



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, April 07, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Thursday, April 07, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chair | Allen Angell

Commissioners | Richard Fischer | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte

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/83281742706>

If the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 832 8174 2706

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

CONSENT AGENDA

1. Sunrise Engineering to present the results of the survey of residents regarding the General Plan.
2. Re: Application to appear before the PC to discuss building codes, conditional use permit; applicant: Dewaine Stock.

APPROVAL OF MINUTES

3. Minutes: March 21, 2022
4. Minutes: February 3, 2022
5. Minutes: January 20, 2022
6. Minutes: December 1, 2021
7. Minutes: September 1, 2021

HEARING ON THE FOLLOWING

8. Update 10.10.030- Remove Cabins, RV Park or RV Resort and Tiny Home Park.
9. Update 10.28.190 Curbs, Gutters, Sidewalks & Road Improvements.
10. Update 11.02.090 Final Plat Approval Process.
11. Update 11.02.100 Final Plat Requirements.
12. Update 11.02.180 Penalty; Validity & Restrictions.
13. Update 11.08.020 Waste Disposal Systems.

14. Update 11.08.080 Water.
15. Update 11.08.030 Storm Drainage Requirements.
16. Update 11.12.020 Design Standards.

DISCUSSION AND POSSIBLE ACTION ITEMS

- [17.](#) Discussion and possible action 10.10.030- Remove Cabins, RV Park or RV Resort and Tiny Home Park.-O-2022-02.
- [18.](#) Discussion and possible action 10.28.190 Curbs, Gutters, Sidewalks & Road Improvements.--O-2022-03.
- [19.](#) Discussion and possible action 11.02.090 Final Plat Approval Process.--O-2022-04.
- [20.](#) Discussion and possible action 11.02.100 Final Plat Requirements.--O-2022-05.
- [21.](#) Discussion and possible action 11.02.180 Penalty; Validity & Restrictions.--O-2022-06.
- [22.](#) Discussion and possible action 11.08.020 Waste Disposal Systems.O-2022-07.
- [23.](#) Discussion and possible action 11.08.030 Storm Drainage Requirements.--O-2022-08.
- [24.](#) Discussion and possible action 11.08.080 Water.--O-2022-09.
- [25.](#) Discussion and possible action 11.12.020 Design Standards.--O-2022-10.

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 on 3/22/2022, updated 3/29/2022 and 3/31/2022.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.



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

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear 4/7/22
 Paperwork returned by Mandi Olsen (Date) 3/31/22
 Name of Applicant: Dewaine Stock / Dakota Olsen
 Site Location: 1533 N. Apple Valley (AV-AVR-2-69)
 Mailing Address: 355 E. 600 N
Hurricane, UT, 84737
 Phone: 435-669-3072
 Purpose of Request: Discuss building codes, conditional
Use permit.

Mandi Olsen
 Applicant Signature

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

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

 Planning Commission Chairman

 Date

 City Administration

 Date



APPLE VALLEY PLANNING COMMISSION WORK MEETING

1777 N Meadowlark Dr, Apple Valley
Monday, March 21, 2022 at 6:00 PM

MINUTES

Chair | Allen Angell

Commissioners | Richard Fischer | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte

Clerk-Recorder | Jenna Vizcardo

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Angell called meeting to order at 6:00pm

PRESENT

Chair Allen Angell

Commissioner Lee Fralish

Commissioner Forest Kuehne

ABSENT

Commissioner Richard Fischer

Commissioner Jeri Burhorn-Politte

CONFLICT OF INTEREST DISCLOSURES- None

DISCUSSION AND POSSIBLE ACTION ITEMS

1. Discussion of Land Use Ordinance Items for future meeting agendas

Allen Angell: Purpose: process of cleaning up ordinances. Collect things that need to be addressed.

Lee Fralish makes comment about Hurricane City Standards Roads.

Angell: Next meeting agenda for May larger addition to ordinance packet, we have added clarity of applicant requirements.

Angell:

Future meeting to work on for May

1. Language to create ordinance for approved construction hours.

2. Administrative and Development Review Procedures updating applications and creating ordinances.

3. Surplus property future discussion

4. Tangible to responsibilities language that describes planning documents. What is the responsibility of the town in regards to planning documents.

Discussion about General Plan.

April Meeting

5 Addressing Tourist Commercial Zone- RV/Tiny Parks/Cabin. Remove RV/Tiny Parks/Cabin out of C-2 and C-3. for ordinance for April meeting.

Discussion about campgrounds.

10.10.030 Strike Cabins, RV Park or RV Resort- Transient tourist use and Tiny Home Park- transient use.

10.10.100 and .110 leave as is

April Meeting

10.28.190 Curb Gutter update language that makes it clear letter of no opposition shall be required.

11.02.090 Final Plat discussion, the final plat approval add wording

11.02.100 Changes to final plat requirements. (see section 11-02-090 at the end.)

11.02.180 Restrictions about penalty about illegality subdividing lots.

11.08.020 waste disposal systems Letter from Sewer District for subdivision.

11.08.080 Water addition

11.08.030 Storm drainage requirements

11.12.020 Design standards add private streets and gated community

Discussion about possibility of another work meeting and updating affidavit form.

May List-

Ask Staff for simple ordinance hours for construction.

ADJOURNMENT

Meeting adjourned 7:40 pm.

Motion made by Commissioner Fralish, Seconded by Chair Angell.

Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Kuehne

Date Approved: _____

Approved By: _____

Chair | Allen Angell

Attest By: _____

Clerk-Recorder | Jenna Vizcardo



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, February 03, 2022 at 6:00 PM

MINUTES

Chair | Allen Angell

Commissioners | Richard Fischer | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Meeting was called to order at 6:11pm.

PRESENT

Chair Allen Angell

Commissioner Lee Fralish

Commissioner Richard Fischer

Commissioner Forest Kuehne

Commissioner Jeri Burhorn-Politte

CONFLICT OF INTEREST DISCLOSURES-NONE

APPROVAL OF MINUTES

1. MINS: 1.20.22

Table for next meeting until edits are completed

HEARING ON THE FOLLOWING

2. Update Title 10

Section 10.10.060 Area width and yard Regulations. Add the word Minimum to chart, under Area.

Section 10.10.030 Commercial Zones. Eliminating the Tourist Commercial Zone as everything in this zone is already covered in our other commercial zones, tiny Home Park or RV Park zones.

Section 28 pertaining to:

B. 10.28.200 Dumping, Storing or Disposal

C. 10.28.240 Limitations on Steel building as home

D. 10.28.260 Delete section Accessory dwelling units for an owner or employee

E. 10.28.270 Guesthouse or Casita.

F. 10.28.280 Time Restrictions on completion of exterior of new construction.

G. 10.28.290 Building permit expiration and Renewal.

H. 10.28.300 Storm water mitigation and detention required.

Frank Lindhardt makes comment about the reason why we are updating. Building code will changed. Things to make things better in Apple Valley.

Allen Angel makes comment about providing more clarity.

Rich Kopp resident makes comment about time restrictions, would like time restrictions that include fines, and help mitigate problems.

Margaret Ososki- makes comment about Agenda

Anthus Barlow- makes comment about 10.28.260 makes comment about not deleting that and comment about acreage.

margaret Ososki Comment to makes urge we don't end up with industrial building in residential

3. Update Title 11

2. Updates to Title 11.08.040

We are changing the power of the mayor to only be able to subdivide land that creates one (1) new lot under limited conditions, instead of up to 10 lots, without going through the Planning Commission and Town Council.

3. Updates to Title 11.08.

A. Amending street design standards to match Hurricane City adding Rural Roads to our standards.

B. Adding the requirement for sidewalk on certain road standards to correspond with our Town Design Standards.

C. Changes to 11.02.120 Subdividers Agreement. Added language to protect the Town from legal fees.

D. Added a section to 11.02.100 Adding an agreement between Land Owners and Town of Apple Valley that if a lawsuit is initiated, the losers pay both sides.

Frank Lindhardt makes comment that Mayor can only do lot splits in order to sub divide. Adding street standards. Current standards every subdivision to have curb/gutter and sidewalk. Design standards match to title 11. There is over 1200 planned lots in the works. Suggestion to streamline our growth for safety. Clause to run by Attorney that if you sue

Jason Graham makes comment about why Frank has been wrong and personal issue with Frank.

Linda Noyes- Resident makes comment about one acre lots

Rich Kopp makes comment about how he

Public hearing Closed

4. Amend Master Road plan for:

- A. Bubbling Wells area
- B. Wildcat Road across from Cedar Point.
- C. Move online master road map to its own area online

Anthus Barlow asks about where the proposed plan is for. Establish with DOT. Was in favor

Public Hearing closed

Public hearing re-opened

Tish Lisonbee on zoom made comment and asked about amending the master plan.

Public hearing closed

5. Add a summary of Town Development and building policies to help developers learn how to develop in Apple Valley.

Anthus Barlow development policies is a great idea. Feels great idea for a flow chart. Forrest mentions Kanab has a flow chart.

Tricia Anderson makes comment about Hurricane's ease of building permit.

6. Adopting Typical Street Cross Sections (PDF). Check them out here:
<https://www.cityofhurricane.com/163/City-Design-Standards>

DISCUSSION AND POSSIBLE ACTION ITEMS

7. Update Title 10

Section 10.10.060 Area width and yard Regulations. Add the word Minimum to chart, under Area.

Section 10.10.030 Commercial Zones. Eliminating the Tourist Commercial Zone as everything in this zone is already covered in our other commercial zones, tiny Home Park or RV Park zones.

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E. 10.28.270 Guesthouse or Casita.

F. 10.28.280 Time Restrictions on completion of exterior of new construction.

G. 10.28.290 Building permit expiration and Renewal.

H. 10.28.300 Storm water mitigation and detention required.

10.10.030 Commercial Zones. Eliminating the Tourist Commercial Zone as everything in this zone is already covered in our other commercial zones, tiny Home Park or RV Park zones.

10.28.260 Delete section Accessory dwelling units for an owner or employee

10.28.270 Accessory dwelling units. Detached.

Conversation with Allen and Frank about having the Cabin Home zone moved into the commercial zone.

Note for agenda discussion and possible action add RV/cabin into commercial zone.

10.28.240 has been tabled

10.28.280 adding no certificate of occupancy permit until the building meets these requirements.

10.28.300 Storm water mitigation and detention required.

10.28.310 With the exception of soil tests for Grading and grubbing of vacant lots.

10.28.320 tabled

Motion to make 10.28.240 and 10.28.320 table

Motion to approve the changes discussed.

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Kuehne.

Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

8. Update Title 11

2. Updates to Title 11.08.040

We are changing the power of the mayor to only be able to subdivide land that creates one (1) new lot under limited conditions, instead of up to 10 lots, without going through the Planning Commission and Town Council.

3. Updates to Title 11.08.

A. Amending street design standards to match Hurricane City adding Rural Roads to our standards.

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C. Changes to 11.02.120 Subdividers Agreement. Added language to protect the Town from legal fees.

D. Added a section to 11.02.100 Adding an agreement between Land Owners and Town of Apple Valley that if a lawsuit is initiated, the losers pay both sides.

Updates to Title 11.02.040

We are changing the power of the mayor to only be able to subdivide land that creates one (1) new lot under limited conditions, instead of up to 10 lots, without going through the Planning Commission and Town Council.

Updates to Title 11.08.

A. Amending street design standards to match Hurricane City adding Rural Roads to our standards.

B. Adding the requirement for sidewalk on certain road standards to correspond with our Town Design Standards.

In Rural estates or single family. change to not have curb/gutter possibly.

Motion to approve the changes discussed.

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
 Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne,
 Commissioner Burhorn-Politte

9. Amend Master Road plan for:

- A. Bubbling Wells area
- B. Wildcat Road across from Cedar Point.
- C. Move online master road map to its own area online

Amend Master Road plan for:

Bubbling Wells area
 Wildcat Road across from Cedar Point.
 Move online master road map to its own area online

Ask Staff to move master road plan to more noticeable are on the website

Motion made by Commissioner Kuehne, Seconded by Commissioner Fralish.
 Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne,
 Commissioner Burhorn-Politte

10. Add a summary of Town Development and building policies to help developers learn how to develop in Apple Valley.

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
 Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne,
 Commissioner Burhorn-Politte

11. Adopting Typical Street Cross Sections (PDF). Check them out here:
<https://www.cityofhurricane.com/163/City-Design-Standards>

Motion made by Commissioner Fischer, Seconded by Commissioner Burhorn-Politte.
 Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne,
 Commissioner Burhorn-Politte

ADJOURNMENT

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
 Voting Yea: Chair Angell, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

Date Approved: _____

 Chair | Allen Angell

Attest By: _____

Jenna Vizcardo, Recorder



SPECIAL PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, January 20, 2022 at 6:00 PM

MINUTES- REVISED

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Thursday, January 20, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chair | Allen Angell

Commissioners | Richard Fischer | Lee Fralish | Forrest Kuehne | Jeri-Burhorn Politte

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Allen called meeting to order at 6:00pm

PRESENT

Chair Allen Angel

Commissioner Lee Fralish

Commissioner Richard Fischer

Commissioner Forest Kuehne

Commissioner Jeri Burhorn-Politte

CONFLICT OF INTEREST DISCLOSURES

None declared.

APPROVAL OF MINUTES

1. MINS: 12.01.2021

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Kuehne. to approve

MINS: 12.01.2021

Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

Motion carries.

DISCUSSION AND POSSIBLE ACTION ITEMS

2. Discussion and possible action on Nomination and election of chairperson.

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish. to appoint Allen Angel action on Nomination and election of chairperson.

Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

Motion carries.

3. Discussion and possible action on Nomination and election of vice-chairperson.

Motion made by Commissioner Kuehne, Seconded by Chair Angel. on Discussion and possible action on Nomination and election of vice-chairperson for Jeri Burhorn-Politte.

Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

Motion to carries.

4. Discussion and possible action on Introduction of Land Use 101 online course.
Discussion of attending this online course at a meeting of the Planning Commission in February or March. <https://extensioncourses.usu.edu/product/land-use-101-powers-and-duties/>
Conversation took place about scheduling this 2nd week in March for taking course in a work meeting.
Nothing to vote on-more for information.
Allen Angel makes comment to be on the lookout for additional training to satisfy the 4 hours of continuing education that is required.
5. Discussion and possible action on AV-1366-D-1. Zoning change application continued from December meeting. Owner Zion Tiny Homes Matt Jessop.
Allen Angel reads staff report that is part of the agenda packet on page 26.
Motion for denial recommended to the Town Council, needed application corrections were not made.
Motion made by Commissioner Kuehne, Seconded by Commissioner Burhorn-Politte.
Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte
Motion carries.
6. Discussion and possible action on AV-1318. Zoning change application continued from December meeting. Owner Nancy Bradshaw Tr. Applicant Travis Holm.
Allen Angel reads staff report that is part of the agenda packet on page 33.
Motion made to recommend denial to the Town Council for ownership questions, General Plan questions and lack of services.
Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Fralish.
Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte
Motion carries.
7. Discussion and possible action AV-2184 & AV-2165. Zoning change application continued from December meeting. Owner: Ciel Holding LLC & Colony Partners LLC. Application by Travis Holm.
Allen Angel reads staff report that is part of the agenda packet on page 42.
Motion made to recommend denial to the Town Council for ownership questions, General Plan questions and lack of services.
Motion made by Commissioner Kuehne, Seconded by Commissioner Fralish.
Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte
Motion carries.
8. Discussion and possible action on AV-1343-A-1. Zoning change application continued from December meeting. Owner: TLW Investments, Travis & Libby Wells. Agent Alliance Consulting.
Allen Angel reads staff report that is part of the agenda packet on page 64.
Agent Robert Jensen makes comment for zoning focused on the land use code 10.10. Speaks about zone change being harmonious with general plan and meets minimum requirements. Conversation took place. Made comment about Preliminary plat addressing the subdivision 11.2.

Motion made to recommend denial to Town Council for larger lots, no access and inadequate services.

Motion made by Commissioner Kuehne, Seconded by Commissioner Burhorn-Politte.

Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Kuehne, Commissioner Burhorn-Politte

Voting Nay: Commissioner Fischer

Motion passes.

9. Discussion and possible action on AV-1329. Zoning Change application continued from December meeting. Owner: TLW Investments, Travis & Libby Wells, Agent Alliance Consulting.

Allen Angel reads staff report that is part of the Agenda packet on page 80.

Agent Robert Jensen makes comment about the ownership issue.

Forrest Kuehne asks question about ownership and was clarified.

Richard Fischer asks about if they are open to a different density possibly RE-2.5 and Jeri Burhorn-Politte makes comment about 5 acres being harmonious.

Allen Angel comments about servicing this property with utilities and the fact that there are no roads to access.

Motion to recommend denial to the Town Council for parcel history, ownership, larger lots, and infrastructure concerns.

Motion made by Commissioner Burhorn-Politte, Seconded by Commissioner Kuehne.

Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

Motion carries.

10. Discussion and possible action on AV-1319-A. Preliminary Plat application continued from December meeting. Owner: Was 2000 Main LLC now its KDLR LLC & K&D Family LLC. Agent: Was Stout Holm, now the owner.

Allen Angel reads staff report that is part of the agenda packet on page 89.

Fees to apply to new application/owner if a new application for preliminary plat application is received with 6 months.

Motion to recommend denial to the Town Council for ownership reasons; application fee waived to the new owners for 6 months.

Motion made by Commissioner Kuehne, Seconded by Commissioner Fralish.

Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner Burhorn-Politte

Motion carries.

11. Discussion and possible action on AV-1325, AV-1326, AV-1327, AV-1345, AV-1346 & AV-1348-A. Preliminary Plat application continued from December meeting. Owner: Was 2000 Main LLC, now its KDLR LLC & K&D Family LLC. Agent was Travis Holm, now owner.

Forrest makes correction to remove AV-1325 which was error, all the other parcel numbers are correct.

Motion to recommend denial to the Town Council for ownership reasons; application fee waived to the new owners for 6 months.

Motion made by Commissioner Kuehne, Seconded by Commissioner Fischer.
Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne,
Commissioner Burhorn-Politte.

Motion carries.

ADJOURNMENT

Motion made by Commissioner Fralish, Seconded by Chair Angel.
Voting Yea: Chair Angel, Commissioner Fralish, Commissioner Fischer, Commissioner Kuehne, Commissioner
Burhorn-Politte

Date Approved: _____

Chair | Allen Angell

Attest BY: _____

Jenna Vizcardo, Town Clerk



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 01, 2021 at 6:00 PM

APPROVED MINUTES, REVISED

Chair | Allen Angell

Commissioners | Janet Prentice | Richard Fischer | Lee Fralish | Wenn Jorgensen

Clerk | Jenna

Chair Angel CALL TO ORDER – ROLL CALL & PLEDGE OF ALLEGIENCE

All Planning Commissioners present

Allen Angell- Present
Janet Prentice- Present
Richard Fischer-Present
Lee Fralish-Present
Wenn Jorgensen-Present

Statement made by Chair Angell to remove item 13. Dayton Hall (Town Attorney) recommended to wait and discuss at that time since it was posted that way.

Chair Angell reads statement of a Republic. He states that we have a microcosm of a Republic here and our allegiance is to this Republic of Apple Valley; the planning commission in particular represents the town. We're going to be looking at quite a few applications from people who wish to bring change to Apple Valley

1. Chair Angell states: Application for a zone change tells the applicant what criteria we will use to determine if the request is in the best interest of our Republic. These are the criteria we are going to use to determine our recommendations. Proposed Amendments need to be consistent with goals, objectives, and policies of the town's General Plan. A copy of the General Plan can be found on the town's website. Encourages citizens to review plan. Plans to review General Plan with lots of input from as many of the town citizens as possible.
 - a. Chair Angell reads from General Plan regarding Residential development
 - b. Reads General Plan and lists 4 requirements that are needed to approve a Proposed Amendment.

Chair Angell states: 2 minute time period on Public Opinion.

Chair Angell asks town staff to provide receipts showing the amount and date of application fees for the applicants in front of them this evening. He had requested this information on November 24th, 1 week ago. Asks Mayor Beddo if the planning commission provides the town with a 10 minute recess, would the town get that information for him. Mayor Beddo states that the fees are private. Chair Angell states that the town cannot process a zone process verification application if we can't verify that that fee has been paid. Clerk Jenna said that she can give him the information tomorrow. Chair Angell said he would give Clerk Jenna to the end of the public meeting to get that information. Stresses need to follow formula of application. The very first thing is a checklist verifying that the fees have been paid. Dayton Hall recommendation: When each item comes up on the agenda, have the town clerk to confirm that the receipts have been paid.

Allen Angell made statement that he has asked for assistance by Hurricane City Planning Staff - Frank Lindhart, resident, was asked to help review applications for this meeting based on criteria mentioned earlier.

NO CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

1. **PC Minutes DRAFT 10.06.2021-** Table approval of minutes. Chair Angell asks for updated minutes with motions specifically cited.

HEARING ON THE FOLLOWING

2. **ZONE CHANGE APPLICATION FOR AV-1365-E FROM OPEN SPACE TO RE-10: APPLICANT DENNIS CLARK**

Dennis Clark is not in attendance. Chair Angell asks if there is anyone to represent him. Someone (did not disclose name) states that he wants to build 1 single dwelling house on the property.

Chair Angell opens up public hearing: No Comments

Chair Angell closes public hearing.

Motion: Commissioner Prentice moves to go to item 10. Chair Angell decides to stay in order of agenda since Applicant Dennis Clark is not in attendance.

3. **ZONE CHANGE APPLICATION FOR AV-1329-B FROM OPEN SPACE TO SF-1.0: APPLICANT LADD MACDONALD**

Overview from App: We would like to request zone change to SF-1. States when property was bought 16-17 yrs ago, it was zoned R-1. When the process was started, they realized it was zoned OST. Think that R-1 fits the town and matches the lots nearby and would be a good addition to the town. 62 Acre parcel.

Chair Angell opens up public comment:

Walter Josey 1224 N Rome Way – Asks how many acres are 1 acre zoned and how many acres are the ½ acre.

Chair Angell states that they are all 1 acre lots.

Patty (online) asks about location of parcel.

Commissioner (not sure who it is) responds: Located off Rome Avenue-North of new construction on Rome Ave, past water tank, doesn't go to Main Street but has an easement to Main Street.

Question about infrastructure.

Chair Angell states that questions will be addressed at the end.

Question about how many lots.

Commissioner: 56 lots

Margaret Ososki Pinion Way - If that property is above Wells Property are they going to assist in retention basins.

Chair Angell responds "Good Question"

Chair Angell closes public comment.

4. **ZONE CHANGE FOR AV-1366-D-1 FROM OPEN SPACE TO SF-.25: APPLICANT NORTHERN ENGINEERING (AGENT: BRANT TUTTLE)**

Property is directly 9.2 acres plan patio homes withdrawn single family lots. Need to be at .25 lots for sewer system tying onto main road two accesses Smithsonian Dr.

Brittia Nelson 1396 Cedar this subdivision is high density goes against plan not coherent with existing housing going against our plan.

Hearing Closed.

Read on record- Levi and Jennie Shepherd Questions and Concerns

RE: NOTICE OF PUBLIC HEARING – RE-ZONE REQUEST

Parcel Numbers: AV-1366-D-1

LEVI and JENNIE SHEPHERD QUESTIONS & CONCERNS

- 1) With already constrained water resources, how does Apple Valley plan to support nearly 40 additional Single Family Residential homes?
- 2) How does Apple Plan to Address sewage – With nearly 40 .25 acre lots, how is the development going to manage 40 home's waste septic systems? Can 10 acres handle 40 septic systems without polluting water sources?
- 3) What does this mean for Pacific Power customers who are already relying on a strained power grid that has constant power outages, can the power grid handle an additional 40 Single Family Residential homes?
- 4) What plans does Apple Valley have for water runoff from surrounding fields – is there going to be retention pounds for the property? There is already flooding form the surrounding land when it rains.
- 5) How does Apple Valley plan to keep its community safe and keeping crime at a minimum?
 - a) There is no Sherriff/Police department in close proximity for an additional 40 homes.
 - b) There is no Fire department in close proximity for an additional 40 homes.
 - c) No School zones for children
 - d) Traffic – there is already an abundance of speeders that go 70, 80, 90+ MPH on highway 59
- 6) Apply Valley infrastructure is already struggling to keep up with current growth with already approved communities. How will the city structure itself to handle such rapid growth?
 - a) Strained staffing for basic city functions such as, but not limited to - Water and Sewer, Admin & Finance, Fire department, Roads, Code Enforcement, Building Department, etc.
- 7) Last concern is property values for surrounding homes. Most if not, all sought this place for the large country style lifestyle. With small lot and patio homes what will this do for home values? Appraisers already have a hard time comping homes in the valley.

5. ZONE CHANGE APPLICATION FOR AV-2184 AND AV-2165 FROM OPEN SPACE TO CABIN OR TINY PARKS ZONE AND PLANNED DEVELOPMENT ZONE AND RE-1.0: APPLICANT STANDARD DEVELOPMENT

App: Travis Holm—What we have zone change 889 parcel west side of the valley all land surrounded by gooseberry mesa- majority 1 acre lots some 1 acre.

Margaret: How many cabins? Tiny Homes? Where on the road of 59 or back. Estimate with prelim plat here just for zone change.

6. ZONE CHANGE APPLICATION FOR AV-1343-A-1 FROM OPEN SPACE TO RE-1: APPLICANT TRAVIS AND LIBBY WELLS

Craig with alliance consult representing: This particular parcel 40 acres north off highway southeast East off gas station- Access from North side coming down from Main Street

Josey commented on flood plain control

7. ZONE CHANGE APPLICATION FOR AV-1329 FROM OPEN SPACE TO RE-1 AND SF-1: APPLICANT TRAVIS AND LIBBY WELLS

160 acres requesting RE-1.

No public comments.

8. ZONE CHANGE APPLICATION FOR AV-1313-D-1 FROM AGRICULTURE TO SF-.50: APPLICANT 2000 MAIN LLC

App: Travis Holm—What we have zone change 889 parcel west side of the valley all land surrounded by gooseberry mesa- majority 1 acre lots some 1 acre.

Margaret: where are we getting the water for all these homes?

Brad Mamon 1063 E big pinion In Comment made by resident that didn't announce his information about infrastructure

Jerry Polite made comment on water why are we building.

Travis Holm made comment about water- out situation is different 2300 acre double the amount of The Town of Apple Valley. Unique situation 11 wells 6 more wells willing to connect to city water system.

Closed public hearing.

9. ZONE CHANGE APPLICATION FOR AV-1318 FROM AGRICULTURE TO SF-.50: APPLICANT STANDARD DEVELOPMENT LLC

No public comments

App: Travis Holm—What we have zone change 889 parcel west side of the valley all land surrounded by gooseberry mesa- majority 1 acre lots some 1 acre.

DISCUSSION AND POSSIBLE ACTION ITEMS

10. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1365-E FROM OPEN SPACE TO RE-10: APPLICANT DENNIS CLARK

Frank Lindhardt made comment this application met all criteria

Zone plane rules read from "Hurricane City"

Planning Commission request to appear missing- this is just housekeeping.

Zone Change Rules/Question read by Frank Lindhardt.

Water is to the property and water meter is there- Recommendation approves.

Janet Prentice makes a motion to approve zone change for AV-1365-E from OST to RE-10; forward to the town council as property meets or exceeds the General Plan and all services are available; Wenn Jorgensen second, all voted aye

Motion made by Commissioner Prentice, Seconded by Commissioner Jorgensen.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

**11. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1-3-5-211:
APPLICANT ALLRED HEBER**

136.62 Acres Application fee \$1500. They got zone change recently- zone change clarification is needed. The motion was Allen approved Lienhardt these 3 zones, what when where-deal with preliminary plat

From Application form:

Does this proposed subdivision front a public dedicated road-?

Is letter from adjacent – yes

Letter from BBWD- no

Easement-yes

Waterways-n/a

Average lot size minimum- it does not

Lot size frontage-yes

Property affected hillside ordinances-no

Sidewalks should be included- no road to south

Lots have major arterial- no

Major collector road 85 grade- n/a

Maps marks with street grades- n/a

Is phasing plan-no

Recommendation is to table

Janet Prentice makes a motion to table preliminary plat application for AV-1-3-5-211 until January to allow applicant time to supply missing or incomplete items as discussed and in review, which were...a letter from BPWSSD, easement needs, residential lot size average is too small for zone, roads not stubbed and below standards, needs phase plan, commercial areas needs preliminary site plans and residential needs a revised plat. Janet also mentioned in the motion a request to the town council for them to revisit recent parcel rezoning for clarity; Lee Fralish second, voting audio was unclear except chair declared motion passed

Motion made by Commissioner Prentice, Seconded by Commissioner Fralish.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

12. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1329-B FROM OPEN SPACE TO SF-1.0: APPLICANT LADD MACDONALD

Frank Lindhardt made comment: Applicant confirmed price of \$2044.50

Read the zone change applications one inaccuracy but small of so minor

Zone Changes read

Would adverse properties if access is Rome Way- Not adequate because Rome way is not meant to be collector road. Also, serious questions about water and sewer are issue. Frank recommends to not approving due to non-adequate services

Wenn Jorgensen wants to confirm that there were 2 deeds. Zone Change if they have plans to avoid using Rome Way-easement going to main street town would benefit going to Gubler way

Travis Holm said he could give access.

Allen Angell reluctant to do zone change on promise. Richard Fischer says meets General maps

Allen Angell and Richard Fischer had meeting about the zone changes.

Allen Angell makes a motion to recommend denial to the town council for the AV-1329-B zone change from OST to SF-1.0 for the following reasons...General Plan not met, road access is inadequate and future roads are needed, lack of water and sewer service need to be resolved. Janet Prentice second, voting was 4 to 1 for motion approval

Motion made by Chair Angell, Seconded by Commissioner Prentice.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish,

Voting No: Commissioner Fischer

13. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR AV-1329-B, APPLICANT LADD MACDONALD

Allen Angel made motion to table due to ZC being tabled

Motion is made all ayes

Motion made by Chair Angell, Seconded by Commissioner Prentice.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

14. DISCUSSION AND POSSIBLE ACTION ZONE CHANGE FOR AV-1366-D-1 FROM OPEN SPACE TO SF-.25: APPLICANT NORTHERN ENGINEERING (AGENT: BRANT TUTTLE)

Frank Lindhart made comment 9 acres in CP. OST to SF-.25. GP shows to be commercial piece.

Proposed zoning does not match general plan therefore should've requested general plan amendment prior to zone change application.

Janet Prentice makes a motion to table zone change application for AV-1366-D-1 from OST to SF-.25 for the following, patio homes and twin homes references in submittals and those housing types are not allowed in requested zoning and that needs correction, master planned road is missing, zoning request does not follow General Plan and that should be amended, missing BPWSSSD letter. Wenn Jorgensen second, vote unanimous aye

Motion made by Commissioner Prentice, Seconded by Commissioner Jorgensen.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

15. DISCUSSION AND POSSIBLE ACTION PRELIMINARY PLAT APPLICATION FOR AV-1366-D-1, APPLICANT NORTHERN ENGINEERING (AGENT: BRANT TUTTLE)

Allen Angell, Chair passes on doing discussion for this item

16. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR LOT AV-2184 AND AV-2165 FROM OPEN SPACE TO CABIN OR TINY PARKS ZONE AND PLANNED DEVELOPMENT ZONE AND RE-1.0: APPLICANT STANDARD DEVELOPMENT

Frank Lindhart commented- Problem with owner agent. Table

No evidence application was fee paid

Provide ownership affidavit matching warranty

Property map showing existing class

Property map abutting

Janet Prentice makes a motion to table zone change application for AV-2185 and AV-2165 to clarify owner and agent, to research fee paid, to ask again for maps of zoning for abutting properties, to ask again for maps of existing and proposed parcel zoning, amend General Plan, inadequate services available. Second heard from Wenn. Vote passed unanimously.

Motion made by Commissioner Prentice, Seconded by Commissioner Jorgensen.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

17. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1343-A-1 FROM OPEN SPACE TO RE-1: APPLICANT TRAVIS AND LIBBY WELLS

Frank Lindhardt read zone change recommendation

Did not provide accurate map abutting or existing. Warranty deed

Allen Angell made a motion to table zone change application for AV-1343-A-1, OST to RE-1 for 30 days to allow time for applicant to provide warranty deed and maps of existing and proposed zoning for parcel and abutting parcels, inadequate services. Janet Prentice second; passed unanimously

Motion made by Chair Angell, Seconded by Commissioner Prentice.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

18. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1329 FROM OPEN SPACE TO RE-1 AND SF-1: APPLICANT TRAVIS AND LIBBY WELLS

Janet Prentice motioned to table the zone change request for AV-1329 from OST to SF-1, until first PC meeting of 2022 to allow time for applicant to provide a warranty deed and maps of parcel's existing and proposed zoning plus abutting property zoning; fee paid confirmation. Wenn Jorgensen second. Passed unanimously

Motion made by Commissioner Prentice, Seconded by Commissioner Jorgensen.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

19. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1313-D-1 FROM AGRICULTURE TO SF-.50: APPLICANT 2000 MAIN LLC

Missing proposed zones.

Conversation with Frank Lindhart about the applicant confusion with map. Did not provide legal description of zone and did not provide preliminary report. Has own water to tie into Town.

Proposed location of zone. Maps showing abutting properties. Along hwy 59 was already approved for zoning.

Application

Allen Angel makes recommendation that appear before Planning Commission. All applicants have 2 applications to complete.

Merritts- current zone agricultural-proposed zoning SF .50

Not consistent with general plan

Has shown map but all sf.50 maps shows something different

Overall harmonious- there isn't out there closest 1 acre lot in Gooseberry, OST. Though all 1 acre. Desert Rose that is connected has already been approved for ½ acre is consistent.

#4 Is there adequate services- Access off hwy 59 however Gould's wash sensitive lands, towns

Sewer- Large underground system

Allen Angel concerns to item #1

Travis Holm makes comment that to the north and south have been already approved for this zone.

Lee made comment that there has been zone change on both sides and they can't really deny.

Allen Angel is excited and made comment that he is excited to have water coming to the town. Janet commented on water storage.

Lee Fralish makes a motion to send to the TC an approval for a zone change for a portion (74 acres) of AV-1313-D-1 from AG to SF-.50. Richard Fischer second; passed unanimously

Motion made by Commissioner Fralish, Seconded by Commissioner Fischer.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

All passed, aye- PC Recommends 4-0

20. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1318 FROM AGRICULTURE TO SF-.50: APPLICANT STANDARD DEVELOPMENT LLC

Frank Lindhart suggested preliminary title report. Allen Angel makes comment that this is the end of the year and we have a lot of requests. Travis Holm made comment that if we could be lenient

Warranty Deed application needs to be provided

Janet Prentice makes a motion to table a zone change application for AV-1318 from AG to SF-.50 to allow applicant to submit a warranty deed/title report and consider a General Plan amendment. Lee Fralish second. Passed unanimously

Motion made by Commissioner Prentice, Seconded by Commissioner Fralish.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

21. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1319-A: APPLICANT 2000 MAIN

Motion TC review zoning

Frank Lindhart made comment.

No Letter from Service district- not present

Is there tentative plan for drains:

No collector roads:

Janet Prentice motioned to table a preliminary plat application for AV-1319-A until 2022 to allow time to correct submittals as listed below in 1 through 8. Wenn Jorgensen second. Passed unanimously.

1. Proposed subdivision does not front a
2. Letter from access
3. Letter from big plains
4. Drainage plans, canals and easements
5. Review hillside ordinance, make sure complies
6. Roads up to standards
7. Grades for proposed streets that do not exceed 5%
8. Warranty Deed needed

Motion made by Commissioner Prentice, Seconded by Commissioner Jorgensen.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

22. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1345,1327,1326,1346,1348-A: APPLICANT 2000 MAIN

Current zone

No warranty deed

Proposed subdivision front a public road- yes it does on Main Street

Adjacent from letter-n/a

Big plains letter- Ordinance

Waterways consideration, canals- no

Drainage easement- no

Easements from- no

Min average lot size- no

Sensitive hillside ordinance- yes

Missing minimum collector roads-yes

Missing sidewalks

Missing Main Street stubbing out

Direct access to collector road not allowed- yes

No grades-

No grades marked

All vertical contours not greater than 5 feet.

No phasing plan

No double front lots

No ownership marked

Is any property affected by hillside ordinance-

Janet made comment that general plan amendment is needed

Janet Prentice made a motion to table to allow applicant to supply and clarify submittals for a preliminary plat for AV-1327, AV-1326, AV-1345, AV-1346 and AV-1348-A. Items needing work are missing warranty deed, BPWSSSD letter and state water letter, drainage plan, waterways identified and realigned, utility easements shown, average lot size shown, hillside ordinance discussion on plat, road standards, subbed out roads and turnarounds, no lot access to collectors, grade of collectors, street grade, phasing plan. Richard Fischer second. Passed Unanimously.

Motion made by Commissioner Prentice, Seconded by Commissioner Fischer.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

Adjournment

Motion made by Commissioner Prentice, Seconded by Chair Angell.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

Date Approved: _____

Chair | Allen Angell

Attest BY: _____

Jenna Vizcardo, Town Clerk/Recorder



APPLE VALLEY PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 01, 2021 at 6:00 PM

MINUTES

Chair | Allen Angell

Commissioners | Janet Prentice | Richard Fischer | Lee Fralish | Wenn Jorgensen

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

PRESENT

Chair Allen Angel
Commissioner Wenn Jorgensen
Commissioner Janet Prentice
Commissioner Lee Fralish
Commissioner Richard Fischer

CONFLICT OF INTEREST DISCLOSURES

No conflicts

APPROVAL OF MINUTES

Chair Angel said there were no minutes ready. Commissioner Prentice mentioned that they should have them a week prior to the meeting.

HEARING ON THE FOLLOWING

There was no public hearing.

DISCUSSION AND POSSIBLE ACTION ITEMS

1. **DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1-3-5-211 from Heber Allred as owner.**

Mayor Beddo gave a brief overview of the proposal and said the primary issue is water. The project has good water rights and will bring storage and water lines. There will be onsite sewer and no septic. The conclusion was that staff is good with moving forward with the commission making a positive recommendation to the council. The project has met utility demands. Allen Angell asks how does the town get the project owners committed to this plan; Mayor Beddo says that is done through the final plat process and bonding. Project features such as commercial, tourist commercial and residential were addressed. Access was discussed.

Motion made by Janet (18') to approve the preliminary plat application and send forward to the town council; Lee second. No further discussion, vote all ayes.

Motion made by Commissioner Prentice, Seconded by Commissioner Fralish.

Voting Yea: Chair Angel, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish,

Commissioner Fischer

2. **DISCUSSION WITH NO ACTION ON AMENDING THE GENERAL PLAN RELATING TO THE TOURIST COMMERCIAL DESIGNATION. PROPOSED CHANGES WOULD MAKE THE GENERAL PLAN DESIGNATION FOR TOURIST COMMERCIAL EXTEND ONLY 1/2 A MILE FROM THE MAINSTREET AND SR-59 INTERSECTION INSTEAD OF 1 MILE.**

Allen Angell suggests action could be taken due to a hearing being held in a previous Planning Commission meeting. The commission talked about possible changes that could be made to the south of the intersection; how access to the highways would look; and what effect changes would have for development. Richard Fischer made a motion (34') to recommend to the council that we amend the Tourist Commercial areas on the General Plan map to extend one half mile along the southern portions of the highways from their intersection. Lee second. No further discussion, all vote aye.

Motion made by Commissioner Fischer. Seconded by Commissioner Fralish
Voting Yea: Chair Angel, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

3. **DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR LOT AV-1355-A**

Item was tabled until the GP map is amended; also, possible changes may be made to the zoning proposal in relation to the GP amendment.

4. **DISCUSSION WITH NO ACTION ON ZONE CHANGE APPLICATION FOR AV-1311-U**

Mr. Wilson of AV-1311-U is invited to discuss a project for the parcel. No zoning sought now, only input from town as to what zoning might be best. Some discussion of AG zoning versus residential.

ADJOURNMENT

Lee Fralish made a motion to adjourn with Janet adding a second; vote was all aye.

Motion made by Commissioner Fralish. Seconded by Commissioner Prentice
Voting Yea: Chair Angel, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

Date Approved: _____

Chair | Allen Angell

Attest BY: _____

Jenna Vizcardo, Town Clerk/Recorder

DRAFT

**APPLE VALLEY
ORDINANCE O-2022-02**

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

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

BEFORE AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

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

2. C-2 Highway Commercial Zone:

- a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
- b. Other purposes for establishing the C-2 highway commercial zone are

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

3. C-3 General Commercial Zone:

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

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

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

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

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

4. TC Tourist Commercial Zone

- a. The objective of the TC zone is to provide space within the Town for tourist-based uses. The intent of the zone is to allow for recreational activity to enhance the tourism experience in Apple Valley.
- b. The zone is designated for small-scale commercial activities targeted to enhance the outdoor recreational experience.
- c. The location of TC zones shall not be located within 1500 feet of any existing residential zone.
- d. Development in this zone will be sustainable in nature, constituting mixed density development, best practice methods of waste disposal, and longevity in quality and built form. development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances, will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment

B. Permitted Uses: In the following list of possible uses, those designated as being

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

	C-1	C-2	C-3	TC
Air conditioning, sales and service	N	N	P	N
Altering, pressing and repairing of wearing apparel	P	P	P	N
Amusement enterprises	N	P	P	P
Animal hospital	N	P	P	N
Antique, import or souvenir shop	N	P	P	P
Arcade	N	P	P	N
Arcade	N	P	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P	P
Athletic club	P	P	P	N
Auction establishment (retail goods only)	N	N	P	N
Automobile, new or used sales and service	N	P	P	N
Automobile parts sales (new)	N	P	P	N
Automobile rental	N	P	P	N
Art Gallery	N	P	P	P
Automobile repair including paint, body, fender, brake, muffler, upholstery or transmission (completely enclosed building)	N	N	P	N
Bakery manufacture limited to foods retailed on premises	P	P	P	P
Bank or financial institution	P	P	P	N
Barber shop	P	P	P	N
Beauty shop	P	P	P	N
Bed and breakfast inn	P	P	N	P
Bar Pub, Tavern	N	P	P	P

Billiard parlor	N	P	P	P
Bicycle sales and service	N	P	P	P
Boat sales and service	N	N	P	N
Bookbinding	P	P	P	P
Bookstore, retail	P	P	P	P
Bowling alley	N	P	P	P
Building materials sales	N	N	P	N
Bus terminal	N	P	P	N
Cabinet shop	N	N	P	N
Cabins	N	N	N	P
Cafe or cafeteria	P	P	P	P
Camera store	P	P	P	P
Candy store, confectionery	P	P	P	P
Campgrounds	N	N	N	P
Car wash	N	P	P	N
Caretakers dwelling, incidental to a commercial use	N	P	P	N
Carpet and rug cleaning	N	N	P	N
Catering establishment	N	P	P	N
Child nursery	P	N	P	N
Clinics, medical or dental	N	P	P	N
Clothing and accessory store	N	P	P	N
Coal and fuel sales office	N	N	P	N
Convenience markets (including sale of gasoline)	P	P	P	P
Crematorium	N	N	P	N
Dairy product store	P	P	P	N
Dance hall	N	P	P	N
Delicatessen	P	P	P	N
Department store	N	P	P	N

Drapery and curtain store	N	P	P	N
Drugstore	N	P	P	N
Educational institutions	N	P	P	N
Egg and poultry store (retail sales only), no live bird slaughtering permitted	P	P	P	N
Electrical and heating appliances and fixtures sales and services	N	N	P	N
Electronic equipment sales and service	N	P	P	N
Employment agency	N	P	P	N
Fabric and textile store	N	P	P	N
Farm implement sales	N	P	P	N
Fence, sales and service	N	N	P	N
Florist shop	P	P	P	P
Fruit store (enclosed)	P	P	P	P
Furniture sales and repair	N	P	P	N
Garden supplies and plant material sales	N	P	P	N
Gift store	P	P	P	P
Government buildings or uses, no industrial	N	P	P	N
Greenhouse and nursery, soil and lawn service	N	P	P	N
Grocery store	P	P	P	N
Gunsmith	N	P	P	N
Hardware stores	N	P	P	N
Health club	P	P	P	N
Health food store	P	P	P	P
Hobby and crafts store	N	P	P	N
Hospitals	N	P	P	N
Hotel	N	N	N	P
Household appliance sales and service	N	P	P	N
Ice cream parlor	P	P	P	P
Ice manufacture and storage	N	N	P	N

Ice store or vending station	P	P	P	N
Insurance agency	N	P	P	N
Interior decorating and designing establishment	N	P	P	N
Janitor service and supply	N	N	P	N
Jewelry store sales and service	N	P	P	P
Laboratory, dental or medical	N	P	P	N
Laundry or dry cleaners, Laundromat	P	P	P	N
Legal office	N	P	P	N
Library	N	P	P	N
Liquor store	N	P	P	N
Locksmith	N	P	P	N
Lodge or social hall	N	P	P	P
Lodging Hotel, Motel	N	N	N	P
Lounge	N	P	P	P
Lumber yard	N	N	P	N
Manufactured home sales lot and service	N	P	P	N
Medical office	N	P	P	N
Monument works and sales	N	N	P	N
Mortuary	N	P	P	N
Museum	N	P	P	N
Music store	N	P	P	N
Needlework, embroidery or knitting store	N	P	P	N
Newsstand	P	P	P	N
Nursery school	P	N	P	N
Office supply, office machines sales and service	N	P	P	N
Optometrist, optician or oculist	N	P	P	N
Paint or wallpaper store	N	P	P	N
Park and playground	P	P	P	P

Pawnshop	N	P	P	N
Pet and pet supply store	N	P	P	N
Pharmacy	N	P	P	N
Photographic supplies	N	P	P	N
Physician or surgeon office clinic	N	P	P	N
Plumbing shop	N	P	P	N
Pool hall	N	P	P	P
Popcorn or nut shop	N	P	P	P
Post office	N	P	P	N
Printing, lithographing, publishing or reproduction sales and service	N	P	P	N
Professional office	N	P	P	N
Radio and television sales and service	N	P	P	N
Real estate agency	N	P	P	P
Reception center or wedding chapel	N	P	P	N
Recreation center	N	P	P	P
Rental agency for home and garden equipment	N	P	P	N
Restaurant	P	P	P	P
Restaurant, drive-in	P	P	P	P
Roller skating rink	N	P	P	N
RV Park or RV Resort - Transient tourist use	N	N	N	P
Secondhand store	N	P	P	P
Service station, handi-mart	P	P	P	P
Shoe repair and shoe shine shop	N	P	P	N
Shoe store	N	P	P	N
Sign painting	N	P	P	N
Sign sales	N	P	P	N
Storage rental units	N	P	P	N

Supermarket	N	N	P	N
Theater, indoor	N	P	P	N
Theater, outdoor	N	P	P	N
Tiny Home Park - transient use	N	N	N	P
Tire recapping or retreading	N	P	P	N
Tire sales and service	N	N	P	N
Toy store, retail	N	P	P	P
Trailer sales and service	N	P	P	N
Travel agency	N	P	P	N
Tourist Tours Operations	N	N	N	P
Used car lot	N	P	P	N
Variety store	N	P	P	P
Vegetable stand	P	P	P	P
Winery	P	P	P	P

C. General Requirements:

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

1. Site Plan Approval:

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

D. Special Provisions:

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

height greater than that of the enclosing fence or wall.

2. Trash, Combustible Materials, Junk and Debris: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
 3. Solid Waste Storage Facilities: All solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
 4. Protection Of Adjoining Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.
 5. Residential Dwellings: No residential dwelling of any kind is permitted in any commercial zoning district.
 6. Lighting: all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVL 10.26.
 7. All lodging located in a commercial zone, shall require an on-site manager.
- E. Abandoned, Wrecked, or Junk Vehicles:
1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:
 - a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
 - (1) Such use is authorized in the zone where the use is located, and
 - (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.
 - b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on private or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

AFTER AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

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

2. C-2 Highway Commercial Zone:

- a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
- b. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.

3. C-3 General Commercial Zone:

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

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

property in recognition thereof.

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

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

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

4. ~~TC Tourist Commercial Zone~~

~~The objective of the TC zone is to provide space within the Town for tourist-based uses. The intent of the zone is to allow for recreational activity to enhance the tourism experience in Apple Valley. The zone is designated for small-scale commercial activities targeted to enhance the outdoor recreational experience. The location of TC zones shall not be located within 1500 feet of any existing residential zone. Development in this zone will be sustainable in nature, constituting mixed density development, best practice methods of waste disposal, and longevity in quality and built form. development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances, will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment~~

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

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

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

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

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

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

Real estate agency	N	P	P	~~P~~
Reception center or wedding chapel	N	P	P	~~N~~
Recreation center	N	P	P	~~P~~
Rental agency for home and garden equipment	N	P	P	~~N~~
Restaurant	P	P	P	~~P~~
Restaurant, drive-in	P	P	P	~~P~~
Roller skating rink	N	P	P	~~N~~
~~RV Park or RV Resort -- Transient tourist use~~	~~N~~	~~N~~	~~N~~	~~P~~
Secondhand store	N	P	P	~~P~~
Service station, handi-mart	P	P	P	~~P~~
Shoe repair and shoe shine shop	N	P	P	~~N~~
Shoe store	N	P	P	~~N~~
Sign painting	N	P	P	~~N~~
Sign sales	N	P	P	~~N~~
Storage rental units	N	P	P	~~N~~
Supermarket	N	N	P	~~N~~
Theater, indoor	N	P	P	~~N~~
Theater, outdoor	N	P	P	~~N~~
~~Tiny Home Park -- transient use~~	~~N~~	~~N~~	~~N~~	~~P~~
Tire recapping or retreading	N	P	P	~~N~~
Tire sales and service	N	N	P	~~N~~
Toy store, retail	N	P	P	~~P~~
Trailer sales and service	N	P	P	~~N~~
Travel agency	N	P	P	~~N~~
Tourist Tours Operations	~~N~~ ~~P~~	~~N~~ ~~P~~	~~N~~ ~~P~~	~~P~~
Used car lot	N	P	P	~~N~~
Variety store	N	P	P	~~P~~
Vegetable stand	P	P	P	~~P~~

Winery	P	P	P	~~P~~
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C. General Requirements:

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

1. Site Plan Approval:

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

D. Special Provisions:

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

E. Abandoned, Wrecked, or Junk Vehicles:

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-03**

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

SECTION 1:**AMENDMENT** “10.28.190 Curbs, Gutters And Sidewalks” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.190 Curbs, Gutters And Sidewalks

The installation of curb, gutter and/or sidewalk, of a type approved by the town, may be required on any existing street where such improvements are not already existing, and where upon the recommendation of the public works department, the planning commission and town council determines that such installation is in the best interest of the town. Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, and sidewalk is not possible at this time, a letter of non-opposition may be required.

AFTER AMENDMENT

10.28.190 Curbs, Gutters And Sidewalks

The installation of curb, gutter and/or sidewalk, of a type approved by the town, may be required on any existing street where such improvements are not already existing, and where upon the recommendation of the public works department, the planning commission and approval of town council determines that such installation is in the best interest of the town. Said installation may be required as a condition of obtaining a building permit, and shall be completed as a part of the building permit prior to occupancy. If it is determined by the town public works department that installation of curb, gutter, ~~and~~ sidewalk and road improvements ~~are is~~ not possible at this time, a letter of non-opposition to the creation of a future special assessment area to install such missing improvements shall ~~may~~ be required. A special assessment area is typically created to install improvements that benefits only the residents within such assessment area, and the residents located in this area will be required to pay for their proportional share of the cost to install such improvements, typically over a 10-year period of time.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Kevin Sair, Council Member / Mayor
Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-04**

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

SECTION 1: **AMENDMENT** “11.02.090 Final Plat Approval Process” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.090 Final Plat Approval Process

Application process:

- A. Once construction drawings are approved, applicant shall submit completed final plat application, paper copy of final plat in full size, an electronic copy of the final plat, required fee, and any other required documents to planning department on or before deadline for submissions established by Town.
- B. The Town engineer shall review the electronic copy of plat and notify the applicant or applicant's authorized representative of any required changes. Applicant shall make required changes and resubmit electronic and paper copies of final plat, one full size and one eleven inch by seventeen inch (11" x 17") for second review.
- C. If plat is approved by Town engineer, he shall sign the plat and return to the planning department. If plat is not approved after second submittal, an additional fee must be paid before any subsequent reviews.
- D. Upon signature of approved final plat, the final plat application shall be reviewed by the final plat approval staff.
- E. Once the final plat approval staff has granted approval of a final plat and a bond or other financial security is in place in accordance with AVS 11.02.130, the subdivider may schedule a preconstruction meeting with the Town public works department. Upon receipt of written notice to proceed from Town, construction of the subdivision may proceed. No construction shall be permitted prior to receipt of written notice to proceed.

AFTER AMENDMENT

11.02.090 Final Plat Approval Process

Application process:

- A. Once construction drawings are approved, applicant shall submit completed final plat application, paper copy of final plat in full size, an electronic copy of the final plat, required fee, and any other required documents to planning department on or before

deadline for submissions established by Town.

- B. The Town engineer shall review the electronic copy of plat and notify the applicant or applicant's authorized representative of any required changes. Applicant shall make required changes and resubmit electronic and paper copies of final plat, one full size and one eleven inch by seventeen inch (11" x 17") for second review.
- C. If plat is approved by Town engineer, he shall sign the plat and return to the planning department. If plat is not approved after second submittal, an additional fee must be paid before any subsequent reviews.
- D. Upon signature of approved final plat, the final plat application shall be reviewed by the final plat approval staff.
- E. Once the final plat approval staff has granted approval of a final plat and a bond or other financial security is in place in accordance with AVS 11.02.130, the subdivider may schedule a preconstruction meeting with the Town public works department. Upon receipt of written notice to proceed from Town, construction of the subdivision may proceed. No construction shall be permitted prior to receipt of written notice to proceed.
- F. The Town Planning and Zoning Manager & Public Works Director, are hereby designated to be the final plat approval staff and are authorized to approve subdivision final plats.
- G. Final plat approvals shall be presented to the Town Council at the next meeting at which time allows for addition to it's Agenda.
- H. Appeals of decisions made by the final plat approval staff shall be made to the Town Council.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Attest	Presiding Officer			

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-05**

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

SECTION 1: **AMENDMENT** “11.02.100 Final Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.100 Final Plat Requirements

A. Required Information: The final plat shall show:

1. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the planning commission.
2. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
3. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
4. Every existing right of way and easement grant of record for communications infrastructure, for underground facilities as defined in Utah Code § 54-8a-2 and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
5. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
6. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.
7. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, state, county or other official monuments.
8. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
9. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town engineer and indicated on the subdivider's plat by the appropriate symbols.

10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
 11. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town attorney.
 12. The parent parcel number, as shown on the records of the Washington County recorder in St. George, Utah.
- B. Required Forms And Certificates: In addition the final plat shall contain the standard forms for the following:
1. A registered professional land surveyor's signed certificate of survey, together with a statement that: a) the surveyor holds a license in accordance with Utah Code 58-22, professional engineers and professional land surveyors licensing act; b) the surveyor has completed a survey of the property described on the plat in accordance with Apple Valley Town Design Standards and the Utah Code and has verified all measurements; and c) has placed monuments as represented on the plat.
 2. The owner's certificate of dedication of all streets, roads, rights of way or other parcels intended for the use and benefit of the general public.
 3. Mortgagee or other lienholder's consent to record, if applicable.
 4. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.
 5. Certificate of approval of Big Plains Water and Sewer Special Service district.
 6. Certificate of approval of the Planning Commission, as evidenced by the signature of the Planning Commission chairperson.
 7. Certificate of approval of the Town engineer.
 8. Certificate of approval as to form executed by the Town attorney.
 9. A one and one-half inch by five inch (1 1/2" x 5") space in the lower right hand corner of the drawing for the use of the county recorder.
 10. Certificate of approval of the county treasurer.
- C. Other Information Required: The following information or documentation shall be submitted with the final plat or prior to recordation:
1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
 2. An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the county recorder along with the final plat.
 3. An up to date title or subdivision report for the property being subdivided.
 4. A disk of the final plat prepared in "AutoCAD 2004" (or newer format).

5. Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.

D. Requirements For Recordation:

1. Final plat approval.
 2. Bond or other financial security in place.
 3. Payment of HCP impact fee if applicable.
 4. Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water and Sewer Special Services District.
 5. Final title or subdivision report prepared and submitted to the Town attorney.
 6. Proof of satisfaction of payment of water impact fee to Big Plains Water and Sewer Special Services District.
 7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials and Big Plains Water and Sewer Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
 8. Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.
 9. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.
- E. Recordation Of Plat: Any subdivision plat receiving final approval from the Town council shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is extended in writing by the Town council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such final plat shall require new approval from the Town council before recordation.

AFTER AMENDMENT

11.02.100 Final Plat Requirements

A. Required Information: The final plat shall show:

1. The name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office, as approved by the planning commission.
2. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
3. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.

4. Every existing right of way and easement grant of record for communications infrastructure, for underground facilities as defined in Utah Code § 54-8a-2 and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
 5. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
 6. All street centerline data must be shown, together with its relationship to the property lines, corners, etc.
 7. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, state, county or other official monuments.
 8. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).
 9. Street monuments to be installed by the subdivider in accordance with the requirements of the Town standards. Locations of said monuments shall be approved by the Town engineer and indicated on the subdivider's plat by the appropriate symbols.
 10. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
 11. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town attorney.
 12. The parent parcel number, as shown on the records of the Washington County recorder in St. George, Utah.
- B. Required Forms And Certificates: In addition the final plat shall contain the standard forms for the following:
1. A registered professional land surveyor's signed certificate of survey, together with a statement that: a) the surveyor holds a license in accordance with Utah Code 58-22, professional engineers and professional land surveyors licensing act; b) the surveyor has completed a survey of the property described on the plat in accordance with Apple Valley Town Design Standards and the Utah Code and has verified all measurements; and c) has placed monuments as represented on the plat.
 2. The owner's certificate of dedication of all streets, roads, rights of way or other parcels intended for the use and benefit of the general public.
 3. Mortgagee or other lienholder's consent to record, if applicable.
 4. A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.
 5. Certificate of approval of Big Plains Water and Sewer Special Service district.
 6. Certificate of approval of the Planning Commission, as evidenced by the signature of the Planning Commission chairperson.

7. Certificate of approval of the Town engineer.
 8. Certificate of approval as to form executed by the Town attorney.
 9. A one and one-half inch by five inch (11/2" x 5") space in the lower right hand corner of the drawing for the use of the county recorder.
 10. Certificate of approval of the county treasurer.
- C. Other Information Required: The following information or documentation shall be submitted with the final plat or prior to recordation:
1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
 2. An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the county recorder along with the final plat.
 3. An up to date title or subdivision report for the property being subdivided.
 4. A disk of the final plat prepared in "AutoCAD 2004" (or newer format).
 5. Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.
- D. Requirements For Recordation:
1. Final plat approval.
 2. Bond or other financial security in place.
 3. Payment of HCP impact fee if applicable.
 4. Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water and Sewer Special Services District.
 5. Final title or subdivision report prepared and submitted to the Town attorney.
 6. Proof of satisfaction of payment of water impact fee to Big Plains Water and Sewer Special Services District.
 7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials and Big Plains Water and Sewer Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
 8. Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.
 9. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.
- E. Recordation Of Plat: Any subdivision plat receiving final approval from the final plat approval staff (see section 11.02.090) ~~Town council~~ shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is extended in writing by the Town council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have

been revoked and any such final plat shall require new approval ~~from the Town council~~ before recordation.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-06**

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

SECTION 1: **AMENDMENT** “11.02.180 Penalty; Validity” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.180 Penalty; Validity

- A. Penalty: Any subdivider or other person who shall violate or fail to comply with any of the provisions for this title shall be guilty of a class B misdemeanor, and punished as provided by law upon conviction.
- B. Validity: If any section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this title.

AFTER AMENDMENT

11.02.180 Penalty; Validity

- A. Penalty: Any subdivider or other person who shall violate or fail to comply with any of the provisions for this title shall be guilty of a class B misdemeanor, and punished as provided by law upon conviction.
- B. Validity: If any section, subsection, sentence, clause, or phrase of this title is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this title.
- C. No property owner may apply for a building permit, General Plan Change, Zoning Change, Conditional Use Permits if their lot or land has been subdivided in violation of Title 11.02.020, until such violation has been corrected.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Kevin Sair, Council Member / Mayor
Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-07**

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

SECTION 1: **AMENDMENT** “11.08.020 Waste Disposal Systems” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.08.020 Waste Disposal Systems

- A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the Big Plains Water and Sewer Special Service District (BPWSSSD), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.
- B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.
- C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and Big Plains Water and Sewer Special Service District (BPWSSSD), after being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this Code.
 - 1. A method of financing inspection and maintenance shall be established and implemented by the BPWSSSD for maintenance for the system after construction by the developer is complete.
 - 2. A Developer may be required to install a dry sewer for future connection to an out fall line.
 - 3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.
- D. If conventional on site wastewater (Septic) systems are determined by the BPWSSSD to be the most feasible in certain circumstances, such systems may be approved subject

to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.

1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
 2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by BPWSSSD, which will be implemented by the BPWSSSD upon the construction of the individual onsite waste water system in the subdivision.
 3. A dry sewer system may be required as outlined in section B above.
- E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to BPWSSSD's wastewater management plan and must comply with such requirements as deemed appropriate by the BPWSSSD.
- F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.

AFTER AMENDMENT

11.08.020 Waste Disposal Systems

- A. Sanitary sewers, septic tanks, or any other means of waste disposal proposed shall be approved in writing by the Big Plains Water and Sewer Special Service District (BPWSSSD), and possibly the State Department of Environmental Quality, or (DEQ) as designated by the Utah Department of Environmental quality or Southwest Utah public Health Department. If a central collection system is used, it shall be constructed with sufficient capacity to serve all lots in the subdivision and shall be fully constructed at the same time and by the same methods as is required for all other improvements in the subdivision.
- B. The final plans for the sewer system shall be prepared by a licensed engineer and approved by the town engineer. Construction shall not be commenced until all plans have been approved, inspection fees paid, and an inspector has been assigned to the project.
- C. The developer shall identify all potential alternatives to providing for the development of a centralized sewer system, or other similar method of wastewater disposal in the proposed subdivision. In specific drainages areas, the Town Council may require that developers join together to consider alternate methods. Any such proposal shall be reviewed and subject to approval by the state department of environmental quality and Big Plains Water and Sewer Special Service District (BPWSSSD), after being reviewed by the town engineer. Upon concept approval, a licensed engineer shall prepare plans for the system as required in this Code.
 1. A method of financing inspection and maintenance shall be established and implemented by the BPWSSSD for maintenance for the system after

- construction by the developer is complete.
2. A Developer may be required to install a dry sewer for future connection to an out fall line.
 3. The town may establish impact fees to assist in raising sufficient money to install a sewer system to take care of the needs of the town as it grows and develops.
- D. If conventional on site wastewater (Septic) systems are determined by the BPWSSSD to be the most feasible in certain circumstances, such systems may be approved subject to the approval of the Southwest Utah public health department and the engineer, subject to the following conditions.
1. On systems service more than one home, the type of onsite system approved shall provide for a method of monitoring the septic tank on a regular basis. Such monitoring shall be the purpose of determining the necessary pumping intervals for the septic tank.
 2. A method of financing the inspections and maintenance of the septic tanks shall be established by the developer and approved by BPWSSSD, which will be implemented by the BPWSSSD upon the construction of the individual onsite waste water system in the subdivision.
 3. A dry sewer system may be required as outlined in section B above.
- E. The type of alternative system shall have prior approval of the state division of water quality for use in the state of Utah. Systems plans must be submitted to and receive written approval by the state division of water quality. Alternative systems are subject to BPWSSSD's wastewater management plan and must comply with such requirements as deemed appropriate by the BPWSSSD.
- F. A monitoring fee will be charged for monitoring all waste disposal systems that serves more than one home in the town.
- G. A letter from the Sewer District confirming availability of sewer services, or that a preliminary plan has been discussed and found feasible to implement, for the property being proposed for a zone change or preliminary plat, shall be provided to the Town of Apple Valley with the application for a zone change or preliminary plat.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Kevin Sair, Council Member / Mayor
Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-08**

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

SECTION 1: **AMENDMENT** “11.08.030 Storm Drainage” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.08.030 Storm Drainage

A storm drainage system shall be provided and shall be separate and independent of the sanitary sewage system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the town engineer prior to any construction-taking place. Such plans and profiles shall include but are not limited to the following: (see Town Subdivision Design Standards):

- A. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the Town Engineer and Public Utilities director. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivisions runoff water, and other water expected to reach such canal or ditch.
- B. Open ditches or canals shall not be allowed within or adjoining a subdivision. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes or culverts must be approved by the Engineer.
- C. All open ditches, canals, waterways, non-access street, open reservoirs or bodies of water, and other features judged by the land use authority to be hazardous nature, on crossing, or adjacent to property being subdivided shall be fenced or closed from access in a manner satisfactory to and approved by the land use authority.
- D. All subdivisions shall be required to retain excess water created by the development and construction of home, upon the subdivision property.
- E. All subdivisions shall have either curb or gutter or a borrow ditch to channel rain water and water runoff to the retention areas within the subdivision.

AFTER AMENDMENT

11.08.030 Storm Drainage

Subdivision Storm Drainage

A storm drainage system shall be provided and shall be separate and independent of the sanitary sewage system. The final plans for the drainage system shall be prepared by a licensed engineer and approved by the town engineer prior to any construction-taking place. Such plans and profiles shall include but are not limited to the following: (see Town Subdivision Design Standards):

- A. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the Town Engineer and Public Utilities director. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivisions runoff water, and other water expected to reach such canal or ditch.
- B. Open ditches or canals shall not be allowed within or adjoining a subdivision. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipes or culverts must be approved by the Engineer.
- C. All open ditches, canals, waterways, non-access street, open reservoirs or bodies of water, and other features judged by the land use authority to be hazardous nature, on crossing, or adjacent to property being subdivided shall be fenced or closed from access in a manner satisfactory to and approved by the land use authority.
- D. All subdivisions shall be required to retain excess water created by the development and construction of home, upon the subdivision property.
- E. All subdivisions shall have either curb or gutter or a borrow ditch to channel rain water and water runoff to the retention areas within the subdivision.

Existing Lot and Land Storm Water Mitigation and Detention Requirements

- A. A plan for a storm water Detention area shall be provided on each lot or property of land where a building permit is requested, in order to to retain excess water created by the construction of homes, accessory buildings, driveways etc. It shall be required as a condition of obtaining a building permit. Said Detention area shall be completed as a part of the building process prior to the issuance of an occupancy permit.
- B. No ditch or canal located on the lot or property shall be allowed to be covered up or changed without adequate mitigation to allow for the continued flow of storm water through the property without the written permission of the Town staff.
- C. The plans for the Storm Water Detention area shall be prepared by a licensed engineer and approved by the town prior to the issuance of a building permit.

Exception to storm water detention:

The only exception to the above individual water detention area, shall be if the lot is located in a subdivision, wherein all storm water is being collected into a common detention facility(s) located within the subdivision. This facility must be one that has or will be engineered for such purposes and must be approved by the town. This detention area shall, at the option of the Town, either be owned and maintained by the Town or owned by a home owners association in the subdivision.

Additional requirements for land located outside subdivisions:

For all buildings lots not located in platted and recorded subdivisions, the above requirements shall still apply, with the additional requirements of:

- A. No ditch or canal located on the property shall be approved as suitable for the use of storm drainage detention water without the written permission of the Town staff. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected o flow from canal ditch water, subdivisions runoff water, and other water expected to reach such canal or ditch.
- B. In cases where existing canals or ditches cross from the property proposed to be built upon, across public roads or proposed public or private roads, specifications and grades for pipes or culverts must be approved by Town staff and must be paid for and installed by the property owner prior to occupancy.
- C. All open ditches, canals, waterways, open reservoirs or bodies of water, and other features judged by the land use authority to be hazardous in nature, on crossing, or adjacent to property being built upon shall be fenced or closed from access in a manner satisfactory to and approved by Town staff.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-09**

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

SECTION 1: **AMENDMENT** “11.08.080 Water” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.08.080 Water

- A. All subdivisions shall have a supply of culinary water available to each lot in the subdivision.
- B. All water to all lots, shall be supplied by the Big Plains Water and Sewer Special Service District, unless otherwise approved by them.
- C. Minimum Water Pressure. At all lots in Town the water pressure shall meet the following minimum water pressures at points of connection:
 - 1. 20 psi during conditions of fire flows and fire demand experienced during peak day demand.
 - 2. 30 psi during peak instantaneous demand.
 - 3. 40 psi during peak day demand.

If Big Plains Water and Sewer Special Service District is unable to meet these minimum required water pressures, with the existing resources available to them, the subdivision cannot be approved, unless the developer is able to provide the needed resources (storage tanks, etc.) to solve the problem to Big Plains Water and Sewer Special Service District’s satisfaction.

AFTER AMENDMENT

11.08.080 Water

- A. All subdivisions shall have a supply of culinary water available to each lot in the subdivision.
- B. All water to all lots, shall be supplied by the Big Plains Water and Sewer Special Service District, unless otherwise approved by them.
- C. Minimum Water Pressure. At all lots in Town the water pressure shall meet the following minimum water pressures at points of connection:
 - 1. 20 psi during conditions of fire flows and fire demand experienced during peak day demand.
 - 2. 30 psi during peak instantaneous demand.
 - 3. 40 psi during peak day demand.

If Big Plains Water and Sewer Special Service District is unable to meet these

minimum required water pressures, with the existing resources available to them, the subdivision cannot be approved, unless the developer is able to provide the needed resources (storage tanks, etc.) to solve the problem to Big Plains Water and Sewer Special Service District's satisfaction.

An application for a zone change or preliminary plat must include a letter from the governing water authority (Big Plains Water and Sewer Special Service District, etc.) confirming the following:

- A. That it is feasible to provide water to the property and
- B. That water sufficient to support the property is available.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Attest	Presiding Officer			

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-10**

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

SECTION 1: **AMENDMENT** “11.12.020 Design Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.020 Design Standards

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

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets shall be permitted only as recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall

occupy any one lot.

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

AFTER AMENDMENT

11.12.020 Design Standards

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

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be

permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.

- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.
- N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
 - 2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. The front side of the flag lot shall be deemed to be the side nearest the

- dedicated public or private street up on which the staff portion front.
5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
 6. No more than five (5) flag lots may be served by one staff portion of said lot.
 7. The land use authority shall specifically approve each flag lot.
 8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member / Mayor Pro Tem Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley