APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 02, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, November 02, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Allen Angell
Commissioners | Lee Fralish | Forrest Kuehne | Margaret Ososki | Richard Palmer

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:
https://us02web.zoom.us/j/88262735265
if the meeting requests a password use 1234
To call into meeting, dial (253) 215 8782 and use Meeting ID 882 6273 5265

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

CONSENT AGENDA

1. Welcome new Planning Commission member: Richard Palmer.
2. Welcome new planning commission alternate member: Garth Hood.

APPROVAL OF MINUTES

3. Minutes: August 9, 2022
4. Minutes: August 17, 2022
5. Minutes: September 7, 2022

HEARING ON THE FOLLOWING

6. Zone Change for AV-1354-NP-6-A from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. Applicant: The Little Creek Trust Dated April 28, 2021, Agent: Sophia Daley.
7. Zone Change for AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. Applicant: Caren Widner.
8. General Plan Map Amendment, Ordinance-O-2022-58.
9. Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.
10. Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.
11. Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.
12. Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.
13. Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.
14. Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.
15. Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.

16. Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.
17. Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.
18. Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.
19. Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.
20. Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.
21. Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

DISCUSSION AND POSSIBLE ACTION ITEMS

22. Zone Change for AV-1354-NP-6-A from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. Applicant: The Little Creek Trust Dated April 28, 2021, Agent: Sophia Daley.
23. Zone Change for AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. Applicant: Caren Widner.
24. Preliminary Site Plan for AV-1376-B-3 | 1442 E 2000 S for the proposed use of food processing. Applicant: Nuance Management, LLC
25. Lot Line Adjustment for AV-1366-A-16 & AV-1366-A-17. Applicant: Farrar, Michael and Karale.
26. General Plan Map Amendment, Ordinance-O-2022-58.
27. Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.
28. Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.
29. Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.
30. Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.
31. Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.
32. Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.
33. Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.
34. Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.
35. Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.
36. Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.
37. Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.
38. Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.
39. Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

ADJOURNMENT

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website http://pmn.utah.gov, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS
In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

SPECIAL APPLE VALLEY PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, August 09, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell
Commissioners | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte | Margaret Ososki

CALL TO ORDER- Chairman Angell called meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE- Chairman Angell led pledge of allegiance**.**

ROLL CALL

PRESENT
Chairman Allen Angell
Commissioner Lee Fralish
Commissioner Forest Kuehne
Commissioner Jeri Burhorn-Politte
ABSENT
Commissioner Margaret Ososki

CONFLICT OF INTEREST DISCLOSURES- None stated.

APPROVAL OF MINUTES

1. **Minutes: July 6, 2022**

   Chairman Angell commented about Margaret Ososki not being represented on the voting in the minutes document presented.

   Motioned to approve minutes July 6, 2022 with change of adding "Margaret Ososki" to the voting.
   Motion made by Commissioner Fralish, Seconded by Commissioner Burhorn-Politte.
   Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte
   The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING

2. **General Plan Map Amendment**

   Chairman Angell commented about the General Plan being a roadmap for the Town and that overview has not been done in a decade. He continued, the process of this update starting early 2021 and after the election this started going. The survey was done and participation in the survey was significant. The survey was sent to residents and data collection was done. This was a great representation of the Town. He also discussed zoning and general plan are different. When deliberating over a zone change, and one tool we use is, whether the prosed zone change is reflected in the General Plan. This does not mean an application cannot get a zone change. We are close to becoming a city and we have been on

MINUTES

mission to get everything in order. The next thing is to have the General Plan in place to have perspective of what the residents want as a consensus.

Chairman Angell opened the hearing for the General Plan Map Amendment.

Ken Thompson-commented from zoom: He commented, my property is approved and legally divided into 5 acre lots. How can you change it to R3 with a 7-acre minimum. For some reason I can't unmute myself. Address hasn't been established. I own a lot at 2050E. 1600S. The town has had 6 months to fix the water problem, and very little if anything as even done. Where's the federal grant money.

Chairman Angell commented we are proposing changing the general plan and not zoning.

Kirk Willy, St George, Property off Main St, Apple: He commented, bought property with partner in 2005. He continued, he is a small developer and found out about the proposed change two weeks ago to the day. Property has been R-1 on zoning and thought they could count on 1 acre lots. He has not been disengaged. Commented about work meeting. Also, had meeting with Frank Lindhardt, Mayor and concerned what we designate in the General Plan. He does not feel this has been done in a transparent matter. Commented felt like we have decided we have our own slice of paradise and everyone else keep out. He also commented about the raise of fees for zone changes and felt not fair. He requested this item be tabled. (See Additional Letter requested to be added to the minutes: **ATTACHMENT A**)

Commissioner Politte commented that is not the case. She continued, we are trying to mold and follow the consensus.

Travis Wells 1363 Rome Ave, Apple Valley. He questioned about the transportation map. He continued, why are we putting collector roads on Ag land. When building a new general plan, think you would create for growth. Also, the storm drainage plan 3- 4 years ago, ran through the land.

Richard Allen, Attorney of Lehi, Utah. He filed letter on behalf of DRL Investments regarding designation from residential low to residential medium. He continued; the land is surrounded by residential medium. He sees no reason why this should be designated a residential low. Felt no justification for creating lower density than surrounding area. Corresponded with Mayor Lindhardt and discussed the ground water protection. (See Additional Letter requested to be added to the minutes: **ATTACHMENT B**)

Tish Lisonbee 1386 N Mt Zion Dr: She commented about survey and wanted to know who derived the questions. Commented about high density. Stated survey is full of contradiction. She felt ambiguous at the very least and not the will of the people.

Chairman Angell closed hearing on General Plan Map Amendment.

3. **Transportation Map Amendment**

Chairman Angell opened hearing for Transportation Map Amendment.

SPECIAL APPLE VALLEY PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, August 09, 2022 at 6:00 PM

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Chairman Angell closed public hearing for Transportation Map Amendment.

4. **Adopt General Plan**

Chairman Angell opened the hearing to Adopt General Plan.

Allen read introduction of general plan that was included in the agenda packet.
"One of Washington County's newest towns is Apple Valley, incorporated Oct 14, 2004, and is located 12 miles east of the city of Hurricane along State Route 59. The population was 855 at the 2020 census. The 2010 population estimate by the US Census Bureau placed its population at 701. The town has experienced a 22% increase in population growth since the 2010 census."
"The general plan provides for the overall guidance of a town's growth and sets the course and direction for future development. Policy decisions related to the Town of Apple Valley's land use decisions should be consistent with the goals and policies outlined within the general plan. The Apple Valley General Plan is designed to provide policy direction to decision makers when considering development proposals and options for overall town development. The general plan should be updated and reviewed as necessary and generally updated every five years to ensure the document remains consistent with the Town of Apple Valley's vision and direction."

Chairman Angell commented on clarity of low-med-high density and discussed issue of wastewater in the Town. He continued the Town has had ordinances on the books except those that are grandfathered. If less than 7 acres a standard septic system cannot be used. Commissioner Fralish commented this information is coming from Ash Creek Special Service District. Chairman Angell commented General Plan and the vision of the future. He continued, if planning for the future, we must plan for the poop.

Travis Wells 1363 Rome Ave, Apple Valley: He commented about the General plan and showing a treatment plant for the future.

Kirk, Willy, 550 N Circle, St George: He commented, as a developer he is used to contributing. Points out introduction in General Plan and Town plan is template. For him to go from R-1 to Agricultural, adjacent to Main Street. Discussed about the curb and gutters and meeting with Mayor Lindhardt to discuss the survey. Asked if IP address were verified.

Commissioner Frailish asks about current zoning and doesn't preclude from a zone change.

Travis Wells 1363 Rome Ave, Apple Valley: He asked why council wants to be Agricultural. Chairman Angell commented that we don't. We want a rural community and we want the Town to maintain open space as much as possible which is the consensus of the Town.

Commissioner Politte commented on ground water source protection and how important is to our Town to protect our drinking water.

DRAFT

SPECIAL APPLE VALLEY PLANNING COMMISSION HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, August 09, 2022 at 6:00 PM

MINUTES

Richard Allen, Attorney of Lehi, Utah. He commented about the problem with the General Plan considering the situation with ground water protection and lack of ground water. Clients' property has been designated low density.

Angell closed public hearing to Adopt General Plan.

DISCUSSION AND POSSIBLE ACTION ITEMS

5. **General Plan Map Amendment**
6. **Transportation Map Amendment**
7. **Adopt General Plan**

Chairman Angell discussed to inform staff to have a joint work meeting with Town Council on Wednesday August 17th at 6pm followed by a Special Planning Commission Meeting immediately following. He also commented about the colors in the General Plan map legend being too close together. He continued, public comments are not ignored and are a very important part of the democratic process. Let's represent those at a work session.

Motioned to table General Plan Map Amendment, Transportation Map Amendment, and Adopt General Plan until next week on August 17th Special Planning Commission Meeting after the joint work meeting.
Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte
The vote was unanimous and the motion carried.

ADJOURNMENT

Motioned to adjourn meeting.
Motion made by Commissioner Fralish, Seconded by Commissioner Kuehne.
Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte
The vote was unanimous, 4-0 and the motion carried.

Meeting adjourned at 7:30 p.m.

Date Approved: _____

Approved BY: _____

Chair | Angell Allen

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

DRAFT

BRIAN G. LLOYD
ATTORNEY AT LAW
P.O. BOX 9131
SALT LAKE CITY, UTAH 84-109

August 3, 2022

Mayor Frank Lindhart
2608 West 510 North
Hurricane, UT 84737

Mayor Lindhart,

I write on behalf of Beautiful Valley, LLC, of which Kirk Willey is a manager. I understand that you and Mr. Willey had a meeting at your office on July 26, 2022, during which you discussed proposed alterations of the Land Use Plan of Apple Valley (the "Existing Plan"). In that meeting you communicated to Mr. Willey that proposed alterations to the Existing Plan would change the planning classification of approximatelyl18 acres of property that he and his partners have owned for more than 15 years from "R-1" to "Agricultural." You also informed him that he would have an opportunity to comment and have input at the next meeting in a short seven days' time - in a meeting at which you expected to present and immediately adopt a new land use plan, without meaningful public input.

Mr. Willey appreciates your willingness to meet with him; however, the messages you communicated in the meeting are extremely troublesome to him and appear to be inconsistent with proper municipal governance practices and due process, rife with personal interest and self-dealing by some town officials, and demonstrate a disregard for the fiduciary duties owed by elected officials to their constituents.

Although I understand many Apple Valley property owners have repeatedly expressed significant concerns regarding the actions taken and proposed to be taken by the town's Planning Commission and Town Council, this letter memorializes a number of the principal concerns which have been communicated to you and other town officials. The proposed action of the Planning Commission and Town Council to arbitrarily alter the Existing Plan without proper due process is fundamentally deficient in multiple respects, including the following:

1. Absence of proper notice and public disclosure. Although informal (and likely insufficient) notice of the combined Planning Commission and Town Council meetings held on July 20, 2022, was posted on the town website, the posting was obscure and confusing, with the Draft General Plan furtively attached to one of the many revised postings of previous town meetings - as an attachment to a job posting. The notice did not alert the public participants or other stakeholders to the location of the draft plan in those

attachments, nor was the draft plan available for distribution at the meeting, projected on a wall or otherwise displayed for viewing by the public.

Furthermore, in your meeting with Mr. Willey on July 26th, you also conveniently omitted to disclose to Mr. Willey that the draft plan was covertly posted on the town website - choosing instead to send Mr. Willey a rough screenshot of the proposed adjustments in a text message. The obtuse manner in which town officials chose to publish the draft plan does not constitute proper notice and is entirely consistent with the clandestine manner in which those officials have conducted the entire process.

At the July 20th meeting, public participants were relegated to seating in the rear of the room, where they were denied an opportunity to view the proposed revisions under discussion by town officials and were not allowed to approach the table on which the proposed alterations were displayed. Further, although the public participants in the meeting could overhear comments from the town officials regarding the proposed alterations (including repeated comments regarding the personal preferences of all town officials for low density treatment in nearly all cases), they were not allowed to comment or ask questions regarding the proposed alterations.

2. Insufficient opportunity for meaningful public comment. The limited and vague notice circulated by town officials with respect to the draft plan provided insufficient opportunity for the public to assess the proposed adjustments and the limited review period imposed by the town officials deprived the public of an adequate opportunity to review and comment on those adjustments. Mr. Willey has reported that you informed him that he could attend the meeting initially scheduled on August znct, but deferred to August 9th, and could comment on the proposed adjustments, but that the decision of the town officials with respect to the draft plan had essentially been made prior to the meeting (and prior to any meaningful opportunity for public comment). Even though you ultimately provided Mr. Willey with a text message displaying a rough copy of the draft plan several days before the original date of the meeting, the fact that town officials had already reached a private determination prior to any public comment makes the purported notice and comment period (limited as it was) farcical.

In the second meeting on July 20th, public participants were allowed to comment on procedural issues associated with the draft plan (such as the process to be followed for development of the preliminary plat, etc.), but they were denied any opportunity to comment on the fundamental issue of arbitrarily altering the Existing Plan which has been in place for many years. There were no draft copies of the draft plan available at the meeting, there was no display or projection of the draft plan at the meeting - other than on a single table which public participants were prohibited from approaching and there was no rationale for the proposed alterations presented. In short, the

public was invited to a meeting in which they were excluded from all substantive discussion, they were precluded from inquiring or commenting on the substance of the matter and decisions were made rapid-fire without public input. Once town officials had reached their private conclusions, public comment was allowed; however, since the public had been denied the opportunity to view changes made during the prior meeting, meaningful public inquiry or comment was impossible.

3. The limited information upon which town officials appear have based their decision is vague and incomplete. Following your meeting with Mr. Willey on July 26th, you sent him a text message with a small "screen-shot" of a rough drawing of the draft plan. Although the draft plan lacks the detail one would customarily expect to see in a document of such magnitude, it appears to indicate that the property which Mr. Willey and his affiliated entities have owned for more than 15 years, and which has been classified as "R-1" (minimum one-acre residential lots) throughout that period would be reclassified as "Agricultural" under the draft plan. Although the screen-shot lacks sufficient detail to enable Mr. Willey to assess the implications of the proposed alteration on its property, the screen-shot suggests that the town officials propose to arbitrarily and capriciously alter the Existing Plan to deprive Beautiful Valley (and numerous other long-term property owners) from any residential designation and relegate long-term residentially planned property to non-residential agricultural usage only.

   The absence of detail regarding the draft plan and complete lack of analysis regarding the implications of the proposed modifications on existing property owners is particularly troublesome in light of your comment to Mr. Willey on July 26th that **the adoption of the draft plan is a foregone conclusion.** When Mr. Willey objected to not having any opportunity to view the draft plan, ask questions or have his comments and concerns taken into account over a reasonable amount of time, you stated that Mr. Willey could comment on the draft plan at a meeting scheduled for August 2nct (and now postponed to August 9th) - after which the draft plan would be passed in its entirety. Such an action would result in irreparable harm to Beautiful Valley and numerous other long-term property owners - and should not be based on vague, incomplete, and hurried analysis.

4. The limited justifications for alteration of the Existing Plan cited by town officials are subjective and unverified. In support of the proposed alteration of the Existing Plan, town officials have cited a "survey" which they claim demonstrates public approval of those alterations. Neither Mr. Willey, nor any of the other Apple Valley property owners whom he has contacted, received the purported survey. If a survey was conducted, and if that survey failed to solicit input from all stakeholders, the results of that survey are insufficient grounds for determination of an issue of such magnitude and should be entirely excluded from consideration by town officials in their

evaluation of the draft plan. If town officials intend to base any aspect of their decision on the purported *survey,* they *have* a duty to disclose to all stakeholders the methodology, format and results of such survey in complete detail. All stakeholders should be permitted to view the survey questions, responses and tabulations, as well as the manner in which the survey was conducted and the identity, background and qualifications of the survey administrators. Absent such transparency, it would not be unreasonable for non-participating members of the public to express concerns that the *survey* was not impartially composed, did not present or allow for any considerations of the benefits that growth would bring to Apple Valley, and that it may amount to little more than opinions expressed by advocates of the draft plan.

Although town officials *have* repeatedly asserted that the *survey* results support the proposed action, the principals of Beautiful Valley, as well as other property owners whose property would be significantly and detrimentally impacted by the proposed alteration, find it interesting to note that the *vast* majority of existing town residents reside on lots of one acre or less.

5. Town officials who have declared their intention to approve the draft plan (as noted above, without appropriate due process) may be subject to significant conflicts of interest which they fail to acknowledge or address. Other than the purported *survey* referenced above, the principal justification for the proposed alteration of the Existing Plan frequently cited by town officials is pursuit and preservation of their personal interests. I am informed that on multiple occasions, town officials (whose fundamental responsibility is protection of the public interest) have indicated that the principal benefit to be obtained from the proposed alteration of the Existing Plan would be to have fewer people around them, and to preserve their personal unobstructed views. These statements, several of which are on the record in town meetings, as well as other comments from town officials, demonstrate the substantial conflicts of interest which have inappropriately influenced consideration of the draft plan by town officials. It appears that certain town officials may also have personal financial interests which would be benefitted by the adoption of the draft plan. Adoption of the draft plan in the face of such conflicts of interest would demonstrate a complete disregard for basic American presumptions regarding property rights, as well as a material breach of the fiduciary duties owed by those town officials to Apple Valley property owners.

It is the understanding of the Beautiful Valley principals that the foregoing concerns are illustrative of the deficiencies in the process which town officials have followed in their consideration of the draft plan - but are not exclusive. Given the scope and magnitude of those concerns, those principals respectfully request that town officials defer any action on the draft plan until the concerns are properly

addressed and the town has completed a legitimate, fully informed and impartial examination of the issue, consistent with appropriate due process. The alteration of the Existing Plan without appropriately addressing those concerns would be a significant breach of public trust and result in irreparable injury to long-term property owners whose interests town officials have a fiduciary duty to protect.

If, following your review of this letter, you, the Planning Commission and Town Council intend to proceed with the rescheduled August 9th meeting as currently proposed, without providing for proper public notice and comment on your predetermined draft, as well as other fundamental aspects of due process, Beautiful Valley requests that this letter be entered into the formal record of the meeting and that the objections set forth in this letter be formally noted in the minutes of the meeting.

In light of the significance of the concerns expressed in this letter, if town officials proceed with the draft plan without appropriate and impartial due process, Beautiful Valley and other property owners may *have* little alternative other than to seek to protect their long-term property rights through judicial or administrative proceedings. The principals of Beautiful Valley hope town officials will defer consideration of the draft plan until these and other concerns *have* been resolved - and that such proceedings will not be necessary. In particular, Mr. Willey will make himself available for further discussions as necessary.

Sincerely,

Br Lm!

Attorney at Law

cc: Nathan Reeve
Ruesch & Reeve
86 N. 3400 W. St., Unit C
Hurricane, UT 84737

Allen Angel - Chair/ Planning & Zoning
1582 N. Zion Circle
Apple Valley, UT 84737

RICHARD G. ALLEN
ATTORNEY AT LAW
P.O. Box 662
Lehi, Utah 84043

Telephone: (801) 766-1580 Email: rallen@lawyer.com

August 5, 2022

Planning Commission
Town Council
Town of Apple Valley
1777 N. Meadowlark Dr.
Apple Valley, Utah 84737
VIA EMAIL to Town Clerk: clerk@applevalleyut.gov

Re: STATEMENT IN SUPPORT OF REQUEST TO CHANGE PROPOSED AMENDED GENERAL PLAN MAP

This Statement is being made on behalf of DRL Investments, LLC, ("DRL") for the Public Hearing of the Planning Commission scheduled for 6:00 pm on August 9, 2022 and the Meeting of the Town Council scheduled for 6:30 pm on August 9, 2022. DRL requests that this letter be entered into the formal record of the above Planning Commission hearing and the Town Council meeting and that the objections set forth in this ·letter be formally noted in the minutes of that hearing and that meeting.

DRL is requesting a change to the designation of its land with Tax ID No. AV-1329-B (the "DRL Property") as well as the additional approximately 100 acres adjacent to and south of the DRL Property (collectively the "Subject Property") from the cmTently proposed designation of Residential Low 7 + Acres to a designation of Residential Medium 1 - 6.99 Acres. The Subject Property is shown in Exhibit A attached hereto, which is a copy of an enlarged portion of the proposed amended General Plan Map.

It is DRL's position that the current proposed designation of the Subject Prope1iy as Residential Low in the proposed amended General Plan Map is discriminatory and prejudicial to DRL and the other owners of the Subject Property. DRL also asse1ts that the cun-ently proposed designation of the Subject Property is arbitrary and capricious, that it is inconsistent with State law and good land use policies and that it violates the stated goals, strategies and actions set out in the written portion of the proposed amended General Plan.

The request to change the proposed designation of the Subject Property from Residential Low to Residential Medium is supported by the following:

1. The Subject Property is surrounded on three sides by property that is designated as Residential Medium. There is no apparent reason for the Subject Property to have a different designation than the smrnunding property. If there is no reason or justification for a designation

of the Subject Property different from the sunounding property, the Subject Property should have the same Residential Medium designation.

2. Final approval has been given by the Town for development of approximately 60 acres of the Subject Prope1ty as a subdivision with lots between 1.1 acres and 2.8 acres in size. (That subdivision is located in the middle of the Subject Property as shown on the attached Exhibit A.) The property covered by that subdivision is zoned R-1 and R-2.5 split zoning. Construction of that subdivision is underway. Designation of the Subject Property as Residential Low when nearly half of the Subject Proper!;' has already been zoned and is being developed in a manner that is inconsistent with Residential Low but is consistent with Residential Medium is clearly inappropriate and should not happen.

3. The zoning for the above subdivision will not be affected by the proposed designation of the Subject Property as Residential Low. Therefore. the designation of the Subject Property as Residential Low will only apply to the remaining portions of the Subject Prope1ty which creates two smaller isolated areas designated differently from the zoning and use designation for the areas sunounding them. That is contrary to the principals and standards that should apply to good planning and general plan maps.

4. DRL has filed for preliminary approval of an approximately 50 lot subdivision on the DRL Prope1ty that includes 62 acres of the Subject Property. That application is being held up by a zoning dispute that may be litigated. Seeking to change the designation of the Subject Prope1ty to a use that is inconsistent with DRL's development plans appears to be an inappropriate attempt to thwart DRL's development plans.

5. The first general plan map adopted by the Town within the first year of its existence designated the Subject Property as R-1 Residential which allowed for one acre lot subdivisions. Every subsequent general plan map except the currently proposed amended General Plan Map, has designated the Subject Property as R-1. R-1 is consistent with a designation of Residential Medium that also allows for one acre lots. A change in the designation of the Subject Prope1ty to a use that is inconsistent with its historical designation and with the development that has taken place on the Subject Prope1ty and current development plans clearly should not happen without substantial justification. However, no justification or explanation has been provided by the person or persons responsible for the preparing the cunently proposed General Plan Map.

6. Much of the prope1ty directly adjacent and west and south of the Subject Property has been developed and is being occupied on lots that are mostly less than one acre. Section 2.4 of the written portion of the proposed amended General Plan states that: "The following goals and policies provide specific actions to promote Apple Valley resident's vision as discussed in the previous sections." The first goal is: "Provide for a land use pattern that complements the town's existing layout and physical assets." The first action associated with that goal is to update the town's zoning ordinances to ensure compatibility with surrounding land uses. Another action set out to support that goal is to require new residential developments be compatible and consistent with use patterns and/or adjacent developed lot sizes. This goal and

these actions are served by designating the Subject Property as Residential Medium. The designation of the Subject Property as Residential Low is clearly contrary the above goal and actions.

Under the above facts and circumstances DRL and the other owners of the Subject Prope11y have a right to have the Planning Commission and others responsible for the proposed change in historical designation of that property give an explanation of the justification for the proposed designation of the Subject Property and allow DRL to respond to the same. Any such justification and DRL's response to the same should be made at the hearing on the proposed amendment to the General Plan Map and should be a part of the public record.

Changing the designation of the Subject Property from its historical designation to a designation different from the proposed designation of the property sunounding the Subject Property and different from the existing approved zoning and development of a substantial portion the Subject Prope11y when the proposed designation is in violation of the written provisions of the proposed General Plan is clearly arbitrary and capricious and is therefore illegal under Utah law. That arbitrary and capricious designation of the Subject Prope1ty clearly damages DRL and the other owners of the Subject Property by significantly reducing the development potential of their property without any reason or justification.

In addition to opposing the above designation of the Subject Property, DRL asserts that the Town has not complied with Utah law in its attempt to amend its general plan. Utah Code§ 10-9a-403 requires the Planning Commission to provide notice, as provided in Section 10-9a-203, of the intent to recommend to the legislative body a comprehensive general plan amendment **when it initiates** the process of prepating the planning commission's recommendation. § 10-9a-203 provides that **before** preparing a comprehensive general plan amendment each municipality within a county of the first or second class shall provide I0 calendar days notice of the municipality's intent to prepare a comprehensive general plan amendment to specified entities and locations. Washington County is a county of the second class so the Town is required to give the above notice before starting to prepare the proposed general plan amendment. From what DRL can determine, the Town did not give the required notice so it's actions to amend the general plan are in violation of Utah law. If the Town asse1ts that it has complied with the above notice requirement, evidence of such compliance should be provided at the Planning Commission hearing and should be made a part of the record at that hearing.

DRL also objects to the notice of the upcoming meeting of the Town Council to approve the general plan amendment. The Planning Commission hearing on the General Plan Amendment is noticed to take place on August 9, 2022 starting at 6:00 pm. The Town Council meeting to take action on the general plan amendment is noticed to take place on August 9, 2022 starting at 6:30 pm. That makes it clear that the Town presupposes and intends that the Planning Commission will just rubberstamp and recommend approval of the general plan amendment without regard to what anyone says at the Planning Commission hearing. That intent is especially outrageous since that hearing will be the very first time that the public, including the landowners directly impacted by the proposed amendment, will have any oppmtunity to have

any input regarding the proposed General Plan Amendment. This intention is consistent with representations made by Mayor Frank Lindhardt to landowners that the Town will approve the general plan amendment at the next Town Council meeting notwithstanding how those owners feel about the proposed amendment.

The above notices also establish that the Town has no regard as to the accuracy of the notice and appear intended to discourage patticipation by the public at the meetings. The last meetings of the Planning Commission and the Town Council involving changes to the requirements for development of land within the Town were noticed in the same manner. As it turned out, the Planning Commission meeting that was held on July 20,2022 lasted for over two hours and the Town Council meeting that had been noticed to start at 6:30 pm did not sta11 until after 8:30 pm. As a result, most members of the public who came to attend the meetings left before the Town Council meeting sta1ted. This scheduling shows a complete lack of regard for the public and should result in a finding that the Town Council meeting was not legally noticed.

In light of the issues set out above, DRL believes that the process to amend the general plan amendment should be sta1ted over and should be conducted in accordance with Utah law. DRL also believes that the amended General Plan should take into consideration the issues and concerns of interested parties, including owners of property in the Town.

Whether or not the Town choses to restart the general plan process, DRL requests that the proposed amendment to the General Plan Map be changed to designate the Subject Property as Residential Medium for the reasons set out above.

Richard G. Allen
Attorney for DRL Investments, LLC

2022045

Exhibit A

SPECIAL APPLE VALLEY PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 17, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell
Commissioners | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte | Margaret Ososki

CALL TO ORDER- Chairman Angell called meeting to order at 6:00 p.m.

Video glitch with zoom had to stop and re-start zoom recording.

PLEDGE OF ALLEGIANCE- Led by Chairman Angell.

ROLL CALL

PRESENT
Chairman Allen Angell
Commissioner Lee Fralish
Commissioner Forest Kuehne
Commissioner Jeri Burhorn-Politte
Commissioner Margaret Ososki

CONFLICT OF INTEREST DISCLOSURES

None stated.

JOINT WORK MEETING WITH TOWN COUNCIL
PRESENT
Chairman Allen Angell
Commissioner Lee Fralish
Commissioner Forest Kuehne
Commissioner Jeri Burhorn-Politte
Commissioner Margaret Ososki
Council Member Kevin Sair
Council Member Andy McGinnis
Council Member Robin Whitmore via zoom

1. **General Plan Map Amendment and Transportation Map Amendment Discussion**

   Chairman Angell commented that this General Plan is a good comprehensive plan. He disclosed he got a copy of a letter that arrived 5 minutes before this meeting from an attorney representing a landowner that was addressed at the public hearing for the General Plan. Typically, we don't respond to public comments that come after the public hearing was closed. This letter on Commissioner perspective does not need to be responded to because it came after the public hearing was closed.

   Commissioner Politte commented about the question of collector roads on agricultural property that was asked at the public hearing. She continued; collector roads are built for residents to avoid the SR-

DRAFT

SPECIAL APPLE VALLEY PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 17, 2022 at 6:00 PM

MINUTES

59 highway. Council Member Sair commented also for future growth and for developers to understand what their choices are for development.

Chairman Angell commented about rationale of plan and being responsible for future development.

Commissioner Kuehne asks about road in Gooseberry not staying North. Commissioner Ososki commented about development not having that road in the plat.

Chairman Angell commented on the future build out of Apple Valley and can change in the future. He continued, collector roads are ways to connect and are critical to the infrastructure.

Chairman Angell commented on the General Plan Map and the majority is rural, which is the consensus of the majority of the Town.

Commissioner Politte commented that this plan has 6,000 lots capability. Chairman Angell commented infrastructure needing to be fixed as well. I was discussed that Town of Apple Valley has capability of 3,500 building capacity possibly in water shares. Chairman Angell commented plenty of development opportunities, with the Town organizing how and where development takes place.

Council Member McGinnis also commented on our source ground water protection ordinance that has been on the books since 2005 and that is the basis of the 7-acre lot size.

Chairman Angell commented about General Plan, looking at area and not individual lots. Council Member McGinnis commented on land use designation. Council Member Sair commented about water conservation being a huge issue in all of State of Utah especially Southern Utah. Commissioner Kuehne discussed the map designations.

Chairman Angell ended the work meeting with Town Council.

DISCUSSION AND POSSIBLE ACTION ITEMS

2. **General Plan Map Amendment**

Commissioner Ososki discussed a designation of Planned Development above Gooseberry. Also asked about Church property. Chairman Angell commented this is the General Plan and not changing zoning.

Chairman Angell commented that we are not changing zoning designation.

Chairman Angell called for a motion.

Motioned that we approve the General Plan Map and General Plan for the vision of Apple Valley and recommend approval to Town Council.
Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Ososki.
Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

SPECIAL APPLE VALLEY PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 17, 2022 at 6:00 PM

MINUTES

The vote was unanimous and the motion carried.

3. **Transportation Map Amendment**

Chairman Angell commented on the Transportation Plan and questioned for clarity. Commission discussed about commercial development and having them show up and frontage roads are something that we don't need to deal with.

Motioned that forward this to the Town Council for approval on the Transportation Map.
Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki
The vote was unanimous and the motion carried.

4. **General Plan Document Amendment**

Chairman Angell commented kudos to four mayors from the time General Plan update started and engaged Sunrise Engineering for democratic process, very happy with the results and the Town's vision.

Motioned that we accept the General Plan documents and send to Town Council.
Motion made by Commissioner Ososki, Seconded by Commissioner Burhorn-Politte.
Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki
The vote was unanimous and the motion carried.

ADJOURNMENT

Motioned to adjourn meeting.
Motion made by Commissioner Fralish, Seconded by Commissioner Kuehne.
Voting Yea: Chairman Angell, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki
The vote was unanimous and the motion carried.

Meeting adjourned at 6:50 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Allen Angell

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

DRAFT

APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 07, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell
Commissioners | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte | Margaret Ososki

CALL TO ORDER Commissioner Burhorn-Politte called meeting to order at 6:00 p.m. and mentioned that Chairman Angell would be absent, and she would be co-chairing for tonight's meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT
Commissioner Lee Fralish
Commissioner Forest Kuehne
Commissioner Jeri Burhorn-Politte
Commissioner Margaret Ososki
ABSENT
Chairman Allen Angell

CONFLICT OF INTEREST DISCLOSURES

None stated.

APPROVAL OF MINUTES

1. **Minutes: July 20, 2022**

   Motioned to approve minutes from July 20, 2022 as written.

   Motion made by Commissioner Fralish, Seconded by Commissioner Kuehne.
   Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

   The vote was unanimous and the motion carried.

2. **Minutes: August 13, 2021**

   Commissioner Burhorn-Politte commented that she was not here, but Commissioner Fralish was present.

   Commissioner Kuehne commented about Craig Rasmussen being changed to Karl Rasmussen and that he watched the video of the meeting. Fralish commented that he was there for the meeting, and he felt minutes represented the meeting.

   Motioned to approve the minutes from August 13, 2021 with the change of Mr. Rasmussen's name to "Karl Rasmussen".

DRAFT

APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 07, 2022 at 6:00 PM

MINUTES

Motion made by Commissioner Fralish, Seconded by Commissioner Kuehne.
Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

The vote was unanimous and the motion carried.

3. **Minutes: April 15, 2021**

Commissioner Burhorn-Politte mentioned that she did not see any errors and Commissioner Fralish commented this is a good representation of the meeting he attended.

Motioned to approve minutes from April 15, 2021.

Motion made by Commissioner Fralish, Seconded by Commissioner Kuehne.
Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING

4. **Zone Change for AV-1376-B-3 | 1442 E 2000 S from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of business development. Applicant: Nuance Management, LLC.**

Commissioner Burhorn-Politte opened the public hearing.

Applicant Anthus Barlow owner of Nuance Management and property stated reason for change is to develop a business on the property. HE continued, when looking for a site they needed to be close to a power supply.

Commissioner Kuehne asked what business. Applicant said that this is for freeze drying for USDA facility with no retail sales and wholesale. Commissioner Kuehne asked how large of the proposed site. Applicant answered 13,000 square feet. Commissioner Fralish commented that he felt it fit well with the General Plan and he is pretty sure it was designated as such.

Amy Alkema, 2142 S 1560 E, across the property from applicant. She commented, wanted to clarify that the lighting ordinance would still apply.

Applicant anticipates that the only crew, will be there during the day and not at night.

Motioned to close public hearing on zone change.

Motion made by Commissioner Ososki, Seconded by Commissioner Fralish.
Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 07, 2022 at 6:00 PM

MINUTES

The vote was unanimous and the motion carried.

5. **Update Title 11.02.040 Necessity Of Plat; Exemption From Plat Requirements Amendment, Ordinance-O-2022-32.**

   Commissioner Burhorn-Politte opened the public hearing.

   Frank Lindhardt, Planning Department Manager commented this is for the exception on preliminary and final plats. He continued, we would like to change the section that pertains to farmland, that currently allows dividing farmland without public roads.

   Motioned to close the public hearing.

   Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Kuehne.
   Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

   The vote was unanimous and the motion carried.

DISCUSSION AND POSSIBLE ACTION ITEMS

6. **Zone Change for AV-1376-B-3 | 1442 E 2000 S from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of business development. Applicant: Nuance Management, LLC**

   Commissioner Politte mentioned the information presented was good. Commissioner Ososki asked where the lights in the back be. Applicant commented in the design stage and intend to follow the night sky ordinance. Commissioner Ososki asked if all metal building.

   Frank Lindhardt, Planning Department Manager mentioned that his property goes right by a transmission shop currently there. It will go through a 50-foot easement for entrance. C-3, commercial is all around. Commissioner Burhorn-Politte liked the idea and commented big improvement.

   Motioned we recommend approval to the Town Council for the zoning change for AV-1376-B-3 from Open Space Transition to Commercial C3 for the following reasons:

   1) The requested zone is compatible with the General Plan.
   2) The requested zone is compatible with the adjacent commercial use of a transmission shop and an AC shop and the residential use adjacent to this, is not likely to remain residential.
   3) This is a low traffic impact business, so the poor access location is less important.

   Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
   Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

   The vote was unanimous and the motion carried.

APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 07, 2022 at 6:00 PM

MINUTES

7. **Update Title 11.02.040 Necessity Of Plat; Exemption From Plat Requirements Amendment, Ordinance-O-2022-32.**

   Commissioner Burhorn-Politte commented this recommendation is to make it easier, not harder.

   Commissioner Kuehne commented on a few changes to be made in the motion and then proceeded to make the motion with changes.

   Motioned to approve 11.02.040 and pass it on to Town Council, Necessity Of Plat; Exemption From Plat Requirements with a couple of changes right-way change to “right of way” and we would like to see joint utility “committee” in a couple of places and “written” approval of town staff.

   Motion made by Commissioner Kuehne, Seconded by Commissioner Fralish.
   Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

   The vote was unanimous and the motion carried.

8. **Preliminary and Final Site Plan Application for AV-1334-W | 1350 N State St for RV Park. Applicant: Dan Tygard.**

   Frank Lindhardt, Planning Department Manager commented that this is a house keeping item, normally a site plan is approved before construction plans and the previous administration failed to do so. Staff recommends approving both in this case, putting us on the books that we are following all the rules. Commissioner Ososki asked about where the 15 long term sites. Commissioner Kuehne asked about water rights, and applicant responded 4 shares of water were received with the property.

   Dan Tygard applicant is here to discuss his project and commented they will have on site manager handling the maintenance. Commissioner Ososki asked about the landscaping. Commissioner Burhorn-Politte asked any other discussion for the Site Plan pending approval by Planning Commission.

   Motion to approve the Preliminary and Final Site Plan application for AV-1334-W.

   Motion made by Commissioner Ososki, Seconded by Commissioner Fralish.
   Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

   The vote was unanimous and the motion carried.

ADJOURNMENT

Motioned to adjourn meeting.

Motion made by Commissioner Fralish, Seconded by Commissioner Ososki.
Voting Yea: Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte, Commissioner Ososki

APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 07, 2022 at 6:00 PM

MINUTES

The vote was unanimous and the motion carried.

Meeting adjourned 6:49 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Allen Angell

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

DRAFT

APPLE VALLEY PLANNING DEPARTMENT
ZONING CHANGE REVIEW

PARCEL ID: AV-1354-NP-6-A

PLANNING COMMISSION SCHEDULED MEETING DATE: ~~October 5TH, 2022~~ Rescheduled to Novemver 2nd, 2022

TOWN COUNCIL SCHEDULED MEETING DATE: ~~October 19TH, 2022~~ Rescheduled to Novemver 16th, 2022

PROPERTY OWNER: Sophia J. Daley, Colton B Winder, Tamara A Winder

AGENT: Sophia Daley

ACRES: 5.00

CURRENT ZONE: Open Space Transition PROPOSED ZONE: Agricultural 5 Acre

GENERAL PLAN ZONE: Residential Low: 7+ Acres

COMMENTS: This property consists of 5.00 acres that is undeveloped and is currently zoned OST. It is bordered by OST properties to the North, East, and South as well as OSC (Open Space Conservation) to the West. There are residential properties to the East and South of this property. It appears that the property will have water via a private well as it is too far from any municipal water services. Rocky Mountain Power has supplied a will serve letter stating that they will be able to provide power to the property. Applicant has also submitted an agreement for approval of onsite wastewater system from Ash Creek Special Services District.

The following is our report based upon the property location and other facts:

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

   The general plan shows this property as a low-density residential area. The proposed zoning of Agricultural 5 acre is consistent with a low-density zone.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

   This property is surrounded by mostly undeveloped property with 2 residences, one to the east and one to the north of the property.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

   This property is consistent with the surrounding property.

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, storm water drainage systems, water supplies, and wastewater and refuse collection.

   Applicant has provided documentation for most major utility services.

Example of a motion to Approve this application:

I make the motion we recommend approval to the Town Council for the zoning change for AV-1354-NP-6-A from OST to A-5 based on the information provided in the staff report.

Example of a motion to Approve this application with conditions:

I make the motion we recommend approval to the Town Council for the zoning change for AV-1354-NP-6-A from OST to A-5 with the following conditions:

Example of a motion to Deny this application

I make the motion we recommend denial to the Town Council for the zoning change for AV-1354-NP-6-A from OST to A-5 based on the information provided in the staff report.

Current Zoning

Apple Valley Zoning Districts



9/26/2022, 10:35:21 PM

Washington County Parcels

Zoning Districts

OSC – Open Space Conservation

OST – Open Space Transition

Future Annexation Boundary

Town Boundry

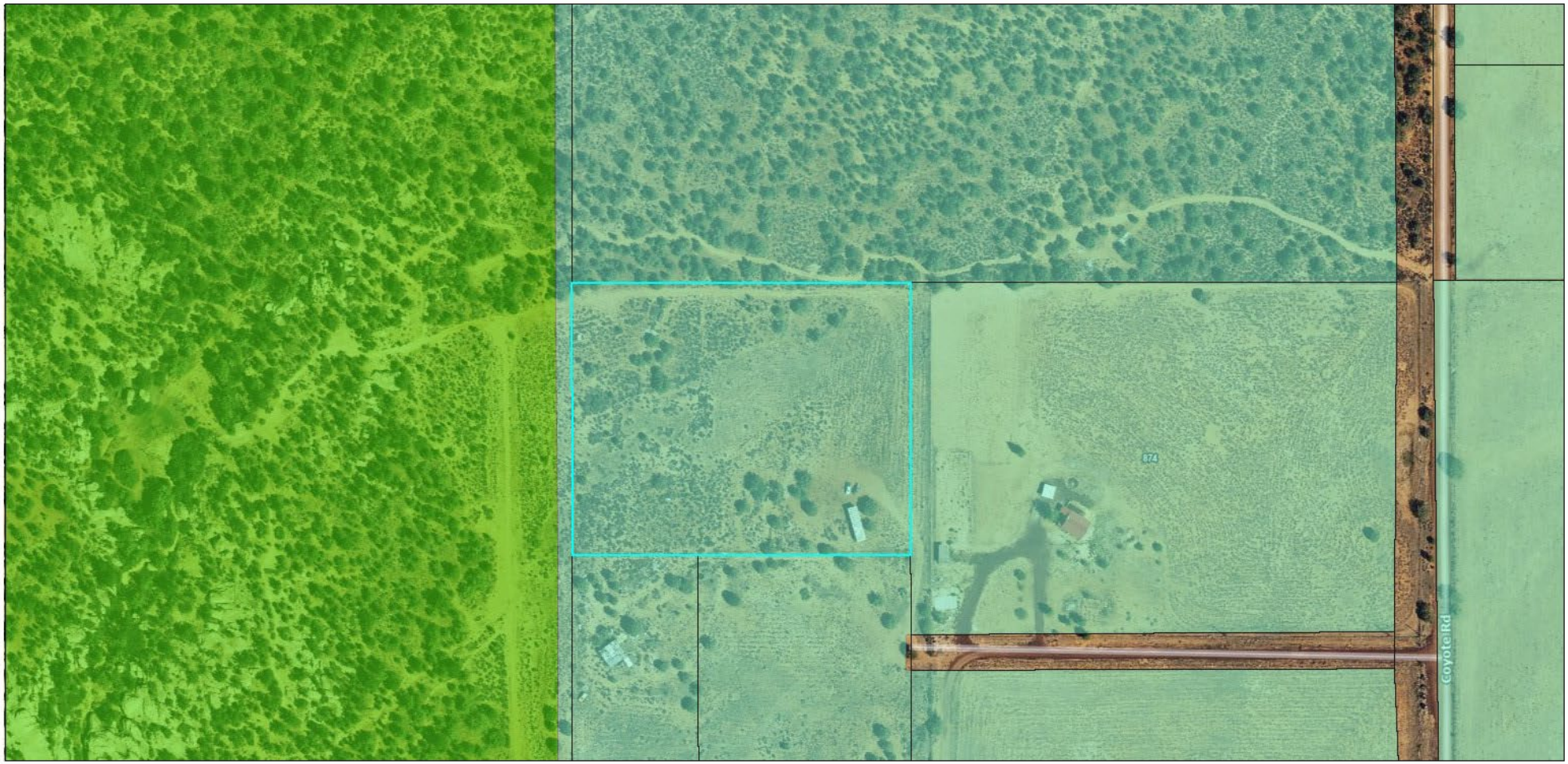
1:2,257

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

General Plan

Apple Valley Zoning Districts



9/26/2022, 10:36:55 PM

Washington County Parcels

General Plan

OS - Open Space

R3 - Residential Low: 7 + Acres

Future Annexation Boundary

Town Boundry

1:2,257

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

AERIAL MAP

Apple Valley Zoning Districts



9/26/2022, 10:37:46 PM

Washington County Parcels

Future Annexation Boundary

Town Boundry

1:2,257

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

Town of Apple Valley
Sunrise Cloud SMART GIS®

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Fee: $1,100.00 + Acreage Fee	
1 – 100 Acres:	$25.00/Acre
101 – 500 Acres:	$15.00/Acre
501 + Acres:	$ 5.00/Acre

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days in Advance of The Planning Commission Meeting

Owner: The Little Creek Living Trust Dated April 28, 2021		Phone: [redacted]	
Address: [redacted]		Email: [redacted]	
City: [redacted]	State: [redacted]	Zip: [redacted]	
Agent: (If Applicable) Sophia Daley		Phone: [redacted]	
Address/Location of Property: AV-1354-NP-6-A		Parcel ID: AV-1354-NP-6-A	
Existing Zone: OST		Proposed Zone: Agricultural	
For Planned Development Purposes: Acreage in Parcel 5 Acres		Acreage in Application 5 Acres	
Reason for the request: Constructing Residence, & Farm			

Submittal Requirements: The zone change application shall provide the following:

- [x] A. The name and address of owners in addition to above owner.
- [x] B. An accurate property map showing the existing and proposed zoning classifications
- [x] C. All abutting properties showing present zoning classifications
- [x] D. An accurate legal description of the property to be rezoned
- [x] E. A letter from power, sewer and water providers, addressing the feasibility and their requirements to serve the project.
- [x] F. Stamped envelopes with the names and address of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- [x] G. Warranty deed or preliminary title report and other document (see attached Affidavit) if applicable showing evidence the applicant has control of the property
- [x] H. Signed and notarized Acknowledgement of Water Supply (see attached).

Official Use Only	Amount Paid: $ 1,225.00	Receipt No: 41265
Date Received: 9/14/22	Date Application Deemed Complete:	
By:	By:	

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change, the following factors shall be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives and Policies of the Town'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, fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report and forward a recommendation to the Town Council for approval, approval with modifications, or denial of the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the Town Council will consider and act on the Commission's recommendation. The action of the Town Council is final. If denied, a similar application generally cannot be heard for a year.

Parcel ID# AV-1354-NP-

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Colton B. Winder, Tamara A. Winder, & Eliza Sophia J. Daley am/are the applicant(s) of the application known as Zone Change Application located on parcel(s) AV-1354-NP-6-A within the Town of Apple Valley, Washington County, Utah.

By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, or permit for which this application is being submitted; and
2. Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District") which verifies that there is a sufficient water supply and guarantee of water for the application or proof that another guaranteed source of water is available to the applicant; and
3. For any application which may be approved without the "Will Serve" letter from the District, the applicant assumes the entire risk of water availability for the project and/or application.

Signature(s):

Name	Applicant/Owner	Date
Eliza Sophia J. Daley as Trustee	Eliza Sophia J. Daley as trustee	9/14/22
Tamara A Winder	Tamara A. Winder, as trustee	9/14/22
	Colton B. Winder, as trustee	9/14/22

State of Utah)
)§
County of Washington)

On this 14 day of September, in the year 2022, before me, Makail Lallis a notary public, personally appeared Eliza Daley, Tamara Winder, Colton Winder, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal. Makail Lallis
(notary signature)

(seal)

MAKAIL LALLIS
Notary Public - State of Utah
Comm. No. 718777
My Commission Expires on
Jun 14, 2025

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) Eliza Sophia J. Daley, Tamara A. Winder, Cotton B. Winder, As Trustees, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

as trustor
Property Owner

Eliza Sophia J. Daley, As Trustee
Property Owner

Tamara A Winder, as trustee
Property Owner

Subscribed and sworn to me this 14 day of September, 2022.

Makail Lallis
Notary Public

MAKAIL LALLIS
Notary Public - State of Utah
Comm. No. 718777
My Commission Expires on
Jun 14, 2025

Residing in: 720 w State Street, Hurricane, UT

My Commission Expires: June 14, 2025

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____
Property Owner

_____
Property Owner

Subscribed and sworn to me this _____ day of _____, 20_____.

_____
Notary Public

Residing in: _____

My Commission Expires: _____

ZONE CHANGE APPLICATION:
Applicant: The Little Creek Living Trust Dated April 28,2021

Submittal Requirements:

A. Name & Addresses of person(s) the applicant represents (Below):
Colton Winder – 331 S. 1230 W., Hurricane, UT. 84737
Tamara Winder – 331 S. 1230 W., Hurricane, UT. 84737
Sophia Daley – 331 S. 1230 W., Hurricane, UT. 84737

B. Accurate Property map showing existing & proposed zoning classifications. (Attached)

C. All Abutting properties showing present zoning classifications (Attached)

D. Accurate Legal Description of the property to be rezoned (Below)

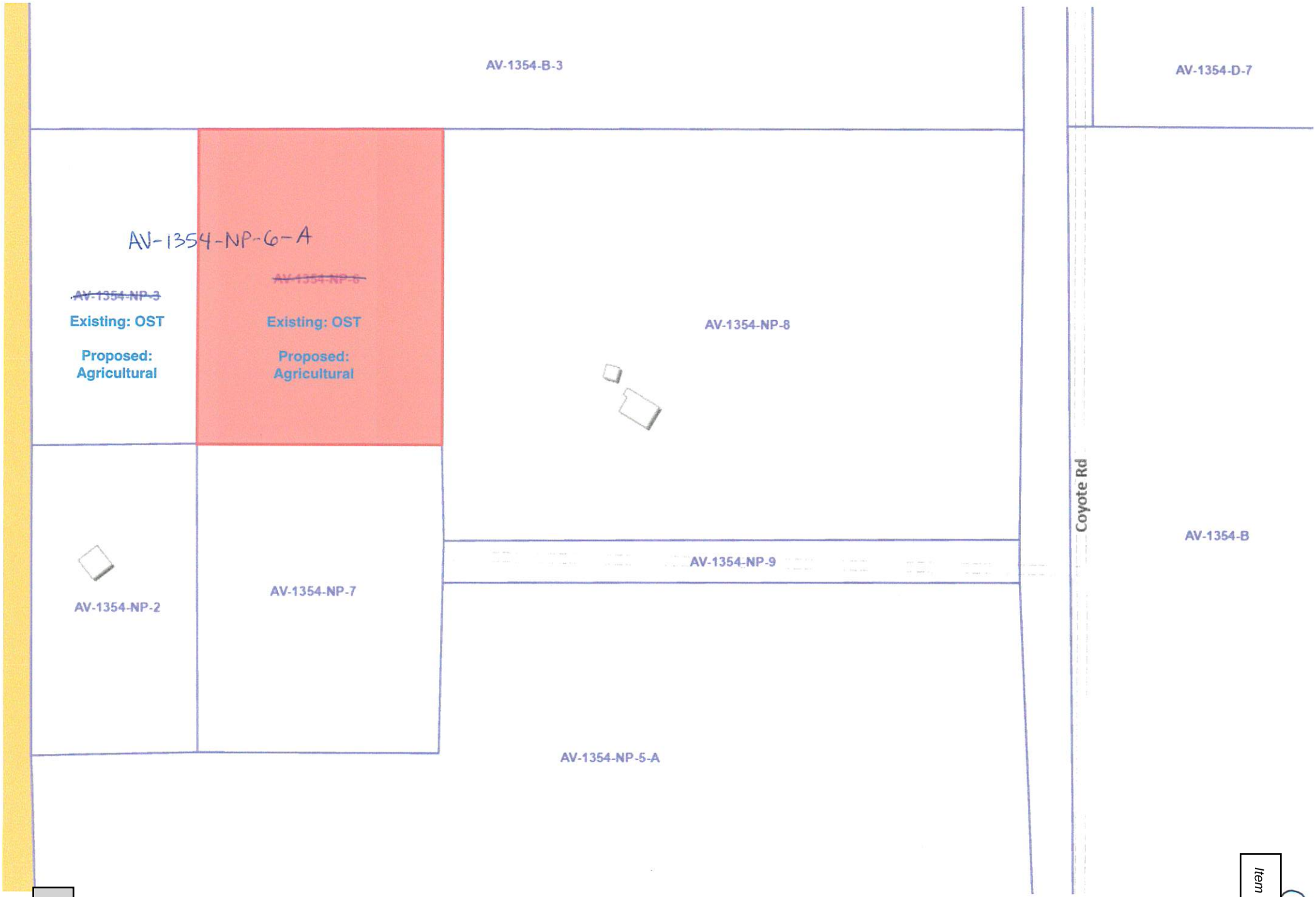
AV-1354-NP-6-A:
BEGINNING AT THE CENTER-WEST SIXTEENTH CORNER (NW COR, NE1/4 SW1/4) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 11 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE CENTER SECTION LINE SOUTH 89*55'43" EAST 521.78 FEET; THENCE SOUTH 00*02'12" EAST 417.42 FEET; THENCE NORTH 89*55'43 WEST 521.78 FEET TO A POINT ON WEST SIXTEENTH LINE OF SAID SECTION; THENCE ALONG SAID WEST SIXTEENTH LINE NORTH 00*02'12" WEST 417.42 FEET TO SAID CENTER-WEST SIXTEENTH CORNER AND THE POINT OF BEGINNING. CONTAINS 5.000 ACRES.

TOGETHER WITH A 16.5 FOOT WIDE RIGHT-OF-WAY ALONG THE NORTH BOUNDARY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8.

E. Stamped Envelopes with the names and address of all property owners within 500' (hand delivered to Apple Valley Offices)

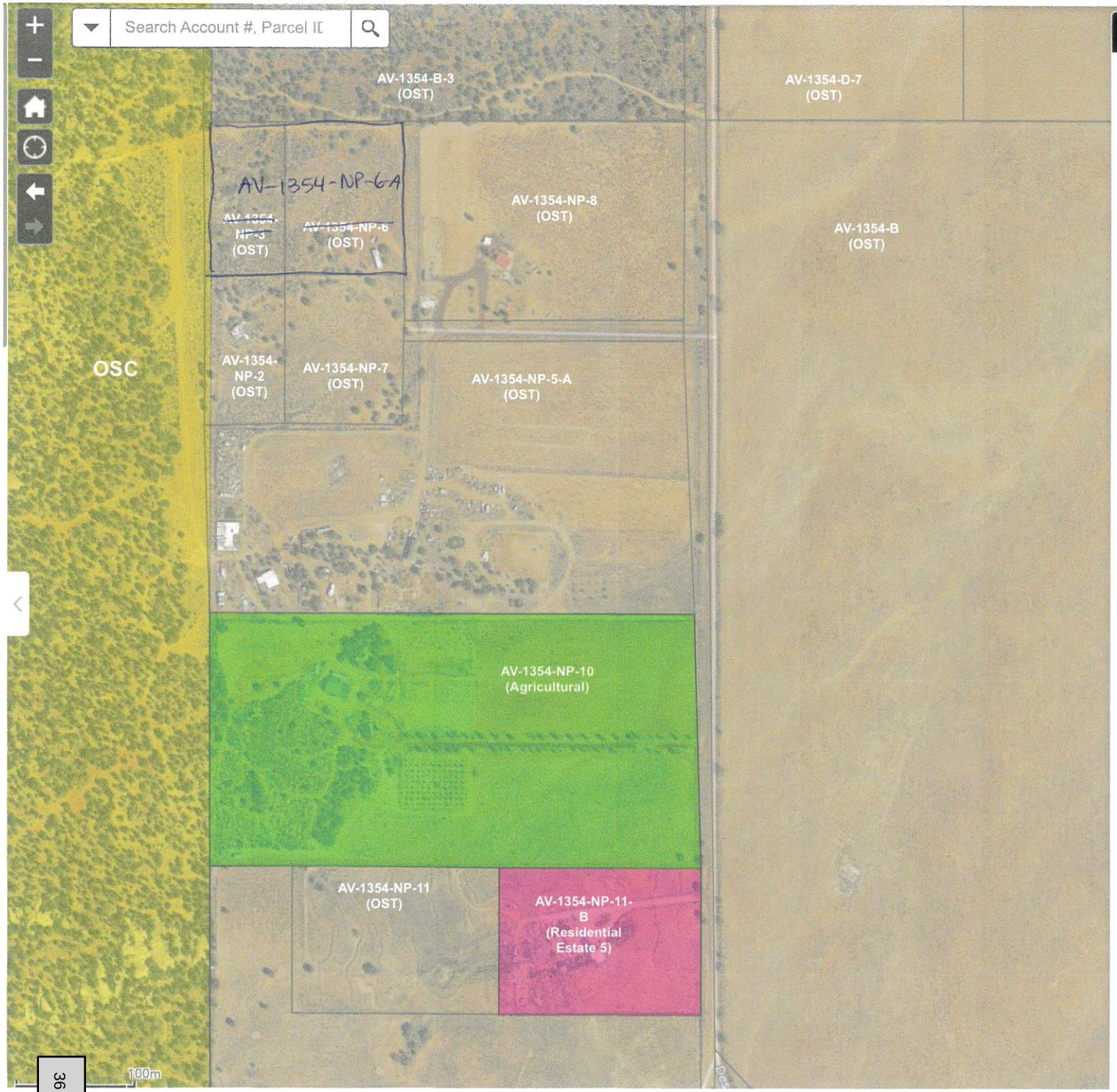
F. Warranty Deed showing ownership of property (Attached)

(B)


AV-1354-B-3
AV-1354-D-7
AV-1354-NP-6-A
~~AV-1354-NP-6~~
~~AV-1354-NP-3~~
Existing: OST
Proposed: Agricultural
Existing: OST
Proposed: Agricultural
AV-1354-NP-8
Coyote Rd
AV-1354-B
AV-1354-NP-9
AV-1354-NP-2
AV-1354-NP-7
AV-1354-NP-5-A

(B)

(C)



Legend

Zoning Districts

- A - Agricultural
- C-1 - Convenience Commercial
- C-2 - Highway Commercial
- C-3 - General Commercial
- CABIN/TH - Cabin/Tourist Homes
- I-1 - Industrial
- M-1 - Manufacturing
- MH - Manufactured Housing Park
- OSC - Open Space Conservation
- OST - Open Space Transition
- PD - Planned Development
- RE-1 - Residential Estate 1
- RE-2.5 - Residential Estate 2.5
- RE-5 - Residential Estate 5
- RE-10 - Residential Estate 10
- RE-20 - Residential Estate 20
- RE-40 - Residential Estate 40
- RV-Park - Recreational Vehicle Park
- SF-1-10 - Single-Family Residential 1-10
- SF-1/2 - Single-Family Residential ½

Town Boundary

Washington County Parcels

DOC # 20220042944
Warranty Deed Page 1 of 2
Gary Christensen Washington County Recorder
09/14/2022 11:30:45 AM Fee $ 40.00
By ZION LIVESTOCK CO

WHEN RECORDED, MAIL TO:
The Little Creek Living Trust
628 S. 700 W.
Hurricane, UT 84737

Warranty Deed

Tax ID No. AV-1354-NP-3
Tax ID No. AV-1354-NP-6
Tax ID No. AV-1354-NP-9

Colton B. Winder, Tamara A. Winder, & Eliza Sophia J. Daley, Trustees of THE LITTLE CREEK LIVING TRUST DATED APRIL 28, 2021, Grantor, hereby Conveys and Warrants to Colton B. Winder, Tamara A. Winder, & Eliza Sophia J. Daley, Trustees of THE LITTLE CREEK LIVING TRUST DATED APRIL 28, 2021 or any amendments thereto, Grantee, the following described parcel of land in Washington County, State of Utah, to-wit:

(AV-1354-NP-3 and AV-1354-NP-6 combined description–single Tax ID No. to be assigned)
BEGINNING AT THE CENTER-WEST SIXTEENTH CORNER (NW COR, NE1/4 SW1/4) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 11 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE CENTER SECTION LINE SOUTH 89°55'43" EAST 521.78 FEET; THENCE SOUTH 00°02'12" EAST 417.42 FEET; THENCE NORTH 89°55'43" WEST 521.78 FEET TO A POINT ON WEST SIXTEENTH LINE OF SAID SECTION; THENCE ALONG SAID WEST SIXTEENTH LINE NORTH 00°02'12" WEST 417.42 FEET TO SAID CENTER-WEST SIXTEENTH CORNER AND THE POINT OF BEGINNING. CONTAINS 5.000 ACRES.

TOGETHER WITH A 16.5 FOOT WIDE RIGHT-OF-WAY ALONG THE NORTH BOUNDARY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 8.

AND

(AV-1354-NP-9)
BEGINNING AT A POINT WHICH LIES SOUTH 89°55'43" EAST 521.78 FEET ALONG THE CENTER SECTION LINE AND SOUTH 00°02'12" EAST 548.44 FEET FROM THE CENTER-WEST SIXTEENTH CORNER (NW COR, NE1/4 SW1/4) OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 11 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°02'12" EAST 50.00 FEET; THENCE SOUTH 89°55'43" EAST 521.78 FEET TO A POINT ON THE EAST BOUNDARY OF SAID NE1/4 SW1/4; THENCE ALONG THE ¼ SECTION LINE NORTH 00°01'24" WEST 50.00 FEET; THENCE NORTH 89°55'43" WEST 800.77 FEET TO THE POINT OF BEGINNING. CONTAINS 0.919 ACRE.

TOGETHER WITH all improvements and appurtenances there unto belonging.

SUBJECT TO easements, rights-of-way, restrictions, and reservations of record and those enforceable in law and equity.

Continued on Page 2

Tax ID No. AV-1354-NP-3
Tax ID No. AV-1354-NP-6
Tax ID No. AV-1354-NP-9

IN WITNESS WHEREOF, said Grantor has caused their names to be hereunto affixed, this 14th day of September, A.D. 2022.

Colton B. Winder, as trustee
Colton B. Winder, Trustee

Tamara A. Winder, as trustee
Tamara A. Winder, Trustee

Eliza Sophia J. Daley, as trustee
Eliza Sophia J. Daley, Trustee

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On the date first above written, personally appeared before me, Colton B. Winder, Tamara A. Winder, & Eliza Sophia J. Daley, who being by me duly sworn, did say, each for themselves, that they are the Trustees of THE LITTLE CREEK LIVING TRUST DATED APRIL 28, 2021, and that they executed the document in behalf of said Trust being duly authorized and empowered to do so by the trust agreement of THE LITTLE CREEK LIVING TRUST DATED APRIL 28, 2021, and they did duly acknowledge before me that such trust executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public
My Commission Expires: Dec 11, 2024

JESSE HANSEN
Notary Public - State of Utah
Comm. No. 715719
My Commission Expires on
Dec 11, 2024

1777 N Meadowlark Dr
Apple Valley, Utah 84737
Phone: 435-877-1190
Fax: 435-877-1192
www.applevalleyut.gov

Rod Mills
Galloway and Company
801 -918 -7203
rodmills@gallowayus.com
September 01 2022

Dear Ms. Sophia Daly,

In my capacity as the Water District Engineer, I have reviewed your Will Serve Application and share the following;

Your parcel is too far from any pipelines in the district's system to provide Municipal water service to you at this time.

Your single family well and water right will continue to be your best water service option.

The Big Plains Water District will stand ready to be your water service provider at such time as our infrastructure is adjacent to your parcel.

If you have any further questions or if I can be of any further service to you, please don't hesitate to reach out to me. My cellular phone number is 801-918-7203.

Sincerely,
Rod Mills
District Engineer
Big Plains WSSSD

ROCKY MOUNTAIN POWER

Let's turn the answers on.

Dixie Service Center
Estimating Dept.
455 N. Old Hwy 91
Hurricane, UT 84737
Fax # (435)688-8351

August 17, 2022

Sophia Daley
Approx. 874 S. Coyote Road
Apple Valley, UT 84737

Re: Power to new Residence

Located: Parcel #'s AV-1354-NP-3 and AV-1354-NP-6

Dear Sophia Daley:

After reviewing the proposed plans for the above mentioned project, I have determined that power is available within a near proximity. Rocky Mountain Power intends to serve the project with electrical service based on load requirements and specifications submitted. All electrical installations will be provided in accordance with the "Electric Service Regulations, as filed with the Utah Public Service Commission after receiving an approved plat showing easements approved by Rocky Mountain Power.

For additional consultation in this matter, please do not hesitate to call.

Sincerely,

Ruston Jenson
Estimator
Dixie Service Center
435-688-3708

When Recorded return to:
Ash Creek Special Service District
1350 S. Sand Hollow Rd.
Hurricane, UT 84737

AGREEMENT FOR APPROVAL OF ONSITE WASTEWATER SYSTEM OR ALTERNATE ONSITE WASTEWATER SYSTEM ON SINGLE LOTS/PARCELS

THIS AGREEMENT is made and entered into on this 24th day of August, 2022, by and between ASH CREEK SPECIAL SERVICE DISTRICT, a special service district organized and existing under the laws of the State of Utah, hereinafter to as "District", and **Colton B. Winder, Tamara A. Winder, Eliza Sophia J. Daley, as Trustees of The Little Creek Living Trust Dated April 28, 2021**, owners of certain real property located within the boundaries of the District, hereinafter referred to as "Owner".

RECITALS:

A. District is the governmental entity designated by the State of Utah and the Washington County Commission as the entity responsible for providing sewage collection and disposal services for the residents of Hurricane, LaVerkin, and Toquerville, Utah, respectively, and for developing and implementing rules and regulations pertaining to sewage collection and disposal in certain unincorporated areas of Washington County, Utah including the following territory, all of which lies within the Salt Lake Base and Meridian:

Ranges 10, 11, 12, 13 and 14 West in Townships 41, 42 and 43 South;
Ranges 10, 11, 12 and 13 West of Township 40 South;
Ranges 12 and 13 West of Township 39 South; and
Range 13 West and the South Half of Range 12 West in Township 38 South.

B. Owner is the owner of record of single lot/parcel **#AV-1354-NP-6** located within the district's service area.

C. Pursuant to Rule 309-600 and Rule 309-605 of the Utah Administrative Code, District has adopted rules and regulations to protect sources of drinking water from contamination and pollutants.

D. All property located within 300 feet of District's sewer system, or other wastewater treatment facility or system approved or operated by District, is required by District's rules and regulations, as a condition of development approval, to pay an impact fee and connect to District's sewer system, or other wastewater treatment facility or system approved or operated by District.

E. For single lots/parcels located more than 300 feet from District's sewer system, or other wastewater treatment facility or system approved or operated by District, said rules and regulations allow for the construction and installation of an onsite wastewater system or alternate onsite wastewater system, subject to such terms and conditions as may be reasonably required to protect sources of drinking water from contamination and pollutants.

F. Owner's single lot/parcel is more than 300 feet from District's sewer system, or other wastewater treatment facility or system approved or operated by District, and Owner desires to obtain District approval for construction and installation of an onsite wastewater system or alternate onsite wastewater system on said single lot/parcel.

G. The parties hereto desire to enter into a written agreement specifying the terms and conditions whereby District shall approve an onsite wastewater system or alternate onsite wastewater system for Owner's single lot/parcel described herein.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and obligations contained herein, the parties hereto agree as follows:

1. For purposes of this agreement, the following terms and phrases shall have the following meanings:

(a) "onsite wastewater system" means an underground wastewater disposal system for domestic wastewater, usually consisting of a building sewer, a septic tank and an absorption system, which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominium and twin homes.

(b) "building sewer" means the pipe which carries wastewater from the building drain to a wastewater disposal system or other point of disposal.

(c) "septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof , designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through an underground absorption system.

(d) "absorption system" means a device constructed under the ground surface to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

(e) "alternate onsite wastewater system" means a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank, or other sewage treatment or storage unit and a disposal facility or method which is not a conventional system, but not including a surface discharge to the waters of the state.

(f) "conventional system" means an onsite wastewater system which consists of a building sewer, a septic tank, and an absorption system consisting of a standard trench, a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit or an absorption bed.

(g) "Hansen Allen Luce Study" means the Washington County Water Conservancy District and Cooperating Agencies Determination of Recommended Septic System Densities for Groundwater Quality Protection, Final Report, 1997, including all tables.

(h) "single lot/parcel" means any lot of any subdivision or any undivided parcel which meets, or is exempt from, the septic system densities of the Hansen Allen Luce Study and for which a permit is sought for construction of a single-family dwelling or other commercial building, or structure intended for use or occupancy by a single individual or entity.

2. Owner hereby covenants and warrants that he/she/it is the owner of record of the following described real property (hereinafter "the property") located in Washington County and more particularly described as follows:

(See Exhibit "A" attached hereto and
incorporated herein by this reference)

3. Owner further represents, covenants and agrees that the property is now, and in the future shall be used as, a single lot/parcel, as defined herein, and that the property meets the following requirements for a conventional or alternate onsite wastewater system (select one):

☒ **Conventional Onsite Wastewater System**

- Property complies in all respects with the Hansen Allen Luce Study and contains the minimum required acreage as identified in said study, or
- Property is exempt from the requirements of the Hansen Allen Luce Study pursuant to Article III Section 4 of the District's Rules of Operation

☐ **Alternate Onsite Wastewater System**

- The property does not meet the minimum acreage requirements identified in the Hansen Allen Luce Study or the exemption criteria specified in Article III Section 4 of the District's Rules of Operation, and Owner shall therefore be required to provide advanced treatment measures described in Resolution No. 15-3, a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference as if fully set forth, including reduction of effluent nitrogen in accordance with said Resolution's not-to-exceed standards with a not to exceed design discharge of **20 mg/L**.

4. District acknowledges that sewer service is not available to the property through District's system, or other wastewater treatment system approved or operated by District, and hereby approves the construction and installation of an onsite wastewater system or alternate onsite wastewater system on the property, subject to the following terms and conditions:

(a) such onsite wastewater system or alternate onsite wastewater system shall receive written approval from the State of Utah Department of Health.

(b) any approved onsite wastewater system or alternate onsite wastewater system shall be constructed and installed in compliance with Rule 317-4-1 through 317-4-11 of the Utah Administrative Code and District's rules and regulations, as they now exist or as may be amended from time to time.

(c) in order to reimburse District for employee time and expenses incurred in administering and enforcing the provisions of this agreement and District's rules and regulations, Owner shall, prior to construction and installation of such onsite wastewater system or alternate onsite wastewater system, pay to District a non-refundable fee of $400.00 for every 1200 gallons of capacity of said system.

(d) except as may otherwise be agreed in writing by the parties, Owner shall be solely responsible and liable for maintenance, repair or replacement of said onsite wastewater system or alternate onsite wastewater system, which shall at all times be maintained in good condition and repair.

(e) at such time that sewer service becomes available through the extension of District's sewer system, or other wastewater treatment facility or system approved or operated by District, to within 300 feet of the property, Owner shall, within 60 days of the

date of such extension:

(i) pay to District the applicable impact fee, and

(ii) connect the building sewer on the property to District's sewer system, or other wastewater treatment facility or system approved or operated by District, in accordance with District's rules and regulations.

5. The parties hereto specifically understand and agree that construction and installation of any onsite wastewater system or alternate onsite wastewater system approved hereby shall be completed within two (2) years of the date of this agreement. In the event that such system is not constructed or installed within said two (2) year period, Owner shall be required to obtain new approval from District before commencement of construction and installation. In the event that Owner, without District approval, constructs and installs such a system after expiration of said two (2) year period, Owner shall: (a) be required to abide by all other terms and conditions of this agreement, and (b) reimburse all costs and expenses incurred by District in insuring after-the-fact compliance with all rules and regulations of District and the State of Utah Department of Health.

6. The parties hereto agree that the terms and conditions specified in this agreement shall inure to the benefit of and shall run with the property, and, upon recordation of this agreement at the office of the Washington County recorder in St. George, Utah, shall become binding upon the parties hereto, their heirs, successors and assigns who hereafter shall acquire an equitable or legal ownership interest in said property.

7. In the event of a breach or violation of any term or condition of this agreement, the party in violation or breach shall be responsible and liable to pay all costs and expenses incurred by the other party in the enforcement of said term or condition including court costs and reasonable attorneys' fee.

8. Time shall be of the essence in this agreement.

9. This agreement represents the final and complete understanding and agreement of the parties and shall not be changed or modified except in writing signed by both parties hereto.

10. This agreement shall be construed under the laws of the State of Utah.

IN WITNESS WHEREOF parties hereto have executed this agreement on the date first above written.

ASH CREEK SPECIAL SERVICE DISTRICT

Michael A Chandler, Superintendent

Attest:

Darrel Humphries, Secretary

Owner(s)

, as Trustee
The Little Creek Living Trust Dated April 28, 2021
(Colton B. Winder, as Trustee)

Tamara A. Winder, as Trustee
The Little Creek Living Trust Dated April 28, 2021
(Tamara A. Winder, as Trustee)

Eliza Sophia J. Daley, as trustee
The Little Creek Living Trust Dated April 28, 2021
(Eliza Sophia J. Daley, as Trustee)

Personally appeared before me Owner(s) **Colton B. Winder, Tamara A. Winder,** and **Eliza Sophia J. Daley,** as Trustee's of **The Little Creek Living Trust Dated April 28, 2021,** on the 24 day of AUGUST, 2022, who being sworn duly sworn upon oath did say he/she/it/ they are the signers of the above and foregoing agreement and that he/she/they/it signed the same for the reasons stated therein.

Notary Public

JESSE HANSEN
Notary Public - State of Utah
Comm. No. 715719
My Commission Expires on
Dec 11, 2024

"See Attached legal description"

LEGAL DESCRIPTION

Parcel #: AV-1354-NP-6

BEGINNING AT A POINT S. 89*55'43 E., ALONG THE ¼ SECTION LINE, 208.71 FEET FROM THE NORTHWEST CORNER OF THE NE1/4 SW1/4 OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S. 89*55'43 E. 313.07 FEET; THENCE S. 0*02'12 E. 417.42 FEET; THENCE N. 89*55'43 W. 313.07 FEET; THENCE N. 0*02'12 W. 417.42 FEET TO THE POINT OF BEGINNING.

When Recorded return to:
Ash Creek Special Service District
350 S. Sand Hollow Rd.
Hurricane, UT 84737

AGREEMENT FOR APPROVAL OF ONSITE WASTEWATER SYSTEM OR ALTERNATE ONSITE WASTEWATER SYSTEM ON SINGLE LOTS/PARCELS

THIS AGREEMENT is made and entered into on this 24th day of August, 2022, by and between ASH CREEK SPECIAL SERVICE DISTRICT, a special service district organized and existing under the laws of the State of Utah, hereinafter to as "District", and **Colton B. Winder, Tamara A. Winder, Eliza Sophia J. Daley, as Trustees of The Little Creek Living Trust Dated April 28, 2021**, owners of certain real property located within the boundaries of the District, hereinafter referred to as "Owner".

RECITALS:

A. District is the governmental entity designated by the State of Utah and the Washington County Commission as the entity responsible for providing sewage collection and disposal services for the residents of Hurricane, LaVerkin, and Toquerville, Utah, respectively, and for developing and implementing rules and regulations pertaining to sewage collection and disposal in certain unincorporated areas of Washington County, Utah including the following territory, all of which lies within the Salt Lake Base and Meridian:

Ranges 10, 11, 12, 13 and 14 West in Townships 41, 42 and 43 South;
Ranges 10, 11, 12 and 13 West of Township 40 South;
Ranges 12 and 13 West of Township 39 South; and
Range 13 West and the South Half of Range 12 West in Township 38 South.

B. Owner is the owner of record of single lot/parcel **#AV-1354-NP-3** located within the district's service area.

C. Pursuant to Rule 309-600 and Rule 309-605 of the Utah Administrative Code, District has adopted rules and regulations to protect sources of drinking water from contamination and pollutants.

D. All property located within 300 feet of District's sewer system, or other wastewater treatment facility or system approved or operated by District, is required by District's rules and regulations, as a condition of development approval, to pay an impact fee and connect to District's sewer system, or other wastewater treatment facility or system approved or operated by District.

E. For single lots/parcels located more than 300 feet from District's sewer system, or other wastewater treatment facility or system approved or operated by District, said rules and regulations allow for the construction and installation of an onsite wastewater system or alternate onsite wastewater system, subject to such terms and conditions as may be reasonably required to protect sources of drinking water from contamination and pollutants.

F. Owner's single lot/parcel is more than 300 feet from District's sewer system, or other wastewater treatment facility or system approved or operated by District, and Owner desires to obtain District approval for construction and installation of an onsite wastewater system or alternate onsite wastewater system on said single lot/parcel.

G. The parties hereto desire to enter into a written agreement specifying the terms and conditions whereby District shall approve an onsite wastewater system or alternate onsite wastewater system for Owner's single lot/parcel described herein.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and obligations contained herein, the parties hereto agree as follows:

1. For purposes of this agreement, the following terms and phrases shall have the following meanings:

(a) "onsite wastewater system" means an underground wastewater disposal system for domestic wastewater, usually consisting of a building sewer, a septic tank and an absorption system, which is designed for a capacity of 5,000 gallons per day or less and is not designed to serve multiple dwelling units which are owned by separate owners except condominium and twin homes.

(b) "building sewer" means the pipe which carries wastewater from the building drain to a wastewater disposal system or other point of disposal.

(c) "septic tank" means a watertight receptacle which receives the discharge of a drainage system or part thereof , designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through an underground absorption system.

(d) "absorption system" means a device constructed under the ground surface to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.

(e) "alternate onsite wastewater system" means a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank, or other sewage treatment or storage unit and a disposal facility or method which is not a conventional system, but not including a surface discharge to the waters of the state.

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(h) "single lot/parcel" means any lot of any subdivision or any undivided parcel which meets, or is exempt from, the septic system densities of the Hansen Allen Luce Study and for which a permit is sought for construction of a single-family dwelling or other commercial building, or structure intended for use or occupancy by a single individual or entity.

2. Owner hereby covenants and warrants that he/she/it is the owner of record of the following described real property (hereinafter "the property") located in Washington County and more particularly described as follows:

(See Exhibit "A" attached hereto and
incorporated herein by this reference)

3. Owner further represents, covenants and agrees that the property is now, and in the future shall be used as, a single lot/parcel, as defined herein, and that the property meets the following requirements for a conventional or alternate onsite wastewater system (select one):

☒ **Conventional Onsite Wastewater System**

- Property complies in all respects with the Hansen Allen Luce Study and contains the minimum required acreage as identified in said study, or
- Property is exempt from the requirements of the Hansen Allen Luce Study pursuant to Article III Section 4 of the District's Rules of Operation

☐ **Alternate Onsite Wastewater System**

- The property does not meet the minimum acreage requirements identified in the Hansen Allen Luce Study or the exemption criteria specified in Article III Section 4 of the District's Rules of Operation, and Owner shall therefore be required to provide advanced treatment measures described in Resolution No. 15-3, a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference as if fully set forth, including reduction of effluent nitrogen in accordance with said Resolution's not-to-exceed standards with a not to exceed design discharge of **20 mg/L**.

4. District acknowledges that sewer service is not available to the property through District's system, or other wastewater treatment system approved or operated by District, and hereby approves the construction and installation of an onsite wastewater system or alternate onsite wastewater system on the property, subject to the following terms and conditions:

(a) such onsite wastewater system or alternate onsite wastewater system shall receive written approval from the State of Utah Department of Health.

(b) any approved onsite wastewater system or alternate onsite wastewater system shall be constructed and installed in compliance with Rule 317-4-1 through 317-4-11 of the Utah Administrative Code and District's rules and regulations, as they now exist or as may be amended from time to time.

(c) in order to reimburse District for employee time and expenses incurred in administering and enforcing the provisions of this agreement and District's rules and regulations, Owner shall, prior to construction and installation of such onsite wastewater system or alternate onsite wastewater system, pay to District a non-refundable fee of $400.00 for every 1200 gallons of capacity of said system.

(d) except as may otherwise be agreed in writing by the parties, Owner shall be solely responsible and liable for maintenance, repair or replacement of said onsite wastewater system or alternate onsite wastewater system, which shall at all times be maintained in good condition and repair.

(e) at such time that sewer service becomes available through the extension of District's sewer system, or other wastewater treatment facility or system approved or operated by District, to within 300 feet of the property, Owner shall, within 60 days of the

3

date of such extension:

(i) pay to District the applicable impact fee, and

(ii) connect the building sewer on the property to District's sewer system, or other wastewater treatment facility or system approved or operated by District, in accordance with District's rules and regulations.

5. The parties hereto specifically understand and agree that construction and installation of any onsite wastewater system or alternate onsite wastewater system approved hereby shall be completed within two (2) years of the date of this agreement. In the event that such system is not constructed or installed within said two (2) year period, Owner shall be required to obtain new approval from District before commencement of construction and installation. In the event that Owner, without District approval, constructs and installs such a system after expiration of said two (2) year period, Owner shall: (a) be required to abide by all other terms and conditions of this agreement, and (b) reimburse all costs and expenses incurred by District in insuring after-the-fact compliance with all rules and regulations of District and the State of Utah Department of Health.

6. The parties hereto agree that the terms and conditions specified in this agreement shall inure to the benefit of and shall run with the property, and, upon recordation of this agreement at the office of the Washington County recorder in St. George, Utah, shall become binding upon the parties hereto, their heirs, successors and assigns who hereafter shall acquire an equitable or legal ownership interest in said property.

7. In the event of a breach or violation of any term or condition of this agreement, the party in violation or breach shall be responsible and liable to pay all costs and expenses incurred by the other party in the enforcement of said term or condition including court costs and reasonable attorneys' fee.

8. Time shall be of the essence in this agreement.

9. This agreement represents the final and complete understanding and agreement of the parties and shall not be changed or modified except in writing signed by both parties hereto.

10. This agreement shall be construed under the laws of the State of Utah.

IN WITNESS WHEREOF parties hereto have executed this agreement on the date first above written.

ASH CREEK SPECIAL SERVICE DISTRICT

Kandy Cox as
Michael A Chandler, Superintendent

Attest:

Darrel Humphries, Secretary

Owner(s)

as Trustee
The Little Creek Living Trust Dated April 28, 2021
(Colton B. Winder, as Trustee)

Tamara A. Winder, as Trustee
The Little Creek Living Trust Dated April 28, 2021
(Tamara A. Winder, as Trustee)

Eliza Sophia J. Daley, as trustee
The Little Creek Living Trust Dated April 28, 2021
(Eliza Sophia J. Daley, as Trustee)

Personally appeared before me Owner(s) **Colton B. Winder**, **Tamara A. Winder**, and **Eliza Sophia J. Daley**, as Trustee's of **The Little Creek Living Trust Dated April 28, 2021**, on the 24 day of AUGUST, 2022, who being sworn duly sworn upon oath did say he/she/it/ they are the signers of the above and foregoing agreement and that he/she/they/it signed the same for the reasons stated therein.

Notary Public

JESSE HANSEN
Notary Public - State of Utah
Comm. No. 715719
My Commission Expires on
Dec 11, 2024

"See Attached legal description"

LEGAL DESCRIPTION:

Parcel #: AV-1354-NP-3

BEGINNING AT THE NORTHWEST CORNER OF THE NE1/4 SW1/4 OF SECTION 8, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S.89*55'43 E., ALONG THE ¼ SECTION LINE, 208.71 FEET; THENCE S.0*02'12 E. 417.42 FEET; THENCE N. 89*55'43 W. 208.71 FEET TO THE 1/16 SECTION LINE; THENCE N. 0*02'12 W., ALONG THE 1/16 SECTION LINE, 417.42 FEET TO THE POINT OF THE BEGINNING.

1777 North Meadowlark
Apple Valley, Utah 847
Phone: (435) 877-1190
Fax: (435) 877-1192
www.applevalleyut.gov

October 14, 2022

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-1354-NP-3 and AV-1354-NP-6 (AV-1354-NP-6-A)
Approx. 874 S Coyote Rd, Apple Valley, UT 84737

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder's office or at the following link:
https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.020_A_Agricultural_Zone

Rescheduled to November 2, 2022 at 6:00 PM MDT

The hearing will be held ~~**October 5, 2022**~~ **at 6:00 PM** MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Apple Valley Town Council.

Kind Regards,

Jenna Vizcardo
Town Clerk

WINDER COLTON B & TAMRA A TRS, ET AL
AV-1354-NP-6-A
[redacted]

BALLARD JAMES T & CAROLYN J TRS
AV-1354-NP-7
[redacted]

ENGLEHART AMIE-JO
AV-1354-NP-8
[redacted]

BALLARD JAMES T & CAROLYN J TRS
AV-1354-NP-2
[redacted]

COVINGTON VANCE & CONNIE TRS
AV-1354-NP-5-A
[redacted]

WINDER COLTON B & TAMARA A TRS, ET AL
AV-1354-NP-9
[redacted]

LEBARON EDMUND G & SHANNON P TRS
AV-1354-B-3
[redacted]

,

APPLE VALLEY PLANNING DEPARTMENT
ZONING CHANGE REVIEW

PARCEL ID: AV-1330-D-1

PLANNING COMMISSION SCHEDULED MEETING DATE: **November 2nd 2022**

TOWN COUNCIL SCHEDULED MEETING DATE: **November 16th 2022**

PROPERTY OWNER: Widner, Caren M.

AGENT: NONE

ACRES: 10 Acres

CURRENT ZONE: OST (Open Space Transition) PROPOSED ZONE: A-10 (Agricultural 10 Acres)

GENERAL PLAN ZONE: R2-Residential Medium: 1-5 Acres

COMMENTS: Applicant has put in application with the stated purpose to change the property back to a previous zoning designation of agricultural. This property consists of 10.00 acres that is undeveloped and is currently zoned OST. It is bordered by A-20 properties to the North, OST Property to the East, A-10 Property to the South, and RE-1 Properties to the West. The properties to the south and east are currently undeveloped, the properties to the north and west are developed with single family residences. Application was submitted to the Joint Utility Committee and did not receive any feedback.

The following is based upon the property location and other facts:

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;
   - The General plan shows this property as a medium density residential. A zone change to A-10 is not necessarily medium density (medium density is considered 1-5 acres).

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
   - Property is bordered by private residences on the north and west and vacant land to the south and east. Applicant has not stated whether there are any plans to build a residence on this property or if the property will solely be used for agricultural purposes. Property seems to match surrounding development.

3. The extent to which the proposed amendment may adversely affect adjacent property; and
   - There appears to be no negative affect to neighboring properties cause by this zone change.

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, storm water drainage systems, water supplies, and waste water and refuse collection.
   - Applicant has not provided any proof of utilities. However it does have access to a main road. Utilities may be something that could be addressed at the time of the building permit. Joint Utility Committee did not have any negative response to this application.

Example of a motion to Approve this application:

I make the motion we recommend approval to the Town Council for the zoning change fo AV-1330-D-1 from OST to A-10 based on the information presented in the staff report.

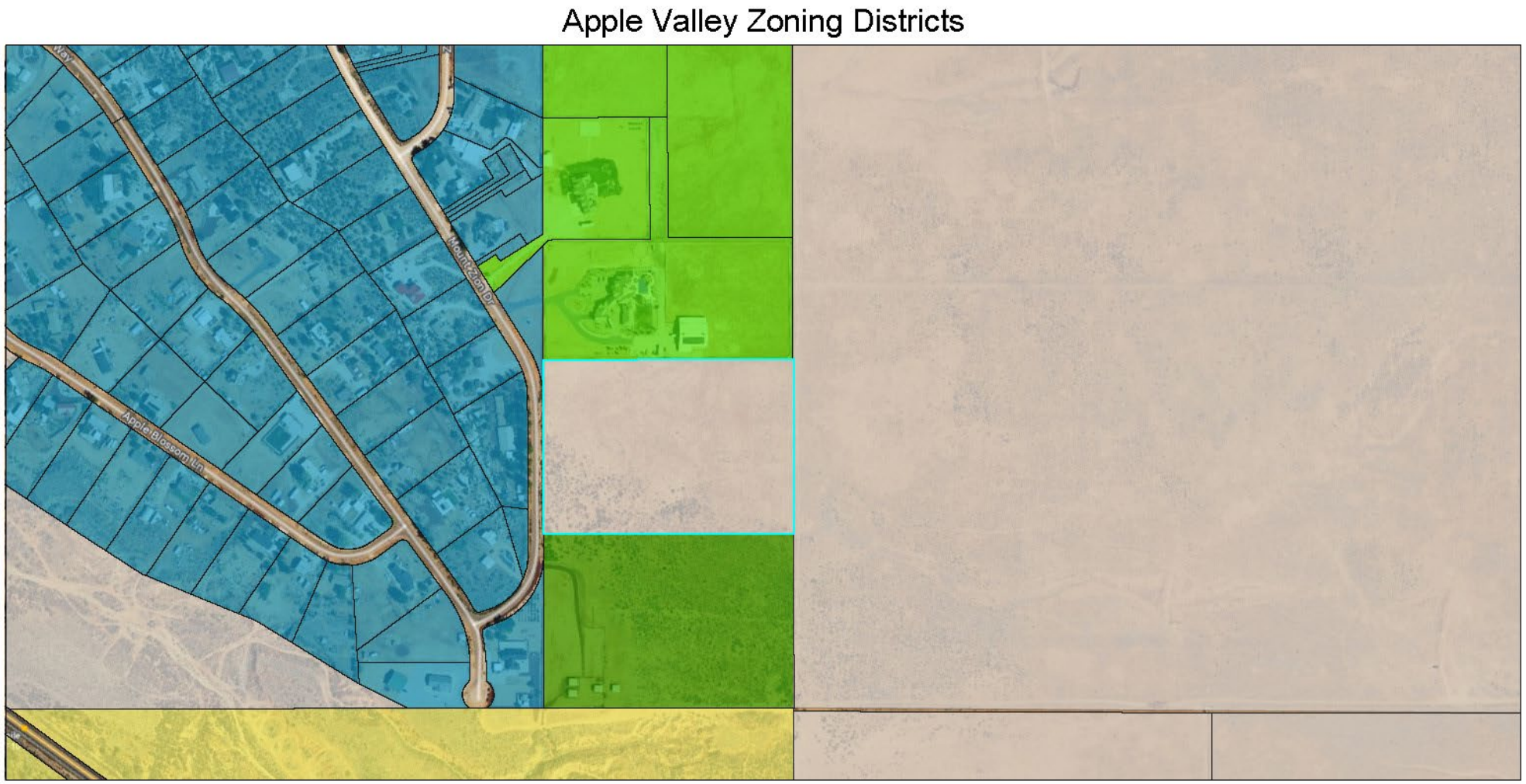
Example of a motion to Deny this application

I make the motion we recommend denial to the Town Council for the zoning change for AV-1330-D-1 from OST to A-10 for the following reasons:[list reasons]

Example to approve with conditions:

I make the motion we recommend approval to the Town Council for the zoning change for AV-1330-D-1 from OST to A-10 with the following conditions. [list conditions]

Current Zoning



Apple Valley Zoning Districts



10/25/2022, 8:29:47 PM

Washington County Parcels

General Plan

A - Agricultural

OS - Open Space

R2 - Residential Medium: 1 - 5 Acres

Future Annexation Boundary

Town Boundry

1:4,514

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Town of Apple Valley
Sunrise Cloud SMART GIS®

Apple Valley Zoning Districts



10/25/2022, 8:57:13 PM

Washington County Parcels

1:4,514

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Town of Apple Valley
Sunrise Cloud SMART GIS®

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Fee: $1,100.00 + Acreage Fee	
1 – 100 Acres:	$25.00/Acre
101 – 500 Acres:	$15.00/Acre
501 + Acres:	$ 5.00/Acre

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days in Advance of The Planning Commission Meeting

Owner: Caren M. Widner	Phone: [redacted]
Address: [redacted]	Email: [redacted]
City: [redacted] State: [redacted] Zip: [redacted]	
Agent: (If Applicable) N/A	Phone: N/A
Address/Location of Property: Mt. Zion Dr., AV, UT	Parcel ID: AV-1330-D-1
Existing Zone: OST	Proposed Zone: A-10
For Planned Development Purposes: Acreage in Parcel None	Acreage in Application 10 acres
Reason for the request When the property was originally purchased it was zoned A. I want to change it back to the original zoning of Agriculture, 10 acres.	

Submittal Requirements: The zone change application shall provide the following:

- ☑ A. The name and address of owners in addition to above owner.
- ☑ B. An accurate property map showing the existing and proposed zoning classifications
- ☑ C. All abutting properties showing present zoning classifications
- ☑ D. An accurate legal description of the property to be rezoned
- ☑ E. A letter from power, sewer and water providers, addressing the feasibility and their requirements to serve the project. This is only a request to change back to original zoning.
- ☑ F. Stamped envelopes with the names and address of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- ☑ G. Warranty deed or preliminary title report and other document (see attached Affidavit) if applicable showing evidence the applicant has control of the property
- ☑ H. Signed and notarized Acknowledgement of Water Supply (see attached).

This is only a request to change back to the original zoning when purchased.

Official Use Only	Amount Paid: $ 1,350.00	Receipt No: 41676
Date Received: 10/13/22	Date Application Deemed Complete:	
By: JW (Town Clerk/Recorder)	By:	

Parcel ID# AV-1330-D-1

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Caren M. Widner am/are the applicant(s) of the application known as AV-1330-D-1 located on parcel(s) _____ within the Town of Apple Valley, Washington County, Utah.

By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, or permit for which this application is being submitted; and
2. Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District") which verifies that there is a sufficient water supply and guarantee of water for the application or proof that another guaranteed source of water is available to the applicant; and
3. For any application which may be approved without the "Will Serve" letter from the District, the applicant assumes the entire risk of water availability for the project and/or application.

Signature(s):

Name	Applicant/Owner	Date
Caren M Widner	Caren M. Widner	10/13/22

State of Utah)
)§
County of Washington)

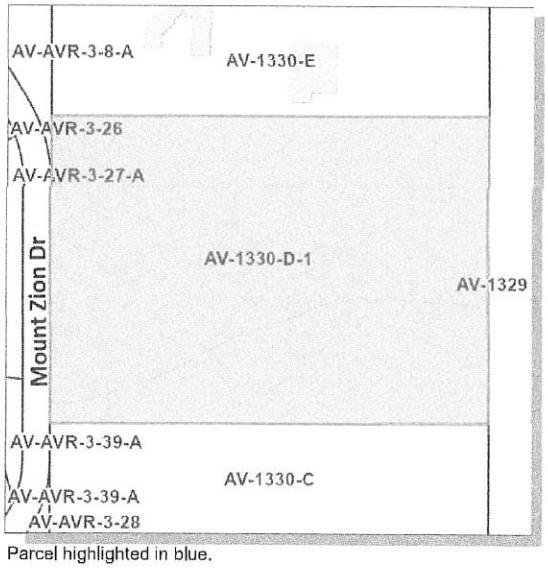
On this 13 day of October, in the year 2022, before me, Jenna Vizcardo a notary public, personally appeared Caren M. Winder., proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal. _____
(notary signature)

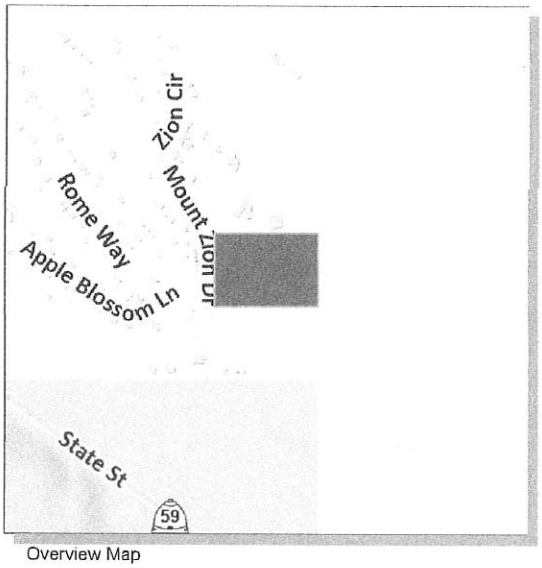
(seal)

JENNA VIZCARDO
Notary Public, State of Utah
Commission # 723126
My Commission Expires
February 16, 2026

Property Report for Parcel AV-1330-D-1



Parcel highlighted in blue.



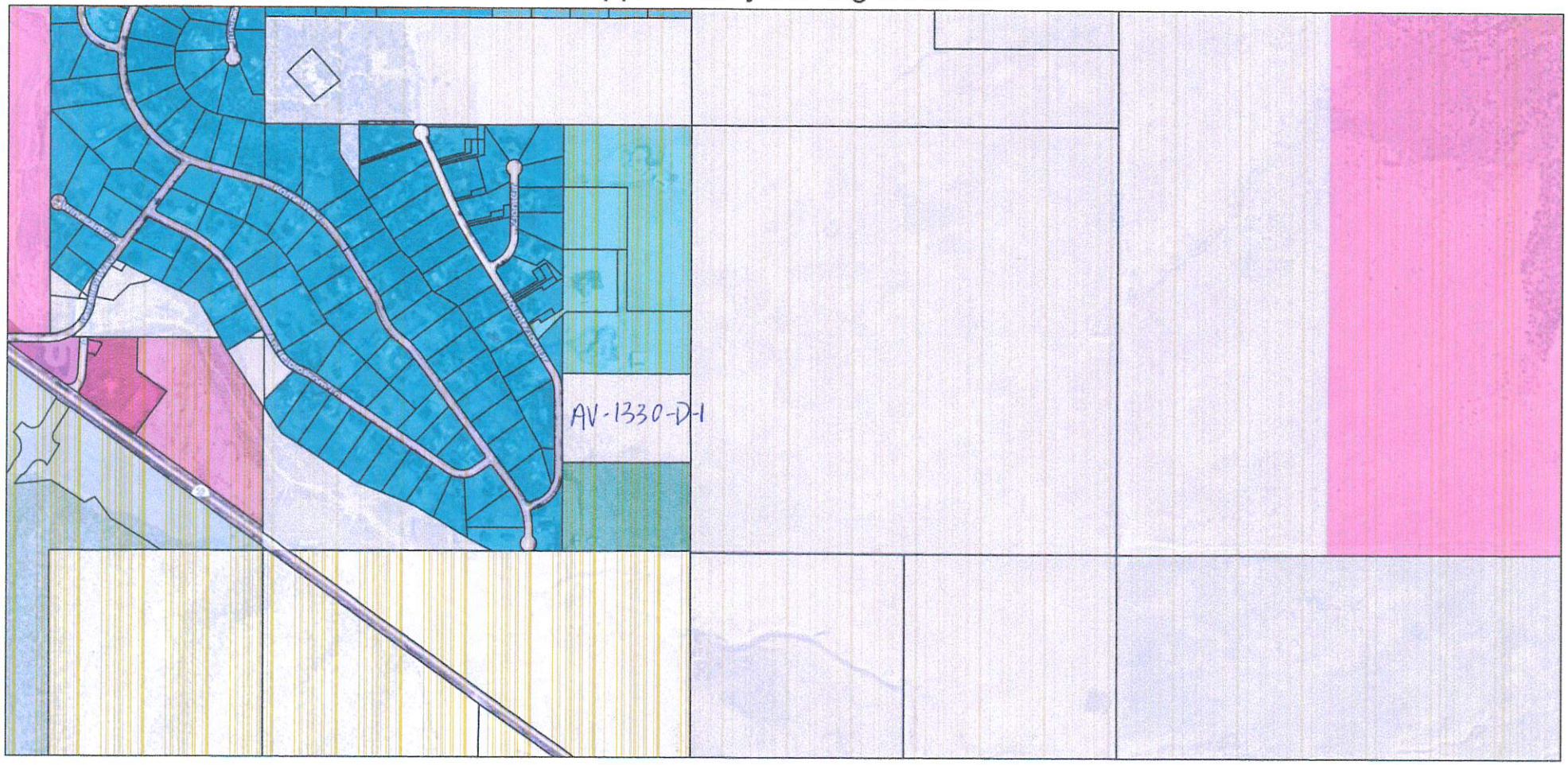
Overview Map

NOTE: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

Report Generated 10/12/2022 by Washington County GIS

Washington County, Utah
County Administration Building
197 E. Tabernacle Street
St. George, UT 84770-3443
www.washco.utah.gov

Apple Valley Zoning Districts



10/12/2022, 9:34:18 PM

Washington County Parcels

Future Annexation Boundary

Zoning Districts

A-10 - Agricultural > 10 Acres

A-20 - Agricultural > 20 Acres

Single-Family Residential > .5 Acres

C-2 – Highway Commercial

INST - Institutional

OSC – Open Space Conservation

OST – Open Space Transition

PD – Planned Development

RE-1 – Rural Estate 1

RE-2.5 – Rural Estate 2.5

RV-Park – Recreational Vehicle Park

Town Boundry

1:9,028

0 0.07 0.15 0.3 mi

0 0.13 0.25 0.5 km

Town of Apple Valley
Sunrise Cloud SMART GIS®

DOC # 20140014049
Quit Claim Deed Page 1 of 1
Russell Shirts Washington County Recorder
05/09/2014 03:34:22 PM Fee $ 10.00
By WIDNER CAREN

WHEN RECORDED, MAIL TO:
Caren M. Widner
P.O. Box 94
Hurricane, Utah 84737

Quit-Claim Deed

Tax ID No. AV-1330-D

Walter E. Josey, Grantor, hereby QUIT-CLAIM to CAREN M. WIDNER, as sole owner, Grantee, for the sum of Ten Dollars, and other good and valuable considerations, the following described parcel of land in Washington County, State of Utah, to-wit:

Beginning at a point on the easterly boundary line of Apple Valley Ranch Subdivision – Phase III, Official Records of Washington County, Utah, said point lies North 89°56'28" East 1848.02 feet along the section line and North 00°03'32" West 549.99 feet from the southwest corner of Section 29, Township 42 South, Range 11 West of the Salt Lake Base and Meridian and running thence along said easterly boundary line North 00°03'32" West 550.21 feet; thence North 89°56'28" East 791.53 feet to a point on the center section line of said section; thence along said center section line South 00°05'34" East 550.21 feet; thence leaving said center section line South 89°56'28" West 791.85 feet to a point on said easterly boundary line and the point of beginning. Contains 10.000 acres.

IN WITNESS WHEREOF, said Grantor has caused his name to be hereunto affixed, this 5 day of May, A.D. 2014.

Walter E. Josey

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On the date first above written personally appeared before me, Walter E. Josey, who, being by me duly sworn, did say, that he is the owner of the above described parcel of land, and that the within and foregoing instrument was signed freely and voluntarily.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

9/18/17
My Commission Expires

ALI SATTLER
Notary Public
State of Utah
Comm. No. 671301
My Comm. Expires Nov 18, 2017

Unofficial Copy

1777 North Meadowlark
Apple Valley, Utah 847
Phone: (435) 877-1190
Fax: (435) 877-1192
www.applevalleyut.gov

October 14, 2022

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-1330-D-1
Approx: 1356 N Mount Zion Dr, Apple Valley, UT 84737

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder's office or at the following link:
https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.020_A_Agricultural_Zone
The hearing will be held **November 2, 2022 at 6:00 PM** MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Apple Valley Town Council.

Kind Regards,

Jenna Vizcardo
Town Clerk

STAHMER MARY K
AV-AVR-3-25
[redacted]

STAHMER MARY K
AV-AVR-3-25
[redacted]

JOSEY WALTER TR
AV-AVR-3-28
[redacted]

LAVIGNE LAURA SUE
AV-AVR-3-7
1426 N MOUNT ZION DR
HURRICANE, UT 84737

,

CHRISTENSEN QUIN & CINDY
AV-AVR-3-39-A
[redacted]

LISONBEE MARTIN & LETITIA A
AV-1330-E
[redacted]

POLLOCK SHELLEY A
AV-AVR-3-37
[redacted]

FAUBLE RICHARD W & JERRINE MAE TRS
AV-AVR-3-38
[redacted]

HAGEN JOSHUA & KRISTINA
AV-AVR-3-34
[redacted]

CEDAR VISTA LLC
AV-1329
[redacted]

PARCELL CHARLES R
AV-AVR-3-47
[redacted]

POLLOCK SHELLEY
AV-AVR-3-36
[redacted]

CHRISTENSEN QUIN & CINDY
AV-AVR-3-39-A
[redacted]

ANGELL ALLEN P JR
AV-1330-B
[redacted]

WIDNER CAREN M
AV-1330-D-1
[redacted]

RUNDQUIST STEPHEN P & MYRNA J
AV-AVR-3-27-A
[redacted]

ROBBINS TERRY E TR & MINTER JULIE A TR
AV-AVR-3-26
[redacted]

GARDNER JON S & FELICIA
AV-AVR-3-50
[redacted]

EDWARDSEN PAUL R
AV-AVR-3-24
[redacted]

PEARSON RYAN M & DONI J
AV-AVR-3-49
[redacted]

JOSEY WALTER TR
AV-1330-C
[redacted]

PEARSON RYAN M & DONI J
AV-AVR-3-48
[redacted]

PLEDGER ROBYN J
AV-1-2-29-3101
[redacted]

LISONBEE MARTIN & LETITIA
AV-AVR-3-8-A
[redacted]

KNIGHT NORMAN, ET AL
AV-AVR-3-35
[redacted]

APPLE VALLEY
PLANNING DEPARTMENT
PRELIMINARY SITE
PLAN REVIEW

PARCEL ID: AV-1376-B-3

PLANNING COMMISSION SCHEDULED MEETING DATE: **November 2ND 2022**

TOWN COUNCIL SCHEDULED MEETING DATE: **November 16TH 2022**

PROPERTY OWNER: Nuance Management LLC

AGENT: Anthus Barlow

ACRES: 1.5 Acres
CURRENT ZONE: C-3
GENERAL PLAN ZONE: Commercial

COMMENTS: Applicant is applying for a site plan review for a commercial property. The proposed use of the commercial property will be food processing, specifically freeze drying. The property is bordered to the north by open space BLM property, to the east by residential estate 5 acre, to the south by open space transition and residential estate 1 acre, and to the west by open space transitions. The property is currently zoned C-3 which was voted on and approved by the Town Council of September 21st 2022.

This application was sent to most of the Joint Utility Committee and a few comments were received. Big Plains and the Fire department responded with concerns about how water runoff from the adjacent BLM property will be dealt with. Anthus Barlow responded to this by letting me know that the water runoff does not currently run across the property. It is currently routed to a drainage culvert that runs under the highway and they will continue to direct the water down the same path. The plans also show a detention basing to handle water runoff from their own property.

The same department also expressed that we make sure that they are using our town standards for their access road coming into the property. This will be addressed during construction documents. The applicant is also aware that some improvements will be required on Bubbling Wells including a pavement section that ties into the highway and extends a certain distance down Bubbling Wells road.

Comments were also received from Ash Creek Special Services District. They were asking about the septic system. They did not see any information for the treatment of the food processing waste. They sent a "pre-treatment" survey for the applicant to fill out. In talking with the applicant over the phone they informed staff that they have not gotten into detail with Ash Creek or the health department. It was advised that they start that process as soon as possible so that we can make sure that they are meeting those requirements before a building permit will be issued.

The public works department and the town engineer were unreachable in the early stages of this project but staff will continue to seek out their approval and comments.

A preliminary site plan shall include at least the following information [10.07.100.d.2.a.1-9]:

1. The Name, Address and telephone number of the applicant and the applicant's agent, if any;
    a. **This information has been received by staff and all but the phone number is on the preliminary site plan**
2. Location, topography showing two-foot contours, identification of 30 percent or greater slopes, and layout of proposed uses;
    a. **Application shows topography at 1 foot contours with no slopes 30 percent or greater**
3. Location of open space;
    a. **There will be no open space with this project**
4. Proposed access to the property and traffic circulation patterns;
    a. **The site plan shows the property being accessed using 2000 south street.**
5. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities;
    a. **Site plan shows all required utilities**
6. Proposed reservations for parks, playgrounds, schools, and other public facility sites, if any;
    a. **None**
7. Adjoining properties and uses;
    a. **Site plan shows adjacent parcel numbers but does not specify the use, these uses were specified when the zone change was requested.**
8. Tables showing the number of acres in the proposed development and a land use summary;
    a. **Site plan does show the number of acres on the property. There will only be one use on the property for food processing.**
9. A phased development plan if applicable.
    a. **No phased development in this project.**

Example of a motion to Approve this application:

I make the motion we recommend approval to the Town Council for the preliminary site plan for [PARCEL #] based on the information stated in the staff report.

Example of a motion to approve this application with conditions:

I make the motion we recommend approval to the Town Council for the preliminary site plan for [PARCEL #] with the following conditions: [list conditions]

Example of a motion to Deny this application

I make the motion we recommend denial to the Town Council for the preliminary site plan for [PARCEL #] based on the information stated in the staff report.

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Fee: $750.00

Preliminary Site Plan Application

Applications Must Be Submitted A Minimum of 21 Days in Advance of The Planning Commission Meeting

Owner: NUANCE MANAGEMENT, LLC.		Phone: 435-467-2717
Address: [redacted]		Email: [redacted]
City: [redacted]	State: [redacted]	Zip: [redacted]
Agent: (If Applicable) ANTHUS BARLOW		Phone: [redacted]
Address/Location of Property: [redacted]		
Zoning Designation: COMMERCIAL C3		Parcel ID: AV-1376-B-3
Proposed Use: FOOD PROCESSING		

Submittal Requirements: The preliminary site plan review application shall provide the following:

- [x] 1. A vicinity map showing the general location of the project.
- [x] 2. Three (3) copies of a site plan showing:
  - x a. Topography showing 2' contours, identification of 30% or greater slopes.
  - x b. The layout of proposed uses.
  - x c. Location of open spaces when applicable.
  - x d. Proposed access to the property and traffic circulation patterns.
  - x e. Adjoining properties and uses.
  - x f. Proposed reservations for parks, playgrounds, school, and any other public facility sites, if any.
- [x] 3. Preliminary utility plan, including water, sewer, and storm drainage plans, and access points to utilities.
- [x] 4. Tables showing the number of acres in the proposed development and a land use summary.
- [x] 5. A phased development plan if applicable.
- [x] 6. Warranty Deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property.
- [x] 7. Signed and notarized Acknowledgement of Water Supply (see attached).

Official Use Only	Amount Paid: $750.00	Receipt No: 41594
Date Received: 10/4/22	Date Application Deemed Complete:	
By:	By:	

Note: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the first Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.

PURPOSE

The site plan review process is established to encourage adequate advanced planning and assure a good quality environment for the Town. Such procedure is intended to provide for orderly, harmonious, safe, and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Apple Valley General Plan, and the Land Use Ordinance, and to protect the general welfare of the community.

WHEN REQUIRED

The preliminary site plan review is only required on the following projects when the Planning Department Manager determines the scope of the project requires both the preliminary site plan and site plan approval; a) Any multiple-family residential use; b) Any public or civic use; c) Any commercial use; or (d) Any industrial use.

The preliminary site plan is also required with a submittal of zone changes to Planned Development Overlay, or changes to an approved Planned Development Overlay.

A preliminary site plan is not intended to permit actual development of property pursuant to such plan but is prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.

Upon approval of a preliminary site plan, the applicant may prepare and submit the greater level of detail required for a for a site plan review application, which is required before construction may commence.

PROCESS

The preliminary site plan is submitted to the Planning and Building Department twenty-one (21) days prior to a regularly scheduled planning Commission meeting. During this time prior to the meeting, Staff will review the plan, and prepare a report and recommendation for the Planning Commission. The Planning Commission at the public meeting will review the application and Staff's report, and approve, approve with conditions, or deny the preliminary site plan.

APPEALS

Since there are no vested rights with the approval of a preliminary site plan, the matter is generally not appealed. However, if an appeal is made, it would be filed with the Town Clerk and heard by the Appeal Authority. The decision of the Appeal Authority is final unless appealed to a court of competent jurisdiction within thirty (30) days from the date of decision of the Appeal Authority.

Parcel ID# AV-1376-B-

Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, ANTHUS BARLOW am/are the applicant(s) of the application known as NUANCE MANAGEMENT, LLC located on parcel(s) AV-1376-B-3 within the Town of Apple Valley, Washington County, Utah.

By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, or permit for which this application is being submitted; and
2. Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District") which verifies that there is a sufficient water supply and guarantee of water for the application or proof that another guaranteed source of water is available to the applicant; and
3. For any application which may be approved without the "Will Serve" letter from the District, the applicant assumes the entire risk of water availability for the project and/or application.

Signature(s):

Name	Applicant/Owner	Date
	Owner	9-26-22

State of Arizona)
)§
County of Mohave)

On this 26 day of September, in the year 2022, before me, Vance Barlow a notary public, personally appeared Anthus Barlow, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal. (notary signature)

(seal)

VANCE BARLOW
Notary Public - Arizona
Mohave County
Commission # 559373
My Comm. Expires Sep 16, 2023

AFFIDAVIT
PROPERTY OWNER

STATE OF ~~UTAH~~ Arizona)
)§
COUNTY OF ~~WASHINGTON~~ Mohave)

I (We) ANTHUS BARLOW, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town Planning Staff have indicated they are available to assist me in making this application.

Property Owner

Property Owner

Subscribed and sworn to me this 26 day of September, 2022.

VANCE BARLOW
Notary Public - Arizona
Mohave County
Commission # 569323
My Comm. Expires Sep 16, 2023

Notary Public

Residing in: Colorado City

My Commission Expires: 9-16-2023

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20_____.

Notary Public

Residing in: _____

My Commission Expires: _____

DOC ID 20220004705

Special Warranty Deed Page 1 of 1
Gary Christensen Washington County Recorder
01/24/2022 04:01:39 PM Fee $40.00 By BACKMAN STG

MAIL TAX NOTICE TO
ANTHUS BARLOW
P.O. Box 840701
Hildale, UT 84784

Special Warranty Deed

ACCOMMODATION: Backman Title Services makes no representation as to condition of title or assumes responsibility for validity, sufficiency, and effect of document on property.

Order No. 8-005714

ANTHUS BARLOW

of Hildale, County of Washington, State of UTAH, Grantor, hereby CONVEY and WARRANT, against all persons claiming by, through, or under Grantor, to

NUANCE MANAGEMENT, LLC, a Utah Limited Liability Company

of Apple Valley, County of Washington, State of UT Grantee for the sum of Ten Dollars and Other Good and Valuable Consideration the following described tract(s) of land in Washington County, State of UTAH:

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 22, Township 43 South, Range 11 West, Salt Lake Base and Meridian, and running thence Southeasterly along the North right-of-way line of State Highway #59, 520.74 feet to the true point of beginning; thence Southeasterly 226.18 feet along the North right-of-way line of said State Highway #59; thence Northerly 400.96 feet to a point on the North section line of said Section 22, which is East 687.0 feet from the point of beginning; thence West along said section line 212.5 feet; thence Southerly 287.5 feet to the true point of beginning.

Parcel No.: AV-1376-B-3

SUBJECT TO: County and/or City Taxes not delinquent; Bonds and/or Special Assessments not delinquent and Covenants, Conditions, Restrictions, Rights-of-Way, Easements, and Reservations now of Record.

WITNESS, the hand(s) of said Grantor(s), this 21st of January AD., 2022

Signed in the Presence of:

ANTHUS BARLOW

STATE OF Utah)
) SS.
County of Washington)

The foregoing instrument was acknowledged before me this 21st day of January, 2022
By ANTHUS BARLOW

Notary Public
My Commission Expires: 11/28/2023 Residing at: SANTA CLARA, UT

SHANELL CARTER-JENSEN
Notary Public
State Of Utah
My Commission Expires 11-28-2023
COMMISSION NO. 709261

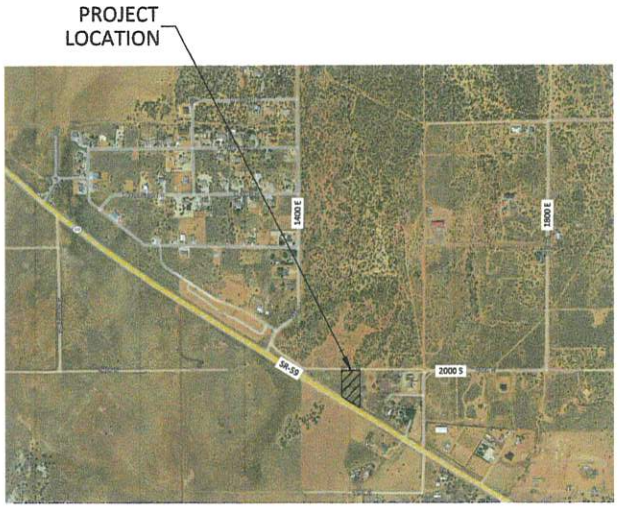
Warranty Deed (Special) (Individual Notary)
Backman Title Services Ltd.

IMPROVEMENT PLANS FOR
FREEDOM FREEZE DRY
WITHIN THE NE1/4 OF THE NE1/4 OF SECTION 22, T. 43 S., R. 11 W., SLB&M
September 2022

PROJECT INFORMATION

PROPERTY LOCATION
1442 EAST 2000 S
APPLE VALLEY, UTAH 84737

PROJECT OWNER CONTACT INFORMATION
NUANCE MANAGEMENT LLC
C/O ANTHUS BARLOW
1125 W FIELD AVENUE #701
HILLDALE, UTAH 84784



VICINITY MAP
NOT TO SCALE

PROPERTY DESCRIPTION	
TOTAL AREA	71,706 SF/1.65 ACRES
BUILDINGS	4,800 SF
LANDSCAPING	407 SF
REQUIRED PARKING	1 Stalls

DRAWING INDEX	
SHEET NO.	SHEET DESCRIPTION
0	COVER SHEET
1	DEMO PLAN
2	SITE PLAN
3	GRADING PLAN
4	UTILITY PLAN
5	DETAILS

PUBLIC WORKS DIRECTOR'S APPROVAL

THESE CONSTRUCTION PLANS ARE APPROVED BY THE PUBLIC WORKS DIRECTOR THIS_____DAY OF_____, 2022.

_____
PUBLIC WORKS DIRECTOR

CITY ENGINEER'S APPROVAL

THESE CONSTRUCTION PLANS ARE APPROVED BY THE TOWN ENGINEER THIS ___ _____DAY OF_____, 2022

_____
TOWN ENGINEER

NOTE: 11"x17" SHEETS ARE NOT TO SCALE

PLATT & PLATT, INC
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL: PLATT@INFOWEST.COM

DIVISION	DATE	DESCRIPTION
		1ST SUBMITTAL TO CEDAR CITY

COVER SHEET FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH

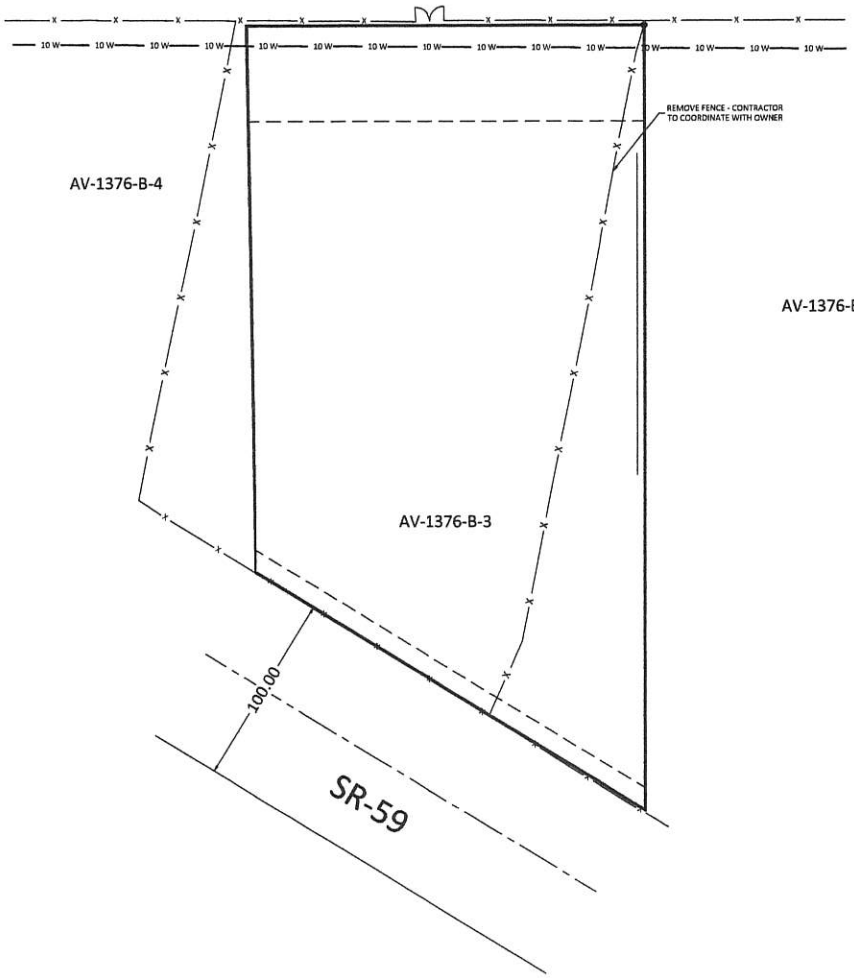
LICENSED PROFESSIONAL ENGINEER
9054882
MICHAEL ROBERT PLATT
9/15/22
STATE OF UTAH

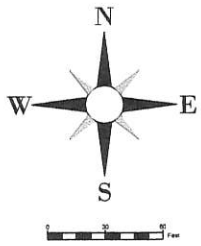
DRAWN BY: M.R. PLATT
CHECKED BY: R.B. PLATT
DATE: Sep 26, 2022
HOR SCALE: N.T.S.
VERT SCALE: N.T.S.

SHEET: X

DEMO PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737

WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH





LEGEND

- PROPERTY LINE
- 10 W — EXISTING 10-INCH WATER LINE
- x — EXISTING FENCE

NOTES:

1. PROPERTY OWNER: NUANCE MANAGEMENT LLC
2. WASHINGTON COUNTY PARCEL NUMBER: AV-1376-B-3
3. AREA = 1.65 ACRES
4. THE BASIS OF BEARINGS IS S89°59'16"W BETWEEN THE NORTHEAST CORNER AND THE NORTH 1/4 CORNER OF SECTION 22 TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M.
5. THE PARCEL IS ZONE OPEN SPACE TRANSITION PER THE APPLE VALLEY ZONING MAP.
6. OWNER, OWNER'S REPRESENTATIVE, CONTRACTOR, AND SUB CONTRACTORS TO COMPLY WITH PROJECT GEOTECHNICAL REPORT PERFORMED BY LANDMARK TESTING AND ENGINEERING, PROJECT NUMBER 220189, DATED APRIL 8, 2022.
7. THE PROPERTY IS LOCATED IN FLOOD ZONE C, AREA OF MINIMAL FLOODING BASED ON THE FEMA FLOOD INSURANCE RATE MAP, IRON COUNTY, UTAH (UNINCORPORATED AREAS) COMMUNITY PANEL NUMBER 49007307259, EFFECTIVE DATE: JULY 17, 1986.
8. SEPTIC SYSTEM TO BE INSTALLED. DESIGN OF SEPTIC SYSTEM WAS PERFORMED BY OTHERS.

PLATT & PLATT, INC
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL: PLATT@INFOWEST.COM

REVISION:	DATE:	DESCRIPTION:
		1ST SUBMITTAL TO CEDAR CITY

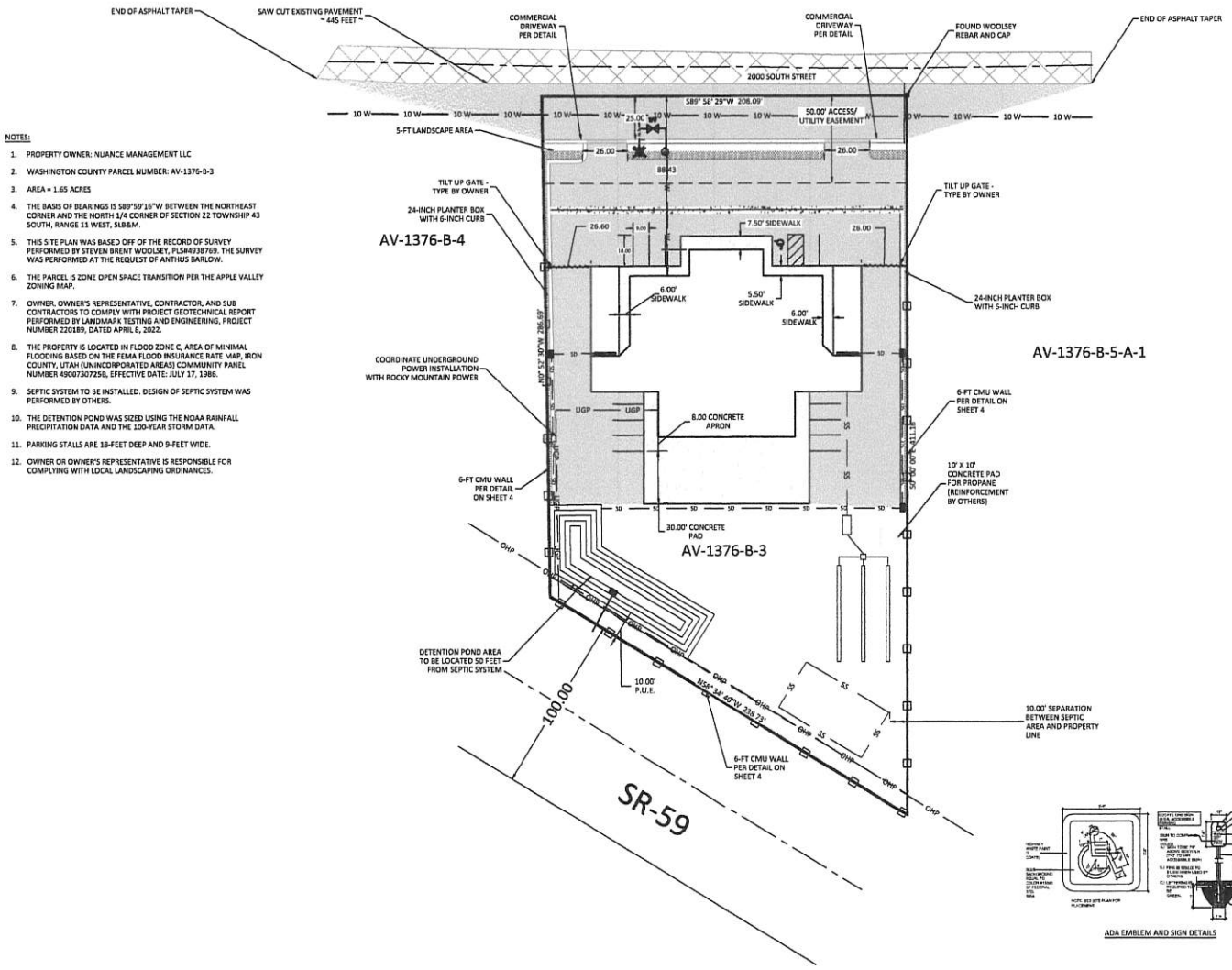
DEMO PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH



DRAWN BY: M.R. PLATT
CHECKED BY: R.B. PLATT
DATE: Sep 26, 2022
HOR SCALE: 1" = 30'

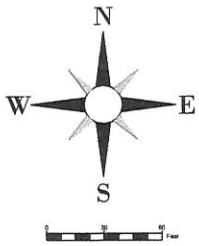
SHEET: 1

SITE PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH



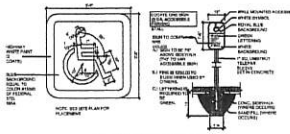
NOTES:

1. PROPERTY OWNER: NUANCE MANAGEMENT LLC
2. WASHINGTON COUNTY PARCEL NUMBER: AV-1376-B-3
3. AREA = 1.65 ACRES
4. THE BASIS OF BEARINGS IS S89°59'16"W BETWEEN THE NORTHEAST CORNER AND THE NORTH 1/4 CORNER OF SECTION 22 TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M.
5. THIS SITE PLAN WAS BASED OFF OF THE RECORD OF SURVEY PERFORMED BY STEVEN BRENT WOOLSEY, PLS#4938769. THE SURVEY WAS PERFORMED AT THE REQUEST OF ANTHUS BARLOW.
6. THE PARCEL IS ZONE OPEN SPACE TRANSITION PER THE APPLE VALLEY ZONING MAP.
7. OWNER, OWNER'S REPRESENTATIVE, CONTRACTOR, AND SUB CONTRACTORS TO COMPLY WITH PROJECT GEOTECHNICAL REPORT PERFORMED BY LANDMARK TESTING AND ENGINEERING, PROJECT NUMBER 220189, DATED APRIL 8, 2022.
8. THE PROPERTY IS LOCATED IN FLOOD ZONE C, AREA OF MINIMAL FLOODING BASED ON THE FEMA FLOOD INSURANCE RATE MAP, IRON COUNTY, UTAH (UNINCORPORATED AREAS) COMMUNITY PANEL NUMBER 490073072SB, EFFECTIVE DATE: JULY 17, 1986.
9. SEPTIC SYSTEM TO BE INSTALLED. DESIGN OF SEPTIC SYSTEM WAS PERFORMED BY OTHERS.
10. THE DETENTION POND WAS SIZED USING THE NOAA RAINFALL PRECIPITATION DATA AND THE 100-YEAR STORM DATA.
11. PARKING STALLS ARE 18-FEET DEEP AND 9-FEET WIDE.
12. OWNER OR OWNER'S REPRESENTATIVE IS RESPONSIBLE FOR COMPLYING WITH LOCAL LANDSCAPING ORDINANCES.

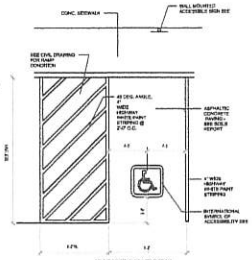


LEGEND

- PROPERTY LINE
- 10 W — EXISTING 10-INCH WATER LINE
- 6 W — PROPOSED 6-INCH WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- W — PROPOSED 2-INCH WATER LATERAL
- SD — STORM DRAIN
- EASEMENT
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED LANDSCAPING
- NEW CMU BLOCK WALL
- OHP — EXISTING OVERHEAD POWER LINE
- UGP — PROPOSED UNDERGROUND POWER
- TILT UP GATE



ADA EMBLEM AND SIGN DETAILS



ADA PARKING SPACE DETAIL

PLATT & PLATT, INC
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL: PLATT@INFOWEST.COM

DESCRIPTION	DATE
1ST SUBMITTAL TO CEDAR CITY	

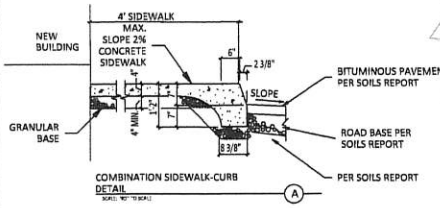
SITE PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH

LICENSED PROFESSIONAL ENGINEER
9054882
MICHAEL ROBERT PLATT
6/29/22
STATE OF UTAH

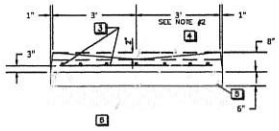
DRAWN BY: M.R. PLATT
CHECKED BY: R.B. PLATT
DATE: Sep 26, 2022
HOR SCALE: 1" = 10'

SHEET: 2

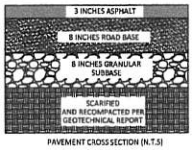
GRADING PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH



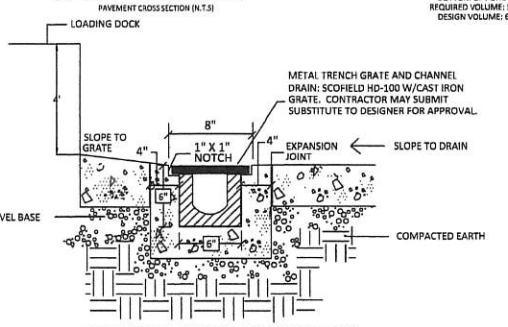
COMBINATION SIDEWALK-CURB DETAIL (A)



6'-0" CROSS GUTTER (B)

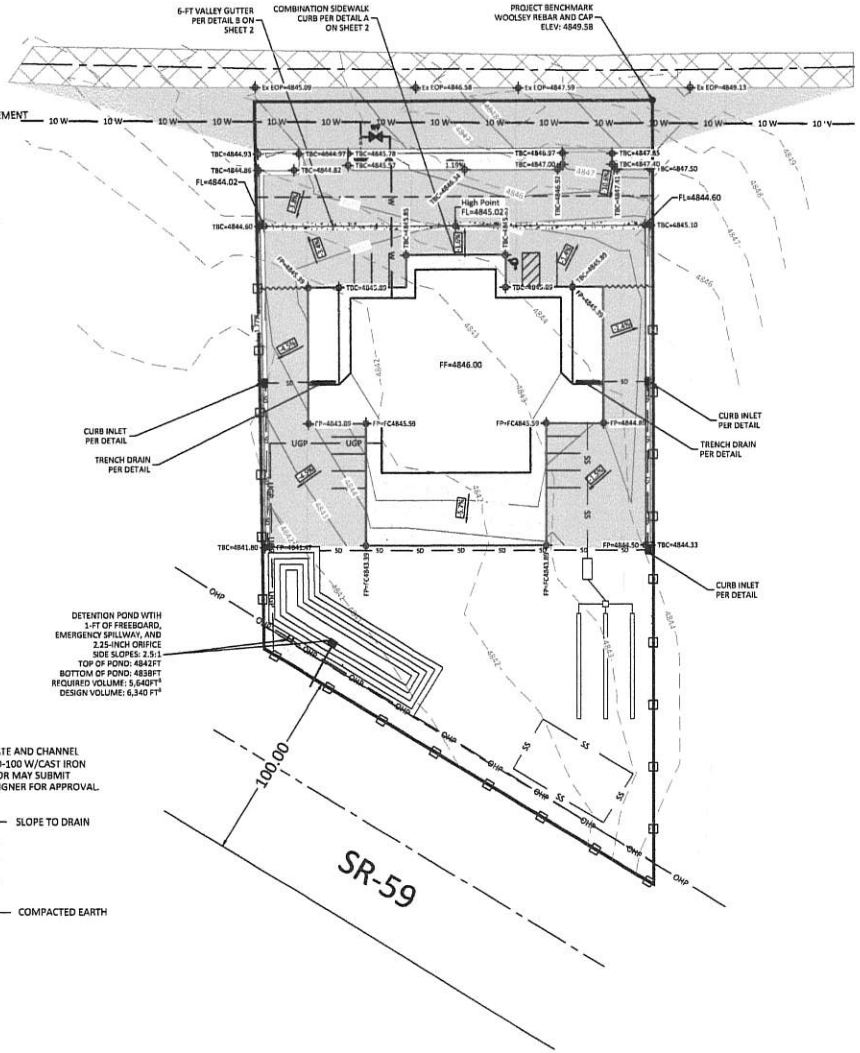


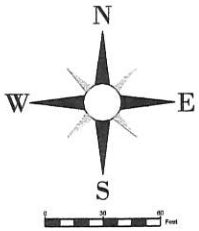
PAVEMENT CROSS SECTION (N.T.S)



* SLOPE BOTTOM OF TRENCH DRAIN TO TIE IN WITH EXISTING DRAINAGE OR PROPOSED DRAIN PIPE

TRENCH DRAIN DETAIL





LEGEND

	PROPERTY LINE
10 W	EXISTING 10-INCH WATER LINE
6 W	PROPOSED 6-INCH WATER LINE
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
2 W	PROPOSED 2-INCH WATER LATERAL
SD	6-INCH STORM DRAIN
	EASEMENT
	EXISTING CURB AND GUTTER
	PROPOSED CURB AND GUTTER
	EXISTING PAVEMENT
	PROPOSED PAVEMENT
	PROPOSED LANDSCAPING
	NEW CMU BLOCK WALL
OHP	EXISTING OVERHEAD POWER LINE
TBC	TOP BACK OF CURB
FP	FINISHED PAVEMENT
FP=FC	FINISHED PAVEMENT = FINISHED CONCRETE
4848	EXISTING CONTOURS (DASHED)
4848	FINISHED CONTOURS (SOLID)
SS	SEPTIC SYSTEM AREA

GRADING NOTES:

1. ALL WORK SHALL CONFORM TO CEDAR CITY ENGINEERING STANDARDS AND ENGINEERING STANDARD DRAWINGS, INCLUDING LATEST REVISIONS, UNLESS OTHERWISE SPECIFIED.
2. OWNER, OWNER'S REPRESENTATIVE, CONTRACTOR, AND SUB CONTRACTORS TO VERIFY PAVEMENT STRUCTURE WITH A GEOTECHNICAL REPORT.
3. THE PAVEMENT SECTION SHALL CONSIST OF 3 INCHES ASPHALT OVER 8 INCHES OF ROAD BASE OVER 8 INCHES OF COMPACTED TYPE 1.

EARTHWORK NOTES:

1. FINISHED CONTOURS ARE GENERATED TO THE FINISHED GRADE OF THE SITE.
2. THE OWNER, OWNER'S REPRESENTATIVE, OR CONTRACTOR SHALL BE RESPONSIBLE TO EVALUATE THE ONSITE SOILS, REVIEW THE GEOTECHNICAL REPORT, AND SHALL BE ABLE TO ANTICIPATE THE EARTHWORK FOR THIS PROJECT.
3. CUT AND FILL VOLUMES ARE BASED ON 3D MODELING COMPUTATIONS, AND ARE COMPACTED INPLACE VOLUMES. EXPANSION AND SHRINKAGE CONDITIONS OFTEN ASSOCIATED WITH SOILS DURING CONSTRUCTION ARE NOT REFLECTED.

PLATT & PLATT, INC
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL: PLATT@INFOWEST.COM

DESCRIPTION	DATE
1ST SUBMITTAL TO CEDAR CITY	

GRADING PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH

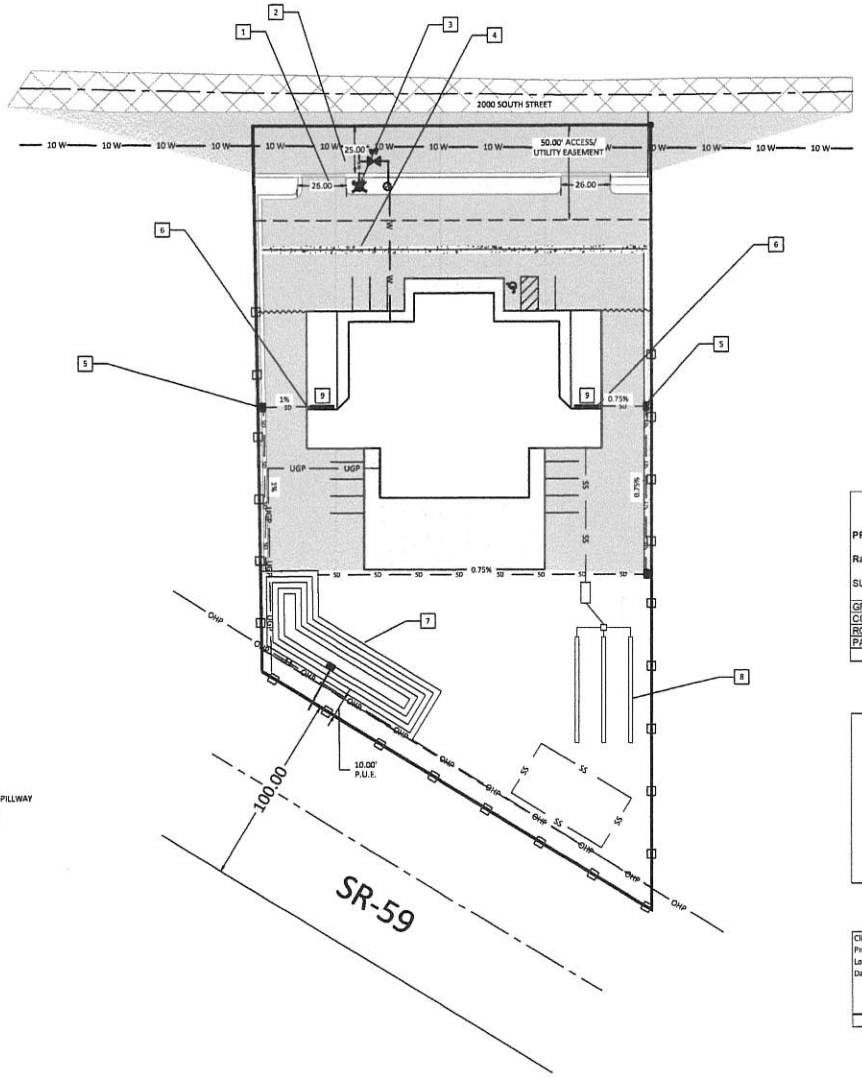
LICENSED PROFESSIONAL ENGINEER
9054682
MICHAEL ROBERT PLATT
6/29/22
STATE OF UTAH

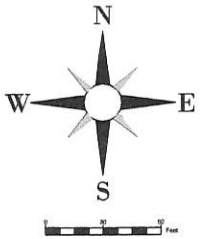
DRAWN BY: M.R. PLATT
CHECKED BY: R.B. PLATT
DATE: Sep 26, 2022
HOR SCALE: 1" = 10'

SHEET: 3

UTILITY PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737

WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH





LEGEND

- PROPERTY LINE
- 10 W — EXISTING 10-INCH WATER LINE
- 6 W — PROPOSED 6-INCH WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- W — PROPOSED 2-INCH WATER LATERAL
- PROPOSED 2-INCH WATER METER
- SD — STORM DRAIN
- EASEMENT
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED LANDSCAPING
- NEW CMU BLOCK WALL
- OHP — EXISTING OVERHEAD POWER LINE

NOTES:

1. OWNER OR OWNER'S REPRESENTATIVE IS RESPONSIBLE FOR CALLING BLUE STAKES AND NOTIFYING THEM ON ANY EXCAVATION OR DIGGING WHICH IS TO TAKE PLACE.
2. OWNER OR OWNER'S REPRESENTATIVE IS RESPONSIBLE FOR ANY STORM WATER PREVENTION POLLUTION PLAN WHICH MAYBE REQUIRED DURING CONSTRUCTION.
3. MINIMUM DEPTH OF COVER (TO TOP OF THE PIPE) FOR WATER MAINS SHALL BE 3 FEET BELOW FINAL GRADE WITH A MAXIMUM OF 10 FEET UNLESS APPROVED BY THE TOWN OF APPLE VALLEY WATER DEPARTMENT.
4. CONTRACTOR SHALL INSTALL THRUST BLOCKING AT ALL WATERLINE ANGLE POINTS AND TEES.
5. CONTRACTOR SHALL INSTALL MAGNETIC LOCATING TAPE CONTINUOUSLY OVER ALL NONMETALLIC PIPE.
6. CONTRACTOR SHALL FLUSH AND DISINFECT ALL WATER LINES IN ACCORDANCE WITH AWWA STANDARD c651-11.
7. ALL WATER LINES AND COMPONENTS SHALL FOLLOW NSF STANDARD 61.
8. ALL MATERIALS THAT MAY COME IN CONTACT WITH DRINKING WATER, INCLUDING PIPES, GASKETS, LUBRICANTS, AND O-RINGS SHALL BE ANSI-CERTIFIED AS MEETING THE REQUIREMENTS OF ANSI/NSF STANDARD 61, DRINKING WATER SYSTEM COMPONENTS HEALTH EFFECTS. TO PERMIT FIELD-VERIFICATION OF THIS CERTIFICATION, ALL COMPONENTS SHALL BE APPROPRIATELY STAMPED WITH THE NSF LOGO.

KETNOTES

1. PROPOSED FIRE HYDRANT
2. PROPOSED WATER VALVE
3. PROPOSED 2" METER
4. PROPOSED 2" WATER LINE
5. PROPOSED DROP INLET
6. PROPOSED 8-INCH STORM DRAIN LINE
7. PROPOSED DETENTION POND WITH 2.25 INCH ORIFICE AND EMERGENCY SPILLWAY
8. SEPTIC SYSTEM AREA - DESIGN BY LANDMARK TESTING AND ENGINEERING PROJECT NUMBER NO. 220189
9. TRENCH DRAIN AND PUMP

STORM WATER IMPROVEMENTS
DETENTION POND STORAGE AND ORIFICE CALCULATIONS

PROJECT: FREEDOM FREEZEDRY

Rational Method Calculations

SURFACE TYPE	AREA (Ac.)	RATIONAL COEFFICIENT (C)	A * C	ALLOWABLE RUNOFF (CFS)
GRAVEL	0.766	0.3	0.230	0.153
CONCRETE	0.124	0.9	0.112	0.025
ROOF AREA	0.249	0.9	0.224	0.050
PAVEMENT	0.497	0.9	0.447	0.099
TOTALS	1.6358	0.62	1.013	0.327

Storage Calculations

Minutes	A *C	100-yr Storm Intensity (in/hr)	Time (sec)	Cumulative Runoff (cu ft)	Allowable Runoff (cu. ft)	Storage (cu ft)
5	1.0128	7.13	300	2166	98	2068
10	1.0128	5.42	600	3294	196	3097
15	1.0128	4.48	900	4084	294	3789
30	1.0128	3.02	1800	5506	589	4917
60	1.0128	1.87	3600	6818	1178	5641
120	1.0128	1.02	7200	7438	2356	5083
180	1.0128	0.694	10800	7591	3533	4058
360	1.0128	0.344	21600	7526	7067	459
1440	1.0128	0.134	86400	11726	28266	0

Required Storage Volume (cu. ft)= 5641

Client:	Freedom Freeze Dry
Project:	Freedom Freeze Dry Civil Plans
Location:	1442 East 2000 South
Date:	8/5/2022

Inches	Feet	Slope ft/ft	n	Hyd Radius	Q cfs
18	1.5	0.005	0.013	0.375	7.447

PLATT & PLATT, INC
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
195 N. 100 E.
CEDAR CITY, UT 84720
TEL: (435) 586-6151
FAX: (435) 586-8567
EMAIL: PLATT@INFOWEST.COM

DIVISION:	DATE	DESCRIPTION
		1ST SUBMITTAL TO CEDAR CITY

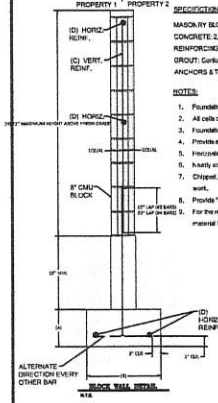
UTILITY PLAN FOR
FREEDOM FREEZE DRY
1442 EAST 200 SOUTH, APPLE VALLEY, UTAH 84737
WITHIN THE NE¼ OF THE NE¼ OF SECTION 22
TOWNSHIP 43 SOUTH, RANGE 11 WEST, SLB&M
WASHINGTON COUNTY, UTAH



DRAWN BY: M.R. PLATT
CHECKED BY: R.B. PLATT
DATE: Sep 26, 2022
HOR SCALE: 1" = 30'

SHEET: 4

(H) WALL HEIGHT	(A) FOUNDATION DEPTH	(B) FOUNDATION WIDTH	(C) VERTICAL REINFORCING	(D) HORIZONTAL REINFORCING
32"	12"	14"	#3 REBAR @ 24" O.C.	#3 CONTINUOUS AT TOP OF WALL #3 CONTINUOUS AT MIDHEIGHT OF WALL (2)#4 CONTINUOUS AT FOUNDATION
36"	12"	14"	#3 REBAR @ 24" O.C.	#3 CONTINUOUS AT TOP OF WALL #3 CONTINUOUS AT MIDHEIGHT OF WALL (2)#4 CONTINUOUS AT FOUNDATION
48"	12"	20"	#3 REBAR @ 24" O.C.	#4 CONTINUOUS AT TOP OF WALL #3 CONTINUOUS AT MIDHEIGHT OF WALL (2)#4 CONTINUOUS AT FOUNDATION
60"	12"	24"	#4 REBAR @ 32" O.C.	#4 CONTINUOUS AT TOP OF WALL #4 CONTINUOUS AT MIDHEIGHT OF WALL (3)#4 CONTINUOUS AT FOUNDATION
72"	12"	27"	#4 REBAR @ 24" O.C.	#4 CONTINUOUS AT TOP OF WALL #4 CONTINUOUS AT MIDHEIGHT OF WALL (3)#4 CONTINUOUS AT FOUNDATION



BLOCK WALL DETAIL

SPECIFICATIONS:

MASONRY BLOCK: Conforming to ASTM C90.

CONCRETE: 2,500 p.s.i. compressive strength after 28 days of curing.

REINFORCING: Deformed bars, conforming to ASTM A615 Grade 60.

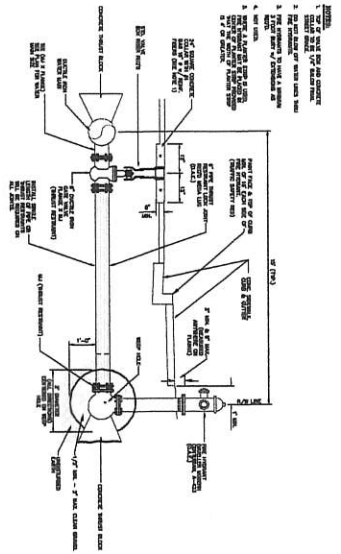
GROUT: Conforming to ASTM C476 w/ minimum compressive strength of 2,000 p.s.i.

ANCHORS & TIES: Copper-coated or zinc-coated steel.

NOTES:

1. Foundation must be poured against undisturbed soil.
2. All cells containing reinforcing steel shall be solid grouted.
3. Foundations shall not extend above finish grade.
4. Provide alternate bends in vertical reinforcing.
5. Horizontal joints shall be level, vertical joints plumb and faces of masonry flush.
6. Neatly strike and clean off all joints in the face of walls which are not to be plastered.
7. Chipped, warped or otherwise defective masonry units shall not be used in finish work.
8. Provide "cleanouts" for grout pours>48" high.
9. For the repair/replacement of an existing wall, the block and cap shall match the material finish and color of the existing block.

NOTE:
Prior to installation it is recommended that a Design Professional review the proposed structure regarding Design Standards Applicable to Site Specific Conditions.



APPLE VALLEY
PLANNING DEPARTMENT
LOT LINE ADJUSTMENT
REVIEW

PARCEL ID: AV-1366-A-16
& AV-1366-A-17

PLANNING COMMISSION SCHEDULED MEETING DATE: November 2nd 2022

TOWN COUNCIL SCHEDULED MEETING DATE: **November 16th 2022**

PROPERTY OWNER: Farrar, Michael Lee & Karale Robyn TRS, Farrar Jerry lee & Sherlin TRS

AGENT: None

CURRENT ACRES PARCEL 1: 3.54 Acres
PROPOSED ACRES PARCEL 1: 7 Acres

CURRENT ACRES PARCEL 2: 21.88 Acres
PROPOSED ACRES PARCEL 2: 18.42 Acres

CURRENT ZONEPARCEL 1: A-5
CURRENT ZONEPARCEL 2: A-5
GENERAL PLAN ZONE: Residential Low: 5+ Acres

COMMENTS: Applicant has submitted application with the stated purpose of adjusting the lot lines for these two properties. Property 1 is not in compliance with current zoning as it is right now, lot line adjustment would bring that property into compliance with the current zoning. Both properties have an existing single family residence. Property is surrounded by multiple properties of similar size with single family residences on the properties. Overall application would achieve more compliance than what is currently there. Application was sent to Joint Utility Committee and did not return with any negative comments.

Example of a motion to Approve this application:

I make the motion we recommend approval to the Town Council for the lot line adjustment for parcel AV-1366-A-16 and parcel AV-1366-A-17 based on the finding presented in the staff report.

Example of a motion to Deny this application

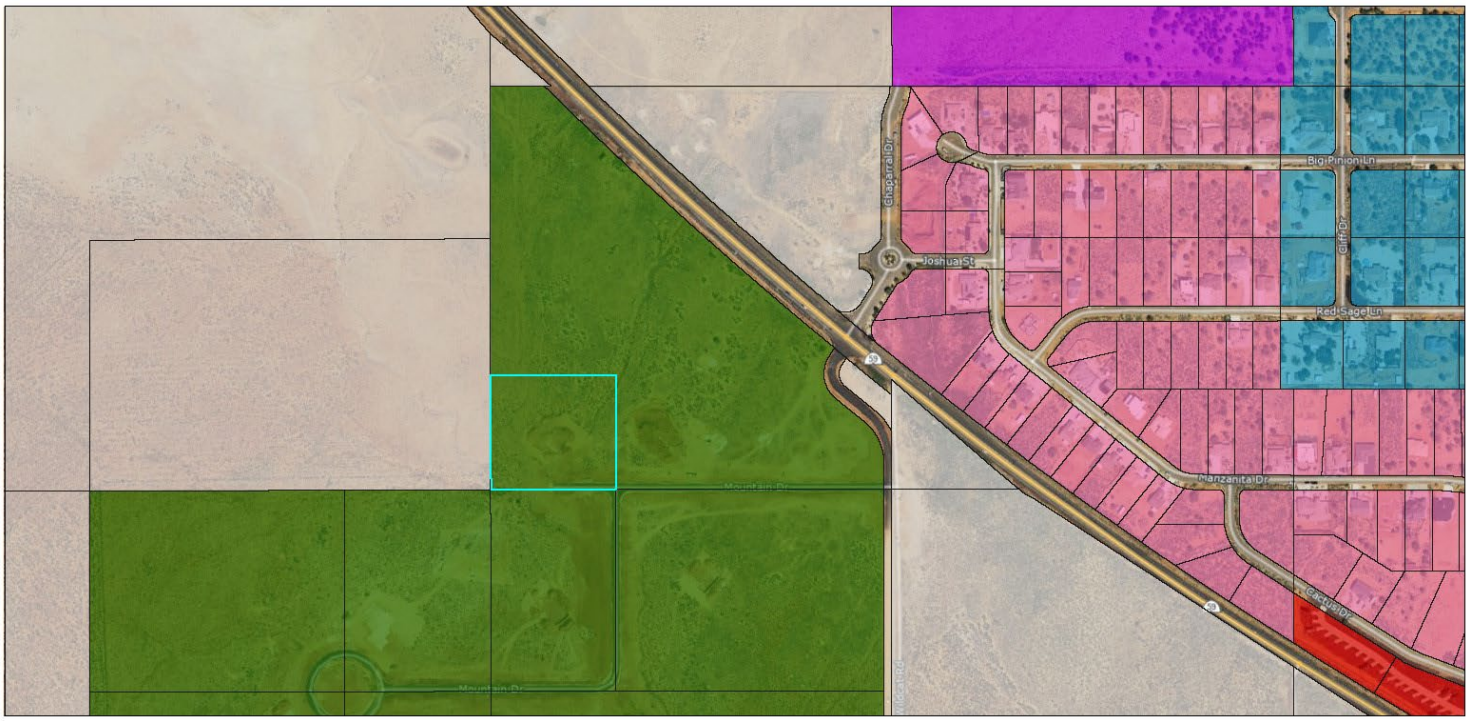
I make the motion we recommend denial to the Town Council for the lot line adjustment for parcel AV-1366-A-16 and parcel AV-1366-A-17 based on the

finding presented in the staff report.

Example of a motion to approve this application with conditions:

I make the motion we recommend approval to the Town Council for the lot line adjustment for parcel AV-1366-A-16 and parcel AV-1366-A-17 with the following conditions. [list conditions]

Apple Valley Zoning Districts



10/25/2022, 9:14:31 PM

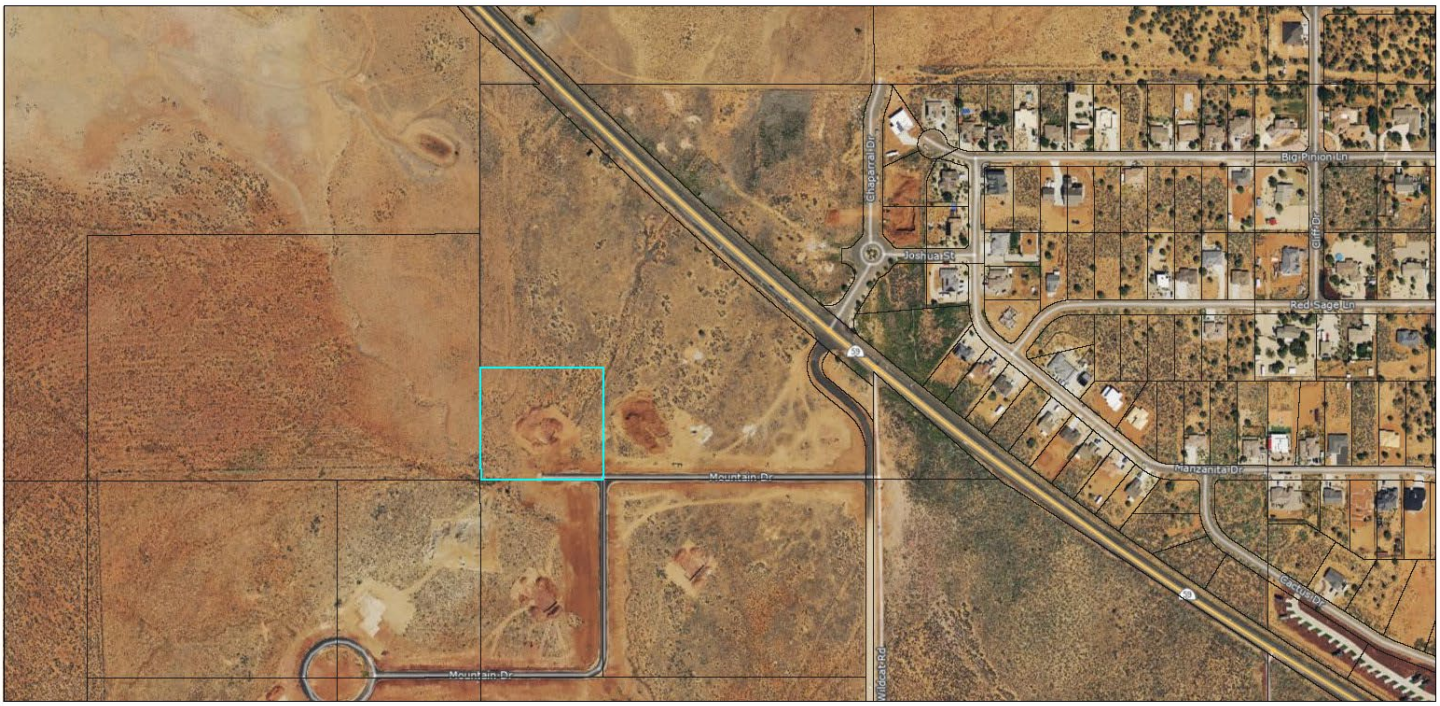
Washington County Parcels
Future Annexation Boundary

Zoning Districts
A-5 - Agricultural > 5 Acres
Single-Family Residential > .5 Acres
C-2 – Highway Commercial
INST - Institutional
OST – Open Space Transition
RE-1 – Rural Estate 1
Town Boundry

1:4,514
0 0.04 0.08 0.16 mi
0 0.05 0.1 0.2 km

Town of Apple Valley
Sunrise Cloud SMART GIS®

Apple Valley Zoning Districts



10/25/2022, 9:13:47 PM

Washington County Parcels

1:4,514

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Town of Apple Valley
Sunrise Cloud SMART GIS®

Town of Apple Valley
1777 N. Meadowlark Drive, Apple Valley, Utah 84737
Phone: (435) 877-1190 Fax: (435) 877-1192
www.applevalleyut.gov

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear 11/2/2022

Paperwork returned by Applicant (Date) 10/3/2022

Name of Applicant: Farrar, Michael Lee & Karale Robyn TRS, Farrar Jerry lee & Shirlin TRS

Site Location: 960 E Mountain DR, Apple Valley, UT 84737

Mailing Address: [redacted]

Phone: [redacted]

Purpose of Request: To adjust lot lines between parcels AV-1366-A-16 & AV-1366-A-17

Applicant Signature

1. Annexations: $1500.00 filing fee
2. Conditional Use Permit: $300.00 filing fee
3. Zone Changes: $500.00 + Acreage Fee filing fee
4. Subdivisions: $1500.00 filing fee
5. Lot Line Adjustment: $200.00 filing fee
6. Lot Split (2 Lots): $250.00 filing fee
7. General Plan Amendment: $500.00 + Acreage Fee filing fee

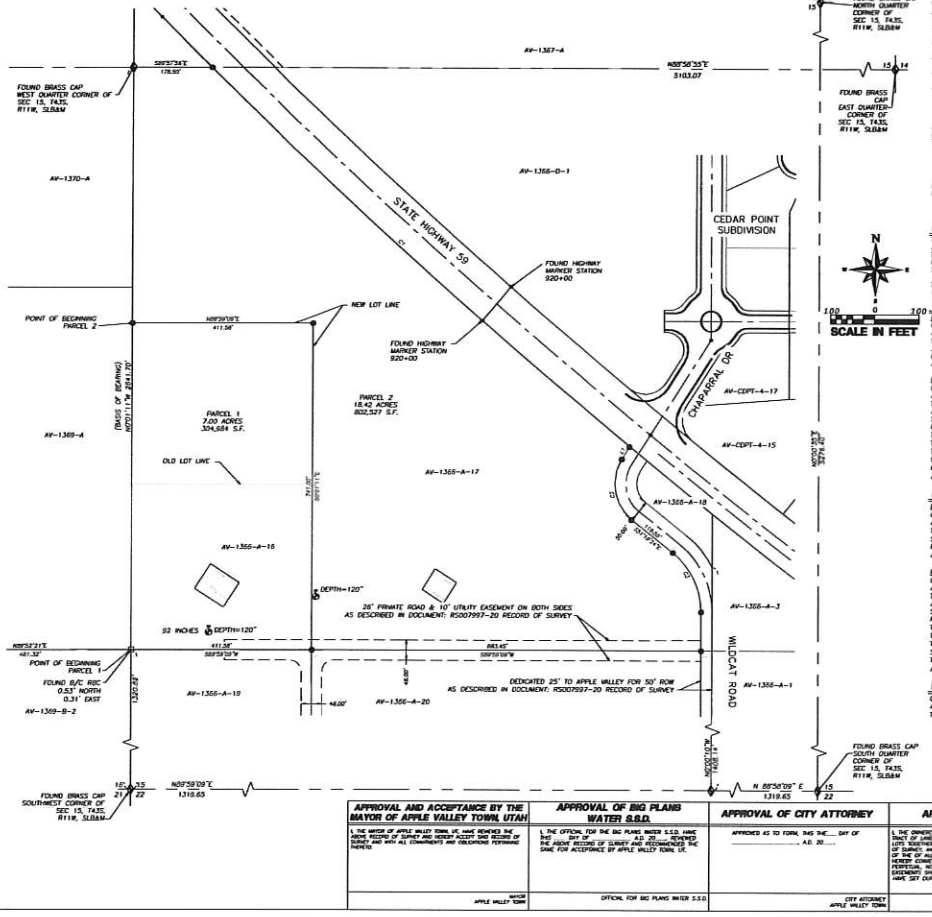
Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

Planning Commission Chairman / Date

City Administration / Date

RECORD OF SURVEY/ LOT LINE ADJUSTMENT FOR:
TWO FARRAR FAMILY TRUSTS

LOCATED IN NW 1/4 AND SW 1/4 OF SECTION 15, T43S, R11W, S.L.B.&M.
TOWN OF APPLE VALLEY, WASHINGTON COUNTY, UTAH



LEGEND

	PROPERTY LINE	◆	SECTION CORNER AS DESCRIBED
	ADJACENT PROPERTY LINE	●	SET PROVALUE ENGINEERING REBAR & CAP P.L.S. #7837685
	EXISTING FENCE	□	FOUND MONUMENT AS DESCRIBED
	SECTION LINE	(00.00)	RECORD BEARING OR DISTANCE
	CENTER LINE		TEST PIT LOCATION
	EASEMENT		
	ORIGINAL LOT LINE		

I, CHAD J. HILL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE OF REGISTRATION NO. 7837685, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THE PROPERTY WAS SURVEYED AS SHOWN.

CHAD J. HILL, P.L.S.
LICENSE NO. 7837685

CHAD J. HILL 7837685-2201

9-7-2022
DATE

NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF THE FARRAR FAMILY TRUSTS TO ADJUST A LOT LINE BETWEEN PARCEL AV-1366-A-17 AND AV-1366-A-18. THE OWNER OF BOTH PARCELS IS THE MICHAEL AND KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR AND KARALE ROBYN FARRAR AS TRUSTEES AS TO A 50% INTEREST AND THE JERRY LEE AND SHIRLYN FARRAR 2006 TRUST, DATED MARCH 28, 2006, JERRY LEE FARRAR AND SHIRLYN FARRAR AS TRUSTEES AS TO A 50% INTEREST.

THE BASIS OF BEARINGS IS N01°01'11"W 2,641.7 FEET BETWEEN THE SOUTHWEST CORNER AND WEST QUARTER CORNER OF SECTION 15, T43S, R11W, SLB&M.

OLD PARCEL DEED DESCRIPTIONS

PARCEL 1
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°01'11"W ALONG THE WEST SECTION LINE 1320.82 FEET TO THE POINT OF BEGINNING; THENCE N01°01'11"W ALONG SAID SECTION LINE, 374.98 FEET; THENCE N89°59'09"E 411.58 FEET; THENCE S00°01'11"E 374.28 FEET TO THE 1/16 SECTION LINE; THENCE S89°59'09"W ALONG SAID SECTION LINE, 411.58 FEET TO THE POINT OF BEGINNING.
AREA: 154,425 SQUARE FEET OR 3.545 ACRES.

PARCEL 2
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°01'11"W ALONG THE WEST SECTION LINE 1635.81 FEET TO THE POINT OF BEGINNING; THENCE N00°01'11"W ALONG SAID SECTION LINE, 945.82 FEET TO THE QUARTER SECTION LINE; THENCE S89°53'36"E ALONG SAID SECTION LINE, 178.50 FEET TO THE RIGHT-OF-WAY OF HIGHWAY 59; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY ALONG THE ARC OF A 14374.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 1282.93 FEET (CHORD BEARS: S48°01'34"E 1282.50 FEET); THENCE S32°30'16"W 32.50 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT 153.53 FEET (CHORD BEARS: S09°23'04"E 140.21 FEET); THENCE S51°16'24"E 119.55 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 173.00 FOOT RADIUS CURVE TO THE RIGHT 154.81 FEET (CHORD BEARS: S25°30'17"E 149.69 FEET); THENCE S00°00'10"E 87.32 FEET TO THE 1/16 SECTION LINE; THENCE S89°59'09"W ALONG SAID SECTION LINE, 883.45 FEET; THENCE N00°01'11"W 374.98 FEET; THENCE S89°59'09"W 411.58 FEET TO THE POINT OF BEGINNING.
AREA: 953,173 SQUARE FEET OR 21.882 ACRES.

NEW PARCEL LEGAL DESCRIPTIONS

PARCEL 1
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°01'11"W ALONG THE WEST SECTION LINE 1320.82 FEET TO THE POINT OF BEGINNING; THENCE N01°01'11"W ALONG SAID SECTION LINE, 741.00 FEET; THENCE N89°59'09"E 411.58 FEET; THENCE S01°01'11"E 741.00 FEET TO THE 1/16 SECTION LINE; THENCE S89°59'09"W ALONG SAID SECTION LINE, 411.58 FEET TO THE POINT OF BEGINNING.
AREA: 304,884 SQUARE FEET OR 7.001 ACRES.

PARCEL 2
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°01'11"W ALONG THE WEST SECTION LINE 2081.82 FEET TO THE POINT OF BEGINNING; THENCE N00°01'11"W ALONG SAID SECTION LINE, 579.88 FEET TO THE QUARTER SECTION LINE; THENCE S89°53'36"E ALONG SAID SECTION LINE, 178.50 FEET TO THE RIGHT-OF-WAY OF HIGHWAY 59; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY ALONG THE ARC OF A 14374.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 1282.93 FEET (CHORD BEARS: S48°01'34"E 1282.50 FEET); THENCE S32°30'16"W 32.50 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT 153.53 FEET (CHORD BEARS: S09°23'04"E 140.21 FEET); THENCE S51°16'24"E 119.55 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 173.00 FOOT RADIUS CURVE TO THE RIGHT 154.81 FEET (CHORD BEARS: S25°30'17"E 149.69 FEET); THENCE S00°00'10"E 87.32 FEET TO THE 1/16 SECTION LINE; THENCE S89°59'09"W ALONG SAID SECTION LINE, 883.45 FEET; THENCE N00°01'11"W 741.00 FEET; THENCE S89°59'09"W 411.58 FEET TO THE POINT OF BEGINNING.
AREA: 802,527 SQUARE FEET OR 18.423 ACRES.

NEW LEGAL DESCRIPTION FOR LOT LINE

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N01°01'11"W ALONG THE WEST SECTION LINE, 2661.62 FEET TO THE POINT OF BEGINNING; THENCE N89°59'09"E 411.58 FEET; THENCE S01°01'11"E 741.00 FEET TO THE POINT OF ENDING.

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	1282.93'	14374.00'	1282.50'	S48°01'34"E	5°06'50"
C2	153.53'	105.00'	140.21'	S9°23'04"E	83°46'41"
C3	154.81'	173.00'	149.69'	N25°38'17"W	51°16'14"

LINE TABLE

LINE	LENGTH	DIRECTION
L1	32.50'	S32°30'16"W
L2	87.32'	N00°00'10"W

APPROVAL AND ACCEPTANCE BY THE MAYOR OF APPLE VALLEY TOWN, UTAH	APPROVAL OF BIG PLAINS WATER S.S.D.	APPROVAL OF CITY ATTORNEY	APPROVAL OF OWNERS
I, THE MAYOR OF APPLE VALLEY TOWN, UT, HAVE REVIEWED THE ABOVE RECORD OF SURVEY AND HEREBY ACCEPT SAID RECORD OF SURVEY AND WITH ALL COMMITMENTS AND OBLIGATIONS PERTAINING THERETO.	I, THE OFFICIAL FOR THE BIG PLAINS WATER S.S.D. HAVE THIS ____ DAY OF _____ A.D. 20__, REVIEWED THE ABOVE RECORD OF SURVEY AND RECOMMENDED THE SAME FOR ACCEPTANCE BY APPLE VALLEY TOWN, UT.	APPROVED AS TO FORM, THIS THE____ DAY OF _____, A.D. 20____.	I, THE OWNER(S)/AUTHORIZED AGENT OF THE ABOVE DESCRIBED TRACT OF LAND, HEREBY CAUSE THE SAME TO BE SPLIT INTO LOTS TOGETHER WITH EASEMENTS AS SET FORTH ON THIS RECORD OF SURVEY, AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE ALL PUBLIC ROADS, THE UNDERSIGNED AGENT ALSO HEREBY GRANTS AND CONVEYS TO ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC ROADS FOR THE EASEMENTS SHOWN ON THIS RECORD, IN WITNESS WHEREOF, I HAVE SET OUR HAND THIS THE____ DAY OF _____
MAYOR APPLE VALLEY TOWN	OFFICIAL FOR BIG PLAINS WATER S.S.D.	CITY ATTORNEY APPLE VALLEY TOWN	OWNER(S) OR AUTHORIZED AGENT

NO	DESCRIPTION	DATE	BY

REVISIONS

PROVALUE ENGINEERING, INC.
Engineers Land Surveyors - Land Planners
50 South 600 East, Suite 1
St. George, Utah 84770
Phone (435) 628-3297 Fax (435) 628-3299

RECORD OF SURVEY/ LOT SPLIT FOR:
TWO FARRAR FAMILY TRUSTS
LOCATED IN NW 1/4 AND SW 1/4 OF SECTION 15, T43S, R11W, S.L.B.&M.
TOWN OF APPLE VALLEY, WASHINGTON COUNTY, UTAH

DATE: 9-7-2022
SCALE: 1"=100'

JOB NO.
842-090

SHEET NO.
1 OF 1

RECORD OF SURVEY/LOT SPLIT & ROAD DEDICATION

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss See attached
COUNTY OF)

I (we), Michael Lee Farrar Karale Robyn Farrar, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

Karale R Trustee
(Property Owner)

TRUSTEE
(Property Owner)

Subscribed and sworn to me this 29th day of Sept 2022

Cheryl Thomsen
(Notary Public)

Residing in: Beaumont Ca

My Commission Expires: 11/18/2025

Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____
(Property Owner)

_____
(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20___.

_____
(Notary Public)

Residing in: _____

My Commission Expires: _____

CALIFORNIA JURAT **GOVERNMENT CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on **this 29th_____ day of Sept_____, 2022, by**

Date *Month* *Year*

(1) Michael Lee Farrar),

(and (2) Karale Robyn Farrar),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

CHERYL THOMSON
Notary Public - California
Riverside County
Commission # 2383473
My Comm. Expires Nov 18, 2025

Place Notary Seal and/or Stamp Above

Signature Cheryl Thomson
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit Property Owner

Document Date: 9/29/2022 Number of Pages: 2

Signer(s) Other Than Named Above: None

©2019 National Notary Association

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss
COUNTY OF)

See attached

I (we), Jerry Lee Farrar Shirlin Farrar, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Hurricane City Planning staff have indicated they are available to assist me in making this application.

Jerry Lee Farrar Trustee
(Property Owner)

Shirlin Farrar trustee
(Property Owner)

Subscribed and sworn to me this 29th day of Sept 2022.

Cheryl Thomsen
(Notary Public)

Residing in: Beaumont Ca

My Commission Expires: 11/18/2025

Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

_____
(Property Owner)

_____
(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20___.

_____
(Notary Public)

Residing in: _____

My Commission Expires: _____

CALIFORNIA JURAT **GOVERNMENT CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on **this 29th_____ day of Sept_____, 2022, by**

Date *Month* *Year*

(1) Jerry Lee Farrar),

and (2) Shirlin Farrar),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

CHERYL THOMSON
Notary Public - California
Riverside County
Commission # 2383473
My Comm. Expires Nov 18, 2025

Place Notary Seal and/or Stamp Above

Signature Cheryl Thomson

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit Property Owner

Document Date: 9/29/2022 Number of Pages: 2

Signer(s) Other Than Named Above: None

©2019 National Notary Association

WHEN RECORDED, RETURN TO:
MICHAEL LEE & KARALE ROBYN FARRAR
14620 S HIGHLANS HOME RD
BANNING, CA 9220

PARCELS: 1-AV-1366-A-16 & AV-1366-A-17

BOUNDARY LINE AGREEMENT

AGREEMENT, made and entered into this _____ day of _____, 2022, by and between MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, for the purpose of fixing and determining a boundary and division line between adjoining parcels of land owned by said owners.

Whereas, MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, owns certain real estate located in Apple Valley, Washington County, Utah, and whereas MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, owns land adjacent thereto and to the north and east, and

Whereas, the boundary line between said parcels of land was determined and agreed upon by MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, and MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF

CALIFORNIA, GRANTOR, said boundary line determination was surveyed by ProValue Engineering, and

Whereas, said boundary line has been described and located by certified survey by Chad J. Hill, Professional Land Surveyor No. 7837685-2201 as prescribed under the laws of the State of Utah,

The surveyed boundary line between said parcels which situate in Apple Valley, Washington County, Utah is more specifically described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N0°01'11"W ALONG THEWEST SECTION LINE 1320.82 FEET; REDONE TO DESCRIBE ORIGINAL LOT LIN; THENCE N00°01'11"WALONG SAID SECTION LINE, 374.98 FEET; THENCE N89°59'09"E 411.58 FEET; TO THE POINT OF BEGINNING.

THE BASIS OF BEARINGS IS N0°01'11"W 2,641.7 FEET BETWEEN THE SOUTHWEST CORNER AND WEST QUARTER CORNER OF SECTION 15, T43S, R11W, SLB&M.

The basis of bearings is N0°01'11"W 2,641.7 FEET between the Southwest corner and west quarter corner of section 15, Township 43 South, Range 11 West, of the Salt Lake Base and Meridian.

MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR
Parcel No. AV-1366-A-16
MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR
Parcel No. AV-1366-A-17

THE PARTIES AGREE that the described line as the same now exists shall constitute the boundary and division line between the parcels of land in the possession of the parties hereto, and each of said parties hereby recognizes and agrees that the other party is the legal owner up to said line of the respective parcel of land in such party's possession, and the parties further agree that these stipulations shall apply to and be binding upon them, their heirs, personal representatives and assigns.

- CONTINUED -

PURSUANT to the foregoing stipulations, MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, hereby CONVEYS and QUIT-CLAIMS to MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, any and all right, title and interest in all property lying on the NORTH side of the described boundary line of Parcel AV-1366-A-16, for the sum of TEN DOLLARS and other good and valuable considerations, MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, hereby CONVEYS and QUIT-CLAIMS to MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR, any and all right, title and interest in all property lying on the SOUTH side of the described boundary line of Parcel AV-1366-A-17, for the sum of TEN DOLLARS and other good and valuable considerations. New Deed Descriptions created by this new boundary line are agreed upon and shown on exhibit A.

EXHIBIT "A"
NEW LEGAL DESCRIPTIONS FOR SUBJECT PARCELS

PARCEL AV-1366-A-16 A LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N0°01'11"W ALONG THE WEST SECTION LINE 1320.82 FEET TO THE POINT OF BEGINNING; W ALONG THE WEST SECTION LINE 1320.82 FEET TO THE POINT OF BEGINNING; THENCE N00°01'11"W ALONG SAID SECTION LINE, 741.00 FEET; THENCE N89°59'09"E 411.58 FEET; THENCE S00°01'11"E 741.00 FEET TO THE 1/16 SECTION LINE; THENCE S89°59'09"W ALONG SAID SECTION LINE, 411.58 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 304,984 SQUARE FEET OR 7.001 ACRES.

PARCEL AV-1366-A-17 LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE N0°01'11"W ALONG THE WEST SECTION LINE 2061.82 FEET TO THE POINT OF BEGINNING; W ALONG THE WEST SECTION LINE 2061.82 FEET TO THE POINT OF BEGINNING; THENCE N00°01'11"W ALONG SAID SECTION LINE, 579.88 FEET TO THE QUARTER SECTION LINE; THENCE S89°57'56"E ALONG SAID SECTION LINE, 178.50 FEET TO THE RIGHT-OF-WAY OF HIGHWAY 59; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY ALONG THE ARC OF A 14374.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 1282.93 FEET (CHORD BEARS: S48°01'54"E 1282.50 FEET); THENCE S32°30'16"W 32.50 FEET; THENCE SOUTHERLY ALONG THE ARC OF A 105.00 FOOT RADIUS CURVE TO THE LEFT 153.53 FEET (CHORD BEARS: S09°23'04"E 140.21 FEET); THENCE S51°16'24"E 119.55 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 173.00 FOOT RADIUS CURVE TO THE RIGHT 154.81 FEET (CHORD BEARS: S25°38'17"E 149.69 FEET); THENCE S00°00'10"E 87.32 FEET TO THE 1/16 SECTION LINE; THENCE S89°59'09"W ALONG SAID SECTION LINE, 883.45 FEET; THENCE N00°01'11"W 741.00 FEET; THENCE S89°59'09"W 411.58 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 802,527 SQUARE FEET OR 18.423 ACRES.

In Witness whereof, the parties hereto have executed this agreement this 29 day of Sept, 2022.

MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF ~~CALIFORNIA~~, GRANTOR

By: _____ TRUSTEE

Name (Print): MICHAEL LEE FARRAR

By: _____ Trustee

Name (Print): KARALE ROBYN FARRAR

By: _____ TRUSTEE

Name (Print): JERRY LEE FARRAR

By: _____ Trustee

Name (Print): SHIRLIN FARRAR

STATE OF UTAH)
: ss. See attached
COUNTY OF WASHINGTON)

On the _____ day of _____, 2022 personally appeared before me, _____, personally known to me to be MICHAEL LEE & KARALE ROBYN FARRAR, trustees of the MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019 AS TO A 50% INTEREST and JERRY LEE AND SHIRLIN FARRAR trustees of the JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR who duly acknowledged to me that they signed the foregoing instrument TRUSTEES and oath stated that they were authorized to execute said instrument on behalf of said TRUSTEES and that said TRUSTEES executed the same.

_____
NOTARY PUBLIC

CALIFORNIA JURAT **GOVERNMENT CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on **this 29th_____ day of Sept_____, 2022, by**

Date *Month* *Year*

(1) Michael Lee Farrar),

(and (2) Karale Robyn Farrar),
(and (3) Jerry Lee Farrar),
(and (4) Shirlin Farrar),

Name(s) of Signer(s)
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

CHERYL THOMSON
Notary Public - California
Riverside County
Commission # 2383473
My Comm. Expires Nov 18, 2025

Place Notary Seal and/or Stamp Above

Signature Cheryl Thomson
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Boundary Line Agreement

Document Date: 9/29/2022 Number of Pages: 6

Signer(s) Other Than Named Above: None

©2019 National Notary Association

In Witness whereof, the parties hereto have executed this agreement this 29 day of Sept, 2022.

MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019, MICHAEL LEE FARRAR & KARLE ROBYN FARRAR AS TRUSTEES AS TO 50% INTEREST AND THE JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTEE

By: _____ TRUSTEE

Name (Print): MICHAEL LEE FARRAR

By: _____ Trustee

Name (Print): KARALE ROBYN FARRAR

By: _____ TRUSTEE

Name (Print): JERRY LEE FARRAR

By: _____ trustee

Name (Print): SHIRLIN FARRAR

STATE OF UTAH)
: ss. See attached
COUNTY OF WASHINGTON)

On the _____ day of _____, 2022 personally appeared before me, _____, personally known to me to be MICHAEL LEE & KARALE ROBYN FARRAR, trustees of the MICHAEL LEE & KARALE FARRAR FAMILY TRUST DATED SEPTEMBER 27, 2019 AS TO A 50% INTEREST and JERRY LEE AND SHIRLIN FARRAR trustees of the JERRY LEE AND SHIRLIN FARRAR 2008 TRUST, DATED MARCH 28, 2008, JERRY LEE FARRAR AND SHRLIN FARRAR AS TRUSTEES AS TO A 50% INTEREST OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, GRANTOR who duly acknowledged to me that they signed the foregoing instrument TRUSTEES and oath stated that they were authorized to execute said instrument on behalf of said TRUSTEES and that said TRUSTEES executed the same.

_____
NOTARY PUBLIC

CALIFORNIA JURAT **GOVERNMENT CODE § 8202**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on **this 29th_____ day of Sept_____, 2022, by**

Date *Month* *Year*

(1) Michael Lee Farrar),

(and (2) Karale Robyn Farrar),
(and (3) Jerry Lee Farrar),
(and (4) Shirlin Farrar),

Name(s) of Signer(s)
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

CHERYL THOMSON
Notary Public - California
Riverside County
Commission # 2383473
My Comm. Expires Nov 18, 2025

Place Notary Seal and/or Stamp Above

Signature Cheryl Thomson
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Boundary Line Agreement

Document Date: 9/29/2022 Number of Pages: 6

Signer(s) Other Than Named Above: None

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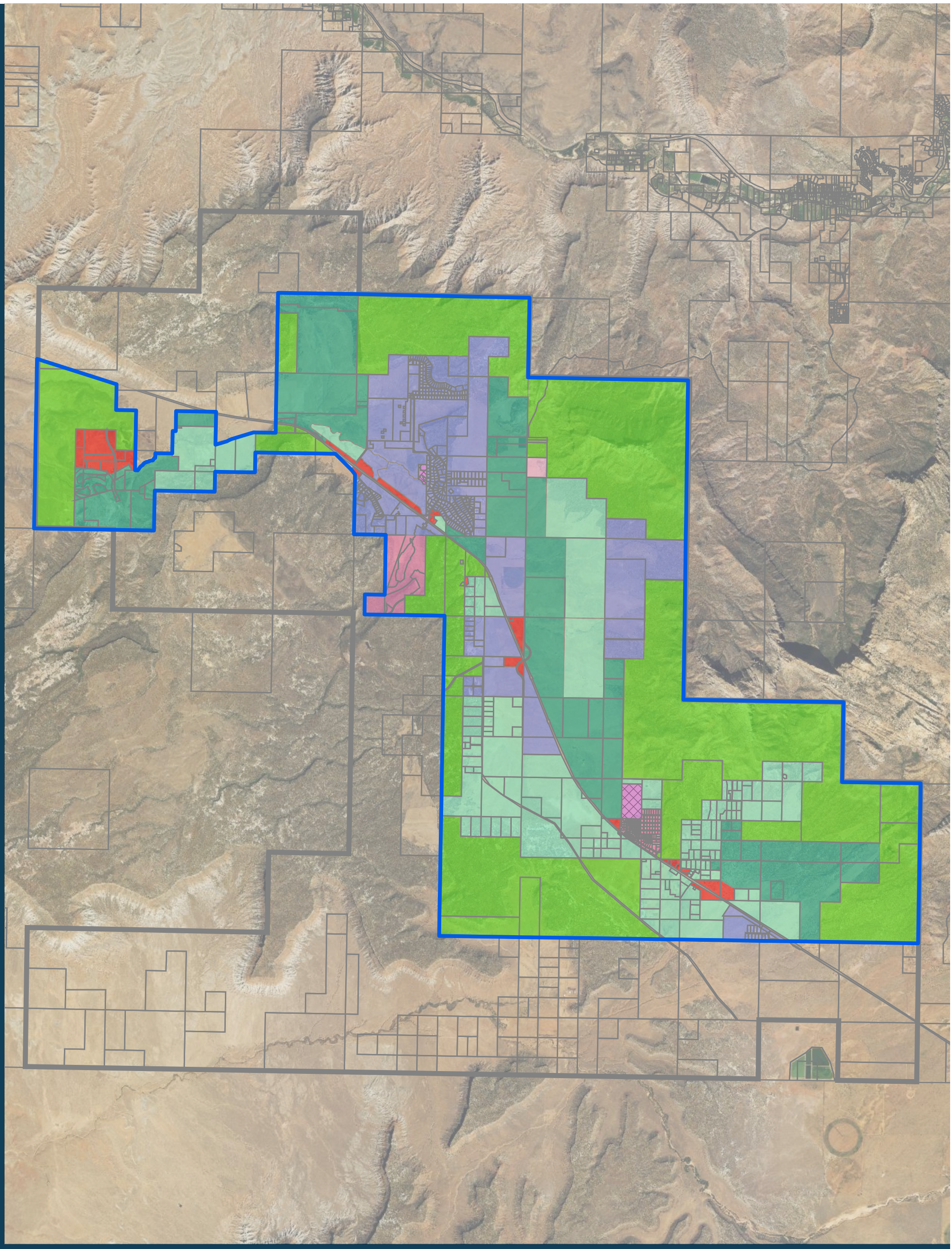
Town of Apple Valley
1777 N. Meadowlark Dr.
Apple Valley UT 84737
435-877-1190

Receipt No: 41577
Receipt Date: 10/03/2022
Time of Receipt: 10/03/2022 12:20 PM

To adjust lot lines between par	200.00
	$200.00

Check: 2124	200.00
	$200.00

FIGURE 2-1: GENERAL PLAN MAP



MAP LEGEND



- A - Agricultural
- C - Commercial
- CTP - Cabin/Tiny Home
- INST - Institutional
- OS - Open Space
- R1 - Residential High: 1/2 - 1 Acres
- R2 - Residential Medium: 1 - 5 Acres
- R3 - Residential Low: 5 + Acres
- RVP - Recreational Vehicle Park

- Parcels
- TownBoundary
- Future Annexation Boundary

Town of Apple Valley Est. 2004

Map Date 10.14.2022

SUNRISE ENGINEERING

APPLE VALLEY
ORDINANCE O-2022-58

AN ORDINANCE ADOPTING AMENDMENTS TO THE GENERAL PLAN MAP

WHEREAS, the Town of Apple Valley ("Town") has the statutory authority to adopt a general plan for the Town with associated maps; and

WHEREAS, the Planning Commission, on November 2, 2022, held a public hearing with regard to the amendments to the Town's General Plan Map, to consider any comments regarding the adoption of the proposed map amendments ; and

WHEREAS, the Planning Commission accepted all comments and recommended approval of the proposed General Plan Map amendments to the Town Council for adoption; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 16th day of November, 2022, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that Apple Valley Town adopts the Amendments to the General Plan Map.

EFFECTIVE DATE. This amendment shall be effective upon passage, without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 16th day of November, 2022.

PRESIDING OFFICER

_____
Frank G. Lindhardt, Mayor

ATTEST:

_____
Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member| Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____

APPLE VALLEY
ORDINANCE O-2022-17

AN ORDINANCE AMENDING THE AGRICULTURAL ZONE

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.10.020 A Agricultural Zone" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.020 A Agricultural Zone

A. Purpose: The purpose of this zone is to preserve appropriate areas for permanent agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.
B. Permitted Uses: Uses permitted in this zone are as follows:
    1. Crop production, horticulture and gardening
    2. Farm buildings and uses
    3. Household pets
    4. Farming livestock
    5. Stands for sale of produce grown and sold on premises
    6. Veterinarian
    7. Weaner Pigs
    8. Residential Dwelling
C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:

    SPACE LEFT BLANK INTENTIONALLY

    Any use not specifically allowed under permitted or conditional uses shall be prohibited.
D. Development Standards in Agricultural Zones:

	Zones			
Development Standard	A-40	A-20	A-10	A-5
Lot standards				
Minimum lot area	40 acres	20 acres	10 acres	5 acres
Minimum lot width	400 feet	400 feet	300 feet	300 feet
Building standards				
Maximum height, main building[1]	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet
Setback standards - front yard				
Any building[2]	30 feet	30 feet	30 feet	30 feet
Setback standards - rear yard				
Main building	30 feet	30 feet	30 feet	30 feet
Accessory building	No requirement	No requirement	No requirement	No requirement
Setback standards - interior side yard				
Main building	15 feet	15 feet	15 feet	15 feet
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet
Setback standards - street side yard				
Main building	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted
ADD Animals permitted				

Notes:

E. Modifying Regulations:

1. Fur farms, solos, fish farms or the keeping of exotic animals may not be approved in the A-5 district.
2. Location of Corral or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit in an adjacent zone.
3. Housing Of Weaner Pigs: The housing of weaner pigs may be approved by conditional use permit, subject to the following requirements:
    a. "Weaner pigs" shall be defined as pigs that will be one year of age or less and do not weigh more than three hundred fifty (350) pounds at the end of the five (5) month period in which the weaner pig is kept.
    b. All weaner pigs shall be kept only during the months of December through April, or for a different five (5) month period of time if approved by the planning commission.
    c. Setbacks for pens for weaner pigs shall be the same as required for other animals.
    d. No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by the owner or keeper of the pig.
    e. All pens shall be cleaned regularly, a minimum of three (3) times weekly.
    f. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
4. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.

AFTER AMENDMENT

10.10.020 A Agricultural Zone

A. Purpose: The purpose of this zone is to preserve appropriate areas for permanent agricultural use, actively devoted to agricultural use. Uses normally and necessarily related to agriculture are permitted and uses inimical to the continuance of agricultural activity are not allowed.
B. Permitted Uses: Uses permitted in this zone are as follows:
    1. Crop production, horticulture and gardening
    2. Farm buildings and uses
    3. Household pets
    4. Farming livestock
    5. Stands for sale of produce grown and sold on premises
    6. Veterinarian
    7. Weaner Pigs
    8. Residential Dwelling
C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:

~~SPACE LEFT BLANK INTENTIONALLY~~

1. Agritourism

2. Agricultural Industry
3. Animal Specialties
4. Kennel, Commercial
5. Metal Building
6. Recreation and Entertainment, Outdoor (A-10, A20, A-40 only)
7. Stable, Public

D. Any use not specifically allowed under permitted or conditional uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4.

E. Development Standards in Agricultural Zones:

	Zones			
Development Standard	A-40	A-20	A-10	A-5
Lot standards				
Minimum lot area	40 acres*	20 acres*	10 acres*	5 acres*
Minimum lot width	400 feet	400 feet	300 feet	300 feet
Building standards				
Maximum height, main building[1]	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet
Setback standards - front yard				
Any building[2]	30 feet	30 feet	30 feet	30 feet
Setback standards - rear yard				
Main building	30 feet	30 feet	30 feet	30 feet
Accessory building	No requirement	No requirement	No requirement	No requirement
Setback standards - interior side yard				
Main building	15 feet	15 feet	15 feet	15 feet
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet
Setback standards - street side yard				
Main building	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted
ADD Animals permitted				

*Required minimum size may be calculated prior to a required road dedication.

Notes:

F. Modifying Regulations:

1. Fur farms, solos, fish farms or the keeping of exotic animals may not be approved in the A-5 district.
2. Location of Corral or Stable: No corral or stable shall be located closer than one hundred feet (100') from any dwelling unit in an adjacent zone.
3. ~~Housing Of Weaner Pigs:~~ The housing of weaner pigs ~~may be approved by conditional use permit,~~ is subject to the following requirements:
    a. "Weaner pigs" shall be defined as pigs that will be one year of age or less and do not weigh more than three hundred fifty (350) pounds at the end of the five (5) month period in which the weaner pig is kept.
    b. Agricultural parcels adjacent to residential zoned parcels are not eligible for the raising of weaner pigs.
    c. All weaner pigs shall be kept only during the months of December through April~~, or for a different five (5) month period of time if approved by the planning commission~~.
    d. Setbacks for pens for weaner pigs shall be the same as required for other animals.
    e. No weaner pig shall be allowed to run loose (not in a restricted environment, such as a pen) unless attended by the owner or keeper of the pig.
    f. All pens shall be cleaned regularly, a minimum of three (3) times weekly.
    g. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
4. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
    a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
    b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
5. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
6. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-33

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.10.050 RE Rural Estates Zone" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.050 RE Rural Estates Zone

A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
B. Permitted uses: Uses permitted in this zone are as follows:
    1. Single-family dwellings not less than 1250 sq.ft. on the main floor;
    2. Accessory buildings and uses, following issuance of a building permit for a permanent dwelling;
    3. Home occupations;
    4. Raising of crops, gardens, and horticulture;
    5. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
    6. Residential facility for the elderly (see AVLU 10.28 for supplementary information);
    7. Churches;
    8. Park or playgrounds;
    9. The keeping of animals and fowl for family food production, but not for commercial use.
    10. Animal Allowances/Restrictions:
        a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No lot shall exceed one hundred (100) points per acre. All Lots will be apportioned 25 points in 0.25 acre increments up to 250 points or 2.5 acres. (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points). After 5 acres, 25 points per 0.25 acre increments up to 500 points or 7.5 acres. After 10 acres, 25 points per 0.25 acre increments up to 750 points or 12.5 acres. After 15 acres, 25 points per 0.25 acre increments up to 1000 points or 20 acres. (eg. a 12 acre lot is allocated 250 points for the first 5 acres, 250 points for the 2nd 5 acres, plus 200 points for the next 2 acres for a total of 700

points).

b. Type of animal or fowl (number of points per animal), further restrictions:
    (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig 25 points each, but not to exceed the maximum of ten (10) large animals per five (5) acres;
    (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (8 points each), but not to exceed the maximum of twenty (20) medium animals per five (5) acres;
c. Chickens, ducks, pigeons, doves, rabbits, turkeys, geese, pheasants, and similar small and medium-size fowl are not to exceed twenty thirty thirty (30) per One (1) acre;
d. No rooster is permitted on any lot which is less than one (1) acre. Lots 1 acre or larger may have one (l) rooster per thirty (30) chickens.
e. Only domestic and farm animals shall be kept on any lot with in the Rural Estates Zone.
f. Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.
g. The following shall be excluded from consideration for the purpose of determining compliance with this section:
    (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
    (2) Residents 18 years or younger participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.
h. Animals shall be contained in proper pens, coups, corals, pasture, paddock, areana, or simular exercise area on owners property Animal enclosures shall be cleaned regularly, be kept in good repair, give the animals ample room, and offer the animals shelter and shade.
i. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited. Property owners must implement a fly mitgation program with deployment of fly traps, fly spray chemicals or fly predators and maintain these devices and methods during the fly season for vector control.
j. Violation of AVLU 10.10.050.B.11 isan infraction punishable by fine up to $750 if violation is not corrected within thirty (30) days of initial notice of violation.

11. Any use not specifically allowed under permitted uses shall be prohibited.

C. Height Regulations: No building shall be erected to a height greater than thirty-five (35) feet. No accessory building shall be erected to a height greater than twenty-five (25) feet.

D. Minimum Area, Width, and Yard Regulations

District	Area	Width in Feet	Yard Setbacks in Feet for Primary Residence		
			Front	Side	Rear
RE-1.0	1.0 acre	100	25	10	10
RE-2.5	2.5 acres	150	25	25	25
RE-5.0	5.0 acres	200	25	25	25
RE-10.0	10.0 acres	300	25	25	25
Re-20.0	20.0 acres	400	25	25	25
RE-X	**Any Size	400	25	25	25

** No more than one (1) home on property

E. Modifying Regulations:

a. Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.

b. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.

c. Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.

d. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.

e. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.

f. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.

AFTER AMENDMENT

10.10.050 RE Rural Estates Zone

A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
B. Permitted uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
    1. Single-family dwellings not less than 1,000~~1250~~ sq.ft. on the main floor;
    2. Accessory buildings and uses~~, following issuance of a building permit for a permanent dwelling~~;
    3. Home occupations;
    4. Raising of crops, gardens, and horticulture;
    5. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
    6. Residential facility for the elderly (see AVLU 10.28 for supplementary information);
    7. Churches;
    8. Public ~~P~~park or playgrounds;
    9. The keeping of animals and fowl for family food production, but not for commercial use.
    10. Animal Allowances/Restrictions:
        a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No lot shall exceed one hundred (100) points per acre. All Lots will be apportioned 25 points in 0.25 acre increments up to 250 points or 2.5 acres. (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points). After 5 acres, 25 points per 0.25 acre increments up to 500 points or 7.5 acres. After 10 acres, 25 points per 0.25 acre increments up to 750 points or 12.5 acres. After 15 acres, 25 points per 0.25 acre increments up to 1000 points or 20 acres. (eg. a 12 acre lot is allocated 250 points for the first 5 acres, 250 points for the 2nd 5 acres, plus 200 points for the next 2 acres for a total of 700 points).
        b. Type of animal or fowl (number of points per animal), further restrictions:
            (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig 25 points each, but not to exceed the maximum of ten (10) large animals per five (5) acres;
            (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (8 points each), but not to exceed the maximum of twenty (20) medium animals per five (5) acres;
        c. Chickens, ducks, pigeons, doves, rabbits, turkeys, geese, pheasants, and similar small and medium-size fowl are not to exceed twenty thirty thirty (30) per One (1) acre;
        d. No rooster is permitted on any lot which is less than one (1) acre. Lots 1 acre or larger may have one (l) rooster per thirty (30) chickens.
        e. Only domestic and farm animals shall be kept on any lot with in the

Rural Estates Zone.

f. Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.

g. The following shall be excluded from consideration for the purpose of determining compliance with this section:
   (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
   (2) Residents 18 years or younger participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.

h. Animals shall be contained in proper pens, coups, corals, pasture, paddock, areana, or simular exercise area on owners property Animal enclosures shall be cleaned regularly, be kept in good repair, give the animals ample room, and offer the animals shelter and shade.

i. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited. Property owners must implement a fly mitgation program with deployment of fly traps, fly spray chemicals or fly predators and maintain these devices and methods during the fly season for vector control.

j. Violation of AVLU 10.10.050.B.11 is an infraction punishable by fine up to $750 if violation is not corrected within thirty (30) days of initial notice of violation.

C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
   1. Assisted living facility (RE-5, RE-10, RE-20, RE-X only)
   2. Metal building.

D. Any use not specifically allowed under permitted uses shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.

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E. Height Regulations: No building shall be erected to a height greater than thirty-five (35) feet. No accessory building shall be erected to a height greater than twenty-five (25) feet.

F. Minimum Area, Width, and Yard Regulations

District	Area	Width in Feet	Yard Setbacks in Feet for Primary Residence		
			Front	Side	Rear
RE-1.0	1.0 acre	100	25	10	10
RE-2.5	2.5 acres	150	25	25	25
RE-5.0	5.0 acres	200	25	25	25
RE-10.0	10.0 acres	300	25	25	25
Re-20.0	20.0 acres	400	25	25	25
RE-X	**Any Size	400	25	25	25

** No more than one (1) home on property

G. Modifying Regulations:

a. Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.

b. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.

c. Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.

d. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.

e. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

f. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.

g. For additional restrictions and clarifications in this zone, see AVLU 10.28

Supplementary and Qualifying Regulations for Land Use and Building.

h. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.

i. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____

Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____

Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-34

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones

Mobile homes, travel trailers, recreational vehicles, boats, camping trailers, truck campers, and other recreational vehicles and equipment may be parked, subject to the following:

A. All recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles must be kept in reasonable repair and operable condition. Said vehicles may not be parked in the front yard setback except for loading and unloading for a period not to exceed 48 hours.
B. A legally parked recreational vehicle may be occupied temporarily by family members or guests of the owner with a permit available at the town website for a period no greater than 30 days, and may be renewed once for a total of 60 days per calendar year.

AFTER AMENDMENT

10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones

Mobile homes, travel trailers, recreational vehicles, boats, camping trailers, truck campers, and other recreational vehicles and equipment may be parked, subject to the following:

A. All recreational vehicles, including boats, travel trailers, motor homes, horse trailers and similar vehicles must be kept in reasonable repair and operable condition. Said vehicles may not be parked in the front yard setback except for loading and unloading for a period not to exceed 48 hours.
B. A legally parked recreational vehicle may be occupied temporarily by family members or guests of the owner with a permit available at the town website for a period no greater than 30 days, and may be renewed once for a total of 60 days per calendar year.
C. No recreational vehicles may be parked or used on vacant lots or land. If a building permit has been issued, the owner may apply for a permit to use the recreational vehicle during construction.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-35

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.10.060 SF Single Family Residential Zone" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.060 SF Single Family Residential Zone

A. Purpose: The purpose of this zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also pennit the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit uses that would be harmful to a single-family residential neighborhood.
B. Permitted Uses: Uses permitted in this zone are as follows:
    1. Single Family dwelling with a minimum of 1250 sq ft. on the main level
    2. Accessory use and buildings; permitted simultaneously or after obtaining a building permit and construction and occupancy of a residential dwelling.
    3. Home gardens and trees, keeping of household dogs, cats and chickens (up to six (6) per lot). No roosters allowed.
    4. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information)
    5. Residential facility for the elderly (see AVLU 10.28 for supplementary information)
    6. Churches
    7. Group homes
    8. Home occupation
    9. Parks and playground

    Any use not specifically allowed under permitted uses shall be prohibited.
C. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet.
D. Area Width and Yard Regulations:

District	Area	Width in Feet	Yards in Feet		
	Minimum		Front	Side	Rear
SF-.25	10,000 sq. ft.	80	25	10	10
SF-.50	20,000 sq. ft.	80	25	10	10
SF-1.0	40,000 sq. ft.	80	25	10	10
SF-2.5	2.5 acres	150	25	25	25
SF-5.0	5.0 acres	200	25	25	25
SF-10.0	10.0 acres	300	25	25	25

E. Modifying Regulations:

1. Side Yards: The side yard setback on a "street side" yard shall be fifteen (15) feet
2. Private Garages and Accessory Buildings: Private garages and accessory buildings located at least 10' behind the main dwelling on lots less than ½ acre may have a side yard of three feet (3'), all others must be ten feet (10'), provided that all corner lots shall maintain fifteen feet (15') on the street side.
3. Prohibited Materials and Storage: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
4. Location of Required Parking: Required parking shall not be located in the front yard setback.
5. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
6. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. No industrial-looking buildings such as pre-engineered steel or pole barns allowed, unless specifically approved by the planning commission.

Any use not specifically allowed under permitted uses shall be prohibited.

AFTER AMENDMENT

10.10.060 SF Single Family Residential Zone

Purpose: The purpose of this zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations also pennit the establishment, with proper controls, of public and semipublic uses such as churches, schools, libraries, parks and playgrounds which serve the requirements of families. The regulations are intended to prohibit uses that would be harmful to a single-family residential neighborhood.

A. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling,
are as follows:
    1. Single Family dwelling with a minimum of 1250 sq ft. on the main level
    2. Accessory use and buildings; permitted simultaneously or after obtaining a building permit and construction and occupancy of a residential dwelling.
    3. Home gardens and trees, keeping of household dogs, cats and chickens (up to six (6) per lot). No roosters allowed.
    4. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information)
    5. Residential facility for the elderly (see AVLU 10.28 for supplementary information)
    6. Churches
    7. Group homes
    8. Home occupation
    9. Parks and playground

B. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
    1. Assisted living facility (SF-5, SF-10 only)
    2. Metal buildings

C. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.

D. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet.

E. Area Width and Yard Regulations:

District	Area	Width in Feet	Yards in Feet		
	Minimum		Front	Side	Rear
SF-.25	10,000 sq. ft.	80	25	10	10
SF-.50	20,000 sq. ft.	80	25	10	10
SF-1.0	40,000 sq. ft.	80	25	10	10
SF-2.5	2.5 acres	150	25	25	25
SF-5.0	5.0 acres	200	25	25	25
SF-10.0	10.0 acres	300	25	25	25

F. Modifying Regulations:
    1. Side Yards: The side yard setback on a "street side" yard shall be fifteen (15) feet
    2. Private Garages and Accessory Buildings: Private garages and accessory buildings located at least 10' behind the main dwelling on lots less than ½ acre

may have a side yard of three feet (3'), all others must be ten feet (10'), provided that all corner lots shall maintain fifteen feet (15') on the street side.

3. Prohibited Materials and Storage: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
4. Location of Required Parking: Required parking shall not be located in the front yard setback.
5. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
6. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
7. ~~No industrial-looking buildings such as pre-engineered steel or pole barns allowed, unless specifically approved by the planning commission.~~

   ~~Any use not specifically allowed under permitted uses shall be prohibited.~~
8. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
   a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
   b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
9. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
10. On large lots 2.5 Acre and larger the minimum lot size may be smaller than required, by the amount needed for road dedications.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-36

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.28.270 Guesthouses Or Casitas" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.270 Guesthouses Or Casitas

The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.
B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
F. Setbacks: All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
G. Parking: All guesthouses or casitas shall provide a minimum of one off street parking space.
H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
J. Height and Size Restrictions: All guesthouses or casitas shall be limited to one story,

with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas.

K. Occupancy Without Compensation: Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.

L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.

M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.

N. Permits Required:

1. The use application approval for a guesthouse or casita shall be received before a building permit is issued.
2. The commission is authorized to approve an application for a guesthouse or casita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

AFTER AMENDMENT

10.28.270 Guesthouses Or Casitas

The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.

B. Maximum Number: A maximum of one guesthouse, ~~or~~ casita, or travel trailers and RV's with all hookups may be ~~established~~ permitted on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.

C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, ~~travel trailers,~~ or boats ~~or similar recreational vehicles~~ shall be used as a guesthouse or casita. Travel trailers and RV's may be used if all hookups (water, sewer, electricity) are available.

D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse, ~~or~~ casita, travel trailer or RV shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.

E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.

F. Setbacks: All guesthouses, ~~or~~ casitas, travel trailers, or RV's shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.

G. Parking: All guesthouses, ~~or~~ casitas, travel trailers and RV's shall provide a minimum of one extra off street parking space.

H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.

I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.

J. Height and Size Restrictions: All guesthouses or casitas shall ~~be limited to one story, with a maximum height~~ of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event not exceed~~ing~~ the height of the existing dwelling. The ~~city~~town council may approve a special exception to the height and size restrictions for guesthouses and casitas.

K. Occupancy With or Without Compensation: Guesthouses ~~or~~ casitas, travel trailers and RV's ~~shall~~ may ~~only~~ be provided for the occupancy of family members of the owner of the primary dwelling, or others ~~guests of the owner~~, with or without compensation.

L. Owner May Occupy: The owner, renter or lessee of the primary dwelling ~~may~~ shall live in the main house, guesthouse or casita. ~~, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.~~

~~M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.~~

N. Permits Required:

1. The use application approval for a guesthouse, ~~or~~ casita, travel trailer or RV shall be received before a building permit is issued.

2. The commission is authorized to approve an application for a guesthouse, ~~or~~ casita, travel trailer or RV that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

~~O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.~~

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-38

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.10.030 C Commercial Zones" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:
1. C-1 Convenience Commercial Zone:
a. The C-1 convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, personal services such as hair cutting and hair dressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone.
b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained as much as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:
(1) Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
(2) No entertainment except music shall be permitted in any C-1 zone.
(3) All uses must be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.
2. C-2 Highway Commercial Zone:
a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
b. Other purposes for establishing the C-2 highway commercial zone are

to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.

3. C-3 General Commercial Zone:
    a. The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

       Since the zone permit s such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.
    b. The C-3 general commercial zones should be located principally in existing communities and not along major highways. To maximize traffic safety, property owners should shall provide access in a manner that will minimize the hazard of traffic leaving and entering roadways.

       To maximize traffic safety, a traffic impact study must be performed.

       As this zone primarily serves the traveling public, all traffic should enter and exit any commercial property in this zone from the highway, major and arterial roads, and not through residential roads if located adjacent to residential areas.

B. Permitted Uses: In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "N" will not be allowed in that zone. The following list is not intended to be all inclusive, but rather, indicative of uses permitted in the zone. Any uses not specified as permitted shall be prohibited.

	C-1	C-2	C-3	
Air conditioning, sales and service	N	N	P	
Altering, pressing and repairing of wearing apparel	P	P	P	
Amusement enterprises	N	P	P	
Animal hospital	N	P	P	
Antique, import or souvenir shop	N	P	P	
Arcade	N	P	P	

Arcade	N	P	P	
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P	
Athletic club	P	P	P	
Auction establishment (retail goods only)	N	N	P	
Automobile, new or used sales and service	N	P	P	
Automobile parts sales (new)	N	P	P	
Automobile rental	N	P	P	
Art Gallery	N	P	P	
Automobile repair including paint, body, fender, brake, muffler, upholstery or transmission (completely enclosed building)	N	N	P	
Bakery manufacture limited to foods retailed on premises	P	P	P	
Bank or financial institution	P	P	P	
Barber shop	P	P	P	
Beauty shop	P	P	P	
Bed and breakfast inn	P	P	P	
Bar Pub, Tavern	N	P	P	
Billiard parlor	N	P	P	
Bicycle sales and service	N	P	P	
Boat sales and service	N	N	P	
Bookbinding	P	P	P	
Bookstore, retail	P	P	P	
Bowling alley	N	P	P	
Building materials sales	N	N	P	
Bus terminal	N	P	P	
Cabinet shop	N	N	P	
Cabins	N	N	N	
Cafe or cafeteria	P	P	P	

Camera store	P	P	P	
Candy store, confectionery	P	P	P	
Campgrounds	N	N	N	
Car wash	N	P	P	
Caretakers dwelling, incidental to a commercial use	N	P	P	
Carpet and rug cleaning	N	N	P	
Catering establishment	N	P	P	
Child nursery	P	N	P	
Clinics, medical or dental	N	P	P	
Clothing and accessory store	N	P	P	
Coal and fuel sales office	N	N	P	
Convenience markets (including sale of gasoline)	P	P	P	
Crematorium	N	N	P	
Dairy product store	P	P	P	
Dance hall	N	P	P	
Delicatessen	P	P	P	
Department store	N	P	P	
Drapery and curtain store	N	P	P	
Drugstore	N	P	P	
Educational institutions	N	P	P	
Egg and poultry store (retail sales only), no live bird slaughtering permitted	P	P	P	
Electrical and heating appliances and fixtures sales and services	N	N	P	
Electronic equipment sales and service	N	P	P	
Employment agency	N	P	P	
Fabric and textile store	N	P	P	
Farm implement sales	N	P	P	
Fence, sales and service	N	N	P	

Florist shop	P	P	P	
Fruit store (enclosed)	P	P	P	
Furniture sales and repair	N	P	P	
Garden supplies and plant material sales	N	P	P	
Gift store	P	P	P	
Government buildings or uses, no industrial	N	P	P	
Greenhouse and nursery, soil and lawn service	N	P	P	
Grocery store	P	P	P	
Gunsmith	N	P	P	
Hardware stores	N	P	P	
Health club	P	P	P	
Health food store	P	P	P	
Hobby and crafts store	N	P	P	
Hospitals	N	P	P	
Hotel	N	P	P	
Household appliance sales and service	N	P	P	
Ice cream parlor	P	P	P	
Ice manufacture and storage	N	N	P	
Ice store or vending station	P	P	P	
Insurance agency	N	P	P	
Interior decorating and designing establishment	N	P	P	
Janitor service and supply	N	N	P	
Jewelry store sales and service	N	P	P	
Laboratory, dental or medical	N	P	P	
Laundry or dry cleaners, Laundromat	P	P	P	
Legal office	N	P	P	
Library	N	P	P	
Liquor store	N	P	P	

Locksmith	N	P	P	
Lodge or social hall	N	P	P	
Lodging Hotel, Motel	N	P	P	
Lounge	N	P	P	
Lumber yard	N	N	P	
Manufactured home sales lot and service	N	P	P	
Medical office	N	P	P	
Monument works and sales	N	N	P	
Mortuary	N	P	P	
Museum	N	P	P	
Music store	N	P	P	
Needlework, embroidery or knitting store	N	P	P	
Newsstand	P	P	P	
Nursery school	P	N	P	
Office supply, office machines sales and service	N	P	P	
Optometrist, optician or oculist	N	P	P	
Paint or wallpaper store	N	P	P	
Park and playground	P	P	P	
Pawnshop	N	P	P	
Pet and pet supply store	N	P	P	
Pharmacy	N	P	P	
Photographic supplies	N	P	P	
Physician or surgeon office clinic	N	P	P	
Plumbing shop	N	P	P	
Pool hall	N	P	P	
Popcorn or nut shop	N	P	P	
Post office	N	P	P	
Printing, lithographing, publishing or reproduction sales and service	N	P	P	

Professional office	N	P	P	
Radio and television sales and service	N	P	P	
Real estate agency	N	P	P	
Reception center or wedding chapel	N	P	P	
Recreation center	N	P	P	
Rental agency for home and garden equipment	N	P	P	
Restaurant	P	P	P	
Restaurant, drive-in	P	P	P	
Roller skating rink	N	P	P	
Secondhand store	N	P	P	
Service station, handi-mart	P	P	P	
Shoe repair and shoe shine shop	N	P	P	
Shoe store	N	P	P	
Sign painting	N	P	P	
Sign sales	N	P	P	
Storage rental units	N	P	P	
Supermarket	N	N	P	
Theater, indoor	N	P	P	
Theater, outdoor	N	P	P	
Tire recapping or retreading	N	P	P	
Tire sales and service	N	N	P	
Toy store, retail	N	P	P	
Trailer sales and service	N	P	P	
Travel agency	N	P	P	
Tourist Tours Operations	P	P	P	
Used car lot	N	P	P	
Variety store	N	P	P	

Vegetable stand	P	P	P	
Winery	P	P	P	

C. General Requirements:

	C-1	C-2	C-3	
Minimum lot area	None	None	None	
Maximum zone area	None	None	None	
Minimum yard setbacks from property line (in feet)				
Front	25	25	25	
Side	10	10	10	
Side facing a street on a corner lot	25	25	25	
Rear	10	10	10	
Building heights (in feet)				
Minimum	8	8	8	
Maximum	35	35	35	
Heights are maximum unless specifically approved to a greater height by the planning commission				
Minimum distance between buildings	10	10	10	

1. Site Plan Approval:
    a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas and such other improvements as may be required relating to the specific use proposed.
    b. The site plan, or an additional plan drawn to the same scale, shall show utility locations, including water, power, drainage, telephone; cable TV, sewer or septic tank location, fire hydrants, street improvements and such other public improvements as may be required.
    c. Planning commission review and Town Council approval shall precede the issuance of any permit for site improvement, or construction permit for utility systems. No building permits shall be issued until all underground site improvements have been installed

and construction authorized by the building inspector.

D. Special Provisions:
    1. Storage Of Materials And Merchandise: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six (6') feet in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
    2. Trash, Combustible Materials, Junk and Debris: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
    3. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
    4. Protection Of Adjoining Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.
    5. Residential Dwellings: No residential dwelling of any kind is permitted in any commercial zoning district.
    6. Lighting: all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVLU 10.26.
    7. All lodging located in a commercial zone, shall require an on-site manager.

E. Abandoned, Wrecked, or Junk Vehicles:
    1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:
        a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
            (1) Such use is authorized in the zone where the use is located, and
            (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.
        b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on pri va te or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such

vehicle or parts thereof is located, to remove the same from such property.

AFTER AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:
1. C-1 Convenience Commercial Zone:
a. The C-1 convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, personal services such as hair cutting and hair dressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone.
b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained as much as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:
(1) Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
(2) No entertainment except music shall be permitted in any C-1 zone.
(3) All uses must be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.
2. C-2 Highway Commercial Zone:
a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
b. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.
3. C-3 General Commercial Zone:

a. The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

   Since the zone permit s such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

b. The C-3 general commercial zones should be located principally in existing communities and not along major highways. To maximize traffic safety, property owners should shall provide access in a manner that will minimize the hazard of traffic leaving and entering roadways.

   To maximize traffic safety, a traffic impact study must be performed.

   As this zone primarily serves the traveling public, all traffic should enter and exit any commercial property in this zone from the highway, major and arterial roads, and not through residential roads if located adjacent to residential areas.

B. Permitted Uses: In the following list of possible uses, those designated as being permitted and conditional in a zone will be identified with the letter "P" or "C" respectively. Uses designated with the letter "N" will not be allowed in that zone. The following list is not intended to be all inclusive, but rather, indicative of uses permitted in the zone. Any uses not specified as permitted shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in 10-7-180-E4.

	C-1	C-2	C-3	
Air conditioning, sales and service	N	N	P	
Altering, pressing and repairing of wearing apparel	P	P	P	
Amusement enterprises	N	P	P	
Animal hospital	N	P	P	
Antique, import or souvenir shop	N	P	P	
Arcade	N	P	P	
~~Arcade~~	~~N~~	~~P~~	~~P~~	
Assisted living facility	C	N	N	
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P	

Athletic club	P	P	P	
Auction establishment (retail goods only)	N	N	P	
Automobile, new or used sales and service	N	P	P	
Automobile parts sales (new)	N	P	P	
Automobile rental	N	P	P	
Art Gallery	N	P	P	
Automobile repair including paint, body, fender, brake, muffler, upholstery or transmission (completely enclosed building)	N	N	P	
Bakery manufacture limited to foods retailed on premises	P	P	P	
Bank or financial institution	P	P	P	
Barber shop	P	P	P	
Beauty shop	P	P	P	
Bed and breakfast inn	P	P	P	
Bar Pub, Tavern	N	P	P	
Billiard parlor	N	P	P	
Bicycle sales and service	N	P	P	
Boat sales and service	N	N	P	
Bookbinding	P	P	P	
Bookstore, retail	P	P	P	
Bowling alley	N	P	P	
Building materials sales	N	N	P	
Bus terminal	N	P	P	
Cabinet shop	N	N	P	
Cabins	N	N	N	
Cafe or cafeteria	P	P	P	
Camera store	P	P	P	
Candy store, confectionery	P	P	P	

Campgrounds	N	N	N	
Car wash	N	P	P	
Caretakers dwelling, incidental to a commercial use	N	P	P	
Carpet and rug cleaning	N	N	P	
Catering establishment	N	P	P	
Child nursery	P	N	P	
Clinics, medical or dental	N	P	P	
Clothing and accessory store	N	P	P	
Coal and fuel sales office	N	N	P	
Convenience markets (including sale of gasoline)	P	P	P	
Crematorium	N	N	P	
Dairy product store	P	P	P	
Dance hall	N	P	P	
Delicatessen	P	P	P	
Department store	N	P	P	
Drapery and curtain store	N	P	P	
Drugstore	N	P	P	
Educational institutions	N	P	P	
Egg and poultry store (retail sales only), no live bird slaughtering permitted	P	P	P	
Electrical and heating appliances and fixtures sales and services	N	N	P	
Electronic equipment sales and service	N	P	P	
Employment agency	N	P	P	
Fabric and textile store	N	P	P	
Farm implement sales	N	P	P	
Fence, sales and service	N	N	P	
Florist shop	P	P	P	
Fruit store (enclosed)	P	P	P	

Furniture sales and repair	N	P	P	
Gas and Fuel, Storage and Sales	N	N	C	
Garden supplies and plant material sales	N	P	P	
Gift store	P	P	P	
Government buildings or uses, no industrial	N	P	P	
Greenhouse and nursery, soil and lawn service	N	P	P	
Grocery store	P	P	P	
Gunsmith	N	P	P	
Hardware stores	N	P	P	
Health club	P	P	P	
Health food store	P	P	P	
Hobby and crafts store	N	P	P	
Hospitals	N	P	P	
Hotel	N	P	P	
Household appliance sales and service	N	P	P	
Ice cream parlor	P	P	P	
Ice manufacture and storage	N	N	P	
Ice store or vending station	P	P	P	
Insurance agency	N	P	P	
Interior decorating and designing establishment	N	P	P	
Janitor service and supply	N	N	P	
Jewelry store sales and service	N	P	P	
Kennel, Commercial	C	N	C	
Laboratory, dental or medical	N	P	P	
Laundry or dry cleaners, Laundromat	P	P	P	
Legal office	N	P	P	
Library	N	P	P	
Liquor store	N	P	P	

Locksmith	N	P	P	
Lodge or social hall	N	P	P	
Lodging Hotel, Motel	N	P	P	
Lounge	N	P	P	
Lumber yard	N	N	P	
Manufactured home sales lot and service	N	P	P	
Medical office	N	P	P	
Metal Building	C	C	C	
Monument works and sales	N	N	P	
Mortuary	N	P	P	
Museum	N	P	P	
Music store	N	P	P	
Needlework, embroidery or knitting store	N	P	P	
Newsstand	P	P	P	
Nursery school	P	N	P	
Office supply, office machines sales and service	N	P	P	
Optometrist, optician or oculist	N	P	P	
Paint or wallpaper store	N	P	P	
Park and playground	P	P	P	
Pawnshop	N	P	P	
Pet and pet supply store	N	P	P	
Pharmacy	N	P	P	
Photographic supplies	N	P	P	
Physician or surgeon office clinic	N	P	P	
Plumbing shop	N	P	P	
Pool hall	N	P	P	
Popcorn or nut shop	N	P	P	
Post office	N	P	P	

Printing, lithographing, publishing or reproduction sales and service	N	P	P	
Professional office	N	P	P	
Radio and television sales and service	N	P	P	
Real estate agency	N	P	P	
Reception center or wedding chapel	~~N~~C	P	P	
Recreation center	N	P	P	
Rental agency for home and garden equipment	N	P	P	
Restaurant	P	P	P	
Restaurant, drive-in	P	P	P	
Roller skating rink	N	P	P	
Secondhand store	N	P	P	
Service station, handi-mart	P	P	P	
Shoe repair and shoe shine shop	N	P	P	
Shoe store	N	P	P	
Sign painting	N	P	P	
Sign sales	N	P	P	
Storage rental units	N	P	P	
Supermarket	N	N	P	
Theater, indoor	N	P	P	
Theater, outdoor	N	P	P	
Tire recapping or retreading	N	P	P	
Tire sales and service	N	N	P	
Toy store, retail	N	P	P	
Trailer sales and service	N	P	P	
Travel agency	N	P	P	
Tourist Tours Operations	P	P	P	

Used car lot	N	P	P	
Variety store	N	P	P	
Vegetable stand	P	P	P	
Winery	P	P	P	

C. General Requirements:

	C-1	C-2	C-3	
Minimum lot area	None	None	None	
Maximum zone area	None	None	None	
Minimum yard setbacks from property line (in feet)				
Front	25	25	25	
Side	10	10	10	
Side facing a street on a corner lot	25	25	25	
Rear	10	10	10	
Building heights (in feet)				
Minimum	8	8	8	
Maximum	35	35	35	
~~Heights are maximum unless specifically approved to a greater height by the planning commission~~	-	-	-	
Minimum distance between buildings	10	10	10	

1. Site Plan Approval:
    a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas and such other improvements as may be required relating to the specific use proposed.
    b. The site plan, or an additional plan drawn to the same scale, shall show utility locations, including water, power, drainage, telephone; cable TV, sewer or septic tank location, fire hydrants, street improvements and such other public improvements as may be required.
    c. Planning commission review and Town Council approval shall precede the issuance of any permit for site improvement, or

construction permit for utility systems. No building permits shall be issued until all underground site improvements have been installed and construction authorized by the building inspector.

D. Special Provisions:

1. Storage Of Materials And Merchandise: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six (6') feet in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.

2. Trash, Combustible Materials, Junk and Debris: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
3. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Protection Of Adjoining Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.
5. Residential Dwellings: No residential dwelling of any kind is permitted in any commercial zoning district.
6. Lighting: all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVLU 10.26.
7. All lodging located in a commercial zone, shall require an on-site manager.
8. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
    a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
    b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
9. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.

E. Abandoned, Wrecked, or Junk Vehicles:

1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an

abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:

a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
    (1) Such use is authorized in the zone where the use is located, and
    (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.

b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on pri va te or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-39

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.10.040 I Industrial Zone" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.040 I Industrial Zone

A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
B. Permitted Uses: Uses permitted in this zone are as follows:
    1. Recycling businesses, not including hazardous materials.
C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
    1. Concrete batch plants.
    2. Gravel crushing equipment.
    3. Gravel pits.
    4. Hot mix asphalt plants.
    5. Landfill operations.
    6. Mining or ore processing operations.
    7. Open space or agricultural uses.
    8. Sewage lagoons and/or treatment plants.
    9. Storage, baling, and processing of wood, glass, paper, and junk.
    10. Other uses similar to the above and judged to be in harmony with the character and intent of this zone.
D. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:
    a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
    b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage, including holding ponds for runoff, and such other public improvements as may be required.
    c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

E. Special Provisions:
1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVLU 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVLU 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.
7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVS 11 shall also be excluded from this zone.

AFTER AMENDMENT

10.10.040 I Industrial Zone

A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
B. Permitted Uses: Uses permitted in this zone are as follows:
    1. Recycling businesses, not including hazardous materials.
C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
    1. Concrete batch plants.
    2. Gravel crushing equipment.
    3. Gravel pits.
    4. Hot mix asphalt plants.
    5. Landfill operations.
    6. Metal Building.
    7. Mining or ore processing operations.
    8. Open space or agricultural uses.
    9. Sewage lagoons and/or treatment plants.
    10. Storage, baling, and processing of wood, glass, paper, and junk.
    ~~11. Other uses similar to the above and judged to be in harmony with the character and intent of this zone.~~
D. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.
E. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:
    a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
    b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage,

including holding ponds for runoff, and such other public improvements as may be required.

c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

F. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVLU 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVLU 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.
7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
9. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
    a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
    b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
10. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVLU~~S~~ 11 shall also be excluded from this zone.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-40

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.04.010 Terms Defined" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.04.010 Terms Defined

For the purpose of this title, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; words not included herein but defined in the building code shall be construed as defined therein.

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty four (24) hours per day.

AGRICULTURE: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including, forage and sod crops, grain and feed crops, nut and fruit crops, vegetables, nursery, floral and ornamental stock, livestock animals, including domestic animals, poultry and honeybees. "Agricultural land" also includes land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.

ANIMAL NUMBERS: The number of animals does not include newborn animals under the age of six (6) months, or newborn animals that are dependent upon their mother for sustenance of life, whichever is greater, that were born by animals kept on the property by the owner of the property, or a tenant of the property.

ANIMAL SIZE: The categorizing of animals based upon a classification of large or small animals. The determination may be made by size of animal, irrespective of species or genetic makeup at the discretion of the planning commission.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a home like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under rules of the Utah department of health or the Utah department of human services to need any of these services. Each resident shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

BASEMENT: A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than four (4) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal, if provided, must be provided for in the rental rate. All parking must be off-street. The total number of occupants, including the owners, owner's family, and guests shall not exceed ten (10) people.

BOARDER: A person living in a rented room in a boarding house. The boarding house operator or a member of his or her immediate family who resides on the premises with the operator shall not be considered to be a "boarder".

BOARDING HOUSE: A building or portion thereof where, for compensation, rooms are rented, together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of a "boarding house". The word "compensation" shall include compensation in money, services or other things of value. A "boarding house" does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. There shall be a "main" building on the lot before a permit may be issued for any other building to be "accessory".

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest peak of a pitched or hipped roof. The reference datum shall be selected by one of the following, whichever yields the greatest height of building:

A. The elevation of the highest adjoining sidewalk or ground surface within a five foot

(5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above the lowest grade.

B. An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection A of this definition is more than ten feet (10') above grade.

C. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by the public agency of the United States of America, of the state of Utah, or any of its subdivisions.

BUILDING, FARM, BONA FIDE: A building used for farming operations only.

CABIN: A cabin is a small stick-built or small manufactured home, built or placed on a permanent foundation, and shall be less than 600 sq feet in size. Any cabin that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park Zone.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CHILD NURSERY: An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

CLUB, PRIVATE: An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests, but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

COMMUNITY CORRECTIONAL FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement rehabilitation, or treatment in a correctional institution.

CONDITIONAL USE: A use of land for which specific conditions of approval are recommended by the planning commission and approved by the Town Council prior to authorizing a permit.

CONDOMINIUM OR TOWNHOUSE PROJECT: A development where there is ownership of a single unit in a multiple-family development, together with an undivided interest in the common area and facilities, and such project meets all requirements of the condominium ownership act of the state of Utah.

CORRECTIONAL INSTITUTION: A prison, jail, juvenile detention facility or juvenile secure facility.

DAIRY: A commercial establishment for manufacture or processing of dairy products.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of Drugs, or addiction to any illegal drugs, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC, or successor law.

DOMESTIC ANIMALS:

A. Animals historically found on farms in Washington County. "Domestic animals" shall not include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.
B. Exception: Llamas may be considered as domestic animals, subject to the number limitations of the residential estate zone.

DWELLING: Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families.

DWELLING, GROUP: Two (2) or more dwellings located in more than one building placed upon a single lot.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than two (2) families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to include only one dwelling unit.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT: Any building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY: An accessory building, as defined herein, containing one or more rooms with private bath and/or kitchen facilities for residential use, (i.e. Casitas, Mother-in-law apartments, Guest houses,) which is:

A. Used for housing of guests without compensation, and
B. Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

EXOTIC ANIMALS: Animals not historically found on farms in Washington County. "Exotic animals" shall include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.

FAMILY: One or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. "Family" does not exclude the care of foster children.

FENCE (SOLID): A fence of a material that is sight obscuring and made of a solid material such as wood, vinyl or masonry, but not including a chain-link fence with slats inserted into the chain-links or solid corrugated metal roofing or the like. Any questionable material shall be reviewed by the planning commission for determination.

GARAGE, PRIVATE: An accessory building, or space attached to the main building, designed or used for the storage of automobiles owned and used by the occupants of the main building.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

HOME OCCUPATION: Any use conducted entirely within a single-family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display, nor stock in trade. Only legal permanent occupants of the residence may work in or on the residential property. All business related uses and storage shall be limited to the interior of the dwelling unit or accessory building. There shall be no sign advertising of any kind in connection with the home occupation. Up to 100% of the accessory building may be devoted to the home occupation.There shall be no perceivable increase in local traffic. Not more than twenty five percent (25%) of the dwelling unit shall be devoted to the home occupation.

HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a "hospital". A "hospital" may include integral support services facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for personal use, such as dogs and cats, but not kept for commercial purposes, as defined in this title.

JAIL: A place of incarceration owned and operated by the county.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further recondition, can be used for its original purpose as readily as when new and shall not be considered "junk".

JUNK CARS: Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

JUNKYARD: Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage and sanitary fills.

JUVENILE DETENTION FACILITY: A place of temporary detention for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

JUVENILE SECURE FACILITY: A place of incarceration for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

KENNEL: The land or building used for the keeping of five (5) or more dogs at least six (6) months old and/or eight (8) or more cats at least six (6) months old, which may also be referred to as a "cattery".

LIVESTOCK FEED YARD: A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

LOT: A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a dedicated and improved town road. Except for multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

LOT, CORNER: A lot having frontage on two (2) or more improved and dedicated county roads.

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code) in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

MANUFACTURED HOME PARK: Any area or tract of land used or designed to accommodate two (2) or more manufactured homes for permanent living purposes as opposed to a recreational vehicle park where campers or travel trailers are parked for overnight or short periods of time.

MOBILE HOME: A transportable factory built housing unit built prior to June 15, 1976, in accordance with the state mobile home code which existed prior to the federal manufactured housing and standards act (HUD code).

MOBILE HOME PARK: A parcel of land, approved prior to May 27, 1997, which was planned and improved for the placement of mobile homes for residential use.

MOTEL: Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all regulations herein prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

NURSING HOME: An institution providing residence and care for the aged or infirm.

PARKING LOT: An open area other than a street, used for parking.

PARKING SPACE: Space within a building, lot or parking lot for the parking or storage of one automobile.

PLANNED DEVELOPMENT (PD): A development in which the regulations of the zone in which the development is situated are modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan.

PRIVATE ROAD: A privately owned road leading to one (1) home or with Town approval can have up to five (5) homes located on said road, if the required improvements are installed and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PRIVATE STREET: A private street leading to more than five (5) homes as approved by the Town, and improved to the required town standards and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PROTECTIVE HOUSING FACILITY: A facility either:

A. Operated, licensed or contracted by a governmental entity; or
B. Operated by a charitable, nonprofit organization, where, for no compensation, temporary, protected housing is provided to:
    1. Abused or neglected children awaiting placement in foster care;
    2. Pregnant or parenting teens;
    3. Victims of sexual abuse; or
    4. Victims of domestic abuse.

RECREATIONAL VEHICLE: A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

A. A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.
B. A "residential facility for elderly persons" shall not include any facility:
    1. Which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
    2. Where persons being treated for alcoholism or drug abuse are placed;
    3. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
    4. Which is a healthcare facility as defined in Utah Code § 26-21-2; or
    5. Which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

A. Licensed or certified by the department of human services under Utah Code 62A-2, licensure of programs and facilities; or
B. Licensed or certified by the department of health under Utah Code 26-21, healthcare facility.

SEXUALLY ORIENTED BUSINESSES: An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, pursuant to the sexually oriented business license chapter set forth in this code, which types of businesses include, for purposes of this title, adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agency, massage parlor, semi-nude modeling studio, sexual encounter establishment, and any other business not described that has a dominant or principal theme that is sexually oriented.

SHORT TERM VACATION RENTAL: A residential unit that is rented, leased, loaned, let or otherwise hired out for a period of thirty (30) days or less.

SITE DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

STABLE, PRIVATE: A detached accessory building for the keeping of the livestock animals owned by the occupants of the premises and not kept for commercial purposes.

STABLE, PUBLIC: A stable other than a private stable.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET: A public thoroughfare which affords principal means of access to abutting property and is dedicated and improved to town standards.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

SWIMMING POOL, PRIVATE: Any structure intended for swimming, recreational bathing or wading that contains water over twenty four inches (24") (610 mm) deep. This includes in ground, aboveground and on ground pools; hot tubs; spas and fixed in place wading pools for three (3) homes or less.

TENT OR TEEPEE: A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.

TINY HOME: A Tiny Home is a stick built or small manufactured home with the structure, built or placed on a permanent foundation, and shall be less than 400 sq. feet in size. Any Tiny home that has wheels or skids and are not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park zone.

UNLICENSED REHABILITATION/TREATMENT FACILITY: A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment or counseling services, which facility either does not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment or counseling services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD, FRONT: A space on the same lot with a building between the front line of the building and the front lot line, and extending across the full width of the lot.

YARD, REAR: A space on the same lot with a building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: A space on the same lot with a building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

AFTER AMENDMENT

10.04.010 Terms Defined

For the purpose of this title, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; words not included herein but defined in the building code shall be construed as defined therein.

ACTIVELY DEVOTED TO AGRICULTURE USE: As per Utah code 59-02-502, the land in agricultural use produces in excess of 50% of the average agricultural production per acre.

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty four (24) hours per day.

AGRITOURISM: Agriculturally related accessory uses designed to bring the public to a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation for the enjoyment of, education about, or participation in agricultural activities such as: farm animal viewing and petting, wagon rides, corn maze, tree farm, pumpkin patch, winery tours and wine tasting, farm or ranch activities tours, horticulture nurseries and associated display gardens, provide recreation, entertainment and educational experiences, classes or workshops and similar uses.

AGRICULTURE: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including, forage and sod crops, grain and feed crops, nut and fruit crops, vegetables, nursery, floral and ornamental stock, livestock animals, including domestic animals, poultry and honeybees. "Agricultural land" also includes land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.

AGRICULTURE INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage and the initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include packinghouses, commercial feed yard, fur farms, commercial milk production, food packaging or processing plants, and commercial poultry or egg production. Slaughterhouses are specifically excluded from this definition.

ANIMAL NUMBERS: The number of animals does not include newborn animals under the age of six (6) months, or newborn animals that are dependent upon their mother for sustenance of life, whichever is greater, that were born by animals kept on the property by the owner of the property, or a tenant of the property.

ANIMAL SIZE: The categorizing of animals based upon a classification of large or small animals. The determination may be made by size of animal, irrespective of species or genetic makeup at the discretion of the planning commission.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken, turkey, and rabbit raising, egg production, apiaries, and aviaries.

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a home like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under rules of the Utah department of health or the Utah department of human services to need any of these services. Each resident shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

BASEMENT: A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (1/2) or more above grade.

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than four (4) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal, if provided, must be provided for in the rental rate. All parking must be off-street. The total number of occupants, including the owners, owner's family, and guests shall not exceed ten (10) people.

BOARDER: A person living in a rented room in a boarding house. The boarding house operator or a member of his or her immediate family who resides on the premises with the operator shall not be considered to be a "boarder".

BOARDING HOUSE: A building or portion thereof where, for compensation, rooms are rented, together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of a "boarding house". The word "compensation" shall include compensation in money, services or other things of value. A "boarding house" does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. There shall be a "main" building on the lot before a permit may be issued for any other building to be "accessory".

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest peak of a pitched or hipped roof. The reference datum shall be selected by one of the following, whichever yields the greatest height of building:

A. The elevation of the highest adjoining sidewalk or ground surface within a five foot (5') horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (10') above the lowest grade.
B. An elevation ten feet (10') higher than the lowest grade when the sidewalk or ground surface described in subsection A of this definition is more than ten feet (10') above grade.
C. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by the public agency of the United States of America, of the state of Utah, or any of its subdivisions.

BUILDING, FARM, BONA FIDE: A building used for farming operations only.

CABIN: A cabin is a small stick-built or small manufactured home, built or placed on a permanent foundation, and shall be less than 600 sq feet in size. Any cabin that has wheels or skids and not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park Zone.

CARPORT: A private garage not completely enclosed by walls or doors. For the purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CHILD NURSERY: An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

CLUB, PRIVATE: An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests, but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

COMMUNITY CORRECTIONAL FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement rehabilitation, or treatment in a correctional institution.

CONDITIONAL USE: A use of land for which specific conditions of approval are recommended by the planning commission and approved by the Town Council prior to authorizing a permit.

CONDOMINIUM OR TOWNHOUSE PROJECT: A development where there is ownership of a single unit in a multiple-family development, together with an undivided interest in the common area and facilities, and such project meets all requirements of the condominium ownership act of the state of Utah.

CORRECTIONAL INSTITUTION: A prison, jail, juvenile detention facility or juvenile secure facility.

DAIRY: A commercial establishment for manufacture or processing of dairy products.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of Drugs, or addiction to any illegal drugs, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC, or successor law.

DOMESTIC ANIMALS:

A. Animals historically found on farms in Washington County. "Domestic animals" shall not include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.
B. Exception: Llamas may be considered as domestic animals, subject to the number limitations of the residential estate zone.

DWELLING: Any building or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families.

DWELLING, GROUP: Two (2) or more dwellings located in more than one building placed upon a single lot.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than two (2) families.

DWELLING, SINGLE-FAMILY: A building arranged or designed to include only one dwelling unit.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING UNIT: Any building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY: An accessory building, as defined herein, containing one or more rooms with private bath and/or kitchen facilities for residential use, (i.e. Casitas, Mother-in-law apartments, Guest houses,) which is:

A. Used for housing of guests without compensation, and
B. Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

EXOTIC ANIMALS: Animals not historically found on farms in Washington County. "Exotic animals" shall include animals commonly found in zoos and animal preserves and which animals are not historically endemic to the Washington County area.

FAMILY: One or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. "Family" does not exclude the care of foster children.

FENCE (SOLID): A fence of a material that is sight obscuring and made of a solid material such as wood, vinyl or masonry, but not including a chain-link fence with slats inserted into the chain-links or solid corrugated metal roofing or the like. Any questionable material shall be reviewed by the planning commission for determination.

GARAGE, PRIVATE: An accessory building, or space attached to the main building, designed or used for the storage of automobiles owned and used by the occupants of the main building.

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

HOME OCCUPATION: Any use conducted entirely within a single-family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is not display, nor stock in trade. Only legal permanent occupants of the residence may work in or on the residential property. All business related uses and storage shall be limited to the interior of the dwelling unit or accessory building. There shall be no sign advertising of any kind in connection with the home occupation. Up to 100% of the accessory building may be devoted to the home occupation. There shall be no perceivable increase in local traffic. Not more than twenty five percent (25%) of the dwelling unit shall be devoted to the home occupation.

HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a "hospital". A "hospital" may include integral support services facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for personal use, such as dogs and cats, but not kept for commercial purposes, as defined in this title.

JAIL: A place of incarceration owned and operated by the county.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further recondition, can be used for its original purpose as readily as when new and shall not be considered "junk".

JUNK CARS: Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

JUNKYARD: Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage and sanitary fills.

JUVENILE DETENTION FACILITY: A place of temporary detention for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

JUVENILE SECURE FACILITY: A place of incarceration for delinquent juveniles, which either is owned and operated by the state of Utah or is under contract with the state of Utah.

KENNEL, COMMERCIAL: The land or building used for the keeping of five (5) or more dogs at least six (6) months old and/or eight (8) or more cats at least six (6) months old, which may also be referred to as a "cattery". for the purpose of boarding, breeding, buying, selling, grooming, letting for hire, or training for a fee.

KENNEL, RESIDENTIAL: Keeping or maintaining of more than two, but no more than four dogs, in connection with the occupation of any dwelling for residential purposes.

LAND IN AGRICULTURAL USE: Land devoted to the raising of useful plants and animals with a reasonable expectation of profit.

LIVESTOCK FEED YARD: A commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement, and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

LOT: A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this title, and having frontage upon a dedicated and improved town road. Except for multiple-family dwellings, not more than one dwelling structure shall occupy any one lot.

LOT, CORNER: A lot having frontage on two (2) or more improved and dedicated county roads.

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code) in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

MANUFACTURED HOME PARK: Any area or tract of land used or designed to accommodate two (2) or more manufactured homes for permanent living purposes as opposed to a recreational vehicle park where campers or travel trailers are parked for overnight or short periods of time.

MOBILE HOME: A transportable factory built housing unit built prior to June 15, 1976, in accordance with the state mobile home code which existed prior to the federal manufactured housing and standards act (HUD code).

MOBILE HOME PARK: A parcel of land, approved prior to May 27, 1997, which was planned and improved for the placement of mobile homes for residential use.

MOTEL: Any building or group of buildings containing sleeping rooms, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

NATURAL WATERWAYS: Those areas, varying in width, along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the building inspector, in which areas no buildings shall be constructed.

NONCONFORMING BUILDING OR STRUCTURE: A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all regulations herein prescribed in the zone in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.

NURSING HOME: An institution providing residence and care for the aged or infirm.

PARKING LOT: An open area other than a street, used for parking.

PARKING SPACE: Space within a building, lot or parking lot for the parking or storage of one automobile.

PLANNED DEVELOPMENT (PD): A development in which the regulations of the zone in which the development is situated are modified to allow flexibility and initiative in site and building design and location in accordance with an approved plan.

PRIVATE ROAD: A privately owned road leading to one (1) home or with Town approval can have up to five (5) homes located on said road, if the required improvements are installed and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PRIVATE STREET: A private street leading to more than five (5) homes as approved by the Town, and improved to the required town standards and a maintenance agreement, approved by the town, is created between the home owners and recorded at the Washington County Recorder's Office.

PROTECTIVE HOUSING FACILITY: A facility either:

A. Operated, licensed or contracted by a governmental entity; or
B. Operated by a charitable, nonprofit organization, where, for no compensation, temporary, protected housing is provided to:
    1. Abused or neglected children awaiting placement in foster care;
    2. Pregnant or parenting teens;
    3. Victims of sexual abuse; or
    4. Victims of domestic abuse.

RECEPTION CENTER: A facility rented for private social gatherings.

RECREATIONAL VEHICLE: A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities. A typical example is a camping trailer, travel trailer, fifth-wheel trailer, or motor home.

RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides. No use involving aircraft of any type is included in this definition.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS:

A. A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.
B. A "residential facility for elderly persons" shall not include any facility:
    1. Which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
    2. Where persons being treated for alcoholism or drug abuse are placed;
    3. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
    4. Which is a healthcare facility as defined in Utah Code § 26-21-2; or
    5. Which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

A. Licensed or certified by the department of human services under Utah Code 62A-2, licensure of programs and facilities; or
B. Licensed or certified by the department of health under Utah Code 26-21, healthcare facility.

SEXUALLY ORIENTED BUSINESSES: An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, pursuant to the sexually oriented business license chapter set forth in this code, which types of businesses include, for purposes of this title, adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agency, massage parlor, semi-nude modeling studio, sexual encounter establishment, and any other business not described that has a dominant or principal theme that is sexually oriented.

SHORT TERM VACATION RENTAL: A residential unit that is rented, leased, loaned, let or otherwise hired out for a period of thirty (30) days or less.

SITE DEVELOPMENT STANDARDS: Established regulations concerning lot areas, yard setbacks, building height, lot coverage, open green space and any other special regulations deemed necessary to accomplish the purpose of this title.

STABLE, PRIVATE: A detached accessory building for the keeping of the livestock animals owned by the occupants of the premises and not kept for commercial purposes.

STABLE, PUBLIC: A stable other than a private stable. A commercial establishment that boards, breeds, trains, raises, or rents horses for riding or other equestrian activities.

STORY: The space within a building included between the surface of any floor and the surface of the ceiling next above.

STORY, HALF: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor immediately below it.

STREET: A public thoroughfare which affords principal means of access to abutting property and is dedicated and improved to town standards.

STRUCTURAL ALTERATIONS: Any change in supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

SWIMMING POOL, PRIVATE: Any structure intended for swimming, recreational bathing or wading that contains water over twenty four inches (24") (610 mm) deep. This includes in ground, aboveground and on ground pools; hot tubs; spas and fixed in place wading pools for three (3) homes or less.

TENT OR TEEPEE: A collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building.

TINY HOME: A Tiny Home is a stick built or small manufactured home with the structure, built or placed on a permanent foundation, and shall be less than 400 sq. feet in size. Any Tiny home that has wheels or skids and are not placed on a permanent foundation shall be considered a Recreational Vehicle and may only be placed in a Recreational Vehicle Park zone.

UNLICENSED REHABILITATION/TREATMENT FACILITY: A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment or counseling services, which facility either does not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment or counseling services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health.

USE, ACCESSORY: A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD, FRONT: A space on the same lot with a building between the front line of the building and the front lot line, and extending across the full width of the lot.

YARD, REAR: A space on the same lot with a building, between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: A space on the same lot with a building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-41

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.20.010 Purpose" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.20.010 Purpose

The purpose of this chapter is to provide for the regulation of land uses to ensure their compatibility and proper integration into the land use pattern of the town. Certain uses which may be harmonious under special conditions but improper under general conditions are classed as conditional uses and require conditional use permits for approval prior to construction.

AFTER AMENDMENT

10.20.010 Purpose

~~The purpose of this chapter is to provide for the regulation of land uses to ensure their compatibility and proper integration into the land use pattern of the town. Certain uses which may be harmonious under special conditions but improper under general conditions are classed as conditional uses and require conditional use permits for approval prior to construction.~~ The purpose of this chapter is to establish standards for certain land uses which, because of their unique characteristics or potential impacts on the town, surrounding residential neighborhoods, or other adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a conditional use permit are established to ensure compatibility with surrounding land uses, conformity with the town general plan, consistency with the characteristics and purposes stated for the zone, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

SECTION 2: **AMENDMENT** "10.20.060 Land Use Authority Action" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.20.060 Land Use Authority Action

The planning commission may approve, modify and approve, or deny a conditional use application made to the planning commission. The planning commission shall require regulations and conditions as are necessary to protect the public health, safety, welfare and aesthetics of the area. In approving a conditional use permit, the planning commission shall find:

A. That the proposed use is necessary or desirable and will contribute to the general well-being of the town.
B. That the use will not be detrimental to the health, safety, welfare or aesthetics, or detrimental to property or improvements in the area.
C. That the proposed use will comply with the regulations of this title.
D. That the proposed use is in harmony with the intent and purpose of the general plan, or that the plan shall have first been amended through public hearing.

AFTER AMENDMENT

10.20.060 Land Use Authority Action

~~The planning commission may approve, modify and approve, or deny a conditional use application made to the planning commission. The planning commission shall require regulations and conditions as are necessary to protect the public health, safety, welfare and aesthetics of the area. In approving a conditional use permit, the planning commission shall find:~~

~~A. That the proposed use is necessary or desirable and will contribute to the general well-being of the town.~~
~~B. That the use will not be detrimental to the health, safety, welfare or aesthetics, or detrimental to property or improvements in the area.~~
~~C. That the proposed use will comply with the regulations of this title.~~
~~D. That the proposed use is in harmony with the intent and purpose of the general plan, or that the plan shall have first been amended through public hearing.~~

Conditional Use Standards of Review: When the planning commission acts under its power to hear and decide applications for conditional uses, the conditional use shall be approved if reasonable conditions are proposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards as set forth below. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

The planning commission shall make its decision based upon the facts presented for the record. Expressions of support or opposition shall not constitute the basis of approval or denial.

A. General Review Standards: An applicant for a conditional use in the zone must demonstrate:

1. The use complies with all applicable provisions of town ordinances, state and federal law;

2. The use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:

a. If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks; or

b. If it will unreasonably interfere with the lawful use of surrounding property.

3. The use is consistent with the characteristics and purposes stated for the zone;

4. Site plan review:

a. Traffic safety conditions are not adversely affected by the use. The existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed;

b. Utility capacity is adequate;

c. Emergency access is adequate;

d. The location and design of parking both on site and off street is adequate;

e. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate;

f. Exterior lighting is adequate and does not unduly disturb the surrounding area;

g. Signage is adequate and in compliance with Chapter 22 of this title.

5. Requirements for the management and maintenance of facilities is adequate;

6. The use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal;

B. Specific Review Standards For Certain Conditional Uses: In addition to the general standards of review above, the applicant must also demonstrate compliance with each of the following standards for each of the following conditional uses:

1. Reception Center

a. Hours of operation must be compatible with adjoining uses and comply with town noise regulations.

b. Parking must be provided.

c. The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.

d. The center must have an approved site plan.

e. If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

2. Agricultural Industry

a. Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.

b. Applicant must provide a plan for management of manure to prevent it from becoming a nuisance and must follow the plan.

c. Evidence must be provided on how the applicant will maintain control of flies and vermin.

d. Animal enclosures used for intensive animal feeding operations must be at least 30 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential pursuant to Chapter 10 of this title.

3. Public Stable

a. Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.

b. Applicant must provide a plan for management of manure to prevent it from becoming a nuisance and must follow the plan.

c. Evidence must be provided on how the applicant will maintain control of flies and vermin.

d. Site must contain adequate off street parking for customers. All trailers must be contained on site.

e. Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential pursuant to Chapter 10 of this title.

4. Assisted Living Facility

a. The facility shall comply with building, safety, and health regulations applicable to similar structures.

b. The facility shall be licensed by the state.

c. A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.

5. Greater Heights than Permitted by this Code

a. The height may not be greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.

b. A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.

6. Greater Size than Permitted by this Code

a. The greater size building desired must be of compatible architecture with immediately adjacent buildings.

b. At least 50 percent of the lot on which the building is located must remain free of buildings.

c. The building must be for a use permitted in the zone in which it is located.

7. Animals and Fowl for Recreation and Family Food Production

a. Adequate fencing must be provided to ensure animals and fowl are confined safely.

b. Applicant must provide a plan for management of manure to prevent it from becoming a nuisance and must follow the plan.

c. Evidence must be provided on how the applicant will maintain control of flies and vermin.

d. The number of fowl will be limited by the applicable zone standards.

e. Livestock numbers may be limited at the planning commission's discretion based on the size of the lot and the facilities available to contain and protect the animals.

8. Metal Buildings

a. The building must meet the following design standards:

(1) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.

(2) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.

(3) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.

(4) The faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.

9. Animal Specialties

a. Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.

b. Applicant must provide a plan for management of manure to prevent it from becoming a nuisance and must follow the plan.

c. Evidence must be provided on how the applicant will maintain control of flies and vermin.

d. Animal enclosures used for intensive animal feeding operations must be at least 30 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential pursuant to Chapter 10 of this title.

10. Agritourism Activities

a. Hours of operation must be compatible with adjoining uses and comply with town noise regulations.

b. On-site parking must be provided.

c. The use of on-street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.

d. In agricultural zones, this use must be accessory to an established agricultural use.

11. Kennel, Commercial; Kennel, Residential

a. Adequate fencing must be provided to ensure animals are confined safely.

b. Applicant must provide a plan for management of manure to prevent it from becoming a nuisance and must follow the plan.

c. Evidence must be provided on how the applicant will maintain control of flies and vermin.

d. Number of animals may be limited at the planning commission's discretion based on the size of the lot and the facilities available to contain and protect the animals.

SECTION 3: **AMENDMENT** "10.20.080 Time Limitations" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.20.080 Time Limitations

A conditional use permit shall be good for one year after approval. If at the end of one year, construction has not been started, the conditional use permit shall become null and void unless a request is made for extension by the applicant. In granting any request for extension, the planning commission shall find that substantial work shall have been accomplished toward its completion or that through no fault of the applicant, it has been impossible to diligently pursue the completion of the application. Extensions may be granted for periods of time not to exceed one year at each extension. Once completed, the permit shall require no further renewal unless stipulated by the planning commission.

AFTER AMENDMENT

10.20.080 Time ~~Limitations~~Limitation and Abandonment

A conditional use permit shall be good for one year after approval. If at the end of one year, construction has not been started, the conditional use permit shall become null and void unless a request is made for extension by the applicant. In granting any request for extension, the planning commission shall find that substantial work shall have been accomplished toward its completion or that through no fault of the applicant, it has been impossible to diligently pursue the completion of the application. Extensions may be granted for periods of time not to exceed one year at each extension. Once completed, the permit shall require no further renewal unless stipulated by the planning commission.

If the approved use or activity ceases for any reason for a continuous period of one year, the conditional use permit shall automatically terminate, as having been abandoned. A new conditional use permit must be granted prior to continuance of the conditional use.

SECTION 4: **ADOPTION** "10.20.095 Amendment Or Modification Of Conditional Use" of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.20.095 Amendment Or Modification Of Conditional Use (Non-existent)

AFTER ADOPTION

10.20.095 Amendment Or Modification Of Conditional Use*(Added)*

Once granted, a conditional use shall not be enlarged, changed, extended, increased in density or relocated unless a new conditional use application is made and approved by the planning commission, except as provided below:

A. Modification to an approved conditional use permit may only be granted when it can be determined that such changes or modifications are necessary to accommodate special circumstances related to the location or implementation of the approved conditional use, and where such modifications are found to be so insignificant and minor so as not to measurably change the approved conditional use permit or the intent of conditions that may have been imposed. The request for the modification or amendment shall be made in writing and documented on the site plan of the project.

B. Planning staff may review and approve the modification or amendments that are insignificant and minor. But if the modification or amendment significantly changes the conditional use, a new conditional use application shall be filed and approved by the planning commission.

SECTION 5: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 6: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-42

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.28.230 Accessory Buildings And Accessory Uses General Requirements" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
C. An accessory garage may be attached to, or detached from, the primary building.
    1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
        a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
        b. See also AVLU 10.28.240.
D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
    1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
    2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
    3. See also AVLU 10.28.240.
E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.

H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
J. Containers may be used as accessory buildingsto a primary residential structure subject to the following requirements;
    1. Shipping Container is defined as an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.
    2. Shipping Containers may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;
        a. Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.
        b. Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.
        c. Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.
        d. Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.
    3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
    4. Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.
    5. All Shipping Containers must be permitted prior to delivery.
        a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
        b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
    6. No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.
K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
M. No accessory building shall be used as a permanent dwelling unit.
N. No accessory building shall be located closer than three feet (3') to any side or rear

property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.

O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.

P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 B.

AFTER AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.

B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.

C. An accessory garage may be attached to, or detached from, the primary building.
    1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
        a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
        b. See also AVLU 10.28.240.

D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
    1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
    2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
    3. See also AVLU 10.28.240.

E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.

F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.

G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.

H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.

I. No mobile home, ~~travel trailer,~~ boat or similar recreational vehicle shall be used as an accessory building. Travel trailers and RV's may be used if all hookups (water, sewer, electricity) are available.

J. Containers may be used as accessory buildingsto a primary residential structure subject to the following requirements;

1. Shipping Container is defined as a standardized reusable fully enclosed unit often constructed of corrugated steel, usually rectangle in shape, manufactured for the purpose of intermodal transporting of goods and materials by rail, road, air or sea. ~~an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH).~~ Also commonly referred to as Intermodal Freight Containers, Conex Boxes, cargo container, ISO Container or Sea Cans. The following shall apply to shipping containers:
    a. Shipping containers that have transported goods to a site may be used for the temporary storage of such transported goods as an accessory use to a legally established primary use in the I-1 (Industrial) zone and C-1, C-2, C-3 and PDC (Commercial) zones subject to the following conditions:
        (1) The location of the temporary storage area shall be noted on the site plan establishing the primary use of the site. If there is not a site plan for an existing use, then a site plan shall be submitted for approval as outlined in each of the applicable zones.
        (2) The temporary storage area shall be screened from view from any public right of way and residential development.
        (3) Shipping containers shall not be stacked.
        (4) Shipping containers shall not be converted into permanent structures or use for permanent storage without first receiving conditional use approval and a building permit.
2. Shipping Containers used for storage in OST, OS, Agricultural and all Residential zones shall be subject to the following requirements ~~may be used as accessory buildings to a primary residential structure subject to the following acreage limitations~~;
    a. ~~Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.~~ Shipping containers shall not be stacked.
    b. ~~Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.~~ Shipping containers are an accessory building and must comply with the applicable setbacks and all other requirements of this ordinance and applicable town and building code for an accessory building.
    c. ~~Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.~~ The temporary storage area shall be screened from view from any public right of way.
    d. ~~Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.~~ The exterior of the shipping container shall be maintained and structurally intact.

e. No more than one (1) shipping container shall be allowed on a residential lot one (1) acre in size or less. Two (2) shipping containers shall be allowed on residential lots greater than one (1) acre in size and up to five (5) acres in size. Residential lots five (5) acres in size or larger shall not have more than five (5) containers.

3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
4. ~~Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.~~ Shipping containers shall be painted one solid, muted color that blends with the surrounding vegetation, natural topography or structures.
5. Shipping containers shall not display advertising, company logos, names or other markings painted on, or otherwise attached to the exterior of the shipping container.

6. All Shipping Containers must be permitted prior to delivery.
    a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
    b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
7. ~~No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.~~ Shipping containers used for storage during construction shall be subject to the following requirements:
    a. Shipping containers may be used in all land use zones for temporary storage of construction related materials on a building site for which an active building permit or excavation permit exists.
    b. Shipping containers must be removed within fourteen (14) days upon final inspection of permit, or comply with the accessory building requirements of this and all other applicable town and building codes.
8. The storage of hazardous material is prohibited.
9. Modification of shipping containers to create a residential dwelling or commercial structure is permitted subject to all applicable town land use code and adopted building codes.
10. Modified shipping containers may be approved as a temporary structure or enclosure in a PD (Planned Development) project.
11. The use of box truck cargo container, van body, semi-truck trailer, bus body, camper or RV are not permitted as an accessory structure, shed or storage.
12. Shipping containers established as a temporary structure prior to the adoption

of this code are not exempt from the screening requirement and must be permitted and brought into compliance with this ordinance.

13. Shipping containers may not be used as the base to a truss-based roofing structure.

K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.

L. No accessory buildings shall be ~~rented, leased or~~ sold separately from the ~~rental, lease or~~ sale of the primary building.

M. No accessory building shall be used as a permanent dwelling unit without conforming with AVLU 10.28.270.

N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.

O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.

P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 ~~B~~E.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-43

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.10.090 MH Manufactured Housing Park Zone" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.090 MH Manufactured Housing Park Zone

A. Purpose: The purpose of this zone is to provide for the development of manufactured home parks in a quality environment. Manufactured home parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc., and are designed and intended from the beginning of development as manufactured homes only. The minimum zone size shall be approximately five (5) acres.
B. Permitted Uses: Uses permitted in this zone are as follows:
    1. Accessory buildings and uses.
    2. Horticulture and gardening for personal use.
    3. Household pets.
    4. Park or playground.
    5. Manufactured homes at a minimum of 1,250 square feet on main level.
    6. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone.
    7. Any use not specifically allowed under permitted or conditional uses, shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted.
C. Height Regulations: No building shall be erected to a height greater than thirty five (35) feet. No accessory building shall be erected to a height greater than twenty five (25) feet.
D. Manufactured Home Park Development Standards:
    1. Density: The maximum density for a manufactured home park shall not exceed six (6) units per acre.
    2. Access Roads: Each manufactured home park shall be provided with hard surface (concrete or asphalt) roadways of at least twenty five (25) feet in width to serve each manufactured home space and parking area.
    3. Park Access: Access to all manufactured home parks shall be from a dedicated and approved public street at an approved access point or points. No manufactured home space shall have direct access from a public street. Any

access road connecting two (2) or more public streets shall be arranged to prohibit or discourage through traffic.

4. Off Street Parking: Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each manufactured home space.
5. Recreation Space: Recreation space shall be provided for each manufactured home park. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each manufactured home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
6. Manufactured Home Space: Each manufactured home space shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
7. Permanent Foundation: A manufactured home must be put on a permanent foundation and converted to real property.
8. Minimum Yard Clearances for Manufactured Home Park: Each manufactured home shall have the following minimum yard clearances:
    a. Front or side yard on a public street, twenty five (25) feet.
    b. Side yard bordering adjacent property, ten (10) feet.
    c. Rear yard bordering adjacent property, ten (10) feet.
    d. A six (6) foot sight obscuring fence shall be erected along all side and rear property lines, unless otherwise approved by the planning commission.
9. Minimum Yard Clearances for Manufactured Home Space: Each manufactured home shall have the following minimum yard clearance which may also be included in and a part of the setbacks required in subsection H of this section:
    a. Front yard on a private street or access road, fifteen (15) feet in back of curb.
    b. Side yard on main door side of manufactured home, fifteen feet (15).
    c. Side yard on "no access" side of manufactured home, ten (10) feet.
    d. Rear yard, ten (10) feet.
    e. No two (2) manufactured homes shall be closer than twenty (20) feet.
10. Utilities Required: All sewage and water proposals shall be required to have approval from the Utah state department of environmental quality and Big Plains Water and Sewer Special Service District. All buildings, electrical, plumbing and fire protection construction shall comply with state and Town requirements and codes, including applicable standards found in the Town subdivision ordinance (including, but not limited to, fire protection), the building code, and this title.
11. A dwelling proposed to be moved onto a site in the town shall be less than ten (10) years of age at the time of moving unless otherwise approved by the Planning Commission. Rehabilitation of such dwelling limited to a 6 month duration.

E. Modifying Regulations:

1. Perimeter Fence: Unless otherwise approved by the planning commission, each manufactured home park shall be fenced at the perimeter with a six (6) foot high sight obscuring fence.
2. Building Code; Permit: Installation of any manufactured unit shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
3. Street Construction: All streets in a manufactured home park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter approved by the planning commission.
4. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.

F. Subdivision Requirements: Any use approved in the MH zone in which the sale of any lot or parking space is proposed, shall be subject to all applicable requirements of the AVS 11 subdivision ordinance.

AFTER AMENDMENT

10.10.090 MH Manufactured Housing Park Zone

A. Purpose: The purpose of this zone is to provide for the development of manufactured home parks in a quality environment. Manufactured home parks are not intended for the isolated lot, but shall be for use in areas where larger tracts of land are available for development, and can be developed to a high standard of quality with landscaping, recreation facilities, etc., and are designed and intended from the beginning of development as manufactured homes only. The minimum zone size shall be approximately five (5) acres.

B. Permitted Uses: Uses permitted in this zone, following the issuance of a building permit for a permanent dwelling, are as follows:
   1. Accessory buildings and uses.
   2. Horticulture and gardening for personal use.
   3. Household pets.
   4. Park or playground.
   5. Manufactured homes at a minimum of 1,000 ~~1,250~~ square feet on main level.
   6. Other uses similar to the above and judged by the planning commission to be in harmony with the intent and character of this zone, which will require a conditional use permit.
   7. Any use not specifically allowed under permitted or conditional uses, shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted use.

C. Height Regulations: No building shall be erected to a height greater than thirty five (35) feet. No accessory building shall be erected to a height greater than twenty five (25) feet.

D. Manufactured Home Park Development Standards:
   1. Density: The maximum density for a manufactured home park shall not exceed six (6) units per acre.

2. Access Roads: Each manufactured home park shall be provided with hard surface (concrete or asphalt) roadways of at least twenty five (25) feet in width to serve each manufactured home space and parking area.
3. Park Access: Access to all manufactured home parks shall be from a dedicated and approved public street at an approved access point or points. No manufactured home space shall have direct access from a public street. Any access road connecting two (2) or more public streets shall be arranged to prohibit or discourage through traffic.
4. Off Street Parking: Parking spaces shall be provided for the parking of motor vehicles in the ratio of at least two (2) parking spaces for each manufactured home space.
5. Recreation Space: Recreation space shall be provided for each manufactured home park. A minimum usable area of five thousand (5,000) square feet shall be set aside and developed for each manufactured home park having at least ten (10) units and one hundred (100) square feet additional space for each unit above ten (10) units.
6. Manufactured Home Space: Each manufactured home space shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet.
7. Permanent Foundation: A manufactured home must be put on a permanent foundation and converted to real property.
8. Minimum Yard Clearances for Manufactured Home Park: Each manufactured home shall have the following minimum yard clearances:
    a. Front or side yard on a public street, twenty five (25) feet.
    b. Side yard bordering adjacent property, ten (10) feet.
    c. Rear yard bordering adjacent property, ten (10) feet.
    d. A six (6) foot sight obscuring fence shall be erected along all side and rear property lines, unless otherwise approved by the planning commission.
9. Minimum Yard Clearances for Manufactured Home Space: Each manufactured home shall have the following minimum yard clearance which may also be included in and a part of the setbacks required in subsection H of this section:
    a. Front yard on a private street or access road, fifteen (15) feet in back of curb.
    b. Side yard on main door side of manufactured home, fifteen feet (15).
    c. Side yard on "no access" side of manufactured home, ten (10) feet.
    d. Rear yard, ten (10) feet.
    e. No two (2) manufactured homes shall be closer than twenty (20) feet.
10. Utilities Required: All sewage and water proposals shall be required to have approval from the Utah state department of environmental quality and Big Plains Water and Sewer Special Service District. All buildings, electrical, plumbing and fire protection construction shall comply with state and Town requirements and codes, including applicable standards found in the Town subdivision ordinance (including, but not limited to, fire protection), the

building code, and this title.

11. A dwelling proposed to be moved onto a site in the town shall be less than ten (10) years of age at the time of moving unless otherwise approved by the Planning Commission. Rehabilitation of such dwelling limited to a 6 month duration.

E. Modifying Regulations:
   1. Perimeter Fence: Unless otherwise approved by the planning commission, each manufactured home park shall be fenced at the perimeter with a six (6) foot high sight obscuring fence.
   2. Building Code; Permit: Installation of any manufactured unit shall be done in conformance with the requirements of the current edition of the building code following approval of the building department, and the issuance of a building permit.
   3. Street Construction: All streets in a manufactured home park shall be paved according to the construction standards of the Town and shall be bounded by curb and gutter approved by the planning commission.
   4. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.

F. Subdivision Requirements: Any use approved in the MH zone in which the sale of any lot or parking space is proposed, shall be subject to all applicable requirements of the AVS 11 subdivision ordinance.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-56

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "10.18.020 Residential Lots; Access" of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.18.020 Residential Lots; Access

A. Borrow Ditch; Pipe Size: All driveway connections from a town road to a residential lot shall be constructed using a pipe with a minimum inside diameter of fifteen inches (15") to provide access through the borrow ditch. Said pipe shall have a minimum length of at least two feet (2') beyond the sides of a paved driveway. Every lot, unless curb and gutter is required, shall have a borrow ditch running across the entire frontage of the lot which the property owner is responsible to maintain. The property owner shall be responsible to keep the borrow ditch and pipe clean of any debris or material that would impede the flow of water through the pipe and/or the borrow ditch.
B. Inspection Prior To Occupancy Permit: No occupancy permit will be issued by the building department until the lot access has been inspected and approved by the town.
C. Limited Number of Driveways: No residential lot shall have more than two (2) driveways unless approved by the planning commission.
D. Distance between Driveways: No driveway shall be closer than sixteen feet (16') to another driveway or be more than twenty eight feet (28') in width unless approved by the building official. In no event shall the combined width of such driveways exceed fifty six feet (56') or fifty percent (50%) of the entire lot frontage, whichever is less.
E. Corner Lots: In no event shall a driveway be placed on any corner lot within a distance of twenty five feet (25') from the point of curvature of the radius, or forty feet (40') from the intersection of property lines nearest the intersection, whichever is farther from the intersection.

AFTER AMENDMENT

10.18.020 Residential Lots; Access

A. Borrow Ditch; Pipe Size: All driveway connections from a town road to a residential lot shall be constructed using a pipe (culvert) with a minimum inside diameter of ~~fifteen~~eighteen inches (18~~5~~") to provide access through the borrow ditch. Said pipe shall have a minimum length of at least two feet (2') beyond the sides of a paved driveway. Every lot, unless curb and gutter is required, shall have a borrow ditch running across the entire frontage of the lot which the property owner is responsible to

maintain. The property owner shall be responsible to keep the borrow ditch and pipe clean of any debris or material that would impede the flow of water through the pipe and/or the borrow ditch.

B. Inspection Prior To Occupancy Permit: No occupancy permit will be issued by the building department until the lot access has been inspected and approved by the town.
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SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley

APPLE VALLEY
ORDINANCE O-2022-57

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "11.02.050 Notice Requirements" of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.050 Notice Requirements

A. Notice of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development: Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.
B. Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement: The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:
    1. Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;
    2. Mailing notice to each affected entity;
    3. Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;
    4. Publishing notice in a newspaper of general circulation in the Town; and
    5. Publishing notice on the Utah public notice website.

AFTER AMENDMENT

11.02.050 Notice Requirements

A. Notice of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development: Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.
B. Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement: The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:
    1. Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;
    2. Mailing notice to each affected entity;
    3. Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;

4. ~~Publishing notice in a newspaper of general circulation in the Town; and~~Publishing notice on the Town website; and
5. ~~5.~~ 5. Publishing notice on the Utah P~~p~~ublic N~~n~~otice website.
6.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor | Frank Lindhardt	_____	_____	_____	_____
Council Member | Andy McGinnis	_____	_____	_____	_____
Council Member | Barratt Nielson	_____	_____	_____	_____
Council Member | Kevin Sair	_____	_____	_____	_____
Council Member | Robin Whitmore	_____	_____	_____	_____

Attest

_____
Jenna Vizcardo, Town Clerk, Apple Valley

Presiding Officer

_____
Frank Lindhardt, Mayor,, Apple Valley