



SPECIAL PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, April 19, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Tuesday, April 19, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chair | Allen Angell

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

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

<https://us02web.zoom.us/j/81794938897>

If the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 817 9493 8897

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

HEARING ON THE FOLLOWING

1. Implement an exception by Town Council vote to all ordinances regarding excavation.
2. Update Title 11.02.080 Construction Drawings.
3. Update Title 11.02.170 Fees.

DISCUSSION AND POSSIBLE ACTION ITEMS

- [4.](#) Discussion and possible action to Implement an exception by Town Council vote to all ordinances regarding excavation.--O-2022-11.
- [5.](#) Discussion and possible action: Update 11.02.080 Construction Drawings.--O-2022-12.
- [6.](#) Discussion and possible action: Update 11.02.170 Fees.--O-2022-13.

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town Website www.applevalleyut.gov and sent to the Spectrum on April 5, 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.

**APPLE VALLEY
ORDINANCE O-2022-11**

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

SECTION 1: **ADOPTION** “11.02.190 Grading Permit By Exception” of the Apple Valley Subdivisions is hereby *added* as follows:

BEFORE ADOPTION

11.02.190 Grading Permit By Exception (Non-existent)

AFTER ADOPTION

11.02.190 Grading Permit By Exception(*Added*)

Notwithstanding any other provision in this title to the contrary, the Zoning Administrator shall be authorized, upon an affirmative vote of the Town Council, to issue a grading permit for property not scheduled for immediate or reasonably imminent development upon such terms and conditions as may be deemed necessary by said Town Council to guarantee the protection of the property and neighboring properties against problems resulting from such grading, including, but not limited to, the accumulation of weeds, soil erosion, surface drainage and dust.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** PASSED AND ADOPTED, by the APPLE VALLEY TOWN COUNCIL this 21st day of April, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-12**

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

SECTION 1: **AMENDMENT** “11.02.080 Construction Drawings” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.080 Construction Drawings

After preliminary plat approval by Town council, the applicant shall have construction drawings prepared by a licensed engineer for all on site and required off site improvements in accordance with the following:

- A. Final plan and profile must be prepared in accordance with:
 - 1. Current Apple Valley Town standards and specifications;
 - 2. Apple Valley Town drainage manual;
 - 3. Big Plains Water and Sewer Special Service District construction standards;
 - 4. Apple Valley Town power standards and specifications as required;
 - 5. Applicable fire code; and
 - 6. Rocky Mountain power standards and specifications if applicable.
- B. Specific geotechnical recommendations for the design and construction of the proposed subdivision shall include the following if applicable:
 - 1. A general assessment of the requirements needed to develop on the site.
 - 2. Site preparation and grading and the suitability of onsite soils for use as structural fill.
 - 3. Stable cut and fill slopes including recommendations concerning the effects of material removal and the introduction of water.
 - 4. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible, or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.
 - 5. Anticipated total and differential settlement.
 - 6. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.
 - 7. Design criteria for restrained and unrestrained retaining or rockery wall.
 - 8. Moisture protection and surface drainage.
- C. Eleven (11) sets of complete drawings must be submitted to the public works director. Construction drawings must contain a signature block for all required utility, Town,

- and Big Plains Water and Sewer Special Service district representatives. Drawings shall be a minimum of twenty two inches by thirty four inches (22" x 34") (full size).
- D. Applicant shall request placement on a joint utility committee agenda for initial review of the plans.
 - E. Applicant or applicant's authorized representative shall attend the joint utility committee meeting when the item is on the agenda. Utility, franchisee, Town, and Big Plains Water and Sewer Special Service District will take copies of plans to redline.
 - F. All street grades over five percent (5%) shall be noted on the preliminary plat.
 - G. When redlines are completed, public works director shall prepare a summary of the needed changes and return redlined plans to applicant.
 - H. Applicant shall then submit three (3) copies of the corrected construction drawings, addressing all redlined items, to the Town engineer for review and possible signature. After Town engineer signs, applicant must obtain all required signatures and return signed plans to public works director for final signature.
 - I. Construction drawings are valid for twenty four (24) months after final signature. Construction drawings signed more than twenty four (24) months prior to construction of improvements shall be considered expired. For a project where construction has started and all improvements shown on the plan will be constructed, the public works director may permit construction to continue. Construction drawings showing multiple phases of a project are valid only for those improvements constructed within the first twenty four (24) months of approval. New approvals must be obtained and any new standards shall apply for future phases or delayed projects.

AFTER AMENDMENT

11.02.080 Construction Drawings

After preliminary plat approval by Town council, the applicant shall have construction drawings prepared by a licensed engineer for all on site and required off site improvements in accordance with the following:

- A. Final plan and profile must be prepared in accordance with but not limited to the following standards:
 - 1. Current Apple Valley Town standards and specifications;
 - 2. Apple Valley Town drainage manual;
 - 3. Big Plains Water ~~and Sewer~~ Special Service District construction standards;
 - 4. Test Ash Creek Sewer Special Service District construction standards;
 - 5. Apple Valley Town power standards and specifications as required;
 - 6. Applicable fire code; and
 - 7. Rocky Mountain power standards and specifications if applicable.
 - 8. South Central Communications standards and specifications, if applicable.
- B. Specific geotechnical recommendations for the design and construction of the proposed subdivision shall include the following if applicable:
 - 1. A general assessment of the requirements needed to develop on the site.
 - 2. Site preparation and grading and the suitability of onsite soils for use as structural fill.

3. Stable cut and fill slopes including recommendations concerning the effects of material removal and the introduction of water.
 4. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible, or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.
 5. Anticipated total and differential settlement.
 6. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.
 7. Design criteria for restrained and unrestrained retaining or rockery wall.
 8. Moisture protection and surface drainage.
- C. Upon Completion of the complete proposed construction plans, the Applicant shall fill out an application for construction plan review, pay associated fees, and upon approval of the application by the Public Works Director, shall then deliver Eight (8) sets ~~Eleven (11)~~ sets of complete construction plans ~~drawings must be submitted~~ to the public works director along with a digital copy. Construction drawings must contain a signature block for all required utilities ~~y~~, including the Public Works Director, Town, and Big Plains Water and Sewer Special Service district representatives, Ash Creek Special Sewer District and Town Engineer. Drawings shall be a minimum of twenty two inches by thirty four inches (22" x 34") (full size).
- D. Applicant shall request placement on a joint utility committee agenda for initial review of the plans.
- E. Applicant or applicant's authorized representative shall attend the joint utility committee meeting when the item is on the agenda. Utility, franchisee, Town, and Big Plains Water and Sewer Special Service District will take copies of plans to redline.
- F. All street grades over five percent (5%) shall be noted on the preliminary plat.
- G. When redlines are completed, public works director shall prepare a summary of the needed changes and return redlined plans to applicant.
- H. Applicant shall then submit three (3) copies of the corrected construction drawings, addressing all redlined items, to the Public Works Director who then will review and submit them to the Town engineer for review and possible signature. After Town engineer signs, applicant must obtain all required signatures and return signed plans to public works director for final signature.
- I. Construction drawings are valid for twenty four (24) months after final signature. Construction drawings signed more than twenty four (24) months prior to construction of improvements shall be considered expired. For a project where construction has started and all improvements shown on the plan will be constructed, the public works director may permit construction to continue. Construction drawings showing multiple phases of a project are valid only for those improvements constructed within the first twenty four (24) months of approval. New approvals must be obtained and any new standards shall apply for future phases or delayed projects.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-13**

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

SECTION 1: **AMENDMENT** “11.02.170 Fees” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.170 Fees

The following fees are hereby established:

- A. Preliminary Plat Application Fee: At the time of filing of the preliminary plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such Preliminary subdivision plats.
- B. Final Plat Application Fee: At the time of filing the final plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such final subdivision plats, and inspecting subdivision improvements.
- C. Habitat Conservation Fee: Before plat is released for recordation, subdivider shall pay applicable per acre habitat conservation impact fee to Town, if applicable.
- D. Recording Fee: At the time of recording the final plat, the subdivider shall be responsible for payment of the recording fee.

AFTER AMENDMENT

11.02.170 Fees

The following fees are hereby established:

- A. Preliminary Plat Application Fee: At the time of filing of the preliminary plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such Preliminary subdivision plats.
- B. A construction plan review and inspection fee. At the time of completion of the proposed construction plans, and upon delivery of said plans to be reviewed by the Public Works Director, the subdivider shall deposit with the Town a nonrefundable fee

made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such construction plans and performing inspections associated with the construction of the proposed subdivision.

~~Final Plat Application Fee: At the time of filing the final plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such final subdivision plats, and inspecting subdivision improvements.~~

- C. Final Plat Application Fee: At the time of filing the final plat, the subdivider shall deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such final subdivision plats, and inspecting subdivision improvements.

~~Habitat Conservation Fee: Before plat is released for recordation, subdivider shall pay applicable per acre habitat conservation impact fee to Town, if applicable.~~

- D. Recording Fee: At the time of recording the final plat, the subdivider shall be responsible for payment of the recording fee.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley