

**APPLE VALLEY
ORDINANCE O-2024-84**

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** “11.02.040 Necessity Of Plat; Exemption From Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.040 Necessity Of Plat; Exemption From Plat Requirements

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

- A. A subdivision meeting the simple lot subdivision requirements found in 11.02.050.~~creating no more than one new lot may be approved by the Town staff without the necessity of preparing and filing a preliminary plat or final plat if:~~
 - 1. ~~Notice is provided by Town as required by this title.~~
 - 2. ~~The proposed subdivision:~~
 - a. ~~Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for streets or other public purpose. Created lots shall be located on a public right away or dedicated street.~~
 - b. ~~Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.~~
 - c. ~~Has been approved by the culinary water authority, sanitary sewer authority, and all other members of the joint utility commission, in writing.~~
 - d. ~~Is located in a zoned area, and conforms to all applicable land use code or has properly received a variance from the requirements of an otherwise conflicting and applicable land use code.~~
- B. A lot or a parcel resulting from a division of agricultural land is exempt from the plat requirements of this title if the lot or parcel:
 - 1. Meets the minimum size requirement of applicable zoning; and is not used and will not be used for any non agricultural purpose.
- C. The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements (as per Title 11.08) to the proposed lot, has been reviewed and approved by all members of the joint utility commission, in writing. No building permit will be issued for said lot until the approved improvements are constructed and accepted.
- D. The boundaries of each lot or parcel exempted under subsection A or B of this section shall be graphically illustrated on a record of survey map and by deed, and upon approval of Town staff, shall be recorded with the county recorder.
- E. Notice of the application, prior to the recording for a lot split shall be on the Town Council consent agenda following the receipt of the application.

SECTION 3: **ADOPTION** “11.02.050 Simple Lot Subdivision” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.02.050 Simple Lot Subdivision(*Added*)

A. Purpose: Utah State Code provides an exemption from many subdivision requirements for subdivisions with up to ten (10) lots. The intent of this simple lot subdivision process is to take advantage of the Utah State Code exemption to allow for subdivision with up to ten (10) lots to be processed as quickly as possible. This section outlines a separate process for these smaller subdivisions. In this process, an applicant may elect to divide property through a metes and bounds record of survey.

B. Applicability: The procedures set forth in this section shall govern the process and requirements pertaining to simple lot subdivisions with up to ten (10) lots. An applicant may elect to forgo the simple lot subdivision process and instead proceed with the standard preliminary and final plat subdivision process.

C. Application Process: The subdivider of a simple lot subdivision, after completing the plans required, shall submit a simple lot subdivision application including the simple lot subdivision, the Subdivision Improvement Plans and all other required documentation and information.

D. Required Conditions: For a proposed subdivision to qualify for simple lot subdivision approval, the proposed simple lot subdivision shall:

1. Be for a single-family dwelling or dwellings, and any associated accessory dwelling.
2. Be located on property zoned for such use.
3. Contain no more than ten (10) lots.
4. Not contain any legislative approval, such as a zone change or text amendment request. Any legislative approval necessary for the simple lot subdivision to meet all requirements shall be pursued separately and shall be completed before the Planning Commission may review the simple lot subdivision application.
5. Not be traversed by the mapped lines of a proposed street as shown in the general plan unless the Town has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinances require.
6. Conform to all applicable land use ordinances. A property that has previously obtained a variance shall be deemed to conform as it relates to the conflict that had necessitated the variance.

E. Submittal Contents: An applicant shall submit an application to the Town for a simple lot subdivision that includes, at a minimum, each of the following:

1. A current title report showing ownership by the applicant.
2. Name of the applicant or authorized agent and contact information.
3. Property address, acreage, boundary, and tax identification number.
4. Date, scale, and North arrow.
5. Vicinity map showing the property's location relative to municipal boundaries and roads that serve the property.
6. A statement containing the zone, lot size, and amount of frontage along a public street for each proposed lot.
7. A metes and bounds description of the property proposed to be subdivided.
8. A subdivision name.
9. A record of survey map, showing each new lot, which includes the following details:
 - a. The location of survey by quarter section and township range.
 - b. The date of survey.
 - c. The scale of the drawing and North point.
 - d. The distance course of all lines traced or established, giving the basis of bearing and the distance and course to two or more section corners or quarter corners, including township and range, or to identified monuments within a recorded subdivision.
 - e. All measured bearings, angles, and distances separately indicated from those of record.
 - f. A written boundary description of property surveyed.
 - g. All monuments set and their relation to older monuments found.
 - h. A detailed description of monuments found and monuments set, indicated separately.
 - i. The surveyor's seal or stamp.
 - j. The surveyor's business name and address.
 - k. A written narrative that explains and identifies:

- i. The purpose of the survey.
- ii. The basis on which the lines were established.
- iii. The found monuments and deed elements that controlled the established or reestablished lines.

l. If the narrative is a separate document, it shall contain:

- i. The location of the survey by quarter section and by township and range.
- ii. The date of the survey.
- iii. The surveyor's stamp or seal.
- iv. The surveyor's business name and address.
- m. The map and narrative shall be referenced to each other if they are separate documents.
- n. The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

F. Site-Specific Contents: The following documents shall accompany the simple lot subdivision application when deemed necessary by the Town Engineer:

- 1. Soils Report: The applicant shall provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a Civil Engineer licensed in the state of Utah.
- 2. Storm Water Plan: The applicant shall provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all applicable all applicable codes, standards, and specifications. Plans and calculations shall be stamped and signed by a civil engineer licensed in the state of Utah.
- 3. Other Hazard Information: This may include FEMA floodplain information or other information to mitigate natural hazards.

G. Review and Approval Process: The intent of the simple lot subdivision is to provide timely review and approval of all complete applications, as follows:

- 1. Optional Pre-Application Meeting: An applicant may request to meet with the Town staff and representatives prior to submittal to review the application and requirements.
- 2. Preliminary Review: The applicant shall submit the application and all required contents. The Town will check for completeness. If not all materials have been

submitted, the application should be returned to the applicant until all required contents are included.

3. Administrative Review: Once the application is deemed to be complete, the Town shall complete a review of the simple subdivision application and Subdivision Improvement Plans and determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

- a. If the application is found to require corrections, the Town shall be specific and cite the ordinance, statute, or specifications that require the modification. Comments shall be logged in an index of requested modifications or additions. The required corrections are sent to the applicant to prepare for resubmittal.
- b. The Town may require additional information relating to the application to ensure compliance with the Town's ordinances and approved standards.
- c. If the applicant is found to meet all codes, standards, and specifications, Town staff shall forward the application on to the Planning Commission.

4. Planning Commission Review: The Planning Commission shall hold a public hearing on the application and approve or deny the simple lot subdivision application. If the Planning Commission determines that the application does not meet all requirements, an applicant may request that the application is tabled until all requirements are met.

- a. A public notice shall be sent to all properties within one hundred feet (100') of the property, notifying the property owners of the time and place of the public hearing and the nature of the request.
- b. If the applicant meets all applicable requirements, the Planning Commission shall approve the simple lot subdivision application. If the applicant is unable or unwilling to meet all applicable requirements, the Planning Commission shall deny the application.

H. Filing the Record of Survey:

1. After the Planning Commission has approved the simple lot subdivision application, the Town shall create a written certificate of approval to accompany the record of survey. At a minimum, the document shall be notarized by the Town Recorder, specify the name of the subdivision, the number of lots, and the date of Planning Commission approval.

2. The applicant shall provide a check sufficient to cover the recording fees.

3. Within one (1) year of approval of the Record of Survey, with the accompanying written certificate of approval, shall be recorded in the Office of the Washington County Recorder.

I. Expiration of Final Approval: If a record of survey is not filed within one (1) year from the date of approval, the approval is deemed to have lapsed and the applicant will need to obtain a new approval and meet any new regulations that may have been put in place.

SECTION 4: **AMENDMENT** “11.02.050 Notice Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~050~~060 Notice Requirements

SECTION 5: **ADOPTION** “11.02.070 Pre-Application Process:” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.02.070 Pre-Application Process:(*Added*)

A. All proposed subdivisions shall meet the application and review requirements outlined in Utah State Code 10-9a-601, et seq, as amended, this title, and the requirements for the respective zone in which the subdivision is proposed.

B. An applicant for a subdivision may request a pre-application meeting with staff. Should a pre-application meeting be requested, the following shall apply:

1. The applicant shall submit a concept plan for staff review.

2. Within fifteen (15) business days after the request, the municipality shall schedule the meeting to review the concept plan and give initial feedback.

3. At the pre-application meeting, the Town shall provide or have made available on the municipal website the following:

a. Copies of the applicable land use regulations.

b. A complete list of standards required for the project.

c. Preliminary and Final Plat checklists.

4. A pre-application review of a concept plan does not create any vested rights, and

feedback on the concept plan does not grant or infer any official standing or approval. The applicant is responsible for compliance with the ordinance.

C. The Concept Plat shall include the following:

1. The general location of the subdivision and the property boundaries of the proposed subdivision area.
2. Significant natural and man-made features on the site and within one-half (1/2) mile of any portion.
3. Topographic contours from available data, e.g. USGS maps.
4. Acreage of the entire tract, the number of lots, dimensions, and size per lot.
5. A brief written statement or oral presentation in sufficient detail to clarify the subdivider's intent to those reviewing the proposals.
 - a. Current and proposed zoning.
 - b. Proposed use of the property.
6. Feasibility of water and sewer systems:
 - a. Health Department approval for the sewer and sanitary waste system, if applicable.
7. Any phasing plan, if applicable.

SECTION 6: **AMENDMENT** “11.02.060 Preliminary Plat Process” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.060080 Preliminary Plat Review 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.~~

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 11.02.060.

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 7: ADOPTION “11.02.090 Preliminary Plat Approval Process” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.02.090 Preliminary Plat Approval Process(*Added*)

After review, the application shall be submitted to the Administrative Land Use Authority for approval.

A. For the Preliminary Plat and Subdivision Improvement Plans, the Administrative Land Use Authority shall be the Planning Commission.

1. For a contingent legislative approval, such as a zone change, overlay zone, general plan amendment, annexation, right-of-way vacation, or other similar approval, shall occur at the Town Council before the submittal of a Preliminary Plat application.

B. The Administrative Land Use Authority shall hold a public hearing and send a public notice to all owners of property within three hundred feet (300') of the subdivision.

C. If the Administrative Land Use Authority finds the application complies with the applicable municipal ordinances and the requirements of Utah State Code, it shall approve the Preliminary Plat application.

1. The Administrative Land Use Authority shall remand the application back to the applicant for corrections if it finds:

a. The applicant has not completed all requirements as outlined in the review index, or

b. The application does not address all requirements as outlined in state code, and although the item was not addressed in the first review, the requirement relates directly to public health and safety.

2. The Administrative Land Use Authority shall deny the application if the applicant is unwilling to make the required corrections or provide the required information.

D. The application approval shall lapse in instances where a developer abandons or otherwise fails to take timely action to address corrections or complete a project.

1. A Preliminary Plat application expires if it is not approved by the Town within twelve (12) months from the time its application is submitted and accepted.

2. Approval of the Preliminary Plat by the Town shall be valid for a period of twelve (12) months after approval.

SECTION 8: AMENDMENT “11.02.070 Preliminary Plat Requirements” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~070~~100 Preliminary Plat Submittal 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 Ash Creek Special Service District, and Big Plains Water Special Service District, and Rocky Mountain Power 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. An electronic copy of each drawing.

b. Two (2) copies of all full scale drawings.

c. 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 9: AMENDMENT “11.02.080 Construction Drawings” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

~~11.02.080 Construction Drawings~~ 110 Subdivision Improvement Plans

~~After preliminary plat approval by Town council~~ With the Preliminary Plat application, the applicant shall submit Subdivision Improvement Plans ~~have construction drawings~~ prepared by a licensed engineer for all on- site and required off- site improvements in accordance with the following:

A. Final plan and profile must be prepared in accordance with, but not limited to the following standards;

1. Current Apple Valley Town standards and specifications;
2. Apple Valley Town drainage manual;
3. Big Plains Water Special Service District construction standards;
4. Ash Creek Sewer Special Service District construction standards;
5. Apple Valley Town power standards and specifications as required;
6. Applicable fire code; and
7. Rocky Mountain power standards and specifications if applicable.
8. South Central Communications standards and specifications, if applicable.

B. Specific geotechnical recommendations for the design and construction of the proposed subdivision shall include the following if applicable:

1. A general assessment of the requirements needed to develop on the site.
2. Site preparation and grading and the suitability of onsite soils for use as

structural fill.

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

SECTION 10: **ADOPTION** “11.02.120 Final Plat Review Process” of the Apple Valley Subdivisions is hereby *added* as follows:

ADOPTION

11.02.120 Final Plat Review Process(*Added*)

Within twelve (12) months of approval of a Preliminary Plat, a Final Plat prepared by a licensed surveyor not employed by the Town shall be submitted in conformance with this Chapter. If a complete application is not submitted within twelve (12) months of Preliminary Plat approval, the approval is deemed to have expired.

A. Review: The following outlines the review process, as intended by Utah State Code 10-9a-604, as amended. If there is any conflict in content or interpretation, state code shall prevail.

1. The Town shall maintain and publish a list of items comprising a complete Final Plat application, including:

- a. The application.
- b. The owner’s affidavit.
- c. An electronic copy of all plans in PDF format.
- d. The breakdown of fees due upon approval of the application.

2. The applicant submits a complete application, including the Final Plat and all required documentation and information.

3. The Town checks the submittal for completeness.

- a. If the submittal includes all materials, the Town receives the submittal and starts the review.
- b. If the submittal is incomplete, the submittal is returned to the applicant. No review of the application shall occur until the Town has determined that the applicant has submitted a complete application.

4. After a determination that the application submittal is complete, the Town shall begin its review. The Town has a thirty (30) day review window to conduct its review and provide comments on the application.

- a. The review period of thirty (30) days only applies to single-family, two-family,

and townhome developments.

5. If the location is within one hundred feet (100') of a Water Conveyance Facility, within (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.

a. 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 twenty (20) days after the day on which the Town mailed notice to the Water Conveyance Facility.

b. 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.

6. During review, the Town Attorney shall review the Final Plat and shall recommend approval if the attorney finds that:

a. There is a current title opinion from a licensed title company showing that the person dedicating the property described on the Final Plat is the title owner, as shown on the records of the Washington County Recorder's Office.

b. The performance bond, escrow deposit, letter of credit, or trust deed with the Town is in appropriate form and signed by the necessary parties.

c. That the subdivision does not, in the attorney's opinion, violate any ordinance of the Town, laws of the State of Utah, or rules and regulations promulgated pursuant thereto.

7. Within the review window on subsection 4, the Town shall complete a review of the Final Plat and submittal contents and provide a response to the applicant. The Town shall determine whether the application meets all requirements or requires corrective actions and shall notify the applicant in a written response:

a. If the application is found to require corrections, the Town shall 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.

b. The Town may require additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards.

c. If the applicant is found to meet all codes, standards, and specifications, the

application is forwarded to the Administrative Land Use Authority for review and approval.

8. If corrections are required, the applicant shall provide a resubmittal. The 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 a requested revision.

9. The Town shall check 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.

a. If the resubmittal is complete, the Town shall review the application and provide written comments within the review window as outlined in subsection 4.

b. The review window 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, nor does it apply to any legislative approval.

10. If the Town determines that the resubmittal is complete and meets all codes, standards, and specifications, it shall be forwarded to the Administrative Land Use Authority for review and approval.

a. 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 on 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(8), as amended.

11. 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:

a. The Town shall advise the applicant, in writing, of the deficiency in the application and the right to appeal the determination to a designated appeal authority.

1. The appeal authority shall be the Town Council.

SECTION 11: **AMENDMENT** “11.02.090 Final Plat Approval Process” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~090~~130 Final Plat Approval Process

After the review cycle process has been completed, the application shall be submitted to the Administrative Land Use Authority for approval.

A. For Final Plat approval, the Administrative Land Use authority shall be the Town Engineer or Town designee.

1. No public hearing for the subdivision Final Plat approval may be held.

B. The Administrative Land Use Authority shall approve the Final Plat if it finds:

1. The proposed plat complies with the requirements of the Town Code, Utah State Code, and all other applicable policies and regulations.

2. The plat has been approved by the culinary water authority.

3. The plat has been approved by the sanitary sewer authority, and

4. If applicable, the health department has approved the plat.

C. The Administrative Land Use Authority may deny or remand the proposed Final Plat if:

1. The Administrative Land Use Authority finds the applicant has not provided a complete, accurate, and satisfactory response to all comments during review and any other point of non-compliance with applicable regulations.

2. The applicant is unwilling to make the required corrections or provide the required information.

D. Any appeal shall be consistent with the provisions of Utah Code 10-9a-604.2.

~~Application process:~~

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

~~B. The Town engineer shall review the electronic copy of plat and notify the applicant or applicant's authorized representative of any required changes. Applicant shall make~~

~~required changes and resubmit electronic and paper copies of final plat, one full size and one eleven inch by seventeen inch (11" x 17") for second review.~~

- ~~C. If plat is approved by Town engineer, he shall sign the plat and return to the planning department. If plat is not approved after second submittal, an additional fee must be paid before any subsequent reviews.~~
- ~~D. Upon signature of approved final plat, the final plat application shall be reviewed by the final plat approval staff.~~
- ~~E. Once the final plat approval staff has granted approval of a final plat and a bond or other financial security is in place in accordance with AVS 11.02.130, the subdivider may schedule a preconstruction meeting with the Town public works department. Upon receipt of written notice to proceed from Town, construction of the subdivision may proceed. No construction shall be permitted prior to receipt of written notice to proceed.~~
- ~~F. The Town Planning and Zoning Manager & Public Works Director or Consultant, are hereby designated to be the final plat approval staff and are authorized to approve subdivision final plats.~~
- ~~G. Final plat approvals shall be presented to the Town Council at the next meeting at which time allows for addition to it's Agenda.~~
- ~~H. Appeals of decisions made by the final plat approval staff shall be made to the Town Council.~~

SECTION 12: **AMENDMENT** "11.02.100 Final Plat Requirements" of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~100~~140 Final Plat Requirements

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

infrastructure, for underground facilities as defined in Utah Code § 54-8a-2 and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.

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

8. 7. Certificate of approval of the Town engineer.
 9. 8. Certificate of approval as to form executed by the Town attorney.
 10. 9. A one and one-half inch by five inch (1 1/2" x 5") space in the lower right hand corner of the drawing for the use of the county recorder.
 11. 10. Certificate of approval of the county treasurer.
- C. Other Information Required: The following information or documentation shall be submitted with the final plat ~~or prior to recordation:~~
1. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
 2. An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the county recorder along with the final plat.
 3. An up to date title or subdivision report for the property being subdivided.
 4. An electronic copy of the final plat. ~~disk of the final plat prepared in "AutoCAD 2004" (or newer format).~~
 5. ~~Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.~~
- D. Requirements For Recordation:
1. Final plat approval.
 2. Bond or other financial security in place.
 3. Payment of HCP impact fee if applicable.
 4. The Final Plat in PDF format. ~~Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by Town engineer; one disk for the Town, one for the county recorder, and one for the Big Plains Water District.~~
 5. Final title or subdivision report prepared and submitted to the Town attorney.
 6. Proof of satisfaction of payment of water impact fee to Big Plains Water District.
 7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials, Ash Creek Special Service District and Big Plains Water Special Service district superintendent. The Town attorney shall be the last signer of the mylar just prior to recordation.
 8. ~~Preliminary acceptance by Town of all public and private improvements as shown on approved construction drawings.~~
 9. 8. If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.
- E. Recordation Of Plat: Any subdivision plat receiving final approval from the final plat approval staff (see section 11.02.~~09~~120) shall be recorded at the office of the Washington County recorder within one year of the date of said final approval, unless said period is extended in writing by the Town council. Any approval for any final plat

not recorded within said period or extended period shall be deemed to have been revoked, and any such final plat shall require new approval before recordation.

- F. Once the final plat has been recorded, and a bond or other financial security is in place in accordance with AVS 11.02.160, the subdivider may schedule a preconstruction meeting with the Town public works department. Upon receipt of written notice to proceed from the Town, construction of the subdivision may proceed. No construction shall be permitted prior to receipt of written notice to proceed.

SECTION 13: **AMENDMENT** “11.02.110 Subdivision Streets And Fencing” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~110~~150 Subdivision Streets And Fencing

SECTION 14: **AMENDMENT** “11.02.120 Subdivider's Agreement” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~120~~160 Subdivider's Agreement

SECTION 15: **AMENDMENT** “11.02.130 Guarantee Of Completion Of Improvements; Form Of Surety; Release Of Funds” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~130~~170 Guarantee Of Completion Of Improvements; Form Of Surety; Release Of Funds

SECTION 16: **AMENDMENT** “11.02.140 Warranty Of Completed Improvements” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~140~~180 Warranty Of Completed Improvements

SECTION 17: **AMENDMENT** “11.02.150 Enforcement And Permits” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~150~~190 Enforcement And Permits

SECTION 18: **AMENDMENT** “11.02.160 Plat Amendments” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~160~~200 Plat Amendments

SECTION 19: **AMENDMENT** “11.02.170 Fees” of the Apple Valley Subdivisions is hereby *amended* as follows:

AMENDMENT

11.02.~~170~~210 Fees

The following fees are hereby established:

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

deposit with the Town a nonrefundable fee made payable to Apple Valley Town. The Town council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the Town for the expense of checking and reviewing such final subdivision plats, and inspecting subdivision improvements.

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

SECTION 20: **AMENDMENT** “11.02.180 Penalty; Validity And Restrictions” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

11.02.~~180~~220 Penalty; Validity And Restrictions

SECTION 21: **AMENDMENT** “11.02.190 Grading Permit By Exception” of the Apple Valley Subdivisions is hereby *amended* as follows:

A M E N D M E N T

11.02.~~190~~230 Grading Permit By Exception

SECTION 22: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 23: **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 24: **EFFECTIVE DATE** This Ordinance shall be in full force and effective immediately after the required approval.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Michael Farrar, Mayor, Apple Valley