



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, July 09, 2025 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, July 09, 2025 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Ordinance O-2025-23 Zone Change from Rural Estates 5 Acres Zone (RE-5) to Agricultural 5 Acres Zone (AG-5) for parcel: AV-HWC-2.
2. Ordinance O-2025-25 Amend Title 11.08.070 Driveways.
3. Ordinance O-2025-26 Amend Title 11.02.030 Definitions and 11.02.080 Preliminary Plat Review Process.

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

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the 25th day of June, 2025.

Dated this 25th day of June, 2025

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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.



Proposal: Zone Change

Current Zone: RE-5

Proposed Zone: AG-5

Acres: 4.6

Project location: AV-HWC-2

Number of Lots: 1

Report prepared by Eldon Gibb, Planning Consultant with Shums Coda

The applicant is proposing to change the zoning from the current RE-5 to a proposed AG-5. The property is located at 1820 East 2000 South (AV-HWC-2) and is 4.6 acres in size. As stated in the application the purpose for the zone change is for Farming, Livestock and Orchards. It should be known that the property acreage is 4.6 acres which is below the AG-5 acre requirement.

The property is currently zone RE-5. Surrounding zoning is RE-5 to the north and west, A-10 to the east and PD to the south. The General Plan for this property is Residential Low 5+ Acres. The applicant is asking to change the zone to AG-5 which does not fall in line with the General Plan. Apple Valley may want to have the applicant start with a General Plan amendment so that both the general plan land use map and zoning designation align. For the General Plan to be effective, zoning applied to land should conform to the General Plan. When comparing the permitted and conditional uses listed in both the Residential Estate (current zone) and Agricultural Zone (proposed zone) it appears the Agricultural Zone could significantly change the use of this land.

When looking at Section 2 of the General Plan, it is apparent that this zone change is in line with section 2.3 - Major Land Use Themes. Furthermore, in section 2.4 - Land Use Goals it is stated as a goal, "As agricultural property owners request, preserve agricultural land". It appears this zone change application is in line with the intent of the General Plan; however, significant changes to the use of the land should align with the General Plan.

Apple Valley will need to determine if a General Plan Amendment is necessary prior to processing this zone change application. If the zoning of the proposed land is changed to AG-5, the applicant and future land owners would be required to abide by the Agricultural Zone requirements found 10.10.020.

TOWN OF APPLE VALLEY
ORDINANCE O-2025-23

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-HWC-2 FROM RURAL ESTATES 5 ACRES ZONE (RE-5) TO AGRICULTURAL 5 ACRES ZONE (AG-5)

WHEREAS, the Town of Apple Valley (“Town”) has petitioned to rezone parcel AV-HWC-2 from Rural Estates 5 Acres Zone (RE-5) to Agricultural 5 Acres Zone (AG-5); and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 9, 2025, to consider the request and, in a meeting on the same date, voted to recommend approval of the zone change; and

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation and finds that the proposed zone change aligns with the Town’s General Plan and serves a rational public interest; and

WHEREAS, on July 16,2025, the Town Council of Apple Valley, Utah, convened in a duly noticed and held meeting to consider the proposed amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, AS FOLLOWS:

SECTION I: Zoning Amendment

The zoning designation for parcel AV-HWC-2 is hereby changed from Rural Estates 5 Acres Zone (RE-5) to Agricultural 5 Acres Zone (AG-5).

SECTION II: Official Zoning Map Update

The Official Zoning Map shall be amended to reflect this zoning change.

SECTION III: Effective Date:

This ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah, this 16th day of July, 2025.

PRESIDING OFFICER

Michael L. Farrar, Mayor

ATTEST:

Jenna Vizcardo, Town Clerk/Recorder

VOTE RECORD:	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____



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

See Fee Schedule Page 2

Item 1.

Zone Change Application

Applications Must Be Submitted By The First Wednesday Of The Month

Owner: Aaron Brekke		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone: [REDACTED]	
Address/Location of Property: 1820 E 2000 S		Parcel ID: AV-HWC-2	
Existing Zone: RE-5		Proposed Zone: AG-5	
For Planned Development Purposes: Acreage in Parcel <u>4.60</u>		Acreage in Application <u>4.60</u>	
Reason for the request Farming, Livestock and Orchards			

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

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

Applicant Signature 	Date 05/22/2025
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Official Use Only	Amount Paid: \$ 1219.52	Receipt No: 56167
Date Received: 5/22/25	Date Application Deemed Complete:	
By:	By:	



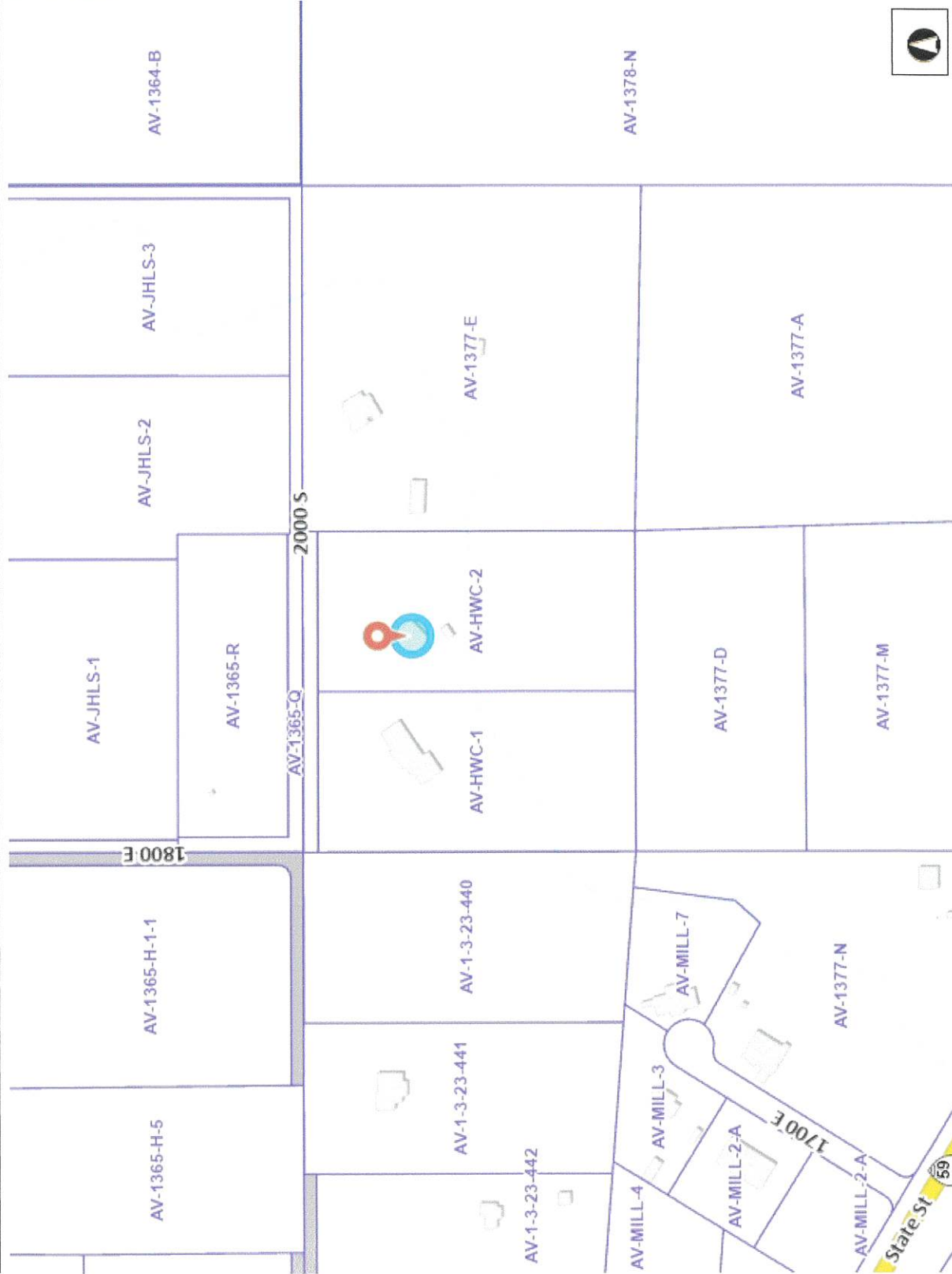


Parcels

- | Ownership | Count |
|-------------------------------------|-------|
| U.S. Forest Service | 1 |
| U.S. Forest Service Wilderness | 1 |
| Bureau of Land Management | 1 |
| Bureau of Land Management Wildlife | 1 |
| National Park Service | 1 |
| Shiwiwi Reservation | 1 |
| Utah Division of Wildlife Resources | 1 |
| Utah Division of Transportation | 1 |
| State Park | 1 |
| State of Utah | 1 |
| Washington County | 1 |
| Municipally Owned | 1 |
| School District | 1 |
| Privately Owned | 1 |
| Water | 1 |
| Water Conservancy District | 1 |
| State Assessed Oil and Gas | 1 |
| Mining Claim | 1 |

Notes

Item 1.



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



1984_Web_Mercator_Auxiliary_Sphere

Account 1028385 Viewing Doc Owner

Name
GARVIN ERIN GRAY
In Care Of Attention

Address1
1820 E 2000 S
Address2

City State Zip Country
APPLE VALLEY UT 84737
Phone Email

Date	Remarks
—	—

Remarks 1
Date
Remarks

Corporate Name

DBA Name

Account 1028385 Viewing Doc Owner

Name

BREKKE AARON CHARLES

In Care Of

Attention

Address1

1820 E 2000 S

Address2

City

State Zip

Country

APPLE VALLEY UT 84737

Phone

Email

Date Remarks

- -

Remarks 1

Date

Remarks

Corporate Name

DBA Name

Quit Claim Deed Page 1 of 1

Gary Christensen Washington County Recorder

03/20/2024 03:45:35 PM Fee \$40.00 By OLD

REPUBLIC TITLE (ST GEORGE BLVD)



MAIL TAX NOTICE TO GRANTEE:

Erin Gray Garvin
1820 East 2000 South
Apple Valley, Utah 84737
File Number: 2400325BC

QUIT CLAIM DEED

Erin Gray Garvin

GRANTOR

for the sum of TEN DOLLARS and other good and valuable consideration hereby QUIT CLAIMS to

Erin Gray Garvin and Aaron Charles Brekke, As Joint Tenants

GRANTEE

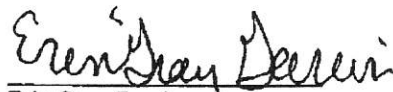
the following tract of land in Washington, County, State of UTAH, to-wit

Lot Two (2), HWC PROPERTIES LOT SPLIT, according to the official plat thereof, on file and
of record in the office of the Washington County Recorder, State of Utah.

TAX ID NUMBER FOR PROPERTY: AV-HWC-2

Subject to any easements, restrictions and rights of way appearing of record and enforceable in law and subject to
general property taxes for the year 2023 and thereafter.

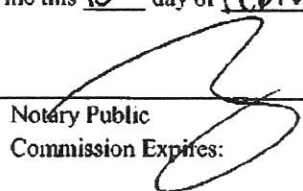
Effective as of this 13th day of February, 2024.

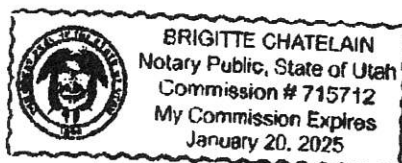

Erin Gray Garvin

STATE OF: UTAH

COUNTY OF: Washington

The foregoing instrument was acknowledged before me this 13th day of February, 2024 by Erin Gray
Garvin


Notary Public
Commission Expires:



Account 1028385 Viewing Doc Quit Claim Deed

Entry Number20240008429 Book Page Recording Date03/20/2024 03:45:35 PM

Fee\$40.00 Consideration\$10.00 Instrument Date02/13/2024

From	To
GARVIN ERIN GRAY	GARVIN ERIN GRAY
	BREKKE AARON CHARLES

Legal Information

Subdivision	Lot	Block	Unit	Building
HWC PROPERTIES LOT SPLIT (AV)	2			
Section	Township	Range		

Legal Description**Parcel Number Account Number Vesting Deed**AV-HWC-2 1028385 [Account](#)

This document references more accounts than can be displayed. The number of accounts on this document is 1

Related Information

Entry Number	Book	Page
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Prepared By Prospect Title Insurance
Agency, LLC
104532-24

Mail Property Tax Notice to:
1820 E 2000 S
Apple Valley, UT 84737

Space Above This Line for Recorder's Use

WARRANTY DEED

GRANTOR(S) Megan Lebaron and Christian Holt

Hereby CONVEY AND WARRANT(S) to:

GRANTEE(S) Erin Gray Garvin, an unmarried woman

for the sum of Ten Dollars and other good and valuable consideration the following described tract(s) of
land in Washington County, State of Utah:

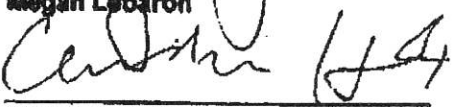
See Attached Exhibit "A"

Tax Parcel No. AV-HWC-2

SUBJECT TO County Taxes and Assessments not delinquent, Easements, Rights of Way Covenants,
Conditions and Restrictions now of record.

WITNESS our hands on 14th day of February, 2024.

Grantor:


Megan Lebaron

Christian Holt

STATE OF UTAH
COUNTY OF WASHINGTON

On this 14th day of February, 2024, before me Kiley Blood, a notary public, personally appeared Megan Lebaron and Christian Holt, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged he/she/they executed the same.

Witness my hand and official seal.


Notary Public

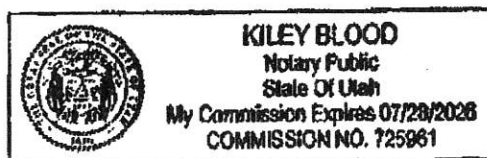
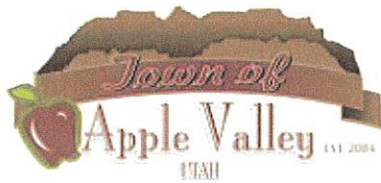


EXHIBIT A

Lot 2, Final Plat HWC Properties Lot Split, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.



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

Parcel ID# _____

Item 1.

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Aaron Brekke am/are the applicant(s) of the application known as
1820 E 2000 S located on parcel(s)
AV-HWC-2 within the Town of Apple Valley, Washington County, Utah.

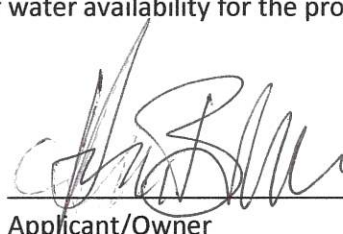
By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, subdivision, or development for which this application is being submitted; and
2. Prior to receiving approval for the application, the applicant shall be required by the Town of Apple Valley to provide a Preliminary Water Service letter from the Big Plains Water Special Service District ("District") which verifies the conditions required to provide services to the project, subdivision or development; and
3. The applicant assumes the entire risk of water availability for the project, subdivision or development and/or application.

Signature(s):

Aaron Brekke

Name



Applicant/Owner

5/21/25

Date

Erin Brekke

Name

Applicant/Owner

5/21/25

Date

Name

Applicant/Owner

Date

State of Utah)

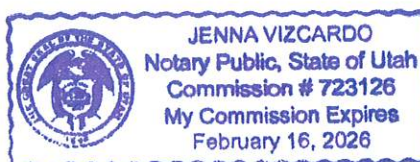
County of Washington)s

On this 22 day of May, in the year 2025, before me, Jenna Vizcardo a notary public, personally appeared Aaron Brekke, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal. _____

(notary signature)

(seal)



SUBDIVISION APPROVAL PROCESS

AFFIDAVIT

PROPERTY OWNER

Item 1.

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

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

[Signature]
Property Owner

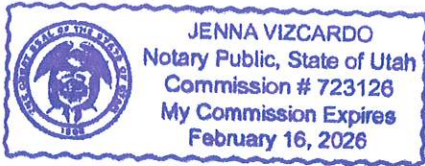
Property Owner

Subscribed and sworn to me this 22 day of May, 2025.

[Signature]
Notary Public

Residing in: Washington

My Commission Expires: 2/16/26



AGENT AUTHORIZATION

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

Property Owner

Property Owner

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

Notary Public

Residing in: _____

My Commission Expires: _____

TAX_ID	FIELD5	FIELD6	FIELD8	FIELD9	FIELD10
AV-1377-E	KHULY JORGE A, FERNANDEZ LOURDES M	6030 SW 78TH ST	SOUTH MIAMI	FL	33143
AV-1377-D	CANAAN VIEW RANCH LLC	782 S RIVER RD # 148	SAINT GEORGE	UT	84790
AV-HWC-2	GARVIN ERIN GRAY, BREKKE AARON CHARLES	1820 E 2000 S	APPLE VALLEY	UT	84737
AV-1377-A	CANAAN VIEW RANCH LLC	782 S RIVER RD # 148	SAINT GEORGE	UT	84790
AV-HWC-1	ZITTING ROBERT C TRUSTEES, ZITTING MELANIE	1810 E 2000 S	APPLE VALLEY	UT	84737-4935

BEGINNING AT THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE AND MERIDIAN AND
RUNNING THENCE EASTERLY ALONG THE NORTH LINE OF SECTION 18 AND SECTION 17 TO THE NORTHEAST CORNER OF SAID SECTION 17;
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID 17 TO THE NORTHWEST CORNER OF SECTION 21: THENCE EASTERLY ALONG THE NORTH
LINE OF SAID SECTION 21 AND SECTION 22 TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE SOUTHERLY ALONG THE EAST LINE OF
SECTIONS 22, 27 AND 34 TO THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND
MERIDIAN; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 3 TO THE NORTHWEST CORNER OF SECTION 11; THENCE EASTERLY
ALONG THE NORTH LINE OF SAID SECTION 11 AND SECTION 12 TO THE NORTHEAST CORNER OF SAID SECTION 12; THENCE SOUTHERLY ALONG
THE EAST LINE OF SAID SECTION 12 TO THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 10 WEST, SALT LAKE BASE
AND MERIDIAN; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 18 TO THE NORTHEAST CORNER OF SAID SECTION 18; THENCE
SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 18 AND SECTION 19 TO THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE
WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 19 TO THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 11
WEST, SALT LAKE BASE AND MERIDIAN; THENCE WESTERLY ALONG THE SOUTH LINE OF SECTIONS 24, 23, 22, 21 AND 20 TO THE
SOUTHWEST CORNER OF SAID SECTION 20; THENCE NORTHERLY ALONG THE WEST LINE OF SECTIONS 20, 17, 8 AND 5 TO THE SOUTHEAST
CORNER OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°51'17" WEST,
ALONG THE SOUTH LINE OF SAID SECTION 31, A DISTANCE OF 2,642.59 FEET; THENCE SOUTH 89°52'29" WEST, ALONG SAID SOUTH LINE A
DISTANCE OF 2,640.00 FEET, TO THE SOUTHEAST CORNER OF SECTIONAL LOT 10; THENCE NORTH 00°13'22" WEST, ALONG SAID SECTIONAL
LOT A DISTANCE OF 1,315.50 FEET, TO THE SOUTHWEST CORNER OF SECTIONAL LOT 8; THENCE NORTH 89°48'42" EAST, ALONG SAID LOT A
DISTANCE OF 1,320.00 FEET; THENCE NORTH 00°13'22" WEST, A DISTANCE OF 1316.95 FEET, TO THE SOUTHEAST CORNER OF SECTIONAL
LOT 5; THENCE NORTH 00°13'22" WEST, ALONG SAID LOT A DISTANCE OF 2642.99 FEET, TO A POINT ON THE NORTH LINE OF SAID
SECTION 31; THENCE SOUTH 89°44'31" WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 2,100.92 FEET, TO THE
SOUTHWEST CORNER OF SECTION 30; THENCE NORTH 00°05'21" WEST, ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF
2,651.79 FEET, TO THE WEST ¼ CORNER OF SAID SECTION 30; THENCE NORTH 00°10'22" WEST, ALONG SAID WEST LINE, A DISTANCE OF
1,461.75 FEET; THENCE NORTH 47°24'33" WEST, A DISTANCE OF 1,742.36 FEET; THENCE SOUTH 89°57'59" WEST, A DISTANCE OF
1,360.03 FEET, TO THE SOUTH ¼ CORNER OF SECTION 24 TOWNSHIP 42 SOUTH, RANGE 12 WEST, SALT LAKE BASE AND MERIDIAN;
THENCE SOUTH 89°52'13" WEST, ALONG THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 2,643.58 FEET, TO THE SOUTHWEST
CORNER OF SAID SECTION 24; THENCE SOUTH 89°53'47" WEST, ALONG THE SOUTH LINE OF SECTION 23, A DISTANCE OF 1,318.89 FEET, TO
A POINT ON A PARCEL MORE PARTICULARLY DESCRIBED IN INSTRUMENT #499255, FILED AND ON RECORD AT THE WASHINGTON COUNTY
RECORDERS OFFICE, SAID POINT ALSO BEING ON THE EAST 1/16TH LINE OF SECTION 26; THENCE ALONG SAID PARCEL THE FOLLOWING THREE
(3) COURSES SOUTH 00°01'41" EAST, ALONG SAID 1/16TH LINE, A DISTANCE OF 1,321.07 FEET, TO A POINT ON THE NORTH 1/16TH LINE OF
SAID SECTION 26; THENCE SOUTH 89°55'07" WEST, ALONG SAID 1/16TH LINE, A DISTANCE OF 1,318.01 FEET; THENCE SOUTH
89°55'27" WEST, ALONG SAID 1/16TH LINE, A DISTANCE OF 1,319.14 FEET, TO THE NORTHEAST CORNER OF A PARCEL MORE PARTICULARLY
DESCRIBED IN INSTRUMENT #423108 IN SAID WASHINGTON COUNTY RECORDERS OFFICE, SAID POINT BEING ON THE WEST 1/16TH LINE

OF SAID SECTION 26; THENCE ALONG SAID PARCEL THE FOLLOWING TWO (2) COURSES SOUTH 00°04'51" EAST, A DISTANCE OF 1,320.13 FEET, TO A POINT ON THE CENTER SECTION LINE; THENCE SOUTH 89°56'29" WEST, ALONG SAID CENTER SECTION LINE, A DISTANCE OF 1,318.80 FEET, TO THE EAST ¼ CORNER OF SECTION 27; THENCE SOUTH 89°54'58" WEST, ALONG SAID CENTER SECTION LINE, A DISTANCE OF 2,642.24 FEET, TO THE CENTER SECTION LINE OF SAID SECTION 27; THENCE SOUTH 00°03'39" EAST, ALONG THE CENTER SECTION LINE, A DISTANCE OF 2,637.96 FEET, TO THE SOUTH ¼ CORNER OF SAID SECTION 27; THENCE SOUTH 89°53'25" WEST, ALONG THE SOUTH SECTION LINE, A DISTANCE OF 2,638.36 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE WEST, ALONG THE SOUTH LINE OF SECTION 28, A DISTANCE OF 2,640.51 FEET, TO THE SOUTH ¼ CORNER OF SAID SECTION 28; THENCE SOUTH 89°50'50" WEST, ALONG THE SOUTH SECTION LINE, A DISTANCE OF 2,635.69 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE ALONG THE WEST LINE OF SAID SECTION 28, THE FOLLOWING TWO (2) COURSES NORTH 00°07'18" WEST, A DISTANCE OF 2,638.66 FEET, TO THE WEST ¼ CORNER OF SAID SECTION 28; THENCE NORTH 00°07'15" WEST, A DISTANCE OF 2,640.42 FEET, TO THE SOUTHWEST CORNER OF SECTION 21; THENCE ALONG THE WEST LINE OF SAID SECTION 21 THE FOLLOWING TWO (2) COURSES NORTH 00°05'43" WEST, A DISTANCE OF 2,638.43 FEET, TO THE WEST ¼ CORNER OF SAID SECTION 21; THENCE NORTH 00°06'22" WEST, A DISTANCE OF 2,639.01 FEET, TO THE NORTHWEST CORNER OF SAID SECTION 21; THENCE NORTH 00°06'22" WEST, ALONG THE WEST LINE OF SECTION 16, A DISTANCE OF 631.70 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SR-59; THENCE SOUTH 73°32'44" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5,512.18 FEET, TO THE EAST LINE OF SAID SECTION 21; THENCE SOUTH 00°02'25" EAST, ALONG SAID EAST LINE, A PORTION OF WHICH IS ALSO ALONG A PARCEL MORE PARTICULARLY DESCRIBED IN INSTRUMENT #838345 IN SAID WASHINGTON COUNTY RECORDERS OFFICE, A DISTANCE OF 1,705.68 FEET, TO THE EAST ¼ CORNER OF SAID SECTION 21; THENCE ALONG SAID PARCEL THE FOLLOWING TWENTY NINE (29) COURSES NORTH 89°53'29" EAST, ALONG THE CENTER SECTION LINE A DISTANCE OF 1,319.79 FEET, TO A POINT ON THE WEST 1/16TH LINE; THENCE SOUTH 00°03'53" EAST, ALONG SAID 1/16TH LINE, A DISTANCE OF 2,636.52 FEET, TO A POINT ON THE NORTH LINE OF SAID SECTION 27; THENCE SOUTH 00°04'17" EAST, ALONG THE WEST 1/16TH LINE A DISTANCE OF 1,319.53 FEET, TO A POINT ON THE NORTH 1/16TH LINE OF SAID SECTION 27; THENCE NORTH 89°55'00" EAST, ALONG SAID 1/16TH LINE A DISTANCE OF 184.32 FEET; THENCE NORTH 33°44'12" EAST, A DISTANCE OF 248.06 FEET, TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 27°10'52", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 189.7 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF 31°14'05", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 81.77 FEET, TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF 47°09'47", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 288.10 FEET, TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET AND A CENTRAL ANGLE OF 13°04'57", THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 182.67 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 23°10'41", THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 202.27 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 56°24'18", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 88.60 FEET; THENCE NORTH 30°32'12" EAST, A DISTANCE OF 165.67 FEET; THENCE SOUTH 79°09'39" EAST, A DISTANCE OF 55.00 FEET, TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION 27; THENCE NORTH 00°03'39" WEST, ALONG SAID CENTER SECTION LINE A DISTANCE OF 309.44 FEET; THENCE NORTH 89°54'2

EAST, A DISTANCE
OF 1,117.67 FEET; THENCE NORTH 00°04'41" WEST, A DISTANCE OF 165.00 FEET; THENCE NORTH 00°05'93" WEST, A DISTANCE OF
1,318.70 FEET, TO A POINT ON THE SOUTH 1/16TH LINE OF SECTION 22; THENCE NORTH 89°53'56" EAST ALONG SAID
1/16TH LINE, A
DISTANCE OF 202.70 FEET, TO A POINT ON THE EAST 1/16TH LINE OF SAID SECTION 22; THENCE NORTH 00°03'03"
WEST, ALONG SAID
1/16TH LINE, A DISTANCE OF 1,318.73 FEET, TO A POINT ON THE CENTER SECTION LINE OF SAID SECTION 22;
THENCE NORTH 89°53'29"
EAST, ALONG SAID CENTER SECTION LINE, A DISTANCE OF 1,319.79 FEET, TO THE WEST ¼ CORNER OF SECTION
23, TOWNSHIP 42 SOUTH,
RANGE 12 WEST; THENCE NORTH 89°51'31" EAST, ALONG THE CENTER SECTION LINE OF SAID SECTION 23, A
DISTANCE OF 1,319.71
FEET, TO A POINT ON THE WEST 1/16TH LINE OF SAID SECTION 23; THENCE SOUTH 00°05'26" EAST, ALONG SAID
1/16TH LINE, A DISTANCE
OF 2,177.10 FEET; THENCE NORTH 72°04'06" EAST, A DISTANCE OF 777.03 FEET, TO A POINT ON THE NORTH RIGHT-
OF-WAY LINE OF 0460
WASHINGTON COUNTY ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES
NORTH 60°46'58" EAST, A
DISTANCE OF 156.69 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,000.00 FEET AND
A CENTRAL ANGLE OF
11°17'08", THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 196.97 FEET; THENCE NORTH
72°04'06" EAST, A
DISTANCE OF 1,521.72 FEET, TO A POINT ON THE SOUTH 1/16TH LINE OF SAID SECTION 23; THENCE LEAVING SAID
RIGHT-OF-WAY NORTH
89°52'39" EAST, ALONG SAID 1/16TH LINE, A DISTANCE OF 1,450.46 FEET, TO A POINT ON THE EAST LINE OF SAID
SECTION 23; THENCE
ALONG THE EAST LINE OF SAID SECTION 23 THE FOLLOWING TWO (2) COURSES NORTH 00°08'56" WEST, A
DISTANCE OF 1,320.87 FEET, TO
THE EAST ¼ CORNER OF SECTION 23; THENCE NORTH 00°08'34" WEST, A DISTANCE OF 2,638.10 FEET, TO THE
SOUTHEAST CORNER OF
SECTION 14; THENCE ALONG THE EAST LINE OF SAID SECTION 14 THE FOLLOWING TWO (2) COURSES AND
LEAVING SAID PARCEL NORTH
00°06'02" WEST, A DISTANCE OF 2,645.85 FEET, TO THE EAST ¼ CORNER OF SAID SECTION 14; THENCE NORTH
00°08'45" WEST, A
DISTANCE OF 2,645.08 FEET, TO THE NORTHWEST CORNER OF SECTION 13; THENCE NORTH 89°51'81" EAST, ALONG
THE NORTH LINE OF
SAID SECTION 13, A DISTANCE OF 2,641.91 FEET, TO THE NORTH ¼ CORNER OF SAID SECTION 13; THENCE NORTH
89°50'51" EAST, ALONG
SAID NORTH LINE, A DISTANCE OF 2,642.17 FEET, TO THE POINT OF BEGINNING.
SAID BOUNDARY IS THE MUNICIPAL BOUNDARY OF APPLE VALLEY TOWN.



June 4, 2025

RE: NOTICE OF PUBLIC HEARING — ZONING MAP AMENDMENT REQUEST

Parcel Number: AV-HWC-2

Situs Addresses: 1820 E 2000 S, APPLE VALLEY, UT 84737

To Whom It May Concern:

Please note: The original letter dated May 28, 2025, included an incorrect stated purpose. The correct stated purpose for the requested zone change is to allow for uses consistent with ****farming, livestock, and orchards****. We apologize for the oversight and appreciate your understanding.

You are invited to attend a public hearing to provide any input you may have, as a neighboring property owner, regarding a request to rezone the above-listed parcels from Rural Estates 5 Acres Zone (RE-5) to Agricultural 5 Acres Zone (AG-5). The applicant has stated that the purpose is to prepare the property for future residential development.

Information about the AG-5 zoning regulations, including permitted uses and restrictions, is available at the Town Recorder's office or online at:

The hearing will be held on Wednesday, July 9, 2025 at 6:00 PM (MDT) at the Apple Valley Town Hall, located at:

1777 North Meadowlark Drive, Apple Valley, Utah 84737

Written comments, objections, or questions may be submitted by mail to:

Town of Apple Valley

Attn: Planning and Zoning

1777 North Meadowlark Drive

Apple Valley, Utah 84737

or in person at the Apple Valley Town Hall.

Important Note:

Any owner of property included in the proposed zoning map amendment may file a written objection to the inclusion of their property. Written objections must be submitted no later than 10 days after the date of the public hearing. All written objections will be provided to the Apple Valley Town Council for consideration.

Sincerely,

Jenna Vizcardo

Town Clerk and Recorder

Town of Apple Valley

Legislative Summary

Amendment to Title 11.08.070 – Driveways Apple Valley Town Code

Purpose:

This amendment updates and expands driveway regulations to provide a clear and enforceable framework for residential access construction in the Town of Apple Valley. It aligns driveway design standards with fire code requirements and introduces a flexible approach that allows for either a prescriptive standard or an engineered alternative.

Background:

The previous code required compliance with fire code and set basic width minimums but lacked detail on structural requirements, emergency vehicle access provisions, and construction standards. The Town has since adopted a *Residential Driveway Minimum Design and Construction Standards* document, which outlines comprehensive technical specifications for new driveways.

Key Features of the Amendment:

- Incorporates the Town’s adopted driveway specification as a **prescriptive option**, not a mandatory standard.
- Allows **site-specific engineered designs** as an alternative, provided they demonstrate the ability to support a 75,000-pound fire apparatus.
- Clarifies dimensional requirements, including minimum widths, vertical clearances, and turning radii for emergency access.
- Establishes construction specifications for subgrade preparation, base material, compaction, and soft spot repair.
- Requires maintenance to preserve emergency vehicle access and provides for inspection and testing by the Town prior to final acceptance.
- Limits driveway use to no more than five dwellings and requires Town Council approval for driveways serving more than three residences.

Effect of the Amendment:

This amendment provides developers and property owners with two compliance paths—prescriptive or engineered—while maintaining safety and access requirements for emergency services. It supports improved infrastructure durability, design flexibility, and consistency with adopted standards.

Recommendation:

Staff recommends approval of the revised Title 11.08.070 to formalize and modernize driveway regulations and to ensure compatibility with Apple Valley’s long-term planning and public safety goals.

**APPLE VALLEY
ORDINANCE O-2025-25**

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

SECTION 1: **AMENDMENT** “11.08.070 Driveways” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

11.08.070 Driveways

- ~~A. All driveways must meet fire code.~~
- ~~B. Driveways serving single residential dwellings shall be a minimum of twelve (12) feet wide.~~
~~Driveways serving three or less residential dwellings shall be a minimum of fifteen (15) feet wide. No driveway shall serve more than three residences, unless approved by the town council.~~

SECTION 2: **ADOPTION** “11.08.071 General Requirements” of the Apple Valley Subdivisions is hereby *added* as follows:

A D O P T I O N

11.08.071 General Requirements(*Added*)

- 1. All residential driveways shall comply with access requirements that support fire apparatus weighing up to seventy-five thousand (75,000) pounds.
- 2. Driveways must meet applicable provisions of the 2006 Utah Wildland-Urban Interface (WUI) Code and the 2021 International Fire Code (IFC).
- 3. These requirements apply to all new residential driveways within town limits and do not apply to public roads or high-volume residential streets.
- 4. Driveways may be constructed using:
 - a. The Town’s Residential Driveway Minimum Design and Construction Standards, or
 - b. A site-specific design prepared by a licensed professional engineer.

(1) The engineered design must demonstrate equivalent or superior load-bearing capacity sufficient to support a 75,000-pound fire apparatus.

(2) All engineered designs shall be subject to Town review and approval prior to construction.

SECTION 3: ADOPTION “11.08.072 Minimum Width Requirements” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.08.072 Minimum Width Requirements(*Added*)

1. Driveways shall meet the following minimum unobstructed widths:

a. Serving one dwelling unit:

(1) Minimum width of twelve (12) feet.

b. Serving two to three dwelling units:

(1) Minimum width of fifteen (15) feet.

2. No driveway shall serve more than five (5) residential dwellings.

a. Driveways serving more than three (3) dwellings shall:

(1) Require Town Council approval.

(2) Comply fully with all fire and access code requirements.

SECTION 4: ADOPTION “11.08.073 Clearance And Surface Requirements” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.08.073 Clearance And Surface Requirements(*Added*)

1. Minimum vertical clearance shall be thirteen (13) feet, six (6) inches.

2. Driveway surfaces must:

- a. Be all-weather and capable of supporting emergency vehicle loads.
- b. Remain free from obstruction or degradation that impairs emergency access.

SECTION 5: **ADOPTION** “11.08.074 Length, Turnouts, And Turnarounds” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.08.074 Length, Turnouts, And Turnarounds(*Added*)

- 1. Driveways exceeding one hundred fifty (150) feet in length shall include a turnaround.
- 2. Driveways exceeding two hundred (200) feet in length and less than twenty (20) feet wide shall include both turnouts and turnarounds:
 - a. Turnouts must be:
 - (1) At least ten (10) feet wide.
 - (2) At least thirty (30) feet long.
 - (3) Constructed with all-weather surface.
 - b. Turnarounds must meet the following turning radii:
 - (1) Inside radius: minimum of thirty (30) feet.
 - (2) Outside radius: minimum of forty-five (45) feet.

SECTION 6: **ADOPTION** “11.08.075 Maintenance” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.08.075 Maintenance(*Added*)

1. Driveways must be maintained in a condition suitable to support fire apparatus at all times.

2. If soft spots, rutting, or surface degradation occur:

a. Affected areas must be promptly repaired.

b. Repairs shall restore the driveway to a firm, unyielding surface meeting original load-bearing specifications.

SECTION 7: **ADOPTION** “11.08.076 Bridge Requirements” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.08.076 Bridge Requirements(*Added*)

1. Driveways incorporating bridges shall:

a. Clearly post vehicle load limits at both bridge entrances.

b. Use bridge designs approved by the Code Official.

SECTION 8: **ADOPTION** “11.08.077 Construction And Engineering Standards” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.08.077 Construction And Engineering Standards(*Added*)

1. Subgrade Preparation

a. When using the Town’s prescriptive standard, the subgrade must:

(1) Be scarified to a depth of twelve (12) inches.

(2) Be moisture-conditioned to within $\pm 2\%$ of optimum moisture content.

(3) Be compacted to at least ninety-five percent (95%) of the maximum dry density per ASTM D1557 (Modified Proctor).

b. Minimum required subgrade strength shall be a California Bearing Ratio (CBR) of three

(3).

c. If weaker soil conditions are suspected:

(1) The Town may require a geotechnical investigation and alternative design.

2. Base Course

a. The base course must:

(1) Consist of well-graded crushed aggregate meeting UDOT, APWA, or Washington County untreated base course standards.

(2) Be sourced from an approved aggregate supplier with documented testing.

(3) Be compacted to a minimum thickness of eight (8) inches.

(4) Be placed in lifts not exceeding six (6) inches (loose) and compacted to ninety-five percent (95%) per ASTM D1557.

3. Soft Spot Repair

a. Prior to base course placement, the subgrade shall be inspected for soft or unsuitable areas by the contractor, homeowner, or Town representative.

b. Soft spots shall be:

(1) Excavated to competent material.

(2) Replaced with compacted granular material meeting base course standards.

(3) Stabilized with geogrid or suitable geofabric, if needed.

4. Alternatives and Engineered Designs

a. Applicants are not required to follow the Town's prescriptive standard if an alternative design is submitted.

b. Alternative designs must:

(1) Be prepared by a licensed professional engineer.

(2) Demonstrate equivalent or superior structural performance capable of supporting a 75,000-pound fire apparatus.

(3) Be reviewed and approved by the Town prior to construction.

5. Testing and Acceptance

- a. All driveway installations shall be subject to inspection and testing prior to final Town acceptance.
- b. Compaction tests and material quality verification may be required at the Town’s discretion.

SECTION 9: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 10: **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 11: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 16, 2025.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL
_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2025-26**

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

SECTION 1: **AMENDMENT** “11.02.030 Definitions” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

11.02.030 Definitions

The following words and phrases used in this title, in addition to those listed in AVL 10.04, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context.

ADJACENT LANDOWNERS: Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

AFFECTED ENTITY: As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long range plan; or
- C. The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use code change.

ADMINISTRATIVE LAND USE AUTHORITY:

1. An individual, board, or commission appointed or employed by the Town, including Town staff or the Town Planning Commission.
2. Does not include a municipal legislative body or a member of a municipal legislative body.

BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES: The division of a parcel of land into two (2) or more lots none of which is less

than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

COMMUNICATIONS EASEMENT: An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or telecommunications or telecommunications services.

COMMUNICATIONS INFRASTRUCTURE: Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

COUNTY: Washington County, Utah.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DEDICATION: Land set aside by an owner for any general and public uses.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

FINAL PLAT: The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this title and adopted pursuant thereto.

GENERAL PLAN: A plan, labeled "General Plan of Apple Valley Town", including maps or reports or both, which has been approved by the Town Council as required by law, or such plan as it may be amended from time to time.

JOINT UTILITY COMMITTEE: The representatives of the Town, Big Plains Water ~~and Sewer~~ Special Service district, and other utility companies as may be required by the Town that are authorized to review and sign construction drawings.

LOT: A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.

LOT RIGHT OF WAY: A strip of land of not less than twenty-six feet (26') wide connecting a lot to a street for use as private access to that lot.

OFFICIAL ZONING MAP: A zoning map adopted by the Town Council pursuant to the provisions of Utah Code § 10-9a-501, 1953, as amended.

OPEN SPACE: Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

PERSON: Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.

PLANNING COMMISSION: The Apple Valley Town Planning Commission.

PLAT: A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

SANITARY SEWER AUTHORITY: Ash Creek Special Service district, a public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems within the Town.

SECURITY: An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL: A street, existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, COLLECTOR: A street, existing or proposed, which is the main means of access to an arterial street system.

STREET, CUL-DE-SAC: A street which originates from a designated Town street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the Town Council, the Planning Commission and the fire chief.

STREET, PRIVATE: A right of way or easement in private ownership not dedicated or maintained as a public street.

STREET, PRESCRIPTIVE EASEMENT: A road in private ownership, open to public use, not dedicated or maintained as a public road.

STREET, RESIDENTIAL: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for

himself or for another.

SUBDIVISION:

A. Includes:

1. The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
2. Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

B. Does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use code;
2. A recorded agreement between owners of adjoining un-subdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use code; or
3. A recorded document executed by the owner of record, revising the legal description of more than one contiguous un-subdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use code.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the un-subdivided parcel of property or subject the un-subdivided parcel to the provisions of this chapter.

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

TOWN: Apple Valley Town, Utah. **TOWN COUNCIL:** The Town Council of Apple Valley Town, Utah. **TOWN ENGINEER:** The Town engineer of Apple Valley Town, Utah, or a consulting engineering firm designated as the Town engineer by the Town Council. **TOWN PLANNER:** The professional planner of Apple Valley Town, Utah, or person designated as such by the Apple Valley Town Council.

SECTION 2: AMENDMENT “11.02.080 Preliminary Plat Review Process”
of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.080 Preliminary Plat Review Process

Any division of land, unless otherwise exempted in this Title, requires completion of a Preliminary and Final Plat. The following outlines the review process for Preliminary Plat, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.

- A. If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to the submittal of the Preliminary Plat application.
- B. The applicant may request a pre-application meeting with a Town representative to discuss the proposal and submittal requirements. If requested, the Town and applicant shall follow the process outlined in 11.02.0670.
- C. The Town shall provide, or have available on the town website, each of the following:
 1. The Preliminary Plat application.
 2. The owner's affidavit.
 3. A breakdown of the application fees.
 4. A copy of the applicable land use ordinance.
 5. A complete list of standards required for the project.
 6. The Preliminary Plat drawings checklist.
- D. The applicant submits an application, including the Preliminary Plat, Subdivision Improvements Plans, and all required documentation and information.
- E. The Town checks the submittal for completeness.
 1. If the submittal includes all materials, the Town receives the submittal and starts the review cycle.
 2. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the Town determines the application is complete.
- F. If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within twenty (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other issues related.
 1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until at least (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
- G. Within forty (40) days, the Town shall complete a review of the Preliminary Plat and Subdivision Improvement Plan, except as follows:
 1. The review cycle dates restrictions and requirements do not apply to the

- review of subdivision applications affecting property within identified geological hazard areas.
2. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.
- H. After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
1. If the Town determines that the application requires corrections, the Town must be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. The Town may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for the construction of public improvements.
 3. If the application is found to meet all codes, standards, and specifications, it is forwarded to the Administrative Land Use Authority for review and approval.
- I. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
- J. The Town shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.
1. If the resubmittal is complete, the Town shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - a. If the applicant responds within forty (40) days, the Town has forty (40) days to complete the second review cycle.
 - b. If the applicant responds after forty (40) days, the Town has sixty (60) days to complete the second review cycle.
 - c. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
 2. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.
- K. If the Town neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if necessary to protect public health and safety or to enforce state or federal law.
1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall

be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.

- L. If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
 - 1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 - 2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the application's deficiency and of the right to appeal the determination to a designated appeal authority.
 - a. The appeal authority shall be the Town Council.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: **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 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 16, 2025.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley