



TOWN COUNCIL SPECIAL MEETING

1777 N Meadowlark Dr, Apple Valley

Thursday, April 14, 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, April 14, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor Pro Tem | Kevin Sair |

Council Members | Andy McGinnis | Robin Whitmore | 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/84446759695>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 844 4675 9695

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

PUBLIC COMMENTS

DISCUSSION AND ACTION

- [1.](#) DISCUSSION AND POSSIBLE ACTION FOR APPOINTMENT OF MAYOR.--RESOLUTION NO. R-2022-17.
- [2.](#) DISCUSSION AND POSSIBLE ACTION FOR UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS.--RESOLUTION R-2022-18.
- [3.](#) DISCUSSION AND POSSIBLE ACTION FOR A RESOLUTION REQUESTING ADMISSION TO THE FIREFIGHTERS RETIREMENT SYSTEM.--RESOLUTION NO. R-2022-19.
- [4.](#) DISCUSSION AND POSSIBLE ACTION FOR A RESOLUTION ESTABLISHING THE APPLE VALLEY WILDLAND FIRE MITIGATION ADVISORY BOARD.--RESOLUTION R-2022-20.
5. DISCUSSION AND POSSIBLE ACTION TO ADD/DELETE AUTHORIZED BANK ACCOUNT SIGNERS FOR SBSU.
- [6.](#) DISCUSSION AND POSSIBLE ACTION ON OPENING REQUEST(S) FOR PROPOSAL FOR LEGAL SERVICES AND AWARDING CONTRACT.
- [7.](#) DISCUSSION AND POSSIBLE ACTION ON OPENING REQUEST(S) FOR PROPOSAL FOR PROSECUTORIAL SERVICES AND AWARDING CONTRACT.
- [8.](#) DISCUSSION AND POSSIBLE ACTION 10.10.030- REMOVE CABINS, RV PARK OR RV RESORT AND TINY HOME PARK.-O-2022-02.

PC approved changes as written recommended approval.

9. DISCUSSION AND POSSIBLE ACTION 10.28.190 CURBS, GUTTERS, SIDEWALKS AND ROAD IMPROVEMENTS.--O-2022-03.
Add and Road Improvements and other grammar changes (,). As Amended PC approved changes recommended approval.
10. DISCUSSION AND POSSIBLE ACTION 11.02.090 FINAL PLAT APPROVAL PROCESS.--O-2022-04.
PC approved changes as written recommended approval.
11. DISCUSSION AND POSSIBLE ACTION 11.02.100 FINAL PLAT REQUIREMENTS.--O-2022-05.
PC approved changes as written recommended approval.
12. DISCUSSION AND POSSIBLE ACTION 11.02.180 PENALTY; VALIDITY & RESTRICTIONS.--O-2022-06.
PC approved changes as written recommended approval.
13. DISCUSSION AND POSSIBLE ACTION 11.08.020 WASTE DISPOSAL SYSTEMS.O-2022-07.
PC approved changes as written recommended approval.
14. DISCUSSION AND POSSIBLE ACTION 11.08.030 STORM DRAINAGE REQUIREMENTS.--O-2022-08.
PC approved changes as written recommended approval.
15. DISCUSSION AND POSSIBLE ACTION 11.08.080 WATER.--O-2022-09.
PC approved changes as written recommended approval.
16. DISCUSSION AND POSSIBLE ACTION 11.12.020 DESIGN STANDARDS.--O-2022-10.
PC approved changes as written recommended approval.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

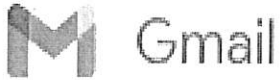
REQUEST FOR A CLOSED SESSION, IF NECESSARY, WILL BE ANNOUNCED FOR EITHER PENDING LEGAL OR PERSONNEL MATTERS

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town Website www.applevalleyut.gov on 3/29/2022; updated 4/6/2022, 4/7/2022, and 4/12/2022.

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.



(Jenna) Town Clerk <clerk@applevalleyut.gov>

Mayor Vacancy

Melanie Abplanalp <Melanie.Abplanalp@washco.utah.gov>
To: "(Jenna) Town Clerk" <clerk@applevalleyut.gov>

Wed, Apr 13, 2022 at 8:34 AM

Dear Jenna

I have added my comments below in RED.

Best Regards

Melanie

From: (Jenna) Town Clerk [mailto:clerk@applevalleyut.gov]
Sent: Tuesday, April 12, 2022 6:46 PM
To: Melanie Abplanalp <Melanie.Abplanalp@washco.utah.gov>
Subject: Mayor Vacancy

Applicants x2

1. Dustin Frank Thompson – NOT a registered voter in Apple Valley.

[REDACTED]
Saint George, Utah 84770

2. Kevin Sair – Registered voter in Apple Valley

[REDACTED]
Apple Valley, UT 84737

Regards,

Jenna Vizcardo
Town of Apple Valley
Town Clerk and Recorder
Ph: (435) 877-1190



(Jenna) Town Clerk <clerk@applevalleyut.gov>

Frank Lindhardt

Melanie Abplanalp <Melanie.Abplanalp@washco.utah.gov>
To: "(Jenna) Town Clerk" <clerk@applevalleyut.gov>

Wed, Apr 13, 2022 at 11:41 AM

Jenna

Due to some weird internet gremlins, and our phone conversation, I wanted to let you know that Frank Lindhardt is a registered voter. This is the information on our voter roll:

Frank Lindhardt – Registered voter in Apple Valley

[REDACTED]
Apple Valley UT 84737

Best Regards

Melanie



Melanie Abplanalp
ELECTIONS SUPERVISOR

○ 435.652.5891 F 435.634.5763
E melaniea@washco.utah.gov
197 East Tabernacle | St. George, UT 84770

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Application for Vacant Seat-Mayor

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Wednesday, April 13, 2022

APPLICANT INFORMATION:

Name: Dustin Frank Thompson

Address: [REDACTED] Saint George, Utah 84770
Street City State Zip Code

Telephone Number: 8019413580

Email Address: dustin.thompson.mpri@gmail.com

QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States. ☒ Yes ☐ No

I am a registered voter in the Town of Apple Valley. ☐ Yes ☒ No

I have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months. ☐ Yes ☒ No

I have not been convicted of a felony. ☒ Yes ☐ No

CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

Dustin Frank Thompson
 Applicant's Signature

04/05/2022
 Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

Dustin Frank Thompson

Dustin.thompson.mpri@gmail.com

8019413580

SUMMARY OF QUALIFICATIONS

I am a highly experienced, clearance holding, competent and responsible Force Structure and Senior Government Advisor with exceptional interpersonal and communication skills. I have demonstrated ability as a change agent, and skills optimizing complex financial, logistical, operational, training, admin, and policy systems. I am also extremely capable in highly volatile/dangerous areas. I have a strong work ethic and capabilities that have allowed me to work across the world in many countries helping many nations. I have strong management skills across the following disciplines:

Budget estimation, development, and request
Organizational Infrastructure development
Audit of business processes/practices
Align and control Revenue streams
Design and build hierarchy
Advanced problem solver
Enlightened

Management of phased expenses
Controls, processes, and procedures
System design as well as implementation and training
Corruption countermeasures
Resource Management
Capability to create pathways for ANY function

More areas/examples "based on clearance"

PROFESSIONAL EXPERIENCE

1989 – Present

PAE – Multiple Commands:

J8 Force Structure and Resource Manager, Aug 21- Sep 21:

Close out Afghanistan.

Organized local/foreign Government operations across a wide spectrum of interests.

ATS – General Command Police Special Units (GCPSU):

J8 Force Structure and Resource Manager, Dec 19 – Aug 21:

Defined/designed/created "way ahead" for ANASOC, SMW and NIU to become an SBU, with all Government Decree and Regulatory guidance in place or created – all 180 Process flows, and their tens of thousands of pieces.

I work across all 12-15 Directorates of the command being altered (or built) to varying capacities, to either fix or create uncorrupted process flows. Director of J8 and Assistant/Acting Director to J1, J3, J4, J5, J7, MED, and JFE as needed.

New System(s)/processes I created will ensure complete coverage of assets (money and things) with maximum controlled environment to include cradle to grave transparency. Increase computing power within earlier created automated system that allows for the management of all resource managed areas, their assets, costs, coding, and all functional/directional flows. System will completely resolve Order 1108 (High Office of anti-corruption – president's office) issues.

I work directly with the highest levels of the Government of Islamic Republic, Afghanistan, and work with Policy and Resources directly across MOF, MOD, MOI, MOE, MOA, and many others.

Created and trained a "Train the Trainer" team (23 men) to progress forward on their own.
Organized local/foreign Government operations across a wide spectrum of interests.

SAIC – General Command Police Special Units (GCPSU):

Comptroller; J8 Manager/Mentor, Oct 18 – Dec 19 (1 Year).

Defined/designed/created "way ahead" for GCPSU to become an SBU, with all Government Decree and Regulatory guidance in place or created – all 180 Process flows, and their tens of thousands of pieces.

Great day fellow colleagues,

My name is Dustin Frank Thompson born in Centralia Washington 53 years ago I joined the Military around age 21 and after 24 years in the Military (Army) was honorably retired. My wife and four children survived the different cultural changes as we migrated back and forth across the country. In the Military I excelled and was placed on some of the more interesting projects such as working alongside our nuclear capabilities (Lance), rolling out first stage of GPS (PADS), first stage frequency hopping capability and computing capabilities (BUCS) which all are now fully integrated into normalized U.S. life.

After the Military I was sought after as a contractor and hired by Department of Defense, Department of State, and several others to figure out, design and put in place highly visible organizations for foreign governments on behalf of domestic and or NATO directives. I designed and created an Airforce, many police units and commands, Special Forces units and commands, and several other close hold commands. I design everything from the senior leadership and C-suite level right down to each field unit organization and individual job function. I even created a vast number of new tools to complete even the simplest function. I managed and trained personnel on management of 1.2 – 1.6 billion USD and across several funding streams.

I was and am the outlier. To date only one of me. I had 7 or so Military occupations when I retired, but through a constant climb have expanded that to encompass over 43 fully developed and functional job categories (each having several positions). Each time I designed a new entity or better developed it I would meet with the highest levels of government (through Parliament) to enact policy, set up training plans and get the ball rolling. Interesting that I came to the point I am at now due to my great leadership and situations that allowed me to become who I have. Leadership and direction are key to opening any door.

See this link for what every Boss I have worked for has stated about my capabilities:

<https://www.linkedin.com/in/dustin-thompson-7b58ba190/>. If I am allowed to proceed without currently being a voting member of apple Valley (which I will become), then I can send you recommendation letters from people at a much higher level of government showing what I am capable of.

Much more on those lines and please understand I am in no way bragging or defining a position that others will not fully back/or agree with. I normally work under cover of several agencies that keep me quite busy, but now I am home and looking to find my next project.

Bottom line: I build organizations, set up streamlined businesses. I am fully developed across all 15 main pillars of government, not only for the U.S. but for several foreign governments as well.

The question I have is, what does Apple Valley want of its Mayor?

What kind of Mayor does Apple Valley want/need? One that simply increases revenue to the coffers to expand on already designed town platforms, such as Rodeo's, parades? Perhaps Apple Valley wants to add platforms like food tasting events, or different types of art festivals? What does Apple Valley want to become? What new face if any do the personnel of Apple Valley see the town going?

I have the capability to lay out a town, each piece and part from the HR through Comptroller (8 main pillars). Design each area internally to be aligned with greater purpose such as:

Becoming a hub (big or small) for goods and services? If balanced properly you can increase the revenue of each person without defeating housing market/other.

How much do you want Apple Valley to grow, and in which way while maintaining its rustic looks, its culture and belief systems?

3. Internet should also be free. Unfortunately, due to relay stations etc. and costs to incorporate lines or optics upfront costs would be too great for such a small town, plus, and most important it would not meet end state of future needs based on the outdated tech in just ten year – satellite is and will be best end state to meet, plus I believe Apple Valley POP (point of presents) which is in Denver is closest for better internet. Right now, I could suspect APPLE Valley POP to be in Santiago CA currently?
4. Laying out a town falls within all the above. How many businesses do you want? Businesses are taxed, thus generating revenue. This should be carefully done, with little to NO increased taxes on businesses referred to as Market places where the local population pulls food and daily supplies from. “The Hub” import/export will become the main taxed entity for overseas trade and foreign investment.

That gives Apple Valley a stabilized and maintainable infrastructure that can and will support its own people and a “Goods and Services” HUB (“large” or two small depending on product produced and placement). That also creates the new jobs and continued race to max capacity of Apple Valley. I would need a top ten list of local products that we could trade for and with to receive local and more important foreign country trade deal. That sets you aside from other towns and aligns you with foreign investors/investments.

Goods and services hub will grow, they ALWAYS do, thus a constant increase in taxed incomes allows Apple Valley to expand internal programs - such as new faces to places (upgrades to current houses grandfathered into or outside of current Apple Valley quaint development codes.

My job as Mayor will be to integrate myself into all functions of growth and direction. I would need to hold a town meeting and discuss each of these ideas, then build the plan to support them and get support to pass them into law.

Thanks for your time,

Please also see attached Resume.

Dustin F. Thompson



Application for Vacant Seat-Mayor

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Wednesday, April 13, 2022

APPLICANT INFORMATION:

Name:

Kevin Sair

Address:

[Redacted] Apple Valley, UT 84737
Street City State Zip Code

Telephone Number:

435.272.6516, 435.429.5599 (cell)

Email Address:

Kevinraddad@yahoo.com
~~Kevinraddad@yahoo.com~~

QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States.

☒ Yes ☐ No

I am a registered voter in the Town of Apple Valley.

☒ Yes ☐ No

I have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months.

☒ Yes ☐ No

I have not been convicted of a felony.

☒ Yes ☐ No

CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

[Signature]

Applicant's Signature

4-10-22

Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

Wednesday, April 13, 2022

Letter to Apple Valley Town Council

VISION: My reason for applying is that I want to be involved on a local level in order to have a positive influence upon decisions that are made in our community. I am a devoted patriot of our United States and am concerned at the loss of freedoms that we are experiencing on every level. I want to be involved on a local level so that I can preserve our God given natural and inalienable rights and to defend, uphold, and promote our liberties and freedoms according to the laws in our Constitution. I believe that wise and courageous men were inspired by heaven and created this document for us using divine truths. I care about our community and am aware of the many current and future issues that have, and will have, impact upon us now and hereafter.

With that said, I'm here today to apply for the position of town Mayor. I have listed below the positions in which I have served in Apple Valley.

- town councilman
- mayor pro-temp
- liaison to the fire department, the planning commission, and the water board.
- volunteer on the fire department.
- I have also worked for the town doing maintenance, SSD, code enforcement, and helping out where needed.

I resigned after serving on the town council for 6 years and began working for the town to maintain the park, gateway project, road improvements, culvert installations, weed abatement, code enforcement, and other projects and needs within our town. I also worked with the water department on system upgrades and maintenance.

Kevin Sair



Application for Vacant Seat-Mayor

Term will expire January 1, 2024

Application Deadline: 3:00 p.m. Wednesday, April 13, 2022

APPLICANT INFORMATION:

Name: FRANK G. LINDHARDT

Address: [REDACTED] APPLE VALLEY UT. 84737
Street City State Zip Code

Telephone Number: 435-229-4447

Email Address: FRANKGLINDHARDT@YAHOO.COM

QUALIFICATIONS:

I certify that I meet the following Qualifications:

I am a citizen of the United States.

☒ Yes ☐ No

I am a registered voter in the Town of Apple Valley.

☒ Yes ☐ No

I have been a resident of the Town of Apple Valley or a resident of a recently annexed area of the Town of Apple Valley for the previous twelve (12) months.

☒ Yes ☐ No

I have not been convicted of a felony.

☒ Yes ☐ No

CERTIFICATION OF APPLICANT:

PLEASE READ THE FOLLOWING PARAGRAPH CAREFULLY BEFORE SIGNING.

I certify that all statements made in this application are true and complete and understand that any misrepresentation of material fact in this document or during an interview may subject me to disqualification.

I understand that information provided on this application is a public record and authorize the Town of Apple Valley to release the information contained herein.

Frank G. Lindhardt
 Applicant's Signature

4/13/22
 Date

All applicants are requested to submit, with the application, a resume and a brief one (1) page written statement explaining why you are interested in serving on the council and any prior involvement in Town or community organizations or activities.

Apple Valley, Utah 84737

(435)229-4447
frankgl@gemstoneproperties.com

Frank G. Lindhardt

Objective

To obtain a position of Mayor, that will utilize my extensive development, real estate expertise, people skills and strong work ethics in helping the Town of Apple Valley with the large influx of builders and developers wanting to develop and build in our town.

Qualifications

- Licensed Real Estate Broker in Utah.
- Licensed General Contractor in Utah.
- Extensive experience in negotiations for land purchases, contract sales, property evaluations, subdivision designs, subdivision development, Subdivision approvals and procedures, construction management and marketing of properties.
- Has complete knowledge and successful record of dealing in all aspects of public approvals for subdividing properties and obtaining Conditional Use Permits.
- Former member and Chairman of the Hurricane City Planning Commission where I helped re-write all their subdivision ordinances.
- Very knowledgeable in everything related to computers both in regards to hardware and software. List of software programs I'm proficient in is available upon request.

Experience

1998–Present. Gemstone Custom Homes Inc & Gemstone Properties Inc. Hurricane, UT.

DEVELOPER, PROJECT MANAGER & PRINCIPAL BROKER

- Developer for multiple subdivisions in Southern Utah with over 800+ lots in Developments experience and with over 220 Million in sales.
- Does extensive market analysis to determine products to be sold, prices of lots and homes to keep our homes and prices competitive.
- Setup successful relocation program for dealing with the many monthly relocation requests.
- Reviews and approves all sales contracts, leases, title reports and closing (HUD) statements.

1994–1998 Sky Mountain Realty Hurricane, UT.

SALES DIRECTOR & PRINCIPAL BROKER

- Employed to do all marketing and sales for new golf course community.

1990–1994 ReMax First Realty & House Hunter Inc. St. George, UT.

SALES AGENT

- Was the only first year Real Estate agent in the company that made the million dollar club.

1988–1990 TechnoServ. Moscow, Russia

VICE PRESIDENT

- Negotiated at ministerial levels, and established the first computer joint venture in the history of USSR, in Moscow and then established branches throughout the U.S.S.R.

1986 – 1988 Danish Computer Store Copenhagen, Denmark

STORE MANAGER

- Managed a computer store in Copenhagen Denmark, with the responsibility for all sales, service and installation of computer software, hardware and networks.

Frank G. Lindhardt

Apple Valley
Utah, 84737

April 13, 2022

To Apple Valley Town Council

Why am I interested in serving as Mayor?

I love living in Apple Valley and think we have one of the most beautiful locations in the world, and I want it to remain that way.

The biggest challenge our town has right now, is how to deal with the overwhelming growth. With the previous administrations already approving over 1260 new lots (and developers knocking on our door to try to get thousands more lots approved), it's clear that we need a mayor that will know how to deal with the growth of the town...and also how to deal with developers and builders, so we can ensure that we the existing residents, do not end up paying for any of this growth. New growth needs to pay for itself, and it needs to be built so it does not become a burden upon the town.

The town is over 4 million in debt, all of which is because we did not have administrations in the past that were able to hold developers' feet to the fire... either because they did not understand, or chose not to follow all our ordinances. They allowed them to not install all the required improvements or installed sub-standard improvements, thus causing us to spend millions on replacing and/or fixing all these mistakes and missing items. This will never happen with me as Mayor. I know and understand what a developer is supposed to do, and I will make them follow all of our ordinances and design standards.

With my over 28 years of developing, building and selling over 800 homes in Southern Utah, and almost 4 years on the planning commission in Hurricane, I feel like I have the experience that Apple Valley needs in a mayor.

I have learned throughout my life, that in order to succeed in my business, I have to surround myself with people that have expertise in areas that I am not as proficient at, and then leave them alone to do their job. Trust but verify, goes a long way with most people, allowing them to prove themselves.

I feel that we already have an incredible team within our town staff, Town Council and our Planning Commission. All independent thinking people, ready, willing and able to serve our town, and I will be a good addition to this team.

I am ready, willing and able to serve as our new Mayor. I also have the thick skin needed to deal with the town antagonists and the knowledge and stamina it takes to be a productive Mayor that will lead with integrity and unity, here in our beautiful town of Apple Valley.

Thank you for your consideration.

Sincerely

Frank G. Lindhardt

TOWN OF APPLE VALLEY
RESOLUTION NO. R-2022-17
APPOINTMENT OF MAYOR

WHEREAS, the Town of Apple Valley is a Utah municipal corporation; and

WHEREAS, a vacancy has occurred in the office of Mayor; and

WHEREAS, after compliance with the requirements of UCA §§ 10-3-302 and 20A-1-510, the Town Council has determined that _____ is a qualified person to be appointed as Mayor.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Apple Valley that _____ is hereby appointed as Mayor with a 20-month term ending January 1, 2024.

PASSED this 14th day of April, 2022.

TOWN OF APPLE VALLEY

Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

Mayor _____ voted _____
Council Member Kevin Sair voted _____
Council Member Andy McGinnis voted _____
Council Member Robin Whitmore voted _____
Council Member Barratt Nielson voted _____

TOWN OF APPLE VALLEY**RESOLUTION R-2022-18****UTAH PUBLIC TREASURERS' INVESTMENT FUND CERTIFICATION OF AUTHORIZED INDIVIDUALS**

WHEREAS, the Town of Apple Valley invests funds in the Utah Public Treasurers' Investment Fund (PTIF) as authorized by the Utah Money Management Act; and

WHEREAS, the Town Council has the authority to designate individuals to make changes to PTIF accounts, such as adding or deleting users to access and/or transact with PTIF accounts, add, delete, or make changes to bank accounts tied to PTIF accounts, open or close PTIF accounts, and complete any necessary forms in connection with such changes; and

WHEREAS, The Utah State Treasurer requires that the Town Council designate the individuals authorized to make changes to PTIF accounts by adopting the Public Entity Resolution attached hereto; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 14th day of April, 2022, and upon motion duly made and seconded:

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Town Council of the Town of Apple Valley that _____, Apple Valley Town _____ and _____, Apple Valley Town _____ is designated as an authorized individual for PTIF transactions outlined above. _____ is hereby authorized to execute the Public Entity Resolution attached hereto. This resolution is effective immediately.

EFFECTIVE DATE This Resolution shall be in full force and effect from April 14, 2022.

PASSED this 14th day of April, 2022.

ATTEST:

APPLE VALLEY TOWN COUNCIL:

Jenna Vizcardo, Town Clerk

COUNCIL VOTE TAKEN:

Council Member Sair voted _____

Council Member Whitmore voted _____

Council Member McGinnis voted _____

Council Member Nielson voted _____

Mayor _____ voted _____

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2022-19

A RESOLUTION REQUESTING ADMISSION TO THE FIREFIGHTERS RETIREMENT SYSTEM

WHEREAS, the Town of Apple Valley ("Town") is authorized to employ public safety personnel on a full-time basis; and

WHEREAS, it is in the public interest to provide benefits authorized by Utah state law for the public safety personnel by the Town; and

WHEREAS, it is the intent of the Town Council to approve and authorize coverage under Firefighters Retirement Systems for Town firefighter personnel.

WHEREAS, the rate schedule for the Firefighter Tier II Contributory Retirement System includes an employee portion; and

WHEREAS, employees enrolled in the Public Employees System receive full employer contribution; and

WHEREAS, it is the desire of the Town to provide the same benefit for employees enrolled in the Firefighter Tier II Contributory Retirement System administered by the Utah Retirement Systems; and

WHEREAS, in accordance with federal and state law, including Section 414(h)(2) of the Internal Revenue Code, employers may take formal action to pick up required employee contributions, which will be paid by the employer in lieu of employee contributions; and

WHEREAS, the Town desires to formally pick up a portion of the employee contributions required to be paid under Subsection 49-23-301(2)(c), as enacted in S.B. 56, Public Safety and Firefighter Tier II Retirement Enhancements (2020 General Session), for all employees participating in said system; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called noticed and held on the 14th day of April, 2022, and upon motion duly made and seconded:

NOW THEREFORE, be it resolved by the Town Council of the Town of Apple Valley that the _____ is(are) authorized to undertake all of the necessary actions to enroll the Town in the benefit programs of the Firefighters Retirement Systems offered by Utah Retirement Systems, including the retirement coverage and death benefit coverage for qualified employees under the laws and regulations of the Utah Retirement Systems.

BE IT FURTHER RESOLVED that the picked up contributions paid by the employer, even though designated as employee contributions for state law purposes, are being paid by the Town in lieu of the required employee contributions.

BE IT FURTHER RESOLVED that the picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Utah Retirement Systems, so that the contributions are treated as employer contributions pursuant to Section 414(h)(2) of the Internal Revenue Code.

BE IT FURTHER RESOLVED that the picked up contributions are a supplement and not a salary reduction to the Town employees who are eligible for and participating members in the Firefighter Tier II Contributory Retirement System.

BE IT FURTHER RESOLVED that from and after the date of this pick up, a Town employee may not have a cash or deferred election right with respect to the designated employee contributions, including that the employees may not be permitted to opt out of the pick up and may not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the Town on behalf of its employees to the Utah Retirement Systems.

ADOPTED by the Town Council of Apple Valley, Utah, this 14th day of April, 2022.

TOWN OF APPLE VALLEY

VOTING:

Council Member	Yea ____ No ____
Council Member	Yea ____ No ____
Council Member	Yea ____ No ____
Council Member	Yea ____ No ____
Council Member	Yea ____ No ____

_____, Mayor

SEAL

ATTEST:

Jenna Vizcardo, Recorder

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2022-20

A RESOLUTION ESTABLISHING THE APPLE VALLEY WILDLAND FIRE MITIGATION ADVISORY BOARD

WHEREAS, the Town of Apple Valley (“Town”) is situated in a Wildland Urban Interface Area; and

WHEREAS, the Town Council desires to establish an advisory board to assist the Town Council, Apple Valley Fire Department and residents in identifying areas of concern, educating residents, and planning and commencing action for saving lives and property through advance planning; and

WHEREAS, the State of Utah Community Wildfire Preparedness Plan with the Town provides for the usage of in-kind service as a credit toward the annual insurance cost for coverage for wildfire expenses in our area.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Apple Valley, Utah, to create the Apple Valley Wildland Fire Mitigation Advisory Board (“Board”) as follows:

There is hereby established an Apple Valley Wildand Fire Mitigation Advisory Board to assist the Town Council, Apple Valley Fire Department and residents in identifying areas of concern, educating residents, and planning and commencing action for saving lives and property through advance planning.

APPOINTMENT; MEMBERSHIP:

- A. Appointment: The Apple Valley Wildand Fire Mitigation Advisory Board shall consist of up to five (5) members with a minimum of three (3). All members shall be appointed by the Mayor with the approval of the Town Council. Three (3) of the initial members of the Board shall be appointed to serve a four-year term. Two (2) initial members shall be appointed to serve a two-year term.
- B. The Board shall serve under the direction of the Apple Valley Fire Chief.
- C. The Board shall select a chairperson and secretary, and such other officers as the committee may determine.
- D. The meeting schedule shall be held, at a minimum, quarterly.
- E. Membership: Terms; Vacancies. Except for the terms of the initial members, the members of the Apple Valley Wildand Fire Mitigation Advisory Board, appointed as provided above, shall serve for four (4) years on overlapping terms. Midterm vacancies shall be filled by appointment as set forth above for the unexpired portion of the term.

POWERS AND DUTIES:

The Board shall have the following responsibilities:

A. Recommending the mission, goals, objectives, short term plan, and long-term plan related the Town's wildland fire mitigation plan.

B. Assisting the Town and Fire Department in identification of areas of concern, educating residents, and planning and commencing action for saving lives and property through advance planning.

C. Any other task similar to the above as directed by the Fire Chief.

All of the above responsibilities shall be done in cooperation with Town staff and fire department having responsibility over the above activities.

MEETINGS :

Meetings of the Apple Valley Parks and Recreation Committee shall be held at the Town offices, or such other location within the Town as determined from time to time by the Board. Notice of the date, time, and location of the meeting, along with the agenda, shall be given to the Town Recorder sufficiently in advance of such meeting to allow for giving notice of the meeting in accordance with state law. Exceptions to the notification requirement may be made with prior written approval of the Fire Chief.

QUORUM; VOTE REQUIRED:

A quorum of the Board shall be three (3) members; and a majority vote of a quorum shall be required for a decision of any matter before the Board. If a quorum is not present, no meeting shall be held, and any items of business shall be continued to the next meeting of the committee.

This Resolution shall take effect immediately upon approval.

ADOPTED by the Town Council of Apple Valley, Utah, this 14th day of April, 2022.

Signature Block on Next Page

TOWN OF APPLE VALLEY

_____, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

Councilmember Kevin Sair Voted _____
Councilmember Robin Whitmore Voted _____
Councilmember Marshal McGinnis Voted _____
Councilmember Barratt Nielson Voted _____
Mayor _____ Voted _____



REQUEST FOR PROPOSAL FOR LEGAL SERVICES

INQUIRIES SHOULD BE DIRECTED TO:

Mayor Pro Tem Kevin Sair
 Town of Apple Valley
 1777 N Meadowlark Dr
 Apple Valley Utah 84737
 435-877-1190
ksair@applevalleyut.gov

I. GENERAL INFORMATION.

- A. **Purpose.** This request for proposal (RFP) is to contract for legal services to be provided to **The Town of Apple Valley (The Town)** indefinitely.
- B. **Who May Respond:** Only attorneys who are currently licensed to practice law in **Utah** and maintain an office in **Utah**, or law firms including such attorneys, may respond to this RFP.
- C. **Instructions on Proposal Submission.**
 - 1. **Closing Submission Date.** Proposals must be submitted no later than **3:00 P.M. April 13, 2022.**
 - 2. **Inquiries.** Inquiries concerning this RFP should be mailed or emailed to:

Mayor Pro Tem Kevin Sair
 Town of Apple Valley
 1777 N Meadowlark Dr
 Apple Valley Utah 84737
 435-877-1190
ksair@applevalleyut.gov

- 3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by the **Town**.

Instructions to Prospective Contractors. Your proposal should be addressed as follows:

**Jenna Vizcardo, Clerk
Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley Utah 84737**

It is important that the Offeror's proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal
Legal Services
April 13, 2022 3:00 p.m.

4. Sealed Proposal for Legal Services

Failure to submit in a sealed envelope may result in premature disclosure of your proposal. It is the responsibility of the Offeror to ensure that the proposal is received by The Town, by the date and time specified above. Late proposals will not be considered.

5. Right to Reject. The Town reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.

7. Notification of Award. It is expected that a decision selecting the successful Firm will be made at the Town Council regular meeting on April 14, 2022. Upon conclusion of final negotiations with the successful Firm, all Offerors submitting proposals in response to this Request for Proposal will be informed, in writing, of the name of the successful consultant. It is expected that the contract shall be a Two (2) Year fixed price contract with options for renewal as well as specific fees considered for other types of work.

D. Description of Entity. The Town is a municipality that serves Washington county residents in the Town of Apple Valley in the State of Utah. The Town provides services as follows: Fire, Town Administration, Public Works, and Parks and Recreation. It is home to approximately 800 residents.

The administration consists of one (1) mayor and four (4) council members, and five (5) Planning Commission members.

II. SCOPE OF SERVICES. The Offeror shall be readily available to perform the following legal services, as follows:

- 1. Review, draft, and negotiate contracts and leases**
- 2. Advise on individual labor and employment matters**
- 3. Review personnel, fiscal and other policies, as well as corporate by-laws**
- 4. Attend Council and Committee meetings as necessary**
- 5. Advise on government grant and contract issues**
- 6. Advise on responses to subpoenas, court orders, and requests for information from third parties**
- 7. Defend lawsuits, administrative claims, or other legal claims**
- 8. Conduct litigation as necessary**
- 9. Other legal services as needed**

Although it is preferable for an attorney or firm to submit a proposal covering all of the above areas, the Town will consider proposals for subsets of these areas.

Offeror shall be prepared to submit detailed billing statements for all services billed at an hourly rate, if any, broken down into time increments of no more than a quarter hour. Offeror shall also include summaries of work performed

III. PROPOSAL CONTENTS. The Offeror, in its proposal, shall, as a minimum, include the following;

A. Legal Experience. The Offeror should describe its legal experience, including the names, Addresses, contact persons, and telephone numbers of at least three clients, preferably Including clients similar to the Town Experience should include the following categories: Experienced Advising clients in similar programs and government services

B. Organization, Size, Structure, and Areas of Practice. If the Offeror is a firm, it should describe its organization, size, structure, areas of practice, and office location(s).

C. Attorney Qualifications. The Offeror should have experience in the following areas: real estate including bond financing; government grants and contracts; labor and employment; general business. The Offeror should describe the qualifications of attorneys to be assigned to the representation.

1. Professional and education background of each attorney.
2. Overall supervision to be exercised.
3. Prior experience of the individual attorneys with respect to the required experience listed above. Only include resumes of attorneys likely to be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.

D. Price. The Offeror's proposed price should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. The Town reserves the right to negotiate with the Offeror on the structure of the billing and/or retainer fee.

IV. PROPOSAL EVALUATION

Submission of Proposals. All proposals shall include an **original** and **4** copies.

Evaluation Procedure and Criteria. The Town Council will open Proposals at the April 14, 2022 regular meeting to review in accordance with the following criteria:

1. Proposed approach to scope of work.
2. Level of experience of the individual(s) identified to work on this matter.
3. The Offeror's experience with similar clients and legal matters.
4. Response from references.
5. Cost.
6. Interviews, if conducted.



REQUEST FOR PROPOSAL

MUNICIPAL PROSECUTOR

TOWN OF APPLE VALLEY
REQUEST FOR PROPOSAL

Table of Contents

Section 1 – Introduction.....	3
A. Summary of RFP.....	3
B. Government Background.....	3
C. Brief Timeline for Procurement Process.....	3
D. Terms of the Consultant Services Agreement.....	4
Section 2 – Scope of Prosecutorial Services.....	4
A. Scope.....	4
B. Proposal Format.....	4
Section 3 – Bidding Instructions.....	5
A. Detailed Timeline.....	5
B. Standard Procurement Process.....	6

Section 1 – Introduction

A. *Summary of RFP*

The Town of Apple Valley (“Town”) is currently seeking proposals from qualified prosecutors licensed to practice law in Utah that are interested in providing comprehensive prosecutorial services. The purpose of this RFP is to:

1. Solicit proposals from qualified and interested individuals and/or firms to provide contract prosecutorial services for the Town of Apple Valley.
2. The Town is seeking qualified firms and/or individuals to provide all of the necessary contractual services.
3. The Town Prosecutor shall function entirely as an independent contractor and shall not be considered an official, officer, or employee of the Town.

The Town intends to establish a two-year contract, with a renewal option. The conditions of the proposal must remain valid for a minimum contract term of two years. As a matter of policy, the Town may issue an RFP for prosecutorial services at the end of the term. Either party may cancel the contract for any reason with 90 days written notice.

Written proposals will be accepted until 3:00 p.m. on April 13, 2022 at Town Hall, 1777 N. Meadowlark Dr, Apple Valley, UT 84737. Responses must address all the items listed in this request for proposal and submitted in a sealed envelope marked “Prosecutorial Services Proposal” and submitted to:

Jenna Vizcardo, Town Clerk
Town of Apple Valley
1777 N. Meadowlark Dr
Apple Valley, UT 84737

Questions or requests for clarification may be directed to Mayor Pro Tem Kevin Sair 435-877-1190 or email at ksair@applevalleyut.gov.

B. *Government Background*

The Town provides services as follows: Fire, Town Administration, Public Works, and Parks and Recreation. It is home to approximately 800 residents.

The administration consists of one (1) mayor and four (4) council members, and five (5) Planning Commission members.

C. *Timeline for Procurement Process*

The Town expects the following timeline:

- | | |
|------------------------------------|--------------------------|
| 1. 04/05/2022 | Distribution of RFP |
| 2. 04/13/2022 | Proposal Submissions Due |
| 3. 04/14/2022 | Opening of Proposals |
| 4. Within two (2) weeks of opening | Award of Contract |

Section 2 – Scope of Prosecutorial Services

A. Scope

1. All proposals must be in writing and signed by an authorized representative of the submitting individual, group, organization or entity. Proposals must also include the name, address, and telephone number of the contact person.
2. Proposals should demonstrate that the bidder has the technical ability and experience to execute high quality prosecutorial service to the Town. Services shall include the filing of Informations, issuance of Summonses and Subpoenas, appearance at trial, and all other actions necessary or required to adequately and effectively prosecute criminal cases for the Town.
3. Proposals must contain the following information:
 - a. A description of the education, training and experience of all individuals involved in the proposal who are anticipated may provide prosecutorial services to the Town.
 - b. A list of at least two (2) professional references regarding legal services.
 - c. A statement of willingness and ability to comply with all Town and State rules and requirements associated with providing prosecutor services to the Town.
 - d. A methodology for how the individual or firm will bill the Town for its services. The Town will entertain proposals that contain either an hourly or flat fee approach. However, the proposed rates must be inclusive of the cost of all paralegal and other clerical support services and other expenses utilized in the provision or service.

B. Proposal Format

All proposals shall include an **original** and **4** copies.

Proposals must be organized to comply with and include the following:

1. Letter of Transmittal. The letter of transmittal should include an introduction of the bidder's firm as well as the name, address, telephone number, and email address of the contact person and other representatives dealing with the RFP.
2. Executive Summary. An executive summary shall briefly describe the bidder's approach to the proposal, clearly outline any options or alternative, and indicate if the bidder cannot meet any major requirements. The summary must also highlight the major features of the proposal and identify any pertinent supporting information.
3. Statement of Qualifications. This section should provide information regarding the bidder's qualifications and experience, or those of his/her proposed partner's relevant to the work to be performed, including what, if any, experience with the municipal court system and mediation or negotiation experience. It should include a firm profile (if appropriate); references of similar contracts or work experience that is relevant to this RFP; and appropriate references, including addresses and phone numbers of individuals, groups or organizations with which the bidder has worked during the past.
4. Additional information. Any information deemed pertinent to the RFP, but not outlined in the RFP may be included in this section. This section may also include firm brochures or other material, and key management and staff members that would be assigned.
5. Proprietary Information. Bidders are requested to mark any specific information contained in the proposal that is not to be disclosed to the public or used for purposes other than evaluation of the proposals. Pricing and service elements of the successful proposal will not be considered proprietary.

Section 3 – Bidding Instructions

A. *Timeline*

The Town has made every effort to include enough information in this RFP for a firm/individual to prepare a responsive proposal. The Town encourages firms/individuals to submit the most comprehensive and competitive proposal possible. The Town reserves the right to retain all proposals submitted and to use any ideas in a proposal, regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm/individual of the conditions contained in the RFP, unless clearly and specifically noted in the proposal submitted, and confirmed in the contract between the Town and the firm/individual selected.

The Town reserves the right to reject any and all proposals, cancel all or part of this RFP, waive any minor irregularities, and request additional information from proposing firms/individuals. The Town will not reimburse the respondents to this RFP for any expenses incurred in preparing proposals, or for the attendance at interviews. This RFP does not obligate the Town to accept or contract for any services.

The timing of the proposal process is as follows:

Distribution of RFP

The RFP will be noticed in the Spectrum on April 6, 2022 and the Town's website on April 5, 2022.

Proposal Submissions Due

Proposals must be delivered or emailed to the Town Clerk no later than 3:00 p.m., April 13, 2022. Proposals will be time-stamped upon receipt and held in a secure place until the established due date.

Opening of Bids

Town staff and council will open and review all proposals and summarize the findings at the regular meeting on April 14, 2022.

Award of Contract

We anticipate the award to be given at the Town regular meeting on April 14, 2022. However, the Town Council reserves the right to award within two (2) weeks of opening proposals. Written notification to all firms regarding the outcome of the award will be sent after the award is announced.

Town staff will make every effort to administer the proposal process in accordance with the terms and dates discussed in this RFP. However, the Town reserves the right to modify the proposal process and dates as deemed necessary.

B. Standard Procurement Process

- The Town reserves the right to reject any or all bids and select the best bid in the opinion of the Town.
- The Town reserves the right to eliminate any individual service contained in the proposal, if based on analysis, the fees for providing the service are excessive, or if the service proposed can be performed in an alternative manner.
- Firms/Individuals are required to separately list their exceptions to the RFP specifications, exceptions will otherwise be invalid.
- Unauthorized changes of the specifications, forms, or terms may not be made. Otherwise, the response will be considered invalid.

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

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

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

BEFORE AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

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

2. C-2 Highway Commercial Zone:

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

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

3. C-3 General Commercial Zone:

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

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

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

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

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

4. TC Tourist Commercial Zone

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

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

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

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

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

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

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

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

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

C. General Requirements:

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

1. Site Plan Approval:

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

D. Special Provisions:

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

height greater than that of the enclosing fence or wall.

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

AFTER AMENDMENT

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

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

2. C-2 Highway Commercial Zone:

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

3. C-3 General Commercial Zone:

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

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

property in recognition thereof.

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

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

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

4. ~~TC Tourist Commercial Zone~~

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

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

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

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

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

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

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

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

Winery	P	P	P	P
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C. General Requirements:

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

1. Site Plan Approval:

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

D. Special Provisions:

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

E. Abandoned, Wrecked, or Junk Vehicles:

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

10.28.190 Curbs, Gutters And Sidewalks

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

AFTER AMENDMENT

10.28.190 Curbs, Gutters ~~And Sidewalks~~, Sidewalks, and Road Improvements

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.02.090 Final Plat Approval Process

Application process:

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

AFTER AMENDMENT

11.02.090 Final Plat Approval Process

Application process:

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

deadline for submissions established by Town.

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.02.100 Final Plat Requirements

A. Required Information: The final plat shall show:

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

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

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

D. Requirements For Recordation:

1. Final plat approval.
2. Bond or other financial security in place.
3. Payment of HCP impact fee if applicable.
4. Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water and Sewer Special Services District.
5. Final title or subdivision report prepared and submitted to the Town attorney.
6. Proof of satisfaction of payment of water impact fee to Big Plains Water and Sewer Special Services District.
7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials and Big Plains Water and Sewer Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
8. Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.
9. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.

- E. Recordation Of Plat: Any subdivision plat receiving final approval from the Town council shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is extended in writing by the Town council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such final plat shall require new approval from the Town council before recordation.

AFTER AMENDMENT

11.02.100 Final Plat Requirements

A. Required Information: The final plat shall show:

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

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Kevin Sair, Council Member / Mayor
Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.02.180 Penalty; Validity

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

AFTER AMENDMENT

11.02.180 Penalty; Validity

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.08.020 Waste Disposal Systems

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

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

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

AFTER AMENDMENT

11.08.020 Waste Disposal Systems

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Kevin Sair, Council Member / Mayor
Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.08.030 Storm Drainage

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

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

AFTER AMENDMENT

11.08.030 Storm Drainage

Subdivision Storm Drainage

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

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

Existing Lot and Land Storm Water Mitigation and Detention Requirements

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

Exception to storm water detention:

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

Additional requirements for land located outside subdivisions:

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.08.080 Water

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

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

AFTER AMENDMENT

11.08.080 Water

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

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

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley

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

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

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

BEFORE AMENDMENT

11.12.020 Design Standards

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

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

occupy any one lot.

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

AFTER AMENDMENT

11.12.020 Design Standards

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

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

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

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley