



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 03, 2023 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, May 03, 2023**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Michael Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/88262735265>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 882 6273 5265

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

1. Minutes: April 5, 2023.

HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

2. **Public Hearing:** Update Title 10.07.130 Building Permit, Ordinance-O-2023-23.
3. **Discussion and Action:** Update Title 10.07.130 Building Permit, Ordinance-O-2023-23.
4. **Public Hearing:** Update Title 10.02.070 Site Plan Required, Ordinance-O-2023-24.
5. **Discussion and Action:** Update Title 10.02.070 Site Plan Required, Ordinance-O-2023-24.
6. **Public Hearing:** Update Title 10.02.170 Completion Of Improvements, Ordinance-O-2023-25.
7. **Discussion and Action:** Update Title 10.02.170 Completion Of Improvements, Ordinance-O-2023-25.

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.



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, April 05, 2023 at 6:00 PM

MINUTES

Chairman | Michael Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

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

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Garth Hood

Commissioner Bradley Farrar

CONFLICT OF INTEREST DISCLOSURES

None declared.

APPROVAL OF MINUTES

1. Minutes: March 1, 2023.

Commissioner Hood commented on the vote for the ADU's, he voted nay. Correction noted.

MOTION: Commissioner Fralish motioned that we approve the minutes from 3/1/23 with correction noted.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye

Commissioner Hood - Aye

Commissioner Palmer - Aye

Commissioner Fralish - Aye

Chairman Farrar - Aye

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

2. **Public Hearing:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.

Chairman Farrar commented all the Ordinances proposed on the Agenda tonight are all circled on one issue, accessory buildings. He continued, a few of these reasons are for allowing more property rights, freedoms, and clearing up restrictive ordinances. For example, there is a resident that has been here 35 years on RE-1 zoning. The current ordinance only allows a 650 sq ft shop. That is ridiculous. He wants to put up a 2500 sq foot shop. The agenda for tonight is loosening up these ordinances.

Chairman Farrar opened the public hearing.

Stewart Riding, 1456 N Mt Zion Dr. He is strongly in favor of this. He moved here 8 years ago and has a lot of things that need to be out of the weather. Currently he has a non-conforming building and is strongly in favor.

Rich Ososki, 1024 W Little Pinion Way. After all administrations this one really takes the cake. On the changes, metal building was struck out and going with conditional use. Discussed the restrictiveness with Chairman Farrar.

Linda Noyes, 2846 N Purple Sage Rd. She commented about Facebook and is glad that the tool is utilized. She discussed a previous applicant that had come before Planning Commission. Chairman Farrar discussed how unreasonable this ordinance is.

Annie Spendlove, 1260 E 2000 S. She commented that rural in Apple Valley is a homestead. Homestead space on 1-acre rural estate zone, for your 2500 sq ft house that would cap building at 1250 sq ft. She had read through ordinance and discussed different items that would need for a homesteader on 1 acre and realized that we don't have that available in the current restrictive ordinance. It is nice to have the option for storage. If someone wants to bring horses and have up here why getting ready to build, she believes it should be allowed and encouraged. This is how you support a rural lifestyle in Apple Valley. She discussed being able to put infrastructure in.

Margaret Ososki, 1024 W Little Pinion Way. She discussed horse corrals being 2400 sq ft. She doesn't agree with having animals on vacant lots. She asked on F on width and bottom of graph that there be added no more than one primary home on a property.

Dewaine Stock, 1533 N Rome Way. He commented on the application that had gone before the Planning Commission previously, it is not that they were disagreeing with attaching but it was unreasonable to ask. Why would we want to attach to a 1987 double wide. This building would only be for tractors and backhoes. He has every right to put this on his property. The other structures on the property only take up 55% of the backyard. No one should have to put up with these restrictions.

Joanie Moses, 2888 N Foothill Dr. Her husband and her came looking through the area looking for property 4 1/2 years ago. Gooseberry is different, the yards are nicely maintained. The property looks like some place we like to live and without enforcement it's a sad thing.

Guy Barlow, AV-1365-E. He recently purchased property to establish home base for his family. He can't build a home right now but wants to be able to get things started. He agrees with the change and strongly supports it. It takes 10 years to get 10 year old tree. Why wait for building permit to get trees started.

Stewart Riding, 1456 N Mt Zion Dr. He understands about certain environments but why would you want to impose those rules.

Tish Lisonbee, 1386 N Mt Zion Dr. When building their house, they couldn't build the barn first and had to do zone change to accommodate what they wanted. Wholeheartedly supports changes.

Chairman Farrar closed the public hearing.

3. Discussion and Action: Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2023-15.

Chairman Farrar proposed on page 2 item 10 b. (c.) delete the word twenty, should be 30 (thirty) as already in ordinance. Number 11. metal building should not be eliminated. On page 3 proposed maximum size accessory building total maximum size of all accessory buildings. 10,000 square feet for one acre, 20,000 for two and a half, 40,000 for five and if you have 10, 20 or x amount of acres or more we don't need to regulate that. Also add total max for all shipping containers, 1 acre is 1,500 square feet, 2.5 acres is 2,000 square feet, 5 acres is 3,500 square feet, and if you have 10 acres or more, we don't need to be involved in any of that. Proposed changes. (Attachment A)

Commissioners discussed amongst. Garth Hood discussed rural feel as such leniency is more. Homesteading lots were discussed. We have the room to do it. Commissioner Fralish discussed shipping containers being high he would rather see more buildings. Commissioner Palmer agreed and so does Commissioner Farrar. Commissioner Farrar wants less restrictions but feels this is a good balance between less and more restrictions.

MOTION: Commissioner Hood motioned that we recommend implementation for the changes listed here that we talked about, so we implement those changes on 10.10.050 that would recommend approval.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
 Commissioner Hood - Aye
 Commissioner Palmer - Aye
 Commissioner Fralish - Aye
 Chairman Farrar - Aye

The vote was unanimous and the motion carried.

4. Public Hearing: Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.

Chairman Farrar commented this is what the majority of the people want. He continued, the area of the chart and single family zone, should be a little more restriction. Currently the only single family zoning is in Cedar Point subdivision.

Chairman Farrar opened the public hearing.

Margaret Ososki, 1024 W Little Pinion Way. Is there some reason why you don't have no more than one primary house per lot on the chart matching suit with the previous agenda item.

Chairman Farrar commented will be added.

Planning Department Manager Frank Lindhardt discussed max size and conditional use permit.

Becky Wood, 1331 E Red Sage Ln. She asked if Cedar Point and South Zion Estates are in this zoning.

Annie Spendlove, 1260 E 2000 S. She spoke in favor of conditional use permit to be issued before building permit is issued with homesteading to prepare property ahead of time.

Rich Ososki, 1024 W Little Pinion Way. He commented on a note someone prepping property ahead of time, in some areas there are code. He recommended with grading vacant lots to make conditional use permit.

Planning Department Manager Frank Lindhardt discussed the conditional use process.

Margaret Ososki, 1024 W Little Pinion Way. She asked why we pay for Grama request.

Kevin Sair, 893 Foothill Dr. He lives in Gooseberry and code enforcement is an impossible job in this community. Many projects have been worked on for code enforcement. He discussed fire protection, homesteading, and rooster limitation.

Chairman Farrar closed the public hearing.

5. Discussion and Action: Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2023-19.

Chairman Farrar commented recommendation is a little tighter than rural estate which it should be because it is single family zoning and not rural. We added "No more than one (1) primary home on a property" under the chart/grid. Total Max Size for all shipping containers was added.

Discussed amongst commissioners that they agree with proposed changes. (Attachment B)

MOTION: Commissioner Farrar motioned that we recommend approval to update Title 10.10.060 Single Family Residential Zone, Ordinance-O-2023-19 with the changes in the packet as well as the changes discussed about changes in the packet Jenna has as well as the changes that we discussed about lines 5, 6 as well as adding that "No more than one (1) primary home on a property." (Attachment B)

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
 Commissioner Hood - Aye
 Commissioner Palmer - Aye
 Commissioner Fralish - Aye
 Chairman Farrar - Aye

The vote was unanimous and the motion carried.

6. Public Hearing: Update Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.

Chairman Farrar opened the public hearing.

Rich Ososki, 1024 W Little Pinion Way. He read summary in packet. On Item 3, he wants eliminated out, rear-year and need definition. Discussed set back rule that is the same with all buildings.

Chairman Farrar closed the public hearing.

7. **Discussion and Action:** Update Title 10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones, Ordinance-O-2023-20.

Chairman Farrar recommended to eliminate item A (2) "No attached garages(s) shall be higher than the highest point of the primary building." Item C "fifteen feet (15)" should be changed to "twenty-five feet (25)." Proposed changes. (Attachment C)

MOTION: Commissioner Hood motioned on 10.28.240 that we recommend approval of the changes we've got in the packet, eliminate number two under A "No attached garages(s) shall be higher than the highest point of the primary building." On C, change the height from "fifteen" to "twenty-five feet". And yeah, we'll leave the rest of it there and the regular change it was noted in the packet.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
 Commissioner Hood - Aye
 Commissioner Palmer - Aye
 Commissioner Fralish - Aye
 Chairman Farrar - Aye

The vote was unanimous and the motion carried.

8. **Public Hearing:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.

Chairman Farrar opened the public hearing.

Linda Noyes, 2846 N Purple Sage Rd. She asked since changes of shipping containers if they would become tiny homes.

Rich Ososki, 1024 W Little Pinion Way. He commented on item number 4 and within one year they must be painted and now it has been eliminated. He asked about colors. Discussed anything over 200 sq. feet needs a building permit.

Chairman Farrar closed the public hearing.

9. **Discussion and Action:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21.

Chairman Farrar proposed to add under J (1) "No Shipping containers shall be stacked." Proposed changes. (Attachment D)

MOTION: Commissioner Farrar motioned that we recommend approval of the update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-21 with the addition that we add in a section saying "No shipping containers shall be stacked" under J(1).

SECOND: The motion was seconded by Commissioner Hood.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Hood - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye

The vote was unanimous and the motion carried.

Meeting was adjourned at 7:39 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Michael Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo

restrictions:

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

~~11. Metal building.~~

SHOULD NOT BE ELIMINATED.

C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:

1. Assisted living facility (RE-5, RE-10, RE-20, RE-X only)
2. Accessory use and buildings before a building permit is issued.
3. Raising of crops, gardens, and horticulture before a building permit is issued.
4. The keeping of animals and fowl for family food production, but not for commercial use before a building permit is issued.

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

planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.

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

F. Minimum Area, Width, and Yard Regulations

District	Area	<u>Lot Width</u> in Feet	Yard Setbacks in Feet for Primary Residence			<u>TOTAL</u> <u>Maximum</u> <u>Size of</u>	<u>Maximum</u> <u>Building</u> <u>Coverage</u>	<u>TOTAL</u> <u>MAX</u> <u>SIZE</u> <u>FOR ALL</u> <u>SHIPPING</u> <u>CONTAINERS</u>
	<u>Minimum</u>	<u>Minimum</u>	Front	Side	Rear	<u>ALL</u> <u>Accessory</u> <u>Building</u>	<u>On lot (see</u> <u>10.28.240</u> <u>D)</u>	
RE-1.0	1.0 acre	100	25	10	10	10,000	50%	1,500
RE-2.5	2.5 acres	150	25	25	25	20,000	50%	2,000
RE-5.0	5.0 acres	200	25	25	25	40,000	50%	3,500
RE-10.0	10.0 acres	300	25	25	25	—	50%	—
Re-20.0	20.0 acres	400	25	25	25	—	50%	—
RE-X	**Any Size	400	25	25	25	—	50%	—

** No more than one (1) Primary home on a property.

G. Modifying Regulations:

- Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10) feet on interior lot lines.
- Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/ housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than thirty (30) feet to main dwelling.
- Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
- All lighting shall comply with AVL 10.26 Outdoor Lighting Ordinance.
- Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to

provided in subsection 10-7-180-E4 of this title.

- D. Height Regulations: No building shall be erected to a height greater than thirty five (35'). No accessory building shall be erected to a height greater than twenty five (25') feet, unless a conditional permit has been obtained.

E. Area Width and Yard Regulations:

District	Area	<u>Lot</u> Width in Feet	<u>Setbacks for</u> Yards in Feet			<u>TOTAL</u> <u>Maximum</u> <u>Size of</u>	<u>Maximum</u> <u>Building</u> <u>Coverage</u>
	Minimum	<u>Minimum</u>	Front	Side	Rear	<u>ALL</u> <u>Accessory</u> <u>Building</u>	<u>On lot (see</u> <u>note 10 &</u> <u>10.28.240D)</u>
SF-.50	20,000 sq. ft.	80	25	10	10	3,000	50%
SF-1.0	40,000 sq. ft.	80	25	10	10	8,000	50%
SF-2.5	2.5 acres	150	25	25	25	15,000	50%
SF-5.0	5.0 acres	200	25	25	25	25,000	50%
SF-10.0	10.0 acres	300	25	25	25	40,000	50%

TOTAL
MAX SIZE
FOR ALL
SHIPPING
CONTAINERS

700

1,100

1,500

2,000

5,000

*** No more than (1) Primary home on a property.

F. Modifying Regulations:

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

APPLE VALLEY ORDINANCE O-2023-20

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

SECTION 1: **AMENDMENT** "10.28.240 Limitations On Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones" of the Apple Valley Land Use is hereby *amended* as follows:

AMENDMENT

10.28.240 Limitations On Lot Use, Height, Size And Location Of Garages And Other Accessory Buildings In Residential Zones

In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

A. Maximum Garage Height:

1. No detached garage shall be higher than twenty-five feet , measured from finish grade to the highest point of its roof,
2. No attached garage(s) shall be higher than the highest point of the primary building.

~~B. Number Of Garages: A maximum of two attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit.~~

C. Maximum Accessory Building Height: No accessory building, with the exception of detached garages, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finished grade, unless a higher finished grade is required by the city for proper drainage, in which case, it will be measured from the finished grade, or a conditional use permit has been obtained.

D. Size, Lot Coverage, Location and Construction of Attached and Detached Garages and other Accessory Buildings in Residential Zones:

- ~~1. The total square footage of any attached garage(s) and non-living space shall not be greater than one hundred (100%) of the square footage of the primary structure, excluding the attached garage(s).~~
- ~~2. The total square footage of any detached garage or other accessory building, including agricultural use accessory buildings, shall not be greater than fifty percent (50%) of the square footage of the primary structure, including the attached garage(s). Note: Bonus/loft space located in the attic areas of detached garages shall be included in the total square footage.~~
3. The cumulative total square footage of the home, any attached garage(s), detached garage, and all other accessory buildings, including agricultural use

1. NO SHIPPING CONTAINERS
SHALL BE STACKED

- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials and be of similar or contrasting color.
- 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. No shipping container, cargo container, shipping crate, box, trailer or similar piece of equipment or object shall be used as an accessory building, unless said container meets the requirements of this section.

~~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

When Recorded Return To:
 Town of Apple Valley
 1777 N. Meadowlark Dr
 Apple Valley, UT 84737

Parcel ID#: _____

Legal Description: _____

Acknowledgement, Waiver and Release

In consideration of the agreement by the Town of Apple Valley to issue the undersigned property owner a building permit for the construction of a home, structure or other improvement upon the real property described below, the undersigned acknowledges, covenants, and agrees as follows:

1. I am aware that subsurface water, high groundwater, unstable soil conditions, or other geological hazards have been found to exist in areas of the Town of Apple Valley, which may include the property described below.
2. I acknowledge that I have obtained or have been advised by the Town of Apple Valley to obtain from a competent engineer a geotechnical report which analyzes subsurface water, groundwater and soil conditions on my property described below.
3. I acknowledge that it is my responsibility to cause the construction of my structure to be completed in strict compliance with the recommendations of any such geotechnical report, and I understand and agree that the inspections performed by the Town of Apple Valley will not include inspection for compliance with said geotechnical report.
4. I understand and assume all risk and responsibility for any damages to, diminution in value of, or payment of all costs and expenses for maintenance, repair or replacement of any home, structure or other improvement constructed on the property.
5. In view of the foregoing, I agree on behalf of myself, my heirs, successors and assigns to waive any and all claims as against the Town of Apple Valley, and, further, do hereby release said Town from any and all liability for damages to, diminution in value of, and payment of all costs and expenses for maintenance, repair or replacement of any home, structure or improvement which is in any way attributable to subsurface water, groundwater, unstable soil conditions and/or any other geological hazards upon or under the property described below, or by reason of my own or my agent's or contractor's violation of any applicable laws, ordinance, or town standards.

The covenants and agreements herein made shall run with the land and shall be binding upon the heirs, successors, and assigns of the undersigned.

THE REAL PROPERTY AFFECTED BY THIS AGREEMENT IS DESCRIBED AS:

Address: _____

Subdivision: _____ Phase: _____ Lot: _____

DATE: _____

 Property Owner Signature

 Please Print

 Property Owner Signature

 Please Print

STATE OF UTAH)
)§
 COUNTY OF WASHINGTON)

On the ____ day of _____, 20____, personally appeared before me _____,
 the signer(s) of foregoing instrument, who did say that he/she/they is/are the owner(s) of the above-described property and that
 he/she/they has/have signed the foregoing instrument for the reasons stated therein.

 Notary Public

**APPLE VALLEY
ORDINANCE O-2023-23**

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

SECTION 1: **AMENDMENT** “10.07.130 Building Permit” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.07.130 Building Permit

A. Purpose. This section sets forth procedures for determining zoning compliance of a building permit application. B. Authority. The Zoning Administrator is authorized to review building permits for zoning compliance as provided in this section. C. Initiation. Any person may apply for a building permit as provided in the building codes adopted by the Town. D. Procedure. A building permit application shall be reviewed for zoning compliance as provided in this subsection.

1. A complete building permit application shall be submitted to the Building Official in a form established by the Building Official along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any; and b. A plot plan showing the following:

(1) Applicant's name; (2) Site address; (3) Property boundaries and dimensions; (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and (5) Adjoining property lines and uses within 100 feet of the subject property.

2. After the application is determined to be complete, the Building Official shall transmit the application to the Zoning Administrator. The Zoning Administrator shall approve, approve with conditions, or deny the zoning compliance request pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permit to approval standards. 3. After making a decision, the Zoning Administrator shall give the Building Official written notice of the zoning compliance decision. 4. A record of all zoning compliance reviews shall be maintained in the office of the Building Official.

E. Approval standards. The following standards shall apply to determine zoning compliance of a building permit application:

1. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform to applicable provisions of this title and any applicable conditions of approval required under a permit applicable to the subject property. 2. No building permit shall be issued unless the property or lot for which the building permit is to be issued fronts a dedicated street which meets the width requirement specified by this Code and has been improved according to Town standards, except where a variance has been approved by the Appeals Board, or as follows:

a. In the event that property for which a building permit is sought fronts a dedicated street which requires additional footage on each side of the street in order to meet the width requirements of the road master plan or official map, a building permit may be issued if one-half of the additional footage is dedicated by the owner of said property for use by the public as a Town street. b. In lieu of requiring completion of all improvements to a dedicated Town street prior to the issuance of a building permit, a building permit may be issued if:

(1) The road is traversable by normal vehicular traffic, including law enforcement, fire and other emergency vehicles; and (2) A written agreement is executed by the owner of the property for which the building permit is to be issued, stating the owner will deposit with the Town an amount equal to the cost of improving the street frontage of the owner's lot before receiving a certificate of occupancy for which the permit is issued. At the option of the Town, the owner could, in lieu of paying for or installing the missing improvements, sign an Improvement Delay Agreement to promise to pay for or install the missing improvements at a future date, if requested to do so by the Town. Said agreement shall be recorded at the County Recorder's office.

F. A written agreement is executed by the owner of the property for which the building permit is to be issued, stating an understanding of awareness, risks, and responsibility of geological hazards, and a waiver and release of claims against the Town.

~~G.F.~~ Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding zoning compliance of a building permit may appeal to the Appeals Board in accordance with the provisions of section 10.07.090 of this chapter. ~~H.G.~~ Effect of approval. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process. The requirements of this section shall be in addition to any other requirements for the issuance of a building permit, as contained in this Code. ~~I.H.~~ Amendments. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this section. ~~J.I.~~ Expiration. A building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within the time provided by the building code adopted by the Town.

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 May 17, 2023.

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-2023-24**

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

SECTION 1: **AMENDMENT** “10.02.070 Site Plan Required” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.02.070 Site Plan Required

A detailed site plan, drawn to scale, shall be filed as a part of any application prior to consideration for any building permit. The site plan shall show, where pertinent:

1. Scale used.
2. Direction of north point
3. Lot lines, adjacent streets or rights of way, easements, etc.
4. Location of all existing structures on the property, including driveway entrances, utility poles, etc.
5. Location of the proposed construction and improvements, including setbacks, location and dimensions of signs, location of garbage receptacles, fences, retaining walls, all easements, on-site detention and retention storage facilities, etc.
6. Motor vehicle access, including individual parking stalls, circulation patterns, curb and gutter and sidewalk locations.
7. Any necessary explanatory notes.
8. Name, address and telephone number of building contractor and owner.
9. All other information that may be required as may be determined by the building inspector.

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.

EFFECTIVE DATE This Ordinance shall be in full force and effect from May 17, 2023.

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-2023-25**

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

SECTION 1: **AMENDMENT** “10.02.170 Completion Of Improvements” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.02.170 Completion Of Improvements

1. No building permit will be issued until the subject lot has received will serve letters for water, power, and sewer.
2. Required site improvements such as pavement for parking areas, curb and gutter, privacy walls, storm drainage, culverts, borrow ditches, easement encroachments and all other required improvements, shall be completed prior to the issuance of a certificate of occupancy. In the event that improvements or easement encroachments cannot be completed prior to receiving said certificate, due to weather conditions or other unusual circumstances, a financial guarantee in the form of a cashier's check, cash, letter of credit or other financial guarantee acceptable to the town, shall be provided to the town guaranteeing that such required improvements will be fully completed as required.

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 May 17, 2023.

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