



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 03, 2023 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, May 03, 2023 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

- [1.](#) Update Title 10.07.130 Building Permit, Ordinance-O-2023-23.
- [2.](#) Update Title 10.02.070 Site Plan Required, Ordinance-O-2023-24.
- [3.](#) Update Title 10.02.170 Completion Of Improvements, Ordinance-O-2023-25.

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 19th day of April, 2023.

Dated this 19th day of April, 2023

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.

**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, fences, retaining walls, all easements, on-site detention and retention storage facilities; 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

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-2023-24**

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.

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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.

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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