



APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 14, 2022 at 6:30 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, December 14, 2022**, commencing at **6:30 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

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/87607542551>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 876 0754 2551

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

1. Disbursement Listing for November 2022.
2. Budget Report for Fiscal Year 2023 through November 2022.
3. Approval of Minutes: October 19, 2022.
4. Approval of Minutes: November 16, 2022.

MAYOR'S TOWN UPDATE

PUBLIC COMMENTS

DISCUSSION AND ACTION

5. **Discussion and Action:** Consider approval of appointment of Michael Farrar for Planning Commission, Resolution-R-2022-55.
6. **Discussion and Action:** Consider approval of appointment of Janet Prentice for Planning Commission alternate, Resolution-R-2022-56.
7. **Discussion and Action:** Form Cemetery Advisory Committee and Appoint Members, Resolution-R-2022-54.
8. **Discussion and Action:** Consider Approval of Residential Solid Waste Disposal Fee Increase, Resolution-R-2022-53.
9. **Discussion and Action:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.
10. **Discussion and Action:** Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.
11. **Discussion and Action:** Update Title 11.12 Standards, Ordinance-O-2022-60.
12. **Discussion and Action:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-63.
13. **Discussion and Action:** Adopt Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda 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.

Town of Apple Valley
Disbursement Listing
Checking - SBSU - 11/01/2022 to 11/30/2022

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Amazon Capital Services	5289	11/01/2022	\$106.11			Purchasing
Google LLC	G11012022	11/01/2022	\$201.92			Purchasing
Hurst General-Ace Hardware	HA11012022	11/01/2022	\$8.50			Purchasing
Washington County Solid Waste	5310	11/01/2022	\$4,675.68			Purchasing
Hurricane Ready Mix	5296	11/02/2022	\$1,277.20			Purchasing
James R Weeks	5291	11/02/2022	\$437.50			Purchasing
Layton Ventures LLC	5292	11/02/2022	\$2,509.90			Purchasing
Superior Technical Solutions	STS11022022	11/02/2022	\$355.00			Purchasing
Tink's Superior Auto Parts	5290	11/02/2022	\$122.91			Purchasing
Chase Paymentech	DEBIT11032022	11/03/2022	\$327.33			Purchasing
Kopp, Debbie	5293	11/03/2022	\$201.54			Purchasing
Timeless Awards Company	5306	11/03/2022	\$19.00			Purchasing
Payroll	1104221200	11/04/2022	\$5,032.27			Paycheck
Big Plains Water and Sewer SSD	5295	11/04/2022	\$36,598.35			Purchasing
Internal Revenue Service	EFTPS1104202	11/04/2022	\$1,113.46			Payroll
Utah Retirement Systems	URS11042022	11/04/2022	\$781.06			Payroll
XPress Bill Pay	XBP11052022	11/05/2022	\$241.98			Purchasing
Price Nelson	5299	11/08/2022	\$25.00			Purchasing
South Central Communications	5297	11/08/2022	\$441.69			Purchasing
Revco Leasing	5300	11/09/2022	\$230.69			Purchasing
Sunrise Engineering	5309	11/09/2022	\$107.25			Purchasing
Northern Tool and Equipment	NTE11102022	11/10/2022	\$186.21			Purchasing
Farrar, Michael & Karale	5298	11/14/2022	\$200.00			Purchasing
USPS	USPS11142022	11/14/2022	\$309.40			Purchasing
Ford Motor Credit Company	FMC11162022	11/16/2022	\$1,122.15			Purchasing
Blackburn Propane	5305	11/17/2022	\$444.70			Purchasing
Payroll	1118221200	11/18/2022	\$7,108.83			Paycheck
Internal Revenue Service	EFTPS1118202	11/18/2022	\$1,858.97			Payroll
Lindhardt, Frank G	5302	11/18/2022	\$784.97			Paycheck
Little Creek Station	5303	11/18/2022		11/18/2022	\$773.75	Purchasing
Little Creek Station	5304	11/18/2022	\$773.75			Purchasing
Rocky Mountain Power	RMP11182022	11/18/2022	\$253.45			Purchasing
Utah Retirement Systems	URS11182022	11/18/2022	\$789.42			Payroll
Zoom Video Communications Inc.	Z11212022	11/21/2022	\$14.99			Purchasing
Federal Licensing, Inc.	FCC11222022	11/22/2022	\$119.00			Purchasing
Washington County Solid Waste	5308	11/23/2022	\$800.00			Purchasing
Buck's Ace Hardware	5302	11/25/2022		11/25/2022	\$232.07	Purchasing
Buck's Ace Hardware	5315	11/25/2022	\$232.07			Purchasing
CivicPlus LLC	5301	11/25/2022		11/25/2022	\$1,575.00	Purchasing
CivicPlus LLC	5301	11/25/2022	\$1,575.00			Purchasing
Zions Bank	ZB11252022	11/25/2022	\$880.38			Purchasing
Adobe	A11282022	11/28/2022	\$255.35			Purchasing
Snow Christensen & Martineau	5307	11/28/2022	\$6,590.00			Purchasing
TeamViewer	TV11292022	11/29/2022	\$88.77			Purchasing
Home Depot	HD11302022	11/30/2022	\$243.87			Purchasing
Wilson, Lilette	5311	11/30/2022	\$1,600.00			Purchasing
			\$81,045.62		\$2,580.82	

**Town of Apple Valley
Disbursement Listing
SBSU Fire - 11/01/2022 to 11/30/2022**

Item 1.

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Walmart	W10282022	11/01/2022	<u><u>\$0.00</u></u>	11/01/2022	<u><u>\$100.35</u></u> <u><u>\$100.35</u></u>	Purchasing

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 11/30/2022
41.67% of the fiscal year has expired

Item 2.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	14,891.58	9,677.53	12,892.17	128,557.00	10.03%
3120 Prior Year's Taxes-Delinquent	358.94	0.00	0.00	8,000.00	0.00%
3130 General Sales and Use Taxes	40,092.43	17,586.85	77,233.59	130,000.00	59.41%
3140 Energy and Communication Taxes	(4,238.01)	2,996.67	15,393.82	35,000.00	43.98%
3150 RAP Tax	5,918.10	1,576.82	6,097.01	17,000.00	35.86%
3160 Transient Taxes	2,094.41	2,087.67	6,541.14	7,200.00	90.85%
3170 Fee in Lieu of Personal Property Taxes	573.61	0.00	0.00	8,400.00	0.00%
3190 Highway/Transit Tax	3,704.90	1,620.21	7,168.55	12,550.00	57.12%
Total Taxes	63,395.96	35,545.75	125,326.28	346,707.00	36.15%
Licenses and permits					
3210 Business Licenses	450.00	1,050.00	3,313.50	8,000.00	41.42%
3221 Building Permits-Fee	46,922.66	6,749.27	22,432.65	75,000.00	29.91%
3222 Building Permits-Non Surcharge	6,487.17	891.45	3,243.96	11,250.00	28.84%
3223 Building permit - HCP Valuation	4,303.55	0.00	0.00	0.00	0.00%
3224 Building Permits Surcharge	382.46	31.22	51.93	750.00	6.92%
3225 Animal licenses	0.00	50.00	60.00	500.00	12.00%
Total Licenses and permits	58,545.84	8,771.94	29,102.04	95,500.00	30.47%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" Road Allotment	27,016.23	19,796.20	54,252.65	82,000.00	66.16%
3358 Liquor Control Profits	0.00	0.00	0.00	800.00	0.00%
3370 State Grants	13,373.03	0.00	0.00	0.00	0.00%
3374 ARPA Revenue	0.00	0.00	99,888.00	0.00	0.00%
Total Intergovernmental revenue	40,389.26	19,796.20	154,140.65	92,800.00	166.10%
Charges for services					
3230 Special Event Permit	2,000.00	0.00	2,030.00	3,000.00	67.67%
3410 Clerical Services	0.75	78.50	179.20	250.00	71.68%
3416 Other Interdepartmental Charges	0.00	0.00	2,167.07	16,000.00	13.54%
3431 Zoning and subdivision fees	33,480.55	5,116.50	8,139.00	40,000.00	20.35%
3440 Solid Waste	20,208.31	4,706.00	22,431.82	53,350.00	42.05%
3441 Storm Drainage	17,358.92	3,915.99	18,255.85	42,800.00	42.65%
3461 GRAMA Requests	0.00	46.63	285.52	200.00	142.76%
3470 Park and Recreation Fees	0.00	0.00	0.00	100.00	0.00%
3615 Late Charges/Other Fees	558.93	188.59	276.09	2,500.00	11.04%
Total Charges for services	73,607.46	14,052.21	53,764.55	158,200.00	33.99%
Fines and forfeitures					
3510 Fines	310.03	0.00	1,757.17	1,000.00	175.72%
Total Fines and forfeitures	310.03	0.00	1,757.17	1,000.00	175.72%
Interest					
3610 Interest Earnings	894.61	2,061.37	7,960.61	3,000.00	265.35%
Total Interest	894.61	2,061.37	7,960.61	3,000.00	265.35%
Miscellaneous revenue					
3640 Sale of Capital Assets	0.00	0.00	0.00	5,000.00	0.00%
3690 Sundry revenue	1,607.65	207.76	13,722.78	2,800.00	490.10%
3692 Fire Department Fundraisers/Donations	0.00	0.00	1,500.00	2,000.00	75.00%
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	0.00%
3801.1 Impact fees - Fire	11,875.00	1,688.00	4,220.00	25,320.00	16.67%
3801.2 Impact fees - Police	1,596.00	0.00	0.00	0.00	0.00%
3801.3 Impact fees - Roadways	37,754.00	5,320.00	13,300.00	79,800.00	16.67%
3801.6 Impact fees - Storm Water	11,567.78	2,654.92	7,878.20	86,550.00	9.10%
3801.7 Impact fees - Parks, Trails, OS	9,566.00	1,450.00	3,625.00	21,750.00	16.67%
Total Miscellaneous revenue	73,966.43	11,320.68	44,245.98	224,020.00	19.75%
Contributions and transfers					
3890 Fund balance appropriation	0.00	0.00	0.00	15,000.00	0.00%
Total Contributions and transfers	0.00	0.00	0.00	15,000.00	0.00%
Total Revenue:	311,109.59	91,548.15	416,297.28	936,227.00	44.47%
Expenditures:					
General government					
Council					

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 11/30/2022
41.67% of the fiscal year has expired

Item 2.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.110 Council Salaries and wages	9,925.00	1,150.00	6,725.00	21,000.00	32.02%
4111.130 Council Employee benefits	797.63	99.91	662.47	2,410.00	27.49%
4111.210 Council Travel Reimbursement	0.00	0.00	0.00	1,500.00	0.00%
4111.220 Council Training	0.00	0.00	0.00	1,500.00	0.00%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	500.00	0.00%
Total Council	10,722.63	1,249.91	7,387.47	26,910.00	27.45%
Administrative					
4141.110 Admin Salaries and Wages	46,973.35	7,906.35	44,486.20	99,445.00	44.73%
4141.130 Admin Employee Benefits	3,804.65	616.69	3,751.50	11,377.00	32.97%
4141.140 Admin Employee Retirement - GASB 68	0.00	1,054.81	5,896.21	13,553.00	43.50%
4141.210 Admin Dues, Subs & Memberships	710.09	1,911.38	2,039.12	4,000.00	50.98%
4141.220 Admin Public Notices	347.76	0.00	41.95	1,200.00	3.50%
4141.230 Admin Training	0.00	0.00	696.00	1,000.00	69.60%
4141.240 Admin Office/Administrative Expense	3,822.09	658.29	8,464.10	5,000.00	169.28%
4141.250 Admin Equipment Expenses	773.68	585.69	6,072.14	2,000.00	303.61%
4141.260 Admin Building & Ground Maintenance	1,415.00	294.99	2,704.60	1,500.00	180.31%
4141.270 Admin Utilities	2,661.25	698.15	1,948.97	5,800.00	33.60%
4141.280 Admin Telephone and Internet	3,058.58	441.69	4,140.90	4,800.00	86.27%
4141.290 Admin Postage	1,614.69	309.40	1,584.61	3,000.00	52.82%
4141.320 Admin Engineering Fees	44,839.83	0.00	6,123.48	20,000.00	30.62%
4141.330 Admin Legal Fees	13,363.19	9,281.25	23,806.64	25,000.00	95.23%
4141.331 Admin Assessment legal fees	2,228.84	0.00	0.00	0.00	0.00%
4141.340 Admin Accounting & Auditing	14,229.82	0.00	0.00	7,500.00	0.00%
4141.350 Admin Building/Zoning/Planning Fees	0.00	2,384.90	17,353.77	35,000.00	49.58%
4141.360 Admin Education-General	0.00	0.00	0.00	500.00	0.00%
4141.390 Admin Bank Service Charges	3,462.10	0.00	15.00	4,600.00	0.33%
4141.410 Admin Insurance	5,640.00	0.00	11,895.25	7,000.00	169.93%
4141.490 Admin Travel Reimbursements	36.40	17.51	902.71	500.00	180.54%
4141.500 Admin Weed Abatement	0.00	0.00	0.00	1,500.00	0.00%
4141.610 Bad Debt Expense	0.33	0.00	268.84	0.00	0.00%
4141.740 Admin Capital Outlay	0.00	0.00	533.14	15,000.00	3.55%
4170 Elections	1,133.37	0.00	0.00	0.00	0.00%
Total Administrative	150,115.02	26,161.10	142,725.13	269,275.00	53.00%
Total General government	160,837.65	27,411.01	150,112.60	296,185.00	50.68%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	9,450.00	0.00	7,500.00	15,000.00	50.00%
4210.250 Police Expenditures	3,930.24	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	0.00	0.00	0.00	100.00	0.00%
Total Police	13,380.24	0.00	7,500.00	15,100.00	49.67%
Fire					
4220.110 Fire Salaries & wages	10,328.81	3,076.94	14,230.86	40,100.00	35.49%
4220.130 Fire Employee Benefits	1,109.14	736.42	3,463.95	11,254.00	30.78%
4220.140 Fire Contract Salaries & Wages	0.00	0.00	0.00	6,680.00	0.00%
4220.210 Fire Dues, Subscriptions & Memberships	0.00	119.00	119.00	500.00	23.80%
4220.230 Fire Travel, Mileage & Cell	0.00	0.00	0.00	600.00	0.00%
4220.240 Fire Office & Other Expenses	0.00	0.00	29.99	0.00	0.00%
4220.250 Fire Equipment Maintenance & Repairs	0.00	122.91	854.08	1,500.00	56.94%
4220.360 Fire Training	0.00	0.00	0.00	8,000.00	0.00%
4220.450 Fire Small Equip/Supplies	0.00	0.00	1,725.65	17,536.00	9.84%
4220.460 Fire Supplies-Fundraisers	0.00	0.00	0.00	500.00	0.00%
4220.465 Fire Gear	198.96	0.00	0.00	4,400.00	0.00%
4220.560 Fire Equipment Fuel	19.33	233.32	375.94	1,800.00	20.89%
4220.610 Fire Principal	5,057.31	1,083.96	5,366.57	14,590.00	36.78%
4220.620 Fire Interest	553.44	38.19	244.18	1,165.00	20.96%
4220.740 Fire Capital Outlay	0.00	0.00	0.00	15,000.00	0.00%
Total Fire	17,266.99	5,410.74	26,410.22	123,625.00	21.36%
Total Public safety	30,647.23	5,410.74	33,910.22	138,725.00	24.44%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	0.00	0.00	270.00	7,500.00	3.60%
4410.130 Road Employee Benefits	0.00	0.00	20.66	858.00	2.41%
4410.270 Road Flood Damage	0.00	(3,000.81)	0.00	0.00	0.00%
4410.380 Road Department Services	720.00	0.00	2,154.20	3,000.00	71.81%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 11/30/2022
41.67% of the fiscal year has expired

Item 2.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.450 Road Department Supplies	0.00	1,433.13	9,236.27	30,000.00	30.79%
4410.550 Road Equipment Maintenance	694.05	0.00	1,117.60	6,000.00	18.63%
4410.560 Road Equipment Fuel	5,317.31	0.00	496.00	2,500.00	19.84%
4410.810 Road Principal	36,968.31	832.64	38,140.07	44,100.00	86.49%
4410.820 Road Interest	30,223.03	47.74	29,252.68	29,531.00	99.06%
4415.110 Public Works Wages and Contract Labor	0.00	0.00	2,817.00	32,500.00	8.67%
4415.130 Public Works Employee benefits	0.00	0.00	264.58	858.00	30.84%
4415.320 Public Works Engineering/Professional Fees	0.00	107.25	107.25	0.00	0.00%
4415.450 Public Works Supplies	3,799.22	295.85	2,433.21	4,000.00	60.83%
4415.550 Public Works Equipment Maintenance	0.00	0.00	1,338.08	1,700.00	78.71%
4415.560 Public Works Equipment fuel	0.00	491.11	1,039.57	2,000.00	51.98%
4415.570 Public Works Travel Reimbursement	0.00	0.00	77.51	200.00	38.76%
4415.610 Public Works Storm Drainage	0.00	3,000.81	3,000.81	5,000.00	60.02%
4415.710 Public Works Principal	14,919.85	0.00	15,479.43	15,500.00	99.87%
4415.720 Public Works Interest	1,140.15	0.00	580.57	585.00	99.24%
4415.740 Public Works Capital Outlay	0.00	0.00	11,000.00	11,000.00	100.00%
Total Highways	93,781.92	3,207.72	118,825.49	196,832.00	60.37%
Sanitation					
4420.460 Solid Waste Service	19,681.80	5,475.68	19,340.84	52,128.00	37.10%
Total Sanitation	19,681.80	5,475.68	19,340.84	52,128.00	37.10%
Total Highways and public improvements	113,463.72	8,683.40	138,166.33	248,960.00	55.50%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	5,755.00	0.00	4,563.00	7,500.00	60.84%
4540.130 Park/Rec Employee benefits	0.00	0.00	349.07	858.00	40.68%
4540.250 Park/Rec Department Expenses	0.00	0.00	272.62	1,000.00	27.26%
4540.460 Park/Rec Community events supplies	0.00	415.96	1,162.70	4,000.00	29.07%
Total Parks	5,755.00	415.96	6,347.39	13,358.00	47.52%
Total Parks, recreation, and public property	5,755.00	415.96	6,347.39	13,358.00	47.52%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	25,579.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	25,320.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	79,800.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	86,550.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	21,750.00	0.00%
Total Transfers	0.00	0.00	0.00	238,999.00	0.00%
Total Expenditures:	310,703.60	41,921.11	328,536.54	936,227.00	35.09%
Total Change In Net Position	405.99	49,627.04	87,760.74	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2022 to 11/30/2022
41.67% of the fiscal year has expired

	<u>Prior YTD</u>	<u>Current Period</u>	<u>Current YTD</u>	<u>Annual Budget</u>	<u>Percent Used</u>
Change In Net Position					
Expenditures:					
Miscellaneous					
4141.740 Capital Outlay expenses	0.00	0.00	18,627.00	0.00	0.00%
Total Miscellaneous	<u>0.00</u>	<u>0.00</u>	<u>18,627.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expenditures:	<u>0.00</u>	<u>0.00</u>	<u>18,627.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Change In Net Position	<u>0.00</u>	<u>0.00</u>	<u>(18,627.00)</u>	<u>0.00</u>	<u>0.00%</u>



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 19, 2022 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE- Council Member McGinnis led pledge of allegiance.

PRAYER- Prayer offered by Town Administrator, Jauna McGinnis.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Staff Present

Town Administrator, Jauna McGinnis

Town Clerk/Recorder, Jenna Vizcardo

Town Attorney, Shawn Guzman

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

- A. Disbursement Listing for August 2022, single item.
- B. Disbursement Listing for September 2022.
- C. Budget Report for Fiscal Year 2022 thru September 2022.
- D. Minutes: September 21, 2022
- E. Minutes: August 24, 2022
- F. Minutes: July 20, 2022

Mayor Lindhardt asked Council if they have any questions.

Mayor Lindhardt called for a motion.

MOTION: Council Member Whitmore motioned to approve the Disbursement Listing for August 2022, Disbursement Listing for September 2022, Budget Report through September 2022, Minutes: September 21, 2022, Minutes: August 24, 2022 and Minutes: July 20, 2022.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes

Council Member Whitmore – Yes

Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

MAYOR'S TOWN UPDATE

Mayor read the presented update and shared the information for viewing on Zoom as well. See attached. (Attachment A, 13 pages)

Mayor commented State of Utah decided newspapers are antiquated and we are not changing this to cover up anything.

Mayor Lindhardt discussed exposing truths. He feels we should respond. Council Member Whitmore discussed the death threats and how disgusted she was when she heard about that.

Council Member Nielson discussed adding the truth with ordinances to the Town Facebook page, utility bill and Town website for transparency/truth information.

Council Member Whitmore agreed with posting in the places discussed. The other three Council Members agreed with posting in all 3 places, Council Member McGinnis commented ultimately this is for people not willing to call the Town. We are more than willing to discuss.

PUBLIC HEARING | DISCUSSION AND ACTION

1. **PUBLIC HEARING:** Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

MOTION: Council Member Whitmore motioned to open the public hearing to Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Town Attorney, Shawn Guzman commented that a public hearing can be opened without a motion and vote.

Mayor asked for any comment from the public.

Mayor commented changing the word “county” to “town”.

Mayor Lindhardt closed the public hearing.

5. **DISCUSSION AND ACTION:** Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

MOTION: Council Member Sair motioned that we accept the update for Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

2. **PUBLIC HEARING:** Update Title 1.02 Definitions, Ordinance-O-2022-45.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt asked for any comments, and mentioned the word “county” is being replaced with “Town”.

Mayor Lindhardt closed the public hearing.

4. **DISCUSSION AND ACTION:** Update Title 1.02 Definitions, Ordinance-O-2022-45.

MOTION: Council Member Nielson motioned that we accept the update for Title 1.02 Definitions, Ordinance-O-2022-45.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

3. **PUBLIC HEARING:** Update Title 6.04 Nuisances, Ordinance-O-2022-46.

Mayor Lindhardt opened the public hearing.

Jason Graham, 1950 E 2000S: Commented to clarify what you misled everyone with earlier was that further down in that ordinance it states that you the town give permission to the building inspector to go on to private property in order to inspect these items, so everything I said was 100% true and there’s no reason to update this ordinance from county to town unless you plan to use it. It should not

be on the book at all. It's been an error in the past, the correction is to remove it, at minimum remove the portion where you try to authorize a building inspector to go onto private property and inspect these items that you've classified as new. You can't do that, for one it's illegal, you can only do that in law enforcement capacity. A building inspector cannot go onto private property to do these things if that's what the ordinance says then yes. I do know that information but to update this you need to correct it and just taking it from county to town does not excuse it. You're updating this because you plan to use it. Okay, so please do the right thing and consider tabling or updating this ordinance to remove the illegal portion of it. But then you might want to ask the people, I think it's great that you want to respond to these things, that's fantastic, that's what you should do. You shouldn't be upset when you get called out when you're wrong because many time you are. In this case you are and so you might want to ask everybody, hey do we want this type of nuisance ordinance on here. Do we want a building inspector going into somebody's fenced backyard and seeing if that car in the backyard is running or not. Do we want to have them go into property and take pictures of trash piles and things, is that something that the town wants, maybe it is. I could be wrong but I think you should ask and don't forget you represent the whole town when you're in that position for the short time.

Richard Fischer, 1241 S Desert Dr: Commented, I agree with what Jason Graham said 100%.

Rich Kopp, 2222 E Ranch Rd: Commented, I believe the town should have law and order. I don't believe contrary to what Mr. Graham said. I think most of the people want to be able to look across their block and see pretty much that people have their place in check, it's nice for everybody, it makes it fair for everybody. If you're telling me that the only change is from county to town, I don't understand how Mr. Graham could come across and say but now it says that the building inspector can come on to your property, which is true, which is not. Or is it the donkey story again, I'm confused.

Margaret Ososki, 1024 W Little Pinion Way: Commented, I think you guys need to have some control on things. Maybe, where they live, they don't care but, in our neighborhood, we care and want our neighborhood to look nice and clean. You can't have junk everywhere because it brings down your property and it looks bad.

Rich Ososki, 1024 W Little Pinion Way: He disagreed with Jason Graham and Richard Fisher. This town is going downhill and it's been going downhill for a long time. We're not infringing on people's rights if they got something to worry about. We're not picking on anybody, this recourse they have and they can use other avenues but I think even as an ex-code enforcer. He knows the building inspector personally and would trust him to go onto anyone's property. The problem with the other administration is they never addressed it. For once we need someone to step up to the plate.

Brinley Fischer, 1241 S Desert Dr: Commented, has 2 questions, number 1, what Margaret said so it's all clean inside of people's fences and stuff, why does it matter if there's fences, it's on their property, just because you can see it, it doesn't matter, it's on their property, it's fenced in. Number 2 is, did you guys ever think about people, that you guys want to go move random cars or whatever, just because they don't run, off their property, well what if they don't have the financial for that or another place to put them.

Hailey Graham 1950 E 200 S: Commented, I don't envy any of these spots (referring to the Council). On this subject, having nuisance code in our code is fine. However, in this code they give cache blanch for the building inspector to go on to the property. Is it not time when being updated when this stuff should be addressed and talked about. As citizen of Apple Valley look at it and table.

Walter Josey, 1224 N Rome Way: Commented, is the reason for these technical corrections from county to town legal issues, because this situation exists.

Mayor Lindhardt commented we are removing those things from "county" to "town" to update our records with errors that have been found.

Walter Josey addressed the Town Attorney, Shawn Guzman and asked, is it because this situation exists, is there legal issue for the town to have that term county.

Town Attorney, Shawn Guzman, responded I think the problem is we're claiming extra territorial jurisdiction outside of the town, where if you leave it like this, it appears as if we're claiming throughout Washington County and that is now what we want to do. Recommended making these changes.

Walter Josey commented how long have these been on the books. Council responded since 2005. Walter Josey, so now people are objecting to it, why now.

Richard Fischer, commented, when you guys took office, you swore to uphold the constitution of America and Utah. So do you guys feel that this part that you're putting in right now, you're changing so why not change it for the right.

Damon Porter, 1584 N Rome Way: Asked, is this going to be tabled, is this something you are going to make a change. Trespassing on property it makes no sense and has some input. I particularly don't care for people coming on to the property and believe it should be tabled.

Mayor Lindhardt commented this has already been on the books. He discussed code enforcement in Town is done on a complaint basis.

Council Member Sair commented we are cleaning up errors in ordinances that have been on the books. This one is "county" being changed to "town".

Mayor Lindhardt closed the public hearing.

6. DISCUSSION AND ACTION: Update Title 6.04 Nuisances, Ordinance-O-2022-46.

Town Attorney, Shawn Guzman weighed in to have staff look at code, this language is in artful. He agreed when you get a complaint to look at it. Number of ways to move forward with this, table and leave it, adopt with change with direction to staff we are not going to be entering into anyone's property, or table entire ordinance with different language that clarifies better. Commented about directing staff to come up with proposed language of Utah State code of 6.04.030 examination and investigation.

MOTION: Council Member McGinnis motioned to accept the changes to action item number 6, Title 6.04 Nuisances, Ordinance-O-2022-46, with the stipulation that we will not be entering anybody's property without prior notice or permission and that we direct staff to come up with a better worded Ordinance or 6.04.030.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

4. PUBLIC HEARING: Update Title 9.02 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

7. **DISCUSSION AND ACTION:** Update Title 9.02 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.

Mayor Lindhardt asked Council if they had any discussion.

Council Member Whitmore asked if changing from “county” to “town”. Mayor Lindhardt stated, yes.

MOTION: Council Member Sair motioned to update Title 9.2 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

5. **PUBLIC HEARING:** Update Title 12.02 Building Codes, Ordinance-O-2022-48.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt commented changing from “county” to “town”.

No public comments.

Mayor Lindhardt closed the public hearing.

8. **DISCUSSION AND ACTION:** Update Title 12.02 Building Codes, Ordinance-O-2022-48.

MOTION: Council Member Sair motioned to accept update to Title 12.02 Building Codes, Ordinance-O-2022-48.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

6. **PUBLIC HEARING:** Update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.

Mayor Lindhardt opened the public hearing.

Council Member Whitmore commented changing from “county” to “town” and “Board of County Commissioners” to “Town Council.”

No public comments.

Mayor Lindhardt closed the public hearing.

9. **DISCUSSION AND ACTION:** Update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.

MOTION: Council Member Sair motioned to update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes

Council Member Whitmore – Yes

Council Member McGinnis - Yes

Council Member Nielson - Yes

Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

7. **PUBLIC HEARING:** Repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt discussed repealing this ordinance.

Council Member Sair commented for developers it will be taken up differently.

No public comments.

Mayor Lindhardt closed the public hearing.

10. **DISCUSSION AND ACTION:** Repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.

MOTION: Council Member McGinnis motioned to repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes

Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

8. **PUBLIC HEARING:** Update Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.

Mayor Lindhardt opened the public hearing and read the presented changes.

No public comments.

Mayor Lindhardt closed the public hearing.

11. **DISCUSSION AND ACTION:** Update Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.

MOTION: Council Member Nielson motioned to accept the update to Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

9. **PUBLIC HEARING:** Update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.

Mayor Lindhardt opened the public hearing.

Mayor Lindhardt commented pertains to the business licenses and read presented changes.

Rich Ososki, 1024 W Little Pinion Way: Commented, maybe already written into contractor's license that they are bonded for any work they are performing. Maybe bonding is not part of this.

Town Attorney, Shawn Guzman clarified on Town project. A subdivision may be required but if homeowner wants to have their contractor that is different. We are talking about business licenses.

Mayor Lindhardt closed the public hearing.

12. **DISCUSSION AND ACTION:** Update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.

MOTION: Council Member McGinnis motioned to update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

10. **PUBLIC HEARING:** Adopt Title 5.09 Special Events, Ordinance-O-2022-53.

Mayor Lindhardt opened the public hearing. He commented this is adopting an ordinance in dealing with the different controls of special event permit management.

Mayor Lindhardt closed the public hearing.

13. **DISCUSSION AND ACTION:** Adopt Title 5.09 Special Events, Ordinance-O-2022-53.

Council Member Nielson commented this is nice to have “teeth” to go after violations. Town Attorney, Shawn Guzman and Council discussed about signs with tracking and notes.

Council Member McGinnis discussed making sure law enforcement is involved for road closures.

MOTION: Council Member Sair motioned to adopt Title 5.09 Special Events, Ordinance-O-2022-53.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

11. **PUBLIC HEARING:** Update Title 7.10 Solid Waste, Ordinance-O-2022-54.

Mayor Lindhardt opened the public hearing.

Town Administrator, Jauna McGinnis discussed this is to reflect with what our current contract states with Washington County Solid Waste. Mayor Lindhardt discussed change to requirement for commercial businesses to have their own dumpsters.

Richard Fischer 1241 S Desert Dr, commented, doesn't feel he needs to pay because he cannot be serviced at his house. Also, the dumpsters by his house overflow. He discussed using Arizona land fill for dumpster services. He asked the Town Attorney about this issue and to possibly direct town staff to contact Washington County Solid Waste with the issue of the dumpsters that are provided in their area of always being overfilled.

Town Administrator, Jauna McGinnis interjected, to bring in Arizona for dumpsters that would be violating our contract.

Debbie Kopp 2222 E Ranch Rd, commented, we pay for garbage every month but we can't use them, why do we have to pay for them.

Rich Kopp, 2222 E Ranch Rd, maybe on both situations will be mitigated if we put some signs up, use for Apple Valley residents only.

Mayor Lindhardt asked about how the Council feels about putting up signs. Town Attorney, Shawn Guzman stated you can state criminal code for dumping.

Mayor closed the public hearing.

14. **DISCUSSION AND ACTION:** Update Title 7.10 Solid Waste, Ordinance-O-2022-54.

MOTION: Council Member McGinnis motioned to update Title 7.10 Solid Waste, Ordinance-O-2022-54 and direct Town staff to contact our waste management to come up with a solution for our overflowing dumpsters, whether it be more dumpsters or more frequent emptying, and add signs.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Council had conversation about the signs.

12. **PUBLIC HEARING:** Update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55.

Mayor Lindhardt read the presented changes.

Mayor Lindhardt opened the public hearing.

No public comments.

Mayor Lindhardt closed the public hearing.

15. **DISCUSSION AND ACTION:** Update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55.

Town Attorney, Shawn Guzman questioned staff about including the website address in the Ordinance. He suggested omitting the town website address in case that changes.

MOTION: Council Member Whitmore motioned to update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55 with the striking of the website addresses.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes

Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

PUBLIC COMMENTS

Mayor Lindhardt opened the public comments.

Rich Kopp, 2222 E Ranch Rd: Asked if I was to get my beer license can I get my beer kegs here.

Mayor Lindhardt closed the public comments.

DISCUSSION AND ACTION

1. **DISCUSSION AND ACTION:** Consider approval of appointing Richard Palmer to Planning Commission, Resolution-R-2022-46.

Mayor Lindhardt reported Mayor and Town Council appoints the Planning Commission Members. He had good discussion and is happy to introduce him as proposed planning commission member. Council Member Nielson stated he hasn't met him and asked Mr. Palmer to introduce himself.

Richard Jay Palmer, 861 W Smithsonian Way. He has been in Apple Valley 5 years and Utah longer. He would like to bring the community together by doing his part. He has background in construction and has 49 years' experience in building including underground. He thinks he can bring hope to this town a little bit.

Council thanked him for stepping up to the plate.

Mayor Lindhardt called for a motion.

MOTION: Council Member Sair motioned to accept Resolution-R-2022-46 for the Planning Commission member, Richard Plamer.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Town Clerk/Recorder, Jenna Vizcardo, administered Oath of Office.

Mayor Lindhardt added for the record, Richard Plamer is taking Jeri-Burhorn Politte's place in the Planning Commission.

2. **DISCUSSION AND ACTION:** Consider approval of appointing Garth Hood to Planning Commission Alternate, Resolution-R-2022-48.

Garth Hood introduced himself, he moved from Bountiful, Utah. When he came looking in Apple Valley, he loved the small-town aspect. Mayor Lindhardt commented he may not be an alternate for long. Council thanked him for stepping forward.

MOTION: Council Member Sair motioned to accept Resolution-R-2022-48 for the Planning Commission member alternate for Gath Hood

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Town Clerk/Recorder, Jenna Vizcardo, administered Oath of Office.

3. **DISCUSSION AND ACTION:** Passed on September 14th Resolution number changed to R-2022-44. Appointment of Big Plains Water and Sewer Special Service District Board Member, Resolution R-2022-42.

MOTION: Mayor Lindhardt motioned to adopt resolution-R-2022-44, the Resolution there that appoints Jarry Zaharias to the District Board but all we are really doing is making a number change on the Resolution itself.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

16. **DISCUSSION AND ACTION:** Consider Approval of Fee Schedule Amendment-Resolution-R-2022-47.

Mayor Lindhardt read aloud the changes presented.

Mayor Lindhardt called for a motion.

MOTION: Council Member Sair motioned to approve the Fee Schedule amendment on Resolution-R-2022-47 with the change from line two “per application”.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
 Council Member Whitmore – Yes
 Council Member McGinnis - Yes
 Council Member Nielson - Yes
 Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

17. **DISCUSSION:** \$500 Walmart Community Grant

Chairman McGinnis reported the Fire Department applied for a grant and was awarded \$500. He thanked them for doing such a nice thing.

18. **DISCUSSION:** Unimproved roads

Mayor Lindhardt discussed about problem with subdivisions and lot splits that have been approved with no improvements. Our ordinances do require the improvements. Question to Council what the minimum should be.

Barratt Nielson commented about the improvements that are needed. Not a fan of the borrow ditches and the way to clean it up at a minimum should be curb and gutter with chip and seal. Mayor Lindhardt commented about the washed-out roads and his thoughts. The number one thing is we need to deal with our storm drainage and that is curb and gutter. He agrees with asphalt as the ordinance states but chip and seal could be ok for certain things on a review basis. To leave it as road base is not the right way. If you build or develop, you must follow our ordinances, end of story. His opinion is special assessments areas are necessary and delay agreements are needed for these.

Council Member McGinnis commented the delay agreement is consistent with a county road. Mayor Lindhardt commented this is for individual residential lots for delay agreements not development and/or subdivisions.

Mayor Lindhardt commented we will start making changes to our ordinances.

19. **DISCUSSION:** Ash Creek Annexation has been completed.

Mayor Lindhardt commented the Lt Governor has accepted Ash Creek Annexation. They are now the governing body over anything sewer or sanitation in Apple Valley. Mayor Lindhardt discussed the condition of the amount of nitrate (pollution) allowed in 7 acre lots by dividing all lots in a subdivision. Mayor Lindhardt commented that technology takes care of this with Ash Creek.

Matt Ekins with Galloway Walker asked about where he could find documentation on the protection zone around the Big Plains Wells. Council Member McGinnis commented this can be found on Division of Drinking Water.

20. **DISCUSSION AND ACTION:** Appoint Robin Whitmore as the responsible Town Council Member of the Emergency Management Program, Resolution-R-2022-49.

Mayor Lindhardt discussed and read the changes presented, the updated title of the resolution.

Town Administrator, Jauna McGinnis mentioned that this program was established in 2007 and we are bringing it back to life.

Rich Kopp, 2222 E Ranch Rd, commented he would like to be added as an alternate planning commissioner.

Mayor Lindhardt called for a motion.

MOTION: Council Member Nielson motioned to accept Resolution-R-2022-49 A Resolution Appointing A Responsible Town Council Member Of The Emergency Management Program.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

REQUEST FOR A CLOSED SESSION

Mayor Lindhardt called for a motion.

MOTION: Council Member Nielson motioned to go into closed session to discuss legal issues for the Town.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

ADJOURNMENT

Mayor Lindhardt called the meeting back to order at 9:58 p.m. and called for a motion to adjourn the meeting.

MOTION: Council Member Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Meeting adjourned at 9:58 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

DRAFT

A lot of people have asked me, Frank Lindhardt, why I never respond to all the lies and misinformation that is constantly being spewed out about me as Mayor and the other amazing people on the Town Council and staff on the Apple Valley Town Discussion page. Here is your answer:

Fable: DON'T ARGUE WITH DONKEYS

The donkey said to the tiger:

- "The grass is blue".

The tiger replied:

- "No, the grass is green."

The discussion heated up, and the two decided to submit him to arbitration, and for this they went before the lion, the King of the Jungle.

Already before reaching the forest clearing, where the lion was sitting on his throne, the donkey began to shout:

- "His Highness, is it true that the grass is blue?"

The lion replied:

- "True, the grass is blue."

The donkey hurried and continued:

- "The tiger disagrees with me and contradicts and annoys me, please punish him."

The king then declared:

- "The tiger will be punished with 5 years of silence."

The donkey jumped cheerfully and went on his way, content and repeating:

- "The Grass Is Blue"...

The tiger accepted his punishment, but before he asked the lion:

- "Your Majesty, why have you punished me?, after all, the grass is green."

The lion replied:

- "In fact, the grass is green."

The tiger asked:

- "So why are you punishing me?".

The lion replied:

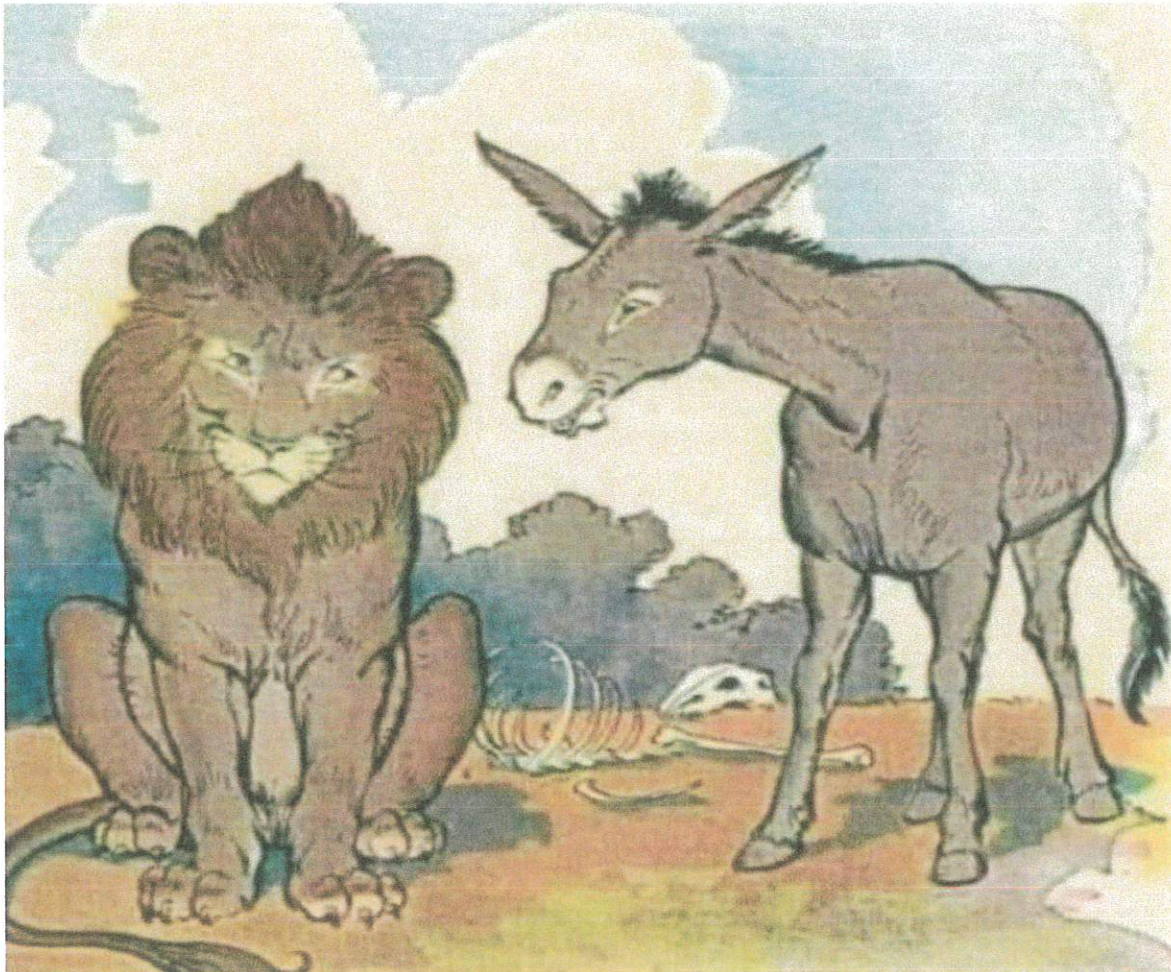
- "That has nothing to do with the question of whether the grass is blue or green.

The punishment is because it is not possible for a brave and intelligent creature like you to waste time arguing with a donkey, and on top of that come and bother me with that question."

The worst waste of time is arguing with the fool and fanatic who does not care about truth or reality, but only the victory of his beliefs and illusions. Never waste time on arguments that don't make sense...

There are people who, no matter how much evidence and evidence we present to them, are not in the capacity to understand, and others are blinded by ego, hatred and resentment, and all they want is to be right even if they are not.

When ignorance screams, intelligence is silent. Your peace and quiet are worth more.



Frank Lindhardt

6:10

   Apple Valley Town Disc... 

Most Relevant

**Tish Lisonbee**3h · 

Our Town Administrator (Juanna McGinnis, the wife) awarded an \$11,000 HVAC contract to her husband (Andy McGinnis) without a mandatory RFP which requires the work be advertised and competitive bids be accepted. There was NO public discussion about this nor was there a vote to spend the money. This expenditure was not budgeted, voted on or approved. Then once the check was cut, the budget finances were illegally altered to take from the Administration budget and moved to Public Works. This requires a public hearing and a vote of the Town Council.

This is why there are nepotism laws. The wife cutting a check and bypassing all legal procedures to award and pay her husband for a non-competing contract.

TRANSPARENCY TRANSPARENCY!!!

2

4 comments Seen by 38

**Like****Comment****Share**

Home



Marketplace



Gaming



Feeds



Notifications



Menu



Frank Lindhardt <frankgl@gemstoneproperties.com>

Answer to Tish

1 message

Gemstone Gmail <frankgl@gemstoneproperties.com>
To: Frank Lindhardt <frankgl@gemstoneproperties.com>

Tue, Oct 18, 2022 at 10:07 PM

This was just posted on the hate page. Would you mind posting this for me?

Misinformation as usual from Tish.

it was for the Public Work truck that Kevin Sair (Streets depm) got for Ron Wadsworth our maintenance guy.

It was bought from McGinnis and it used to be his HVAC truck for the business he shut down to work for the Town.

All policies and procedures was followed to the tee.

Best price around. price better than NADA.

Bids not required for amounts less than \$12,000

She got the information because We just posted our agenda and package for the next Town Council meeting and that included all expenditures. So she saw a line item to McGinnis old hvac company and jumped into her usual misinformation mode. Frank Lindhardt (from my iphone)

8:44



< ≡  Apple Valley Town Disc... 🔍



Marty Lisonbee



4d · 🌐

In our next town meeting Kim jong frank is pushing a new ordinance that lessens the towns requirement to publish public hearing notices. Why would they even try to do this. What does frank want to pass without giving the proper public hearing noticing. The state of Utah open and public meetings act is very clear on this point. Section 52-4-202 requires town to publish public hearing notice in our local paper. Our less transparency town council is trying to make it easier to transform apple valley into gemstoneville without any town push back. Look at anyone of of the multi hundred page agendas that we've had since frank. Everything is changed.

Did you know they are also going after lost dogs? If you find a lost dog you can no longer harbor that dog to try to find the owner. You'll have to call the town and report this so the dog can go to a shelter. How is this making apple valley a better place. This council is anti dog now too.



Home



Watch



Marketplace



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Notifications



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9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the county, exclusive of the incorporated areas, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

HISTORY

Adopted by Ord. [2005-8-O](#) on 4/21/2005

Repealed & Reenacted by Ord. [2018-02](#) on 4/18/2018

Adopted by Ord. [2019-09](#) on 6/12/2019

SECTION 6: **AMENDMENT** “9.03.050 Strays” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the county, exclusive of the incorporated areas, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

AFTER AMENDMENT

9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the ~~town~~county, ~~exclusive of the incorporated areas~~, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

SECTION 7: **AMENDMENT** “9.03.060 Rabies Vaccination” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.060 Rabies Vaccination

Consolidated Fee Schedule to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or advertised.

- e. The subsequent location of a school, church or park within the spacing requirements of a licensed establishment subject to proximity requirements shall be deemed to be a waiver of spacing requirements as specified under Town Codes.
3. Exceptions: Class C beer establishments or Class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the Town Council. Such approval shall be given only:
 - a. After the Town Council has received recommendation from the planning commission and law enforcement; and
 - b. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall-like area with paved vehicular access and proper lighting; and
 - c. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed twelve (12) on the exterior and interior of any block. The foregoing notwithstanding, no more than six (6) such establishments may be located on any street located in the interior of any such block, and no more than six (6) such establishments may be located within the interior of any such block;
 - d. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the Town by ~~at least one publication in a newspaper of general circulation in Washington County~~ posting at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town Website www.applevalleyut.gov at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and
 - e. A finding by the Town Council, after the holding of such hearing, that the proposed location for said establishment will not:
 - (1) Create an undue concentration of Class C beer establishments or Class B or C private clubs;
 - (2) Materially interfere with the free flow of pedestrian or vehicular traffic;
 - (3) Create an undue burden in controlling and policing illegal activities in the vicinity;
 - (4) Create a nuisance to the community; or
 - (5) Adversely affect the health, safety and morals of the residents of the Town.
 4. Prior Location: The provisions of this section shall in no way affect the rights

8:51



Apple Valley Town Disc...

**Jason Graham** created a poll. ...

2d ·

"Shock the Conscience" is a legal term that many can use to describe many of the activities of our current town administration conduct. It is a widely accepted assumption that the current "fill-in" mayor does not have the majority support amongst residents. In fact he only received 17% of the vote amongst registered voters in the last election. We will try to start asking to verify the support level of some of these activities.

Question #1, do you support the ordinance the current administration is trying to pass next Wednesday. This ordinance will allow town officials to go onto your property without your permission to inspect your vehicles to see if they run, to check on your pets, to otherwise inspect your property, even entering fenced yards. Do you want this type of activity in our town?

☐ Yes☐ No

100% >



Home



Watch



Marketplace



Feeds



Notifications



Menu

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

HISTORY

Adopted by Ord. [2005-12-O](#) on 10/1/2005

Repealed & Reenacted by Ord. [2018-02](#) on 4/18/2018

Amended by Ord. [2018-03](#) on 5/2/2018

Adopted by Ord. [2019-09](#) on 6/12/2019

BEFORE AMENDMENT

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

AFTER AMENDMENT

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the town county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

SECTION 3: AMENDMENT “6.04.030 Examination And Investigation” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the county to determine whether owners of such property are complying with the provisions of this chapter.

AFTER AMENDMENT

6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the town county to determine whether owners of such property are complying with the provisions of this chapter.

SECTION 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: 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 6: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

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

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

Donkey Stories or Not, That's the Question?

Why bother with doing anything about the Donkey Stories?

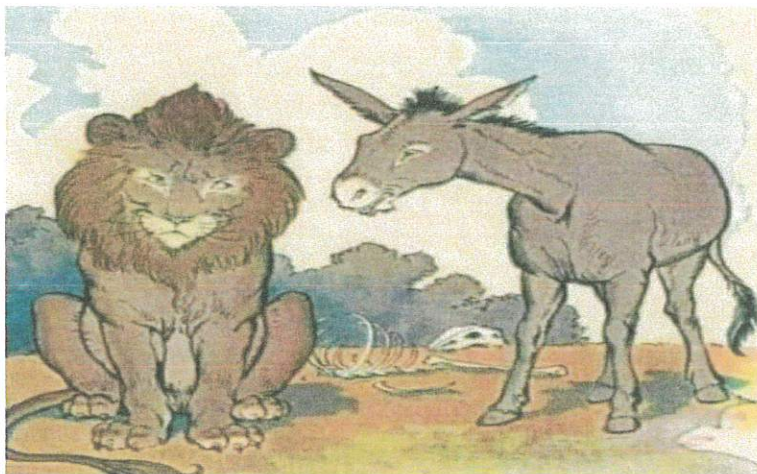
1. Do our citizens deserve to know the truth? Or, let them believe what they want?
2. We are having a hard time getting volunteers to serve on our Planning Commission, because they get bullied and harassed by the Donkeys.
3. We are having a hard time getting anyone to volunteer to run for Town Council, because they are getting bullied and harassed by the Donkeys.
4. We need a new Mayor next year and I have been unable to convince anyone to run for Mayor, because they do not wish to be bullied, harassed, get their character and reputation destroyed, death threats, and being sued individually by the Donkeys and others.

What Should we do about all the Donkey Stories?

1. Nothing?
2. Sue them?
3. Answer Donkey stories, by sharing the Donkey Story along with the truth by providing a copy of the ordinance they are attacking, so people can easily see both sides and determine for themselves, if it's a Donkey Story or Truth? Include a survey for the answer?
 - a. Include with Utility Bill (I think everyone would read it)?
 - b. Do Separate mailing when needed?
 - c. Share on Town Facebook Page?
 - d. Share on Town Home Page?

All that is necessary for the triumph of evil,
is that good men do nothing.

Edmund Burke





APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 16, 2022 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

CALL TO ORDER- Mayor Lindhardt called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE- Led by Council Member Sair.

PRAYER- Offered by Council Member Nielson.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore on zoom

Council Member Andy McGinnis

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

1. Disbursement Listing for September 2022, single item.
2. Disbursement Listing for October 2022.
3. Budget Report for Fiscal Year 2023 thru October 2022.
4. Approval of minutes from September 14, 2022.
5. Approval of minutes from October 4, 2022.

Council Member McGinnis asked about color land sales on the fire disbursement listing and if that is supposed to be under a different listing. It was confirmed with Council Member/Treasurer Whitmore and Town Administrator Jauna McGinnis that it was returned so that will be reflected next month.

MOTION: Council Member Nielson motioned that we approve the consent agenda, item #1 Disbursement Listing for September 2022, and item # 2 Disbursement Listing for October 2022, and item #3 Budget Report for Fiscal Year 2023 thru October 2022, and item #4 Approval of minutes from September 14, 2022 and minutes from October 4, 2022

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes

Council Member Whitmore - Yes

Council Member McGinnis - Yes



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Council Member Nielson - Yes

Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

PUBLIC COMMENTS

Richard Ososki, 1024 W Little Pinion: Complimented planning commission's meeting last night. With the outcome they are feeling more confident and feel residents were represented last night.

Rich Kopp, 2222 E Ranch Rd: Commented about a reminder about the signs at the dumpsters that was discussed at a previous meeting.

PUBLIC HEARING | DISCUSSION AND ACTION

6. Public Hearing: Update Title 1.08 General Penalties, Ordinance-O-2022-59.

Mayor Lindhardt opened the public hearing.

Council Member Sair commented changing from County to Town and County Commissioners to Town Council.

Rich Kopp, 2222 E Ranch Rd: Commented, just wanted to reiterate the penalties and fines have been in place and this is a little housekeeping.

Mayor Lindhardt closed the public hearing.

7. Discussion and Action: Update Title 1.08 General Penalties, Ordinance-O-2022-59.

MOTION: Council Member Nielson motioned that we approve the changes in Ordinance-O-2022-59, 1.08 General Penalties Amendment.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes

Council Member Whitmore - Yes

Council Member McGinnis - Yes

Council Member Nielson - Yes

Mayor Lindhardt - Yes



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

- 8. Discussion and Action:** Appoint Margaret Ososki and Garth Hood as regular Planning Commission Members, Resolution-R-2022-50.

Mayor Lindhardt reported that Garth Hood is sick and will not be joining us tonight.

Mayor Lindhardt commented the Planning Commission members are appointed. Mayor suggests and puts the recommendation to the Council. There is no law in the books that requires the Mayor to go out and post an ad in the paper. This is much different than the requirement of Town Council.

Mayor Lindhardt reported Margaret Ososki is taking Richard Fischer's term/position and Garth Hood is taking Forrest Kuehne's term/position.

MOTION: Council Member Sair motioned that we approve R-2022-50 A Resolution Appointing Planning Commission Members Margaret Ososki and Garth Hood.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

- 9. Oath of Office for Margaret Ososki and Garth Hood.**

Mayor Lindhardt reported earlier that Garth Hood is sick and will not be joining us tonight.

Oath of Administered to Margaret Ososki by Town Clerk/Recorder Jenna Vizcardo.

- 10. Discussion and Action:** 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, Ordinance-O-2022-61.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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Planning and Zoning Assistant, Kyle Layton reported: 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.

The Council discussed road improvements and it was discussed with applicant that it is a private road.

MOTION: Council Member Sair motioned that we approve the Zone Change from Open Space/Open Space Transition Zone To A-5 Agricultural Zone on Ordinance-O-2022-61, Tax Id: Av-1354-NP-6-A.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:



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Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

- 11. Discussion and Action:** 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, Ordinance-O-2022-62.

Planning and Zoning Assistant Kyle Layton reported: 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.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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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 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.

Mayor Lindhardt commented if no other discussion, then he would call for a motion.

MOTION: Council Member McGinnis motioned we approve zone change for AV-1330-D-1 Open Space Transition to A-10, Ordinance O-2022-62.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

12. Discussion and Action: General Plan Map Amendment, Ordinance-O-2022-58.

Mayor Lindhardt commented this went to Planning Commission. He continued correcting the density on a parcel that was an error.

MOTION: Council Member McGinnis motioned that we approve General Plan Map Amendment Ordinance O-2022-58.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes



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The vote was unanimous and the motion carried.

13. Discussion and Action: Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.

Mayor Lindhardt read the changes in the ordinance that is in the public packet. He then asked the Council if there are any questions, concerns, or comments.

Chairman McGinnis commented about misspelled word "solo" should be "silo".

MOTION: Council Member Nielson motioned that we approve Ordinance O-2022-17 changes with this additional change that in under item F,1 that "solos" get changed to "silos".

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

14. Discussion and Action: Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.

Mayor Lindhardt read the presented changes in packet and additional change of "household pets, dog and cats" presented in the meeting. He clarified the square feet was changed from 1250 sq feet to 1000 sq feet due to Utah State Code.

Council Member Nielson questioned why a metal building would be a conditional use and not a permitted use. Mayor Lindhardt responded because it wasn't allowed before and had trouble so we added to the conditional use. Council Member Nielson discussed to move C-2 on Page 5 up to permitted use (B) item #11.

MOTION: Council Member Nielson motioned that we approve Ordinance O-2022-33 with the following change that we move metal building under C conditional uses up to B item #11 under permitted uses and under 10, item e to as "including household dogs and pets".

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:



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Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

- 15. Discussion and Action:** Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.

Mayor Lindhardt read the proposed changes.

MOTION: Council Member Nielson motioned to approve Ordinance O-2022-34 amending 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

- 16. Discussion and Action:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.

Mayor Lindhardt read the proposed changes.

Council Member Nielson commented has same concerns that metal buildings are under conditional uses and he feels should be under permitted uses.

Council McGinnis commented has question on location of front yard parking setbacks. He feels that's needs to be looked at as well.



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Town Administrator Jauna McGinnis mentioned that we may have to go through another public hearing to make those changes. Mayor Lindhardt directed staff to follow-up on updating that in the future.

MOTION: Council Member Nielson motioned that we approve Ordinance O-2022-35 amending 10.10.060 Single Family Residential Zone and moving metal building from conditional uses up to permitted uses.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

17. Discussion and Action: Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.

Mayor Lindhardt read the proposed changes. He discussed metal buildings to be changed to "P", permitted.

MOTION: Council Member Nielson motioned that we approve Ordinance-O-2022-38 amendment to 10.10.030 Commercial Zones with the change under metal buildings they will be permitted in C-1, C-2, and C-3.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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18. Discussion and Action: Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.

Council Member Nielson discussed that in the industrial zone it should only have conditional uses and no permitted use. Remove the permitted use of recycling business.

Mayor Lindhardt directed staff to do research on industrial zoning.

MOTION: Council Member McGinnis motioned to approve Ordinance-O-2022-39 10.10.040 Industrial Zone Amendment.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Council Member McGinnis commented to direct staff to re-visit this because it doesn't fit into our current zoning map.

19. Discussion and Action: Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.

Mayor Lindhardt read the proposed changes of the Title 10.04.010 on Ordinance-O-2022-40.

Mayor Lindhardt clarified this is for future movement going to agricultural zoning.

MOTION: Council Member Whitmore motioned that we approve O-2022-40, 10.04.010 Terms Defined with the proposed changes.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 16, 2022 at 6:00 PM

MINUTES

Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

20. Discussion and Action: Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.

Mayor Lindhardt commented that we are adding the conditional use process back in.

Chairman McGinnis commented would like to bring attention to page 7 "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."

Town Administrator, Jauna McGinnis questioned about the metal building being regulated in conditional use and being in permitted use it will not be able to be regulated.

Mayor Lindhardt commented the State of Utah does not allow us to regulate how a home looks.

MOTION: Council Member Nielson motioned that we approve Ordinance O-2022-41 amending 10.20 Conditional Uses.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

21. Discussion and Action: Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.

Mayor Lindhardt read the proposed changes.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 16, 2022 at 6:00 PM

MINUTES

MOTION: Council Member Nielson motioned that we approve Ordinance-O-2022-43 amendment to 10.10.090 Manufactured Housing Park Zone.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

22. Discussion and Action: Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

Council Member Nielson mentioned changing the publish requirements due to the change in state regulation.

MOTION: Council Member Nielson motioned that we approved Ordinance O-2022-57 amendment to 11.02.050 Notice Requirements.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

23. Discussion and Action: Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.

Mayor Lindhardt commented changing one thing, making minimum culvert size for borrow ditches on driveways, 18 inches rather than 15 inches.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 16, 2022 at 6:00 PM

MINUTES

MOTION: Council Member Sair motioned that we approve Ordinance-O-2022-56 update Title 10.18.020 for Residential Lots; Access and culvert amendment.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

24. Discussion and Action: Consider approval of new copier lease.

Mayor Lindhardt commented we are getting a new copier that is better, faster, and cheaper.

MOTION: Council Member Whitmore motioned that we approve the Les Olson Equipment Lease Agreement.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

25. Discussion and Action: Amendment of Resolution-R-2022-46, Resolution-R-2022-51.

Town Administrator Jauna McGinnis commented we are amending Resolution 46 because the date was incorrect on it.

MOTION: Council Member McGinnis motioned that we re-approve Resolution R-2022-51 A Resolution Amending Resolution R-2022-46.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 16, 2022 at 6:00 PM

MINUTES

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

- 26. Discussion and Action:** Consider approval of Apple Valley Personnel Policies and Procedures Manual Amendment, Resolution-R-2022-52.

Mayor Lindhardt read the proposed changes.

MOTION: Council Member Sair motioned that we approve Resolution R-2022-52, Amended Personnel Policies and Procedures Manual.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Margaret Ososki reported from the Mosquito Abatement meeting and good to report that they did not have any West Nile virus this year. If problem please call, them directly with the issue. Next meeting will have things and flyers to put out for the community. Thank you.

Council Member Sair gave update that Washington County Solid Waste had landfill that was filled. They have had increases with fuel and recycling being more expensive. They are trying hard not to raise rates. But there is no guarantee.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 16, 2022 at 6:00 PM

MINUTES

Town Administrator has been in touch with Republic with the commercial dumpsters, but coming up more that it is not feasible. Discussed another dumpster and possibility of seeing if they can have their own personal cans.

REQUEST FOR A CLOSED SESSION

No request.

ADJOURNMENT

MOTION: Council Member Sair motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore - Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

Meeting adjourned at 7:56 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo

TOWN OF APPLE VALLEY

RESOLUTION R-2022-55

A RESOLUTION APPOINTING PLANNING COMMISSION MEMBER

WHEREAS, the Town of Apple Valley by ordinance (Ordinance No. 2004-2-0) established a Planning Commission, which requires the mayor, with the advice and consent of the town council, to appoint regular members of the Planning Commission; and

WHEREAS, the term for Allen Angell will expire on January 2, 2023;

WHEREAS, Mayor Frank Lindhardt along with the Town Council has nominated Michael Farrar for the appointment to the Planning Commission as a regular member.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed, and held on the 14th day of December 2022, and upon motion duly made and seconded,

BE IT RESOLVED AS FOLLOWS:

Michael Farrar is appointed as regular member of the Town of Apple Valley Planning Commission whose 3-year term will begin Monday, January 2, 2023 and expire on Monday, January 5, 2026;

EFFECTIVE DATE: This Resolution shall be in full force and effect from January 2, 2023.

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	_____	_____	_____	_____

TOWN OF APPLE VALLEY

RESOLUTION R-2022-56

A RESOLUTION APPOINTING AN ALTERNATE PLANNING COMMISSION MEMBER

WHEREAS, the Town of Apple Valley by ordinance (Ordinance No. 2004-2-0) established a Planning Commission, which requires the mayor, with the advice and consent of the town council, to appoint alternate members of the Planning Commission; and

WHEREAS, Garth Hood was appointed as a regular member of the Planning Commission on November 16, 2022; and

WHEREAS, Mayor Frank G. Lindhardt along with the Town Council has nominated Janet Prentice for appointment to the Planning Commission as an alternate member.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 14th day of December 2022, and upon motion duly made and seconded;

Janet Prentice is appointed as alternate member of the Town of Apple Valley Planning Commission whose 1-year term will expire on January, 1, 2024;

EFFECTIVE DATE This Resolution shall be in full force and effect from December 14, 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	_____	_____	_____	_____

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2022-54

A RESOLUTION ESTABLISHING THE APPLE VALLEY AD HOC CEMETERY ADVISORY COMMITTEE

WHEREAS, the Town of Apple Valley (“Town”) is in need of an operating cemetery; and

WHEREAS, the Town Council desires to establish an advisory committee to assist the Town Council with research for and establishment of the cemetery; and

WHEREAS, the Town Council appoints the following individuals to the Apple Valley Ad Hoc Advisory Committee:

Debbie Kopp, Margaret Ososki, Amy Alkema

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Apple Valley, Utah, to create the Apple Valley Cemetery Advisory Committee as follows:

The Apple Valley Cemetery Committee members shall be Debbie Kopp, Margaret Ososki and Amy Alkema.

The Apple Valley Cemetery Committee shall have the following responsibilities:

A. Researching, recommending, and reporting to the Town Council all necessary information related the establishment of the Town's cemetery.

B. Any other task similar to the above as directed by the Town Administrator or Town Council.

C. All of the above responsibilities shall be done in cooperation with the Town Administrator having responsibility over the above activities.

This Resolution shall take effect immediately upon approval.

ADOPTED by the Town Council of Apple Valley, Utah, this 14th day of December 2022.

Signature Block on Next Page

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

Frank G. Lindhardt, Mayor

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	_____	_____	_____	_____

TOWN OF APPLE VALLEY

RESOLUTION R-2022-53

RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE

WHEREAS, the Town of Apple Valley belongs to the Washington County Solid Waste District; and

WHEREAS, the Town of Apple Valley is responsible to the Washington County Solid Waste District for the collection of the residential solid waste disposal fee within its municipal boundaries; and

WHEREAS, the Washington County Solid Waste District enacted a \$0.59 increase to the residential solid waste disposal fee to become effective January 1, 2023; and

WHEREAS, the Town Council has determined that it is fair and equitable that the residential waste disposal fee is increased by \$0.59 per month to cover the increase in the residential waste disposal fee.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple to increase the residential solid waste disposal fee from \$13.00 per month to \$13.59 per month effective January 1, 2023 and to update the Town fee schedule to reflect said change.

EFFECTIVE DATE This Resolution shall be in full force and effect from January 1, 2023.

PASSED this 16th day of December, 2022.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

ATTEST:

Frank G. Lindhardt, Mayor

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-2022-42**

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 buildings to 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 AVL 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 AVL 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 AVL 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, ~~travel trailer~~, boat or similar recreational vehicle shall be used as an accessory building.
- J. Containers may be used as accessory buildings to a primary residential structure

subject to the following requirements;

1. 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.
2. 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.
3. 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. On lots 0-1 acres no shipping containers, greater than 1 acre-2.5acres- one 20-foot shipping container, greater than 2.5acres-5 acres- 40 foot of shipping container(s), greater than 5 acres-20 acres- 60-foot of shipping container(s), and greater than 20 acres- 100 feet of shipping container(s).
4. 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.
 5. ~~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.
 6. Shipping containers shall not display advertising, company logos, names or other markings painted on, or otherwise attached to the exterior of the shipping container.
 7. ~~All Shipping Containers must be permitted prior to delivery. 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. 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.~~
 8. ~~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.
 9. The storage of hazardous material is prohibited.
 10. 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.
 11. Modified shipping containers may be approved as a temporary structure or enclosure in a PD (Planned Development) project.

12. 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.

13. 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.

- 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 ~~BE~~.

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 December 14, 2022.

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

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

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. Permits Required: The use application approval for a guesthouse, or or casita, shall be received before a building permit is issued. The commission is authorized to approve an application for a guesthouse, or 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.

- B. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.
- C. Maximum Number: A maximum of one guesthouse, ~~or or~~ casita, 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.
- D. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, ~~travel trailers,~~ travel trailers, boats, or similar recreational vehicles ~~or similar recreational vehicles~~ shall be used as a guesthouse or casita.
- E. Single-Family Dwelling; Lot: The lot proposed for a guesthouse, ~~or 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.
- F. 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.
- G. Setbacks: All guesthouses, ~~or 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.
- H. Parking: All guesthouses, ~~or or~~ casitas, shall provide a minimum of one extra off street parking space.
- I. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- J. 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.
- K. 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~~ not exceeding 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.
- L. Occupancy With or Without Compensation: Guesthouses ~~or or~~ casitas, ~~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.
- M. 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.~~
- ~~N. 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.~~
- ~~O. Permits Required:~~

~~The use application approval for a guesthouse or casita shall be received before a building permit is issued. 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.~~

~~P. 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 immediately after the required approval.

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

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-60**

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

SECTION 1: **AMENDMENT** “11.12 Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12 Standards (Non-existent)

AFTER AMENDMENT

11.12 Standards

SECTION 2: **AMENDMENT** “11.12.010 Departmental Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.010 Departmental Standards (Non-existent)

AFTER AMENDMENT

11.12.010 Departmental Standards

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, ~~water systems~~ and fire protection systems shall be prepared by the town engineer in accordance with the Town ~~of Apple Valley's~~ Design Standards and Specifications; standards for water distribution ~~and sewage disposal facilities~~ by Big Plains Water ~~and Sewer~~ Special Service District ~~with the assistance from the Utah State Department of Environmental quality and Southwest Utah Public Health Department;~~ standards for sewage disposal facilities by Ash Creek Special Service District.

SECTION 3: **AMENDMENT** “11.12.030 Fire Flow And Line Size Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.030 Fire Flow And Line Size Standards (Non-existent)

AFTER AMENDMENT

11.12.030 Fire Flow And Line Size Standards

The subdivision shall be improved in accordance with the Design Standards, rules and regulations, adopted by the town. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~ the following:

- A. All fire flow and line size standards shall conform to the international fire code.
- B. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer's expense and certified by a licensed engineer.
- C. Water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
- D. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of one thousand (1,000) feet.
- E. Previously approved subdivisions
 - 1. All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current requirements.
 - 2. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.
- F. Fire Hydrants specifications:
 - 1. All fire hydrants shall have one 4.5 inch and two (2) 2.5 inch outlets with NH threads.
 - 2. A six-inch (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.
 - 3. All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the Town Council.
 - 4. All hydrants shall be five (5) feet from the back of the curb or borrow ditch. In all cases hydrants shall have a five (5) foot elliptical radius of unobstructed clearance to adjacent obstacles.
 - 5. The lowest hydrant water outlet shall not be less than eighteen (18) inches nor more than thirty (30) inches above the final ground level.

G. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed two hundred and fifty feet (250) from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public right-of-ways and hydrants will be owned and maintained by the town.
3. Dead end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end street.

SECTION 4: **AMENDMENT** “11.12.040 Protection Strips” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.040 Protection Strips

Where subdivision street parallels contiguous property of other private property owners, the sub divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

AFTER AMENDMENT

11.12.040 Protection Strips Generally

Where subdivision street parallels contiguous property of other private property owners, the sub-divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub-divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

SECTION 5: **AMENDMENT** “11.12.020 Design Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.020 Design Standards

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, privates utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be

made to this requirement where considerations for solar orientation are involved.

- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.
- N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
 - 2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
 - 5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
 - 6. No more than five (5) flag lots may be served by one staff portion of said lot.
 - 7. The land use authority shall specifically approve each flag lot.
 - 8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

AFTER AMENDMENT

11.12.020 Design Standards Generally

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~:

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed

and arranged so as to avoid requiring vehicles to back into traffic.

N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
6. No more than five (5) flag lots may be served by one staff portion of said lot.
7. The land use authority shall specifically approve each flag lot.
8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

SECTION 6: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: **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 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 14, 2022.

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

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-63**

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. 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.
- 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 AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 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 AVL 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.~~ None
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 1. Recycling businesses, not including hazardous materials
 2. Concrete batch plants.
 3. Gravel crushing equipment.
 4. Gravel pits.
 5. Hot mix asphalt plants.
 6. Landfill operations.
 7. Metal Building.
 8. Mining or ore processing operations.
 9. Open space or agricultural uses.
 10. Sewage lagoons and/or treatment plants.
 11. Storage, baling, and processing of wood, glass, paper, and junk.
- 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 AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 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 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 December 14, 2022.

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

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-64**

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

SECTION 1: **ADOPTION** “10.10.130 Institutional Zone” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.130 Institutional Zone (Non-existent)

AFTER ADOPTION

10.10.130 Institutional Zone(*Added*)

- A. Purpose: The purpose of this zone is to provide for the development of public structures and uses and accommodate institutional development in a scale that integrates sensitively with surrounding residential neighborhoods, which includes uses of a public, nonprofit, or charitable nature generally providing local service on-site to local people.
- B. Permitted Uses
 - 1. Government buildings
 - 2. Cemeteries
 - 3. Churches and other buildings for the purpose of religious worship
 - 4. Convalescent homes, nursing homes, and homes for the aged
 - 5. Convents, seminaries and retreat centers
 - 6. Libraries
 - 7. Lodging, hospitality and care for the infirmed, disadvantaged, handicapped or abused (children, youth and adults)
 - 8. Museums and art galleries
 - 9. Nursery schools and day care centers
 - 10. Orphanages
 - 11. Police and fire stations
 - 12. Publicly owned and/or operated parks, playgrounds, community recreation centers and swimming pools
 - 13. Schools, elementary and secondary (grades K-12) and continuing education adult enrichment centers
 - 14. Summer camps
- C. Accessory Uses
 - 1. Customary accessory buildings and uses
 - 2. Fences and walls (AVLU 10.36)

3. Signs (AVLU 10.22)
4. Uses provided in conjunction with a permitted or conditional use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted or conditional use

D. Conditional Uses

1. Hospitals, clinics and health maintenance organizations
2. Colleges, universities, vocational, trade schools or other specialized educational facilities
3. Educational and medical related research facilities

E. Area and Height Regulations for Permitted and Conditional Uses

1. Minimum Lot Area - one (1) acre
2. Front Yard Setback - One hundred fifty (150) feet, only where the property abuts an arterial or collector street
3. Setback from any Adjacent Residential Zone - One hundred (100) feet
4. Internal Setbacks - Fifty (50) feet unless otherwise approved in accordance with a Site Plan as provided for in Subsection F(4) of this section
5. Maximum Height - Five (5) stories
6. In the case of this zone, more than one principal building as defined herein, may be permitted on one lot

F. Other Development Controls

1. Off-street parking and loading and/or unloading facilities shall be provided in accordance with AVLU 10.16.
2. No outdoor storage of any material (usable or waste) except firewood neatly stacked, shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which is not in accordance with AVLU 10.26.
4. No building shall be erected, or structurally altered, nor shall any grading take place on any lot or parcel in the Institutional Zone until a Site Plan Layout has been submitted and approved . Where development is proposed on a parcel of land that is a part of a larger tract of land which is under one ownership, the developer shall also be required to submit a plan for the entire property under said ownership, unless specifically waived by the town, in accordance with the plan requirement. Said plan shall show how the proposed development will be developed as an integral part of the much larger tract, including the coordination of land use and circulation (vehicular and pedestrian) with adjacent tracts of land.
5. A minimum of 20% of the total acreage of each site for a permitted use shall be set aside for open space use, exclusive of streets, parking areas, and buildings.

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.

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PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley