



APPLE VALLEY TOWN COUNCIL REGULAR MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, February 17, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Thursday, February 17, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Mason Walters |

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

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/89192923252>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 891 9292 3252

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

- [1.](#) APPROVAL OF MINUTES FOR JANUARY 27, 2022
2. FINANCIALS FOR JANUARY 2022
3. Discussion- Lot Split parcel AV-1351-A-1: Applicant- Rocky Mountain Power

MAYOR'S TOWN UPDATE

PUBLIC COMMENTS

DISCUSSION AND ACTION

4. Update Title 10

Planning Commission recommended the below actions at meeting on 2.3.22, please see draft minutes.
PC recommended 5-0.

1. 10.10.030 CHANGE COMMERCIAL ZONE
2. 10.28.260 DELETE ACCESSORY BUILDING
3. 10.28.270 CHANGE GUEST HOUSE OR CASITA
4. 10.28.280 ADD TIME RESTRICTIONS TO BUILDING
5. 10.28.290 ADD BUILDING PERMIT EXPIRATION TIME
6. 10.28.300 ADD STORM WATER MIDIGATION
7. 10.28.310 ADD GRADING AND GRUBBING

5. Update Title 11

Planning Commission recommended the below actions at meeting on 2.3.22, please see draft minutes.
PC recommended 5-0.

8. 11.02.020 CHANGE SCOPE AND ADD LIMITATION

9. 11.02.040 MAYOR SUBDIVIDE RESTRICTIONS

10. 11.02.100 ADD FORM AND ATTORNEY FEE CLAUSE

11. 11.02.120 ADD TO SUBDIVIDERS AGREEMENT

12. 11.08.040 CLARIFY STREET IMPROVEMENTS

6. OTHER

Planning Commission recommended the below actions at meeting on 2.3.22, please see draft minutes.
PC recommended 5-0.

13. CHANGE AND ADD TO TOWN DESIGN STANDARDS FOR STREET DESIGNS

14. CHANGES TO STREET MASTER PLAN

A. WILDCAT AREA

B. BUBBLING WELLS AREA

15. ADOPT DEVELOPMENT AND BUILDING POLICY

7. CONFIRMATION OF PREVIOUSLY APPROVED ZONE CHANGE FOR PARCEL AV-1378-Q – CANAAN MOUNTAIN ESTATES

8. SPECIAL EVENT PERMIT APPLICATION FOR HALF MARATHON RACE WITH VACATION RACES

9. DISCUSSION AND POSSIBLE ACTION ON JOINT RESOLUTION BPW-R-2022-01: JOINT RESOLUTION OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee

Fire Department

Code Enforcement

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Clerk 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 2/10/22 and updated on 2/14/22, 2/15/22, and 2/16/22.

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.



APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Thursday, January 27, 2022 at 6:00 PM

MINUTES

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Thursday, January 27, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Mason Walters |

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

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<https://us02web.zoom.us/j/84816055713>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 848 1605 5713

6:03 pm

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

6:03pm.

PRESENT

Mayor Mason Walters

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

DECLARATION OF CONFLICTS OF INTEREST

None declared.

MAYOR'S UPDATE

PUBLIC COMMENTS

Rich Kopp- 2222 E Ranch Rd- Concern about connection Canaan to the million gallon tank.

Jason Graham- Concerned about things seeing in Apple Valley- scandal of hiring back Jr of Fire Chief.

Rich Ososki- would like to speak in favor of JR.

Patricia Anderson-comment about building moortaium

Travis Holm- addresses about his agenda items

Motion to close public comments

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

CONSENT AGENDA

1. Approval of Special Town Council Meeting Minutes from 1/3/2022

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

2. Financial Review – Treasurer Robin Whitmore

Mayor thanks Robin.

No financial review at this time for council or publish to look at. Previous reconciliation were not done in the office and trying to sort through months of back papers before we can present a financial review.

DISCUSSION AND ACTION

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3. DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND WASHINGTON COUNTY FOR SHERIFF SERVICES

Nate Brooks elected Sheriff for the The Town of Apple Valley made comments about the contract.

Comments about the highway 59 about high speed traffic. That road is maintained by U-dot and any special request on the road need to be taken up with U-dot between the Town of directly. Town Ordinance needs criminal penalty-cannot write ticket on civil offense.

DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND WASHINGTON COUNTY FOR SHERIFF SERVICES

Motion to approve made by Council Member Sair, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

4. DISCUSSION AND POSSIBLE ACTION ON THE GENERAL PLAN UPDATE BEING PERFORMED BY SUNRISE ENGINEERING

Brad Robbins with Sunrise Engineering retired City Manager from California. Rebecca Bennett is also here. Brief update about General Plan. In essence General Plan is base document for every development that goes on in the town. Land use, Transportation and Housing. Housing is not required because less than 1000 residents but still recommends some housing. Survey for Town going forward about Steering Committee- Planning Commission will be the Steering Committee. We recommend they survey be available for 30 days and then coordinate those items with the Steering Committee. Timeframe is hopeful for 5-6 months.

Mayor makes comment about General Plan being crucial as the vision for the community. Residents input is going to be critical. Town will include this survey in the upcoming water bill.

DISCUSSION AND POSSIBLE ACTION ON THE GENERAL PLAN UPDATE BEING PERFORMED BY SUNRISE ENGINEERING

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

5. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-06: RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE

Kevin Sair commented about the fee increase due to the fee increasing with the County of Washington. \$12.50 currently increased to \$13.00 a month starting 2/1/22.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-06: RESIDENTIAL SOLID WASTE DISPOSAL FEE INCREASE

Motion to approve made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

6. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION R-2022-07: APPOINTMENT OF TOWN CLERK AND RECORDER FOR THE TOWN OF APPLE VALLEY

Motion to approve made by Council Member Whitmore, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

7. DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-08: APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING COMMISSION

1 volunteer Margaret Ososki has volunteered for this position.

DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-08: APPOINTMENT OF ALTERNATE MEMBER OF THE PLANNING COMMISSION

Motion to approve made by Council Member Sair, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

8. DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2002-09: APPOINTMENT OF TOWN PURCHASING AGENT

DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2002-09: APPOINTMENT OF TOWN PURCHASING AGENT

Correction: DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-09: APPOINTMENT OF TOWN PURCHASING AGENT

Motion to approve made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

9. DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-10: APPOINTMENT OF A TOWN COUNCIL MEMBER

Barratt Nielson makes comment about his background.

Term ends Jan 3, 2024

DISCUSSION AND POSSIBLE ACTION OF RESOLUTION R-2022-10: APPOINTMENT OF A TOWN COUNCIL MEMBER

Motion made to approve by Council Member McGinnis, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motion carries.

10. DISCUSSION AND POSSIBLE ACTION ON AV-1313-D-1. ZONING CHANGE APPLICATION. APPLICANT TRAVIS HOLM

Motion to Table until March 2022 per applicants request.

Motion made by Council Member Sair, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Barratt Nielson

Motion carries.

11. Discussion and possible action on AV-1318. Zoning change application. Owner Nancy Bradshaw Tr. Applicant Travis Holm.

Motion to Table until March 2022 per applicant's request.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion carries.

12. Discussion and possible action AV-2184 & AV-2165. Zoning change application. Owner: Ciel Holding LLC & Colony Partners LLC. Application by Travis Holm.

Motion to Table until March 2022 per applicant's request.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

Motion carries.

13. Discussion and possible action on AV-1366-D-1. Zoning change application. Owner Zion Tiny Homes Matt Jessop.

Motion for denial recommended to the Town Council from Planning Commission on 1.20.22, needed application corrections were not made.

Motion For Denial for

1. Same reason denied from Planning Commission, needed application corrections were not made.
2. Turning property into High density subdivision is not compatible with the surrounding area in Cedar Point.
3. Property is a good location for commercial area as recommended by the General Plan.
4. Inadequate services

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.
Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

14. Discussion and possible action on AV-1343-A-1. Zoning change application. Owner: TLW Investments, Travis & Libby Wells. Agent Alliance Consulting.

Motion for denial recommended to the Town Council from Planning Commission on 1.20.22 for larger lots, no access and inadequate services.

Comments are the same for 14 and 15

Thad Seegmiller is a local attorney representing this client makes comment that he disagrees with Mr. Sair it's going to be a joke Mr. Sair he was elected and served 8 years on Town Council and is very aware of how much work goes into the Town Council and agrees the Town should buy him a popsicle from time to time. These are 2 zone changes both are zone changes from Open Space to the designation currently listed in your General Plan. This application the landowner the land use designation in compliance with the general Plan. He has reviewed the application notes from the planning commission. 1st finding even though recommending denial speaking in reference to agenda to #14 and #15 on both projects the Planning Commission did find that it did conform to General Plan. Read Statute from State of Use from State of Utah 10.9.509 An applicant is entitled to land use owner if the application conforms to the applicable land use regulations. This application conforms to general plan use plan, conforms to land use regulation. Agrees with planning commission. Makes comment about zoning and what zone change application. He is authorized today, if there are issues with harmony to discuss rather than having to file an appeal. Zone change application is for a minimum of 1 acre is approved. As to access the plan is to bring access plans at preliminary or final plat. If there are concerns or principals of access they would be willing to discuss those or work through those as well. Thad Seegmiller asks the Mayor and Council if any questions.

Councilmember Barratt Nielson only concern he has is the threat of appeal to hang-over there heads to make a decision in their favor

Thad Seegmiller addressing that our ordinance states if zone change denied only re-address is to make an appeal. You are right if there is a denial and if the client wants to appeal that

Barratt Nielson asks for zone change for 1 acre and if approved all lots can be one acre, Thad Seegmiller says not exactly because this body will be the same body to approve the plat after zoning designation is changed to conform with General Plan.

Dayton Hall makes comment that zone change is an amendment to ordinances so that is a legislative action the council takes out of all the things you have the most discretion on you make your laws. he disagrees on the previous comments on the plat. State code the culinary water and sewer system and other ordinances the town shall improve the preliminary plat of all the times concerns about infrastructure, harmonious with surrounding properties, now is the time when the council has the most discretion. He will say it is not uncommon to approve the zone change and you have these concerns about infrastructure, you can tie approval of the zone change to a developer agreement that agreement basically the applicant has to agree that they can't develop until whatever the infrastructure that the Council is concerned about is in place, that way you are not stuck with preliminary plat that you or may legally required to approve even though the infrastructure is not in place. My recommendation that anytime you have an application for a zone change with infrastructure and water concerns is to tie it to a development agreement.

Dayton Hall asks does that answer your questions.

Mayor asks Thad Seegmiller if he wants to add anything else.

Thad Seegmiller states zone changes are not where you do development agreements-developments agreements do not designate land use but infrastructure. Client would be open to developer agreement. Zone designation is the first step. Doesn't know what we would talk in a developer agreement to discuss a zone designation.

Discussion Town Council- General Plan- that plan that doesn't have to configure to the minimum designation on the General Plan. Concerns about infrastructure.

SSD requested in August 2021 from the division of drinking water stated region now receives low pressure and insufficient water flow.

SSD Water superintendent makes comment about connecting the water lines.

Dayton Hall makes comment to the Town Council if going to approve the zone change to do it with conditions.

Motion For Denial for same reasons Planning Commission denied for larger lots, no access and inadequate services.

Motion for Denial for Concerns whether we can provide adequate services for any service at any time in the future and current road access and Gould's wash running through property with no current road access.

Area is situated for larger lots but zoning allows to go with larger lots

Very concerns whether adequate services at any time at this time or in the future and I think it was discussed with the Planning Commission with no road access.

Motion made by Mayor Walters, Seconded by Council Member Whitmore.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Motions carries 5-0.

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

Motion for denial recommended to the Town Council from Planning Commission on 1.20.22 for parcel history, ownership, larger lots, and infrastructure concerns.

Mayor: There was some questions in the PC meeting about ownership problems I don't know if that is fully resolved there is some who question that but were not going to revisit at this time. There was some questions about if the the lot splits were done in the legal process to subdivide this property including this particular parcel I think there was more to that discussion that could be a legal issue moving forward. Under that basis we really could deny this application based solely on that legal process to subdivide these properties. But let's just address the merits of this request to go from Open Space Transition (OST) to Rural Estates-1 (RE-1). It is currently the GP designated as residential 1-5 acre lots again you know a lot of the same issue from item 14.

Kevin Sair: these are side by side lots as item 14 and all the same issues and personally ready to move forward with a motion discussion will just be repetitive at this point.

Mayor: Well this is one difference with this parcel that is applicable and definitely adjacent properties are over 10 acres and there zoned agricultural would definitely not be harmonious with those properties that is something that applies to this particular parcel.

Attorney: I have spoke about this one and the prior one and would just like the record to reflect the comments that he made previously that were attended to address this one and the concerns the town might have.

Mayor: We have motion do we have further discussion

Kevin Sair clarifies willing to make motion but did not make a motion

Mayor asks any further more discussion?

Barratt Nielson: He would like to see larger lots himself Same concerns as this lot that would like to see larger lots than the 1 acre lots kind of hard to retract the one acre lot after given. Also the ability to service this parcel asked how big parcel 157.5 acres. That is a lot of connections. Concerned about the access

Andy: Thinks would be negligent approving something not knowing what our water status is. It's no secret that we have been in a 10 year drought. We are currently having problems with the water system in Cedar point it would be negligence of us to allow this to go through without being able justify the water going into these subdivisions. It's hindrance to our current community, I think we need remember that we have our duty first into those who live in our community now not seeing the were not willing to move forward with subdivision we need to remember the community and who had been living here and living and dealing with these issues prior to these subdivisions we need to take care of those who live here first in my opinion

Attorney: Just to clarify this application is not service by the Cedar Point water:

mayor: Thank you so your concerns are valid in concerns to storage because we know have a serious storage issues in this particular area as stated DDW providing us with information that was initiated before all of this to help us assess our needs. What I have see happen with some zone change request is the preliminary plat is in the same meeting to same we can go from zone to preliminary plat and have opportunity to answer those questions is going to be challenging. There is a question about road access for this parcel as well. There is no other access or connection or any other roads to this property this time and as far as this high density it it 157.5 acres. As councilman Nielson stated by permitting one acre zone they can put in one acre lots so that is going to be high density for an area that is really not harmonious for that because it is directly adjacent to these larger parcels so that is not going to be harmonious in that are as well. Any other discussion? Do we have a motion?

Kevin Sair makes motion for denial for same reason in previous discussion on item #14 including the minutes of Planning Commission of legitimacy and subdividing of that parcel, the lot splits. Other concerns Goulds wash road running through, larger lots, without due saying we don't believe adequate services and small lots are not compatible with the adjacent and the larger agriculture lots.

Motion made by Council Member Sair, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

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

Tabled to March 2022 at the request of the landowner

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

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

Tabled to March 2022 at the request of the landowner

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

18. DISCUSSION AND POSSIBLE ACTION OF ORDINANCE 0-2022-01: TEMPORARY LAND USE REGULATIONS INCLUDING MORATORIUM ON ZONING, DEVELOPMENT, AND SUBDIVISION APPLICATIONS AND ALL BUILDING ACTIVITY ON LANDS WITHIN THE TOWN OF APPLE VALLEY

Mayor: So you have had a chance to read through this. What are your thoughts, comments?

Kevin Sair: I have no questions or thoughts.

Mayor: I don't believe that

Kevin Sair: OK, This is a hard one we know this affects a lot of people in our community and that would like to join our community.

Mayor: Let's start by getting a report from our Water Master because it's in conjunction with that is not the sole purpose of this there are multiple reasons but obviously we do mention the water in particular in Cedar Point. We mention storage in Apple Valley System so I think it is appropriate to start with a water report from our water master- Dale Harris

Dale Harris- We have essentially have no water in Cedar Point. We are supposing at least 146 gallons a minute for the building we have there today we are producing 35 gallons a minute. We attempted about 4 years we were in the process 80% done with paperwork to bring the Canaan water over Cedar Point the SSD was ahead of this problem someone wanting a popularity contest and celebrated that they cut that water off. That has choked me at Cedar Point. It is one thing for folks not to get a drink at night or not be able to shower but we are not going to be able to fight a fire in Cedar Point if we don't get some more water at Cedar Point. The SSD threw some money at different wells over in Cedar Point Jessop well turned petroleum we tried to deepen that. Well 59 at 100 gallons per minute 2 years ago now 80 gallons and we have now been shut down by the state because we are failing on manganese and radon because of the iron algae that we have in there. So we are down to 35 gallons a minute folks and we need a minimum of 146 gallons per minute. Very irresponsible to throwing any more sticks up in Cedar Point or Canaan. Have plenty of storage in Cedar point but no water. Opposite problem in Canaan have water but no storage. Apple Valley has storage problem. Storage and elevation problem with the tanks we have. About a year ago there was a study from the State that we have enough room from about 30 more house until we needed to greatly upgrade our infrastructure mostly storage specifically storage so we can the flows suppression needed for fires. The fire chief has been around for the last 2 years running our hydrants we have very few hydrants in town that even meet those minimum requirements so I hope everyone understands from the water standpoint this is to help everybody out this keeps these houses from burning, to keep your families safe. Having no water none of us can be in this town it is essential that we have to have. We were in the middle of being able to we are trying rehab 59 and on that on that comment (of unknown in audience) I am not God I cannot produce water and I cannot get water into the aquifer it has to rain for that to happen. We have literally thrown hundreds of thousands of dollars into the wells over the last 10 years. There hasn't been a year where we haven't tried to get water and want to reiterate that we were ahead of this 4 years ago the SSD if someone would have not stopped a water line that was not actually coming from Canaan to alleviate these problems. So Cedar Point no water, Apple valley water with have water

today we have the ability to produce almost 600 gallons per minute but no where to store it. We need store on this side of the system is the pertinent thing. Cedar Point we need source we are in the middle again of restarting the paperwork with the USDA to get a grant and a partial loan to get our water to come over from Canaan so we can alleviate part of this problem. If we don't get well 59 or find treatment for radon that's in there we are going to have a long summer only be about 80 mins a gallon per minute for summer. Looking at 4-5 months before starting construction. So that is where we are at with our water. Any questions?

Mayor: That is a lot of information what I understand in terms of the grants the USDA grant.

Dale Harris: That is EUWAC an emergency grant because we are in an emergency situation with what we got going on in Cedar Point. The bulk of that is going to be a grant.

Mayor: So where are we in that process?

Dale Harris: Rod gave update the other day that we are about 30-40% through the process. He has paperwork for the wells that he has in Cedar Point to turned over to the USDA that we are in a situation and need this help and this money to be able to get our wells and those springs into he tanks so we can be able to service the community.

Mayor: Will you give us a better picture of the storage her because we know and we have hearing from residents about the water quality and not the understand about the water quantity over there as well and how that is going to impacts not just culinary water but fire suppression as well weill you talk a little more about the Tanks in Apple valley.

Dale Harris: So we got 440,000 gallons of storage but we have 2 deteriorating tanks. We just patched the bottom of one and while cleaning found more deterioration in those tanks. We need elevation and storage again there is a development on the other side of the road that will bring some storage but who knows when that will happen. So going forward we really can't allow anything more until we came up with a definite plan how we our going to get that storage and that elevation out of that storage.

Mayor: What would you say is he age of those tanks are

Dale Harris: I was told one of them was 1978 and I was told was I think 1992, 1991 or 1992.

Mayor: Ok I was just reading our capital facilities plan and it stated in the capital facilities plan that in the Apple valley area that we need 190,000 gallon tank just for fire suppression. is that beyond your scope

Dale: Are you saying 190,000 as a whole

Mayor: The capital facilities plan that Apple Valley stated 190,000 gallon tank for fire suppression so 180,000 gallon tank just for fire suppression so we 440,000 suppose to cover all Apple Valley but 180,000 should be dedicated for fire suppression

Dale: Correct.

Kevin Sair: make statement for all that you do he appreciates. Here with former SSD and here with old SSD and old system and here through the new upgrades and piping long-term even clear back then was to bring that Canaan water over to the million gallon tank knew when we purchased that system wasn't an improved system and even back then make great strides moving forward, emergencies with earthquakes that set them back but that whole thing should of been done and online 4 Or 5 years that what that plan was. I sat on the council and the SSD board. What has taken place since then is it part of the reason I am up here. I am Aww and shock that we are in this predicament at this point in time and we did our due diligence so this wouldn't happen in our community and it's right in our face so we our having to take extreme measures going forward. I can tell you this council we understand these issues

and it our #1 top priority for our community is culinary issues and store problems, wells problems as a whole. He has been in the trenches and supports Dale Harris. Go put in this position to tell you the truth in the community forward. That's my character. When I say I am here to serve and protect, it is true, that it is my end goal.

Mayor: Thank you and will get comment but not quite done with Dale Harris. This is not just about water, it's about many other issues and one of them is we need to update our Ordinances to better protect our community. There our developments going in right now that do not have a looped water system and if you don't have know what a loop water system is, he (Dale Harris) is going to explain that to you and why a looped system is critical for water quality so will take about that.

Dale Harris: Well you kind of did it the biggest purpose for a looped system is water quality the other parts is for pressure and flows. We have so many dead end on all of these systems and we call let further development without people being willing to loop system back into existing lines. We have one going in right now that should have a looped system its a big one and it should of been I was removed out of my position, there should of been a loop in that one. Going forward we can't keep creating dead ends in this system. The biggest things for me and Jr (Fire Chief) will argue his side my biggest thing is water quality and secondary is those pressures and flows. When you have those dead ends and people are pulling before you get to that end house that where the water going to go take the path of the least resistance. In the looped systems in theory you are going to have that better pressure and flow and my perfect world we wouldn't approve anything on main line extensions without them looping back into an existing pipe.

Mayor: And so the water quality that's going to cause illness.

Dale Harris: Exactly, stagnant water can have the ability crat bacteria in the water, colifrom bacteria most definitely in the water. The other situation that we are dealing with since we are in this drought is trying to flush hydrants is a delicate thing. I don't have any water in Cedar Point to dump on the ground and that's all I have in Cedar Point, a bunch a dead end lines. One big loop is Cedar Point everything else is dead end. No where to put water because of the way everything has been built not be able no where take a hose to flush anyone out but the biggest things is in previous years I was able to turn my system over every summer in Cedar Point, I have been able to do that for the last 2 years because I can't dump that water on the ground because I know I can get it back in the tank.

Mayor: Thank you. So that's one of the things the we came across that's in our policies and procedures and ordinances should not be there and that's just one things and we have come across numerous things that need to be addressed in our ordinances and how we will move forward our community infrastructure our community growth again its not just about water although that is still water related but its deficiencies in our ordinances that have to be addressed so we are ready to say to future developers that this is the way it needs to be done and why and we have the ordinances to back us in that. I might call you again in refence to Dale Harris. So we have already addressed that our General Plan is being updated after 17 years. That needs to be done because it address our vision for the future. Our water infrastructure study is critical that is in the process that needs to be done all of this information is critical for us to have and its in the works, we are not saying give us 6 months so we can look over our ordinances, we are saying gives us 6 months so that we have a plan and actionable plan give us 6 months so Dale Harris can work on critical infrastructure for the water needs so we have actual plan based on data realwide engineering studies that we need to move forward approaatly for the future of our community. So any other thought reference to Dale Harris before we start taking comments. None. Okay Karl you raised your hand a few times.

Karl Rasmussen engineer: Thank you Mayor and Council, councilmembers I am here talk about water issue because every client I have been trying to help up here I have known about your water issues, I have known them since Cedar Point was created and there was more water noew that is depleted that

becomes a real issue so I actually have a solution to the problem, yea we can go study it we can go get grants to drill another well and stuff but I got a client that's already punched 2 wells that's has significant amount of water and he is willing he even got submitted drawings to Paul Rite to the state to put up a water tank that will solve and can solve the 2 tank dilemma up here and create higher pads and can almost push water not quite high for the big tank at Cedar Point but a simple booster pump would get the water there all that I know is that takes more infrastructure more money my client asked you guys if we can sit down with the district and board before you even do any moratorium and work out a deal so we can help you guys solve these water needs. I just that's my request, request from my client and would like to see it doable he wants to get going on things, get the loop in on the gooseberry way, get the crossings over the two washes help our secondary access through this area. wants to get going on some things moratorium is going to shut everything down for another 6 months to even lay wood. He wants to do with he money that he is sinking into the wells and into the tanks and we really like sit down with you and lets and I think we outta when the State gets down to their study hey we got these resources we got these got developers and I know one of them has money in the bank right now and wants to get their infrastructure wants to get a tank up on the hill lets gets together lets make something happen the more we sit back and pushing it get people more honorary and mad. Why we can't we just come together there is an easy solution I am presenting wasn't my idea, someone's else just wanted to present that to you. Anytime you want to call me or talk to me about. I did the capacity analysis test I had to do one for the 29 lots the client wanted to do down by the service station at that point we met with the district and that was with the mayor previously of the mayor that you have been talking about tonight. Things were running real soon I mean I was even conferenced that we needed more water more source and this person that drilling wells has approval and have approval to drill 3 more, 3 right here and one I know over Main street but I am talking about 3 right here in this part of the valley. Every well that has been drilled has been certified by the state. Paul rite comes and inspects them makes sure the right casing they have to have a preliminary evaluation report per before they can even drill and he has hired Lance, guys up North that are professionals on the geology of this to find water avenues or get water I just say come together let's have a work meeting before placing this.

Mayor: Asks Karl who the client is, and Karl responds Travis, so Travis Holm does not own any property. Travis Holm does not own any property tin this valley correct? Frank Lindhardt, planning dept manager responds some parcels, little not very much, Mayor- ok so he can not promise us anything unfortunalltey he can't promise anything and what has happened in Apple Valley for too many years is that we have accepted promises with nothing to back it up. We have accepted promises of tanks, infrastructure, accepted promise after promise with nothing to back it up. What we are saying now going to chart our future and that starts with our General Plan, updating our ordinance because we so many deficiencies that don't protect the Town that don't protect the residents. We are in discussions right now over a preliminary plat requiring for things to be doe according to our ordinances and we are still getting push back so how do we protect ourselves if we don't go through ordinances that don't even match, one here this is how you to do, and one that say this is how you to do. We have to take control of of our Town and our future through this process and not shutting people off but preparing us to take on the developments approaitely.

Karl: Commends the Town for doing this and gives praise. I guess if you needing to do that on your Ordinances and fix and while in the process we are doing that lets still work together on the solution to the problem he has already sunk in wells, has the site for the tank. It happening, let's get together you say he doesn't own some of the property, he does own property. Let's get together this isn't the setting to have disagreements putting out solution

Mayor. Thank you we will be very happy to work with you solutions, speaking for me we have got to get things right so we are prepared to move forward.

Unknown resident: So I have heard that the working on getting a grant for Cedar Point and I am so sorry for anybody that lives in Cedar Point, unlivable to me with that being said on the storage here do we have plans started to get new storage tanks.

Mayor: good questions, part of this with Division of Drinking Water is there a financial component involved with that and they have put forward a financial plan and that is a component of all this. How do we do that financially. Yes what we are seeing now at this point we need to have an understanding of what we need infrastructure wise although we already have deficiencies. we need to have a clear plan and that's going to come through this process and also within this plan they make recommendations of how to financially address these issues.

Unknown: We you are talking about fire and needing water one of our residents came from a Town that was completely destroyed by fire. My niece lived in a town that was destroyed because of no water, beautiful green area, niece lost everything but her life, lost business, house, the town she lived in. the all had to leave somewhere. This can happen.

unknown: my concern the last time we had council that had to deal with water issues. we all got saddled debts. Started partial grant. Didn't address the tanks and this was just 5 years that we have saddled with debt and the tanks weren't even any issue and now we have multiple developers willing to take that burden and you guys want to take that away and go back to asking the state for help what is wrong with you people. We had enough debt we are done let someone else help out.

Mayor: Thanks the comment and understands position on that this is not about saying were not going to work with developers, we are going to work with them in 6 months and come from a position of strength knowing our needs understanding our infrastructure fully because again I have been reading development agreements that have happened in the last 6 months where you would think oh we should of gotten something to tanks, for multiple developments and it didn't happen because we haven't been coming from a position of strength and knowledge and in 6 months we are going to work with those developers from a position of strength and knowledge and this is what you are going to bring the table and its based on data and engineering and they are not going to say no we are not going to do that.

Unknown: resident?- Apple Valley has been a town of broken promises when it comes to development. We should have 9 tanks if developers abide by the agreement and Dale Harris had said water system should be a loop, who is enforces to make sure the loop is enforced, don't need an answer now. Things are just not done the right way in Apple Valley and congratulate you guys for standing up and saying the gravy train is over and this is the way it has to get done by the book.

Mayor: so are far as looping projects that have not going before the district if they have not been approved appropriately because they are going to have to go back through that process because you can't circumvent processes that are already outlined in ordinances and policies and procedures. At that point if we find out.

Brandon Hansen: I am property owner old Desert rose now terming Crimson Peaks, we certainly the title owner, we are working my planner met with Frank Lindhardt we certainly not going to do anything in the development that not's going to add value to this City, I can promise you. I know developers give broken promises. Like Karl said he is our engineer we do have solutions, we have standing water, we have paper water, we can contribute to the city. I am part of the project that has already been approved granted if we are going to bring value to the city which I promise you I am we can grow that water and were not going to tax the city.

Forrest: You mentioned water infrastructure study I believe our we going to study the water in the ground.

Mayor: No that is no a part of this study but met Washington County Conservancy District so our working obtain grants, valid concerns about grants but this particular water setting that is 100% grants that are available. You did hear Karl he actually observe water levels decrease, we know that this is happening so understand that component is important but right now infrastructure is critical. Developing our General Plan is critical updating our ordinances so that we meet our needs so that don't conflict with each other and remember we are doing this one staff member and a volunteer, no money and volunteer Planning Dept Manager, the time this man has spent is crazy and the time he is going to have to spend as an unpaid volunteer. So in Apple Valley we have been reactive instead of proactive throughout our history for a long time. In apple Valley we have not planned approiately for the future and in AV we have accepted too many promises. I am excited to work with past projects but gives us this time to get ourselves in a position to know what is needs, prepared to approiately take care of this community and you will be apart of this future.

Travis Holm makes comment about his Gardner Bros Drilling hit water and his help that he wants to give to the Town in regards to water and his solution for the Town.

Anthus Barlow has comment that he was Vice-Mayor of Colorado City for eight years and had comments that he was part of lawsuit in Colorado City that started as MORATORIUM regarding water.

Mayor: Temporary Land Use does not require public hearing but we wanted to hear the concerns.

Resident Rich Ososki fully supports the decision and supports how messed up the ordinances

Mayor: We know that there are some fundamental rights that are being challenged right now. Fundamental basic questions that needs to be done re: ordinances and zoning to protect us right now. This is for infrastructure questions that need to be answered. Obviously the water component in Cedar Point is critical. And we will be willing to work with developers. How do we enforce ordinances when they conflict with each other. Ordinance and general plan need to be updating

Motion to approve Dayton Hall makes comment on Decide and find that there important enough to offset the restrictions that are being put on landowners property rights. Compelling countervailing public interest to support the decision.

Motion to approve By Council Member Nielson

Motion made by Council Member Nielson, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Community Events – Debbie Kopp

Public Works – Dale Harris

Big Plains Water and Sewer SSD – Dale Harris

Fire Department – Chief Dave Zolg, Jr. and Liaison Kevin Sair

REQUEST FOR A CLOSED SESSION

Community Events – Debbie Kopp- Discuss at next work meeting

Debbie Kopp

Community Event to discuss work meeting. targeting for Easter weekend

Happy Birthday sang at 9:24pm to Mayor.

Public Works – Dale Harris made report earlier

Big Plains Water and Sewer SSD – Dale Harris

Fire Department – Chief Dave Zolg, Jr. and Liaison Kevin Sair

Community CPR 3/26 Chili Cook off 4/23

Burn Season March-1st-May30th unless restrictions from State or County.

WUI program when can we get clean up day. Wildland Urban Interface. WUI code regulates what types of material can have next to house.

Fireboard hoping to get out and help community members to help clean up.

Kevin Sair addressing storm drainage/ code enforcements/ town equipment, back-up generators.

Motion made by Council Member Whitmore, Seconded by Council Member Sair.

Voting Yea: Mayor Walters, Council Member Sair, Council Member Whitmore, Council Member McGinnis,

ADJOURNMENT

Adjournment at 10:14

PRESENT

Mayor Mason Walters

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Interested persons are encouraged to attend public meetings to present their views. Comments can also be submitted in writing at least one day prior to the meeting by emailing clerk@applevalley.gov. Comments submitted in writing will be read on the record during the meeting.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Clerk 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 1/24/2022.

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.

Date Approved: _____

Mayor | Mason Walters

Attest BY: _____
Jenna Vizcardo, Town Clerk

DRAFT

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 ~~ELIMINATE~~

- 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 w

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	C-4
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	Item 6.
Car wash	N	P	P	
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	N
Household appliance sales and service	N	P	P	N
Ice cream parlor	P	P	P	P

Ice manufacture and storage	N	N	P	Item 6.
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
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Real estate agency	N	P	P	Item 6.
Reception center or wedding chapel	N	P	P	
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	X
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	P 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

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				Item 6.
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.

HISTORY

Adopted by Ord. 2019-09 on 6/12/2019

Amended by Ord. O-2020-25 on 11/18/2020

~~Section 10:28.260 ACCESSORY DWELLING UNITS FOR AN OWNER OR EMPLOYEE:~~

~~A. An accessory dwelling unit for an owner or employee shall not be rented, leased or sold separately from the rental, lease or sale of the primary building located on the same lot.~~

~~B. A maximum of one accessory dwelling unit for an owner or employee may be established on each individual, separate lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.~~

~~C. The lot proposed for an accessory dwelling unit for an owner or employee shall already have an existing primary structure provided, or approved, prior to the consideration of an application to allow an accessory dwelling unit.~~

~~D. Accessory dwelling units shall meet the required setbacks for attached or detached accessory buildings and uses as required by the zoning district in which they are located.~~

~~E. An accessory dwelling unit for an owner or employee shall be connected to, and served by, the same water, sewer, electrical, and gas meters that serve the primary building. No separate utility lines, connections or meters shall be allowed for an accessory dwelling unit for an owner or employee. Unless required by building code.~~

~~F. An accessory dwelling unit for an owner or employee shall provide a minimum of two (2) off street parking spaces, located as determined necessary and appropriate for approval of the accessory dwelling unit for an owner or employee.~~

~~G. The construction of an accessory dwelling unit for an owner or employee shall meet all requirements of the adopted building code, as applicable.~~

~~H. The architectural style, building materials and building colors of an accessory dwelling unit for an owner or employee shall be found to be compatible and consistent with the architectural style, materials and color of the primary building.~~

~~I. Mobile homes, travel trailers, boats or similar recreational vehicles shall not be used as an accessory dwelling unit for an owner or employee.~~

~~J. The land use application approval for an accessory dwelling unit for an owner or employee shall be received before a building permit is issued.~~

~~K. As a condition of approval required to establish an accessory dwelling unit for an owner or employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the accessory dwelling unit for an~~

~~owner or employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the accessory dwelling unit for an owner or employee.~~

10.28.270 GUESTHOUSES OR CASITAS:

The purpose and intent of requirements for allowing a *detached* guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances, and the building code are met
- B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. Setbacks: All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. Parking: All guesthouses or casitas shall provide a minimum of one-off street parking space.
- H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. Height and Size Restrictions: All guesthouses or casitas shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13')

10.28.280 *Time Restriction on Completion of the exterior of buildings.*

Any home owner and/or builder, building a home or building in the Town of Apple Valley, must ensure that the exterior of the home or building is completed within twelve (12) months from the issuance of a building permit.

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Completed shall include, but are not limited to the following:

- a. Installation of a permanent roof, finished with such materials as tile, asphalt shingle, metal roofing or any other permanent roofing allowed by the building code.*
- b. The installation of all windows, exterior doors including garage doors.*
- c. Finishing of all soffits and fascia surfaces with their permanent finish.*
- d. The exterior walls shall be finished with stucco (including color coat), brick, rock, siding or other permanent finishes allowed by building code. If the permanent finish includes a material that needs to be painted in order to be weather proof, such painting shall be required.*

180

A short extension up to 90 days, for cause, may be granted by the Planning Commission.

10.28.290 Building Permit Expiration & Renewal

PERMIT EXPIRATION

When building permits are issued, they include a built-in expiration date, governed by the Building Code. The information below explains how long permits last and how they may be renewed.

The Building Code sets timeline requirements when building permits are issued. The work authorized by the permit must begin and demonstrate progress by certain dates, and all work must be completed within two years. From the day the permit is issued, it will expire if the work is not started within 180 days. To meet this requirement, the permittee must call for, and pass a valid inspection. If no inspection has been scheduled and passed within the first 180 days, the permit becomes null and void.

Once the work has started and the first required inspection has been passed, the permittee must show that the work is progressing by passing a valid inspection at least every 180 days (six months). If these progress requirements are not met the permit will expire. This applies regardless of when the first inspection took place within the first year of the life of the permit.

To renew an expired building permit that has received and passed at least one valid inspection, but has not exceeded the two-year mark:

- The plans cannot be changed, nor changes proposed.
- One-half of current permit fees are due upon renewal unless progress has been made (and approved) so that only a final inspection is needed, then one-quarter of current permit fees are due.

- If the two-year deadline to complete work has been exceeded and the work has received valid inspections, full current permit fees are due upon renewal.

When requesting a renewal of an expired permit, you must bring the full set of the original stamped, permitted plans, along with supporting documentation (such as truss and/or engineering calculations) and present them upon request.

No impact or hookup fees paid, will have to be re-paid if a building permit expire, unless such fees has changed, in which case the difference in fees must be paid, if higher.

Section 10.28.300 Storm Water Mitigation & Detention Required

1. 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 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.
2. 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.
3. 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 building 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. 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. 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 the Town, 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 the Town.**

10.28.310 GRADING AND GRUBBING OF VACANT LOTS.

No Grading and grubbing of vacant lots shall be allowed prior to issuance of a building permit.

Soil testing is permitted prior to issuance of a building permit.

11.02.020 Scope & Limitations

1. No person shall subdivide any tract of land which is wholly or in part within the Town boundaries except in compliance with this title.
2. No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is a part of a subdivision of a larger tract of land, or offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.
3. All lots, plots, or tracts of land located within a subdivision shall be subject to this title regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the land.
4. **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 this Title 11.02.020 , until such violation has been corrected.**

approval of the city council, the planning commission and the fire chief.

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

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

SUBDIVIDER: Any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.

SUBDIVISION: A. Includes:

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

B. Does not include:

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

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of this chapter. (Ord. 2008-32, 12-18-2008)

11.02.040

~~10-39-4~~ NECESSITY OF PLAT; EXEMPTION FROM PLAT REQUIREMENTS:

All subdivisions shall be required to prepare and receive approval of a preliminary and final plat in accordance with the provisions of this chapter, except as follows:

A. A subdivision creating no more than one new lot may be approved by city staff without the necessity of preparing and filing a preliminary plat or final plat if:

1. Notice is provided by city as required by this chapter.
2. The proposed subdivision:
 - a. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes.
 - b. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.
 - c. Has been approved by the culinary water authority and sanitary sewer authority.

d. Is located in a zoned area, and conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

Item 6.

B. A lot or a parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if the lot or parcel:

1. Meets the minimum size requirement of applicable zoning; and
2. Is not used and will not be used for any nonagricultural purpose.

C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements to the proposed lot has been reviewed and signed by members of the joint utility committee. No building permit will be issued for said lot until the approved improvements are constructed and accepted.

D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be described by deed and upon approval of city staff, shall be recorded with the county recorder. (Ord. 2008-32, 12-18-2008)

10-39-5: NOTICE REQUIREMENTS:

A. Notice Of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development: Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.

B. Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement: The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:

1. Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;
2. Mailing notice to each affected entity;
3. Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;
4. Publishing notice in a newspaper of general circulation in the city; and
5. Publishing notice on the Utah public notice website. (Ord. 2011-11, 12-15-2011)

10-39-6: PRELIMINARY PLAT PROCESS:

All applications for preliminary plat approval shall be subject to the following:

A. City and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.

B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.

C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.

D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to section 10-39-12 of this chapter, and required fee to planning department on or before deadline for submissions established by the city.

E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.

11.02.100 Land use Change Agreement

All applications for a Land Use Change shall be accompanied by an executed copy of the following agreement, as amended from time to time by the Town council. Said agreement shall be substantially in the following form:

LAND USE CHANGE AGREEMENT WITH APPLE VALLEY TOWN

This agreement is entered into this _____ day of _____, between _____ of _____, County of _____, State of _____, hereinafter referred to as "Land Owner," and the Town of Apple Valley, a municipal corporation of the State of Utah, located in Washington County, hereinafter referred to as the "Land Owner", on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants and agrees that: (1) it/he has received and read a copy of the Apple Valley Land Use Code, and shall in all respects comply with the provisions contained therein, (2) pay all application fees.

ATTORNEY FEES AND COSTS/GOVERNING LAW. Should the Land Owner or the Town initiate a lawsuit, the prevailing party shall be entitled to costs and reasonable attorney fees. This agreement shall be governed by and construed in accordance with the laws of the State of Utah.

DATED this day of _____, _____.

_____	_____	_____	_____
Land Owner	Date	Land Owner	Date
Title _____		Title _____	

STATE OF UTAH)

_____: ss. _____ COUNTY OF WASHINGTON)

On the _____ day of _____, _____ personally appeared before me _____, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

(SEAL)

NOTARY PUBLIC

Accepted by: _____ Date: _____

Apple Valley Town Planning & Zoning Manager

All signatures to this agreement, other than for sole proprietorships, shall be accompanied by documentation acceptable to the Town attesting to the fact that the signer hereof is authorized by the subdivider to enter into this agreement (e.g., a copy of a corporate resolution, copy of a partnership agreement, etc.).

11.02.120 Subdivider's Agreement

All applications for a subdivision shall be accompanied by an executed copy of the following agreement, as amended from time to time by the Town council. Said agreement shall be substantially in the following form:

SUBDIVIDER'S AGREEMENT WITH APPLE VALLEY TOWN

This agreement is entered into this _____ day of _____, _____, between _____ of _____, _____ County of _____, State of _____, hereinafter referred to as "Subdivider," and the Town of Apple Valley, a municipal corporation of the State of Utah, located in Washington County, hereinafter referred to as the "Town." Subdivider, on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants and agrees that: (1) it/he has received and read a copy of the Apple Valley Town Subdivision Ordinance and design standards of the Land Use Code and shall in all respects comply with the provisions contained therein, (2) all on-site and off-site improvements required to be constructed in connection with said subdivision shall be constructed and installed in accordance with the approved construction plans and drawings, and (3) in the event that legal action is required to be taken by Apple Valley to enforce the terms of this agreement, Subdivider agrees that it/he shall be liable to pay all such legal costs and expenses incurred by Apple Valley, including court costs and a reasonable attorney's fee.

ATTORNEY FEES AND COSTS/GOVERNING LAW. Should the Subdivider or the Town initiate a lawsuit for any other reason than the above-mentioned reason, the prevailing party shall be entitled to costs and reasonable attorney fees. This agreement shall be governed by and construed in accordance with the laws of the State of Utah.

DATED this day of _____, _____.

_____	_____	_____	_____
Subdivider	Date	Subdivider	Date
Title _____		Title _____	

STATE OF UTAH)
_____: ss. _____ COUNTY OF WASHINGTON)

On the _____ day of _____, _____ personally appeared before me _____, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

(SEAL)

NOTARY PUBLIC

Accepted by: _____ Date: _____

Apple Valley Town Planning & Zoning Manager

All signatures to this agreement, other than for sole proprietorships, shall be accompanied by documentation acceptable to the Town attesting to the fact that the signer hereof is authorized by the subdivider to enter into this agreement (e.g., a copy of a corporate resolution, copy of a partnership agreement, etc.).

11.08.040 Street Improvements

ORIGINAL

- A. Prior to start of any work on a subdivision the sub divider shall furnish to the Town Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the sub divider with the reasons for non-approval, and upon correction, shall be re-submitted in the same manner as required herein. Such plans and profiles shall include but are not limited to the following; (see Town Subdivision Design Standards):
1. The designation of limits of work to be done.
 2. The location of the benchmark and its true elevation according to County datum, all profiles to be referred to that datum.
 3. Construction plans which include the details of curb and gutter (if applicable) and street cross sections, locations and elevations of manholes, catch basins and storm sewers, elevations and locations of fire hydrants and any other details necessary to simplify construction.
 4. Adequate horizontal and vertical survey control shall be established as required by the engineer; sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
 5. Complete data for field layouts and office checking.
 6. On curb returns, at least two additional controls points of curvature. Control points shall be staked in the fields to insure drainage of intersections.
- B. Grades of all streets shall not be in excess of eight percent on major collector's streets or in excess of ten (10) percent on all other streets.
- C. All streets within the town 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):

EXHIBIT A. TABLE 1 MINOR, MAJOR & ARTERIAL STREET DESIGN STANDARDS

Street Type	Maximum	Right of way	Pavement Widths	Number of lanes	Lane Widths	Shoulder Widths	Borrow Ditch
Minor Collector (100-200 Units)	10%	60'	34'	2	11'	2'	5'
Major Collector (201-600 Units)	10%	70'	44'	2	12'	2'	5'
Minor Arterial (6,000-20,000)	8%	90'	64'	5	11'	5'	5'
Major Arterial (20,000 Plus)	8%	106'	80'	5	12'	5'	5'

All Minor, Major and Arterial Streets shall be paved as per Apple Valley Town Design Standards, and shall be built as outlined in it and as per Exhibit A, Table 1 above.

Sidewalks may be required instead of Borrow Ditches as required by the Town Council.

EXHIBIT B. Table 1A RESIDENTIAL STREET STANDARDS

Street Type	Maximum Grade	Right of way	Pavement Widths	Number of lanes	Land Widths	Shoulder Widths	Borrow Ditch
Residential Minimum (10 or less Units)	10%	41'	26'	2	11'	2'	5'
Residential Minimum Alternate	10%	49'	26'	2	11'	2'	5'
Residential	10%	45'	30'	2	10'	5'	5'

Local (11-50 Units)							Item 6.
Residential Local Alternate	10%	53'	30'	2	10'	5'	5'
Residential Standard (51+ Units)	10%	52'	37'	2	11'	7.5	5'
Residential Standard Alternate	10%	60'	37'	2	11'	7.5	5'

In subdivision with 1 acre or larger lots, curb and gutter may be replaced by borrow ditches, as required by the Town Council.

In subdivision with less than 1 acre lots and in all commercially zoned areas of town and roads bordering such areas, curb & gutter shall be installed instead of borrow ditches and pavement shall be required.

- D.
 1. No intersections shall be closer than 150 feet, unless otherwise noted in the standards of the American Association of state highway and transportation official's manual for street and intersection design.
 2. If curbs and gutters are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 3. If sidewalks are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 4. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the engineer.
 5. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets, of not less than 25 feet.
 6. Local streets shall approach collector or arterial streets at as near ninety degrees as possible, not to exceed a fifteen degree variance.
- E. Street name signs, conforming to the design and specifications, and in the number necessary for proper identification of all streets, shall be provided for and installed by the developer.
- F. Traffic control signs including stop or yield right of way sign, shall be installed to ensure a smooth flow of traffic through the town.
- G. No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the land use code, on a dedicated street, improved to town standards, unless otherwise approved by the Town Council. On cul-de-sac street, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.
- H. Access to a major arterial street may be limited by one of the following means:
 1. No lot access shall be provided from the arterial directly to any lot in the subdivision, and screening or fencing may be required in a landscaped strip along or side property line of said lots.
 2. A series of cul-de-sacs of U shaped streets sharing access to such street.
 3. A service road separated from the primary arterial by a planting strip and having access thereto a suitable point.
- I. The arrangement of streets shall provide for continuation of principal streets between adjacent properties when such continuation is in accordance with the master plan of streets. If the adjacent property is undeveloped and the street must be a temporarily a dead end street, the right of way shall be extended to the property line, and a temporary turnaround shall be provided. Dead end streets shall be avoided, and dead-end streets of more than eight hundred (800) feet shall require town approval.
- J. The inspection and written recommendations for approval of streets shall be done by the town engineer. Final acceptance for dedication after (2) years of maintenance shall be accepted by the Town Council following a favorable recommendation from the engineer.
- K. Following the final approval of the subdivision plat by the Town Council; the developer may construct streets and utility systems prior to recording the plat without the necessity of bonding. However, no construction shall begin until the town engineer has approved all construction drawings, the necessary inspection fees have been paid, a Joint Utility meeting has been held and an inspector has been assigned to the project. The inspector shall be notified at least twenty-four (24) hours in advance, wherever any work is proposed to be done.

11.08.40 Street Improvements

- A. Prior to start of any work on a subdivision the sub divider shall furnish to the Town Engineer, a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision. Plans are to be prepared by a licensed Engineer and shall be accompanied by the final plat. If the plans are not approved, they shall be returned to the sub divider with the reasons for non-approval, and upon correction, shall be re-submitted in the same manner as required herein. Such plans and profiles shall include but are not limited to the following; (see Town Subdivision Design Standards):
1. The designation of limits of work to be done.
 2. The location of the benchmark and its true elevation according to County datum, all profiles to be referred to that datum.
 3. Construction plans which include the details of curb and gutter (if applicable) and street cross sections, locations and elevations of manholes, catch basins and storm sewers, elevations and locations of fire hydrants and any other details necessary to simplify construction.
 4. Adequate horizontal and vertical survey control shall be established as required by the engineer; sufficient survey monuments shall be permanently set so that lot boundaries can be established from points within the subdivision.
 5. Complete data for field layouts and office checking.
 6. On curb returns, at least two additional controls points of curvature. Control points shall be staked in the fields to insure drainage of intersections.
- B. Grades of all streets shall not be in excess of eight percent on major collector's streets or in excess of ten (10) percent on all other streets.
- C. All streets within the town shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. **Examples of** Such plans and profiles shall include but are not limited to **Exhibit A, B & C.**(see Town Subdivision Design Standards **for all standards**), **The Design Standards shall prevail, if any of the example in Exhibit A, B & C conflicts with the Design Standards.:**
- D. 1. No intersections shall be closer than 150 feet, unless otherwise noted in the standards of the American Association of state highway and transportation official's manual for street and intersection design.
2. If curbs and gutters are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 3. If sidewalks are required, it shall be of concrete and shall meet the standard and specifications adopted by the town.
 4. Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the engineer.
 5. All curb corners shall have a radius of not less than 15 feet and at intersections involving collector or major streets, of not less than 25 feet.

6. Local streets shall approach collector or arterial streets at as near ninety degrees as possible, not exceed a fifteen-degree variance.
- E. Street name signs, conforming to the design and specifications, and in the number necessary for proper identification of all streets, shall be provided for and installed by the developer.
- F. Traffic control signs including stop or yield right of way sign, shall be installed to ensure a smooth flow of traffic through the town.
- G. No subdivision shall be approved unless the area to be subdivided shall have frontage, with a width as required by the land use code, on a dedicated street, improved to town standards, unless otherwise approved by the Town Council. On cul-de-sac street, the required width of any lot in the cul-de-sac shall be measured at the setback line instead of the street lot line.
- H. Access to a major arterial street may be limited by one of the following means:
 1. No lot access shall be provided from the arterial directly to any lot in the subdivision, and screening or fencing may be required in a landscaped strip along or side property line of said lots.
 2. A series of cul-de-sacs of U-shaped streets sharing access to such street.
 3. A service road separated from the primary arterial by a planting strip and having access thereto at a suitable point.
- I. The arrangement of streets shall provide for continuation of principal streets between adjacent properties when such continuation is in accordance with the master plan of streets. If the adjacent property is undeveloped and the street must be a temporarily a dead-end street, the right of way shall be extended to the property line, and a temporary turnaround shall be provided. Dead end streets shall be avoided, and dead-end streets of more than eight hundred (800) feet shall require town approval.
- J. The inspection and written recommendations for approval of streets shall be done by the town engineer. Final acceptance for dedication after (2) years of maintenance shall be accepted by the Town Council following a favorable recommendation from the engineer.
- K. Following the final approval of the subdivision plat by the Town Council; the developer may construct streets and utility systems prior to recording the plat without the necessity of bonding. However, no construction shall begin until the town engineer has approved all construction drawings, the necessary inspection fees have been paid, a Joint Utility meeting has been held and an inspector has been assigned to the project. The inspector shall be notified at least twenty-four (24) hours in advance, wherever any work is proposed to be done.

Comments in between and after Exhibit A & B

All roads shall be constructed as per the town Design Standards and the actual road profiles to be used in a subdivision shall be determined by the town Engineer. ~~Minor, Major and Arterial Streets shall be paved as per Apple Valley Town Design Standards, and shall be built as outlined in it and as per Exhibit A,~~

Curb, Gutter and Sidewalks shall be required in all zones, except in Agricultural zones, where the Rural Road Standards may be applied if recommended by the Town Engineer and approved by the Town Council. with special permission from the council, they may be exempt as may be required instead of Borrow Ditches as required by the Town Council.

- L. ~~In subdivision with less than 1 acre lots and in all commercially zoned areas of town and roads bordering such areas, curb & gutter shall be installed instead of borrow ditches and pavement shall be required.~~
- M. ~~In subdivision with 1 acre or larger lots, curb and gutter may be replaced by borrow ditches, as required by the Town Council.~~

SIDEWALK COST In relationship to sales price

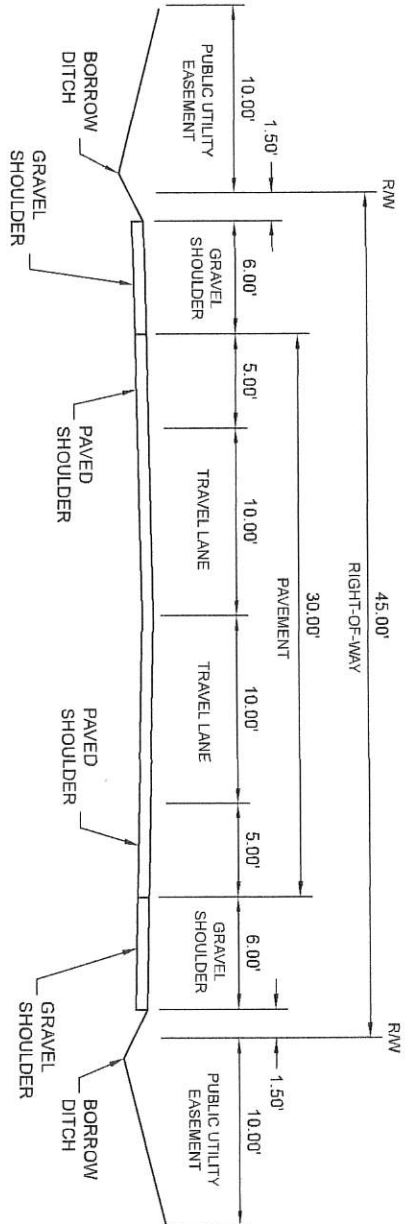
Lot size	Frontage in '	Sidewalk Size	Cost Sq Ft	Total Cost	Average Sales Price	% of Sales Price
1/2 Acre	80	5	\$5.00	\$2,000	\$90,725	2.20%
1 Acre	100	5	\$5.00	\$2,500	\$134,581	1.86%
2.5 Acre	150	5	\$5.00	\$3,750	\$162,400	2.31%
5 Acre	200	5	\$5.00	\$5,000	\$256,690	1.95%
10 Acre	300	5	\$5.00	\$7,500	\$273,000	2.75%

MLS #	Status	Address	Price Listing Member	City	List Listing Price Class	Lot Sold Acres Date	Days On Market
1	21-219797	Closed 1174 E Big Pinion Lane 14	\$98,500	Apple Valley	98,500 SL	0.46	
2	21-222046	Closed 1154 E Big Pinion #15	\$103,500	Apple Valley	103,500 SL	0.46	
3	21-224868	Closed 1134 E Big Pinion Lane	\$85,000	Apple Valley	85,000 SL	0.46	
4	21-220754	Closed Cedar Point Lot #6	\$79,900	Apple Valley	79,900 SL	0.5	
5	21-223112	Closed Null 3	\$79,999	Apple Valley	79,999 SL	0.51	
6	21-223984	Closed 1279 S Manzanita Drive	\$99,000	Apple Valley	99,000 SL	0.59	
7	21-222016	Closed Lot #17 Cedar Point	\$99,900	Apple Valley	99,900 SL	0.63	
8	21-223114	Closed Null 4	\$79,999	Apple Valley	79,999 SL	0.64	
9	21-219766	Closed 1282 E Red Sage Lane	\$79,900	Apple Valley	79,900 SL 725,198	0.92	\$90,725
10	21-220024	Closed 1092 E Smithsonian Way	\$79,000	Apple Valley	79,000 SL	1	
11	21-221242	Closed 873 W Foothill	\$97,500	Apple Valley	97,500 LA	1	
12	21-225140	Active 873 W Foothill	\$210,000	Apple Valley	210,000 LA	1	
13	21-225413	Closed 1747 N Apple Valley Drive	\$135,000	Apple Valley	135,000 SL	1	
14	21-221017	Closed 1023 Little Pinion Way 78	\$79,900	Apple Valley	79,900 SL	1.01	
15	21-221959	Closed 963 Foothill Drive	\$90,000	Apple Valley	90,000 LA	1.02	
16	22-228952	Active 784 Foothill Drive	\$210,000	Apple Valley	210,000 LA	1.05	
17	21-226429	Closed 2848 Foothill Drive 64	\$110,000	Apple Valley	110,000 SL	1.06	
18	21-222062	Closed 1522 N Zion Circle	\$110,000	Apple Valley	110,000 SL	1.08	
19	21-220812	Closed 1295 E Cedar Drive	\$110,000	Apple Valley	110,000 SL	1.29	
20	22-228601	Active 1295 E Cedar Drive	\$249,000	Apple Valley	249,000 SL 11	1.29	
21	21-225409	Closed 1832 N Golden Delicious	\$179,900	Apple Valley	179,900 SL \$1,418,400	2.1	\$134,581
22	21-221642	Closed Null	\$144,900	Apple Valley	144,900 LA	3	
23	21-224525	Closed 2050 E 1600 S 6	\$279,000	Apple Valley	279,000 LA 324,800	4.64	\$162,400
24	21-224532	Closed 2050 E 1600 S 4	\$249,000	Apple Valley	249,000 LA	4.64	
25	21-227548	Closed 4.64 acres Ranch Rd	\$244,900	Apple Valley	244,900 LA	4.64	
26	21-221465	Active Null 3	\$269,000	Apple Valley	269,000 LA	5	

MLS #	Status	Address	Price Listing Member	City	List Listing Price Class	Lot Sold Acres Date	Day Month	Item 6.
27 22-228998	Active	Approx 421 S Coyote Road	\$250,000	Apple Valley	250,000 LA	5.01		
28 22-228999	Active	Approx 481 S Coyote Road	\$250,000	Apple Valley	250,000 LA	5.01		
29 22-229000	Active	Approx 541 S Coyote Road	\$250,000	Apple Valley	250,000 LA	5.01		
30 22-229001	Active	Approx 601 S Coyote Road	\$250,000	Apple Valley	250,000 LA	5.01		
31 22-229002	Active	Approx 681 S Coyote Road	\$250,000	Apple Valley	250,000 SL	5.01		
32 22-228996	Active	Approx 721 S Coyote Road	\$275,000	Apple Valley	275,000 LA	5.01		
33 20-217812	Closed	1600 S	\$150,000	Apple Valley	150,000 LA	10		
34 20-218874	Closed	Null	\$250,000	Apple Valley	250,000 LA	20		
35 21-222896	Closed	20 Acres Canaan Gap	\$100,000	Apple Valley	100,000 LA	20		
36 21-221559	Closed	199 N Coyote Road	\$469,000	Apple Valley	469,000 LA	24		
37 20-217815	Closed	1600 S	\$450,000	Apple Valley	450,000 LA	30		
38 21-220456	Closed	Apple Valley Land	\$395,000	Apple Valley	395,000 LA	32.17		
39 21-219726	Closed	42.58 Acre Little Creek Mesa Road	\$399,900	Apple Valley	399,900 LA	42.58		

Information is deemed to be reliable, but is not guaranteed, © 2022 MLS and FBS. Prepared by FRANK G. LINDHARDT on Saturday, February 05, 2022 1:05 PM.

RESIDENTIAL LOCAL
RURAL ROAD SECTION



Notes:

1. Residential Local serves 11-50 units.
2. Gravel Shoulder shall consist of 6" minimum untreated road base.
3. Pavement section shall consist of 2.5" of asphalt over 6" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study.

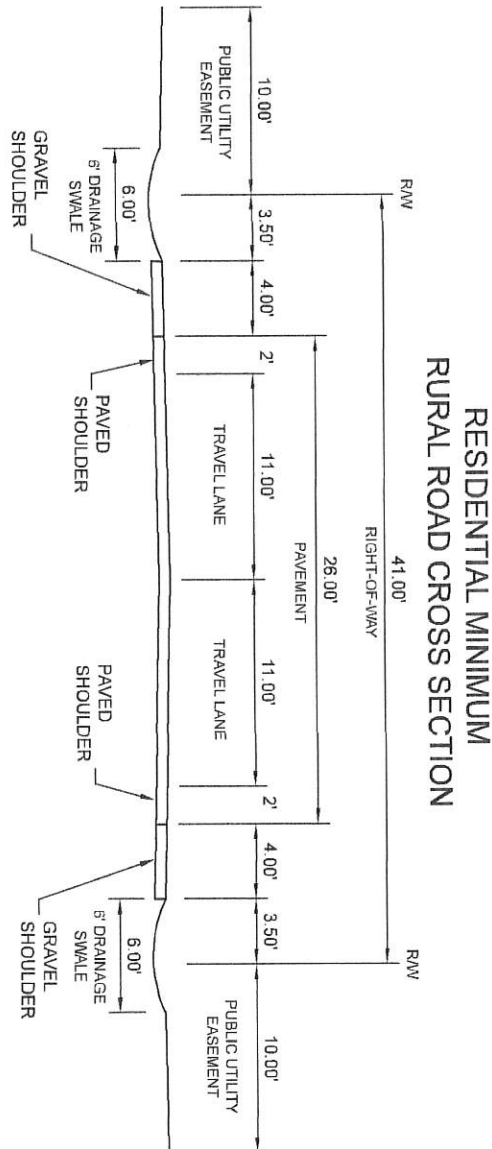


CITY OF HURRICANE ENGINEERING

RESIDENTIAL LOCAL ROADWAY
RURAL ROAD CROSS SECTION

REVISIONS		
DATE	DESCRIPTION	BY

STANDARD DWG. NO.	
RU RD - 101	1 OF 1
APPROVED: YES	SCALE: 1"=10'
DATE: 8/6/2020	BY: H.C.E.



Notes:

1. Residential Minimum serves 10 units or less.
2. Gravel Shoulder shall consist of 6" minimum untreated road base.
3. Pavement section shall consist of 2.5" of asphalt over 6" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study.



CITY OF HURRICANE ENGINEERING

**RESIDENTIAL MINIMUM ROADWAY
RURAL ROAD CROSS SECTION**

STANDARD DWG. NO.

RU RD - 100 1 OF 1

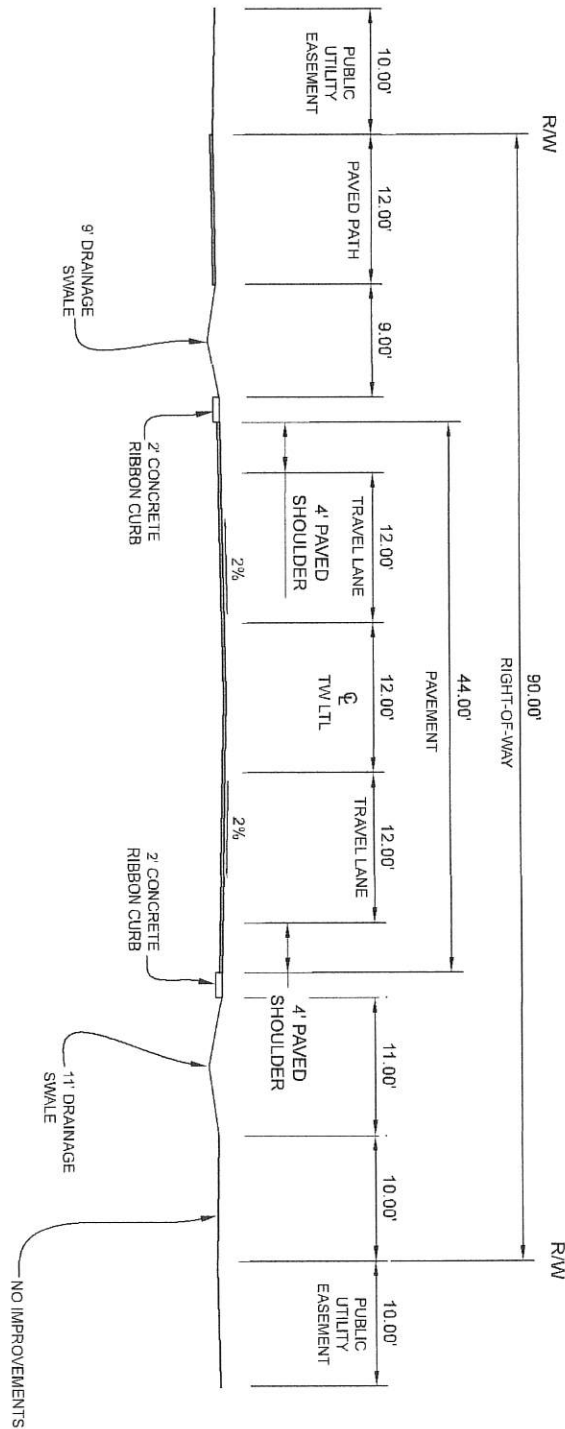
APPROVED: YES SCALE: 1"=10'

DATE: 8/6/2020 BY: H.C.E.

REVISIONS		
DATE	DESCRIPTION	BY

Now

MINOR ARTERIAL RURAL ROAD SECTION



Notes:

1. Minor Arterial provides for 6,000 to 20,000 daily trips.
2. See active transportation plan for location of paved path requirements.
3. Gravel Shoulder shall consist of 6" minimum untreated road base.
4. Pavement section shall consist of 3.5" of asphalt over 7" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study.



CITY OF HURRICANE ENGINEERING

MINOR ARTERIAL RURAL ROAD CROSS SECTION

STANDARD DWG. NO.

RU RD - 105 1 OF 1

APPROVED: YES

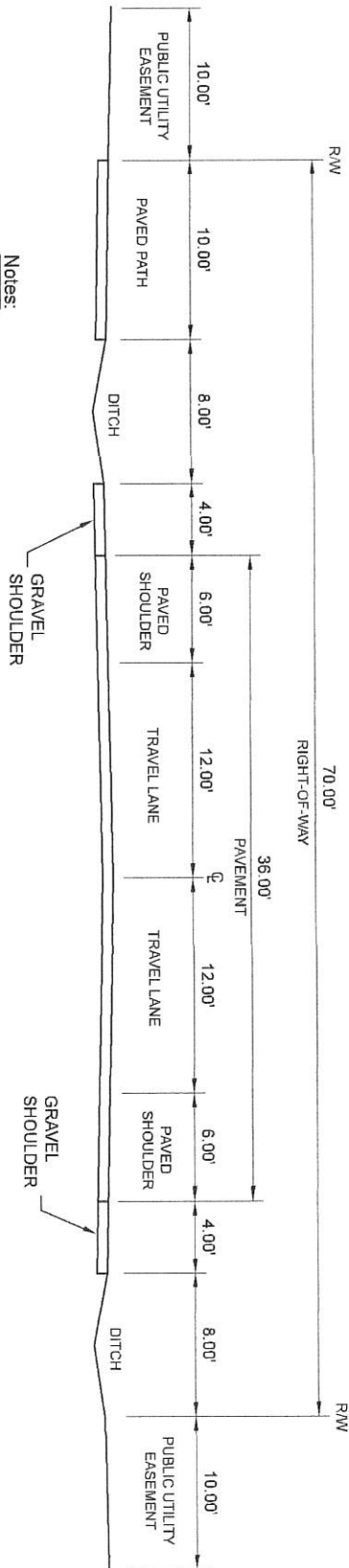
SCALE: 1"=15'

DATE: 8/6/2020

BY: H.C.E.

REVISIONS		
DATE	DESCRIPTION	BY

MAJOR COLLECTOR
RURAL ROAD SECTION



Notes:

- 1. Major Collector serves 201-500 units.
- 2. See active transportation plan for location of paved path requirements.
- 3. Gravel Shoulder shall consist of 6" minimum untreated road base.
- 4. Pavement section shall consist of 3" of asphalt over 6" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study



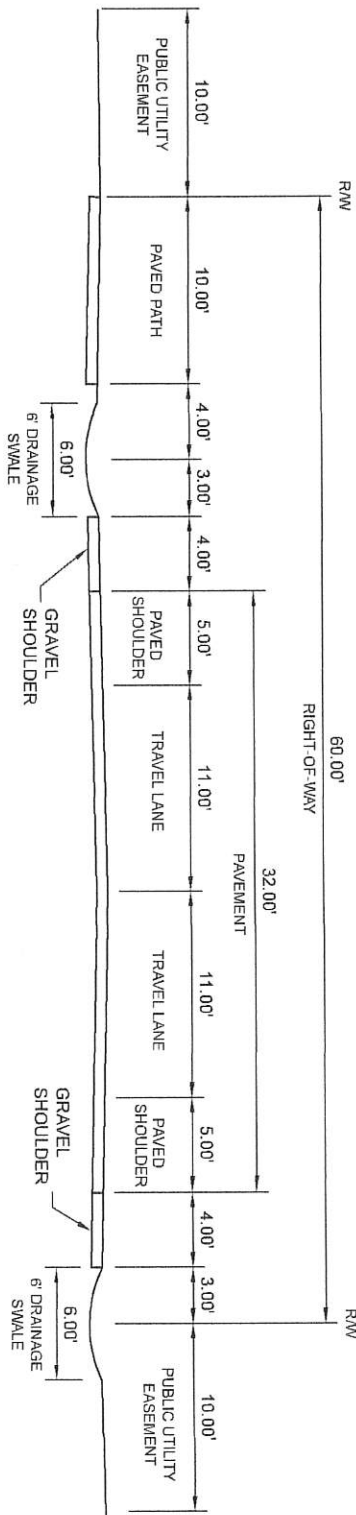
CITY OF HURRICANE ENGINEERING

MAJOR COLLECTOR
RURAL ROAD CROSS SECTION

STANDARD DWG. NO.	
RU RD - 104	1 OF 1
APPROVED: YES	SCALE: 1"=10'
DATE: 8/6/2020	BY: H.C.E.

REVISIONS		
DATE	DESCRIPTION	BY

MINOR COLLECTOR
RURAL ROAD SECTION



Notes:

1. Minor Collector serves 101-200 units
2. See active transportation plan for location of paved path requirements.
3. Gravel Shoulder shall consist of 6\" minimum untreated road base.
4. Pavement section shall consist of 3\" of asphalt over 6\" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study.



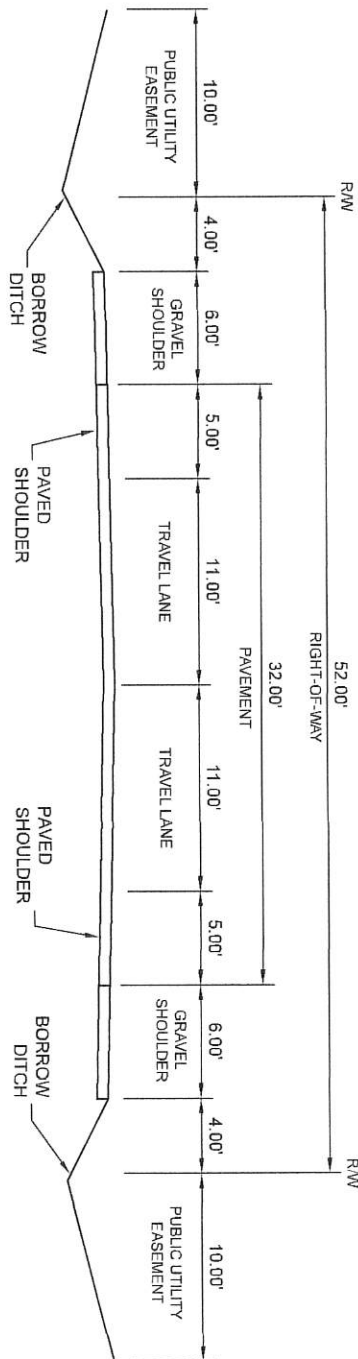
CITY OF HURRICANE ENGINEERING

MINOR COLLECTOR RURAL ROAD
RURAL ROAD CROSS SECTION

REVISIONS		
DATE	DESCRIPTION	BY

STANDARD DWG. NO.	
RU RD - 103	1 OF 1
APPROVED: YES	SCALE: 1"=10'
DATE: 8/6/2020	BY: H.C.E.

RESIDENTIAL STANDARD
RURAL ROAD CROSS SECTION



Notes:

1. Residential Standard series 5'-100 units.
2. Gravel Shoulder shall consist of 6" minimum untreated road base.
3. Pavement section shall consist of 2.5" of asphalt over 6" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study.



CITY OF HURRICANE ENGINEERING

RESIDENTIAL STANDARD
RURAL ROAD CROSS SECTION

STANDARD DWG. NO.

RU RD - 102

1 OF 1

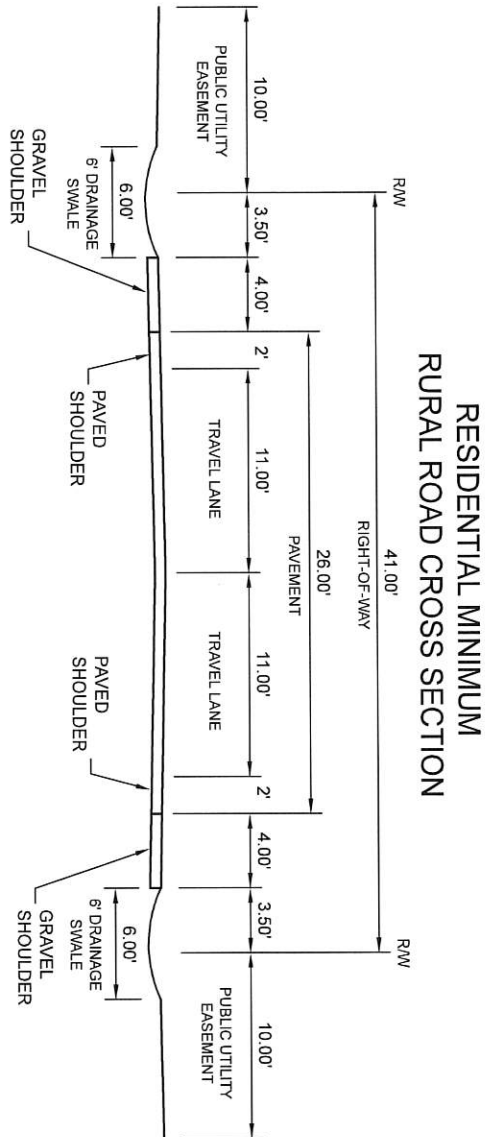
APPROVED: YES

SCALE: 1"=10'

DATE: 8/6/2020

BY: H.C.E.

REVISIONS		
DATE	DESCRIPTION	BY



Notes:

1. Residential Minimum serves 10 units or less.
2. Gravel Shoulder shall consist of 6" minimum untreated road base.
3. Pavement section shall consist of 2.5" of asphalt over 6" of road base, minimum. Additional thickness may be required as recommended by a geotechnical study.

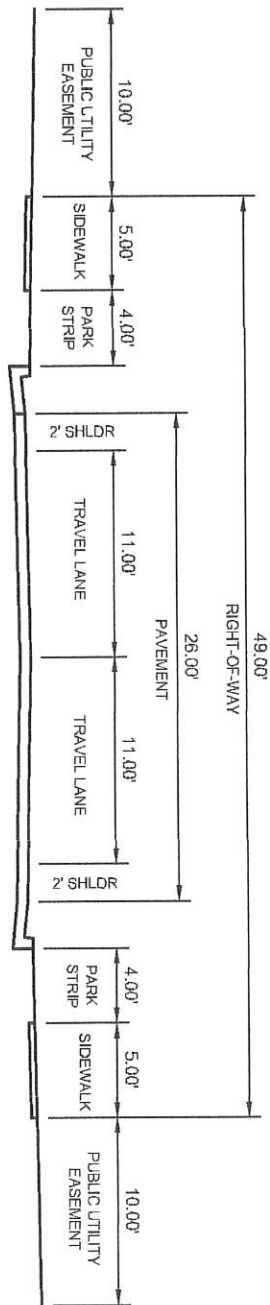


CITY OF HURRICANE ENGINEERING

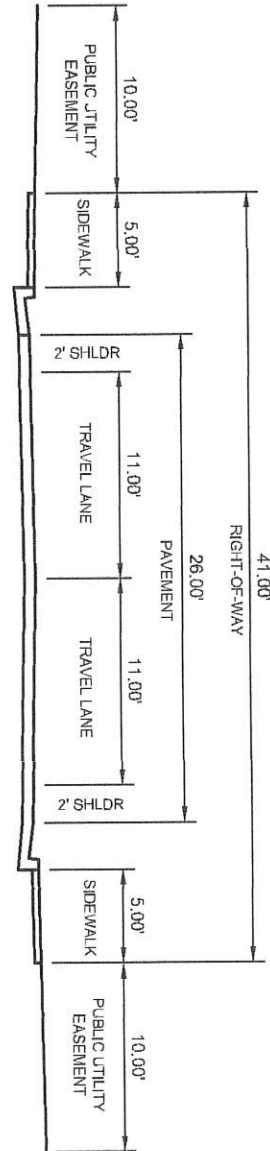
**RESIDENTIAL MINIMUM ROADWAY
RURAL ROAD CROSS SECTION**

REVISIONS		
DATE	DESCRIPTION	BY

STANDARD DWG. NO.	
RU RD - 100	1 OF 1
APPROVED: YES	SCALE: 1"=10'
DATE: 8/6/2020	BY: H.C.E.



RESIDENTIAL MINIMUM ALTERNATE



RESIDENTIAL MINIMUM



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GIS - ENVIRONMENTAL

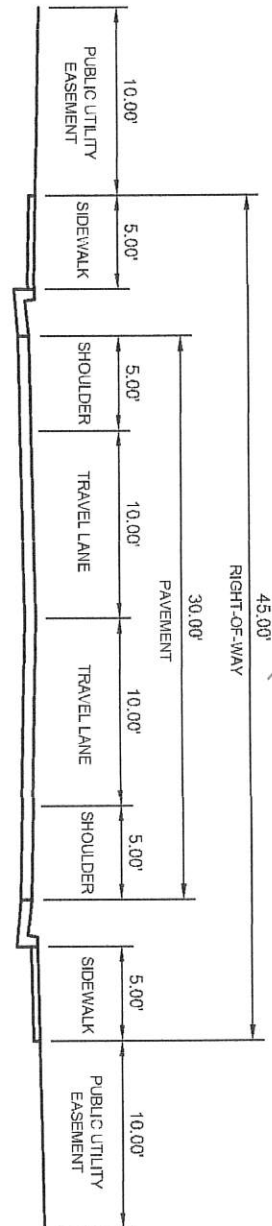
- infrastructure professionals -
1.800.748.5275 www.jonesanddemille.com



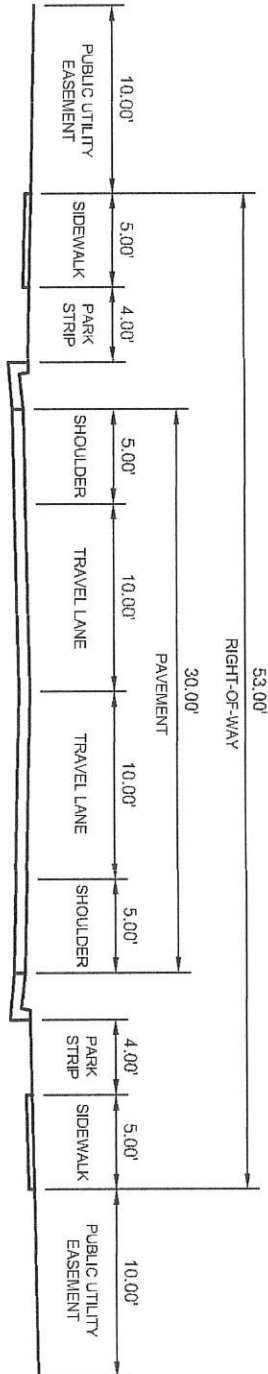
SCALE: 1"=10'

		WASHINGTON		FIGURE: 5	
CITY OF HURRICANE					
RESIDENTIAL MINIMUM					
DRAWN: * *		FILE: TYPICAL SECTIONS		PROJECT: 1707-125	
CHECK: * *		UPDATED: 10/4/2018		PLOTTED: 10/4/2018	
				SHEET: 1	

RESIDENTIAL LOCAL



RESIDENTIAL LOCAL ALTERNATE



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SCALE: 1"=10'

WASHINGTON

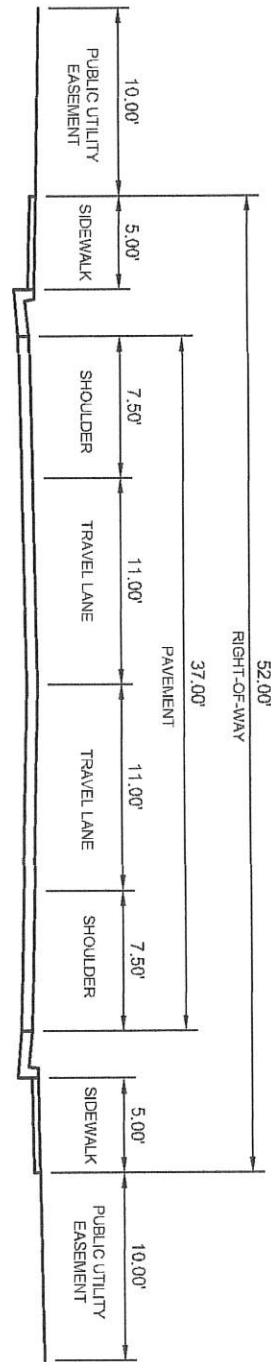
FIGURE: 6

CITY OF HURRICANE

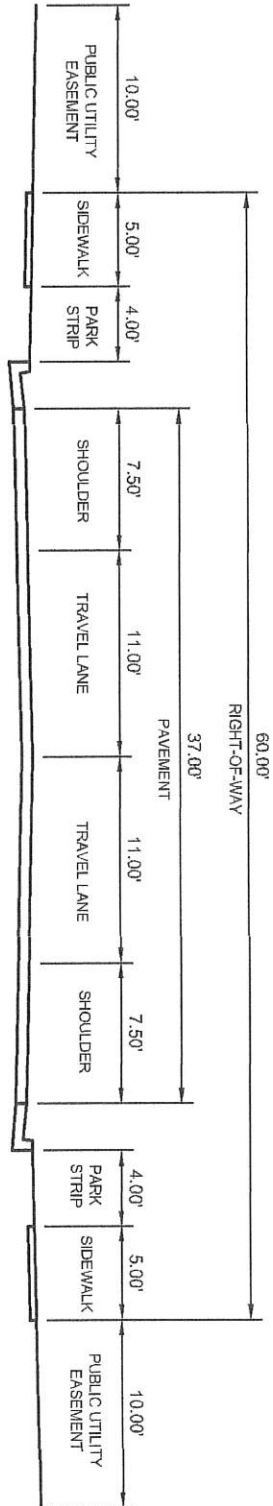
RESIDENTIAL LOCAL

DRAWN: -	FILE: TYPICAL SECTIONS	PROJECT: 1707-125	SHEET: 2
CHECK: -	UPDATED: 10/4/2018	PLOTTED: 10/4/2018	

RESIDENTIAL STANDARD



RESIDENTIAL STANDARD ALTERNATE



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GIS - ENVIRONMENTAL

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SCALE: 1"=10'

WASHINGTON

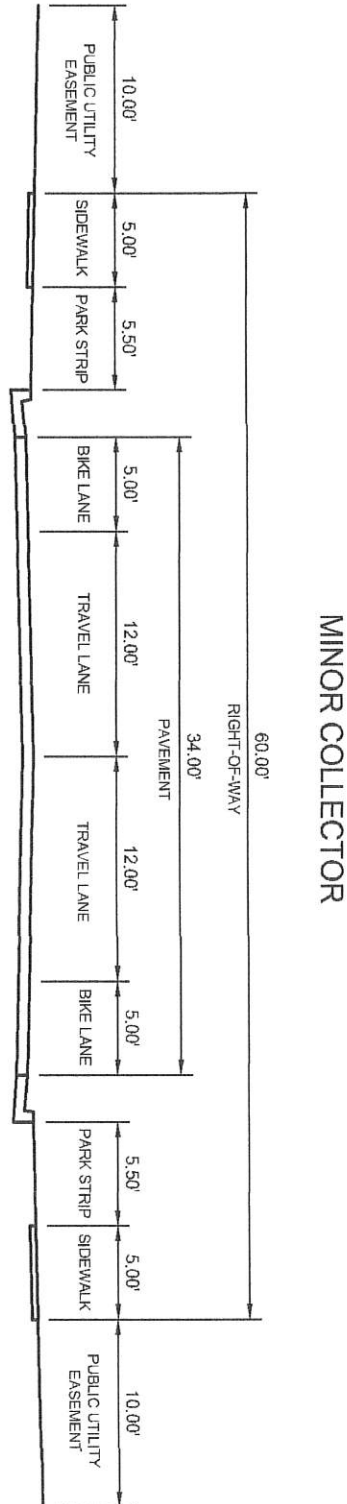
FIGURE: 7

CITY OF HURRICANE

RESIDENTIAL STANDARD

DRAWN: . . .	FILE: TYPICAL SECTIONS	PROJECT: 1707-125	SHEET: 3
CHECK: . . .	UPDATED: 10/4/2018	PLOTTED: 10/4/2018	

DIFFERENT



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SCALE: 1"=10'

WASHINGTON

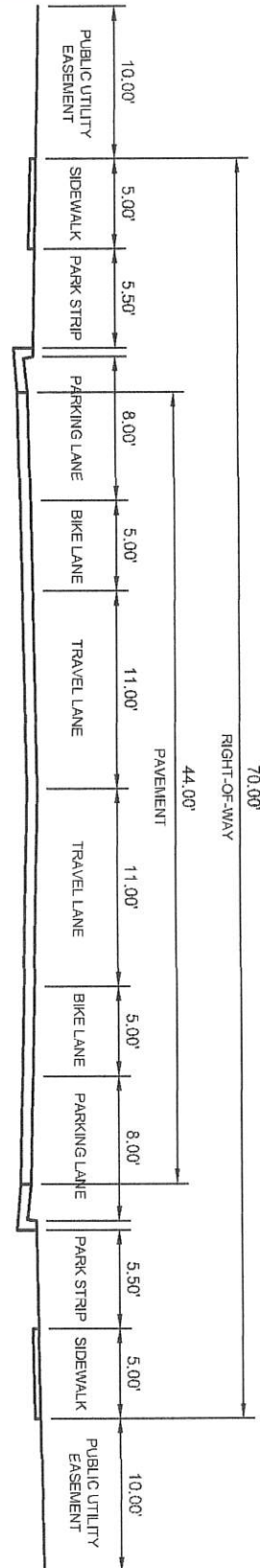
CITY OF HURRICANE

MINOR COLLECTOR

FIGURE: 8

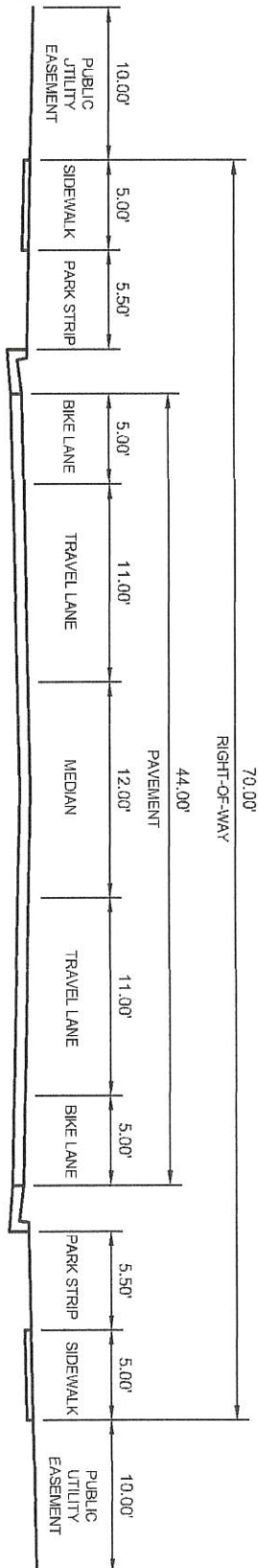
DRAWN: . .	FILE: TYPICAL SECTIONS	PROJECT: 1707-125	SHEET: 4
CHECK: . .	UPDATED: 10/4/2018	PLOTTED: 10/4/2018	

MAJOR COLLECTOR (2-LANE)



Neu

MAJOR COLLECTOR (3-LANE)



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SCALE: 1"=10'

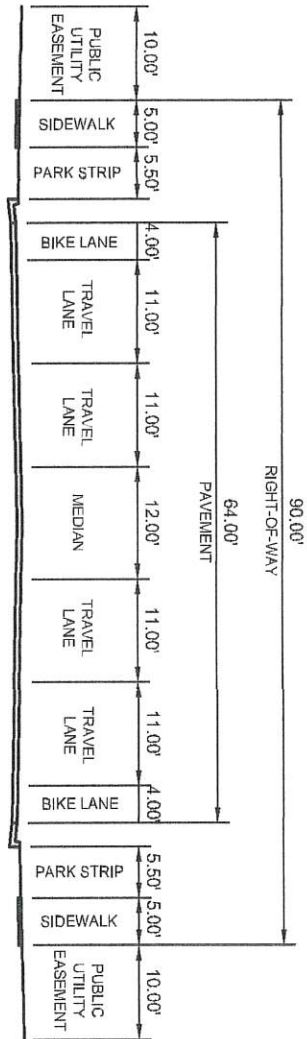
WASHINGTON

FIGURE 9

CITY OF HURRICANE

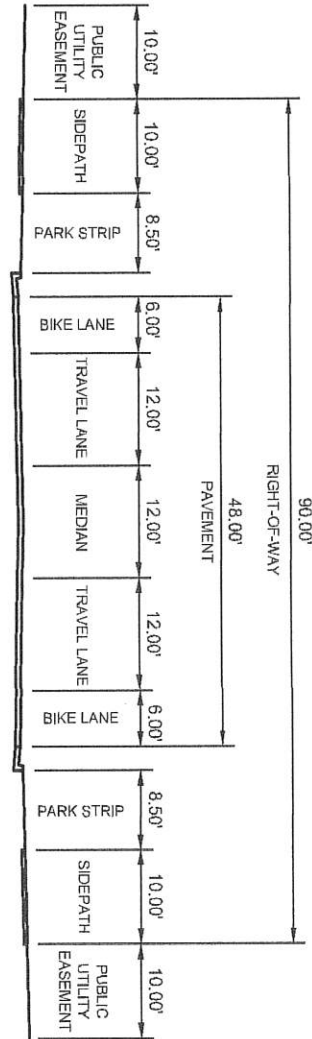
MAJOR COLLECTOR

DRAWN: . . .	FILE: TYPICAL SECTIONS	PROJECT: 1707-125	SHEET: 5
CHECK: . . .	UPDATED: 10/4/2018	PLOTTED: 10/4/2018	



MINOR ARTERIAL
(5-LANE)

New



MINOR ARTERIAL
(3-LANE)

New



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SCALE: 1"=20'

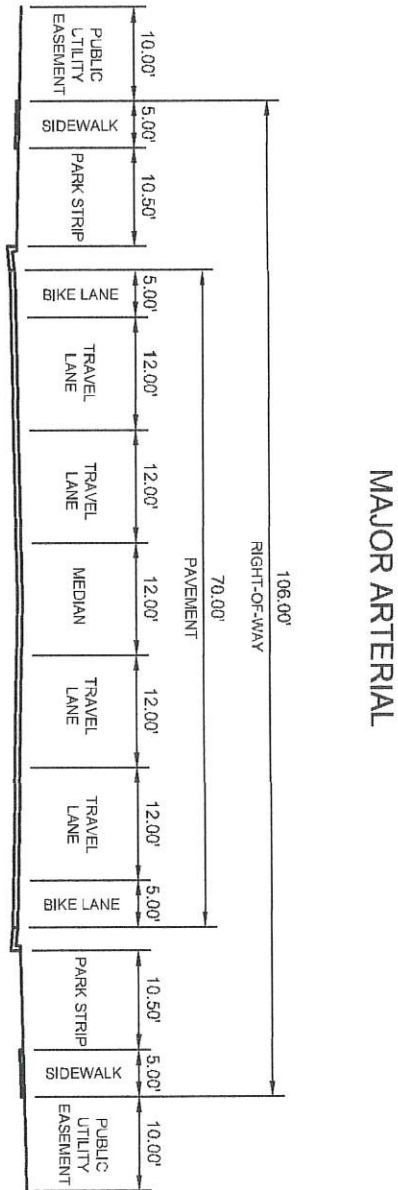
WASHINGTON

CITY OF HURRICANE

MINOR ARTERIAL

FIGURE: 10

DRAWN: . .	FILE: TYPICAL SECTIONS	PROJECT: 1707-125	SHEET: 6
CHECK: . .	UPDATED: 10/4/2018	PLOTTED: 10/4/2018	



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SCALE: 1"=20'

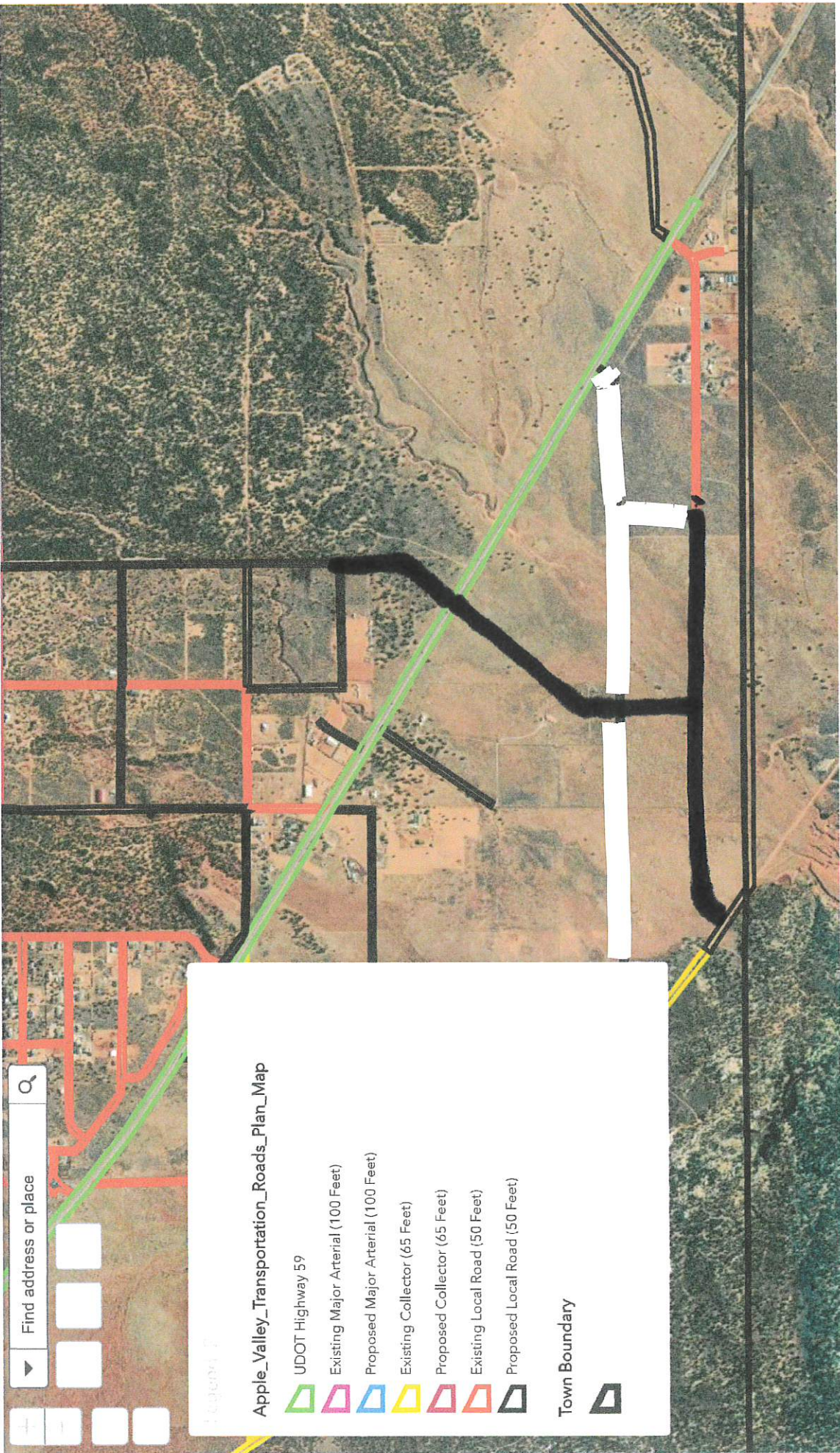
WASHINGTON

CITY OF HURRICANE

MAJOR ARTERIAL

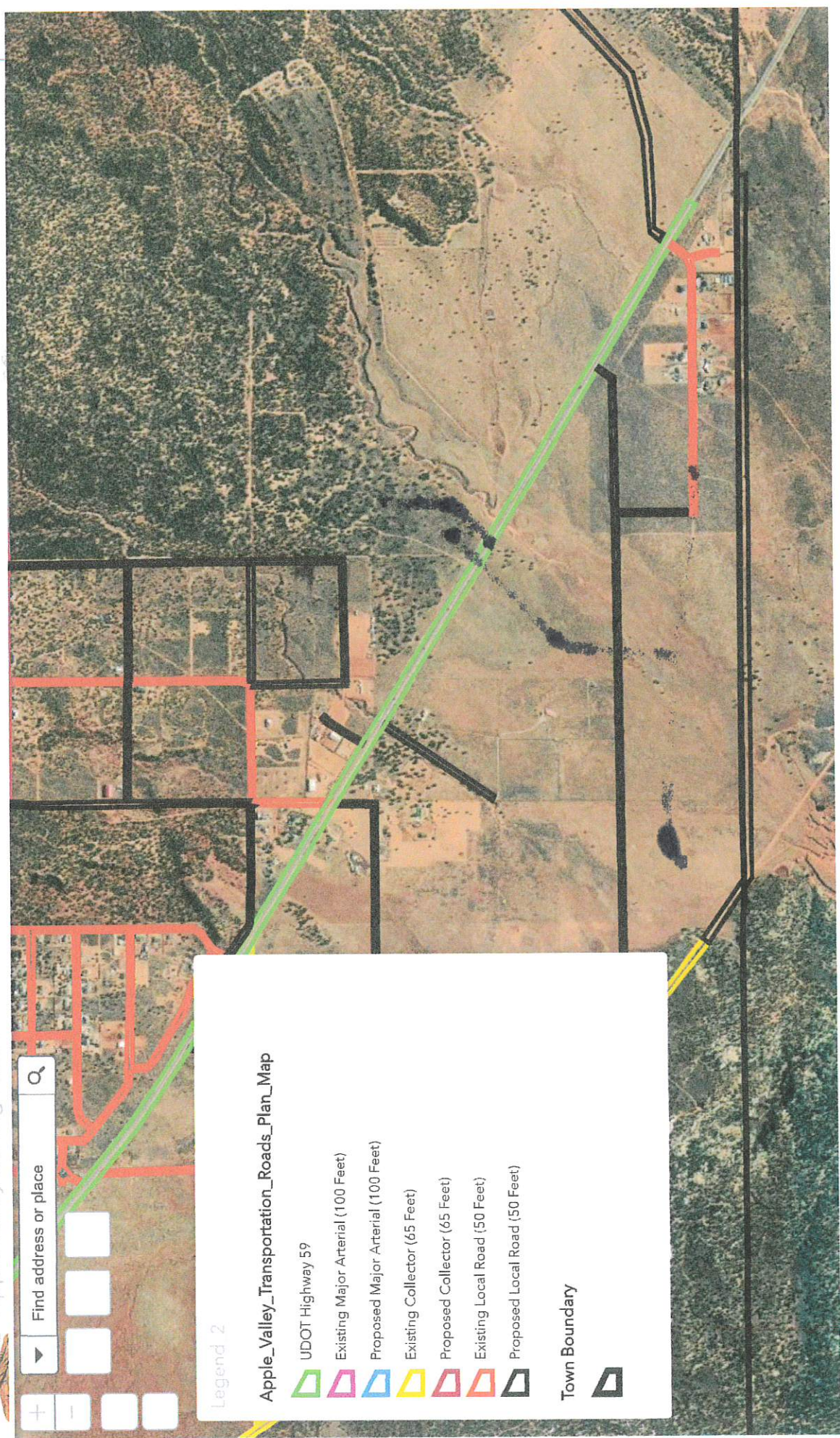
FIGURE 11

DRAWN: . .	FILE: TYPICAL SECTIONS	PROJECT: 1707-125	SHEET: 7
CHECK: . .	UPDATED: 10/4/2018	PLOTTED: 10/4/2018	

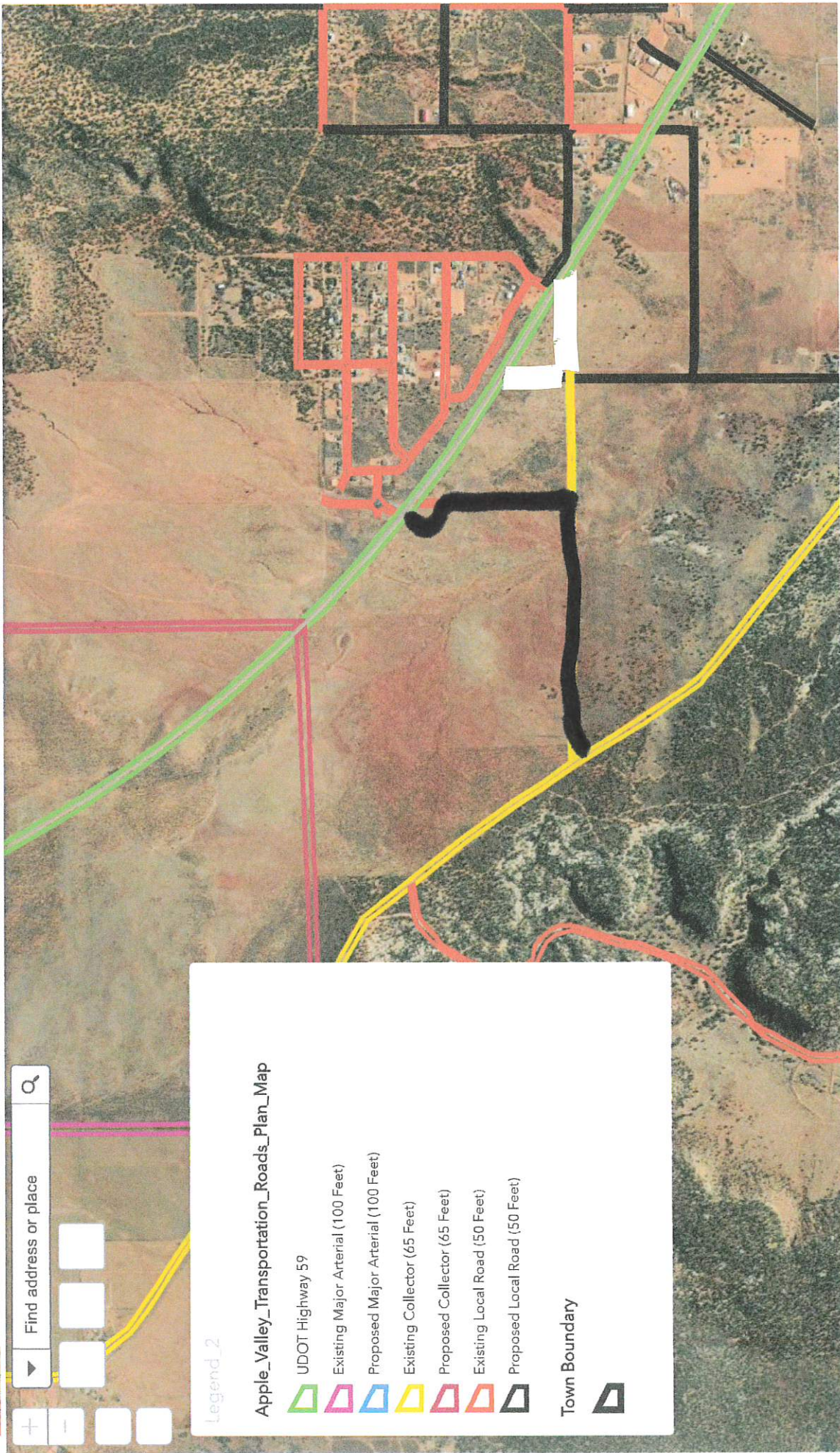


PROPOSED CHANGE MAP

BOBBELING WELLS AREA



ORIGINAL
BUBBLING WELLS AREA



PROPOSED CHANGE:
WILDCAT AREA



Development and Building Policies

of

The Town of Apple Valley

LATER TOGETHER

PURPOSE

The purpose of these policies is to:

- 1) Protect and provide for the public health, safety, and general welfare of the Town of Apple Valley.
- 2) Guide the future growth and development of the Town of Apple Valley in accordance with the general plan.
- 3) Encourage the safe, orderly and beneficial development of land within the municipality.
- 4) Provide a beneficial relationship between the uses of land, buildings and traffic circulation and the proper location and width of streets.
- 5) Establish reasonable standards of design and procedures for subdivisions, plat amendments, and lot line adjustments, to further the orderly layout and use of land.
- 6) Insure that public facilities are available and will have sufficient capacity to serve the proposed development, business or structure.

ROAD ACCESS

All new commercial, industrial, manufacturing businesses, RV or other parks, subdivisions, lot splits or other division of land, shall require a traffic study to be provided by the applicant, and only if such traffic study shows that a safe entrance and exit off and on to Highway 59 to the property, either presently exists or will voluntarily be provided as part of the new development or business, shall such development be allowed and approved. Any new accesses on and off Highway 59 must be located as per the current Apple Valley approved Master Road plan, or as amended. A safe entrance and exit shall be defined as a left turn lane, right turn acceleration lane and deceleration lanes, as per UDOT standards, and such road improvements and location must also be approved by UDOT.

If a developer pays for access improvement that benefits other property owner, and they desire to be refunded for such improvements, they may pay for an impact fee study and refund agreement, so an impact fee can be created to help refund the developer.

All businesses or developments of any kind shall be served off a public or private road improved to the Apple Valley Design standards. If it is served off a private road, written easements and

maintenance agreements shall be provided and approved by the Town. All such agreements shall include language that gives the public (if road is serving other properties), police and emergency vehicle unrestricted access to such roads and must be recorded at the Washington County Recorder's office.

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 board. In such cases driveways should be shared with adjacent property owners and be designed and arranged so as to avoid requiring vehicles to back into traffic.

Because of the safety issue of having only one road in and out of downtown Apple Valley, no new commercial or residential developments, subdivisions or lot split shall be approved, until such time as the second UDOT fully improved access into downtown Apple Valley off Highway 59, located at mile marker 11.5 has been fully installed and are accessible to such developments. Downtown Apple Valley shall be defined as any development that would increase the traffic on Apple Valley Way.

No new commercial or residential developments, subdivisions or lot split will be approved that accesses off highway 59 at or about 1400 North or Plains Drive, until such time as those locations are fully improved with a safe access (as defined above) to and from those locations.

The above development restrictions shall not apply if a traffic and/or fire safety study acceptable to Apple Valley show that such restrictions are not needed.

MASTER PLANNED ROADS

All roads shown on the Town of Apple Valley Master Road Plan must be honored and incorporated into development of any land in the Town.

ROAD IMPROVEMENTS

No building permits of any kind, shall be issued until all the required lot and/or subdivision improvements has been installed as required per Apple Valley Design Standards. A delay agreement shall be signed for any required improvements that are not practical to install at the present time, however the cost of all delayed improvements shall be paid for prior to issuance of a building permit.

FIRE PROTECTION REQUIRED

Before any building permit can be issued, an active fire hydrant must be located within 350 feet from the proposed structure, unless other methods of providing fire safety have been approved by the Town Fire Chief.

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.

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.

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.

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.

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

Interested persons are encouraged to attend public meetings to present their views. Comments can also be submitted in writing at least one day prior to the meeting by emailing clerk@applevalleyut.gov. Comments submitted in writing will be read on the record during the meeting.

Regular Meeting of the Land Use Authority
of the town of Apple Valley
held 27th October 2005
at the Smithsonian Fire Station

Meeting was called to order at 7:00pm by chair Kathy Pugmire

The pledge of Allegiance was lead by George Jessop.

Members in attendance were: Dick Naylor, Lori Baum, alt, George Jessop, Chris Lindquist, and Kathy Pugmire. Jeff Hood was absent.

The minutes of 10/6, 2005 were approved as corrected. 5/0

Pugmire said that there would be a public hearing on Nov 10 to discuss and review the zoning ordinance because of the confusion of removing ½ & ¼ acre lots from the land use ordinance.

Matt Noorlander was not in attendance. Baum moved to table application until Nov 10th, Jessop seconded. The vote was 5/0 in favor.

Interactive Planning & Development submitted for Gooseberry lot #10. Naylor moved to accept as presented and send to the town w/ the septic paper. Lindquist seconded, the vote was 5/0 in favor.

 Merlin Webb/ Kirk Webb presented concept plan for Phase II of Canaan Mt. Estates. There was discussion of the egress. It is the second one for the subdivision and they are working on a turning lane for the highway. Zoning would have to be changed. Discussion of that process was presented. Motion to accept the basic concept of Canaan Mountain was made by Jessop, Lindquist seconded. The vote was 5/0 in favor.

Jerry Eves presented South Zion Estates phase 3 & 4. The request for zone change form, checklist, etc. were given. He wants two different zoning changes: one to 1 acre+ and commercial. Jerry asked if he was going to have to do sewer. Pugmire said yes. He will therefore submit for the zoning change on phase 3. Phase 4 he will wait to have the ½ & ¼ lots zoning approved.

Lindquist moved to approve the phase 3 as presented. Baum seconded. The vote was 5/0 in favor.

Wayne Bevan, presented the concept plan for Desert Rose. He presented a history of the property and his progress toward getting the subdivision approved. He stated that he had presented the ½ acre lots to the council and Pugmire said it was not presented to this council. He said he is trying to be a good neighbor because the second road will benefit Gooseberry as well. His second plan has a road around the subdivision into the Gooseberry. Pugmire said that his plans fall under the problem of not having ½ acre lots. There was discussion of the public hearing on the 10th. Gary Connell could be a

11.17.05

John Peay plan was presented. The commission had questions as to easement. He has documents showing purchase of easement from Ted Gubler. He has 40 acres and one house. Mayor asked if there had been a zone change. Pugmire said no, so it goes back to planning.

The plans for Joseph Williams, Gooseberry lot # 84, were presented. Brown moved to accept as presented. Kingsley seconded, the vote was 5/0 in favor.

The plans for William Ashmore, AVR-2-25, were presented. Hirschi moved to accept as presented. Kingsley seconded, the vote was 5/0 in favor.

There was a recommendation from the planning commission for zoning change from OST to R~~E~~40 for Merlin Webb. Brown moved to accept recommendation, Hirschi seconded, the vote was 5/0 to approve zone change.

There was a recommendation from the planning commission for Stratton, to change zone from industrial, to R~~E~~20. Hirschi moved to accept the zone change recommendation, Kingsley seconded, the vote was 5/0 in favor.

There was question as to why the council was not voting tonight on the ½ acre. It was explained that the recommendation was made but that it needs to be put on the agenda. Mr. Wright said that there would have to be a draft ordinance showing the changes for public review. He said that there is no obligation to accept the recommendation. Readdressing of ½ acre will be put on the Dec 1st agenda.

Hirschi explained the consent agenda. Pugmire moved to accept as presented. Kingsley seconded, the vote was 5/0 in favor.

Brown presented the number of signs for the streets. He said there are some questions. He likes the signs in South Zion which show the name and the E/S designation. Mayor asked if he knew the sizes of the proposed signs. He said that the council would have to decide on the size and to be consistent in the town limits. Brown said there has been grading to level. The two culverts are not in because he can't get with the engineer.

around the culverts

Marie said the dumpsters by the fire station were half full, the one in SZ was empty. The mayor said that means we are getting things cleaned up. Marie said she is looking for dates in the future. She talked about the food drive. She encouraged everyone to submit names of needy persons. This is for Thanksgiving. She will be doing Christmas at a later time. She will be inserting a flyer with the trash bill. Brown moved to approve the insert, Hirschi seconded, the vote was 5/0 in favor.

Pugmire and Kingsley moved to adjourn. Brown seconded. The vote was 5/0 in favor. The meeting was adjourned at 8:48pm.

Resolution No: BPW-R-2022-01

A JOINT RESOLUTION OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH
AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE
DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES
OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT.

WHEREAS Ash Creek Special Service District (hereafter “the District”) is a Utah special service district created by the Washington County Commission under the Utah Special Service District Act for the purpose of providing sewage collection, treatment and disposal services to the residents of Hurricane, LaVerkin and Toquerville, as well as to certain other unincorporated areas of Washington County, Utah; and

WHEREAS the Washington County Commission has delegated certain power and authority to said district’s Administrative Control Board, while at the same time having retained authority as the governing authority of said District to expand the boundaries of the District through annexation; and

WHEREAS the Town of Apple Valley (hereafter “the Town”) anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment and disposal of sewage materials; and

WHEREAS the Town Council of Apple Valley desires to avail itself of the experience and expertise of the District in matters pertaining to collection, treatment and disposal of sewage materials and has engaged in discussions with the Administrative Control Board of the District regarding the desirability of annexing property included within the boundaries of the Town into the boundaries of the District for the purpose of providing sewage collection, treatment and disposal to property in the Town; and

WHEREAS the Administrative Control Board of the District is supportive of the annexation of property within the boundaries of the Town into the District, provided that the Town and District enter into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Apple Valley Municipal Code the District’s Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said District’s rules, regulations, policies and procedures; and

WHEREAS Utah Code Ann. §17D-1-401(1)(a) provides that the governing authority of a special service district has authority, in accordance with the procedure outlined in §17D-1-201 et. seq., to annex an area into an existing special service district to provide to that area a service that the special service district is authorized to provide; and

WHEREAS the Town Council of Apple Valley and the Administrative Control Board of Ash Creek Special Service District believe that it is in the best interest of the health, safety and welfare of the residents of Apple Valley that property within the boundaries of the Town of Apple Valley be annexed into Ash Creek Special Service District,

BE IT HEREBY RESOLVED by the Town Council of Apple Valley, Utah and the Administrative Control Board of Ash Creek Special Service District that the Washington County Commission, as governing authority of Ash Creek Special Service District, be requested to commence the process outlined in Utah Code Ann. §17D-1-201 et. seq. for annexation of property within the boundaries of the Town of Apple Valley into the Ash Creek Special Service District, subject to the Town and District entering into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Apple Valley Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said district's rules, regulations, policies and procedures.

BE IT FURTHER RESOLVED that this Resolution shall be submitted to the Washington County Commission upon execution of the agreement described herein between the Town of Apple Valley and Ash Creek Special Service District.

APPROVED AND ADOPTED this ____ day of _____, 2022.

TOWN OF APPLE VALLEY

Dina Mason Walters, Mayor

Attest:

Town Clerk

APPROVED AND ADOPTED this ____ day of _____, 2022.

ASH CREEK SPECIAL SERVICE DISTRICT

Lynn Chamberlain, Chairman

Attest:

Darrel Humphries, Secretary