



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, July 20, 2022 at 6:30 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, July 20, 2022**, commencing at **6:30 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Frank Lindhardt |

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

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/81526995662>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 815 2699 5662

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

- [1.](#) Disbursement Listing--6/1/22-6/30/22
- [2.](#) Preliminary Financial Report--7/1/21-6/30/22

APPROVAL OF MINUTES

- [3.](#) Minutes: May 03, 2022
- [4.](#) Minutes: June 15, 2022

MAYOR'S TOWN UPDATE

PUBLIC COMMENTS

PUBLIC HEARING

5. Appoint Fire Chief and Establish Compensation

DISCUSSION AND ACTION

- [6.](#) Appoint Fire Chief and Establish Compensation
- [7.](#) Special Event Permit: September 24, 2022
- [8.](#) Adopt Title 10.07 Administrative And Development Review Procedures.--O-2022-19
- [9.](#) Adopt Title 10.28.310 Grading And Grubbing Of Vacant Lots--Ordinance-O-2022-30

- [10.](#) Adopt Title 10.05 Planning Documents--O-2022-24
- [11.](#) Update Title 10.10.120 Planned Development Zone--Ordinance-O-2022-26
- [12.](#) Update Title 11.02.060 Preliminary Plat Process--Ordinance-O-2022-27
- [13.](#) Update Title 11.02.070 Preliminary Plat Requirements--Ordinance-O-2022-28
- [14.](#) Update Title 14.10 Ground Water Protection--Ordinance-O-2022-29
- [15.](#) Amazon Locker Hub Approval at Gateway Mailbox Location
- [16.](#) Opening of Bids for Trucks

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION

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>, Spectrum classified and the Town Website www.applevalleyut.gov.

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

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

**Town of Apple Valley
Disbursement Listing
Checking - SBSU - 06/01/2022 to 06/30/2022**

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Jenco Generators	5139	06/01/2022	\$230.00			Purchasing
Pelorus Methods, Inc.	5140	06/01/2022	\$700.00			Purchasing
Zions Bank	ZB05252022	06/02/2022		06/02/2022	\$880.37	Purchasing
Payroll	0603221200	06/03/2022	\$4,639.74			Paycheck
Buck's Ace Hardware	5137	06/03/2022	\$25.74			Purchasing
Chase Paymentech	DEBIT0603202	06/03/2022	\$365.53			Purchasing
Timeless Awards Company	5138	06/03/2022	\$24.99			Purchasing
Market Echange LLC	5141	06/06/2022	\$142.96			Purchasing
Rust, Grant & Robin	5142	06/06/2022	\$40.00			Purchasing
Amazon.com	DEBIT0607202	06/07/2022	\$60.74			Purchasing
Amazon.com	DEBIT0607202	06/07/2022	\$161.43			Purchasing
Big Plains Water and Sewer SSD	5143	06/07/2022	\$53,043.18			Purchasing
Internal Revenue Service	EFTPS0607202	06/07/2022	\$1,036.63			Payroll
James R Weeks	5144	06/07/2022	\$174.50			Purchasing
Lin's Marketplace	DEBIT0607202	06/07/2022	\$135.96			Purchasing
Lin's Marketplace	DEBIT0604202	06/07/2022		06/07/2022	\$197.27	Purchasing
My Door Sign	DEBIT0607202	06/07/2022	\$126.82			Purchasing
South Central Communications	5145	06/07/2022	\$444.80			Purchasing
The Spectrum	5146	06/07/2022	\$318.47			Purchasing
Utah League of Cities & Towns	5147	06/07/2022	\$120.00			Purchasing
Utah Retirement Systems	URS06072022	06/07/2022	\$682.84			Payroll
XPress Bill Pay	XPB06052022	06/07/2022	\$227.98			Purchasing
Lin's Marketplace	DEBIT0608202	06/08/2022	\$197.27			Purchasing
Petty Cash	5148	06/08/2022	\$206.87			Purchasing
AT&T	5149	06/09/2022	\$338.03			Purchasing
Utah Municipal Clerks Association	UMCA0609202	06/09/2022	\$350.00			Purchasing
Streamline Automotive	DEBIT0613202	06/13/2022	\$10.00			Purchasing
TXFR from SBSU to PTIF Storm Drainag		06/13/2022	\$17,279.63			JE: 614
Amazon.com	DEBIT061422	06/14/2022	\$15.17			Purchasing
Payroll	0615221200	06/15/2022	\$3,637.30			Paycheck
Amazon.com	DEBIT0615202	06/15/2022	\$78.38			Purchasing
Lindhardt, Frank G	5150	06/15/2022	\$1,962.44			Paycheck
Amazon.com	DEBIT0616202	06/16/2022	\$370.74			Purchasing
Border Store	DEBIT0609202	06/16/2022	\$59.45			Purchasing
Border Store	DEBIT0609202	06/16/2022	\$200.00			Purchasing
CivicPlus LLC	5153	06/16/2022	\$1,277.40			Purchasing
Curtis	5152	06/16/2022	\$421.00			Purchasing
Little Creek Station	5154	06/16/2022	\$200.00			Purchasing
Revco Leasing	5155	06/16/2022	\$230.69			Purchasing
Rocky Mountain Power	RMP06152022	06/16/2022	\$203.87			Purchasing
USPS	DEBIT0616202	06/16/2022	\$9.46			Purchasing
Washington County Solid Waste	5151	06/16/2022	\$4,443.12			Purchasing
Amazon.com	DEBIT0621202	06/21/2022	\$13.31			Purchasing
Amazon.com	DEBIT0621202	06/21/2022	\$25.53			Purchasing
Internal Revenue Service	EFTPS0621202	06/21/2022	\$1,158.44			Payroll
National Fire Fighter Corp.	DEBIT0621202	06/21/2022	\$237.75			Purchasing
Propper	DEBIT0621202	06/21/2022	\$139.96			Purchasing
Supplycache.com	DEBIT0621202	06/21/2022	\$77.71			Purchasing
Utah Retirement Systems	URS06212022	06/21/2022	\$602.63			Payroll
Zoom Video Communications Inc.	DEBIT0621202	06/21/2022	\$54.99			Purchasing
AED Markets	DEBIT0622202	06/22/2022	\$169.00			Purchasing
AED Markets	DEBIT0622202	06/22/2022	\$387.95			Purchasing
Border Store	DEBIT0622202	06/22/2022	\$189.01			Purchasing
Galls	DEBIT0622202	06/22/2022	\$33.19			Purchasing
Galls	DEBIT0622202	06/22/2022		06/22/2022	\$142.69	Purchasing
Garmin	DEBIT0622202	06/22/2022	\$31.92			Purchasing
Maverik	DEBIT	06/22/2022	\$27.30			Purchasing
OC Mounts	DEBIT0622202	06/22/2022	\$48.47			Purchasing
Scholzen Products	DEBIT0622202	06/22/2022	\$13.52			Purchasing
Stotz Equipment	DEBIT0622202	06/22/2022	\$3,075.00			Purchasing
Sunrise Engineering	5157	06/22/2022	\$424.25			Purchasing
Sunrise Engineering	5156	06/22/2022	\$3,261.96			Purchasing
Superior Technical Solutions	ST06222022	06/22/2022	\$355.00			Purchasing
Tractor Supply	DEBIT0622202	06/22/2022	\$41.39			Purchasing
Traffic Safety Store	DEBIT0615202	06/22/2022	\$675.99			Purchasing
Stotz Equipment	DEBIT0627202	06/27/2022	\$329.14			Purchasing
Payroll	0629221200	06/29/2022		06/29/2022	\$4,018.03	Paycheck
Amazon.com	DEBIT0629202	06/29/2022	\$45.07			Purchasing
USPS	DEBIT	06/29/2022	\$232.00			Purchasing
Utah State Tax Commission	USTC062922	06/29/2022	\$1,001.17			Payroll
Zions Bank	ZB06272022	06/29/2022	\$880.38			Purchasing
Ayers, Jeanine	5158	06/30/2022	\$34.67			Purchasing
Buck's Ace Hardware	5159	06/30/2022	\$116.46			Purchasing

**Town of Apple Valley
Disbursement Listing
Checking - SBSU - 06/01/2022 to 06/30/2022**

<u>Payee Name</u>	<u>Reference Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Void Date</u>	<u>Void Amount</u>	<u>Source</u>
Carquest	DEBIT0630202	06/30/2022	\$73.10			Purchasing
Department of Workforce Services	DWS063022	06/30/2022	\$275.64			Purchasing
Moser, Anthony	5160	06/30/2022	\$24.47			Purchasing
O'Reilly Auto Parts	DEBIT0630202	06/30/2022	\$35.05			Purchasing
Tiger Direct	DEBIT0630202	06/30/2022	\$76.43			Purchasing
			<u>\$108,360.98</u>		<u>\$5,238.36</u>	

PRELIMINARY UNTIL AUDIT COMPLETED

Town of Apple Valley
Standard Financial Report
10 General Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	Prior Year Actual	Current Period Actual	Current Year Actual
Net Position			
Assets:			
Current Assets			
Cash and cash equivalents			
1111 SBSU Checking	368,251.90	(9,381.80)	119,683.90
1114 SBSU Checking-Fire	2,178.52	0.00	8,700.55
1121 PTIF 4358 General	123,708.48	207.36	224,579.65
1122 PTIF 5003 Impact Fees	40,167.02	216.45	234,426.98
1124 PTIF 8340 Gateway Debt Service	31,443.67	112.49	121,828.20
1125 PTIF 8635 Storm Drainage	110,170.96	17,443.88	185,953.65
1171 Petty cash	100.00	(148.21)	451.79
1175 Undeposited receipts	54,254.72	4,067.66	4,253.32
1191.1 Restricted cash	252,002.58	0.00	252,002.58
1191.2 Restricted cash offset	(252,002.58)	0.00	(252,002.58)
Total Cash and cash equivalents	730,275.27	12,517.83	899,878.04
Receivables			
1311 Accounts receivable	70,779.35	10,136.16	82,789.87
1325 Deferred Taxes	111,933.00	0.00	111,933.00
1341 Assessment receivable	10,526.88	0.00	10,526.88
1351 Taxes Receivables	79,851.89	0.00	0.00
1421 Due from Big Plains fund	0.00	(3,197.91)	0.00
Total Receivables	273,091.12	6,938.25	205,249.75
Other current assets			
1580 Suspense	0.00	0.00	466.80
Total Other current assets	0.00	0.00	466.80
Total Current Assets	1,003,366.39	19,456.08	1,105,594.59
Total Assets:	1,003,366.39	19,456.08	1,105,594.59
Liabilities and Fund Equity:			
Liabilities:			
Current liabilities			
2131 Accounts payable	(31,311.31)	(121.72)	(8,023.28)
2140 HCP payable	(10,378.37)	0.00	0.00
2141 UT State Construction Surcharge payable	(268.46)	(36.83)	350.44
2211 Accrued payroll payable	(265.96)	621.71	(4,018.03)
2212 Payroll Liability Clearing	(44.08)	298.01	(1,597.54)
2221 Accrued SS, MC & FWT payable	(7,558.31)	0.00	(0.10)
2222 Accrued SWT payable	(1,209.87)	678.57	319.24
2224 ARPA FUNDS COLLECTED IN ADVANCE	0.00	0.00	(49,944.00)
2225 Other payroll liabilities payables	(331.18)	0.00	0.00
2330 Customer security deposits	(9,250.00)	343.94	(15,333.07)
2340 Due To/Big Plains Water Payable	(104,085.03)	9,466.50	(59,218.36)
2341 Due To Big Plains Water-Security Deposits	(9,250.00)	0.00	(9,250.00)
Total Current liabilities	(173,952.57)	11,250.18	(146,714.70)
Deferred revenue			
2380 Deferred revenues	(10,526.88)	0.00	(10,526.88)
2381 Deferred inflows - property tax	(111,933.00)	0.00	(111,933.00)
Total Deferred revenue	(122,459.88)	0.00	(122,459.88)
Long-term liabilities			
2501.1 Accrued interest	(22,369.00)	0.00	(22,369.00)
2502.2 Accrued interest offset	22,369.00	0.00	22,369.00
2513.1 2015 Gateway Bond Issued	(1,318,000.00)	0.00	(1,318,000.00)
2513.2 2013 Gateway Bond Repaid	125,000.00	0.00	158,000.00
2513.3 2015 Gateway Bond Current	(33,000.00)	0.00	(33,000.00)
2513.4 2015 Gateway Bond Current Offset	33,000.00	0.00	33,000.00
2514.1 2017 Case Backhoe 580SN Issued	(77,000.00)	0.00	(77,000.00)
2514.2 2017 Case Backhoe 580SN Repaid	46,600.72	0.00	61,520.57
2514.3 2017 Case Backhoe 580SN Current	14,918.87	0.00	14,918.87
2514.4 2017 Case Backhoe 580SN Current Offset	(14,918.87)	0.00	(14,918.87)
2515.1 2017 Vehicle F550 Issued	(58,402.94)	0.00	(58,402.94)
2515.2 2017 Vehicle F550 Repaid	34,066.37	0.00	45,415.88
2515.3 2017 Vehicle F550 Current	12,350.99	0.00	12,350.99
2515.4 2017 Vehicle F550 Current offset	(12,350.99)	0.00	(12,350.99)
2516.1 2008 Dump Truck Issued	(48,073.50)	0.00	(48,073.50)

Town of Apple Valley
Standard Financial Report
10 General Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	Prior Year Actual	Current Period Actual	Current Year Actual
2516.2 2008 Dump Truck Repaid	17,960.41	821.11	26,867.93
2516.3 2008 Dump Truck Current	9,703.83	0.00	9,703.83
2516.4 2008 Dump Truck Current offset	(9,703.83)	0.00	(9,703.83)
2590 GLTD Offset	1,277,848.94	(821.11)	1,209,672.06
Total Long-term liabilities	0.00	0.00	0.00
Total Liabilities:	(296,412.45)	11,250.18	(269,174.58)
Equity - Paid In / Contributed			
2711 Restricted - RAP Funds	(13,778.12)	0.00	(13,778.12)
2712 Restricted - Bond Fund	(57,406.25)	0.00	(57,406.25)
2713 Restricted - Bond Reserve	(30,422.86)	0.00	(30,422.86)
2715 Assigned - Storm Drainage	(109,753.35)	0.00	(109,753.35)
2720 Assigned - Fired Dept. Special	(3,055.63)	0.00	(3,055.63)
2770 Assigned - Reserve for Scholarship	(2,964.18)	0.00	(2,964.18)
2793 Impact Fees - Storm Water	(16,344.00)	0.00	(16,344.00)
2794 Impact Fees - Parks, Trails, OS	(0.85)	0.00	(0.85)
2795 Impact Fees - Fire	(7,655.73)	0.00	(7,655.73)
2797 Impact Fees - Roadways	(35,449.66)	0.00	(35,449.66)
2981 Unassigned Fund Balance	(430,123.31)	(30,706.26)	(559,589.38)
Total Equity - Paid In / Contributed	(706,953.94)	(30,706.26)	(836,420.01)
Total Liabilities and Fund Equity:	(1,003,366.39)	(19,456.08)	(1,105,594.59)
Total Net Position	0.00	0.00	0.00

Town of Apple Valley
Standard Financial Report
10 General Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

Item 2.

	Prior Year Actual	Current Period Actual	Current Year Actual	Original Budget	Revised Budget
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	125,288.21	3,964.02	134,823.20	111,933.00	132,000.00
3120 Prior Year's Taxes-Delinquent	11,422.37	0.00	5,139.11	8,000.00	8,000.00
3130 General Sales and Use Taxes	160,940.60	38,802.96	150,356.61	130,000.00	130,000.00
3140 Energy and Communication Taxes	75,432.99	2,667.70	22,356.70	35,000.00	35,000.00
3150 RAP Tax	15,559.52	1,801.04	16,443.00	13,000.00	17,000.00
3160 Transient Taxes	8,333.36	2,127.63	9,311.26	3,500.00	7,200.00
3170 Fee in Lieu of Personal Property Taxes	10,783.06	(1,128.84)	456.01	8,400.00	8,400.00
3190 Highway/Transit Tax	14,930.47	2,398.28	14,096.68	9,600.00	12,550.00
Total Taxes	422,690.58	50,632.79	352,982.57	319,433.00	350,150.00
Licenses and permits					
3210 Business Licenses	4,900.00	0.00	7,350.00	3,400.00	8,000.00
3221 Building Permits-Fee	112,599.11	4,332.25	69,238.37	80,000.00	80,000.00
3222 Building Permits-Non Surcharge	20,736.08	649.84	9,815.77	3,500.00	10,500.00
3223 Building permit - HCP Valuation	0.00	0.00	0.00	0.00	4,000.00
3224 Building Permits Surcharge	0.00	6.49	338.71	0.00	1,000.00
3225 Animal licenses	490.00	0.00	420.00	500.00	500.00
Total Licenses and permits	138,725.19	4,988.58	87,162.85	87,400.00	104,000.00
Intergovernmental revenue					
3356 Class "C" Road Allotment	91,024.34	0.00	72,867.03	82,000.00	82,000.00
3358 Liquor Control Profits	0.00	0.00	755.59	800.00	800.00
3370 State Grants	15,326.25	0.00	13,236.51	45,000.00	45,000.00
3371 State Highway Grants	30,765.00	0.00	0.00	0.00	0.00
3373 CARES Revenue	72,089.00	0.00	0.00	0.00	0.00
Total Intergovernmental revenue	209,204.59	0.00	86,859.13	127,800.00	127,800.00
Charges for services					
3230 Special Event Permit	0.00	500.00	3,500.00	0.00	3,000.00
3410 Clerical Services	195.82	0.00	225.02	100.00	250.00
3415 SSD Payroll Services	4,612.40	0.00	0.00	0.00	0.00
3416 Other Interdepartmental Charges	250.00	1,783.65	2,010.00	10,000.00	10,000.00
3420 Fire Department Contracts	7,513.50	0.00	0.00	0.00	0.00
3431 Zoning and subdivision fees	33,975.00	(16,112.08)	37,218.05	30,000.00	60,000.00
3440 Solid Waste	46,186.03	4,537.00	50,917.17	48,800.00	50,850.00
3441 Storm Drainage	40,457.58	3,795.99	42,920.66	38,880.00	42,800.00
3461 GRAMA Requests	55.00	0.00	0.00	200.00	200.00
3470 Park and Recreation Fees	80.00	0.00	0.00	100.00	100.00
3615 Late Charges/Other Fees	1,802.95	(177.25)	1,947.73	2,000.00	2,500.00
Total Charges for services	135,128.28	(5,672.69)	138,738.63	130,080.00	169,700.00
Fines and forfeitures					
3510 Fines	3,881.67	1,944.12	10,845.13	4,800.00	11,000.00
Total Fines and forfeitures	3,881.67	1,944.12	10,845.13	4,800.00	11,000.00
Interest					
3610 Interest Earnings	1,942.33	711.81	3,308.22	4,800.00	3,000.00
Total Interest	1,942.33	711.81	3,308.22	4,800.00	3,000.00
Miscellaneous revenue					
3690 Sundry revenue	11,619.34	(1,103.83)	3,592.67	1,000.00	5,000.00
3692 Fire Department Fundraisers	1,000.00	0.00	1,165.73	1,300.00	1,300.00
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	800.00
3801.1 Impact fees - Fire	1,888.00	844.00	19,471.00	2,000.00	20,000.00
3801.3 Impact fees - Roadways	16,448.00	2,660.00	59,034.00	18,000.00	65,000.00
3801.6 Impact fees - Storm Water	13,369.56	2,885.79	32,944.74	15,000.00	45,000.00
3801.7 Impact fees - Parks, Trails, OS	4,512.00	725.00	16,816.00	6,000.00	17,000.00
Total Miscellaneous revenue	48,836.90	6,010.96	133,024.14	44,100.00	154,100.00
Contributions and transfers					
3802.2 Contributions - Public Safety	0.00	0.00	0.00	300.00	300.00
3802.7 Contributions - Parks and Recreation	69.26	0.00	0.00	100.00	100.00
3802.8 Contributions - Contingency	0.00	0.00	0.00	100,000.00	0.00
Total Contributions and transfers	69.26	0.00	0.00	100,400.00	400.00
Total Revenue:	960,478.80	58,615.57	812,920.67	818,813.00	920,150.00
Expenditures:					

Town of Apple Valley
Standard Financial Report
10 General Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

Item 2.

	Prior Year Actual	Current Period Actual	Current Year Actual	Original Budget	Revised Budget
General government					
Council					
4111.110 Council Salaries and wages	6,467.04	2,350.00	16,875.00	5,000.00	17,000.00
4111.130 Council Employee benefits	780.17	222.53	1,580.43	700.00	2,400.00
4111.210 Council Travel Reimbursement	909.40	0.00	0.00	2,100.00	2,100.00
4111.220 Council Training	0.00	0.00	60.00	1,900.00	500.00
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	500.00	500.00
Total Council	8,156.61	2,572.53	18,515.43	10,200.00	22,500.00
Administrative					
4141.110 Admin Salaries and Wages	78,686.72	7,707.42	91,048.35	90,000.00	91,800.00
4141.130 Admin Employee Benefits	8,732.71	802.84	7,871.87	13,400.00	13,400.00
4141.140 Admin Employee Retirement - GASB 68	1,160.49	1,035.38	3,214.17	4,700.00	4,700.00
4141.210 Admin Dues, Subs & Memberships	927.50	125.00	4,845.97	1,000.00	4,000.00
4141.220 Admin Public Notices	454.93	283.50	1,016.74	800.00	1,200.00
4141.230 Admin Training	95.00	225.00	420.00	900.00	900.00
4141.240 Admin Office/Administrative Expense	7,121.47	1,280.64	16,402.06	7,500.00	18,000.00
4141.250 Admin Equipment Expenses	7,447.40	1,732.86	7,507.78	7,500.00	7,500.00
4141.260 Admin Building & Ground Maintenance	7,640.36	0.00	1,999.33	1,000.00	2,000.00
4141.270 Admin Utilities	11,020.72	648.67	5,730.40	5,800.00	5,800.00
4141.280 Admin Telephone and Internet	7,614.00	334.20	7,600.78	15,000.00	10,000.00
4141.290 Admin Postage	1,703.02	257.90	2,976.40	3,000.00	3,500.00
4141.320 Admin Engineering/Professional Fees	77,125.80	424.25	29,586.34	20,000.00	40,000.00
4141.330 Admin Legal	28,346.38	1,337.00	58,165.15	28,000.00	65,000.00
4141.331 Admin Assessment legal fees	0.00	(2,028.84)	0.00	0.00	0.00
4141.340 Admin Accounting & Auditing	8,947.47	0.00	16,823.74	7,500.00	17,000.00
4141.350 Building Fees-Inspector	17,407.77	0.00	64,548.20	45,000.00	70,000.00
4141.360 DO NOT USE-Admin Education-General	0.00	0.00	247.83	0.00	500.00
4141.390 Admin Bank Service Charges	9,945.26	0.00	3,462.10	6,000.00	4,600.00
4141.410 Admin Insurance	10,365.20	0.00	6,088.77	11,000.00	7,000.00
4141.490 Admin Travel Reimbursements	0.00	19.89	437.60	500.00	500.00
4141.500 Admin Weed Abatement	1,063.00	0.00	0.00	1,500.00	1,500.00
4141.550 Admin Cares Act	56,334.53	0.00	0.00	0.00	0.00
4141.610 Bad Debt Expense	0.00	0.00	0.33	0.00	0.00
4170 Elections	0.00	0.00	2,288.46	1,500.00	2,500.00
4171 Contingency	0.00	0.00	0.00	30,000.00	0.00
Total Administrative	342,139.73	14,185.71	332,282.37	301,600.00	371,400.00
Total General government	350,296.34	16,758.24	350,797.80	311,800.00	393,900.00
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	11,340.00	0.00	13,200.00	15,000.00	16,950.00
4210.130 Police Employee benefits	0.00	0.00	0.00	0.00	4,800.00
4210.250 Police Expenditures	1.00	0.00	4,762.58	100.00	100.00
4253.250 Animal Control Supplies	62.90	0.00	63.25	100.00	100.00
Total Police	11,403.90	0.00	18,025.83	15,200.00	21,950.00
Fire					
4220.110 Fire Salaries & wages	21,813.71	948.26	28,181.31	22,000.00	32,000.00
4220.130 Fire Employee Benefits	1,656.24	196.12	4,807.59	1,700.00	6,000.00
4220.210 Fire Dues, Subscriptions & Memberships	0.00	0.00	355.00	0.00	500.00
4220.230 Fire Travel, Mileage & Cell	51.94	0.00	57.19	300.00	300.00
4220.240 Fire Office & Other Expenses	75.87	435.82	764.82	0.00	0.00
4220.250 Fire Equipment Maintenance & Repairs	628.45	504.10	2,513.57	300.00	2,700.00
4220.260 Fire Rent Expense	763.85	0.00	0.00	850.00	850.00
4220.360 Fire Training	5.00	0.00	389.27	800.00	800.00
4220.450 Fire Small Equip/Supplies	1,034.47	1,388.44	2,026.44	1,200.00	1,200.00
4220.460 Fire Supplies-Fundraisers	0.00	0.00	514.18	200.00	550.00
4220.465 Fire Gear	11,614.49	455.42	1,518.21	2,500.00	3,000.00
4220.550 Fire Cares Act	15,429.00	0.00	0.00	0.00	0.00
4220.560 Fire Equipment Fuel	1,436.12	475.71	1,250.55	1,800.00	1,800.00
4220.610 Fire Principal	10,695.48	0.00	12,350.99	11,100.00	13,400.00
4220.620 Fire Interest	2,770.32	0.00	1,114.81	2,400.00	2,400.00
4220.740 Fire Capital Outlay	0.00	0.00	27,500.00	5,000.00	30,000.00
4220.810 Fire Capital Contingency	0.00	0.00	0.00	35,000.00	0.00
Total Fire	67,974.94	4,403.87	83,343.93	85,150.00	95,500.00
Total Public safety	79,378.84	4,403.87	101,369.76	100,350.00	117,450.00

Town of Apple Valley
Standard Financial Report
10 General Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

Item 2.

	Prior Year Actual	Current Period Actual	Current Year Actual	Original Budget	Revised Budget
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	5,118.00	0.00	0.00	3,500.00	3,500.00
4410.130 Road Employee Benefits	0.00	0.00	0.00	300.00	300.00
4410.380 Road Department Services	0.00	0.00	720.00	400.00	850.00
4410.450 Road Department Supplies	0.00	564.52	2,181.31	1,000.00	5,000.00
4410.550 Road Equipment Maintenance	2,858.90	0.00	3,029.05	10,000.00	10,000.00
4410.560 Road Equipment Fuel	641.28	0.00	1,589.88	5,400.00	2,000.00
4410.740 Road Capital outlay	14,592.90	0.00	0.00	51,000.00	0.00
4410.810 Road Principal	46,380.50	821.11	42,668.28	41,100.00	42,700.00
4410.820 Road Interest	26,809.02	59.27	30,685.68	35,000.00	35,000.00
4415.110 Public Works Wages and Contract Labor	1,530.00	0.00	0.00	2,500.00	2,500.00
4415.130 Public Works Employee benefits	2.30	0.00	0.00	200.00	200.00
4415.320 Public Works Engineering/Professional Fees	0.00	0.00	0.00	40,000.00	0.00
4415.450 Public Works Supplies	450.88	0.00	3,824.96	3,500.00	4,500.00
4415.550 Public Works Equipment Maintenance	58.96	370.53	1,806.01	500.00	2,000.00
4415.560 Public Works Equipment fuel	250.00	27.30	(24.70)	500.00	500.00
4415.570 Public Works Travel Reimbursement	0.00	0.00	0.00	200.00	200.00
4415.710 Public Works Principal	14,380.50	0.00	14,919.85	16,000.00	15,000.00
4415.720 Public Works Interest	1,679.50	0.00	1,140.15	2,500.00	1,140.00
4415.810 Public Works Contingency	0.00	0.00	0.00	35,000.00	0.00
Total Highways	114,752.74	1,842.73	102,540.47	248,600.00	125,390.00
Sanitation					
4420.460 Solid Waste Service	41,799.40	4,604.32	54,200.06	44,500.00	44,500.00
Total Sanitation	41,799.40	4,604.32	54,200.06	44,500.00	44,500.00
Total Highways and public improvements	156,552.14	6,447.05	156,740.53	293,100.00	169,890.00
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	5,110.00	30.00	2,785.00	6,000.00	6,000.00
4540.130 Park/Rec Employee benefits	0.00	2.57	2.57	1,000.00	1,000.00
4540.250 Park/Rec Department Expenses	1,015.00	128.43	128.43	0.00	0.00
4540.460 Park/Rec Community events supplies	0.00	139.15	297.00	0.00	1,500.00
4540.740 Parks Capital outlay	9,967.58	0.00	4,586.00	12,000.00	12,000.00
Total Parks	16,092.58	300.15	7,799.00	19,000.00	20,500.00
Total Parks, recreation, and public property	16,092.58	300.15	7,799.00	19,000.00	20,500.00
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	13,563.00	31,410.00
4805 Transfer to capital projects	0.00	0.00	0.00	40,000.00	40,000.00
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	2,000.00	20,000.00
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	18,000.00	65,000.00
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	15,000.00	45,000.00
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	6,000.00	17,000.00
Total Transfers	0.00	0.00	0.00	94,563.00	218,410.00
Total Expenditures:	602,319.90	27,909.31	616,707.09	818,813.00	920,150.00
Total Change In Net Position	358,158.90	30,706.26	196,213.58	0.00	0.00

Town of Apple Valley
Standard Financial Report
41 Capital Projects Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	<u>Prior Year Actual</u>	<u>Current Period Actual</u>	<u>Current Year Actual</u>
Net Position			
Assets:			
Current Assets			
Cash and cash equivalents			
1111 SBSU Checking	34,316.41	(6,336.96)	16,926.41
1191.1 Restricted cash	41,565.72	0.00	41,565.72
1191.2 Restricted cash offset	(41,565.72)	0.00	(41,565.72)
Total Cash and cash equivalents	<u>34,316.41</u>	<u>(6,336.96)</u>	<u>16,926.41</u>
Total Current Assets	<u>34,316.41</u>	<u>(6,336.96)</u>	<u>16,926.41</u>
Total Assets:	<u>34,316.41</u>	<u>(6,336.96)</u>	<u>16,926.41</u>
Liabilites and Fund Equity:			
Equity - Paid In / Contributed			
2970 Restricted	(41,565.72)	0.00	(41,565.72)
2981 Fund balance	7,249.31	6,336.96	24,639.31
Total Equity - Paid In / Contributed	<u>(34,316.41)</u>	<u>6,336.96</u>	<u>(16,926.41)</u>
Total Liabilites and Fund Equity:	<u>(34,316.41)</u>	<u>6,336.96</u>	<u>(16,926.41)</u>
Total Net Position	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Town of Apple Valley
Standard Financial Report
41 Capital Projects Fund - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	<u>Prior Year Actual</u>	<u>Current Period Actual</u>	<u>Current Year Actual</u>	<u>Original Budget</u>	<u>Revised Budget</u>
Change In Net Position					
Expenditures:					
Miscellaneous					
4141.740 Capital Outlay expenses	7,039.31	6,336.96	17,390.00	0.00	0.00
Total Miscellaneous	<u>7,039.31</u>	<u>6,336.96</u>	<u>17,390.00</u>	<u>0.00</u>	<u>0.00</u>
Total Expenditures:	<u>7,039.31</u>	<u>6,336.96</u>	<u>17,390.00</u>	<u>0.00</u>	<u>0.00</u>
Total Change In Net Position	<u>(7,039.31)</u>	<u>(6,336.96)</u>	<u>(17,390.00)</u>	<u>0.00</u>	<u>0.00</u>

Town of Apple Valley
Standard Financial Report
91 General Fixed Assets - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	Prior Year Actual	Current Period Actual	Current Year Actual
Net Position			
Assets:			
Non-Current Assets			
Capital assets			
Work in Process			
1601 Work in process	22,456.86	3,261.96	41,815.00
Total Work in Process	<u>22,456.86</u>	<u>3,261.96</u>	<u>41,815.00</u>
Property			
1611 Land and rights	439,556.02	0.00	439,556.02
1621.15 Buildings 15yrs	62,497.28	0.00	62,497.28
1621.40 Buildings 40yrs	108,000.00	0.00	131,604.86
1631 Improvements other than bldgs	2,319,186.41	0.00	2,319,186.41
1661.05 Machinery and equipment 5yrs	275,457.52	3,075.00	278,532.52
1661.07 Machinery and equipment 7yrs	420,414.96	0.00	420,414.96
Total Property	<u>3,625,112.19</u>	<u>3,075.00</u>	<u>3,651,792.05</u>
Accumulated depreciation			
1721 AccDpn Buildings	(78,559.12)	(621.39)	(85,745.31)
1731 AccDpn Improvements other than bldgs	(682,475.79)	(12,983.52)	(838,278.03)
1761 AccDpn Machinery and equipment	(595,749.47)	(3,190.60)	(635,457.41)
Total Accumulated depreciation	<u>(1,356,784.38)</u>	<u>(16,795.51)</u>	<u>(1,559,480.75)</u>
Total Capital assets	<u>2,290,784.67</u>	<u>(10,458.55)</u>	<u>2,134,126.30</u>
Total Non-Current Assets	<u>2,290,784.67</u>	<u>(10,458.55)</u>	<u>2,134,126.30</u>
Total Assets:	<u>2,290,784.67</u>	<u>(10,458.55)</u>	<u>2,134,126.30</u>
Liabilites and Fund Equity:			
Equity - Paid In / Contributed			
1800 Investments	(10,925.00)	0.00	(10,925.00)
2971.1 Invested in fixed assets	(3,700,363.89)	(6,336.96)	(3,746,401.89)
2972 Total depreciation charged	1,420,504.22	16,795.51	1,623,200.59
Total Equity - Paid In / Contributed	<u>(2,290,784.67)</u>	<u>10,458.55</u>	<u>(2,134,126.30)</u>
Total Liabilites and Fund Equity:	<u>(2,290,784.67)</u>	<u>10,458.55</u>	<u>(2,134,126.30)</u>
Total Net Position	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Town of Apple Valley
Standard Financial Report
95 General Long Term Debt - 07/01/2021 to 06/30/2022
100.00% of the fiscal year has expired

	Prior Year Actual	Current Period Actual	Current Year Actual
Net Position			
Assets:			
Non-Current Assets			
Other non-current assets			
1802 Deferred outflows - pension	2,630.00	0.00	2,630.00
Total Other non-current assets	2,630.00	0.00	2,630.00
Total Non-Current Assets	2,630.00	0.00	2,630.00
Total Assets:	2,630.00	0.00	2,630.00
Liabilities and Fund Equity:			
Liabilities:			
Current liabilities			
2501 Accrued interest	(22,369.00)	0.00	(22,369.00)
Total Current liabilities	(22,369.00)	0.00	(22,369.00)
Deferred revenue			
2601 Net Pension Liability	(1,027.00)	0.00	(1,027.00)
2602 Deferred Inflows - pension	(15,396.00)	0.00	(15,396.00)
Total Deferred revenue	(16,423.00)	0.00	(16,423.00)
Long-term liabilities			
2800 Gateway Bond	(1,193,000.00)	0.00	(1,193,000.00)
2810 Case Backhoe Lease	(30,399.28)	0.00	(30,399.28)
2820 Ford F550 Lease	(24,336.57)	0.00	(24,336.57)
2830 Dump Truck Lease	(30,113.09)	0.00	(30,113.09)
Total Long-term liabilities	(1,277,848.94)	0.00	(1,277,848.94)
Total Liabilities:	(1,316,640.94)	0.00	(1,316,640.94)
Equity - Paid In / Contributed			
1800 Amount to be Provided	1,314,010.94	0.00	1,314,010.94
Total Equity - Paid In / Contributed	1,314,010.94	0.00	1,314,010.94
Total Liabilities and Fund Equity:	(2,630.00)	0.00	(2,630.00)
Total Net Position	0.00	0.00	0.00



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, May 03, 2022 at 6:30 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER

Mayor Lindhardt called meeting to order at 6:44 pm.

PLEDGE OF ALLEGIANCE

PRAYER

Prayer led by Chaplin, Jim Kinser from the Fire Department.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Recorder/Clerk Jenna Vizcardo present and recording minutes.

DECLARATION OF CONFLICTS OF INTEREST

None declared

PUBLIC COMMENTS

Margaret Ososki 1024 W Little Pinion Way, Apple Valley, UT: Asks about the money about Covid funding.

Jason Graham 1950 E 2000 S, Apple Valley, UT: Asks about public comments and why his last comments submitted were not read. Mayor Lindhardt states if slander we will not read and to look into the Town's Meeting/Comment Policy currently in place.

Rich Ososki 1024 W Little Pinion Way, Apple Valley, UT: Comments emailed to Mayor people to meet with the Mayor, has issued that he would like to discuss. Commented about code enforcer and avenues that can be taken. Doesn't want it ignored, wants it addressed.

Rich Kopp 2222 E Ranch Rd, Apple Valley, UT: States light at the end of the tunnel. Nuisance complaints that he would like to meet with the Mayor. Comment about code enforcement, shouldn't neglect the violations.

Mayor Lindhardt mentions that it is something that is on our agenda to make changes and we are drowning with issues with developers.



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, May 03, 2022 at 6:30 PM

MINUTES

Tish Lisonbee 1386 N Mount Zion Dr, Apple Valley, UT: Public comments: Missing the Fire chief retirement cost on budget. Salaries and wages no revenue showing contract for fire. Not trying for wildland fire. Asked for on Fire Truck. Requested Agenda item #2 be tabled.

Motion to close public comments.

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

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

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

1. Open bids and award contract for Public Works Consultant.

Open bids and awarded contract for the one bid received. Michael Vercimak, copy from resume received. He is currently Hurricane's Public Works Consultant. Mayor Lindhardt read through his resume. Barratt Nielson asks clarification on fee schedule.

Mayor Lindhardt says we as Town also doing this (Consultants) with other positions so we as the residents are not burdened with development.

Motion to award contract Public Works Consultant to Michael Vercimak.

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

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

The vote was unanimous and the motion carried.

2. Amend Fee Schedule --Resolution-R-2022-27

Motion to Amend Fee Schedule --Resolution-R-2022-27—add after Subdivisions on page 3 of the Fee Schedule:

Subdivisions “and Other Projects

Construction Plan and Review Fee

Application Fee	\$500
1-10 Lots	\$1,000.00
11-20 Lots	\$100.00/lot
21+ Lots	\$125/lot”



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, May 03, 2022 at 6:30 PM

MINUTES

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

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

The vote was unanimous and the motion carried.

3. Appoint Members to the Apple Valley Wildland Fire Mitigation Advisory Board--Resolution-R-2022-28

Council member McGinnis explained the purpose of the board. Volunteers Richard Kopp, Robert Robertson and Garth Hood for 4-year term and Ross Gregerson for 2-year term.

Council Member McGinnis -- Anyone doing yardwork or cleanup keep track of your time that could be considered mitigating fire. Form online at Town website for hours that you put into cleaning up around your place and taking care of fire hazards. Anything we can do to protect our community will be a plus for us. The Apple Valley Wildland Fire Mitigation Advisory Board will help this situation for this community. Paperwork should be mailed to Richard Kopp.

Motion to Adopt Resolution-R-2022-28, Resolution to appoint members to the Apple Valley Wildland Fire Mitigation Advisory Board those members being Richard Kopp, Robert Robertson and Garth Hood being appointed for a 4-year term and Ross Gregerson being appointed for 2-year term, with the correction of be it resolved as follows Richard Kopp, Robert Robertson and garth Hood are hereby appointed to Board for a 4-year term and Ross Gregerson has been "appointed" for a two (2) year term.

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

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

The vote was unanimous and the motion carried.

4. Assign Council Member Kevin Sair over Roads & Drainage and release Richard Fischer from position.

Council discussed making changes to assign Council Member Sair over Roads and Drainage.

Mayor Lindhardt--In contact with Mr. Fischer and let him know that the Town appreciates his time and dedication to the Town.

Motion to assign Council Member Sair over Roads and Drainage and release Richard Fischer from position.

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

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

The vote was unanimous and the motion carried.



SPECIAL TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Tuesday, May 03, 2022 at 6:30 PM

MINUTES

5. Present the Tentative Budget.

Discussion about the budget from Town Administrator, Jauna McGinnis. Discussed events committee budget and Debbie Kopp was thinking \$3-4,000. \$4,000 was added to line item.

Town Administrator, Jauna McGinnis needs a budget amount for a project to change entrance door in Town Office. Concrete, door and move some fencing.

Council Member Nielson asks about metal building and conversation takes place about the start of a possible Fire substation in Cedar Point. Discussion about fire supplies.

Council Member McGinnis has input on the backhoe and make sure it us up to snuff and dump truck transmission is going to need some work as well. Council member McGinnis mentioned that backhoe will be paid of this year. Council Member McGinnis recommended to put funds toward maintenance on it plus transmission work on the dump truck.

REQUEST FOR A CLOSED SESSION

Motion to request for closed session to discuss personnel matter.

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

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

The vote was unanimous and the motion carried.

ADJOURNMENT

Mayor Lindhardt brought the meeting back to order at 8:53pm and called for a motion to adjourn.

Motion to adjourn meeting.

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

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

The vote was unanimous and the motion carried.

Date Approved: _____

Attest BY: _____

Recorder | Jenna Vizcardo

Approved BY: _____

Mayor | Frank Lindhardt



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

Mayor | Frank Lindhardt |

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

CALL TO ORDER

Mayor Lindhardt called meeting to order at 6:35pm

PLEDGE OF ALLEGIANCE

Pledge Of Allegiance led by Council Member McGinnis.

PRAYER

Prayer led by Harold Merritt.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

ABSENT

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

Mayor Lindhardt declared conflict of interest for Agenda item #8. Abstaining from participating on the vote because hired for personal matter since last meeting.

CONSENT AGENDA

1. Disbursement Listing--5/1/22-5/31/22

Council Member Sair asks about line for 5130 for Lance Gifford. Answer: That is the last payment besides what is pending.

2. Financial Report--7/1/21-5/31/22

Motion to accept Disbursement Listing for 5/1/22-5/31/22 and Financial Report for 7/1/21-5/31/22.

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

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

Motion 4-0. Motion carries.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

APPROVAL OF MINUTES

3. Approval of Minutes: October 20, 2021

Attorney recommended for council to review audio recording to verify minutes since not all council members currently were on the council at that meeting.

Motion to table approval of minutes for October 20, 2021 until next meeting and/or council has reviewed recording.

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

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

Motion 4-0. Motion carries.

4. Approval of Minutes: May 18, 2022

Council Member McGinnis makes motion for approval of minutes for May 18, 2022.

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

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

Motion 4-0. Motion carries.

MAYOR'S TOWN UPDATE

Mayors update never ending with all the changes, desperately trying to stay on top of it all. Extremely difficult because we are so small. Looking back from January a lot of progress has been made. Met with engineer who is working on General Plan that trying to get adopted before end of moratorium. Developers wanting to develop and we struggle with the water. Finding balance and having resources. Sewer will be transferred to Ash Creek Special Service District. We have come along way to protect the people that live here and prepare for changes.

Council Member Sair discusses burying the 28-year-old lawn mower. Volunteers to help has been great. New lawnmower was purchased. People are stepping up on there own free will to help volunteer. The community is coming together.

Rich Kopp from the Fire Department make comment to add this or other to mitigation log available on the town website.

PUBLIC HEARING

5. Proposed Fiscal Year 2023 Budget

Motion to move into public hearing for Proposed Fiscal Year 2023 Budget and Amendments to Fiscal Year 2022 Budget.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

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

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

Motion 4-0. Motion carries.

No public comments.

Motion to close public hearing for Proposed Fiscal Year 2023 Budget and Amendments to Fiscal Year 2022 Budget.

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

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

Motion 4.0. Motion carries.

6. Amendments to Fiscal Year 2022 Budget

See motion in item #5.

PUBLIC COMMENTS

Margaret Ososki 1024 W Little Pinion Way: On mitigation form can it be edited differently as the current form is confusing.

Rich Ososki 1024 W Little Pinion Way: Want to thank Dale Harris for taking care of shutting the water off and putting padlock on that code violation, questions is there a penalty for that.

Rich Kopp 2222 E Ranch Rd: Thank you for clearing helping a with USDA grant. Town has to get control of people doing private roadwork.

DISCUSSION AND ACTION

7. Adopting Fiscal Year 2023 Annual Budget and Amending Fiscal Year 2022 Annual Budget-Resolution-R-2022-31

Mayor Lindhardt question on capital project funds, this was originally a CIB grant for a grant, optipsm is fine.

Town Administrator, Juana McGinnis states that \$250,000 for grant and \$250,000 for loan. Council member McGinnis states this cost has likely increased.

Council member Whitmore question on fuel tax refund, since not done 2018. Figures come from fuel receipts.

Council member McGinnis states on administration salary we have saved quite a bit on line 4141.10 on page 3.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

Motion to accept and approve Fiscal Year 2023 Annual Budget and Amending Fiscal Year 2022 Annual Budget-Resolution-R-2022-31.

Kevin Sair read resolution out loud.

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

Roll Call Vote

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

Motion 4-0. Motion carries.

8. Award contract for Building Inspector Services

I make a motion that we award contract for Building Inspector Services for Apple Valley for Kyle Layton of Layton Adventures LLC to begin July 20, 2022.

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

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

Voting Abstaining: Mayor Lindhardt

Motion 3-0. Motion carries.

9. Accept Chief Zolg's resignation

Council member McGinnis states appreciates Chief Zolg's hard work.

He will be working at the county as Fire Warden.

I make a motion that we accept Chief Zolg's resignation.

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

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

Motion 4-0. Motion carries.

10. Add Andy McGinnis as a signer on the SBSU Fire Bank Account and issue a debit card

I make a motion that we add Andy McGinnis as a signer on the SBSU Fire Bank Account and issue a debit card

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

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

Motion 4-0. Motion carries.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

11. Approval of printer maintenance agreement

I make motion that we accept Les Olson quarterly maintenance agreement on our printers.

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

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

Motion 4-0. Motion carries.

12. Organizational structure of Big Plains Water and Sewer Special Service District--Resolution-R-2022-32

Mayor Lindhardt read resolution aloud.

I make a motion to accept Resolution R-2022-32, A Resolution of The Apple Valley Town Council Reinstating Its Delegation to An Administrative Control Board of Its Rights, Powers, And Authority Related to The Big Plains Water and Sewer Special Service District.

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

Roll Call vote

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

Motion 4-0. Motion carries.

13. Appoint SSD Board Members-Resolution-R-2022-33

Mayor Frank Lindhardt read resolution aloud.

I make a motion to accept Resolution R-2022-33, A Resolution Appointing Board Members for The Big Plains Water and Sewer Special Service District.

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

Roll Call Vote

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

Motion 4-0. Motion carries.

14. Update Employee Handbook-Resolution-R-2022-34

Updating Mayor to be taken out and replaced with Town Administrator on majority of handbook.

Question raised about meal policy.

Resolution aloud by Council Member Whitmore.

Correction on page 84 of Agenda packet, page 21 of Handbook section 11 from district to Town.

Move to accept amending Employee Handbook-Resolution-R-2022-34 with the change on page 84 of agenda packet, page 21 of Handbook change "District" to "Town".



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

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

Roll Call Vote

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

Motion 4-0. Motion carries.

15. Approval of HB313 Ballot Box / Interlocal Agreement--Resolution-R-2022-35

Agreement read aloud by Mayor Lindhardt

I make motion that we approve Resolution R-2022-35, A Resolution to Adopt an Interlocal Cooperation Agreement with Washington County Regarding Official Ballot Drop Boxes with correction to change to "without" from "within."

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

ROLL CALL VOTE

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

Motion 4-0. Motion carries.

16. Adopt A Cooperative Agreement with Washington County Habitat Conservation Plan-Resolution-R-2022-36

Mayor Lindhardt read resolution aloud.

I make a motion that we accept Resolution R-2022-36, A Resolution to Adopt a Cooperative Agreement with Washington County Habitat Conservation Plan.

Roll call vote

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

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

Motion 4-0. Motion carries.

17. Assemble a Cemetery Research Committee

Mayor Lindhardt states Town Property that was donated for cemetery thought is to put committee together for research.

I make a motion for approval to assemble a Cemetery Research Committee.

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

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



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

Motion 4.0. Motion carries.

18. Name Change for Apple Valley Roads, Re: Rome Avenue, Main Street, and Apple Valley Drive

Main street as same in Hurricane.

Put together letters/surveys for the residents that it involves and have them participate.

Main St community involvement on that one. Last administration would like to put Louie Ford Pkwy-letter to community for their input.

Due to less people living on Apple Valley Way this will be the street to be changed rather than Apple Valley Drive.

I make motion to move forward and start the process for Name Change for Apple Valley Roads, Re: Rome Avenue, Main Street, and Apple Valley Way

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

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

Motion 4-0. Motion carries.

19. Approval of Ordinance Enacting a Temporary Land Use Regulation Establishing a Restriction on All Water Well Drilling and Requiring All Development Applications to Acknowledge Water Supply Conditions--Ordinance O-2022-25

I make motion to approve on ordinance and changing section 2 as follows:

Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley, to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District"); and

Roll Call vote

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

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

Motion 4-0. Motion carries.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member McGinnis comments on fires, many man made fires in county. Fire Dept has been busy, accident at mile marker 9 recently on 2 vehicle accident. On standby for wildland fire. Rich Kopp makes



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 15, 2022 at 6:30 PM

MINUTES

comment mitigation fire meeting on Monday June 27th at 12:00pm. Helped others with cleaning up brush. Get people to become more fire wise.

Please report any mitigation to community.

Ice Cream Social Saturday June 18th at 6pm

REQUEST FOR A CLOSED SESSION

Motion to go into closed session to discuss pending litigation.

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

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

Motion 4-0. Motion carries.

Mayor called meeting back to order and no other action taken.

ADJOURNMENT

Meeting adjourned at 9:32pm.

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

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

Motion 4-0. Motion carries.

Date Approved: _____

Approved BY: _____
Mayor | Frank Lindhardt

Attest BY: _____
Clerk-Recorder | Jenna Vizcardo

Brian J. Patten SKC (SW/AW) USN ret.



Manager and Leader

Motivating and training personnel in the duties of their job in order to make a better work environment

- Innovative professional with 21 years of progressive experience in combating shipboard fires which range from four classes of fires; Alpha, Bravo, Charlie and Delta Fires.
- Expertise in the use of oxygen breathing apparatus equipment and all hose management procedures
- Quick study, with an ability to easily grasp and put into application new ideas, concepts, methods and technologies. Dedicated, innovative and self-motivated team player/builder.
- Proficient in the use and repair of various computers and software from DOS to Windows and Microsoft Office Professional.

WORK EXPERIENCE

- United States Postal Service Colorado City, AZ May 2020-Present
Clerk
- Sysco Foods Las Vegas, NV Jul 2017 – May 2020
Marketing Associate
- United States Postal Service San Jacinto, CA Dec 2015 - Apr 2017
City Carrier Assistant

MILITARY EXPERIENCE

STOREKEEPER CHIEF (AW/SW)

- United States Navy San Diego, CA July 1983 - August 2004
Chief Logistics Officer
Chief Petty Officer/E7 retired
 - Directed and coordinated logistics and inventory management activities with accounts valued at \$1,000,000
 - Supply Management Assessment Team, Afloat Training Group – Inspector/Trainer. Served as inspector of logistics department duties onboard US Navy ships for ensuring onboard work centers performed within Navy standards and regulations.
 - Member of logistics training team that developed cd rom based training software that was used Navy wide for the training of logistics department personnel. Responsible for creating graphic programs and voice over for the software programs developed.

- Oversaw integrated logistic support services and sustainment activities for the aircraft carrier the USS JOHN C. STENNIS CVN-74, directing personnel resources, HAZMAT accountability, and support equipment used in maintaining onboard hazardous materials in support of shipboard and aircraft upkeep and maintenance.
- Plank Owner, responsible for overseeing the building and setup of one of the US Navy's newest Destroyers, the USS MILIUS DDG-69
- Directed and managed personnel resources in financial accountability, inventory management, shipping and receiving of essential repairable equipment and supplies.
- Deployed to the Persian Gulf during Operation Desert Shield and Desert Storm where I earned two Navy Commendation medals for exceeding the expectations of my job.
- Earned qualifiers of Enlisted Warfare Specialist (SW) and Aviation Enlisted Warfare Specialist (AW). Each a very long and grueling challenge of testing and board review to know all aspects of the shipboard and aviation fields.

ACADEMIC EDUCATION

<u>Institution/City/State</u>	<u>Degree</u>	<u>Year Graduated</u>
- University of Redlands, Temecula Campus	MA Management	October 2015
- University of Redlands, Temecula Campus	BA Management	March 2014

NAVY AWARDS

(4) Navy Achievement Medals	Awarded for outstanding achievement of complex shipboard and aviation missions.
(2) Navy Commendation Medals	Awarded for meritorious wartime service in support of shipboard and aviation missions.
Combat Action Medal (Desert Storm)	Awarded for serving during Operation Desert Storm.
Southwest Asia Service Medal (Desert Storm)	Awarded for my contributions to the United States' success during the Gulf War.
Kuwait Liberation Medal (Desert Storm)	

The Town of Apple Valley is seeking an individual for the position of **FIRE CHIEF**

Status: Full-Time

Salary: Commensurate w/Experience

Benefits: Vacation and Retirement

GENERAL PURPOSE: Manages the Fire Department. Provides command over all volunteers and provides measures necessary for preventing and extinguishing fires, protecting life and property, and preserving the laws of the State, ordinances of the Town, and rules and regulations of the Fire Department.

SUPERVISION RECEIVED: Works under the general supervision of the Town Administrator. Work assignments are broad and performed with little or no direct supervision.

SUPERVISION EXERCISED: Provides direct supervision of the volunteer fire personnel and Wildland Fire Mitigation Advisory Board.

ESSENTIAL FUNCTIONS: (Essential functions, as defined under the Americans with Disabilities Act, may include the following tasks, knowledge, skills and other characteristics. The list of tasks is illustrative only and is not a comprehensive listing of all functions and tasks performed by positions in this class.)

1. Plans and organizes all aspects of Fire including utilization of personnel, facilities and equipment.
2. Plans and organizes fire prevention, public education, training, fire code enforcement, fire suppression.
3. Supervises the preparation and oversight of the annual Fire budgets.
4. Oversees equipment specifications and recommends the purchase of major equipment.
5. Responds frequently to public inquiries and aids in conflict resolution.
6. Responds to emergencies involving fire, first responder, and environmental concerns.
7. Acts as the Emergency Management coordinator provides Emergency Management plans for the Town.
8. May represent the Fire Department on other various boards and committees.
9. Disciplines, promotes, and provides training and direction to volunteers.
10. Attends Joint Utility Committee (JUC) meetings and provides input on development plans.
11. Oversees enforcement of fire code violations and business inspections.
12. Oversees all fire investigations in the Town.
13. Oversees all hydrant inspections.
14. Develops and oversees all Standard Operating Procedures and Policies regarding Fire department functions.
15. Accurately completes all National Fire Incident Reports (NFIRS), reviews and submits same to State Fire Marshal's office.

16. Has frequent contact with the public regarding the carrying out of programs and schedules.

17. Has public contact with homeowners (through education programs and citizen meetings), contractors and sales representatives.

18. Responsible for care, condition and use of materials, equipment and tools.

19. Responsible for making decisions affecting the activities of Fire Volunteers.

ADDITIONAL DUTIES:

1. Participates in and completes annual evaluations of Fire Volunteers.

2. Accurately completes monthly reports for Town Administrator, Mayor, and/or Town Council, when requested.

3. Attends Town meetings as necessary or upon request by Mayor or Town Council.

4. Prepares presentations for administration and public.

5. All other duties as assigned.

QUALIFICATIONS: Special Qualifications:

1. Must have a valid Utah Driver's License.

NO *involved w/ a fire dept.*
2. Must have Wildland Fire Certification within 1 year of hire date.

NO 3. Must have completed an Incident Command training class.

YES 4. Must live within five (5) miles of Town limits.

YES 5. Must be willing to respond on emergency incidents as they occur; subject to call out twenty-four (24) hours a day, seven (7) days a week.

Education and Experience:

NO 1. Five (5) years of firefighting experience. *understood as for a fire department*

NO 2. Experience as Incident Commander and in Emergency Operations Management.

NO 3. Has served in a fire department leadership position at a minimum of two (2) consecutive years as Captain or Deputy Fire Chief.

NO 4. Knowledge of International Fire Code, National Fire Protection Agency standards, Insurance Services Office (ISO) requirements, State and local statutes and ordinances relating to fire and building inspections.

NO 5. An equivalent combination of education and experience. *Has experience on board ship - Not necessarily equivalent to*

NO 6. NIMS certifications 100, 200, 300, 400, 700a, and 800b (not required, but a plus) *Structure, wildland fire*

Knowledge:

SOME 1. Fire-Fighting – Knowledge of fire-fighting methods, techniques, and procedures; knowledge of the use of fire-fighting equipment, tools and apparatus. *ONLY SHIP Experience No engine, fire hydrant, first responder*

- NO 2. Incident Management – Knowledge of National Incident Management and Incident Command procedures.
- NO 3. Public Safety – Knowledge of relevant equipment, policies, procedures, and strategies regarding the protection of people and property.
- NO 4. Standard Procedures – Knowledge of Standard Operating Procedures and Policies.
- ? 5. Local Geography – Knowledge of local geography and road systems.
- SOME 6. Mechanical – Knowledge of machines and tools, including their designs, uses, repair, and maintenance.

WORKING CONDITIONS:

1. Some office environment with light physical effort which may include sitting or standing for extended periods while operating assigned equipment.
2. Some moderate physical activity that may require walking, standing, digging, stooping, bending sitting, and/or reaching; lifting, pushing and/or pulling of moderate weights occasionally over 100 pounds.
3. Required to work outdoors in desert climate.
4. Moderate to heavy exposure to stress because of human behavior.
5. Requires flexible schedule Monday through Friday. May require working weekends and holidays.

The above statements are intended to describe the general nature and level of work being performed by the person(s) assigned to this job. They are not intended to be an exhaustive list of all duties, responsibilities, and skills required of personnel so classified. The approved class specifications are not intended to and do not infer or create any employment, compensation, or contract rights to any person or persons. This updated job description supersedes prior descriptions for the same position. Management reserves the right to add or change duties at any time.

How to Apply Each applicant is required to turn in an application, copies of applicable certifications, and a resume to: Town Clerk 1777 N. Meadowlark Dr., Apple Valley, UT 84737. Documents may also be submitted electronically to clerk@applevalleyut.gov. *Non submitted*

Only applications that meet the requirements and qualifications listed above will be considered. Per policy, preference may be given to applicants residing in Apple Valley and to current employees desiring to fill the position. YES NO

Application Deadline: Monday, May 30, 2022 • Interviews: Tuesday, May 31, 2022 These dates are confirmed, and it is recommended that applicants plan their calendars accordingly.

Apple Valley Town is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, gender, religion, age, or disability.

The Town of Apple Valley is seeking an individual for the position of **FIRE CHIEF**

Status: Full-Time

Salary: Commensurate w/Experience

Benefits: Vacation and Retirement

GENERAL PURPOSE: Manages the Fire Department. Provides command over all volunteers and provides measures necessary for preventing and extinguishing fires, protecting life and property, and preserving the laws of the State, ordinances of the Town, and rules and regulations of the Fire Department.

SUPERVISION RECEIVED: Works under the general supervision of the Town Administrator. Work assignments are broad and performed with little or no direct supervision.

SUPERVISION EXERCISED: Provides direct supervision of the volunteer fire personnel and Wildland Fire Mitigation Advisory Board.

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3. Supervises the preparation and oversight of the annual Fire budgets.
4. Oversees equipment specifications and recommends the purchase of major equipment.
5. Responds frequently to public inquiries and aids in conflict resolution.
6. Responds to emergencies involving fire, first responder, and environmental concerns.
7. Acts as the Emergency Management coordinator provides Emergency Management plans for the Town.
8. May represent the Fire Department on other various boards and committees.
9. Disciplines, promotes, and provides training and direction to volunteers.
10. Attends Joint Utility Committee (JUC) meetings and provides input on development plans.
11. Oversees enforcement of fire code violations and business inspections.
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14. Develops and oversees all Standard Operating Procedures and Policies regarding Fire department functions.
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17. Has public contact with homeowners (through education programs and citizen meetings), contractors and sales representatives.

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ADDITIONAL DUTIES:

1. Participates in and completes annual evaluations of Fire Volunteers.

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YES 1. Must have a valid Utah Driver's License.

YES 2. Must have Wildland Fire Certification within 1 year of hire date.

YES 3. Must have completed an Incident Command training class.

YES 4. Must live within five (5) miles of Town limits.

YES 5. Must be willing to respond on emergency incidents as they occur; subject to call out twenty-four (24) hours a day, seven (7) days a week.

Education and Experience:

YES 1. Five (5) years of firefighting experience.

YES 2. Experience as Incident Commander and in Emergency Operations Management.

YES 3. Has served in a fire department leadership position at a minimum of two (2) consecutive years as Captain or Deputy Fire Chief.

YES 4. Knowledge of International Fire Code, National Fire Protection Agency standards, Insurance Services Office (ISO) requirements, State and local statutes and ordinances relating to fire and building inspections.

YES 5. An equivalent combination of education and experience.

6. NIMS certifications 100, 200, 300, 400, 700a, and 800b (not required, but a plus)

Knowledge:

YES 1. Fire-Fighting – Knowledge of fire-fighting methods, techniques, and procedures; knowledge of the use of fire-fighting equipment, tools and apparatus.

- YES** 2. Incident Management – Knowledge of National Incident Management and Incident Command procedures.
- YES** 3. Public Safety – Knowledge of relevant equipment, policies, procedures, and strategies regarding the protection of people and property.
- YES** 4. Standard Procedures – Knowledge of Standard Operating Procedures and Policies.
- YES** 5. Local Geography – Knowledge of local geography and road systems.
- YES** 6. Mechanical – Knowledge of machines and tools, including their designs, uses, repair, and maintenance.

WORKING CONDITIONS:

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- 2. Some moderate physical activity that may require walking, standing, digging, stooping, bending sitting, and/or reaching; lifting, pushing and/or pulling of moderate weights occasionally over 100 pounds.
- 3. Required to work outdoors in desert climate.
- 4. Moderate to heavy exposure to stress because of human behavior.
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The above statements are intended to describe the general nature and level of work being performed by the person(s) assigned to this job. They are not intended to be an exhaustive list of all duties, responsibilities, and skills required of personnel so classified. The approved class specifications are not intended to and do not infer or create any employment, compensation, or contract rights to any person or persons. This updated job description supersedes prior descriptions for the same position. Management reserves the right to add or change duties at any time.

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Only applications that meet the requirements and qualifications listed above will be considered. Per policy, preference may be given to applicants residing in Apple Valley and to current employees desiring to fill the position.

YES

YES

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Apple Valley Town is an equal opportunity employer and does not discriminate on the basis of race, color, national origin, gender, religion, age, or disability.

National Registry of Emergency Medical TechniciansSM

Hereby certifies

Andy Mc Ginis

as an

Emergency Medical Technician - Basic

duly registered together with all the rights, and privileges appertaining thereto in consideration of the satisfactory completion of the prescribed educational requirements.

In Testimony Whereof, the seal of the National Registry of Emergency Medical Technicians and the signatures as authorized by the Board of Directors are hereunto affixed.

this Sixth day of May 2002 A.D.

Howard A. W...
Chairman of the Board



William E. Brown
Executive Director

WYOMING TRAUMA COMMITTEE

OF THE

American College of Surgeons

and the

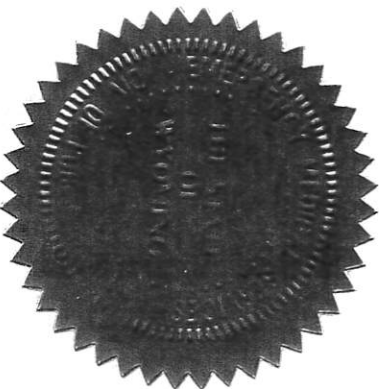
Wyoming Department of Health

Awards this Certificate to

Andy McGinnis

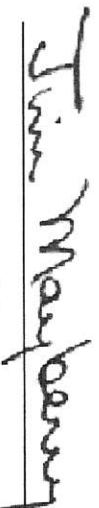
For satisfactory completion of

The Emergency Medical Technician Course

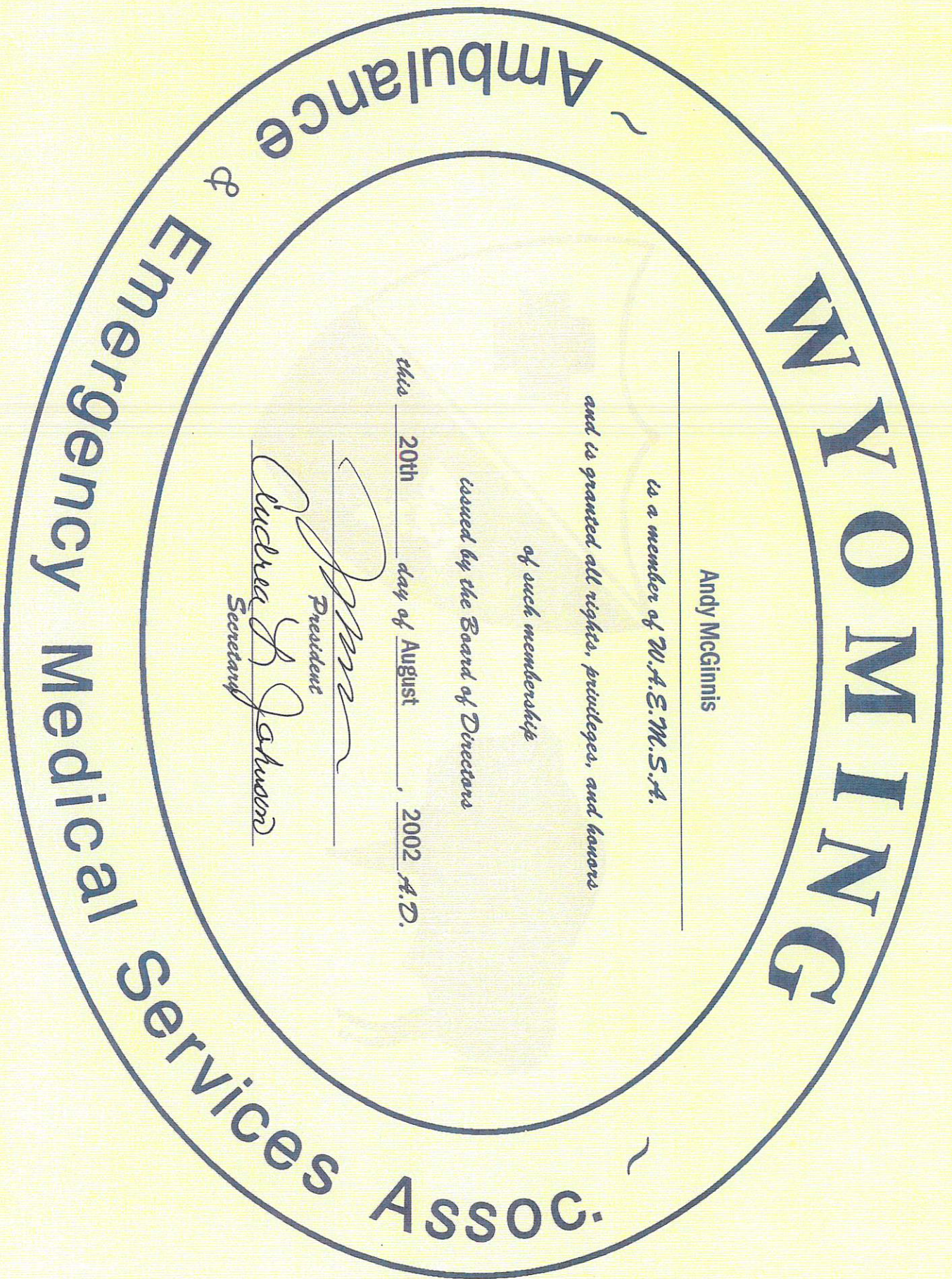


May 2002
Month Year


Chairman of Wyoming Trauma
Committee


Program Manager
Emergency Medical Services


Chairman Section VIII Committee on
Trauma American College of
Surgeons



Wyoming Department of Health
Preventive Health and Safety Division
and

Item 6.



Office of Emergency Medical Services

Awards this Certificate to

ANDY

For satisfactory completion of
a State-sponsored training course in



PREHOSPITAL TRAUMA TRIAGE CRITERIA, DOCUMENTATION
& PERFORMANCE IMPROVEMENT

(3 HOURS CME)

JULY 16, 2003

Month

Year

Conducted at PINEDALE AMBULANCE SERVICE

[Signature]
Administrator

Preventive
Health and Safety Division

James J. Mayberry
Chief
Emergency Medical Services

Maggie Cleveland, RN
Course Instructor

Eastern Idaho Regional Medical Center
AIR IDAHO RESCUE

Certifies that

Andy McGinnis
has successfully completed

Principles of Pre-Hospital Trauma Management

Learning Units 2.0

Date 11/19/03

Sydney Sharp
Flight Team Coordinator

CERTIFICATE OF ACHIEVEMENT

Awarded to:

Andy McGinnis

For Attendance of the High School Mass Casualty Drill

23 April 2003
Date

Lucy Jandak, Ed. Director
Signed

B^BTLS^SBASIC

CERTIFICATE OF PARTICIPATION

Andy McGinnis, EMT-B

has completed the BTLS Basic Course

March 29 & 30, 2003
Date

Pinedale, WY
Course Site

Kirk Bollinger, MD
Course Director

Steve Hawkins, NREMT-P
Course Coordinator



VFIS awards this certificate to:

Andy McGinnis

of _____
Pinedale EMS

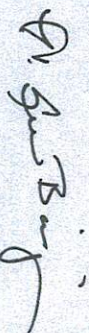
for participation in the
EMERGENCY VEHICLE DRIVER TRAINING – INSTRUCTOR PROGRAM

which consisted of **16** hours of instruction.

Held on **May 20 & 21, 2002**, at **Casper, WY**
DATE LOCATION

INSTRUCTOR




H. Lee Bainbridge
President
VFIS



THE STATE

OF WYOMING

Department of Fire Prevention & Electrical Safety
 Having Successfully Completed The Requisite Course Of Study And
 Practical Application In Accordance With Prerequisites Required By

NEPA 472 & OSHA 1910.120

And By Nomination of The State Fire Marshal And Respective Fire Officers
 The State Fire Marshal's Office Hereby Confers Upon

ANDY MCGINNIS

The Title Of

HAZARDOUS MATERIALS AWARENESS

State Fire Marshal

Richard P. Ruby

Assistant State Fire Marshal

Date November 14, 2001

Certificate of Achievement

Awarded to:

Andy McGinnis

For Completion of the BLM Disaster Drill

19 December 2001

Date

Bucy Smith

Signed

Pinedale Emergency Medical Service

Certificate of Achievement

Awarded to:

Andy McGinnis

For participation in the Sublette County School District Number One Disaster Drill

August 4th, 2004
Date

5 CME Credit hours

Shirley Bacheller
Signed



American Burn Association

Advanced Burn Life Support Course

This documents that

Andy McGinnis, EMT

Has participated in the educational activity titled
ABLS Provider Course

This program 050422WY has been approved by the AACN Certification Corporation—approved provider 11075 under established AACN Certification Corporation guidelines for 8 contact hours, CERP Category A.

April 22, 2005

Program Date

John A. Kirchbaum

John A. Kirchbaum, JD, Executive Director



CROSS COUNTRY
EDUCATION

is issued to

Andy McGinnis

for participation in the course

OSHA 2008 Compliance and Training for Medical and

Dental

conducted in Salt Lake City, UT, on 06/25/08

Greg D. Greene
President
Cross Country Education

Presented by: Michelle Hill, MT (ASCP)

Presented by: *Continuing Education*

Cross Country Education is an approved provider of continuing nursing education by the Tennessee Nurses Association, an accredited approver by the American Nurses Credentialing Center's Commission on Accreditation, Provider #04013109. This course is offered for 6.0 contact hours. Cross Country Education is an approved provider with the Iowa Board Of Nursing, approved provider #328. This course is offered for 7.2 contact hours. Cross Country Education is approved by the California Board of Registered Nursing, Provider #CEP 13345, for 7.2 contact hours. Cross Country Education is an approved provider by the Florida Board of Nursing, provider #50-466. This course is offered for 7.2 contact hours. This program/deliverables has been granted prior approval by the American Association of Medical Assistants (AAMA) for 6 Continuing Education Units. Granting Approval in no way constitutes endorsement by the AAMA of either the program content nor the program's sponsor. OSHA 2009: Compliance & Training for Medical and Dental has been approved by the Professional Association of Health Care Office Management for 6 CEUs. Cross Country Education is designated as an Approved PACE Program Provider by the Academy of General Dentistry. The formal continuing education programs of this program provider are accepted by the AGD for Fellowship, Mastership and membership maintenance credit. Approval does not imply acceptance by a state or provincial board of dentistry. The current term of approval extends from 10/19/2007 to 9/30/2011. It is offered for 6 credit hours. This program is approved for 6 hours of continuing education credit by the Dental Assisting National Board, Inc. (Approval #42002-0033-10-07) DANB General Dentistry. The formal continuing education programs as described in the DANB Recertification Guidelines. DANB does not, however, endorse or recommend any particular continuing education courses and is not responsible for the quality of any course content. This program is cosponsored by the American Association of Physician Office Laboratories (AAPOL) and Cross Country Education and is approved by the American Medical Technologists Institute for Approval indicates that a continuing education course appears to meet certain specifications as described in the DANB Recertification Guidelines (AAPOL) and Cross Country Education and is approved by the American Medical Technologists Institute for Approval for 6.0 CEUs (AAPOL's AAMTE Provider #125510). This seminar qualifies for 6 continuing education hours as required by many national, state and local licensing boards and professional organizations. Save your course outline and certificate of completion, and contact your own board or organization for specific filing requirements.

Your Home Address:

9020 Overlook Blvd * Suite 140 * Brentwood, Tennessee 37027 * 1-800-397-0180

VFIS awards this certificate to:

Andy McGinnis

of _____
Pinedale EMS

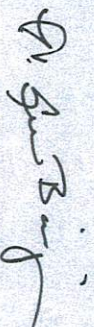
for participation in the

EMERGENCY VEHICLE DRIVER TRAINING – INSTRUCTOR PROGRAM

which consisted of 16 hours of instruction.

Held on May 20 & 21, 2002, at Casper, WY
DATE LOCATION


INSTRUCTOR


H. Lee Bainbridge
President
VFIS

Emergency Management Institute



FEMA

This Certificate of Achievement is to acknowledge that

MARSHAL A MCGINNIS

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the independent study course:

IS-00100

**Introduction to the Incident Command System,
(ICS 100)**

Issued this 31st Day of January, 2007

Cortez Lawrence, PhD
Superintendent
Emergency Management Institute

United States Department of Homeland Security Office of Grants and Training



This is to certify that

Marshal A. McGinnis

successfully completed the

National WMD Standardized Awareness Program

(AWR-160)

(0.6 Continuing Education Units)

November 8, 2006




Jason M. Biemann
Trainer



F. Marion Cain III, Director
Center for Domestic Preparedness

Certificate No. 29686

All available courses can be found on the Independent Study website at <http://training.fema.gov/EMIWeb/IS/>.

Emergency Management Institute



FEMA

This Certificate of Achievement is to acknowledge that

MARSHAL A. MCGINNIS

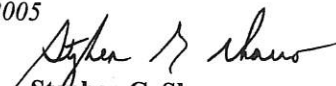
has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of this course:

IS-00700

**National Incident Management System
(NIMS) an Introduction**

Issued this 25th Day of September, 2005

0.3 CEU


Stephen G. Sharro

Superintendent, Emergency Management Institute

FEMA Form 16-31, October 05

Successful Completion(s)

IS-00700 National Incident Management System
IS-00800 National Response Plan (NRP), an Introduction

Item 6.

All available courses can be found on the Independent Study website at <http://training.fema.gov/EMIWeb/IS/>.

Emergency Management Institute



FEMA

This Certificate of Achievement is to acknowledge that

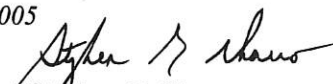
MARSHAL A. MCGINNIS

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of this course:

IS-00800

National Response Plan (NRP), an Introduction

Issued this 11th Day of December, 2005


Stephen G. Sharro

Superintendent, Emergency Management Institute

0.3 CEU

FEMA Form 16-31, October 05

DETACH THIS STUB



THE STATE
OF WYOMING

Department of Fire Prevention & Electrical Safety
Having Successfully Completed The Requisite Course Of Study And
Practical Application In Accordance With Prerequisites Required By

NEPA 472 & OSHA 1910.120

And By Nomination of The State Fire Marshal And Respective Fire Officers
The State Fire Marshal's Office Hereby Confers Upon

ANDY MCGINNIS

The Title Of.

HAZARDOUS MATERIALS AWARENESS

[Signature]

State Fire Marshal

Richard P. Aubrey

Assistant State Fire Marshal

Date November 14, 2001



UTAH FIRE SERVICE CERTIFICATION COUNCIL



THIS IS TO CERTIFY THAT

Andy McGinnis

Has met the requirements set forth by the Utah Fire Service Certification Council
and is hereby certified to the position of:

WILDLAND FIREFIGHTER I

This signed certificate is evidence of satisfactory completion of both cognitive and psychomotor requirements as stipulated in the certification policy and procedures manual.

Fire service certification is duly constituted under Section 53-7-204.2 of the State Fire Prevention Law, as amended; Utah Code Annotated 1953, as last amended 2003.

Approved by the Utah Fire Service Certification Council

12 May 2017


Director, UVU Fire & Rescue Academy


State Fire Marshal

This certification shall remain in effect subject to the Policy and Procedures Manual of the Utah Fire Service Certification Council.



This Certificate is Awarded to
Marshal Andrew McGinnis
For the Successful Completion of

S-211 Portable Pumps and Water Use

COURSE NUMBER - COURSE NAME

October 6, 2020 - October 20, 2020

COURSE START and END DATES

Heber Heyder

Lead Instructor Name (printed)



Lead Instructor Signature

Utah Forestry, Fire & State

lands

Southwest Area, Utah

Location (City, State)



This Certificate is Awarded to

Marshal McGinnis

For the Successful Completion of

S 131 Firefighter Type 1

COURSE NUMBER - COURSE NAME

1/11/2019 - 1/12/2019

COURSE START and END DATES

Earl Levanger

Lead Instructor Name (printed)

Earl Levanger

Lead Instructor Signature



Utah Div. Forestry, Fire & State Lands

Host Unit

Bryce Canyon City, Utah

Location (City, State)

This Certificate is Awarded to

Marshal McGinnis

For the Successful Completion of

S 290 Intermediate Fire Behavior

COURSE NUMBER - COURSE NAME

January 18-19, 2019 -- February 1-2, 2019

COURSE START and END DATES

Earl Levanger

Lead Instructor Name (printed)

Earl Levanger

Lead Instructor Signature



Utah Div. Forestry, Fire & State Lands

Host Unit

Bryce Canyon City, Utah

Location (City, State)

This Certificate is Awarded to

MARSHAL MCGINNIS

For the Successful Completion of

S-270 BASIC AIR OPERATIONS

COURSE NUMBER - COURSE NAME

February 13-16, 2019

COURSE START and END DATES

Mike Melton

Lead Instructor Name (printed)

W. Melton

Lead Instructor Signature

State of Utah, Forestry, Fire & State Lands

Host Unit

Cedar City, UT

Location (City, State)



UTAH FIRE AND RESCUE ACADEMY



in cooperation with
OFFICE OF THE STATE FIRE MARSHAL



CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Andy McGinnis

has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Community Wildfire Preparedness Planning

at

**Winter Fire School 2017
Dixie Center / St. George
January 20, 2017**

Cory L. Poth
State Fire Marshal's Office

W. G. Comm
Director, Utah Fire & Rescue Academy

This Certificate is Awarded to

Marshal McGinnis

For the Successful Completion of

Wildland Firefighter I

**S-130 Firefighter Training, S-190 Introduction to Wildland Fire Behavior,
I-100 Introduction to ICS, L-180 Human Factors in the Wildland Fire Service**

COURSE NUMBER - COURSE NAME

November 29, 2016 through December 17, 2016

COURSE START and END DATES

Samuel Jamie Rogers

Lead Instructor Name (printed)

Samuel Jamie Rogers

Lead Instructor Signature

Dixie Applied Technology College

Host Unit

St. George, UT

Location (City, State)



Certificate of Attendance

The Hazardous Materials Section of the Utah State Fire Marshal's Office, in partnership with the Utah Pipeline Association, thanks

ANDY MCGINNIS

for their participation in the 2017 Pipeline Safety Meetings. Your participation will improve the safety of Public Safety Responders and the public they serve. The Hazardous Materials Section of the Utah State Fire Marshal's Office awards 1.5 Continuing Education Units (CEU) in "Hazardous Materials Response."

JANUARY 9, 2017



Hazardous Materials Section Manager, Utah State Fire Marshal

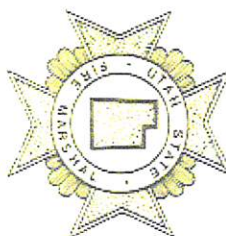




UTAH FIRE AND RESCUE ACADEMY

UVU UTAH VALLEY
UNIVERSITY

in cooperation with the
OFFICE OF THE STATE FIRE MARSHAL



CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Marshal McGinnis

has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Winter Fire School 2020 - St. George, UT

January 24 & 25, 2020

76726 - K9 Assisted Arson Investigation

76748 - The How and Why of NFIRS

76799 - Introduction to Unmanned Aerial Systems (UAS) for Fire & Rescue


Cory D. Pelt
State Fire Marshal


J. D. Pelt
Director, Utah Fire & Rescue Academy



UTAH FIRE AND RESCUE ACADEMY

UVU UTAH VALLEY
UNIVERSITY

in cooperation with the
OFFICE OF THE STATE FIRE MARSHAL



CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Marshal A. McGinnis

has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

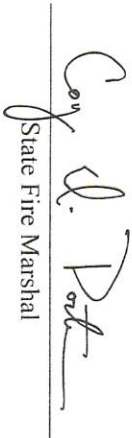
Leadership - It's Not Just Someone Else's Job

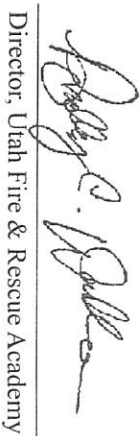
at

Winter Fire School 2019

Dixie Center / St. George

January 25, 2019


Coy D. Post
State Fire Marshal


J. H. H. H.
Director, Utah Fire & Rescue Academy



UTAH FIRE AND RESCUE ACADEMY

UVU UTAH VALLEY
UNIVERSITY

in cooperation with the
OFFICE OF THE STATE FIRE MARSHAL



CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Marshal A. McGinnis

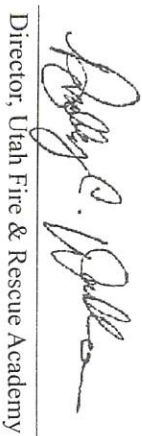
has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Frontline Fire Team Leadership

at

**Winter Fire School 2019
Dixie Center / St. George
January 25, 2019**


Coy D. Post
State Fire Marshal


J. M. H. H. H.
Director, Utah Fire & Rescue Academy



National TIM Responder Training Program Completion Certificate

This acknowledges that

Andy McGinnis

has successfully completed the National Traffic Incident Management
Responder Course and earned 4 Professional Development Hours (PDHs).

Date: 2/12/19 & 2/19/19



Kevin Barlow, Porter Barlow, LaMar Heaton, Jeff Reynolds
Hildale – Colorado City Fire Department



UTAH FIRE AND RESCUE ACADEMY



in cooperation with the
OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

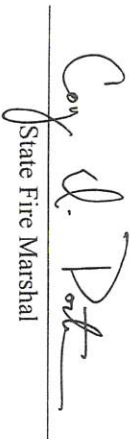
Andy McGinnis

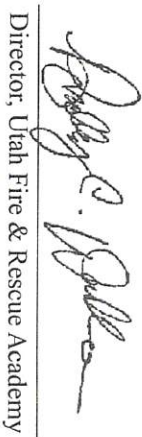
has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Habits of Highly Effective Incident Commanders

at

Winter Fire School 2018
Dixie Convention Center
January 19, 2018


Coy D. Post
State Fire Marshal


Gregory C. Dallen
Director, Utah Fire & Rescue Academy





UTAH FIRE AND RESCUE ACADEMY

UVU UTAH VALLEY
UNIVERSITY

in cooperation with the
OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Andy McGinnis

has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Engaging the Public

at

Winter Fire School 2018
Dixie Convention Center
January 19, 2018

Coy D. Post
State Fire Marshal

Anthony L. Walker
Director, Utah Fire & Rescue Academy



UTAH FIRE AND RESCUE ACADEMY



UVU UTAH VALLEY
UNIVERSITY

in cooperation with the
OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Andy McGinnis

has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

New Concepts in Rapid Intervention Crews

at

Winter Fire School 2018
Dixie Convention Center
January 20, 2018

Cory D. Pelt
State Fire Marshal

Anthony C. Walker
Director, Utah Fire & Rescue Academy



HazMatIQ Tactics: Propane (16 hours)

Certificate of Training

Marshal McGinnis

For successful completion of the HazMatIQ Tactics: Propane (16 hours) Training Course,
presented by HazMatIQ by Federal Resources on 2018-12-07.



A handwritten signature in black ink, appearing to read 'Chris Waier'.

Chris Waier
Director of Training

UTAH FIRE AND RESCUE ACADEMY



in cooperation with

OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Marshal A. McGinnis

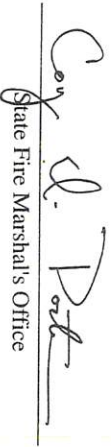
has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Live Fire Training

at

Dixie Applied Technology College

April 22, 2017


Coy D. Post
State Fire Marshal's Office


Wm B. Connor
Director, Utah Fire & Rescue Academy





UTAH FIRE AND RESCUE ACADEMY



in cooperation with
OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

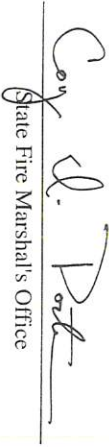
Andy McGinnis

has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Grant Writing

at

**Winter Fire School 2017
Dixie Center / St. George
January 21, 2017**


Coy D. Post
State Fire Marshal's Office


Mark B. Gunn
Director, Utah Fire & Rescue Academy



UTAH FIRE AND RESCUE ACADEMY



in cooperation with

OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Andy McGinnis

has demonstrated a commitment to reduce this State's loss of life and property from fire by pursuing professional development through attendance of

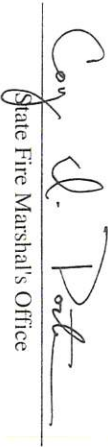
Basic Apparatus Maintenance

at

Winter Fire School 2017

Dixie Center / St. George

January 20, 2017


Coy D. Post
State Fire Marshal's Office


W. B. Connor
Director, Utah Fire & Rescue Academy



UTAH FIRE AND RESCUE ACADEMY



in cooperation with

OFFICE OF THE STATE FIRE MARSHAL

CERTIFICATE OF ATTENDANCE

This is to acknowledge that

Marshal A. McGinnis

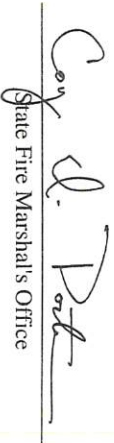
has demonstrated a commitment to reduce this State's loss of life and property
from fire by pursuing professional development through attendance of

Fire Behavior Training / Flashover

at

Dixie Applied Technology College

April 1, 2017


Coy D. Post
State Fire Marshal's Office


Wm B. Gamm
Director, Utah Fire & Rescue Academy





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

Fee: Item 7.
\$500 Special Event Permit
ONLY
Cash/Check/Money Order

Office Use Only

Date Received: June 6, 2022 Initials: JS Date Approved: _____ Receipt#: _____ Permit # _____

Name of Applicant: TJ Stone Phone Number: 801-916-5769
Email: tj@enduranceutah.com Type of Event: Bike Race

Event Location/Address: Round about at Chaparral Drive and Joshua Street

Description of the Special

Event: We are just asking to have permission to have support vehicles pull into that area and wait while their rider comes in.
This is a bike relay from Salt Lake City to St George Utah with transition points along the way.

Start Date: 9/24/22 End Date: 9/24/22

RULES AND REGULATIONS:

1. All set up for events cannot be done more than 72 hours in advance.
2. All clean up and set up must be taken down and completed no later than 72 hours after the event.
3. The Permit Holder is responsible for any injuries or damages to property that occur throughout the special event.
4. The Permit Holder is required to follow any requirements or special notes deemed by the Town of Apple Valley on an individual basis. Event specific requirements will be attached
5. The Town of Apple Valley is not responsible for those printed materials, promotional items, etc. if dates, locations, and/or other requested services are denied, amended, or changed during the permit process.
6. Depending on the size and type event, you may be required to possess or obtain special event commercial general liability insurance. A Town staff member will notify you should this be required.
7. Some special events also require a Temporary Mass Gathering Permit obtained through the Washington County Department of Hum Services. A Temporary Mass Gathering Permit is required of any event that:
 - (a) will have 500 or more attendees at one location (public or private) for
 - (b) 2 or more hours, and
 - (c) is located at a facility that was not constructed for that heavy of use. (You can typically tell this if it is necessary to bring in portable toilets, garbage cans, or parking services for the event.) (See Utah Administrative Code R392-400)
8. If you are holding an event on UDOT owned road, such as SR-59, you will need to obtain a Special Event Permit with UDOT.
9. All fees and other required permits must be paid and obtained before the Town of Apple Valley will issue a Special Event Permit.

By Signing this application, you verify you have read and agree to adhere to the above rules and regulations.

Applicant Signature: Terry Stone

Town Official: _____ Signature: _____

**APPLE VALLEY
ORDINANCE O-2022-19**

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

SECTION 1: **ADOPTION** “10.07 Administrative And Development Review Procedures” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07 Administrative And Development Review Procedures (Non-existent)

AFTER ADOPTION

10.07 Administrative And Development Review Procedures(*Added*)

SECTION 2: **ADOPTION** “10.07.010 Purpose” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.010 Purpose (Non-existent)

AFTER ADOPTION

10.07.010 Purpose(*Added*)

The purpose of this chapter is to set forth procedures and standards for considering various types of land use and development applications to assure that applications of the same type will be processed on a uniform basis consistent with applicable law.

SECTION 3: **ADOPTION** “10.07.020 Scope” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.020 Scope (Non-existent)

AFTER ADOPTION

10.07.020 Scope(*Added*)

Any proposed land use or development which is subject to a procedure set forth in this chapter shall be submitted, reviewed and acted upon as provided in this chapter.

SECTION 4: ADOPTION “10.07.030 General Requirements” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.030 General Requirements (Non-existent)

AFTER ADOPTION

10.07.030 General Requirements(*Added*)

The following requirements shall apply to any application required by this title:

- A. **Application forms.** Applications from a property owner shall be submitted on forms provided by the Zoning Administrator and in such numbers as reasonably required by the Zoning Administrator for a particular type of application.
- B. **Town initiated applications.** The Planning Commission or Town Council may initiate any action under this title without an application from a property owner. Notice, hearing and other procedural requirements of this chapter shall apply to an application initiated by the Town.
- C. **Development review sequence.** No subdivision, site plan or other development application shall be considered unless the approval which is requested in the application is allowed by the zone existing on the subject property. Also, Preliminary Plats may not be submitted until a proposed zoning map amendment has been approved.
- D. **Accurate information.** All documents, plans, reports, studies and information provided to the Town by an applicant in accordance with the requirements of this title shall be accurate and complete.
- E. **Determination of complete application.** After receipt of an application, the Zoning Administrator shall determine whether the application is complete. If the application is not complete, the Zoning Administrator shall notify the applicant in writing and shall:

1. Specify the deficiencies of the application;
2. State the additional information which must be supplied; and
3. Advise the applicant that no further action will be taken on the application until the deficiencies are corrected.

F. **Fees.** When an application is filed, the applicant shall pay to the Town the fee associated with such application as provided in the fee schedule adopted by the Town Council. Any application not accompanied by a required fee shall be returned to the applicant as incomplete.

1. Fees shall be nonrefundable except as provided in subsection G of this section.
2. Fees shall not be required for applications initiated by the Town.

G. **Remedy of deficiencies.** If an applicant fails to correct specified deficiencies within 30 days after notification thereof the Town may deem the application to be withdrawn. If the application is deemed withdrawn, the application and any associated fee shall be returned to the applicant upon request; however, the Town may deduct from the refund the cost of determining completeness of the application.

H. **Decision date.** The effective date of a decision or recommendation made under the provisions of this title shall be the date of the meeting or hearing in which the decision or recommendation is made by the decision-making body or official.

I. **Extensions of time.** Unless otherwise prohibited by this title, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant extensions of any time limit imposed by this title on such application, its approval, or the applicant. The total period of time granted by any such extension or extensions shall not exceed twice the length of the original time period.

SECTION 5: ADOPTION “10.07.040 Public Hearing And Meetings” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.040 Public Hearing And Meetings (Non-existent)

AFTER ADOPTION

10.07.040 Public Hearing And Meetings(*Added*)

Any public hearing or meeting required under this title, as the case may be, shall be scheduled and held subject to the requirements of this section.

A. **Scheduling a public hearing or meeting.** An application requiring a public hearing or meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or meeting shall be considered in light of:

1. The complexity of the application submitted;
2. The number of other applications received which require a public hearing or meeting;
3. Available staff resources; and
4. Applicable public notice requirements.

B. **Notice requirements.** The notice required by this land use ordinance shall be satisfied by actual notice or the notice specified as follows:

1. **Applicant notices.** For each land use application, the Town shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.
2. **Notice of public hearings and public meetings to consider general plan or modifications.**
 - a. The Town shall provide:
 - (1) Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
 - (2) Notice of each public meeting on the subject.
 - b. Each notice of a public hearing of this section shall be at least ten calendar days before the public hearing and shall be:
 - (1) Published on Utah Public Notice website;
 - (2) Mailed to each affected entity; and
 - (3) Posted in at least three public locations within the Town or on the Town's official website.

c. Each notice of a public meeting of this section shall be posted at least 24 hours before the meeting on Utah Public Notice website and shall be posted in at least three public locations within the Town or on the Town's official website.

3. **Notice on adoption of modification.** Notice of public hearings and public meetings on adoption of modification of the land use ordinance.

a. The Town shall give:

(1) Notice of the date, time, and place of the first public hearing to consider the adoption of any modification of a land use ordinance; and

(2) Notice of each public meeting on the subject.

b. Each notice of a public hearing of this section shall be:

(1) Mailed to each affected entity at least ten calendar days before the public hearing;

(2) Posted for at least 10 calendar days in at least three public locations within the Town or on the Town's official website; and

(3) Published on Utah Public Notice website at least ten calendar days before the public hearing; or mailed at least ten days before the public hearing to:

(A) Each property owner whose land is directly affected by the land use ordinance change; and

(B) Each adjacent property owner within the parameters specified by this title.

c. Each notice of a public meeting of this section shall be at least 24 hours before the meeting and shall be posted in at least three public locations within the Town or on the Town's official website.

C. **Challenge of notice.** If notice required by this section is not challenged in accordance with applicable appeal procedures within 30 days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

D. **Examination and copying of application and other documents.** Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate Town office. Copies of such materials shall be made available at reasonable cost.

E. Public hearing and meeting procedures. An application shall be considered pursuant to policies and procedures established by the decision-making body or official for the conduct of its meetings.

F. Withdrawal of application. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:

1. A staff review of the application has been undertaken; or
2. Notice for a public hearing or meeting on the application has been mailed, posted or published.

G. Record of public hearing or meeting.

1. Written minutes and a digital or tape recording shall be kept of all public hearings or meetings. Such minutes and a digital or tape recording shall include:
 - a. The date, time, and place of the meeting;
 - b. The names of members present and absent;
 - c. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - d. The names of all citizens who appeared and the substance in brief of their testimony; and
 - e. Any other information that any member requests be entered in the minutes.
2. The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in subsection D of this section.

H. Notification. Notice of a decision by the decision-making body or official shall be provided to an applicant within a reasonable time.

SECTION 6: ADOPTION “10.07.050 General Decision-Making Standards” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.050 General Decision-Making Standards (Non-existent)

AFTER ADOPTION

10.07.050 General Decision-Making Standards(*Added*)

The decision-making standards set forth in this section are based on the fundamental distinction between legislative and administrative proceedings: Legislative proceedings establish public law and policy applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

A. Legislative proceedings.

1. The following types of applications are hereby declared to be legislative proceedings:

- a. General plan amendment;
- b. Zoning map amendment;
- c. Land use text amendment; and
- d. Temporary regulations.

2. Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

a. The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

b. In making such determination, the decision-making authority may consider the following:

(1) Testimony presented at a public hearing or meeting; and

(2) Personal knowledge of various conditions and activities bearing on the issue at hand, such as, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the Town.

c. The decision-making body should state on the record the basis for its decision.

B. Administrative proceedings.

1. The following types of applications are hereby declared to be administrative proceedings:

- a. Permitted use review;
- b. Conditional use permit;
- c. Site plan review;
- d. Special exception;
- e. Variance;
- f. Building permit;
- g. Nonconformities;
- h. Sign permit;
- i. Temporary use permit;
- j. Routine and uncontested matter;
- k. Administrative interpretation; and
- l. Appeal of administrative decision.

2. Decisions regarding an administrative application shall be based on the "substantial evidence" standard and shall include at least the following elements:

- a. A statement of the standards for approval applicable to the application;
- b. A summary of evidence presented to the decision-making body or official;
- c. A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this title or other provisions of this Code; and

d. A statement of approval, approval with conditions, or disapproval, as the case may be.

SECTION 7: **ADOPTION** “10.07.060 General Plan Amendment” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.060 General Plan Amendment (Non-existent)

AFTER ADOPTION

10.07.060 General Plan Amendment(*Added*)

The general plan and any of its elements may be amended as provided in 10.05.020 of Apple Valley Town Code.

SECTION 8: **ADOPTION** “10.07.070 Zoning Map And Text Amendments” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.070 Zoning Map And Text Amendments (Non-existent)

AFTER ADOPTION

10.07.070 Zoning Map And Text Amendments(*Added*)

A. **Purpose.** This section sets forth procedures for amending the provisions of this title and the zoning map.

B. **Authority.** The Town Council may from time to time amend the text of this title and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this title. The provisions set forth herein shall not apply to temporary land use regulations which may be enacted without public hearing in accordance with [section 10.07.200](#) of this chapter.

C. **Initiation.** Proposed amendments to the text of this title and the zoning map may be initiated by the Town Council, Planning Commission or a property owner affected by a proposed amendment as provided in subsection D1 of this section.

D. **Procedure.** Zoning text and map amendments shall be considered and processed as provided in this subsection.

1. An application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The name and address of every person or company the applicant represents;

c. The requested amendment and reasons supporting the request; and

d. If the proposed amendment requires a change in the zoning map, the application shall include:

(1) An accurate property map showing present and proposed zoning classifications;

(2) All abutting properties showing present zoning classifications; and

(3) An accurate legal description and an approximate common address of the area proposed to be rezoned.

(4) A letter from power, sewer and water providers, addressing the feasibility and their requirements to serve the project.

e. If the proposed amendment requires a change in the text of this title, the application shall include chapter and section references and a draft of the proposed text.

2. After the application is determined to be complete, the Zoning Administrator shall prepare a staff report evaluating the application.

3. The Planning Commission shall hold a public hearing on the application as provided in [section 10.07.040](#) of this chapter. Following a public hearing the Planning Commission may recommend for approval, approval with modifications, or denial thereof to the Town Council.

4. Following receipt of a recommendation from the Planning Commission, the Town Council shall hold a public meeting on the application as provided in [section 10.07.040](#) of this chapter. The Town Council may approve, approve with modifications, or deny the proposed amendment.

5. The Planning Commission or Town Council may also continue or table an item.

A. If an application is continued it shall be placed on the next meeting agenda and may not be continued more than once after that.

B. If an application is tabled for any reason, it shall be tabled for a specific period of time, but not to exceed 90 days.

C. If an application is not placed back on an agenda within the required times periods, it shall be deemed to be denied.

E. **Approval standards.** A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the Town Council as described in subsection 10.07.050 A of this chapter. In making an amendment, the following factors should be considered:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the Town's general plan;

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property

3. The extent to which the proposed amendment may adversely affect adjacent property; and

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

F. **Appeal of decision.** Any party adversely affected by a decision of the Town Council to amend the text of this title or the zoning map may, within 30 days after such decision, appeal to the district court as provided in Utah Code Annotated section 10-9a-801, as amended.

G. **Effect of approval.** Approval of an application to amend the provisions of this title or the zoning map shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.

H. **Effect of disapproval.** Town Council denial of an application to amend the provisions of this title or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one year from the date of the disapproval, except as follows:

1. Another application may be sooner considered if:
 - a. The Planning Commission determines a substantial change in circumstances has occurred to merit consideration of the application. Substantial change may include:
 - (1) A significant change in the affected land area;
 - (2) An agreement with the applicant reducing overall density and incorporating significant design changes including reduced building height, increased setbacks, or other changes resulting in reduced impact on adjacent land uses;
 - (3) Changes in the neighborhood including recent zone changes or land use amendments and/or new roads or other infrastructure to serve the area proposed for the change.
 - b. The application is for a change to a different zone.
2. The Town Council or Planning Commission may propose any text or zoning map amendment at any time.

SECTION 9: ADOPTION “10.07.080 Permitted Use Review” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.080 Permitted Use Review (Non-existent)

AFTER ADOPTION

10.07.080 Permitted Use Review (*Added*)

A. Purpose. This section sets forth procedures for reviewing permitted uses in public facility, commercial, business and industrial zones to determine compliance with applicable requirements of this title. Such review is not required for uses in agricultural, residential, and open space zones.

B. Authority. The Zoning Administrator is authorized to review and approve applications for permitted uses in public facility, commercial, business and industrial zones as set forth in this section.

C. Initiation. A property owner, the owner's agent, or a lessee may request a permitted use review as provided in subsection D1 of this section.

D. Procedure. Permitted use applications shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The address and parcel identification of the subject property;

c. The zone, zone boundaries and present use of the subject property;

d. A description of the proposed use;

e. A plot plan showing the following:

(1) Applicant's name;

(2) Site address;

(3) Property boundaries and dimensions;

(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and

(5) Adjoining property lines and uses within 100 feet of the subject property; and

f. Other information needed to demonstrate the permitted use conforms to applicable provisions of this title.

2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permitted use to approval standards.

3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

4. A record of all permitted use reviews shall be maintained in the office of the Zoning Administrator.

E. Approval standards. The following standards shall apply to approval of a permitted use. A permitted use shall:

1. Be allowed as a permitted use in the applicable zone;
2. Conform to development standards of the applicable zone;
3. Conform to applicable regulations of general applicability and regulations for specific uses set forth in this title; and
4. Conform to any other applicable requirements of this Code.

F. Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding a permitted use review may appeal to the Appeals Board in accordance with the provisions of [section 10.07.190](#) of this chapter.

G. Effect of approval. Approval of a permitted use shall authorize an applicant to engage in the permitted use subject to any conditions of approval. Approval of a permitted use shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title.

H. Amendments. The procedure for amending any permitted use approval shall be the same as the original procedure set forth in this section.

I. Revocation. A permitted use approval may be revoked upon failure to comply with original conditions.

J. Expiration. A permitted use approval shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the approval is not commenced within 12 months after approval.

SECTION 10: ADOPTION “10.07.090 Conditional Use Permit” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.090 Conditional Use Permit (Non-existent)

AFTER ADOPTION

10.07.090 Conditional Use Permit(*Added*)

A. Purpose. This section sets forth procedures for considering and approving conditional use permits for Industrial, Open Space and RV Park Zones.

B. Authority.

1. The Planning Commission is authorized to issue conditional use permits for the following uses for Industrial, Open Space and RV Park Zones:

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~~Agricultural industry:~~

~~Agritourism activities:~~

~~Animal specialties:~~

~~Assisted living facility:~~

~~Greater heights than permitted by this Code in all zones except residential and residential agricultural zones:~~

~~Greater size than permitted by this Code in all zones except residential and residential agricultural zones:~~

Industrial- Concrete, Gravel, Asphalt, Mining, Agricultural, Sewage, Wood, Recycling

Open Space- Farm and Buildings, Livestock, ATV Trails, Building Height

RV Park- Sales, Clubhouse, Dwelling

~~Metal building in commercial and residential zones:~~

~~Multi family in commercial zones:~~

~~Public stable:~~

~~Reception center:~~

~~Recreation and entertainment, outdoor:~~

~~2. The Zoning Administrator is authorized to issue conditional use permits for the following uses: Animals and fowl for recreation and family food production. Greater size accessory buildings than permitted by this Code in residential zones. Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones. Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.~~

C. Initiation. A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D 1 of this section.

D. Procedure. An application for a conditional use permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
- b. The address and parcel identification of the subject property;
- c. The zone, zone boundaries and present use of the subject property;
- d. A description of the proposed conditional use;
- e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property;
- f. Traffic impact analysis, if required by the Town Engineer or the Planning Commission;

- g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in [section 10.07.040-7-4](#) of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.
 5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.

E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2hg of this section:
 - a. *Standards for a reception center.*

- (1) Hours of operation must be compatible with adjoining uses and comply with Town noise regulations.
- (2) Parking must be provided.
- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
- (4) The center must have an approved site plan.
- (5) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

b. *Standards for an agricultural industry.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

~~e. *Standards for a public stable.*(1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.(2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.(3) Evidence must be provided on how the applicant will maintain control of flies and vermin.(4) Site must contain adequate off-street parking for customers. All trailers must be contained on site.(5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.d. *Standards for an assisted living facility.*(1) The facility shall comply with building, safety, and health regulations applicable to similar structures.(2) The facility shall be licensed by the state.(3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.e. *Standards for greater heights than permitted by this Code.*(1) The height may not be~~

greater than two stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.(2) — A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.(3) — A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.f. — Standards for greater size than permitted by this Code.(1) — The greater size building desired must be of compatible architecture with immediately adjacent buildings.(2) — At least 50 percent of the lot on which the building is located must remain free of buildings.(3) — The building must be for a use permitted in the zone in which it is located.g. — *Standards for animals and fowl for recreation and family food production.*(1) — Adequate fencing must be provided to ensure animals and fowl are confined safely.(2) — Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.(3) — Evidence must be provided on how the applicant will maintain control of flies and vermin.(4) — The number of fowl will be limited by the point system used in section 10-37-15 of this title.(5) — Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.h. — *Standards for metal buildings.*(1) — In residential (R-1) zones the height and size may not be greater than permitted in the zone.(2) — The building must meet the following design standards:(A) — Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.(B) — Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.(C) — Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.(D) — The faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.i. — *Standards for animal specialties.*(1) — Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.(2) — Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.(3) — Evidence must be provided on how the applicant will maintain control of flies and vermin.(4) — Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.j. — *Standards for agritourism activities.*(1) — Hours of operation must be compatible with adjoining uses and comply with Town noise regulations.(2) — On-site parking must be provided.(3) — The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.(4) — In agricultural zones, this use must be accessory to an established agricultural

~~use.k. — In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met: 1. — No habitable building has been on the parcel for the previous three years. 2. — The land use on at least two sides of the property is residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for these criteria. Properties that do not meet these criteria may be approved for mix use development as listed below. 3. — Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards. 4. — Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided. 5. — Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.~~

F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.

G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.

H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.

1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

I. Amendment. The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

J. Revocation. A conditional use permit may be revoked as provided in [section ~~10-9-6~~10.20.100](#) of this title.

1. In addition to the grounds set forth in [section ~~10-9-6~~10.20.100](#) of this title, any of the following shall be grounds for revocation:

- a. The use for which a permit was granted has ceased for one year or more;
- b. The holder or user of a permit has failed to comply with the conditions of approval or any Town, state, or federal law governing the conduct of the use;
- c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
- d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the Town's ability to initiate or complete other legal proceedings against the holder or user of the permit.

K. Expiration. A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

SECTION 11: ADOPTION “10.07.100 Site Plan Review” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.100 Site Plan Review (Non-existent)

AFTER ADOPTION

10.07.100 Site Plan Review (*Added*)

A. Purpose. This section sets forth procedures for considering and approving preliminary site plans and site plans. These procedures are established to encourage adequate advanced planning and assure a good quality environment for the Town. Such procedure is intended to provide for orderly, harmonious, safe, and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Town general plan, this title, and the general welfare of the community. B. Authority. The Planning Commission is authorized to approve preliminary and final site plans as provided in this section; provided, however, that the Zoning Administrator shall be authorized to approve final site plans for industrial buildings in approved industrial subdivisions in accordance with the requirements of this title when requested by the applicant and when such approval is deemed by the Zoning Administrator to be of a routine or uncontested nature which presents no issue requiring consideration by the Planning Commission. Any resulting decision of the Zoning Administrator shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting. C. Initiation. A property owner, or the owner's agent, may request approval of a preliminary site plan and/or site plan as provided in subsection D of this section. 1. A site plan shall be required for any of the following uses unless expressly exempted from such requirement by another provision of this title: a. Any multiple-family residential use; b. Any public or civic use; c. Any commercial use; or d. Any industrial use. 2. When site plan approval is required, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of a site plan. No cleaning, grubbing, drainage work, parking lot construction, or other site improvement shall be undertaken prior to site plan approval. D. Procedure. The Zoning Administrator shall determine if the scope of the project requires both preliminary site plan and site plan approvals or solely site plan approval. Both preliminary site plan approval and site plan approval shall be required for zone changes to planned development overlay or changes to an approved planned development overlay. An application for preliminary site plan approval and/or site plan approval shall be considered and processed as provided in this subsection. 1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. 2. A preliminary site plan shall be drawn to scale and shall show a realistic layout reflecting how property reasonably could be developed considering existing and envisioned conditions on the subject property and adjoining property, and the development standards of the zone in which the property is located. a. A preliminary site plan shall include at least the following information: (1) The name, address and telephone number of the applicant and the applicant's agent, if any; (2) Location, topography showing two-foot contours, identification of 30 percent or greater slopes, and layout of proposed uses; (3) Location of open space; (4) Proposed access to the property and traffic circulation patterns; (5) Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities; (6) Proposed reservations for parks, playgrounds, schools, and other public facility sites, if any; (7) Adjoining properties and uses; (8) Tables showing the number of acres in the proposed development and a land use summary; (9) A phased development plan if applicable. b. A preliminary site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested

rights to development. 3. A site plan application shall include at least the following information: a. The name, address and telephone number of the applicant and the applicant's agent, if any; b. The uses for which site plan approval is requested; c. A set of development plans showing the information required in subsections D3c(1) to D3c(5) of this section. The information required by each subsection shall be shown on separate sheets. Plans shall be drawn at a scale no smaller than one inch equals 100 feet. Except for the landscaping plan, the plans shall be prepared, stamped and signed by a professional engineer licensed by the state. The Zoning Administrator shall reasonably determine the number of sets of plans required to undertake the review required by this section. One set of plans, reduced to fit on 11-inch by 17-inch paper, shall be provided. (1) Site plan showing the following: (A) All facilities related to the project located within 250 feet of the site boundary; (B) Layout, dimensions, and names of existing and future road rights-of-way; (C) Project name, north arrow, and tie to a section monument; (D) The boundary lines of the project site with bearings and distances; (E) Layout and dimensions of proposed streets, buildings, parking areas, and landscape areas; (F) Location, dimensions, and labeling of other features such as bicycle racks, dumpsters, trash cans, fences, signage, mechanical equipment; (G) Location of manmade features including irrigation facilities, bridges, railroad tracks, and buildings; (H) A tabulation table, showing total gross acreage, square footage of street rights-of-way, square footage of building footprint, square footage of total building floor area, square footage of landscaping, number of parking spaces, and if any, the number and type of dwellings, and the percentage devoted to each dwelling type and overall dwelling unit density; and (I) Identification of property, if any, not proposed for development. (2) Grading and drainage plan showing the following: (A) North arrow, scale, and site plan underlay; (B) Topography contours at two-foot intervals; (C) Areas of substantial earth moving with an erosion control plan; (D) Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains, and proposed method of dealing with all irrigation and waste water; (E) Location of any designated floodplain and/or wetland boundaries; (F) Direction of stormwater flows, catch basins, inlets, outlets, waterways, culverts, detention basins, orifice plates, outlets to off-site facilities, and off-site drainage facilities, when necessary, based on adopted Town requirements; and (3) Utility plan showing the following: (A) North arrow, scale, and site plan underlay; (B) All existing and proposed utilities including, but not limited to: sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communications lines, cable television lines, and streetlights; (C) Minimum fire flow required by the uniform fire code for the proposed structures, and fire flow calculations at all hydrant locations; (D) Location and dimensions of all utility easements; and (E) A letter from power, sewer and water providers, addressing the feasibility and their requirements to serve the project. (4) Landscaping plan, consistent with the development and area the requirements of chapter 32 of this title. (5) Building elevations for all buildings showing the following: (A) Accurate front, rear, and side elevations drawn to scale; (B) Exterior surfacing materials and colors, including roofing material and color; (C) Outdoor lighting, furnishings and architectural accents; and (D) Location and dimensions of signs proposed to be attached to the building or structure. d. Where one or more conditions of unusual soil, vegetation, geology or slope exist, resulting in increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems and potential property damage from extensive soil slippage and subsidence, an applicant shall, upon request of the Planning Commission or Town Engineer, provide contour and drainage

plans, cut and fill specifications, and soil and geologic reports. The required details of such reports and plans may vary depending on the severity of the unusual conditions, but in any event, such plans and reports shall be reviewed and approved by the Town prior to final approval of a development project. e. Any necessary agreements with adjacent property owners regarding storm drainage or other pertinent matters. f. Evidence of compliance with applicable federal, state, and local laws and regulations, if requested by the Zoning Administrator. g. A traffic impact analysis, if requested by the Town Engineer or the Planning Commission. h. Warranty deed or preliminary title report or other document showing the applicant has control of the property, if requested by the Zoning Administrator. i. Parcel map(s) from the county recorder's office showing the subject property and all property located within 400 feet thereof, if requested by the Zoning Administrator. 4. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10.07.040 of this chapter. 5. The Planning Commission shall hold a public meeting and thereafter shall approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the site plan to approval standards. a. In the case of a preliminary site plan for a planned development, Planning Commission approval shall not be effective unless and until a corresponding planned development overlay zone is approved by the Town Council. E. Standards for approval. The following standards shall apply to the approval of a site plan: 1. Site development. The entire site shall be developed at one time unless a phased development plan is approved. 2. Compliance with standards. A site plan shall conform to applicable standards set forth in this title and other applicable provisions of this Code. Conditions may be imposed as necessary to achieve compliance with applicable Code requirements. 3. Agreement; letter of credit. In order to assure that the development will be constructed to completion in an acceptable manner, the Town may require the applicant to enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval. 4. Planned center uses. In a planned center, individual uses shall be subject to the following requirements: a. The overall planned center shall have been approved as a conditional use which shall include an overall site plan, development guidelines and a list of uses allowed in the center. b. Development guidelines for a planned center shall, at a minimum, address the following topics: (1) General site engineering (e.g. storm drainage, provision of utilities, erosion control, etc.); (2) Architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors; (3) Landscaping and open space standards; (4) Signage; (5) Exterior lighting; (6) Parking, pedestrian and vehicular circulation, and access to the site; (7) Rights of access within the center (use of cross easements, etc.); (8) Development phasing and improvements/amenities to be completed with each phase; (9) Outdoor sales, storage and equipment; (10) Fencing and walls; and (11) Maintenance standards and responsibilities. c. After approval of a planned center, individual uses therein may be approved pursuant to a building permit. Building permits for individual uses with an approved planned center shall be reviewed by the Zoning Administrator for compliance of the proposed use to the overall site plan, development guidelines and approved use list for the planned center. The Zoning Administrator shall approve, approve with conditions, or deny the permit based on compliance with applicable conditions of the site plan and provisions of this title. F.

Appeal of decision. Any person adversely affected by a decision of the Planning Commission or Zoning Administrator regarding approval or denial of a site plan may appeal to the Appeals Board in accordance with the provisions of section 10.07.190 of this chapter. G. Effect of approval. Every site for which a site plan has been approved shall conform to such plan. 1. A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met. No structures or improvements may be constructed unless shown on an approved site plan or required by law. 2. Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this title. However, the Zoning Administrator may allow the application for a conditional use permit to be considered concurrently with the site plan application. H. Amendments. Except as may be provided for elsewhere in this title, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows: 1. Alteration or expansion of an approved site plan may be permitted by the Zoning Administrator upon making the following findings: a. Any proposed use is consistent with uses permitted on the site; b. Existing uses were permitted when the site plan was approved, or have received a conditional use permit; c. The proposed use and site will conform to applicable requirements of this Code; d. The proposed alteration or expansion meets the approval standards of subsection E of this section; e. The architecture of the proposed alteration or expansion, and landscaping, site design and parking layout are compatible with facilities existing on the site; and f. The site can accommodate any change in the number of employees on the site or any change in impact on surrounding infrastructure. 2. If the Zoning Administrator cannot make the findings required in the foregoing subsection, a conditional use permit or amended site plan, as the case may be, shall be approved before any alteration or expansion occurs. 3. The procedure for approval of an amended site plan shall be the same as the procedure for approval of an original site plan as set forth in this section. I. Revocation. A site plan approval may be revoked, as provided in section 10.09.060 of this title. J. Expiration. A site plan approval shall expire and have no further force or effect If the building, activity, construction or occupancy authorized by the approval is not commenced within one year.

SECTION 12: **ADOPTION** “10.07.110 Special Exception” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.110 Special Exception (Non-existent)

AFTER ADOPTION

10.07.110 Special Exception(*Added*)

A. Purpose. A "special exception" is an activity or use incidental to or in addition to a principal use permitted in a zone or an adjustment to a fixed dimensional standard permitted as an exception to the requirements of this title. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title. B. Authority. The Appeals Board is authorized to approve special exceptions to the provisions of this title as provided in this section. 1. The following special exceptions are authorized subject to the provisions of this section: a. A temporary building for residential, commercial, or industrial use may be permitted for up to one year when the building is incidental to a permitted use. b. Where a zone boundary line divides a lot in single ownership when this title is enacted, a use authorized by the zone on either portion of such lot may extend up to 50 feet into the other portion of the lot. c. Reserved. d. A nonconforming building or noncomplying structure, or a building or structure occupied by a nonconforming use, may be added to or enlarged. e. A nonconforming building or noncomplying structure, or a building or structure occupied by a nonconforming use, may be relocated on a lot. f. The amount of off street parking required may be reduced when the acquisition of land for such use would cause exceptional hardship. 2. The Appeals Board may, by motion, designate any special exception authorized by this section as a routine and uncontested matter for decision by the Zoning Administrator pursuant to the procedures set forth in section 10.07.170 of this chapter subject to the approval standards for special exceptions in this section. C. Initiation. A property owner, or the owner's agent, may request a special exception to the provisions of this title as provided in subsection D1 of this section. D. Procedure. An application for a special exception shall be considered and processed as provided in this subsection. 1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information: a. The name, address and telephone number of the applicant and the applicant's agent, if any; b. The address and lot identification of the subject property; c. The zone, zone boundaries and present use of the subject property; d. A complete description of the proposed special exception; e. A plot plan showing the following: (1) Applicant's name; (2) Site address; (3) Property boundaries and dimensions; (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and (5) Adjoining property lines and uses within 100 feet of the subject property; and f. Such other and further information or documentation as the Zoning Administrator may deem necessary for full and proper consideration and disposition of a particular application. g. If the special exception application is for a sign, a sign permit application shall be submitted. 2. After an application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Appeals Board as provided in section 10.07.040 of this chapter. 3. A staff report evaluating the application shall be prepared by the Zoning Administrator. 4. The Appeals Board shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the special exception to approval standards. 5. After the Appeals Board makes a decision, the Zoning Administrator shall give the applicant written notice of the decision. 6. A record of all special exceptions shall be maintained in the office of the Zoning Administrator.

E. Approval standards. The following standards shall apply to the approval of a special exception: 1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the Town as a whole, or upon public facilities and services. These conditions may include, but should not be limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in a motion authorizing the special exception. 2. The Appeals Board shall not authorize a special exception unless the evidence presented establishes the proposed special exception: a. Will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; b. Will not create unreasonable traffic hazards; and c. Is located on a lot of sufficient size to accommodate the special exception. F. Appeal of decision. Any person adversely affected by a decision of the Appeals Board regarding a special exception may, within 30 days after such decision, appeal to the district court in accordance with state law. G. Effect of approval. A special exception shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this Code. H. Amendments. The procedure for amending a special exception shall be the same as the original procedure set forth in this section. I. Revocation. A special exception may be revoked. J. Expiration. A special exception shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the special exception is not commenced within 180 days after approval.

SECTION 13: **ADOPTION** “10.07.120 Variance” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.120 Variance (Non-existent)

AFTER ADOPTION

10.07.120 Variance(*Added*)

A. Purpose. This section sets forth procedures for considering and approving a variance to the provisions of this title. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this title that create unreasonable hardships. B. Authority. The Appeals Board is authorized to hear and decide variances to the provisions of this title as provided in this section. C. Initiation. A property owner, lessee, or holder of a beneficial interest in property, or the agent thereof, may request a variance to the provisions of this title as provided in subsection D1 of

this section. All such applications shall be signed by the owner of property for which the variance is sought. D. Procedure. An application for a variance shall be considered and processed as provided in this subsection. 1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information: a. The name, address and telephone number of the applicant and the applicant's agent, if any; b. The address and parcel identification of the subject property; c. The specific feature or features of the proposed use, construction or development that require a variance; d. The specific provision of this title from which a variance is sought; e. A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unnecessary hardship; f. A statement of the amount of variation needed to permit the proposed use, construction or development; g. An explanation of how the application satisfies the variance standards set forth in subsection E of this section; h. A plot plan showing the following: (1) Applicant's name; (2) Site address; (3) Property boundaries and dimensions; (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and (5) Adjoining property lines and uses within 100 feet of the subject property; i. An elevation plan drawn to scale showing elevations of existing and proposed structures; j. When the variance involves building height, a streetscape plan showing the height of all buildings within 150 feet of the subject property; k. When a variance involves grade changes, a topographical drawing prepared by a licensed surveyor or civil engineer, showing existing topography in dashed lines at two-foot intervals and showing the proposed grade in solid lines at two-foot intervals; l. When a variance involves retaining walls, a plan showing all retaining walls, including their height relative to proposed grades; and m. Any other information reasonably determined by the Zoning Administrator to be pertinent to a requested variance. 2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Appeals Board as provided in section 10.07.040 of this chapter. 3. A staff report evaluating the application shall be prepared by the Zoning Administrator. 4. The Appeals Board shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards. 5. After the Appeals Board makes a decision, the Zoning Administrator shall give the applicant written notice of the decision. 6. A record of all variances shall be maintained in the office of the Zoning Administrator. E. Approval standards. The following standards shall apply to a variance: 1. The Appeals Board may grant a variance only if: a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title; b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district; c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district; d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and e. The spirit of this title is observed and substantial justice done. 2. The Appeals Board may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The Appeals Board may not find an unreasonable hardship exists if the hardship is self-imposed or economic. 3. The Appeals Board may find that special

circumstances are attached to the property and exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district. 4. An applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. 5. A use variance may not be granted. 6. In granting a variance, Appeals Board may impose additional requirements on an applicant that will mitigate any harmful effects of the variance, or serve the purpose of the standard or requirement that is waived or modified. 7. A variance more restrictive than that requested by an applicant may be authorized when the record supports the applicant's right to some relief but not to the extent requested. 8. A variance shall not be granted to a lot in a proposed subdivision that would reduce the lot area below the minimum lot area required in the zone in which the subdivision is located. F. Appeal of decision. Any person adversely affected by a decision of the Appeals Board regarding a variance may, within 30 days after such decision, appeal to the district court as provided in Utah Code Annotated section 10-9a-801, as amended. G. Effect of approval. A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this Code. H. Amendments. The procedure for amending any variance decision shall be the same as the original procedure set forth in this section. I. Expiration. Variances shall not expire but shall run with the land.

SECTION 14: **ADOPTION** “10.07.130 Building Permit” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.130 Building Permit (Non-existent)

AFTER ADOPTION

10.07.130 Building Permit(*Added*)

A. Purpose. This section sets forth procedures for determining zoning compliance of a building permit application. B. Authority. The Zoning Administrator is authorized to review building permits for zoning compliance as provided in this section. C. Initiation. Any person may apply for a building permit as provided in the building codes adopted by the Town. D. Procedure. A building permit application shall be reviewed for zoning compliance as provided in this subsection. 1. A complete building permit application shall be submitted to the Building Official in a form established by the Building Official along with any fee established by the Town's schedule of fees. The application shall include at least the following information: a. The name, address and telephone number of the applicant and the applicant's agent, if any; and b. A plot plan showing the following: (1) Applicant's name; (2) Site address; (3) Property boundaries and dimensions; (4) Layout of existing and proposed buildings, parking,

landscaping, and utilities; and (5) Adjoining property lines and uses within 100 feet of the subject property. 2. After the application is determined to be complete, the Building Official shall transmit the application to the Zoning Administrator. The Zoning Administrator shall approve, approve with conditions, or deny the zoning compliance request pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permit to approval standards. 3. After making a decision, the Zoning Administrator shall give the Building Official written notice of the zoning compliance decision. 4. A record of all zoning compliance reviews shall be maintained in the office of the Building Official. E. Approval standards. The following standards shall apply to determine zoning compliance of a building permit application: 1. No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform to applicable provisions of this title and any applicable conditions of approval required under a permit applicable to the subject property. 2. No building permit shall be issued unless the property or lot for which the building permit is to be issued fronts a dedicated street which meets the width requirement specified by this Code and has been improved according to Town standards, except where a variance has been approved by the Appeals Board, or as follows: a. In the event that property for which a building permit is sought fronts a dedicated street which requires additional footage on each side of the street in order to meet the width requirements of the road master plan or official map, a building permit may be issued if one-half of the additional footage is dedicated by the owner of said property for use by the public as a Town street. b. In lieu of requiring completion of all improvements to a dedicated Town street prior to the issuance of a building permit, a building permit may be issued if: (1) The road is traversable by normal vehicular traffic, including law enforcement, fire and other emergency vehicles; and (2) A written agreement is executed by the owner of the property for which the building permit is to be issued, stating the owner will deposit with the Town an amount equal to the cost of improving the street frontage of the owner's lot before receiving a certificate of occupancy for which the permit is issued. At the option of the Town, the owner could, in lieu of paying for or installing the missing improvements, sign an Improvement Delay Agreement to promise to pay for or install the missing improvements at a future date, if requested to do so by the Town. Said agreement shall be recorded at the County Recorder's office. F. Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding zoning compliance of a building permit may appeal to the Appeals Board in accordance with the provisions of section 10.07.090 of this chapter. G. Effect of approval. Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process. The requirements of this section shall be in addition to any other requirements for the issuance of a building permit, as contained in this Code. H. Amendments. The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this section. I. Expiration. A building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within the time provided by the building code adopted by the Town.

SECTION 15: **ADOPTION** “10.07.140 Nonconforming Use” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.140 Nonconforming Use (Non-existent)

AFTER ADOPTION

10.07.140 Nonconforming Use(*Added*)

A. Purpose. This section sets forth procedures for determining the existence, expansion, or modification of a noncomplying structure, nonconforming use, lot, or other nonconformity.

B. Authority. The Appeals Board is authorized to make determinations regarding the existence, expansion or modification of a noncomplying structure, nonconforming use, lot, or other nonconformity as provided in this section.

C. Initiation. A property owner, or the owner's agent, may request a determination regarding the existence, expansion or modification of a noncomplying structure, nonconforming use, lot, or other nonconformity affecting the owner's property as provided in subsection D1 of this section.

D. Procedure. An application for a determination of the existence, expansion or modification of a noncomplying structure, nonconforming use, lot, or other nonconformity shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The noncomplying structure, nonconforming use, lot, or other nonconformity in question;

c. A description of the action requested by the applicant; and

d. Grounds for finding the noncomplying structure, nonconforming use, lot, or other circumstance is nonconforming or for allowing expansion or modification of the nonconformity.

2. After the application is determined to be complete, Appeals Board shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the nonconformity, its expansion or modification to approval standards.

3. After making a decision, the Appeals Board shall give the applicant written notice of the decision.

4. A record of all nonconforming use or noncomplying structure determinations shall be maintained in the office of the Appeals Board.

E. Standard for decision. A determination regarding the existence, expansion or modification of a noncomplying structure, nonconforming use, lot, or other nonconformity shall be based on applicable provisions of chapter 12 of this title.

F. Appeal of decision. Any person adversely affected by a decision of the Appeals Board regarding a noncomplying structure, nonconforming use, lot, or other nonconformity may, within 30 days after such decision, appeal to the district court as provided in Utah Code Annotated section 10-9a-801, as amended.

G. Effect of decision. An applicant may continue, expand or modify a noncomplying structure, nonconforming use, lot, or other nonconformity, as determined by the Appeals Board.

H. Expiration. Determinations regarding nonconformities or noncomplying structures shall not expire but shall run with the land.

SECTION 16: ADOPTION “10.07.150 Sign Permit” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.150 Sign Permit (Non-existent)

AFTER ADOPTION

10.07.150 Sign Permit(*Added*)

A. Purpose. This section sets forth procedures for considering and approving a sign permit.

B. Authority. The Zoning Administrator is authorized to issue sign permits as provided in this section.

C. Initiation. Any person may apply for a sign permit as provided in subsection D1 of this section.

D. Procedure. An application for a sign permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. A statement by the applicant demonstrating how the sign permit request meets the approval standards of subsection E of this section;

c. A plot plan showing the following:

(1) Applicant's name;

(2) Site address;

(3) Property boundaries and dimensions;

(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and

(5) Adjoining property lines and uses within 100 feet of the subject property; and

d. An elevation drawing showing:

(1) Type of sign;

(2) Sign location in relation to nearest property line;

(3) Sign face design, if an on premises sign;

(4) Sign height;

(5) Sign face area;

(6) Sign illumination details; and

(7) Reflective elements and materials.

2. After the application is determined to be complete, the Zoning Administrator shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the sign permit to approval standards.

3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

4. A record of all sign permits shall be maintained in the office of the Zoning Administrator.

E. Approval standards. The following standards shall apply to the issuance of a sign permit:

1. A sign shall conform to applicable provisions of [chapter 22](#) of this title.

2. All signs shall be inspected by a designated officer of the Town immediately after installation. The permittee shall request an inspection within five business days after installation. Any sign not conforming to the requirements of [chapter 22](#) of this title shall be made to conform or be removed.

F. Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding a sign permit may appeal to the Appeals Board in accordance with the provisions of [section 10.07.190](#) of this chapter.

G. Effect of approval. Approval of a sign permit shall authorize an applicant to:

1. Construct the sign as indicated on the permit, if no building and electrical permits are required.

2. If building and electrical permits are required, such permits shall be obtained prior to construction.

H. Amendments. The procedure for amending any sign permit shall be the same as the original procedure set forth in this section.

I. Revocation. A sign permit may be revoked.

J. Expiration. A sign permit shall expire and have no further force or effect if the sign authorized by the permit is not installed within 180 days after approval.

SECTION 17: ADOPTION “10.07.160 Temporary Use Permit” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.160 Temporary Use Permit (Non-existent)

AFTER ADOPTION

10.07.160 Temporary Use Permit(*Added*)

A. Purpose. This section sets forth procedures for considering and approving a temporary use permit.

B. Authority. The Zoning Administrator is authorized to issue temporary use permits as provided in this section.

C. Initiation. Any person may apply for a temporary use permit as provided in subsection D1 of this section.

D. Procedure. An application for a temporary use permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The name and address of the applicant and the name and address of every person or company the applicant represents;

c. The person chiefly responsible for the event or use and/or the sponsoring organization and its chief officer;

d. The requested temporary use;

e. The place, date, time of the event, and hours of operation of the proposed use;

f. A statement of the approximate number of persons, animals, and/or vehicles which will participate in the event or be generated by the temporary use and an explanation of how said number was derived, such as number of presold tickets, available seating and/or parking, and past experience with similar activities;

g. The following maps, plans, and documents evidencing sufficient measures to be taken to reasonably protect the health, safety, and welfare of patrons and the public in general:

(1) A scaled drawing of the area in which the event is to be held or the use conducted, showing the location of any existing structures and improvements on the site of the proposed temporary use, including, but not limited to, parking areas, curbs, gutter, sidewalks, and outside storage areas; and

h. Other such items as reasonably requested by the Zoning Administrator to determine the feasibility of the temporary use.

2. After the application is determined to be complete, the Zoning Administrator shall solicit recommendations from the Town Fire Chief, Police Chief, Town/county Health Department, and Town Engineer. Thereafter the Zoning Administrator shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the temporary use permit to approval standards.

3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

4. A record of all temporary use permits shall be maintained in the office of the Zoning Administrator.

E. Approval standards. The following standards shall apply to the issuance of a temporary use permit.

1. A temporary use shall conform to:

a. Any recommendations received from the Town Fire Chief, Police Chief, Town/county Health Department, and Town Engineer.

2. No temporary use permit shall be issued unless the Zoning Administrator finds the proposed temporary use:

- a. Will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working within the vicinity, or injurious to property, improvements or the public in general;
- b. Will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area, nor block traffic lanes or hinder traffic during peak commute hours on weekdays on any primary arterial street or principal commuter route designated by the Town;
- c. Will not conflict with construction or development in the public right-of-way or at public facilities;
- d. Will not unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles on the streets, nor require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the Town;
- e. Will not conflict with nor be incompatible with the permitted uses and regulations of the zone within which the temporary use is located; and
- f. Is in compliance with regulations, conditions and licensing requirements of applicable provisions of this Code.

F. Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding a temporary use permit may appeal to the Appeals Board in accordance with the provisions of [section 10.07.190](#) of this chapter.

G. Effect of approval. Approval of a temporary use permit shall authorize an applicant to engage in the temporary use subject to conditions of approval as may be imposed by the Zoning Administrator.

H. Amendments. The procedure for amending a temporary use permit shall be the same as the original procedure set forth in this section.

I. Revocation. A temporary use permit may be revoked.

J. Expiration. A temporary use permit shall expire. Extensions of time shall be prohibited.

SECTION 18: ADOPTION “10.07.170 Routine And Uncontested Matters” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.170 Routine And Uncontested Matters (Non-existent)

AFTER ADOPTION

10.07.170 Routine And Uncontested Matters(*Added*)

A. Purpose. This section allows the Zoning Administrator to decide administratively a routine and uncontested matter which would otherwise be decided by the Appeals Board.

B. Authority. The Appeals Board may designate classes of matters as routine and uncontested. The Zoning Administrator is authorized to issue permits for such routine and uncontested matters as provided in this section.

C. Initiation. A property owner, or the owner's agent, may request approval of a routine and uncontested matter affecting the owner's property as provided in subsection D1 of this section.

D. Procedure. An application for approval of a routine and uncontested matter shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The specific matter for which approval is requested; and

c. Specific facts which illustrate the nature of the request and how it relates to applicable provisions of this title.

2. After the application is determined to be complete, the Zoning Administrator shall review and decide the matter in accordance with applicable provisions of this title and the guidelines determined by the Appeals Board for such class of matters.

3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

4. A record of all decisions on routine and uncontested matters shall be maintained in the office of the Zoning Administrator.

E. Approval standards. Any class of matters designated by the Appeals Board as routine and uncontested shall be accompanied by a statement of guidelines for approval of the matters so designated. A list of such matters and associated guidelines shall be kept on file in the office of the Zoning Administrator. The Zoning Administrator shall follow such guidelines in deciding any routine and uncontested matter.

F. Appeal of decision. Any person adversely affected by a decision of the Zoning Administrator regarding a routine and uncontested matter may appeal the decision to the Appeals Board in accordance with the provisions of [section 10.07.190](#) of this chapter.

G. Effect of approval. Approval of a routine and uncontested matter shall be deemed to relate to, and be for the benefit of, the use or lot in question rather than the owner, lessee or operator of a use, or lot. A permit for a routine and uncontested matter shall authorize only the matter in question and shall not be deemed to negate any need for other permits required under this title.

H. Amendments. A permit for a routine and uncontested matter may be amended, varied or altered only pursuant to the procedures, standards and limitations provided in this section for its original approval.

I. Revocation. A permit for a routine and uncontested matter may be revoked.

J. Expiration. Approval of a routine and uncontested matter shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the approval is not commenced within 180 days after approval.

SECTION 19: ADOPTION “10.07.180 - Administrative Interpretation” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.180 - Administrative Interpretation (Non-existent)

AFTER ADOPTION

10.07.180 - Administrative Interpretation(*Added*)

A. Purpose. The provisions of this title, though detailed and extensive, cannot as a practical matter address every specific situation to which these provisions may be applied. This section allows the Zoning Administrator to interpret a provision of this title in light of the general and specific purposes for which it was enacted and as applied to specific circumstances.

B. Authority. The Zoning Administrator is authorized to render interpretations of the provisions of this title, and any rule or regulation adopted pursuant thereto, as provided in this section.

C. Initiation. Any person may request an administrative interpretation as provided in subsection D1 of this section.

D. Procedure. An application for an administrative interpretation shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The specific provision or provisions of this title for which an interpretation is requested;

c. Specific facts of the situation which illustrate the need for an administrative interpretation;

d. The interpretation claimed by the applicant to be correct; and

e. When a use interpretation is requested the application shall include:

(1) A statement explaining why the proposed use should be deemed as included within a use category allowed by the zone applicable to the property; and

(2) Documents, statements, and other evidence demonstrating that the proposed use will conform to all use limitations established by the zone applicable to the property.

2. After the application is determined to be complete, the Zoning Administrator shall review the request and make an interpretation in accordance with the standards set forth in subsection E of this section.

3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

4. A record of all administrative interpretations shall be maintained in the office of the Zoning Administrator.

E. Standards for making administrative interpretations. The following standards shall apply to administrative interpretations:

1. Administrative interpretations shall not add to or change the provisions of this title.

2. Questions about the location of zone boundaries shall be resolved by applying the standards set forth.

3. An administrative interpretation shall be consistent with:

a. The provisions of this title; and

b. Any previously rendered interpretations based on similar facts.

4. A use interpretation shall also be subject to the following standards:

a. Any use specifically listed as "not permitted" in a table of permitted and conditional uses for a particular zone shall not be allowed in that zone;

b. No use interpretation shall allow a use in a zone unless evidence is presented demonstrating the use will conform to development standards established for the zone;

c. No use interpretation shall allow a use in a particular zone unless the use is substantially similar to a use allowed in the zone;

d. If a proposed use is most similar to a conditional use authorized in the zone in which it is proposed to be located, any interpretation allowing such use shall require that the use be approved only as a conditional use pursuant to [section 10.07.090](#) of this chapter; and

e. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the zone in which it would be located.

F. Appeal of decision. Any person adversely affected by an administrative interpretation rendered by the Zoning Administrator may appeal to the Appeals Board in accordance with the provisions of [section 10.07.190](#) of this chapter.

G. Effect of approval. An administrative interpretation shall apply only to the property for which an interpretation is given.

1. A use interpretation finding a use to be a permitted or conditional use in a particular zone shall be deemed to authorize only that use on the subject property. A use interpretation shall not authorize another allegedly similar use for which a separate use interpretation has not been issued.

2. A use interpretation finding a particular use to be a permitted or conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this Code.

SECTION 20: ADOPTION “10.07.190 Appeal Of Administrative Decision” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.190 Appeal Of Administrative Decision (Non-existent)

AFTER ADOPTION

10.07.190 Appeal Of Administrative Decision(*Added*)

A. Purpose. This section sets forth procedures for appealing an administrative decision applying provisions of this title.

B. Authority. The Appeals Board shall hear and decide appeals from administrative decisions applying the provisions of this title as provided in this section.

C. Initiation. Any person, or any officer, department, board or bureau of the Town, adversely affected by a decision administering or interpreting a provision of this title may appeal to the Appeals Board as provided in subsection D1 of this section. A complete application for an appeal shall be filed within 14 days of the decision which is appealed.

1. Only decisions applying this title may be appealed to the Appeals Board.

2. A person may not appeal, and the Appeals Board may not consider, any amendment to this title. Appeals may not be used to waive or modify the terms or requirements of this title.

D. Procedure. An appeal of an administrative decision to the Appeals Board shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the Town's schedule of fees. The application shall include at least the following information:

- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
- b. The decision being appealed;
- c. Grounds for the appeal; and
- d. A description of the action claimed by the applicant to be incorrect.

2. After an application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Appeals Board as provided in [section 10.07.040](#) of this chapter. Prior to the hearing the Zoning Administrator shall transmit to the Appeals Board all papers constituting the record of the action which is appealed.

3. Upon receipt of a complete application for an appeal all further proceedings concerning the matter appealed shall be stayed as provided in subsection 10.08.060 of this title.

4. The Appeals Board shall hold a public meeting and thereafter shall approve, approve with conditions, or deny the application. Any conditions of approval shall be limited to conditions needed to conform the matter appealed to applicable approval standards.

5. After the Appeals Board makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

6. A record of all appeals shall be maintained in the office of the Zoning Administrator.

E. Standards for decision.

1. The Appeals Board may reverse or affirm, wholly or in part, or may modify an administrative decision. To that end the Appeals Board shall have all the powers of the officer from whom the appeal was taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

2. The board shall review an administrative decision for correctness and shall give no deference to the reasonableness of the decision being appealed.

3. The person making an appeal shall have the burden of proving that an error has been made.

4. Because this title is in derogation of a property owner's common law right to unrestricted use of property, provisions herein restricting property use should be strictly construed, and provisions permitting property use should be liberally construed in favor of the property owner.

F. Appeal of decision. Any person adversely affected by a decision of the Appeals Board regarding an appeal of an administration decision may, within 30 days after such decision, appeal to the district court as provided in Utah Code Annotated section 10-9a-801, as amended.

SECTION 21: ADOPTION “10.07.200 Temporary Regulations” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.200 Temporary Regulations (Non-existent)

AFTER ADOPTION

10.07.200 Temporary Regulations(*Added*)

A. Authorized. The Town Council may, without a public hearing, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the Town if the Council makes a finding of compelling, countervailing public interest; or the area is un-zoned.

1. A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure, or subdivision approval.

2. A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.

3. A temporary land use regulation shall not exceed six months in duration.

B. EIS or MIS areas. The Town Council may, without a public hearing, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an environmental impact statement or a major investment study examining the area as a proposed highway or transportation corridor.

1. A land use regulation under this subsection B:

a. May not exceed six months in duration; and

b. May be renewed, if requested by the state transportation commission created under Utah Code Annotated section 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous temporary land use regulation.

2. Notwithstanding subsection B1 of this section, a temporary land use regulation enacted pursuant to this subsection B shall be effective only as long as the environmental impact statement or major investment study is in progress.

SECTION 22: ADOPTION “10.07.210 Review Of Constitutional Taking Issues” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.210 Review Of Constitutional Taking Issues (Non-existent)

AFTER ADOPTION

10.07.210 Review Of Constitutional Taking Issues(*Added*)

A. Purpose. The purpose of this section is to provide advisory guidelines for the Town to assist the Town in identifying actions that may involve physical taking or exaction of private real property and may have constitutional taking issues.

B. Definitions. As used herein:

1. "Constitutional taking issues" means actions involving the physical or regulatory taking of private real property by the Town that might require compensation to a private real property owner under:

- a. The Fifth or Fourteenth Amendment of the Constitution of the United States;
- b. Article I, Section 22 of the Utah Constitution; or
- c. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.

C. Guidelines. The following guidelines shall be considered by the Town when taking any action that may result in the physical or regulatory taking of private real property. The Town should review the guidelines to determine and identify whether a proposed governmental action raises constitutional taking issues.

- 1. Does the action result in a permanent physical occupation of private property?
- 2. Does the action require a property owner to dedicate property or grant an easement to the Town?
- 3. Does the action deprive the property owner of all economically viable uses of the property?
- 4. Does the action have a severe impact on the property owner's economic interest?
- 5. Does the action deny a fundamental attribute of ownership?

D. Analysis. If the Town determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the Town to analyze the possible taking and to determine action to be taken. In reviewing proposed action, the following factors shall be considered:

- 1. The effect the potential taking would have on the use or value of the private property;
- 2. The likelihood that the action may result in a constitutional taking;
- 3. Any alternatives to the proposed action that would fulfill the Town's lawful objectives and reduce the risk of a constitutional taking;
- 4. The cost to the Town for payment of compensation if a taking is determined;
- 5. The governmental interest involved and its nexus to the potential taking; and

6. If the action is roughly proportional or reasonably related to the impact of any proposed development.

E. Appeal. Any owner of private property whose interest in the property is subject to an alleged physical or regulatory taking by the Town, pursuant to a final and authoritative decision or action of the Town, may appeal the Town's decision or action by filing a written notice of appeal and statement of the grounds for the appeal in the Town Recorder's office within 30 days from the date of the Town's decision or action. The Town Council or its designee shall hear all evidence regarding the appeal and render a decision and findings in writing within 14 days from the date the appeal was filed.

F. Limitations. The guidelines set forth herein shall be advisory only and shall not be construed to expand or limit the scope of the Town's liability for a constitutional taking. The Town shall have no legal liability to any person, firm, or entity of any nature whatsoever and a court may not impose liability upon the Town for failure to comply with the provisions of this section.

SECTION 23: ADOPTION “10.07.220 Procedural Irregularities” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.07.220 Procedural Irregularities (Non-existent)

AFTER ADOPTION

10.07.220 Procedural Irregularities(*Added*)

A. Validity of action. Notwithstanding any provision of this title which sets forth a procedure for any matter herein, no action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to a petition, application, notice, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:

1. The procedure is required by state or federal law; and
2. In an examination of the entire circumstances, including the evidence of record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:

a. Had the error not occurred the decision made pursuant to the procedure would have been different, and

b. Because of the error the complainant suffered an injury for which relief must be given.

B. Assumption of validity. The court shall presume that action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial or that an injury occurred. The complainant shall have the burden of the proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

C. Applicability. All procedures within this title shall be subject to this section.

SECTION 24: ADOPTION “Grading Permit By Exception” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

Grading Permit By Exception (Non-existent)

AFTER ADOPTION

Grading Permit By Exception(*Added*)

11.02.190 Grading Permit By Exception

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

HISTORY

Adopted by Ord. [O-2022-11](#) on 4/21/2022

SECTION 25: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 26: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 27: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL
_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-30**

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

SECTION 1: ADOPTION “10.28.310 Grading And Grubbing Of Vacant Lots” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.28.310 Grading And Grubbing Of Vacant Lots (Non-existent)

AFTER ADOPTION

10.28.310 Grading And Grubbing Of Vacant Lots(*Added*)

1. No grading and grubbing of vacant lots shall be allowed prior to issuance of a building permit.
2. Soil testing is permitted prior to issuance of building permit.
3. Notwithstanding any other provision in this title to the contrary, the Zoning Administrator shall be authorized, upon an affirmative vote of the Town Council, to issue a grading permit for property not scheduled for immediate or reasonably imminent development upon such terms and conditions as may be deemed necessary by said Town Council to guarantee the protection of the property and neighboring properties against problems resulting from such grading, including, but not limited to, the accumulation of weeds, soil erosion, surface drainage and dust.

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

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

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-24**

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

SECTION 1: **ADOPTION** “10.05 Planning Documents” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05 Planning Documents (Non-existent)

AFTER ADOPTION

10.05 Planning Documents(*Added*)

SECTION 2: **ADOPTION** “10.05.010 Purpose” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.010 Purpose (Non-existent)

AFTER ADOPTION

10.05.010 Purpose(*Added*)

The purpose of this chapter is to identify planning documents which provide the policy foundation for this title and to set forth the basis for preparing and adopting such plans.

SECTION 3: **ADOPTION** “10.05.020 General Plan” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.020 General Plan (Non-existent)

AFTER ADOPTION

10.05.020 General Plan(*Added*)

A. **Purpose.** In order to accomplish the purposes, set forth in chapter 2 of this title the Town has prepared and adopted a comprehensive, long range general plan for present and future needs of the Town, and growth and development of the land within the Town. The plan may provide for:

1. Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities.
2. Reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.
3. Efficient and economical use, conservation, and production of the supply of food and water, and drainage, sanitary, and other facilities and resources.
4. Use of energy conservation and solar and renewable energy resources.
5. Protection of urban development.
6. Protection and promotion of air quality.
7. An official map, pursuant to Utah Code Annotated title 72, chapter 5, part 4, transportation corridor preservation.

B. **Plan preparation.** The Planning Commission shall make and recommend to the Town Council a proposed general plan for the area within the Town. The plan may include areas outside the boundaries of the Town.

C. **Scope.** The general plan shall show the Town's recommendations for development of the territory covered by the plan, and may consist of text, maps, plats, charts, and descriptive and explanatory matter. The Town Council shall determine the comprehensiveness, extent, and format of the general plan.

1. The general plan may include, among other things:
 - a. A land use element that:
 - (1) Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (2) Includes a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan.

b. A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan.

c. An environmental element that addresses:

(1) The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, wildlife, minerals, and other natural resources; and

(2) The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.

d. A public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services.

e. A rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(1) Historic preservation;

(2) Elimination of blight; and

(3) Redevelopment, including housing sites, business and industrial sites, and public building sites.

f. An economic element composed of appropriate studies and an economic development plan that may include review of municipal revenue and expenditures, revenue sources, identification of base industry, primary and secondary market areas, employment, and retail sales activity.

g. A parks, trails, and open space element that establishes a comprehensive plan for the development of parks and trails, and preservation of open space.

h. Recommendations for implementing the general plan, including the use of land use and subdivision regulations, capital improvement plans, and other appropriate actions.

i. Any other element the Town considers appropriate.

D. **Notice of intent.** Notice of intent to prepare a general plan or comprehensive general plan amendment.

1. Before preparing a proposed general plan or a comprehensive general plan amendment, the Town shall provide ten calendar days' notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment to:

- a. Each affected entity;
- b. The automated geographic reference center created in Utah Code Annotated section 63-16-505;
- c. The association of governments, established pursuant to an interlocal agreement under Utah Code Annotated Title 11, chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and
- d. On the Utah Public Notice Website of Section 63A-16-601

2. Each notice under subsection D1 of this section shall:

- a. Indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
- b. Describe or provide a map of geographic area that will be affected by the general plan or amendment;
- c. Be sent by mail, e-mail, or other effective means;
- d. Invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
 - (1) Impacts that the use of land proposed in the proposed general plan or amendment may have; and
 - (2) Uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and
- e. Include the address of an internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendment.

E. ***Plan adoption by Planning Commission.*** After completing a proposed general plan for all or part of the area within the Town, the Planning Commission shall schedule and hold a public hearing on the proposed plan as provided in [section 10.07.040](#) of this title at least ten days before the date of the hearing. After the public hearing, the Planning Commission may make changes to the proposed general plan. The Planning Commission shall then forward the proposed general plan to the Town Council.

F. **Plan adoption by Town Council.** The Town Council shall schedule and hold a public hearing on the proposed general plan recommended to it by the Planning Commission as provided in section 10.07.040 of this title at least ten days before the date of the hearing. After the public hearing, the Town Council may make any modifications to the proposed general plan that it considers appropriate. The Town Council may adopt the proposed general plan without amendment; amend the proposed general plan and adopt or reject it as amended; or reject the proposed general plan.

G. **Legal status of plan.** The general plan shall be considered only as an advisory guide for growth and development of the land within the Town.

H. **Amendment of plan.** The general plan may be amended by following the procedures set forth in subsections E and F of this section. General plan amendments shall be subject to the following requirements:

1. Persons wishing to propose a general plan amendment shall file their proposals and shall pay the fee established by the fee schedule adopted by the Town Council. Proposed general plan amendments will be considered by the Planning Commission twice a year, at the February and August meetings. Notwithstanding the foregoing, the Town Council or Planning Commission may, at any time by majority vote, authorize preparation and consideration of proposed general plan amendments.

2. Persons proposing general plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the Planning Commission and Town Council have sufficient information to evaluate each proposal, an applicant shall submit the following information:

a. For map amendments:

(1) Eight and one-half inch by 11 inch map showing the area of the proposed amendment;

(2) Current copy of county assessor's parcel map showing the area of the proposed amendment;

(3) Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half mile beyond such area;

(4) Correct property addresses of parcels included within the area of the proposed amendment;

(5) Written statement specifying the potential use of property within the area of the proposed amendment;

(6) Written statement explaining why the existing general plan designation for the area is no longer appropriate or feasible;

(7) Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc.; and

(8) As part of the general plan map amendment process, the applicant shall attempt to collect the signature of the property owner or authorized agent or, in the case of amendments affecting multiple properties, the signatures of a majority of the persons who own property within the area proposed for the general plan map amendment.

b. For text amendments:

(1) Written statement showing the desired language change;

(2) Written statement explaining why existing general plan language is no longer appropriate or feasible;

(3) Analysis of the potential impacts of the proposed amendment; and

(4) Map showing affected areas if text changes will affect specific geographic areas.

I. **Effect of plan on public uses.** After the Town Council has adopted a general plan or any amendments to the general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the plan, or it has been considered by the Planning Commission and, after receiving the advice of the Planning Commission, the Town Council approves it as an amendment to the general plan.

SECTION 4: ADOPTION “10.05.030 Road Master Plan And Official Map”
of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.030 Road Master Plan And Official Map (Non-existent)

AFTER ADOPTION

10.05.030 Road Master Plan And Official Map(*Added*)

A. **Adoption.** The Planning Commission has recommended and the Town Council has adopted as part of the general plan a future land use map which shows existing and proposed roads at various right-of-way widths. Such roads as shown on the future land use map shall be known as the road master plan. The road master plan shall serve as the basis for any official adopted map, pursuant to Utah Code Annotated title 72, chapter 5, part 4, transportation corridor preservation.

B. **Amendments.** Amendments to the road master plan may be made in accordance with the procedures set forth in [section 10.05.020](#) of this chapter.

C. **Effect of official map.**

1. **An official map does not:**

a. **Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances set forth in subsection C2 of this section; or**

b. **Require the Town to immediately acquire property it has designated for eventual use as a public street.**

2. **This subsection C shall not prohibit the Town from:**

a. **Requiring a landowner to take into account the proposed streets in the planning of a development proposal;**

b. **Acquiring property through purchase, gift, voluntary dedication, or eminent domain; or**

c. **Requiring the dedication and improvement of a street if the street is found necessary by the Town because of a proposed development.**

3. **The official map of the Town shall not be used to unconstitutionally prohibit the development of property designated for eventual use as a public street.**

4. **The official map shall be available for public inspection upon request.**

SECTION 5: ADOPTION “10.05.040 Capital Facilities Plan” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.040 Capital Facilities Plan (Non-existent)

AFTER ADOPTION

10.05.040 Capital Facilities Plan(Added)

A. **Capital facilities availability.** In the event capital facilities are unavailable to serve a proposed development project subject to the requirements of this title, the capital facilities plan adopted pursuant to title 14, chapter 2 of this Code shall be used as a guide to determine when needed capital facilities may be available.

B. **Capital facilities plan preparation.** The capital facilities plan shall be prepared as provided in Utah Code Annotated section 11-36a-401.

SECTION 6: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-26**

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

SECTION 1: **AMENDMENT** “10.10.120 Planned Development Zone” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.120 Planned Development Zone

- A. Purpose: The overall purpose of the planned development (PD) zone is to allow and encourage flexibility and creativity in the design and development of comprehensively planned projects, including but not limited to, cluster subdivisions that would not be possible under conventional zoning districts. The PD Zone requires creative and efficient subdivision designs that provide areas of open space and other desirable subdivision design features. The PD Zone is provided to promote efficiencies in the delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.
1. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.
 2. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.
 3. Allow for a more efficient and imaginative development of a specific property.
 4. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.
 5. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
 6. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.
 7. Encourage better land utilization, economy in the provisions of roads and

utilities, and flexibility in design.

8. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
 9. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
 10. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
 11. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures, and other means.
 12. Encourage pedestrian circulation within the project and connections with adjacent land uses.
 13. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.
- B. Types of Planned Development Zones: This section authorizes the following types of planned developments:

PDR Planned development residential zone

PDC Planned development commercial zone

PDO Planned development office zone

Opportunities for mixed use are provided for within each type of planned development zone. See the subsections of this section pertaining to each zone for details relating to mixed-use opportunities.

- C. Location and Siting of Planned Development: Planned developments are most appropriately located in developing areas where innovative site planning will have a positive impact on other adjacent developments and accomplish objectives of the Town's general plan.
- D. Designing a Planned Development Zone: The design of a planned development is a creative exercise that requires the designer to select from an array of elements available to assemble the development. A planned development project may consist of five (5) separate components. The required components will vary depending upon the elements planned for the project.
 1. Master Plan: General concept designed to elicit preliminary feedback from staff and planning commission.
 2. Final Plan: The overall concept plan/zoning plan for the development, locking in land uses, proposed circulation, and other elements.
 3. Phase Plan: Individual phase(s) of the development.
 4. Site Plan: Site plan review of individual lot(s) or parcel(s) within a phase.
 5. Construction Drawings: Construction drawings for items requiring review and

approval by the Town engineer and/or the building department.

E. Planned Development Residential Zone (PDR)

1. General Purpose and Description: The PDR district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, neighborhood commercial and educational facilities normally required in providing the basic elements of a balanced, orderly, convenient, and attractive residential area.
2. Location of PDR Zones: PDR zones may be located where sufficient land and infrastructure exist or are planned which will allow for a development that meets the standards and requirements of this subsection. Planned developments should not be proposed on vacant lots lying between other single-family dwellings or single family developments.
3. Permitted Uses: No structure or land shall be used except for one or more of the following:

Town facilities, including fire protection facilities, public works facilities, etc;

Detached units, including standard large lot single-family detached residences, zero lot line residences and cluster housing;

Townhouses.

4. Conditional Uses: The following conditional uses may be approved at time of Final Plan or Phase plan. If a use changes from that approved, an amendment will be necessary.

Assisted living or independent living care;

Churches, with attendant educational and recreational buildings;

Clubs, private and public, including, but not limited to, golf and country clubs;

Condominiums;

Home occupations as defined herein and approved by the planning commission.

Neighborhood commercial uses in PDR zone under the following conditions:

- a. Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and types of uses within the development to be recommended by planning commission and approved by Town Council;
- b. Provide sidewalks, at such widths as may be approved by the planning commission, and which will connect the pedestrian system

within the project to sidewalks in existing development areas outside the project area;

- c. Residential units above retail space are not included in density count, but layout and numbers must be approved by planning commission, also parking and access issues must be addressed;

Public libraries;

Public utility structures, including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses and structures; except warehouses, storage buildings, vehicle maintenance, truck or road equipment storage, radio and television studios and cell towers;

Schools (private or public), offering general educational courses similar to public elementary schools, high schools, and colleges

Timeshares /fractional interests.

- 5. Dimensional Requirements: See table 2 of this section for dimensional requirements.

F. Planned Development Commercial Zone (PDC)

1. General Purpose and Description: The PDC zone provides for primarily commercial development in a manner encouraging innovation in site design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.
2. Location of PDC Zones: PDC zones should be located adjacent to a major arterial roadway and be centrally located to serve a wide area of the community.
3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following uses:

Bank or other similar financial institution;

City facilities, including fire protection facilities, public works facilities, etc.;

Convention center, meeting facility or other similar use;

Hotel, motel or bed and breakfast;

Recreation building or land including theaters;

Restaurant, including a dining club or other eating or drinking establishment;

Retail sales and the servicing or repair of items sold at retail, not including servicing or repair of automobiles;

Trade shop or service business such as shoe repair; dry cleaning or laundering service; pressing, altering, or tailoring of wearing apparel; radio, TV or appliance repair; watch or jewelry repair; barber or beauty shop.

4. Conditional Uses: The following conditional uses may be approved at time of Phase Plan or Final Plan. If a use changes from that approved, an amendment will be necessary.

Accessory structure;

Ambulance service;

Auto repair, completely enclosed;

Daycare facility;

Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. (The minimum and maximum component of each use and type of uses within the development to be approved by the planning commission. Office and residential uses must clearly be subordinate to the principal commercial use.);

Off street parking facilities;

Office, not including a wholesale outlet or storage of commodities;

Parking lot or garage as a principal use;

Public utility structure and lands;

Self-service laundry, laundry or dry cleaning processing facility.

5. Dimensional Requirements: See table 2 of this section for general dimensional requirements.

G. Planned Development Office Zone (PDO)

1. General Purpose and Description: The PDO zone provides for primarily office development in a manner encouraging innovation in design layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive office area.
2. Location of PDO Zone: PDO zones are most suitably located on arterial or nonresidential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO zones can serve as an effective transitional area between a more intensive use, such as commercial or light industrial and residential uses. PDO zones should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.

3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following:

Business service such as photocopying and related services, dental laboratory, or temporary employee service;

City facilities, including fire protection facilities, public works facilities, etc.;

Daycare facility;

Fine arts or performing arts studio or school;

Hospital or public health center;

Institution of higher education (college);

Library;

Medical or dental office or clinic;

Museum or art gallery;

Office, not including a wholesale outlet or storage of commodities;

Veterinary clinic or hospital (small animals only and in a completely enclosed building).

4. Conditional Uses: The following conditional uses may be approved at the time of Phase Plan or Final Plan. If a use changes from that approved, an amendment will be necessary.

Accessory retail uses clearly subordinate to the principal use. Such uses shall be limited to the first floor and may not be established in separate buildings. The minimum and maximum component of each use to be approved by the planning commission. Examples include banks, newsstands, pharmacies, coffee shops, dry cleaners (without on-site cleaning plant), clothing store, and other similar uses approved by the Planning Commission.;

Ambulance service as an accessory use;

Church or other religious, fraternal, or social organizations;

Funeral home or crematorium;

Nursing or personal care home;

5. Dimensional Requirements: See table 2 of this section for dimensional

requirements.

H. Planned Development Standards and Requirements: All planned developments, in addition to meeting the intent of this section, as detailed in subsection A of this section, shall meet the following standards and such other requirements as are set forth with respect to each of the three (3) permitted types of uses. Setback standards specifically may be modified to allow creative development to occur provided a recommendation from the planning commission and motion from Town Council at the Final Plan stage approving the request for such modifications.

1. General Standards and Requirements:

- a. Preservation of Features: The development shall be compatible with existing topography of the land and shall preserve any unusual topography or natural features. Requests to waive this standard must be accompanied by a certified engineering report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features.
- b. Design Focus: The development shall utilize design and development features that would not be possible by the application of lot by lot zoning regulations.
- c. Land Disturbance: No alteration or disturbance of land in a planned development district or the natural or cultural resources thereon shall be permitted until the Final Plan has received approval from Town Council. Any subsequent land disturbance must be consistent with the approval granted by the Town Council.
- d. Subdivision Regulations: Land within a planned development shall be treated in its entirety as a subdivision and thus subject to the provisions of the Town of Apple Valley subdivision regulations, except as follows:
 - (1) Final plats shall follow the procedures and meet all of the requirements of the Town's subdivision ordinance which shall be supplemented by the requirements of this subsection. Wherever there is a conflict between the provisions of the subdivision ordinance and this ordinance, the more restrictive shall apply.
 - (2) Each planned development project in the approval process will identify how the property is intended to be subdivided, whether it will be a PDR, PDC, PDO, traditional subdivision, condominium or a combination of the above. This information is important, as it will affect the procedures required for formal approval of the project and subdivision of the land.
- e. The Final Plan approved and adopted by the Town council pursuant to this section is intended to be utilized as a final plan in relation to the zoning, regulation, and development of properties designated therein. The design guidelines and standards approved and adopted by the Town council pursuant to its adoption of the planned development

Final Plan shall control and regulate the development and construction within the project. To the extent that the Final Plan does not specify the design or other standards applicable to the planned development, the generally adopted Town standards and specifications shall apply.

- f. Interconnectivity of Phases/Development Components: Each phase of the project shall not be isolated from adjacent phases or development components. Each phase shall be served by at least one public roadway that shall connect to all adjacent phases or development components. In addition, each phase or development components adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive shall be required. Such a private road must be open to the public at all times for travel to the adjacent phase area. The project must contain a minimum of two (2) primary access points from the outside. Any deviation from the requirement of two (2) primary access points must be recommended by the planning commission and approved by the Town Council.
- g. Calculation of Density: Land uses for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, or the amount of required land. Land characterized by flood way, steep slopes, wetlands, or other un-buildable or sensitive lands may not be included as part of the land area for density calculations, including lands with a slope factor of 20% or greater overall slope, except that a twenty five percent (25%) density provision may be applied to the buildable portion of the development. Therefore, twenty five percent (25%) of the land area of the un-buildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within phases, density for a specific phase may exceed that permitted provided that the overall density for the project meets the required maximum density. The phase with the highest density may not be the first phase developed. See Table 1.
- h. General Private Deed Covenants: The entire planned development district shall be made subject to appropriate covenants, conditions and restrictions that shall be recorded as running with the land to assure the continuance and maintenance of the planned development in accordance with the approved plans and approved uses. See subsection H,2, "Ownership and Management Standards and Requirements", of this subsection for additional requirements and information. A copy of any covenants, conditions and restrictions must be submitted to Town to ensure that there is no conflict with zoning ordinance.

2. Ownership and Management Standards and Requirements:

a. Ownership and Management Control:

- (1) Initial Ownership: If the property located in a planned development shall be owned individually or jointly, where the property is not intended to be resold in separate parcels, the property shall be made subject to permanent covenants, conditions and restrictions requiring that the property be built and operated consistent with the approved planned development zone.
- (2) Subdivided Properties: Properties in a planned development zone that are intended to be subdivided and sold in separate ownership shall be made subject to covenants, conditions and restrictions which shall require that the property be built and maintained consistent with the requirements of the planned development zone for the property. If the property shall have commonly owned properties, they shall be owned by an appropriate owners' association who shall be responsible for the ownership and maintenance of the project, consistent with the requirements of the zone. In this event, the owners' association shall be separately incorporated as a Utah nonprofit corporation with appropriate articles of incorporation and bylaws, and a declaration of covenants, conditions and restrictions that are subject to the approval of the town attorney of the Town of Apple Valley as being legally sufficient. In the event that the property shall be a condominium project, the property shall be made subject to a declaration of condominium and other documentation prepared pursuant to the requirements of the Utah Condominium Ownership Act and shall include a provision that the owners' association thereof shall manage the property consistent with the requirements of the planned development zone. Any property in a planned development zone that is intended for subdivision shall also comply with the requirements of the Town of Apple Valley subdivision ordinance.
- (3) Owner/Developer Responsibilities: Initial owners/developers of PD projects are responsible for the following elements of the project:
 - (A) Development and Maintenance: Development and maintenance of general common areas (this may be accomplished through the establishment of an owners' association, which the developer shall agree to subsidize until 75 percent of the lots or units are sold, at which point the responsibility will be turned over to the owners).

(a) In the case of condominiumization or subdivision of the property, the developer shall deed the common areas to the owners' association, free and clear of all liens or encumbrances, or in the case of a blanket lien, the lender shall subordinate its security interest in the project to the planned unit development or condominium plan. This shall be reflected in the declaration of covenants, conditions and restrictions (or declaration of condominium, as the case may be) that shall require this to be accomplished upon completion of construction of the project, provided that if at least forty percent (40%) of the units in the project have been sold, the developer shall also be required to make this conveyance. The Town of Apple Valley shall not be responsible to the unit or lot owners in the event that the conveyance is not actually made, but the documentation shall provide for this requirement, which shall confer upon any purchasing unit owners the right to enforce the deeding of the common areas as required just above.

- (B) Arterials, Roadways, Related Infrastructures: Development of arterial and other major roadways and related infrastructures serving the development including the extension of utilities to serve the development.
- (C) Development of Management Plan: Development of a management plan including management association setup, and related responsibilities to assure that ownership and management standards are met in full.
- (D) Approvals and Conditions: Obtain all approvals and comply with all conditions related to the PD and its elements.
- (E) Landscaping and Open Space: All overall requirements such as landscaping and open space meet PD requirements.
- (F) Change of Ownership: Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.

3. Infrastructure Standards and Requirements: Water, sewerage, street, electric,

and other required infrastructure shall be provided according to the requirements of the Town of Apple Valley subdivision ordinance and city construction design standards, or as may be recommended by the planning commission and approved by the Town council for other purposes. Exceptions to Town standards and subdivision requirements relating exclusively to roadway design standards and layout must be supported by appropriate studies and approved by the Town council pursuant to its adoption of the Final Plan and shall control and regulate the development and construction within the project as guidelines and standards specific to the project. The following infrastructure requirements are required as a part of all PD developments:

- a. Roads/Streets: All interior streets and roads may be owned and maintained by the owners association of the development upon recommendation of the planning commission and approval of the Town council. All interior streets and roads must meet the requirements (Town of Apple Valley standards and specifications) for such facilities for the Town of Apple Valley as well as the following:
 - (1) The Town may require interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the Town.
 - (2) The provision and/or design of streets is subject to review by the planning commission and approval of the Town council, which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way, pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (based upon appropriate traffic engineering studies) and/or verified by the planning commission.
- b. Sidewalks: Sidewalks shall be provided according to the requirements of the Town of Apple Valley's specifications and standards. Sidewalks will be owned and maintained by the owners association.
- c. Parking:
 - (1) Conflict between Provisions: Wherever there is a conflict between the provisions of AVL 10.16 "Off Street Parking Requirements", and this subsection, the more restrictive shall govern unless otherwise recommended by the planning commission and approved by the Town council.
 - (2) Spaces Physically Separated: Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.

- (3) Shared Parking: A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined required parking may be waived with an approved plan.
 - (4) Location of Parking: Parking for PD developments shall be located to the rear, a mixture of side and rear, or underground.
 - (5) Illumination of Parking: All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of AVL 10.26 "Outdoor Lighting Ordinance," and this subsection, the more restrictive shall govern unless otherwise recommended by the planning commission and approved by the town council.
 - d. Utilities: All utility lines in a PD project shall be placed underground.
4. Landscaping Standards and Requirements: Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

The Town has certain water conservation requirements it is passing on to Builders and individual homeowners. In general, area homeowners in the past have utilized approximately fifty percent of their water consumption outdoors. Non-residential activities also tend to use substantial amounts of water outdoors. For these reasons, landscaping is an important aspect of creating a water-efficient community.

A landscaping concept, which is intended to transform typical landscaping techniques, known as "Xeriscape" is a water-efficient landscape concept that involves landscaping with drought-tolerant plants that are either native to the region or suitable to the climate and then providing irrigation to those plants appropriately. Native plants normally get all or most of their water from rainfall. Thirsty plants from other climates often demand much more water and, therefore, are not suitable for use in this type of landscape.

5. Landscape Concept/Theme:
- a. A landscaping plan must be submitted as part of the Phase Plan. The level of detail is general in nature illustrating themes, locations and other elements within the overall project. This can be a separate plan or may be integrated with the Phase Plan requirements as part of the Phase Plan submittal. The Phase Plan shall show landscaping in more detail, but calculations and construction drawings are not required until the final plat has been submitted and approved, or a unit site plan

- approval has been received, as in the case of areas not platted or subdivided.
- b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the development.
 - c. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
 - d. For commercial developments the area between the curb and the setback line shall be landscaped except for areas where the sidewalk extends from the curb to the front of the building, and is part of the sidewalk plan approved by the planning commission.
 - e. A minimum of forty percent (40%) of the project open space shall be landscaped utilizing Xeriscaping and traditional landscaping, or non-Xeriscaping, may account for ten percent (10%) of the total landscaping. Xeriscaping is encouraged and permitted to be utilized in order to meet the minimum landscape percentage requirement.
 - f. Up to fifty percent (50%) of areas allowing general public access may be used to meet landscaping requirements detailed in this section, this credit must be recommended by the planning commission and approved by the Town council.
 - g. See general open space requirements below for additional landscaping requirements.
 - h. Deviations from these requirements may be approved upon recommendation of the planning commission and approval of the Town council, based upon special circumstances enumerated in the recommendation and approval of the deviation.
6. Open Space Standards and Requirements: Common open space is an important element in any planned development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes. Open space for the purpose of the PDR district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. ROADS ARE NOT PART OF OPEN SPACE CALCULATIONS.
- a. General Open Space Requirements:
 - (1) Naturally Occurring Open Areas:
 - (A) Naturally occurring open areas are untouched or undeveloped areas existing in their natural state.

Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of lands as naturally occurring areas in proposed developments is through the recommendation of the planning commission and approval of Town council based upon site visits, maps, drawings, pictures, etc. Naturally occurring open areas are excluded from total open space and landscaping requirements of the proposed development.

- (B) If naturally occurring areas are deemed appropriate for development by the Town then landscaping and open space requirements, as defined herein, apply to said area to be developed.

(2) Common Open Space Areas:

- (A) Five percent (5%) of developed area must be dedicated as common open space as defined in this section. Specifically, common open space areas do not include areas where a charge may be made for use, such as a golf course, or access is limited due to runoff, such as retention basins or other areas that may be deemed restrictive as determined by the planning commission and Town council.

(3) Open Space Substitutions: Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- (A) Dedicated bike path connecting to existing or planned bike route.
- (B) Open pedestrian bridge.
- (C) Raised pedestrian deck.

Each amenity may be substituted with a one to one (1:1) ratio related to square feet up to fifty percent (50%) of required open space.

7. Non-residential Standards and Requirements:

- a. Location: Location of commercial phases shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the zones, workers within the zones, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.
- b. Common Walls: Common walls between residential and nonresidential uses are required to be constructed so as to minimize the transmission of noise.
- c. Nuisances: No commercial use shall be designed or operated so as to expose residential uses to offensive odors, dust, electrical interference,

and/or vibration.

d. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination for access and security purposes. Such lighting shall not be directed toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed - downward unless otherwise approved in order to ensure the integrity of the night sky and preclude negative effects on surrounding property owners.

e. Finishing Materials: Nonresidential planned development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of a building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.

I. Application Procedures and Requirements PD projects have five (5) distinct elements:

1. Master Plan: Master Plan review by staff is required and applicants are strongly encouraged, but not required, to submit the Master Plan for review by the planning commission. Master Plans provide a general concept of the project. There are no specific requirements for a Master Plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff and the planning commission. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the Master Plan to indicate land use distribution, open space, circulation systems, a summary of residential and nonresidential density, and other major elements.
2. Final Plan: The Final Plan is the plan for the development of the entire planned development. The Final Plan shall identify the proposed general circulation/transportation facilities, land uses and proposed densities, and open spaces and natural site features to be preserved between phase locations. If only one phase of the project is proposed, the project must combine the requirements of the Final and Phase Plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan.

The Final Plan shall consist of a professionally designed schematic plan indicating the layout of the development and appropriate written text. Fifteen (15) copies of each graphic and written text in eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch

by forty-eight inch (36" x 48") clay coat or similar heavy-duty paper shall be submitted to the Town for review and approval. This plan shall contain the following elements:

a. Final Plan Elements:

- (1) Identify the boundary of the project property;
- (2) Provide a delineation of phases (if applicable) and acreage associated with each phase;
- (3) Indicate total project site area and area by type of land use (i.e., residential, commercial, industrial, office, open space, utilities and right of way, other);
- (4) Indicate proposed land uses including square footage or acreage and percentage of each component;
- (5) Indicate the number of residential units and/or square footage of floor area of nonresidential uses by type (i.e., commercial and office);
- (6) Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for nonresidential components;
- (7) Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency (proposed right of way width and width of roadway must be shown).
- (8) Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, topography at contour intervals of two feet (2'), and other natural features;
- (9) Show where proposed open space will be provided by type of open space-landscaping area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project, also indicate where public open space will be provided and limits on accessibility;
- (10) Indicate location of landscaping and buffers and lighting plan; and
- (11) Typical elevations.

- b. Rezoning Application: In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the Final Plan. The Final Plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the

intent or lacks required elements, staff may reject the Final Plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the Final Plan and provide the applicant with suggestions for changes and modifications, if any that will prepare the applicant for the submittal of Phase Plans. While the applicant may ask for more than one Final Plan review, at least one review is mandatory.

- c. Review of Final Plan by Planning Commission: After staff officially accepts the Final Plan (completed application submitted and full review by staff completed), the plan will be placed on the planning commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the planning commission meeting. The planning commission shall review the Final Plan and make a recommendation on the plan and the rezoning of the property. The planning commission shall review the plan for the following elements: how the proposed project meets the purpose of a planned development as provided in subsection A of this section; how the proposed project meets the purpose of the specific planned development zones; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount and location. Other site and development design criteria shall be reviewed at the Phase Plan stage.
 - d. Review of Final Plan by Town Council: Upon receiving a recommendation from the planning commission and before enacting an amendment to the zoning ordinance, the Town Council shall hold a public hearing thereon. If approved, the rezoning becomes effective and the Final Plan becomes the official plan of the district, which will determine how Phase Plans are developed.
3. Phase Plan: The Phase Plan shall serve as the preliminary plat for a specific phase of the project or the project as a whole. Most planned developments will consist of a Final plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate final plat approval. Phase Plans must be consistent with the Final Plan or the Final Plan must be revised and approved by the Town. Phase Plans must show lot subdivision, if proposed, internal site circulation within the phase or land use area, specific open space set aside, as well as the requirements for Phase Plans that are provided below.

After the Final Plan has been formally reviewed and accepted by staff, recommended for approval by planning commission and approved by the Town council, the applicant shall submit a Phase Plan for the improvement of specific phase(s) of the project. Phase Plans may be submitted concurrently

with a Final Plan if desired. Fifteen (15) copies of each graphic and written text on eleven inch by seventeen inch (11" x 17") format, and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or heavy-duty paper shall be submitted to the Town for review and approval. The Phase Plan shall meet all requirements for a preliminary plat, as outlined in the Town's subdivision ordinance and this subsection, and shall be submitted in the following format:

a. Phase Plan Elements:

- (1) Site Location Plan: Showing where phase is located in relation to overall Final plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than one inch equals four hundred feet (1" = 400') and show completed phases and future phases in relation to the phase currently proposed.
- (2) Site Development Plan: This plan shall include:
 - (A) Existing boundary streets and access streets to the project;
 - (B) The boundaries of the site and boundaries of proposed phases;
 - (C) The delineation of parcel lines, if subdivision will be a part of the development;
 - (D) Tabulation of site acreage;
 - (E) Delineation of the development of the entire site. If only a portion of the site is to be improved in the current phase (i.e., development in phases), that portion shall be shown in detail on the plan. Subsequent phases or portions on the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or a proposal to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD Phase Plan;
 - (F) Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
 - (G) Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc;
 - (H) The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable), proposed uses, and ground coverage of

each building;

- (I) Any adjacent property owned by the applicant and the uses planned for that property;
- (J) The location and type of open space to be provided including landscaped area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project land by phase, if applicable. Required open space shall be provided as common area and be maintained by a homeowners' or merchants' association.
- (K) The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the Phase Plan;
- (L) A narrative including tables delineating the percentages of land uses to be a part of the development;
- (M) A statement on the present and anticipated future ownership and control or management of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities; and
- (N) Typical elevations.

The Phase Plan shall be prepared by a registered land surveyor, licensed architect, or licensed engineer.

- b. Reviews and Approval of Phase Plan by Planning Commission:
 - (1) After a Phase Plan is submitted, the plan shall be placed on the planning commission agenda for the following month provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) before the planning commission meeting. The planning commission shall review the Phase Plan and make a decision on the plan as a preliminary plat.
 - (2) If the project is to be developed in more than one phase, each phase of the development may be submitted for separate final approval. Any proposed change from the approved preliminary plat shall require approval of a revised preliminary plat, which, except where Town council approval is required, may be concurrent with approval of the phase plat.
- c. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the Town's

subdivision ordinance. Covenants, conditions and restrictions are required to be submitted at this time.

d. Submittal of Subsequent Phases:

- (1) If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial Phase Plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.

e. Amendments to Phase Plan: The planning commission is authorized to approve amendments to the Phase Plan provided that:

- (1) The applicant submits a revised set of plans detailing the proposed change.
- (2) The proposed change may not:
 - (A) Involve more than a five percent (5%) increase in residential density.
 - (B) Involve more than a ten percent (10%) increase in nonresidential floor area.
 - (C) Involve more than a five percent (5%) decrease in parking allocated.
 - (D) Involve more than a five percent (5%) modification to a dimension including setbacks, height, or lot width.
 - (E) Involve more than a five percent (5%) modification to any other measurable project criteria.
 - (F) Involve more than five percent (5%) change in landscape requirements.
- (3) The proposed change meets all of the requirements and provisions of this subsection and the applicable subdivision requirements.
- (4) The proposed amendments do not alter any approved site development regulations of the plan and do not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.

Any proposed amendments not conforming to these provisions shall be considered major amendments and resubmitted as a revised Final Plan.

4. Site Plan: The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.

Site plans must meet all of the requirements for site plan review submittal. Single-family residential lots are not required to submit a site plan for planning commission review. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site

plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals for planned developments must also contain the following items:

- a. Provide a landscaping plan;
- b. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
- c. Location of building(s); and
- d. Typical elevations.

Upon completion of the review process, recommendations shall be forwarded to the Town council for their consideration of the applicant's request for a development order.

5. Construction Drawings: Construction drawings must be reviewed and approved prior to construction.

The setback and height minimums and maximums listed below are intended to serve as a guide to the Planning Commission. Town council and the project developer in reviewing the standard requirements for development throughout the Town. Realizing that a specific planned development may vary significantly from these standards, through innovative and creative design, the Town council, upon recommendation from the planning commission, may adopt modifications to the above specifications as they see fit in order to provide harmony within a PD zone and as may be requested by the developer. Items of a life/safety nature (i.e., building separation as per fire code, and building code requirements) may not be modified. However, other elements of the plan may be approved according to the specific development plan, map and text being considered as a part of the PD zone change approval.

TABLE 1:

Base Density 1 Unit per Acre w/ 5% Open Space		
1.5 Units per Acre w/ 10% Open Space		
	2 Units per Acre w/ 20% Open Space	
		3 Units per Acre w/ 20% Open Space and 5% Contributed to Conservation Easement Area
Recreational Credit Items (Bold Items Credited to Open Space)		
100% Density Transfer Credit (Non Fee Public Access)		45% Density Transfer Credit (Recreation Fee Based Items)
Public Parks in excess of 3 acres.		Sports Complexes - such as: Baseball fields, soccer, Camping, equestrian facilities, Skate parks, BMX, water parks, Gun & archery clubs.
Trails; Bike, Pedestrian, Equestrian, ATV Access Trails leading to Public Lands.		
Ground donations for; Town, Churches, Schools, Building & Infrastructure for community benefit. Emergency Services, Fire, Ambulance, Police, Hospital.		Privately operated education center Such as nature center, museums.

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

	Zoning District
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	PDR	PDC	PDO
Project and Phase Dimensions:	None	None	None
Minimum Zone size (acres)	5	3	3
Base density (units/acre)	1	n/a	n/a
Minimum open space	5%	5%	5%
Minimum/maximum landscaped area	50%	50%	50%
Lot Area Dimension:			
Building setbacks, detached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	10 feet	-	-
Building setbacks, attached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	20 feet	-	-
Building setbacks, other uses:			
Front setback	20 feet	20 feet	20 feet
Side setback	10 feet	10 feet	10 feet
Street side setback	20 feet	20 feet	20 feet
Rear setback	10 feet	10 feet	10 feet
Minimum lot depth	100 feet	100 feet	100 feet
Principal building height	35 feet	35 feet	35 feet
Accessory building height	20 feet	20 feet	20 feet
Storefront development option:			
Front setback	None	None	None
		None	None

Side setback	None except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts
Street side setback	None	None	-
Rear setback	None	None	-
Minimum lot depth	100 feet	100 feet	-
Principal building height	35 feet	35 feet	-
Accessory building height	20 feet	20 feet	-
Minimum distance between buildings	10 feet	10 feet	-

AFTER AMENDMENT

10.10.120 Planned Development Zone

- A. Purpose: The overall purpose of the planned development (PD) zone is to allow and encourage flexibility and creativity in the design and development of comprehensively planned projects, including but not limited to, cluster subdivisions that would not be possible under conventional zoning districts. The PD Zone requires creative and efficient subdivision designs that provide areas of open space and other desirable subdivision design features. The PD Zone is provided to promote efficiencies in the

delivery of required infrastructure, facilities, and services, and reductions in initial subdivision development costs and long-term maintenance costs.

1. Provide for the planned, orderly, and efficient improvement of large, unique or strategically situated landholdings while protecting the natural open space, ecological, topographical, geological, and/or historic features which may exist, from damage which might occur from development permitted by conventional zoning and subdivision regulations. Such features may include, but are not limited to, steep slopes, soils, streams and other water bodies, and pasturelands, wetlands, floodplains, historic structures or sites, cultural features, and scenic views.
 2. Encourage protected open space to be accumulated into larger contiguous open space tracts that may be linked throughout the community.
 3. Allow for a more efficient and imaginative development of a specific property.
 4. Permit property to be used in a manner not sanctioned by the existing zoning regulations in harmony with and without detriment to neighboring properties.
 5. Provide a review process by the planning commission, which will allow them an opportunity to evaluate whether the proposed development will be in harmony with the character of the neighborhood in which the development is located.
 6. Encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. This may permit buildings to be clustered or arranged in an unconventional manner to maximize open space, create a pedestrian scale, and other public benefits.
 7. Encourage better land utilization, economy in the provisions of roads and utilities, and flexibility in design.
 8. Encourage ingenuity and resourcefulness in project and site planning and to assure the provision of park and recreation land and facilities for the use of the occupants of the development in order to obtain a more desirable environment.
 9. Encourage the mixing of uses as appropriate including housing, neighborhood commercial, office, institutional, and other compatible uses.
 10. Discourage clearly incompatible land uses and prevent conflicts where such uses cannot be physically separated by the use of buffer strips and open space, gradations in the intensity of use, control of traffic patterns (through the arrangement of streets), the arrangement of uses in relation to topography, and other means.
 11. Facilitate more affordable and efficient housing by providing possibilities for cost savings in infrastructure, installation costs, and energy costs through clustering of dwellings and other structures, and other means.
 12. Encourage pedestrian circulation within the project and connections with adjacent land uses.
 13. Provide long-range stability in the planning of public facilities and services for the area through the use of a master plan specifying the arrangement and schedule of the various lands use components and project phases.
- B. Types of Planned Development Zones: This section authorizes the following types of planned developments:

PDR Planned development residential zone

PDC Planned development commercial zone

PDO Planned development office zone

Opportunities for mixed use are provided for within each type of planned development zone. See the subsections of this section pertaining to each zone for details relating to mixed-use opportunities.

- C. Location and Siting of Planned Development: Planned developments are most appropriately located in developing areas where innovative site planning will have a positive impact on other adjacent developments and accomplish objectives of the Town's general plan.
- D. Designing a Planned Development Zone: The design of a planned development is a creative exercise that requires the designer to select from an array of elements available to assemble the development. A planned development project may consist of five (5) separate components. The required components will vary depending upon the elements planned for the project.
 - 1. Preliminary Master Plan: General concept designed to elicit preliminary feedback from staff and ~~p~~Planning ~~e~~Commission.
 - 2. ~~Final~~ Master Plan: The overall concept plan/zoning plan for the development, locking in land uses, proposed circulation, and other elements.
 - 3. Phase Plan: Individual phase(s) of the development.
 - 4. ~~Site Plan~~ Preliminary Plat: ~~Site plan review~~ Layout of individual lot(s) or parcel(s) within a phase.
 - 5. Construction Drawings: Construction drawings for items requiring review and approval by the utility providers, Town engineer and others ~~/or the building department~~.
- E. Planned Development Residential Zone (PDR)
 - 1. General Purpose and Description: The PDR district allows residential development in a manner open to and advocating innovation in design and layout. The principal uses of land in this district are residential with related recreational, cultural, neighborhood commercial and educational facilities normally required in providing the basic elements of a balanced, orderly, convenient, and attractive residential area.
 - 2. Location of PDR Zones: PDR zones may be located where sufficient land and infrastructure exist or are planned which will allow for a development that meets the standards and requirements of this subsection. Planned developments should not be proposed on vacant lots lying between other single-family dwellings or single family developments.
 - 3. Permitted Uses: No structure or land shall be used except for one or more of the following:

Town facilities, including fire protection facilities, public works facilities, etc;

Detached units, including standard large lot single-family detached residences,

zero lot line residences and cluster housing;

Townhouses.

4. Conditional Uses: The following conditional uses may be approved at time of Final Plan or Phase plan. If a use changes from that approved, an amendment will be necessary.

Assisted living or independent living care;

Churches, with attendant educational and recreational buildings;

Clubs, private and public, including, but not limited to, golf and country clubs;

~~Condominiums;~~

Home occupations as defined herein and approved by the planning commission.

Neighborhood commercial uses in PDR zone under the following conditions:

- a. Mixed uses (i.e., commercial, office or residential) within the same building or on the same site. The minimum and maximum component of each use and types of uses within the development to be recommended by planning commission and approved by Town Council;
- b. Provide sidewalks, at such widths as may be approved by the planning commission, and which will connect the pedestrian system within the project to sidewalks in existing development areas outside the project area;
- c. Residential units above retail space are not included in density count, but layout and numbers must be approved by planning commission, also parking and access issues must be addressed;

Public libraries;

Public utility structures, including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses and structures; except warehouses, storage buildings, vehicle maintenance, truck or road equipment storage, radio and television studios and cell towers;

Schools (private or public), offering general educational courses similar to public elementary schools, high schools, and colleges, Timeshares /fractional interests.

~~Timeshares /fractional interests.~~

5. Dimensional Requirements: See table 2 of this section for dimensional requirements.

F. Planned Development Commercial Zone (PDC)

1. General Purpose and Description: The PDC zone provides for primarily commercial development in a manner encouraging innovation in site design and layout. The principal uses of land in this district are commercial with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive commercial area.
2. Location of PDC Zones: PDC zones should be located adjacent to a major arterial roadway and be centrally located to serve a wide area of the community.
3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following uses:

Bank or other similar financial institution;

City facilities, including fire protection facilities, public works facilities, etc.;

Convention center, meeting facility or other similar use;

Hotel, motel or bed and breakfast;

Recreation building or land including theaters;

Restaurant, including a dining club or other eating or drinking establishment;

Retail sales and the servicing or repair of items sold at retail, not including servicing or repair of automobiles;

Trade shop or service business such as shoe repair; dry cleaning or laundering service; pressing, altering, or tailoring of wearing apparel; radio, TV or appliance repair; watch or jewelry repair; barber or beauty shop.

4. Conditional Uses: The following conditional uses may be approved at time of Phase Plan or ~~Final~~ Master Plan. If a use changes from that approved, an amendment will be necessary.

Accessory structure;

Ambulance service;

Auto repair, completely enclosed;

Daycare facility;

Mixed uses (i.e., commercial, office or residential) within the building or on the same site. (The minimum and maximum component of each use and

type of uses within the development to be approved by the planning commission. Office and residential uses must clearly be subordinate to the principal commercial use.);

Off street parking facilities;

Office, not including a wholesale outlet or storage of commodities;

Parking lot or garage as a principal use;

Public utility structure and lands;

Self-service laundry, laundry or dry cleaning processing facility.

5. Dimensional Requirements: See table 2 of this section for general dimensional requirements.

G. Planned Development Office Zone (PDO)

1. General Purpose and Description: The PDO zone provides for primarily office development in a manner encouraging innovation in design layout. The principal uses of land in this district are office with related facilities normally required to provide the basic elements of a balanced, orderly, convenient, functional, and attractive office area.
2. Location of PDO Zone: PDO zones are most suitably located on arterial or nonresidential collector streets between uses of higher and lower intensity or in areas where other office uses are located. PDO zones can serve as an effective transitional area between a more intensive use, such as commercial or light industrial and residential uses. PDO zones should not be located at major street intersections but are more suitably sited in mid-block areas or interior areas of sites.
3. Permitted Uses: No building, structure, or land shall be used except for one or more of the following:

Business service such as photocopying and related services, dental laboratory, or temporary employee service;

City facilities, including fire protection facilities, public works facilities, etc.;

Daycare facility;

Fine arts or performing arts studio or school;

Hospital or public health center;

Institution of higher education (college);

Library;

Medical or dental office or clinic;

Museum or art gallery;

Office, not including a wholesale outlet or storage of commodities;

Veterinary clinic or hospital (small animals only and in a completely enclosed building).

4. Conditional Uses: The following conditional uses may be approved at the time of Phase Plan or ~~Final~~ Master Plan. If a use changes from that approved, an amendment will be necessary.

Accessory retail uses clearly subordinate to the principal use. Such uses shall be limited to the first floor and may not be established in separate buildings. The minimum and maximum component of each use to be approved by the planning commission. Examples include banks, newsstands, pharmacies, coffee shops, dry cleaners (without on-site cleaning plant), clothing store, and other similar uses approved by the Planning Commission.;

Ambulance service as an accessory use;

Church or other religious, fraternal, or social organizations;

Funeral home or crematorium;

Nursing or personal care home;

5. Dimensional Requirements: See table 2 of this section for dimensional requirements.

H. Planned Development Standards and Requirements: All planned developments, in addition to meeting the intent of this section, as detailed in subsection A of this section, shall meet the following standards and such other requirements as are set forth with respect to each of the three (3) permitted types of uses. Setback standards specifically may be modified to allow creative development to occur provided a recommendation from the ~~p~~ Planning ~~e~~ Commission and motion from Town Council at the ~~Final~~ Master Plan stage approving the request for such modifications is approved.

1. General Standards and Requirements:

- a. Preservation of Features: The development shall be compatible with existing topography of the land and shall preserve any unusual topography or natural features. Requests to waive this standard must be accompanied by a certified engineering report indicating that the proposed development is a significant community need that transcends the need to preserve the topography and/or features.
- b. Design Focus: The development shall utilize design and development features that would not be possible by the application of lot by lot

zoning regulations.

- c. Land Disturbance: No alteration or disturbance of land in a planned development district or the natural or cultural resources thereon shall be permitted until the ~~Final~~ Master Plan has received approval from Town Council. preliminary plat or site plan and construction plans has been approved. Any subsequent land disturbance must be consistent with the approval granted by the Town Council.

- d. Subdivision Regulations: Land within a planned development shall be treated in its entirety as a subdivision and thus subject to the provisions of the Town of Apple Valley subdivision regulations, except as follows:
 - (1) Preliminary and Final plats shall follow the procedures and meet all of the requirements of the Town's subdivision ordinance which shall be supplemented by the requirements of this subsection. Wherever there is a conflict between the provisions of the subdivision ordinance and this ordinance, the more restrictive shall apply.
 - (2) Each planned development project in the approval process will identify how the property is intended to be subdivided, whether it will be a PDR, PDC, PDO, traditional subdivision, condominium or a combination of the above. This information is important, as it will affect the procedures required for formal approval of the project and subdivision of the land.

- e. The ~~Final~~ Master Plan approved and adopted by the Town ~~e~~ Council pursuant to this section is intended to be utilized as a final plan in relation to the zoning, regulation, and development of properties designated therein. The design guidelines and standards approved and adopted by the Town ~~e~~ Council pursuant to its adoption of the planned development ~~Final~~ Master Plan shall control and regulate the development and construction within the project. To the extent that the ~~Final~~ Master Plan does not specify the design or other standards applicable to the planned development, the generally adopted Town standards and specifications shall apply.

- f. Interconnectivity of Phases/Development Components: Each phase of the project shall not be isolated from adjacent phases or development components. Each phase shall be served by at least one public roadway that shall connect to all adjacent phases or development components. In addition, each phase or development components adjacent to land outside of the project boundary shall connect to such adjacent land if such a connection is available. If one phase cannot reasonably be connected to another via a public roadway, then a private road or drive shall be required. Such a private road must be open to the public at all times for travel to the adjacent phase area.

The project must contain a minimum of two (2) primary access points from the outside. Any deviation from the requirement of two (2) primary access points must be recommended by the planning commission and approved by the Town Council.

- g. Calculation of Density: Land uses for open space, common areas, and interior streets, drives, sidewalks, and other circulation ways may be included as part of the land area used for determining the number of dwelling units allowed, or the amount of required land. Land characterized by flood way, steep slopes, wetlands, or other un-buildable or sensitive lands may not be included as part of the land area for density calculations, including lands with a slope factor of 20% or greater overall slope, except that a twenty five percent (25%) density provision may be applied to the buildable portion of the development. Therefore, twenty five percent (25%) of the land area of the un-buildable area may be added to the buildable portion of the property to increase net density. Density is calculated for the project and for individual phases. Within phases, density for a specific phase may exceed that permitted provided that the overall density for the project meets the required maximum density. The phase with the highest density may not be the first phase developed. See Table 1.
 - h. General Private Deed Covenants: The entire planned development district shall be made subject to appropriate covenants, conditions and restrictions that shall be recorded as running with the land to assure the continuance and maintenance of the planned development in accordance with the approved plans and approved uses. See subsection ~~Hh.2.~~ "Ownership and Management Standards and Requirements", of this subsection for additional requirements and information. A copy of any covenants, conditions and restrictions must be submitted to Town to ensure that there is no conflict with zoning ordinance.
2. Ownership and Management Standards and Requirements:
- a. Ownership and Management Control:
 - (1) Initial Ownership: If the property located in a planned development shall be owned individually or jointly, where the property is not intended to be resold in separate parcels, the property shall be made subject to permanent covenants, conditions and restrictions requiring that the property be built and operated consistent with the approved planned development zone.
 - (2) Subdivided Properties: Properties in a planned development zone that are intended to be subdivided and sold in separate ownership shall be made subject to covenants, conditions and restrictions which shall require that the property be built and maintained consistent with the requirements of the planned

development zone for the property. If the property shall have commonly owned properties, they shall be owned by an appropriate owners' association who shall be responsible for the ownership and maintenance of the project, consistent with the requirements of the zone. In this event, the owners' association shall be separately incorporated as a Utah nonprofit corporation with appropriate articles of incorporation and bylaws, and a declaration of covenants, conditions and restrictions that are subject to the approval of the town attorney of the Town of Apple Valley as being legally sufficient. In the event that the property shall be a condominium project, the property shall be made subject to a declaration of condominium and other documentation prepared pursuant to the requirements of the Utah Condominium Ownership Act and shall include a provision that the owners' association thereof shall manage the property consistent with the requirements of the planned development zone. Any property in a planned development zone that is intended for subdivision shall also comply with the requirements of the Town of Apple Valley subdivision ordinance.

(3) Owner/Developer Responsibilities: Initial owners/developers of PD projects are responsible for the following elements of the project:

(A) Development and Maintenance: Development and maintenance of general common areas (this may be accomplished through the establishment of an owners' association, which the developer shall agree to ~~subsidize~~ manage until 75 percent of the lots or units are sold, at which point the responsibility will be turned over to the owners). Developer shall subsidize the association, until its financially able to function on its own.

(a) In the case of condominiumization or subdivision of the property, the developer shall deed the common areas to the owners' association, free and clear of all liens or encumbrances, or in the case of a blanket lien, the lender shall subordinate its security interest in the project to the planned unit development or condominium plan. This shall be reflected in the declaration of covenants, conditions and restrictions (or declaration of condominium, as the case may be) that shall require this to be accomplished

upon completion of construction of the project, provided that if at least forty percent (40%) of the units in the project have been sold, the developer shall also be required to make this conveyance. The Town of Apple Valley shall not be responsible to the unit or lot owners in the event that the conveyance is not actually made, but the documentation shall provide for this requirement, which shall confer upon any purchasing unit owners the right to enforce the deeding of the common areas as required just above.

- (B) Arterials, Roadways, Related Infrastructures: Development of arterial and other major roadways and related infrastructures serving the development including the extension of utilities to serve the development including stubbing utilities and roads to adjacent properties as needed.
 - (C) Development of Management Plan: Development of a management plan including management association setup, and related responsibilities to assure that ownership and management standards are met in full.
 - (D) Approvals and Conditions: Obtain all approvals and comply with all conditions related to the PD and its elements.
 - (E) Landscaping and Open Space: All overall requirements such as landscaping and open space meet PD requirements.
 - (F) Change of Ownership: Any conditions attached to an approved PD plan or subdivision plat shall not lapse or be waived as a result of any subsequent change in tenancy or ownership of said land.
3. Infrastructure Standards and Requirements: Water, sewerage, street, electric, and other required infrastructure shall be provided according to the requirements of the Town of Apple Valley subdivision ordinance and ~~city~~ Town, Water District, sewer district and all utility companies construction design standards, or as may be recommended by the planning commission and approved by the Town ~~e~~ Council for other purposes. Exceptions to Town standards and subdivision requirements relating exclusively to roadway design standards and layout must be supported by appropriate studies and approved by the Town ~~e~~ Council pursuant to its adoption of the ~~Final~~ Master Plan and shall control and regulate the development and construction within the project as guidelines and standards specific to the project. The following infrastructure requirements are required as a part of all PD developments:

- a. Roads/Streets: All interior streets and roads may be owned and maintained by the owners association of the development upon recommendation of the planning commission and approval of the Town ~~e~~ Council. Private ownership of roads must be outlined in the Master Plan. All interior streets and roads must meet the ~~requirements (Town of Apple Valley standards and specification s)~~ Design standards and specifications for roads ~~such facilities~~ for the Town of Apple Valley as well as the following:
- (1) The Town ~~may~~ requires interior streets and sidewalks through the development and require that the interior streets and sidewalks connect to existing street and sidewalk infrastructure of the Town, unless otherwise approved in the Master Plan. (Town of Apple Valley standards and specification's)
 - (2) The provision and/or design of streets is subject to review and a recommendation by the planning commission and approval of the Town ~~e~~ Council, which may require or allow modifications to the location, layout, or capacity of roads or attach additional requirements such as turn lanes, traffic circles, wider or narrower right of way, pavement widths, medians, traffic calming features, etc., and provided that such modifications meet generally accepted traffic engineering and planning principles that can be justified by the applicant (based upon appropriate traffic engineering studies) and/or verified by the ~~p~~ Planning ~~e~~ Commission. Such modifications and exceptions must be outlined as part of the Master Plan.
- b. Sidewalks: Sidewalks shall be provided according to the requirements of the Town of Apple Valley's specifications and standards. Sidewalks will be owned and maintained by the owners association or the Town, as outlined in the Master Plan.
- c. Parking:
- (1) Conflict between Provisions: Wherever there is a conflict between the provisions of AVL 10.16 "Off Street Parking Requirements", and this subsection, the more restrictive shall govern unless otherwise recommended by the planning commission and approved by the Town council.
 - (2) Spaces Physically Separated: Spaces calculated for residential units, commercial uses, and other permanent spaces shall be physically separated and dedicated exclusively for that use, excluding mixed use components.
 - (3) Shared Parking: A shared parking plan may be submitted which indicates a shared parking formula and supporting information. Up to thirty percent (30%) of the total combined required parking may be waived with an approved plan.

- (4) Location of Parking: Parking for PD developments shall be located to the rear, a mixture of side and rear, or underground.
- (5) Illumination of Parking: All parking areas shall be illuminated with light to be focused down so as to provide appropriate visibility and security during hours of darkness using technology and fixtures that will not create a nuisance to other uses within the PD development nor to uses adjacent or nearby the PD development. Wherever there is a conflict between the provisions of AVL 10.26 "Outdoor Lighting Ordinance," and this subsection, the more restrictive shall govern unless otherwise recommended by the ~~p~~Planning ~~e~~Commission and approved by the ~~t~~Town ~~e~~Council.

- d. Utilities: All utility lines in a PD project shall be placed underground.
4. Landscaping Standards and Requirements: Minimum standards for landscaping in PD developments are necessary to ensure that higher standards of site planning are realized and to tie the separate elements of the mixed development together.

The Town has certain water conservation requirements it is passing on to Builders and individual homeowners. In general, area homeowners in the past have utilized approximately fifty percent of their water consumption outdoors. Non-residential activities also tend to use substantial amounts of water outdoors. For these reasons, landscaping is an important aspect of creating a water-efficient community.

A landscaping concept, which is intended to transform typical landscaping techniques, known as "Xeriscape" is a water-efficient landscape concept that involves landscaping with drought-tolerant plants that are either native to the region or suitable to the climate and then providing irrigation to those plants appropriately. Native plants normally get all or most of their water from rainfall. Thirsty plants from other climates often demand much more water and, therefore, are not suitable for use in this type of landscape.

5. Landscape Concept/Theme:
- a. A landscaping plan must be submitted as part of the ~~Phase~~Phase-~~Master~~Master Plan. The level of detail is general in nature illustrating themes, locations and other elements within the overall project. This can be a separate plan or may be integrated with the ~~Phase~~Phase-~~Master~~Master Plan requirements as part of the ~~Phase~~Phase-~~Master~~Master Plan submittal. The ~~Preliminary Plat~~Preliminary Plat ~~Phase~~Phase-~~Plan~~Plan shall show landscaping in more detail, but calculations and landscape details shall be part of the construction drawings for each phase. ~~are not required until the final plat has been submitted and approved, or a unit site plan approval has been received, as in the case of areas not platted or subdivided.~~
 - b. Entry points to the development shall be landscaped in an attractive manner using plant specimens utilized throughout the remainder of the

development.

- c. Landscaping shall be provided adjacent to all buildings and structures including solid waste receptacles.
 - d. For commercial developments, the area between the curb and the setback line shall be landscaped except for areas where the sidewalk extends from the curb to the front of the building, and is part of the sidewalk plan approved by the ~~p~~ Planning ~~e~~ Commission.
 - e. A minimum of forty percent (40%) of the project open space shall be landscaped utilizing Xeriscaping and traditional landscaping, or non-Xeriscaping, may account for ten percent (10%) of the total landscaping. Xeriscaping is encouraged and permitted to be utilized in order to meet the minimum landscape percentage requirement.
 - f. Up to fifty percent (50%) of areas allowing general public access may be used to meet landscaping requirements detailed in this section, this credit must be recommended by the ~~p~~ Planning ~~e~~ Commission and approved by the Town ~~e~~ Council.
 - g. See general open space requirements below for additional landscaping requirements.
 - h. Deviations from these requirements may be approved upon recommendation of the ~~p~~ Planning ~~e~~ Commission and approval of the Town ~~e~~ Council, based upon special circumstances enumerated in the recommendation and approval of the deviation.
6. Open Space Standards and Requirements: Common open space is an important element in any planned development serving to provide resting and gathering places, recreation areas, aesthetic complements, storm water percolation areas, and other purposes. Open space for the purpose of the PDR district shall be defined as a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, scenic, recreational, resting, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public. Open space may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or adjacent landowners, or a general appearance of openness. ROADS ARE NOT PART OF OPEN SPACE CALCULATIONS.

a. General Open Space Requirements:

(1) Naturally Occurring Open Areas:

- (A) Naturally occurring open areas are untouched or undeveloped areas existing in their natural state. Examples include slopes, riparian areas, floodplains, washes, and lava beds. The qualification of lands as naturally occurring area-s in proposed developments is through the recommendation of the ~~p~~ Planning ~~e~~

Commission and approval of Town e Council based upon site visits, maps, drawings, pictures, etc. Naturally occurring open areas are excluded from total open space and landscaping requirements of the proposed development.

- (B) If naturally occurring areas are deemed appropriate for development by the Town then landscaping and open space requirements, as defined herein, apply to said area to be developed.

(2) Common Open Space Areas:

- (A) Five percent (5%) of developed area must be dedicated as common open space as defined in this section. Specifically, common open space areas do not include areas where a charge may be made for use, such as a golf course, or access is limited due to runoff, such as retention basins or other areas that may be deemed restrictive as determined by the planning commission and Town council.

(3) Open Space Substitutions: Pedestrian and bicycle amenities may substitute for required open space in the following manner:

- (A) Dedicated bike path connecting to existing or planned bike route.
- (B) Open pedestrian bridge.
- (C) Raised pedestrian deck.

Each amenity may be substituted with a one to one (1:1) ratio related to square feet up to fifty percent (50%) of required open space.

7. Non-residential Standards and Requirements:

- a. Location: Location of commercial phases shall be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the zones, workers within the zones, and visitors. It is highly preferable that commercial uses maintain a street presence in a traditional storefront configuration. Other acceptable locations include the lobby of a building containing other allowable uses. Strip commercial with front parking is generally not acceptable.
- b. Common Walls: Common walls between residential and nonresidential uses are required to be constructed so as to minimize the transmission of noise.
- c. Nuisances: No commercial use shall be designed or operated so as to expose residential uses to offensive odors, dust, electrical interference, and/or vibration.
- d. Outdoor Lighting: All outdoor lighting associated with commercial uses shall be designed so as not to adversely impact surrounding residential uses, while also providing a sufficient level of illumination

for access and security purposes. Such lighting shall not be directed toward residential units and shall not include lighting that blinks, flashes, oscillates, or is of unusual brightness or intensity. Outdoor lighting will be directed ~~downward~~ unless otherwise approved in order to ensure the integrity of the night sky and preclude negative effects on surrounding property owners.

- e. Finishing Materials: Nonresidential planned development shall utilize masonry or decorative wood exterior finishing materials for, at a minimum, the front and sides of the building. If the rear of a building faces a public street or road, this side shall utilize a masonry or decorative wood exterior finish as well. Acceptable masonry finishing materials include brick, stucco, natural or cultured stone, decorative concrete, or terrazzo tile. Unfinished concrete, cinder block, metal panels, plywood, Masonite, and vinyl siding are not acceptable finishes.

I. Application Procedures and Requirements PD projects have five (5) distinct elements:

1. ~~Preliminary~~ Master Plan: ~~Preliminary~~ Master Plan review by staff is required and applicants are strongly encouraged, but not required, to submit the ~~Preliminary~~ Master Plan for review by the ~~p~~ Planning ~~e~~ Commission. ~~Preliminary~~ Master Plans provide a general concept of the project. There are no specific requirements for a ~~Preliminary~~ Master Plan because this step is provided solely for the benefit of the applicant to get an initial review and response to the project by staff and the ~~p~~ Planning ~~e~~ Commission. The level of detail is low because the applicant is seeking a general reaction to the concept and does not need to spend large amounts of money on detailed engineering drawings. However, it would be useful for the ~~Preliminary~~ Master Plan to indicate land use distribution, open space, circulation systems, a summary of residential and nonresidential density, and other major elements.
2. ~~Final~~ Master Plan: The ~~Final~~ Master Plan is the plan for the development of the entire planned development. The ~~Final~~ Master Plan shall identify the proposed general circulation/transportation facilities, land uses and proposed densities, and open spaces and natural site features to be preserved between phase locations. If only one phase of the project is proposed, the project must combine the requirements of the ~~Final~~ Master Plan and Phase Plans into one submittal. Proposed major streets and other circulation infrastructure along major corridors including sidewalks must be clearly indicated on the plan.

The ~~Final~~ Master Plan shall consist of a professionally designed schematic plan indicating the layout of the development and appropriate written text. Fifteen (15) copies of each graphic and written text in eleven inch by seventeen inch (11" x 17") format; and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or similar heavy-duty paper shall be submitted to the Town for review and approval. This plan shall contain the following elements:

a. ~~Final~~ Master Plan Elements:

- (1) Identify the boundary of the project property;
- (2) Provide a delineation of phases (if applicable) and acreage associated with each phase;
- (3) Indicate total project site area and area by type of land use (i.e., residential, commercial, industrial, office, open space, utilities and right of way, other);
- (4) Indicate proposed land uses including square footage or acreage and percentage of each component;
- (5) Indicate the number of residential units and/or square footage of floor area of nonresidential uses by type (i.e., commercial and office);
- (6) Indicate the density of uses within each land use component or phase using units per acre for residential uses and floor area ratio (FAR) for nonresidential components;
- (7) Show a proposed vehicular and pedestrian circulation plan including entrances and exits and connections to vehicular and pedestrian facilities external to the project property. The project must have a reasonable mix of public and private roadways to maximize circulation efficiency (proposed right of way width and width of roadway must be shown).
- (8) Show existing natural features of the site including rivers, lakes, ponds, streams, wetlands, steep slopes, mature trees and tree stands, topography at contour intervals of two feet (2'), and other natural features;
- (9) Show where proposed open space will be provided by type of open space-landscaping area, community green, plaza, formal or informal garden, natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project, also indicate where public open space will be provided and limits on accessibility;
- (10) Indicate location of landscaping and buffers and lighting plan; and
- (11) Typical elevations.

- b. Rezoning Application: In addition, the applicant shall provide a complete rezoning application and a cover letter requesting review of the ~~Final~~ Master Plan. The ~~Final~~ Master Plan shall be reviewed by staff and discussed in an informal meeting with the applicant to examine potential areas of nonconformity. Staff, upon review of the plan, will determine whether the project meets the intent of the district and includes the required elements. If the project does not meet with the intent or lacks required elements, staff may reject the ~~Final~~ Master Plan and notify developer of where deficiencies exist so corrections may be made. However, should the plan meet the intent and contain the required elements, staff will accept the ~~Final~~ Master Plan and

provide the applicant with suggestions for changes and modifications, if any, that will prepare the applicant for the submittal of Phase Plans. While the applicant may ask for more than one ~~Final~~ Master Plan review, at least one review is mandatory.

- c. Review of ~~Final~~ Master Plan by Planning Commission: After staff officially accepts the ~~Final~~ Master Plan (completed application submitted and full review by staff completed), the plan will be placed on the ~~p~~ Planning ~~e~~ Commission agenda provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) prior to the ~~p~~ Planning ~~e~~ Commission meeting. The ~~p~~ Planning ~~e~~ Commission shall review the ~~Final~~ Master Plan and make a recommendation on the plan and the rezoning of the property. The ~~p~~ Planning ~~e~~ Commission shall review the plan for the following elements: how the proposed project meets the purpose of a planned development as provided in subsection A of this section; how the proposed project meets the purpose of the specific planned development zones; the overall project density as well as the density of land use components; land use mix and percentages; general vehicular and pedestrian circulation including the location and capacity of the facilities and connections internally and externally; and open space type, amount and location. Other site and development design criteria shall be reviewed at the ~~Phase-Plan~~ Preliminary Plat stage.
 - d. Review of ~~Final~~ Master Plan by Town Council: Upon receiving a recommendation from the ~~p~~ Planning ~~e~~ Commission and before enacting an amendment to the zoning ordinance, the Town Council shall hold a public hearing thereon. If approved, the rezoning becomes effective and the ~~Final~~ Master Plan becomes the official plan of the district, which will determine how ~~Phase-Plans~~ Preliminary Plats are developed.
3. ~~Phase-Plan Preliminary Plat~~ : ~~The Phase-Plan shall serve as the preliminary plat for a specific phase of the project or the project as a whole.~~

a. A preliminary plat must be approved for each phase of development. ~~All Most~~ planned developments will consist of a Master Final plan identifying a number of areas of the site with unique or individual land use types. Each of these areas, if developed separately, will require separate preliminary plat and final plat approval if they are to be subdivided or preliminary and final site plan if they are for commercial use. ~~Phase Plans~~ The Final Plat for each subdivided phase must be consistent with the ~~Final Plan~~ Preliminary Plat for the phase and the Master Plan or the Master Final Plan must be revised and approved by the Town. Each Preliminary Plat application must follow the process outlines in 11.02.060 Preliminary Plat Process and the format outlined in 11.02.070. ~~Phase Plans must show lot subdivision, if proposed, internal site circulation within the phase or land use area, specific open space set aside, as well as the requirements for Phase Plans that are provided below.~~

After the ~~Final Plan~~ Preliminary Plat for each phase (if applicable) has been formally reviewed and accepted by staff, recommended for approval by ~~p~~ Planning ~~e~~ Commission and approved by the Town council, the applicant shall submit ~~a Phase~~ Construction Plans for the improvement of specific phase(s) of the project. ~~Phase Construction~~ Plans may be submitted concurrently with a ~~Master Final~~ Plan if desired. They shall follow the process and requirements outlined in 11.02.080 Construction Drawings. ~~Fifteen (15) copies of each graphic and written text on eleven inch by seventeen inch (11" x 17") format, and two (2) color renderings of the plan on thirty-six inch by forty-eight inch (36" x 48") clay coat or heavy-duty paper shall be submitted to the Town for review and approval. The Phase Plan shall meet all requirements for a preliminary plat, as outlined in the Town's subdivision ordinance and this subsection, and shall be submitted in the following format:~~

~~A. Phase Plan Elements:~~

- ~~1. Site Location Plan: Showing where phase is located in relation to overall Final plan. This plan shall identify other proposed phases within the project area. This plan shall be submitted at a scale no greater than one inch equals four hundred feet (1" = 400') and show completed phases and future phases in relation to the phase currently proposed.~~
- ~~2. Site Development Plan: This plan shall include:~~
 - ~~a. Existing boundary streets and access streets to the project;~~
 - ~~b. The boundaries of the site and boundaries of proposed phases;~~
 - ~~c. The delineation of parcel lines, if subdivision will be a part of the development;~~
 - ~~d. Tabulation of site acreage;~~
 - ~~e. Delineation of the development of the entire site. If only a portion of the site is to be improved in the current phase (i.e., development in~~

phases), that portion shall be shown in detail on the plan. Subsequent phases or portions on the project may be shown conceptually except that land use, density, and other dimensional requirements shall be provided for these areas. Failure to provide this information or a proposal to modify the proposed elements of a phase as submitted will require the applicant to file a revised PD Phase Plan;

- f. Common facilities, such as recreation amenities, service buildings, garages, and trash collection stations;
- g. Site amenities such as benches, fountains, outdoor art, waste containers, kiosks, etc;
- h. The location of each proposed new building or structure, together with a plan or statement showing the number of stories, height, number of dwelling or commercial units (including details regarding the square footage and/or number of bedrooms, as applicable); proposed uses, and ground coverage of each building;
- i. Any adjacent property owned by the applicant and the uses planned for that property;
- j. The location and type of open space to be provided including landscaped area, community green, plaza, formal or informal garden, or natural area set aside. Indicate proposed square footage or acreage and percentage of open space as a part of total project land by phase, if applicable. Required open space shall be provided as common area and be maintained by a homeowners' or merchants' association.
- k. The proposed minimum and maximum floor areas of buildings and statements and illustrations of the elevations, design, materials, and floor plans of buildings and their identification on the Phase Plan;
- l. A narrative including tables delineating the percentages of land uses to be a part of the development;
- m. A statement on the present and anticipated future ownership and control or management of the development delineating responsibilities of maintenance and upkeep of the buildings, streets, sidewalks, drives, parking areas, utilities, common areas, and common facilities; and
- n. Typical elevations.

The Phase Plan shall be prepared by a registered land surveyor, licensed architect, or licensed engineer.

B. Reviews and Approval of Phase Plan by Planning Commission:

- 1. After a Phase Plan is submitted, the plan shall be placed on the planning commission agenda for the following month provided that the date the plan is officially accepted by staff is two (2) full weeks (14 days) before the planning commission meeting. The planning commission shall review the Phase Plan and make a decision on the plan as a preliminary plat.
 - a. b. If the project is to be developed in more than one phase, each phase of the development shall ~~may~~ be submitted for separate ~~final~~ approvals as outlined above. Any proposed change from the approved Master Plan, or p Preliminary p Plat ~~shall~~ may require approval of a

revised Master Plan or p Preliminary p Plat, which, except where Town council approval is required, may be concurrent with approval of the ~~phase Preliminary p Plat~~.

- ~~b.~~ c. Final Plat Approval: If land subdivision was required for a phase or land use area, the applicant shall submit an application for final plat approval using the criteria and procedures required under the Town's subdivision ordinance 11.02.090 and 11.02.100. Covenants, conditions and restrictions are required to be submitted at this time.
- ~~e.~~ d. Submittal of Subsequent Phases:
- ~~d.~~ 1. If the project is phased, each phase subsequent to the initial submittal shall be submitted according to the same requirements as the initial first phase, as outlined above. Phase Plan. Phases completed shall be shown with as built site renderings on the project locator map indicating what has been already developed.
- ~~e.~~ e. Amendments to ~~Phase Plan Preliminary Plat~~: The ~~p Planning e Commission shall make a recommendation to Town Council and the Town Council shall approve all is authorized to approve~~ amendments to the Master Phase Plan provided that:

- ~~(1) The applicant submits a revised set of plans detailing the proposed change.~~
- ~~(2) The proposed change may not:~~
 - ~~(A) Involve more than a five percent (5%) increase in residential density.~~
 - ~~(B) Involve more than a ten percent (10%) increase in nonresidential floor area.~~
 - ~~(C) Involve more than a five percent (5%) decrease in parking allocated.~~
 - ~~(D) Involve more than a five percent (5%) modification to a dimension including setbacks, height, or lot width.~~
 - ~~(E) Involve more than a five percent (5%) modification to any other measurable project criteria.~~
 - ~~(F) Involve more than five percent (5%) change in landscape requirements.~~
- ~~(3) The proposed change meets all of the requirements and provisions of this subsection and the applicable subdivision requirements.~~
- ~~(4) The proposed amendments do not alter any approved site development regulations of the plan and do not materially alter other aspects of the plan, including traffic circulation, mixture of use types, or general physical layout.~~

~~Any proposed amendments not conforming to these provisions shall be considered major amendments and resubmitted as a revised Final Plan.~~

- ~~C.~~ 4. Site Plan: A site plan shall be required for any of the following uses:
 - a. Any multi-family residential use;

- b. Any public or civic use;
- c. Any commercial use;

The site plan shows the development plan for an individual building site within a specific phase. If there is to be only one phase to the project and all buildings are to be located on one legal lot, a single site plan for the entire project will be permitted.

Site plans must meet all of the requirements for site plan review submittal. Single-family residential lots are not required to submit a site plan for planning commission review. Site plans shall be submitted for individual lots within a phase. More than one building may be contained on an individual lot. Site plans shall be submitted to the planning commission and shall meet all of the criteria for site plans as required. Site plan submittals for planned developments must also contain the following items:

- A. Provide a landscaping plan;
- B. Provide a plan showing how the lot relates to the approved Phase Plan including previously developed sites in the project, the location, required open space, ingress and egress to the lot from the rest of the phase and other adjacent land;
- C. Location of building(s); and
- D. Typical elevations.

Upon completion of the review process, recommendations shall be forwarded to the Town council for their consideration of the applicant's request for a development order.

- A. 1. Construction Drawings: Construction drawings must be reviewed and approved prior to construction.

The setback and height minimums and maximums listed below are intended to serve as a guide to the Planning Commission. Town council and the project developer in reviewing the standard requirements for development throughout the Town. Realizing that a specific planned development may vary significantly from these standards, through innovative and creative design, the Town council, upon recommendation from the planning commission, may adopt modifications to the above specifications as they see fit in order to provide harmony within a PD zone and as may be requested by the developer. Items of a life/safety nature (i.e., building separation as per fire code, and building code requirements) may not be modified. However, other elements of the plan may be approved according to the specific development plan, map and text being considered as a part of the PD zone change approval.

TABLE 1:

Base Density 1 Unit per Acre w/ 5% Open Space		
1.5 Units per Acre w/ 10% Open Space		
	2 Units per Acre w/ 20% Open Space	
		3 Units per Acre w/ 20% Open Space and 5% Contributed to Conservation Easement Area
Recreational Credit Items (Bold Items Credited to Open Space)		
100% Density Transfer Credit (Non Fee Public Access)		45% Density Transfer Credit (Recreation Fee Based Items)
Public Parks in excess of 3 acres.		Sports Complexes - such as: Baseball fields, soccer, Camping, equestrian facilities, Skate parks, BMX, water parks, Gun & archery clubs.
Trails; Bike, Pedestrian, Equestrian, ATV Access Trails leading to Public Lands.		
Ground donations for; Town, Churches, Schools, Building & Infrastructure for community benefit. Emergency Services, Fire, Ambulance, Police, Hospital.		Privately operated education center Such as nature center, museums.

TABLE 2: PLANNED DEVELOPMENT ZONE DIMENSIONAL STANDARDS

	Zoning District
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	PDR	PDC	PDO
Project and Phase Dimensions:	None	None	None
Minimum Zone size (acres)	5	3	3
Base density (units/acre)	1	n/a	n/a
Minimum open space	5%	5%	5%
Minimum/maximum landscaped area	50%	50%	50%
Lot Area Dimension:			
Building setbacks, detached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	10 feet	-	-
Building setbacks, attached residences:			
Front setback	20 feet	-	-
Side setback	10 feet	-	-
Street side setback	20 feet	-	-
Rear setback	20 feet	-	-
Building setbacks, other uses:			
Front setback	20 feet	20 feet	20 feet
Side setback	10 feet	10 feet	10 feet
Street side setback	20 feet	20 feet	20 feet
Rear setback	10 feet	10 feet	10 feet
Minimum lot depth	100 feet	100 feet	100 feet
Principal building height	35 feet	35 feet	35 feet
Accessory building height	20 feet	20 feet	20 feet
Storefront development option:			
Front setback	None	None	None
		None	None

Side setback	None except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts	except 10 feet adjacent to residential districts
Street side setback	None	None	-
Rear setback	None	None	-
Minimum lot depth	100 feet	100 feet	-
Principal building height	35 feet	35 feet	-
Accessory building height	20 feet	20 feet	-
Minimum distance between buildings	10 feet	10 feet	-

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

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

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-27**

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

SECTION 1: **AMENDMENT** “11.02.060 Preliminary Plat Process” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.060 Preliminary Plat Process

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

- A. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
- B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
- C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
- D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to AVS 11.02.120, and required fee to planning department on or before deadline for submissions established by the Town.
- E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
- F. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
- G. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.
- H. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
- I. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
- J. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
 1. The Town Council shall withhold approval of a preliminary or final plat if the

plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.

2. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
 - a. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and
 - b. Acceptance of the easement will not adversely affect the public.
- K. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
- L. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired.

AFTER AMENDMENT

11.02.060 Preliminary Plat Process

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

1. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
2. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
3. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
4. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to AVS 11.02.120, and required fee to planning department on or before deadline for submissions established by the Town.
5. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
6. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
7. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.

8. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
9. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
10. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
 - A. The Town Council shall withhold approval of a preliminary or final plat if the plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.
 - B. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
 1. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and
 2. Acceptance of the easement will not adversely affect the public.
11. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
12. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired. Any such extension shall be subject to all requirements for improvements as found in this title at the time construction actually takes place. Any final plat approved by Town Council shall be considered to be void if not recorded within one year after receiving final approval, unless a one-year extension has been granted. All plats not otherwise extended shall be resubmitted as a preliminary plat to the Planning Commission and a new filing fee shall be paid.

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

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

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-28**

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

SECTION 1: **AMENDMENT** “11.02.070 Preliminary Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.070 Preliminary Plat Requirements

The preliminary plat shall include or be accompanied by the following:

- A. Description: In a title block located in the lower right hand corner of the sheet the following is required:
 - 1. The proposed name of the subdivision.
 - 2. The location of the subdivision, including the address and the section, township and range.
 - 3. The names and addresses of the owner or subdivider if other than the owner.
 - 4. Date of preparation and north point.
 - 5. Scale shall be of sufficient size to adequately describe in legible form all required elements.
- B. Existing Conditions: The preliminary plat shall show:
 - 1. The location of the nearest monument.
 - 2. The boundary of the proposed subdivision and the acreage included.
 - 3. All property contiguous to the property to be subdivided and under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plan or other commission studies.) And all property contiguous to the proposed subdivision.
 - 4. The location, width and names/numbers of all existing streets within two hundred feet (200') of the subdivision and of all prior streets or other public ways, easements, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - 5. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - 6. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.

7. Contours at vertical intervals not greater than five feet (5').
8. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow ground water, and windblown sand) and recommendations for their mitigation.

C. Proposed Plan: The subdivision plans shall show:

1. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
2. The layout, numbers and typical dimensions of lots. Designation of buildable area is required for each lot.
3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
4. Easements for water, sewers, drainage, utilities, lines and other purposes.
5. Typical street cross sections and street grades where required by the Planning Commission.
6. A tentative plan or method by which the subdivider proposes to handle the stormwater drainage for the subdivision.
7. Approximate radius of all centerline curves on highways or streets.
8. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street, or on a prescriptive easement (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)
9. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots or common areas, rather than allowed to remain as unusable parcels.
10. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
11. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
12. If the subdivision is to be built in phases, the plat shall show possible phasing lines.
13. A tentative plan or method for providing nondiscriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

D. Required Copies Of Plans:

1. Two (2) copies of all full scale drawings.
2. One copy of each drawing on eleven inch by seventeen inch (11" x 17") sheets or eight and one-half by eleven (8 1/2 x 11) if the project is small and the plans are legible at that size.

AFTER AMENDMENT

11.02.070 Preliminary Plat Requirements

The preliminary plat shall include or be accompanied by the following:

1. Description: In a title block located in the lower right hand corner of the sheet the following is required:
 - A. The proposed name of the subdivision.
 - B. The location of the subdivision, including the address and the section, township and range.
 - C. The names and addresses of the owner or subdivider if other than the owner.
 - D. Date of preparation and north point.
 - E. Scale shall be of sufficient size to adequately describe in legible form all required elements.
2. Existing Conditions: The preliminary plat shall show:
 - A. The location of the nearest monument.
 - B. The boundary of the proposed subdivision and the acreage included.
 - C. All property contiguous to the property to be subdivided and under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plan or other commission studies.) And all property contiguous to the proposed subdivision.
 - D. The location, width and names/numbers of all existing streets within two hundred feet (200') of the subdivision and of all prior streets or other public ways, easements, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - E. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - F. Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
 - G. Contours at vertical intervals not greater than five feet (5').
 - H. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow ground water, and windblown sand) and recommendations for their mitigation.
3. Proposed Plan: The subdivision plans shall show:
 - A. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
 - B. The layout, numbers and typical dimensions of lots. Designation of buildable area is required for each lot.
 - C. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
 - D. Easements for water, sewers, drainage, utilities, lines and other purposes.
 - E. Typical street cross sections and street grades where required by the Planning

Commission.

- F. A tentative plan or method by which the subdivider proposes to handle the stormwater drainage for the subdivision.
 - G. Approximate radius of all centerline curves on highways or streets.
 - H. Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street, or on a prescriptive easement (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)
 - I. All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots or common areas, rather than allowed to remain as unusable parcels.
 - J. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.
 - K. A letter from ~~both~~ the local sanitary sewer provider, ~~and~~ the culinary water provider, and power provider indicating if the proposed plan meets their standards and if so, a preliminary plan for needed services and timeframe for availability of services.
 - L. If the subdivision is to be built in phases, the plat shall show possible phasing lines.
 - M. A tentative plan or method for providing nondiscriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.
4. Required Copies Of Plans:
- A. Two (2) copies of all full scale drawings.
 - B. One copy of each drawing on eleven inch by seventeen inch (11" x 17") sheets or eight and one-half by eleven (8 1/2 x 11) if the project is small and the plans are legible at that size.

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

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

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Frank Lindhardt, Mayor, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-29**

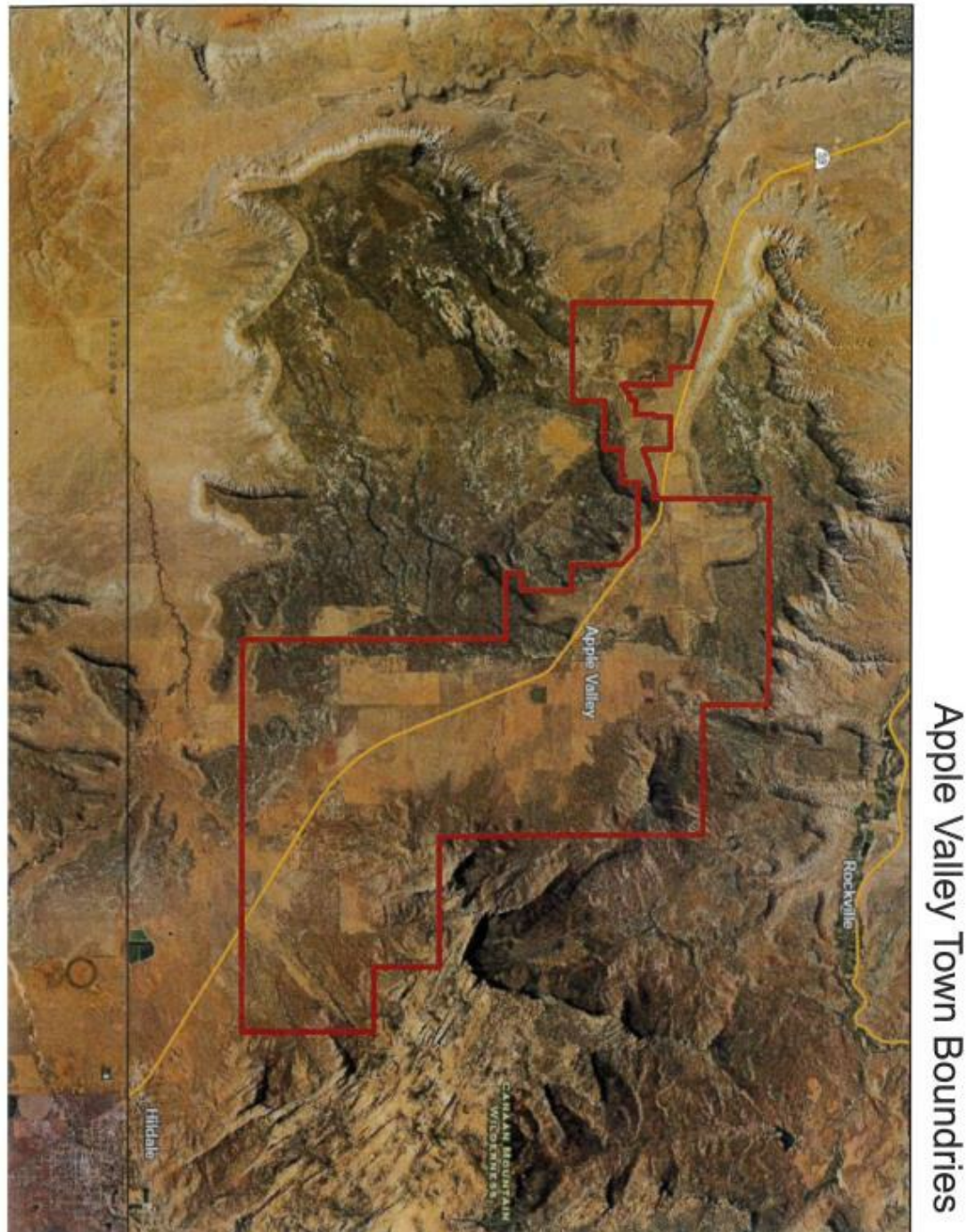
NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley

1. The area located within Apple Valley, and shown on the map below, is hereby designated as a sensitive ground water resource area.
2. Authority to temporarily designate as sensitive ground water resource areas other developing areas not specifically listed herein is delegated to the Planning Commission. The Planning Commission may make such a designation when it appears in the Planning Commission's best judgment that designating an area as sensitive ground water resource area will protect ground water resources in Apple Valley. The Planning Commission may make a temporary designation at any time. The temporary designation expires after one hundred eighty (180) days unless submitted to and approved by the Apple Valley Town Council for permanent designation as a sensitive ground water resource area after recommendation by the Planning Commission.

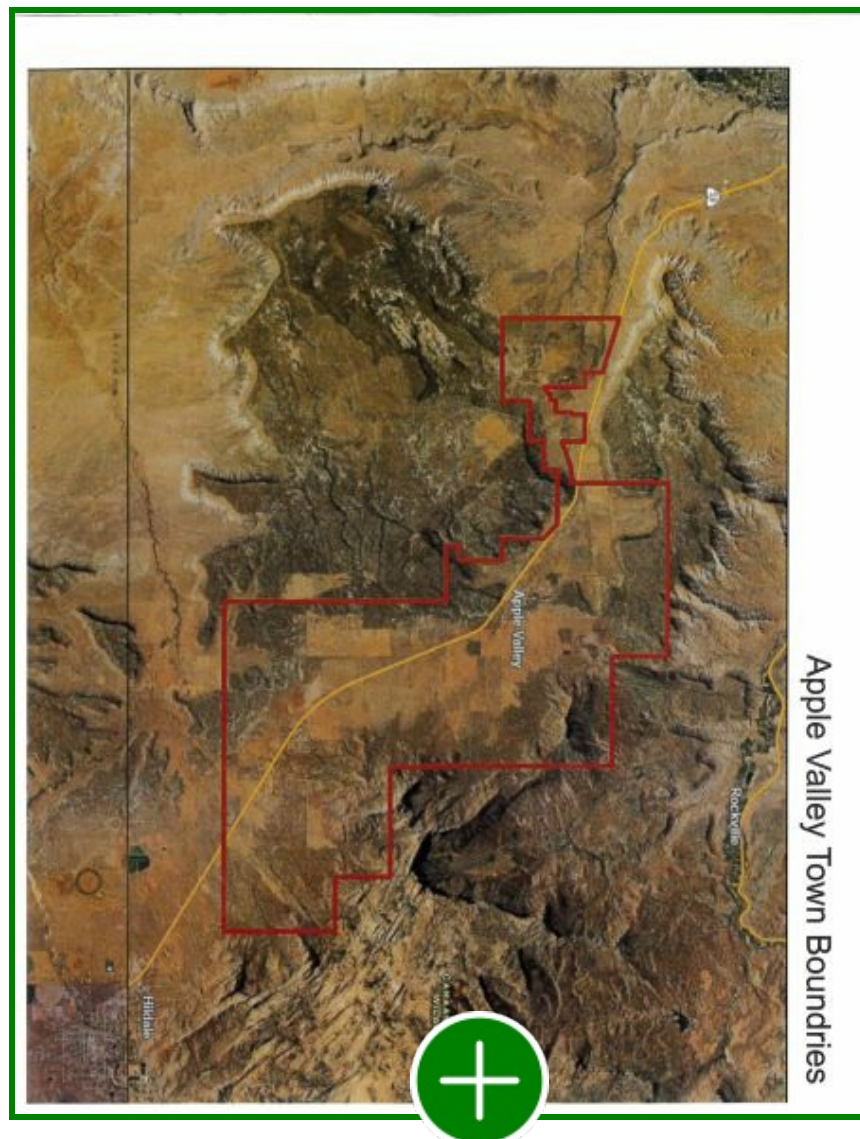


AFTER AMENDMENT

14.10.020 Sensitive Ground Water Resource Areas Within Apple Valley

1. The area located within Apple Valley, and shown on the map below, is hereby designated as a sensitive ground water resource area.

2. Authority to temporarily designate as sensitive ground water resource areas other developing areas not specifically listed herein is delegated to the Planning Commission. The Planning Commission may make such a designation when it appears in the Planning Commission's best judgment that designating an area as sensitive ground water resource area will protect ground water resources in Apple Valley. The Planning Commission may make a temporary designation at any time. The temporary designation expires after one hundred eighty (180) days unless submitted to and approved by the Apple Valley Town Council for permanent designation as a sensitive ground water resource area after recommendation by the Planning Commission.



SECTION 2: **AMENDMENT** “14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas

- A. No septic system may be installed in a sensitive ground water resource area unless:
 - 1. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and
 - 2. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA as set forth herein. Lot sizes smaller than the minimum requirement may be approved by the Apple Valley Town Council after recommendation by the Planning Commission if the lot owner or developer permanently dedicates sufficient additional acreage in the SGRA to maintain the overall density requirement.
- B. The "maximum number of septic systems" permitted in a SGRA is determined by dividing the "total number of acres in the SGRA" by the applicable density set forth herein.
- C. The "total number of existing septic systems" located in a SGRA shall be determined by the Planning Commission and shall include: 1) lots with existing septic systems; 2) lots approved for development prior to the enactment of this Chapter whether or not a septic system has yet been installed; and 3) lots with septic systems approved for development after the enactment of this Chapter.
- D. The "total number of acres in the SGRA" is the number determined by the Planning Commission based upon the Commission's maps and calculations of the SGRAs.

AFTER AMENDMENT

14.10.030 Septic System Densities In Sensitive Ground Water Resource Areas

- 1. No septic system may be installed in a sensitive ground water resource area unless:
 - A. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and
 - B. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA as set forth herein. Lot sizes smaller than the minimum requirement may be approved by the Apple Valley Town Council after recommendation by the Planning Commission if the lot owner or developer permanently dedicates sufficient additional acreage in the SGRA to maintain the overall density requirement, or installs an alternate wastewater system approved by the Southwest Utah Public Health Department and Ash Creek Special Service District.
- 2. The "maximum number of septic systems" permitted in a SGRA is determined by

dividing the "total number of acres in the SGRA" by the applicable density set forth herein.

3. The "total number of existing septic systems" located in a SGRA shall be determined by the Planning Commission and shall include: 1) lots with existing septic systems; 2) lots approved for development prior to the enactment of this Chapter whether or not a septic system has yet been installed; and 3) lots with septic systems approved for development after the enactment of this Chapter.
4. The "total number of acres in the SGRA" is the number determined by the Planning Commission based upon the Commission's maps and calculations of the SGRAs.

SECTION 3: **AMENDMENT** "14.10.050 Exceptions To Density Requirements" of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.050 Exceptions To Density Requirements

The following lots are exempt from this chapter:

- A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the southwest Utah public health department before the effective date hereof.
- B. Any lot located in a proposed subdivision development whose application is on file with the Planning Commission before the effective date hereof.
- C. Any lot that is or will be developed with an alternate wastewater system approved by the southwest Utah public health department.
- D. Any lot that is subject to more stringent size requirements than this chapter requires.
- E. Any lot that is or will be served by a central sewer system.

AFTER AMENDMENT

14.10.050 Exceptions To Density Requirements

The following lots are exempt from this chapter:

- A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the ~~s~~Southwest Utah ~~p~~Public ~~h~~Health ~~d~~Department before the effective date hereof.
- B. Any lot located in a proposed subdivision development whose application is on file with the Planning Commission before the effective date hereof.
- C. Any lot that is or will be developed with an alternate wastewater system approved by the ~~s~~Southwest Utah ~~p~~Public ~~h~~Health ~~d~~Department and Ash Creek Special Service District.
- D. Any lot that is subject to more stringent size requirements than this chapter requires.
- E. Any lot that is or will be served by a central sewer system.

SECTION 4: **AMENDMENT** “14.10.060 Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.060 Fees

To defray costs to the general public with regard to the enforcement of this Chapter, the Apple Valley Town Council may from time to time establish reasonable application and inspection fees.

AFTER AMENDMENT

14.10.060 Fees

To defray costs to the general public with regard to the enforcement of this Chapter, the Apple Valley Town Council and/or Ash Creek Special Service District may from time to time establish reasonable application and inspection fees.

SECTION 5: **AMENDMENT** “14.10.070 Enforcement” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.070 Enforcement

- A. No building permit will be issued nor subdivision approved unless the requirements of this Chapter are met. The Apple Valley Town Council shall designate officials responsible for enforcement of this Chapter. It shall be the duty of all architects, engineers, contractors, subcontractors, builders, developers, property owners, and any other persons having to do with the development of property within the boundaries of Apple Valley, before beginning any work or project, to determine that all provisions of this Chapter are met.
- B. All departments, officials and employees of Apple Valley, and other departments or officials doing work in behalf of the Apple Valley, and having authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no permit or license for purposes where the same would be in conflict with the provisions of this Chapter. Any such permit, approval or license issued shall be null and void.

AFTER AMENDMENT

14.10.070 Enforcement

- A. No building permit will be issued nor subdivision approved unless the requirements of this Chapter are met. The Apple Valley Town Council shall designate officials

responsible for enforcement of this Chapter. It shall be the duty of all architects, engineers, contractors, subcontractors, builders, developers, property owners, and any other persons having to do with the development of property within the boundaries of Apple Valley, before beginning any work or project, to determine that all provisions of this Chapter are met.

- B. All departments, officials and employees of The Town of Apple Valley, Ash Creek Special Sewer District, and other departments or officials doing work in behalf of ~~t~~ The Town of Apple Valley, and having authority to issue permits or licenses, shall conform to the provisions of this Chapter, and shall issue no permit or license for purposes where the same would be in conflict with the provisions of this Chapter. Any such permit, approval or license issued shall be null and void.

SECTION 6: AMENDMENT “14.10.090 Violation; Penalty” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.10.090 Violation; Penalty

- A. Civil Penalty: Any person who installs a septic system in violation of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500.00) per day until the septic system is removed.
- B. Notice Of Violation: Apple Valley will serve notice of violation on the owner of any property with a septic system installed in violation of this Chapter, personally or by certified mail. If the owner of property on which a septic system is installed in violation of this Chapter does not voluntarily remove the septic system within thirty (30) calendar days of the service of notice, the town, with reasonable notification, may enter the property, without the consent of the owner or the person in possession, and perform any work necessary to remove the septic system.
- C. Recover Expenses: Any expenses incurred by the town in removing the septic system shall be paid by the property owner or the person in possession, as the case may be.
- D. Misdemeanor: Any violation of this Chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided by statute in Utah Code Annotated.

AFTER AMENDMENT

14.10.090 Violation; Penalty

- A. Civil Penalty: Any person who installs a septic system in violation of this Chapter is subject to a civil penalty of up to five hundred dollars (\$500.00) per day until the septic system is removed.
- B. Notice Of Violation: Apple Valley will serve notice of violation on the owner of any property with a septic system installed in violation of this Chapter, personally or by certified mail. If the owner of property on which a septic system is installed in violation of this Chapter does not voluntarily remove the septic system within thirty

(30) calendar days of the service of notice, the ~~t~~Town, with reasonable notification, may enter the property, without the consent of the owner or the person in possession, and perform any work necessary to remove the septic system.

- C. Recover Expenses: Any expenses incurred by the ~~t~~Town in removing the septic system shall be paid by the property owner or the person in possession, as the case may be.
- D. Misdemeanor: Any violation of this Chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided by statute in Utah Code Annotated.

SECTION 7: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley



AMAZON LOCKER DEPLOYMENT GUIDE

JANUARY 2022



AMAZON LOCKER
OVERVIEW

Amazon Locker is a secure, self-service kiosk that gives customers the option to pick up their Amazon packages at convenient locations with no additional cost.

Lockers create a unique opportunity for you to drive foot traffic to your locations and increase your chance of incremental sales.

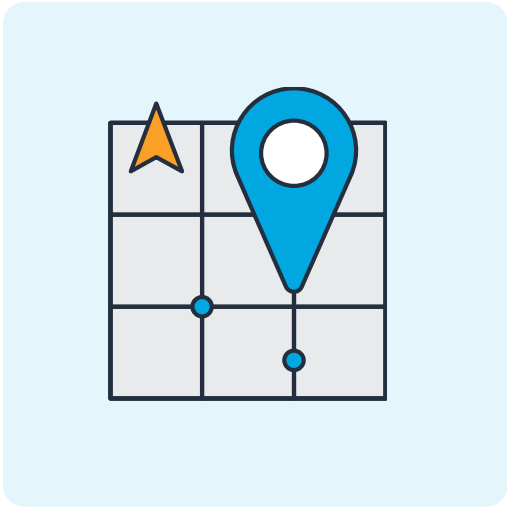




AMAZON LOCKER
CUSTOMER EXPERIENCE



Customer shops on Amazon.com.



Customer selects your locker location during check out.



Delivery drivers scan the package barcode and places the package inside the locker.



Customer receives a notification that their package is ready for pickup.



Customer picks up their package at your location.

*Please see www.amazon.com/ulp for more general Customer Pick-up information



AMAZON LOCKER

REQUIREMENTS

Outdoor or indoor space

An outdoor or indoor space with minimum dimensions of 37" (width) x 80" (height) x 23" (depth) and a 36" clearance in front of the locker. California requires 44" for indoor lockers and 48" for outdoor lockers.

Accessibility

A location that can receive deliveries and that customers can access daily. Host locations must be compliant with Americans with Disabilities Act (ADA) requirements.

Operating hours

Indoor Locker: 8-10 hours a day (no midday closures, preferably 7 days a week.

Outdoor Locker: 24 hours a day, 7 days a week.

Lockers are modular

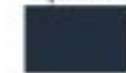
The smallest locker is a 3ft (length) locker that can be increased in size by increments of 3ft.



Prime Blue



Squid Ink





AMAZON LOCKER
LOCKER SIZES



3' – Prime Blue



6' – Prime Blue



9' – Prime Blue



3' – Squid Ink



6' – Squid Ink



9' – Squid Ink

AMAZON LOCKER

IN THE WILD



9' – Squid Ink (Indoor)



6' – Squid Ink (Outdoor)



3' – Squid Ink (Indoor)



6' – Squid Ink (Outdoor)



LOCKER ONBOARDING PROCESS



Locker Onboarding Process

THINGS TO KNOW

Pre-Survey

All Locations are reviewed for Locker eligibility based on package flow and needs in your area at time of application. Eligible Locations will receive information regarding the Locker program. Eligible locations will also move forward with the onsite survey and receive an automated email with an overview on next steps.

Onsite Survey

Within 2 weeks of receiving the next steps email, Amazon's surveyor will visit the Location to review potential Locker placements. Our surveyors will review both indoor and outdoor locations if Location is eligible during the visit. The Location will also receive an automated courtesy call 24hrs before the visit from our surveyor team confirming the visit.

Approval Process

About 2 weeks after the onsite survey Amazon will send an automated approval email with proposed Locker layout (installation guide) and click-through Locker agreement if an eligible location was found during the visit. This approval email will be sent to the onsite contact who originally applied. **Please note: sites need to approve the layout and accept T&C within 30 days or less, please work with your property management/landlord for outdoor approvals if necessary.**



Locker Onboarding Process

THINGS TO KNOW

Site-Preparation

The installation guide will detail any site level work that the Location may need to complete before Amazon can schedule Locker delivery and installation. During the survey our team will try to find areas that require little to no preparation by Location. Location may be asked to provide photos to confirm work is complete if applicable, or estimated date when preparation work should be completed.

Pre-Installation

Once layout is approved, and Site-preparation completed (if applicable), Amazon will move forward with scheduling the Locker delivery and send an automated email with estimated delivery date once the Locker ships from our warehouse. Average delivery time is within 4-6 weeks. This notification email will also include an overview on what to expect the day of installation.

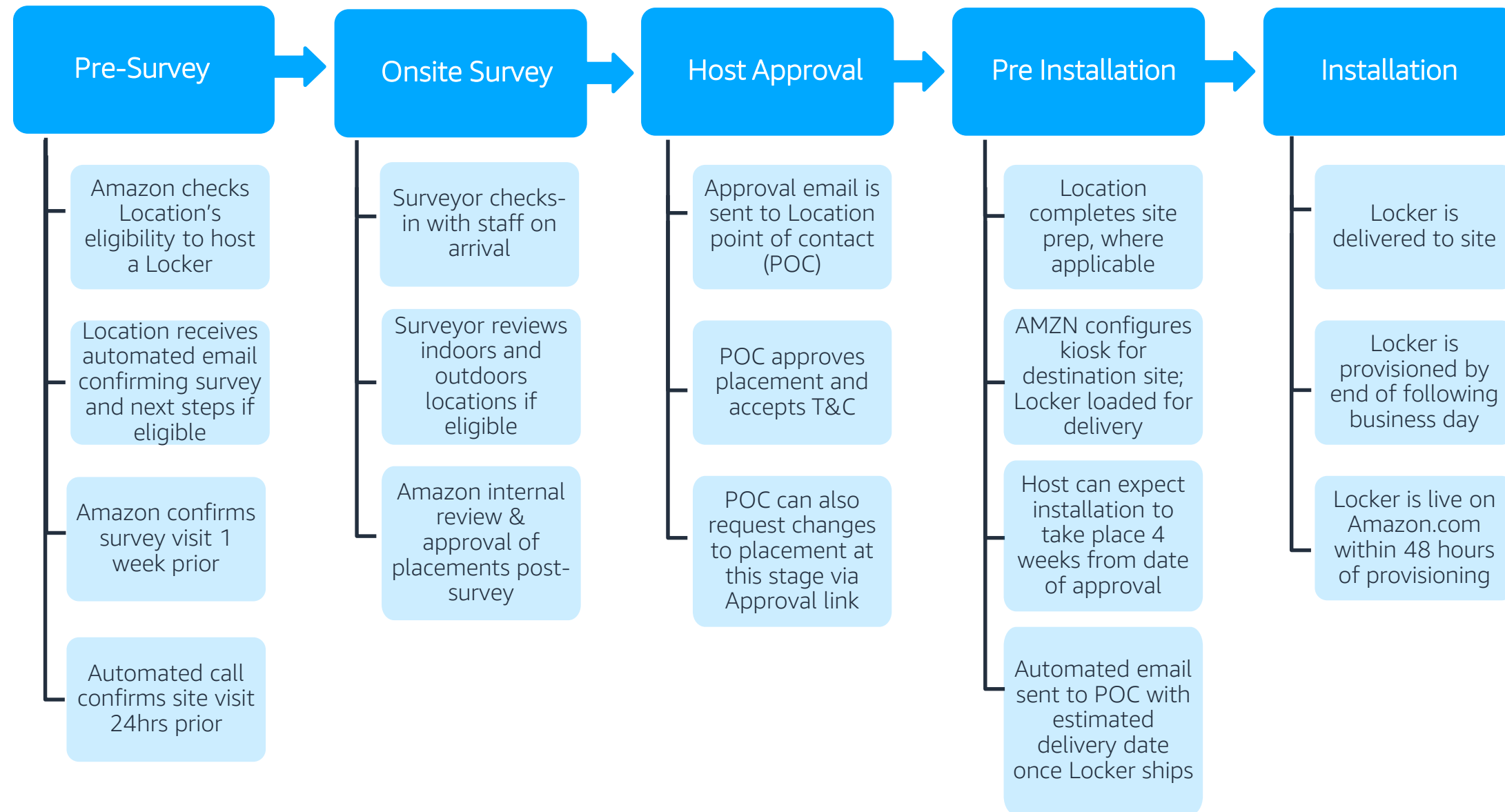
Installation

On day of installation Amazon vendor will deliver and install the Locker. Installation time averages between 60min – 90min. Once installed the Locker will be provisioned by technical team within a day; Lockers are typically activated within 48hrs after provisioning.



Locker Onboarding Process

TIMELINE



* This timeline represents the fastest a locker can deploy.

* This timeline represents 12 weeks (or more) needed to facilitate installation.



ONSITE SURVEY



DEPLOYING A LOCKER

ONSITE SURVEY

- When the certified surveyor arrives onsite, he/she will present identification and ask to speak with the Store/Site Manager to discuss the survey process.
- The Store Manager should be prepared to recommend placements (if desired)
- Surveyor will be taking pictures and measurements and verifying cellular signals.
- Based on the survey, multiple placement options will be documented; both indoor and outdoor if eligible
- Onsite visit will take approximately 1 hour & will not interfere with store operations



HOST APPROVAL



DEPLOYING A LOCKER

HOST APPROVAL

- The Surveyor will prepare installation guide (proposed locker placement) based on site visit.
- Amazon will review/approve all install guides to ensure placement compliance.
- Amazon will send an automated approval email to Location's point of contact containing the installation guide, and program T&C.
- If the Location is satisfied with placement (no changes needed), they will accept the placement and program T&Cs from the approval email.
- If the Location does not approve placement, the surveyor will make another recommendation based on his/her visit.



AMAZON LOCKER - OUTDOOR (9' SHOWN)
INSTALLATION GUIDE EXAMPLE

Locker

INSTALLATION GUIDE

Date of revision: 03/10/2020

NSA ID: CX-WA-EMYJIAAK

Account:

Location Name:

Store number:

Location Address:

City, ST Zip:

Latitude: 47.346874 Longitude: -123.091916

TIER: 2

STORE PHONE: (360) 584-0908 LOCKER TYPE: Outdoor

STORE HOURS: 6AM-8PM

FLOOR TYPE: Concrete WALL TYPE: Wood

PROPOSED EQUIPMENT SPECIFICATIONS:
(1) 9' Locker Unit: 9'-0" Long x 27" Deep x 7'-0" High Modem: Sprint
Configuration: ASA with Shelter Color: -- Vent: BACK VENT

PLACEMENT DECISION BASED ON:
Owner/Manager/POC direction

WORK REQUIRED BY LOCATION PROVIDER:
Relocate wall signs.

WORK REQUIRED BY AMAZON:
PLACEMENT INSTRUCTIONS: Install the locker along the solid wall at the right side of the building to the right of the windows.

1'-0" min wall clearance for electrical (see instructions)

9'-0"

55"H

36"H

Pre-install Survey Photos



AMAZON LOCKER - INDOOR (3' SHOWN)
INSTALLATION GUIDE EXAMPLE

Locker

INSTALLATION GUIDE

Date of revision: 12/09/2021
NSA ID: DLT-CA-5A503C1Z
Account:
Location Name:

Store number:
Location Address:
City, ST Zip:

TIER: 2
STORE PHONE: (562) 637-2359 LOCKER TYPE: Indoor
STORE HOURS: MON - SUN: 8:00 AM-8:00 PM
FLOOR TYPE: Vinyl tile WALL TYPE: Drywall
PROPOSED EQUIPMENT SPECIFICATIONS:
(1) 3' Locker Unit: 3'-1" Long x 27" Deep x 7'-0" High

PLACEMENT DECISION BASED ON:
General Host Rule_Interior Only

WORK REQUIRED BY LOCATION PROVIDER:
Relocate gumball machine and balloon display.

WORK REQUIRED BY AMAZON:
PLACEMENT INSTRUCTIONS: Install the locker inside the store along the front wall, to the right upon entrance.

SITE PREP: None.

Pre-install
Survey
Photos



PRE-INSTALLATION



DEPLOYING A LOCKER

PRE-INSTALLATION

- Location to complete any site preparation work detailed on Installation Guide; section titled “Work Required by Location Provider”
- Once site preparation is complete, Amazon will move forward with scheduling delivery. Delivery typically occurs within 4 weeks of site preparation completion. Automated email with estimated delivery date is sent to point of contact once Locker ships
- Amazon will complete any site preparation listed under “Work required by Amazon” while Locker is in transit

Locker

INSTALLATION GUIDE

Date of revision: 12/09/2021
NSA ID:
Account:
Location Name:

MOCK

TIER: 2

STORE PHONE: (562) 637-2359 **LOCKER TYPE:** Indoor

STORE HOURS: MON - SUN: 8:00 AM-8:00 PM

FLOOR TYPE: Vinyl tile **WALL TYPE:** Drywall

PROPOSED EQUIPMENT SPECIFICATIONS:
(1) 3' Locker Unit: 3'-1" Long x 27" Deep x 7'-0" High

PLACEMENT DECISION BASED ON:
General Host Rule_Interior Only

WORK REQUIRED BY LOCATION PROVIDER:
Relocate gumball machine and balloon display.

WORK REQUIRED BY AMAZON:
PLACEMENT INSTRUCTIONS: Install the locker inside the store along the front wall, to the right upon entrance.

SITE PREP: None.



INSTALLATION



DEPLOYING A LOCKER

INSTALLATION

- The install team will check in with Site Management when they arrive onsite.
- This team will place the locker in the approved location, level the unit and bolt the sections together (time onsite will range between 60 and 90 minutes).
- Once installed Locker will be provisioned within a day, and activated within 48hrs of provisioning
- Best practices:
 - Do NOT move the locker.
 - Keep the area in front of the locker clean, clear and well-lit.
 - Let us know if your location hours change.
 - Do not accept or open deliveries that are addressed to the locker.



WHAT TO EXPECT AT INSTALL

POST INSTALLATION BEST PRACTICES

How soon is your Locker discoverable on .com?

Within 24 hours of locker being activated and made live by the installer/Tech. The Locker can be found immediately upon being activated by installers if you search its name under "store name" during checkout.

How soon could you expect your first customer?

This will vary by host location.

How do you tell it's working?

The location would be able to verify the locker is working by searching the location on <https://www.amazon.com/ulp>, or placing a test order online. There is no additional way on site to physically confirm if the locker is functional at the store level.

Who to call if you have an issue?

Location could either call SDS at 1-888-283-0577 OR they can email SDS at hubhostsupport@amazon.com. The support phone number can also be found on the locker.



LOCKER SPECS



AMAZON LOCKER SPECS

DESIGN AND PLACEMENT



- Locker is 78.169"H x 36.67"W x 22.63" D
- Battery operated
- Outdoor lockers are bolted into the ground using expansion anchor bolts
- Outdoor lockers have top-mounted lighting attachments
- Lockers cannot install on sloped surfaces; the change in grade over a 9' span cannot be more than 2"
- There must be a clear path at least 36" in width along the front of the locker (California requires 44" for indoor lockers and 48* for outdoor lockers.)
- Each module contains 23 slots; up to five (5) modules can be connected in a contiguous line

Please note: Current Amazon Locker comes with Amazon logo (right corner) and locker name (left corner)



AMAZON LOCKER SPECS

OUTDOOR LIGHTING



The Locker itself is self-powered with its own battery. For outdoor installations, a 110v outdoor receptacle is required for an add-on lighting-box, which is a separated fixture mounted on top of the locker. Amazon commits to safety for our customers and drivers.

931.4mm(W)x31mm(H)x230mm(D) Real low energy (~100mA) as it is LED, if you need exact I can get from factory. Needs a 3 prong (with ground) 110v/10A outlet Color is both squid ink and prime blue 10 foot cord 10 lumens output



FREQUENTLY ASKED QUESTIONS



FREQUENTLY ASKED QUESTIONS

HOST PARTNER

Is there a cost to host a Locker? The Amazon Locker is a free system we install in eligible locations that meet our placement requirements. Amazon covers the cost of the Locker, site preparation detailed on the installation guide, delivery & installation, and provides customer support. For outdoor locations if a light bar is required, the location would be responsible for the cost of electricity.

Does Amazon pay me to host a Locker? As a free system, Amazon does not offer any financial compensation.

What are my responsibilities once the Locker is live? As the host you are responsible for ensuring the Locker area is clear of any debris/not blocked, and reporting any issues to our service team for support. Outdoor Lockers should be accessible 24/7. You are not responsible for the packages, or responsible for any customer questions.

How long is the Locker term? The Locker installation is a 5 year term. In case of property sale or changes in ownership, please contact Amazon to remove the Locker or have the new owner confirm they want to keep the Locker and accept responsibilities as the host.

How do customers find out about my Locker? Once the Locker is activated, your Location will display on Amazon.com as a delivery option to any customer within a 5-7 mile radius during checkout. Your location will also display on search results when a customer is searching for Lockers in their area.

How many packages will the Locker receive? The number of packages will vary by location and region. Amazon reviews each address' delivery coverage and potential package flow before moving forward with onsite surveys.



FREQUENTLY ASKED QUESTIONS CONTINUED

HOST PARTNER

What if a customer has a question or issue about Amazon Locker? Amazon prides itself on providing exceptional customer service. With that in mind, please direct ALL customer related issues or questions to our 24/7 customer service line at 1-877-346-6244.

What if the Locker isn't working? Please contact our 24/7 customer service line at 1-877-346-6244 for immediate assistance if you notice any technical or physical issues with the Locker. Alternatively, you can use the survey link at www.amazon.com/lockerissuesurvey

What if customers are having trouble finding the Locker? Use the Locker issues survey at www.amazon.com/lockerissuesurvey or email us at locker-vendor@amazon.com so we can improve the directions on our website and install directional signage onsite.

What if the hours of operation change? Use the Locker issues survey at www.amazon.com/lockerissuesurvey or email us at locker-vendor@amazon.com and we will work to notify our customers and carriers of the change.

What if a carrier tries to deliver packages directly to location staff or accidentally leaves a package outside of the Locker? What do I do? Do not accept packages intended for the Locker. Please direct the carrier to the Locker for delivery. Alternatively, please contact our 24/7 customer service line at 1-877-346-6244 for assistance.



FREQUENTLY ASKED QUESTIONS

ELIGIBLE ITEMS FOR LOCKER SHIPMENT

Orders are eligible for Amazon Locker delivery if the order:

- Has a shipping weight less than 35 pounds
- Has product dimensions smaller than 19 x 12 x 14 inches
- Is sold or fulfilled by Amazon.com
- Is valued at less than \$5,000.00 USD
- Contain no hazardous materials
- Contain no perishable materials
- Contain no materials requiring identification (tobacco or liquor)
- Is not a Subscribe & Save item
- Does not contain items shipping from other countries
- Does not contain items for Release-Date Delivery
- Amazon business items not eligible

amazon hub

A blue curved arrow pointing from the 'a' to the 'z' in 'amazon', which is part of the Amazon logo.

THANK YOU



REQUEST FOR BIDS

FOR

DUMP TRUCK AND WATER TRUCK

Issued June 9, 2022

REQUEST FOR BIDS

Notice is hereby given that Town of Apple Valley is seeking bids for the following assets:

1978 Mack Dump Truck VIN RWL766LST40347

1984 Peterbilt Water Truck VIN 1XP9D29X9EP173889

All proposals must be submitted in a sealed envelope marked "Asset Bid" and submitted to:

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

Questions or requests for information may be directed to Town Council Member, Kevin Sair, email ksair@applevalleyut.gov.

DESCRIPTION

Dump Truck

- 1978 6 Cylinder Mack Dump Truck
- Diesel Fuel

Water Truck

- 1984 Peterbilt three axle Cummins Diesel
- Vehicle was converted in 1996 to a 4,000 gallon water truck with interior water valve system
- Dual rear differentials (heavy duty) 4 to 1 ratio
- Berkeley water pump and complete water distribution system

BID FORMAT

All proposals shall include an **original** and **six (6)** copies. Bids must be organized to comply with and include the following:

1. One page Letter including the following:

- Individual bidder's name, address, telephone number, and email address.
- Asset being bid upon.
- Amount of bid. Must be no less than \$2,000.
- The name that the title will be put in.

BID INSTRUCTIONS

1. The timeline of the bid process is as follows:

- Distribution: The notice will be distributed on June 9, 2022
- Submissions Due Date: Bids must be delivered to the Town Clerk no later than 3:00 p.m., July 19, 2022, at Town Hall 1777 N. Meadowlark Dr, Apple Valley, UT 84737.
- Bid Opening: Town Council will open and review all bids at the regular meeting on July 20, 2022.
- Award of Bid: It is anticipated the award will be given at the Town meeting on July 20, 2022. However, the Town Council reserves the right to award within two (2) weeks or at the next regular meeting of opening bids, whichever is later. Written notification by letter or email regarding the outcome of the award will be sent after the award is announced. Every effort will be made to administer the bid process in accordance with the terms and dates discussed in these instructions. However, the Town reserves the right to modify the bid process and dates as deemed necessary.

2. 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.
- A representative is required to be present.

OTHER INFORMATION

1. Truck must be removed from the site one week after the award.
2. A certified check will be required for payment

PICTURES



