



TO: Planning Commission; Town Council; Mayor  
FROM: John Barlow, Apple Valley Town Administrator  
DATE: January 27<sup>th</sup>, 2021  
RE: Staff Review of Rezone Application for AV-1330-C

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## **APPLE VALLEY PLANNING COMMISSION APPLICATION STAFF REPORT**

**Application Type:** Rezone Application  
**Owner/Applicant Name:** Walter Josey  
**Project Address:** Near Property located at 1224 N ROME WAY APPLE VALLEY, UT 84737-4821  
**Parcel/Lot Number:** AV-1330-C  
**Current Zoning:** Open Space Transitional (OST)  
**Proposed Zoning:** Agriculture 10 Acre (A-10)  
**Legislative/Administrative Proceeding:** Legislative  
**Approval Authority:** Apple Valley Town Council  
**Appeal Authority:** Apple Valley Appeal Authority

**Date of Public Hearing:** February 3<sup>rd</sup>, 2021  
**Location of Public Hearing:** Apple Valley Town Hall, 1777 Meadowlark Drive, Apple Valley, Utah 84737  
**Body of Public Hearing:** Apple Valley Planning Commission  
**Notice to Mailed to Neighbors:** January 21<sup>st</sup>, 2021

### **Summary of Application**

The Applicant is requesting an amendment to the zoning designation for AV-1330-C from Open Space Transitional (OST) to Agricultural 10 Acre (A-10) for the stated purpose that it was zone agriculture by the county before the Town incorporated and the owner would like it to be zone back to agriculture.

This would move the property from an allowed density of zero residential units to one residential unit. Further, it would allow for the agricultural uses that may or may not be permitted under OST. The permitted uses for agricultural zones can be found in AVC 10.10.020 and are as follows;

Permitted Uses: Uses permitted in [Agricultural] zone are as follows:

- Crop production, horticulture and gardening
- Farm buildings and uses
- Household pets
- Farming livestock
- Stands for sale of produce grown and sold on premises
- Veterinarian
- Weaner Pigs
- Residential Dwelling

### **Standards for Approval/Denial**

Apple Valley ordinance does not outline a standard for approval; however, the staff recommends at least considering the following:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

### **Staff Analysis**

Please keep in mind that the list of consideration above and discussed below are NOT a comprehensive list of consideration, but a recommended minimum amount of consideration.

PZ Commission can make a recommendation based on: ANY RATIONAL BASIS. This is the most flexible level of discretion given to you under the law.

### **Is the applicant request consistent with the General Plan's (GP) goals, objectives, and policies?**

The general plan has this property designated as Residential 1 Acre. There are at least

two possible ways of analyzing whether this application is consistent with the general plan; the PC could determine that increasing the density from OST to Agriculture moves the density level closer to that of the general plan, or the PC could determine that Agricultural uses are not consistent with general plan's goals because it would be primarily agricultural instead of residential.

**Is the proposed amendment harmonious with the overall character of existing development in the vicinity of the subject property?**

Neighboring Land Use: The requested zone is consistent with the current use of the property to the east, northeast, and southeast. Neighboring property to west is more residential.

Neighboring Land Use Designation: The applicants request (Agricultural) is somewhat consistent with the zoning designation of neighboring property. Nearby properties have the Rural Estate, Open Space, and Agricultural designations.

**Will the proposed amendment adversely affect adjacent property?**

There are some possible negative adverse effects on neighboring property (e.g., livestock, farming buildings next to residential areas); however, staff judges the adverse effects could be negligible and are not out of place for Apple Valley's rural culture. The PC should make a determination about whether allowed uses for the proposed zone would adversely effect property zoned rural estate to the west.

**Is there adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection?**

There is adequate infrastructure to support the requested level density. Access issues and other development requirements would be addressed in a different land use process.

**Staff Recommendation**

Staff has not recommendation on this application.



## Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?
2. Am I granting this application based on who the applicant is?
3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:
  - Color
  - Disability
  - Family Status
  - Sex/Gender
  - Race
  - Religion
  - National Origin
  - Familial Status
  - Military Service

If the answer is yes to any of the questions above, STOP. Consult with Town Staff, or the Town Attorney.



## Sample Motions

(Approve without conditions) I move we recommend that the Town Council approve the zoning map amendment requested for AV-1330-C based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

\_\_\_\_\_.

(Approve with conditions) I move we recommend that the Town Council approve the zoning map amendment for AV-1330-C with the following conditions: [list conditions] \_\_\_\_\_.

(Deny) I move we recommend the Town Council deny the zoning map amendment requested for AV-1330-C based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we table this application until the next regular planning commission meeting, and direct staff to report back about \_\_\_\_\_.