

**APPLE VALLEY
ORDINANCE O-2025-26**

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

SECTION 1: **AMENDMENT** “11.02.030 Definitions” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

11.02.030 Definitions

The following words and phrases used in this title, in addition to those listed in AVLU 10.04, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context.

ADJACENT LANDOWNERS: Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

AFFECTED ENTITY: As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long range plan; or
- C. The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use code change.

ADMINISTRATIVE LAND USE AUTHORITY:

- 1. An individual, board, or commission appointed or employed by the Town, including Town staff or the Town Planning Commission.
- 2. Does not include a municipal legislative body or a member of a municipal legislative body.

BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES: The division of a parcel of land into two (2) or more lots none of which is less

than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

COMMUNICATIONS EASEMENT: An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or telecommunications or telecommunications services.

COMMUNICATIONS INFRASTRUCTURE: Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

COUNTY: Washington County, Utah.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DEDICATION: Land set aside by an owner for any general and public uses.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

FINAL PLAT: The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this title and adopted pursuant thereto.

GENERAL PLAN: A plan, labeled "General Plan of Apple Valley Town", including maps or reports or both, which has been approved by the Town Council as required by law, or such plan as it may be amended from time to time.

JOINT UTILITY COMMITTEE: The representatives of the Town, Big Plains Water ~~and Sewer~~ Special Service district, and other utility companies as may be required by the Town that are authorized to review and sign construction drawings.

LOT: A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.

LOT RIGHT OF WAY: A strip of land of not less than twenty-six feet (26') wide connecting a lot to a street for use as private access to that lot.

OFFICIAL ZONING MAP: A zoning map adopted by the Town Council pursuant to the provisions of Utah Code § 10-9a-501, 1953, as amended.

OPEN SPACE: Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

PERSON: Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.

PLANNING COMMISSION: The Apple Valley Town Planning Commission.

PLAT: A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

SANITARY SEWER AUTHORITY: Ash Creek Special Service district, a public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems within the Town.

SECURITY: An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL: A street, existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, COLLECTOR: A street, existing or proposed, which is the main means of access to an arterial street system.

STREET, CUL-DE-SAC: A street which originates from a designated Town street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the Town Council, the Planning Commission and the fire chief.

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

STREET, PRESCRIPTIVE EASEMENT: A road in private ownership, open to public use, not dedicated or maintained as a public road.

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

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for

himself or for another.

SUBDIVISION:

A. Includes:

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

B. Does not include:

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

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the un-subdivided parcel of property or subject the un-subdivided parcel to the provisions of this chapter.

SUBDIVISION IMPROVEMENT PLANS: The civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

TOWN: Apple Valley Town, Utah. **TOWN COUNCIL:** The Town Council of Apple Valley Town, Utah. **TOWN ENGINEER:** The Town engineer of Apple Valley Town, Utah, or a consulting engineering firm designated as the Town engineer by the Town Council. **TOWN PLANNER:** The professional planner of Apple Valley Town, Utah, or person designated as such by the Apple Valley Town Council.

SECTION 2: AMENDMENT “11.02.080 Preliminary Plat Review Process”
of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.080 Preliminary Plat Review Process

Any division of land, unless otherwise exempted in this Title, requires completion of a Preliminary and Final Plat. The following outlines the review process for Preliminary Plat, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, Utah State Code shall prevail.

- A. If the application requires legislative approvals, such as a zone change, annexation, general plan amendment, right of way or easement vacation, or any other legislative action, the legislative approval shall be completed prior to the submittal of the Preliminary Plat application.
- B. The applicant may request a pre-application meeting with a Town representative to discuss the proposal and submittal requirements. If requested, the Town and applicant shall follow the process outlined in 11.02.0670.
- C. The Town shall provide, or have available on the town website, each of the following:
 - 1. The Preliminary Plat application.
 - 2. The owner's affidavit.
 - 3. A breakdown of the application fees.
 - 4. A copy of the applicable land use ordinance.
 - 5. A complete list of standards required for the project.
 - 6. The Preliminary Plat drawings checklist.
- D. The applicant submits an application, including the Preliminary Plat, Subdivision Improvements Plans, and all required documentation and information.
- E. The Town checks the submittal for completeness.
 - 1. If the submittal includes all materials, the Town receives the submittal and starts the review cycle.
 - 2. If the submittal is found to be incomplete, the submittal is returned to the applicant. No review shall commence until the Town determines the application is complete.
- F. If the location of the proposed subdivision is within one hundred feet (100') of a Water Conveyance Facility, within twenty (20) calendar days after receipt of the completed application, the Town shall notify in writing the Water Conveyance Facility Owner(s) of the application and request comments related to the following aspects of the Water Conveyance Facility: access, maintenance, protection, safety, and any other issues related.
 - 1. Any Water Conveyance Facility shall have at least twenty (20) days to respond. While the Town may provide comments to the applicant before this twenty (20) day window is complete, the Administrative Land Use Authority shall not grant approval until at least (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.
 - 2. Water Conveyance Facility: Shall mean a ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or stormwater drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. See State Code 73-1-15.5-1b.
- G. Within forty (40) days, the Town shall complete a review of the Preliminary Plat and Subdivision Improvement Plan, except as follows:
 - 1. The review cycle dates restrictions and requirements do not apply to the

- review of subdivision applications affecting property within identified geological hazard areas.
2. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.
- H. After review, the Town will determine if the completed application meets all requirements or requires corrective actions and shall notify the applicant in a written response:
1. If the Town determines that the application requires corrections, the Town must be specific and cite the ordinance, statute, or specification that requires the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare a resubmittal.
 2. The Town may require additional information relating to the applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for the construction of public improvements.
 3. If the application is found to meet all codes, standards, and specifications, it is forwarded to the Administrative Land Use Authority for review and approval.
- I. After receiving the list of required modifications or additions, the applicant's resubmittal shall include a written explanation in response to each of the municipality's review comments, identifying and explaining the applicant's revisions or reasons for declining to make the revisions.
- J. The Town shall review the resubmittal to ensure that the applicant has responded to each item logged in the index of requested modifications or additions. If the response does not address each item, the Town shall return the submittal to the applicant.
1. If the resubmittal is complete, the Town shall accept the application for a second review cycle. The time frame to complete the review depends on how quickly the applicant was able to respond to the corrections in full and if the applicant made any material changes.
 - a. If the applicant responds within forty (40) days, the Town has forty (40) days to complete the second review cycle.
 - b. If the applicant responds after forty (40) days, the Town has sixty (60) days to complete the second review cycle.
 - c. If the applicant made a material change that merits a new review, then the review shall restart at the first review cycle as it relates to the new material.
 2. The review cycle number of days only applies to single-family, two-family, and townhome developments. It does not apply to other land uses, such as commercial, industrial, or mixed-use.
- K. If the Town neglects to include a required change or correction in the initial review process, the modification or correction can only be imposed on subsequent reviews if necessary to protect public health and safety or to enforce state or federal law.
1. If the Town finds the resubmittal does not comply with all applicable codes, standards, and specifications, another review letter and index of requested modifications or additions shall be created and sent to the applicant. This shall

be provided to the applicant up until the fourth review cycle, at which point the application shall be forwarded to the Administrative Land Use Authority for review with a recommendation that the application does not meet all codes, standards, and specifications. The applicant may appeal this determination as outlined in Utah Code 10-9a-604.2(11), as amended.

- L. If, on the fourth and final review, a municipality fails to respond within forty (40) business days, the municipality shall, upon request of the property owner, and within ten (10) business days after the day on which the request is received:
1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Utah Code 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or
 2. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the application's deficiency and of the right to appeal the determination to a designated appeal authority.
 - a. The appeal authority shall be the Town Council.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: **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 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from July 16, 2025.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Annie Spendlove	_____	_____	_____	_____
Council Member Scott Taylor	_____	_____	_____	_____
Council Member Richard Palmer	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley