

Minutes of the public hearing and regular meeting of the Planning Commission of the Town of Apple Valley, Washington County, Utah that was held on the 14th of September, 2017 at 6:00 pm at the Town Office Building, 1777 N. Meadowlark Drive, Apple Valley, Utah 84737.

1. The meeting was called to order at 6:02 pm.
2. The Pledge of Allegiance was led by Jack Davis.
3. Roll Call: Lee Fralish, Janet Prentice, Cynthia Browning, Dale Kingsley, and Jack Davis were present. Mayor Moser, Robert Campbell, and Trevor Black were present. Rod Mills of Ensign Engineering was present. Legal counsel was excused.
4. Declarations of conflict of interests

None stated.

5. Public Hearing for the proposed minor subdivision of AV-1378-D – Kendra Webb

Rod Mills said the proposed subdivision was out east of Cedar Point in the Canaan area. He said the proposal was to just subdivide a large parcel into a few smaller units. He said the biggest issue was the access to the new proposed lots. He said they were still considering options. He said the Town needed them to narrow it down to the one option they were going to use for the roads.

Wenn Jorgensen asked how many acres were in the parcel and how many lots were proposed.

Jack Davis said the parent lot was 200 acres and it was proposed to be divided into a 13 acer, a 16 acre lot and larger lots.

Sherrie Whiteman asked why the subdivision was being proposed and where it was.

Rod Mills said it was being subdivided to sell.

Jack Davis said it was just past Bubbling Well Ln.

Rich Kopp said the property was still for sale.

Jack Davis said she currently owned the property and could post if for sale.

Nathan Bronemann said people would like to buy smaller lots.

Rich Kopp asked if the subdivision was contingent on the roads going in.

Jack Davis said there needed to be access to the new lots before it could be approved.

Motion made by Cynthia Browning to close the public hearing. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

6. Discussion and possible action on the proposed minor subdivision of AV-1378-D – Kendra Webb

Motion made by Jack Davis to continue this item until next meeting. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

7. Public Hearing for the proposed General Plan Amendment for AV-1311-A-7 (RE-40,000 to PD) and the proposed Zone Change for AV-1311-A-7 (OST to PD) – Majestic Development

Motion made by Jack Davis to open the public hearing. Cynthia Browning seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

Rich Despain said he represented Camp Gooseberry.

Gloria Charles asked who he was working for.

Rich Despain said he and his partner were the ones proposing the project. He made a presentation on the proposed project. He said Utah was currently spending \$14 million per year on advertising for tourism. He said it was very profitable. He showed that visitation to Utah was increasing every year. He said they were currently surrounded to premium mountain biking area with over 100 trails currently. He said Washington County was working to attract more tourism. He referenced the fact that Red Bull Rampage was conducted in the area every year and was broadcast to the entire world. He said the tickets sold out in 14 minutes this year. He said people were aware of the area and more would be coming. He suggested a proactive approach was recommended. He said the area was projected to grow rapidly.

Mr. Despain showed an image of the previous site plan proposed for the lot they were looking to build on and all the homes that were planned for the area. He said the trees would be removed and the landscape would be changed. He said there would be increased traffic, noise, and light pollution. He said they were asking for a Planned Development zone. He said their intent was to keep the landscape as untouched as possible. He said they would access the property from the east and not through the existing residential development. He said they wanted to limit light pollution and noise issues. He said the cabins closest to the ridge would be set back 50 feet and would only be one story. He said they wouldn't be visible from the development below. He said they would be placed in the breaks in the trees without removing any trees if possible. He said that if needed, the units could be moved further from the ridge edge. He said they wanted to have them face Zion to keep the attention away from the residential development. He said the exterior lighting would be red and facing away from the residential development. He said they should mostly eliminate any light pollution. He explained the science of how sound traveled. To minimize the sound, he said the cabins would be facing away and would be mostly absorbed by the trees and natural surfaces. He said he felt they could eliminate a lot of the noise.

Mr. Despain said one of his concerns was people cutting down and destroying trees. He said they wanted to have a safe fire. He said when wood was burning, the fire emitted sparks. He said they would only have pay propane fire rings that would burn clean and safe. He said each cabin would have a security camera to monitor the wood burning restriction and they would fine any violators a \$500 fine. He said their intent was to show there was a better way to enjoy the outdoors without destroying the surroundings. He said people needed to have a more open mind about conservation. He said there were many ways they could monitor and reduce the water usage in the camp.

Richard Ososki said he was concerned about people walking on the edge or climbing down the mountain face. He said tourists were stupid and they liked to throw rocks. He suggested a beautiful wall.

Mr. Despain said it was true they were dealing with people and their actions couldn't always be predicted. He said if throwing rocks became an issue, they would put up cameras and impose fines.

Steve Williams asked how many units there would be.

Mr. Despain said they were asking for up to 120 units, but there would likely only be up to 80. He said they expected to average 2-3 people per unit.

Rich Kopp said he was pulling numbers out of the air.

Gloria Charles asked if the project involved any blasting and where the poop would go.

Mr. Despain said there would be no blasting and they could use geosynthetic lines. He said the leach lines would take care of all the effluents. He said these systems had been engineered. He said they would need about one commercial septic system for about 20 cabins.

Gloria Charles asked who would pay if a rock fell and hit her house.

Mr. Despain said they would have liability insurance.

Jerry Jorgensen said people would bring their kids and they would bring drones and throw rocks. He asked how he would control those families. He said they couldn't control them. He said the visitors didn't care about their surrounding neighbors.

Mr. Despain said they would have information and credit card numbers for all visitors. He said they would have a contract with everyone. He said they could be charged with a misdemeanor or fined. He said if there were any problems, they could place cameras and find out who did damage. He added that people weren't coming to the area to sit at the camp. He said they were coming to go see the sights.

Margaret Ososki asked if he could guarantee there wouldn't be beer drinking and partying.

Mr. Despain all of these problems were solvable. He said they would be charging a transient room tax to all the visitors. He said this would put money back into the community. He said the tourists were already in the area.

Steve Williams said they already had vacation rentals and they didn't need the 'glamping'.

Suzie Shirk said the community would never see the benefits. She asked if the development could be made smaller.

Mr. Despain said he didn't know a lot about community taxes, but he said Apple Valley was not taking advantage of the tourism in the area. He said they only intended to start with phase 1 which had only 40 units.

Jerry Jorgensen said the views were better in the BLM.

Rich Kopp again asked what would happen if a boulder fell down the cliff.

Mr. Despain again said they would have liability insurance to cover the damage.

Janet Prentice said it was a very forward looking plan. She asked if they had obtained the easement to access the area.

Mr. Despain said they were still working on easements.

Janet Prentice said there were already a lot of campers in the area and it would be nice to get it under control.

Sherrie Witteman asked if they had thought about incorporating the wildlife.

Mr. Despain said his whole intent was to preserve the habitat.

Debbie Kopp again asked what would happen if a large boulder came loose and damaged a home like in Rockville.

Mr. Despain again said the insurance would cover it.

Margaret Ososki asked what infrastructure would have to go in as compared to residential.

Mr. Despain said they would be putting in the bare minimum for utilities. He said they would only have unimproved roads.

Margaret Ososki implied that curb and gutter would increase her property value.

Steve Williams said it was solid rock.

Mr. Despain said it was sand stone and they could trench through it with a skid steer according to his research.

Mike McLaughlin suggested a low impact fencing along the ridge to keep people away from the ridge.

Mr. Despain said he agreed and said he would expect that to part of the development agreement. He said he didn't want anything ugly.

Charlie Greco said that if it was changed, the Town could be stuck with the zoning.

Mr. Despain agreed. He said the current owner had the same concerns. He said the zone would not change until they purchased the property.

Margaret Ososki asked about the two different zone changes.

Jack Davis explained that OST was Open Space Transitional.

Rod Mills said the first action was an amendment to the General Plan. He said the General Plan stated that the area was planned to be RE-40,000. He said the current zoning was OST and the current zoning would need to be changed to PD (Planned Development). He said the benefit to the PD zone was that it allowed the Town to add more restrictions through a development agreement. He said they could not develop the land without entering into a development agreement.

Mr. Mills agreed that tourism was coming and it was only going to increase. He said the Town needed to decide how to handle that growth in tourism. He said that the property in question was

private property and could be developed. He said the nice thing about a PD zone was that it gave the Town the most control over the development. He said if someone came in and wanted to build homes, they could do so. He said if there were rock falls in that situation, they would just have to call a sheriff and then try to figure out who is responsible. He encouraged the Planning Commission to sunset the zone change if the development did not move forward as planned.

Rich Kopp asked what would happen if the project didn't move forward. He asked if the Town would be better with a PD zone.

Rod Mills said he felt the Town would be in a better position, but there were a lot of possibilities. He said all possibilities would have to be agreed to in a development agreement. He said that with a development agreement, the Town could decide what the setbacks would be.

Margaret Ososki said there was an easement from the bottom of the hill that could be used to access the property on top. She asked if there would ever be traffic through that easement.

Rod Mills said the Town would only allow that to be used for fire access.

Margaret Ososki asked what they would charge per night.

Mr. Despain said the average was inline with the Washington County average. He said it was around \$100. They said it would depend on the season.

Suzie Shirk suggested that they not allow children.

Jerry Jorgensen said that tourism was coming. He said the same thing happened in Sun Valley and it was crap now. He said this was a better proposal than homes. He said there would also be cheap people camping out on the BLM.

Motion made by Lee Fralish to close the public hearing. Cynthia Browning seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

8. Discussion and possible action on General Plan Amendment for AV-1311-A-7 (RE-40,000 to PD) – Majestic Development

Rod Mills said there were a lot of details to be worked out, but that would be handled as it moved forward. He asked the Planning Commission members if this felt like a reasonable development. He said if it did, they needed to recommend a general plan amendment and a zone change to the Town Council. He said they felt they had sufficient information to make a decision.

Cynthia Browning said they didn't need to worry about the development agreement details at this time. She felt they could make a conditional recommendation at this time.

Motion made by Cynthia Browning to recommend approval of the requested General Plan Amendment. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

9. Discussion and possible action on Zone Change for AV-1311-A-7 (OST to PD) – Majestic Development

Motion made by Cynthia Browning to recommend approval of the zone change with the condition that the project move forward. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

10. Discussion and possible action on Site Plan for proposed Camp Gooseberry on parcel AV-1311-A-7 (OST to PD) – Majestic Development

Rod Mills said the Town would need a lot more detail in order to approve the site plan.

Mayor Moser said Planning Commission needed to make a recommendation and the details would be finalized.

Cynthia Browning said she liked a lot of what was proposed. She said she would like to see larger setbacks than 50 ft. She reiterated that there wouldn't be any two story units close to the edge, as well as many of the other things they had committed to. She said she would like to see these things item listed the development agreement.

Motion made by Lee Fralish to recommend approval of the site plan providing that necessary modifications were made to meet the required conditions. Cynthia Browning seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

Rod Mills suggested that they put together a statement to assist in the drafting of the development agreement.

Cynthia Browning said she knew she wasn't alone in not wanting any development, but she also knew there were private property rights. She said knowing this, she felt this was this plan was the "lesser of two evils" and that it was conducive to the environment.

11. Discussion and possible action on Site Plan with rental units for Zion's Tiny Getaway Project on parcels AV-CDPT-3-12, 13, 14, 15 – Brant D. Tuttle

Brant Tuttle said after the feedback from the previous meeting, it became clear that pulling trailers through the area was a problem. He said they were now proposing permanent, skirted trailers on the development for nightly rental. He said with this proposal, the traffic wouldn't be any different than what it would be with any other commercial development.

Janet Prentice said she felt this was a much better plan than the RVs.

Lee Fralish asked if there would be a fence.

Mr. Tuttle said there would be a fence around the highway side and the west side.

Rod Mills agreed that this was a better proposal. He said he was still concerned about traffic coming through residential areas to access the project. He said he didn't know that there was a good solution to that issue.

Jack Davis said he was still concerned with customers using the residential entrance at the west end. He suggested better control.

Mr. Tuttle said the only other solution would be a \$750,000 improvement to the highway.

Jack Davis suggested they might have an entrance on the east side off of Canyon.

Mr. Tuttle said they could look into that.

Jack Davis said they would be more comfortable seeing some other options for access.

Mr. Tuttle suggested that they widen Canyon Rd. to allow better access. He said he would come back with some other options.

Motion made by Lee Fralish to continue this item until next meeting. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

12. Discussion and possible action on Zone Change of AV-1343-A-3 – Cory Gubler Development

Nathan Bronemann said Cory Gubler he would like to change the zoning on this property from Open Space Transitional to Residential-1 acre according to the Town plan.

Motion made by Cynthia Browning to schedule a public hearing on the proposed zone change on September 28th, 2017 at 6:00 pm. XXX seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

13. Discussion and possible action on Lot Split of AV-1337-A-1-A-1-A – Little Creek Land Co.

Motion made by Jack Davis to schedule a public hearing on the proposed lot split on September 28th, 2017 at 6:00 pm. Jane Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

14. Discussion and possible action on Zone Change of proposed new parcel split from AV-1337- A-1-A-1-A along Highway 59 from Open Space Transitional (OST) to Commercial 2 (C-2)

Rod Mills said he was reviewing the documents and would report next meeting.

Motion made by Lee Fralish to schedule a public hearing on the proposed zone change on September 28th, 2017 at 6:00 pm. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

15. Consider approval of minutes:

a. August 24, 2017 Meeting Minutes

Motion made by Jack Davis to approve the August 24, 2017 meeting minutes. Lee Fralish seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

16. Adjournment

Motion made by Cynthia Browning to adjourn the meeting. Janet Prentice seconded the motion. Vote: Lee Fralish-yes, Janet Prentice-yes, Cynthia Browning-yes, Dale Kingsley-yes, Jack Davis-yes. Motion passed 5/0.

Meeting adjourned at 7:45 pm.

Date approved: _____

ATTEST BY: _____
Nathan Bronemann

Jack Davis