

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

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

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

BEFORE AMENDMENT

11.08.030 Storm Drainage

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

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

AFTER AMENDMENT

11.08.030 Storm Drainage

Subdivision Storm Drainage

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

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

Existing Lot and Land Storm Water Mitigation and Detention Requirements

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

Exception to storm water detention:

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

Additional requirements for land located outside subdivisions:

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Kevin Sair, Council Member / Mayor Pro Tem Apple Valley