** There were issues with pipeline placement over a wash, which led to additional costs and required an easement. The process for obtaining the easement was expedited with the help of the governor's office.
- **Budget:** Funds are secured and in escrow, with expenditures approved by the Conservancy. The project is expected to proceed without budget issues.

Additional Updates:

- **Pump House Construction:** The pump house will be large enough for maintenance access and has been designed with a forklift entry.
- **Electrical Infrastructure:** A transformer from Rocky Mountain Power (or its equivalent) has been acquired.

Round Table Discussion:

- **Vendor and Light Ordinances:** Mayor Farrar addressed ongoing compliance issues with light ordinances, mentioning that Chevron has made adjustments. There are still a few properties with non-compliant lighting, but most have been addressed.
- **Community Garden:** Mayor Farrar plans to schedule an informal meeting to discuss the community garden project and how to proceed. Richard and Janet will be involved in the planning.
- **Cemetery Update:** There is a small budget for the cemetery project, with the aim to be self-sufficient once it begins. Mayor Farrar is working on finalizing details and bringing it to the town council.

Other Points:



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- **City Dumpster Use:** There is a suggestion to consider splitting city dumpsters for better distribution.
- **Community Relations:** Mayor Farrar discussed the challenges of dealing with dissatisfied residents and emphasized the importance of doing what is right for the community.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Mayor Farrar called for a vote:

Council Member Taylor - Aye
Council Member Spendlove - Aye
Mayor Farrar - Aye
Council Member Sair - Aye
Council Member Prentice – Aye
Commissioner Hood - Aye
Chairman Farrar - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Commissioner Wood- Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 12:03 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Michael L. Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo