

**NOTICE AND AGENDA
TOWN COUNCIL
Town Council - Regular Meeting**

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, May 6th 2020**, commencing at **6:00 PM** or shortly thereafter.

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting <https://us02web.zoom.us/j/84131333807>

To call into meeting, dial (253) 215 8782 and use Meeting ID 841 3133 3807

The Agenda for the meeting is as follows:

Call to Order / Pledge of Allegiance / Roll Call

Mayor's Town Update

Declaration of Conflicts of Interest

CONSENT AGENDA

The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- A. Approval of March 2020 Expenditure Report
- B. Approval of March 2020 Monthly Operational Budget Update
- C. Approval of minutes for March 4, 2020

DISCUSSION AND ACTION

1. Discussion and possible action on zone change application for AV-1335 from Commercial C-2 to Recreational Vehicle Park Zone. Applicant Aaron Stout. Planning Commission recommended denial 5/0. Ordinance O-2020-04
2. Discussion and action on Tentative Fiscal Year 2020-2021 Budget
3. Discussion and possible action on Town Lighting Ordinance O-2020-05
4. Discussion and possible action on Main Street Vacature Ordinance O-2020-003
5. Discussion and possible action an amendment to 10.10.050 Rural Estates Zone Ordinance O-2020-06
6. Discussion and possible action on Zion Tiny Getaway Developer Agreement

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp
Planning Commission – Janet Prentice/Michael McLaughlin
Fire Department – Chief Dave Zolg, Jr
Big Plains Water and Sewer SSD – Denny Bass
Code Enforcement – Rich Ososki/Paul Edwardsen
Roads and Storm Drainage –
Mosquito Abatement- Margaret Ososki
Council

PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the **1st day of May, 2020**

Dated this 1st day of May, 2020

Ben Billingsley

Town of Apple Valley

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

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

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance and leading in the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Denny Bass
Councilmember Michael McLaughlin
Councilmember Paul Edwardsen

Deputy Clerk Ben Billingsley

Mayor's Town Update

CIB funding has been approved for the Storm water engineering needed for our FEMA submission.

Declaration of Conflicts of Interest

No conflicts of interest declared

CONSENT AGENDA

- A. Approval of Minutes for 01.06.2020**
- B. Approval of Minutes for 02.05.2020**
- C. Approval of January 2020 Expenditure Report**
- D. Approval of January Monthly Operational Budget Update**

MOTION: Councilmember Kopp moves to approve the Consent Agenda as stated; Minutes 1.6.2020, 2.5.2020, January Expenditure Report and January Operational Budget Update.

SECOND: Councilmember McLaughlin

VOTE: Councilmember Kopp	Aye
Councilmember Bass	Aye
Councilmember Edwardsen	Aye
Councilmember McLaughlin	Aye
Mayor Lisonbee	Aye

DISCUSSION AND ACTION

1. Consider approval of Zone Change AV-1376-L from Open Space to Agricultural – Richard Timpson. Planning Commission Recommended 4/0

MOTION: Councilmember McLaughlin moves to approve Zone Change AV-1376-L from Open Space to Agricultural for Richard Timpson

SECOND: Councilmember Kopp

VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

2. Consider award of approval RFP for Apple Valley Way/Rome Way drainage project

The town received a couple of bids and the mayor is in favor of the bid for the lowest bottom line. Councilmember Bass shares his desire to know more about the breakdown of charges. Ben mentions that this bid falls within the amount the town budgeted for this project. The other bid was outside of that range. Mayor mentions the bottom number is the lowest of all the submissions.

MOTION: Councilmember McLaughlin moves to approve the RFP for the Apple Valley Way drainage project.

SECOND: Councilmember Edwardsen

VOTE: Councilmember Kopp Aye
Councilmember Bass Nay
Councilmember Edwardsen Aye
Councilmember McLaughlin Aye
Mayor Lisonbee Aye

3. Discussion and possible action on Town Lighting Ordinance O-2020-03

Council discusses the time frame that should be allowed for residents to bring their lighting into compliance. They land on 24 months as a possible solution. They discuss what time outdoor lights should be turned off. They discuss whether 11pm is late enough or possibly 30 minutes after close or 30 minutes after game play ends.

MOTION: Mayor Lisonbee moves to table this item for the next meeting.

SECOND: Councilmember McLaughlin

VOTE: Councilmember Kopp Aye
Councilmember Bass Aye
Councilmember Edwardsen Aye

Councilmember McLaughlin	Aye
Mayor Lisonbee	Aye

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Events Committee – Tish Lisonbee/Debbie Kopp- Easter Egg hunt on April 18th.

Planning Commission – Janet Prentice/Michael McLaughlin- 2 Items coming up and a work meeting on the general plan, RV’s and shipping containers.

Fire Department – Chief Dave Zolg, Jr-

Burn season is open. Training season 6 guys going though wildland training and will be certified by the end of the month. Chili Cook-off is coming up.

Big Plains Water and Sewer SSD – Denny Bass-

Code Enforcement –Rich Ososki/Paul Edwardsen

Roads and Storm Drainage – The Mayor thanks Richard Fischer for his help cutting the road in for the main street re-alignment. Cattle Guards and culverts will be going in and the process is moving forward.

MAYOR LISONBEE OPENS PUBLIC COMMENTS

Councilmember Kopp asks if there are any updates with park bathrooms.
Mayor Lisonbee responds that we are just waiting for freezing temperatures to pass.
Janet Prentice requests a worksheet for shipping containers.

MAYOR CLOSSES PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION- no request for a closed session

ADJOURNMENT

MOTION:	Councilmember Kopp moves to adjourn tonight’s meeting	
SECOND:	Councilmember Edwardsen	
VOTE:	Councilmember Kopp	Aye
	Councilmember Bass	Aye
	Councilmember Edwardsen	Aye
	Mayor Lisonbee	Aye
	Councilmember McLaughlin	Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:27 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

**Town of Apple Valley
Check Register
Checking - SBSU - 03/01/2020 to 03/31/2020**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
Big Plains Water and Sewer SSD	4454	022920	02/29/2020	03/10/2020	11,713.39	Feb20 Water Sales Receipts	102340 - Due To/Big Plains Water P
Big Plains Water and Sewer SSD	4454	022920	02/29/2020	03/10/2020	3,784.97	Feb20 Water Standby Receipts	102340 - Due To/Big Plains Water P
Washington County Solid Waste	4469	87219	02/29/2020	03/25/2020	3,523.40	Solid Waste	104420.460 - Solid Waste Service
Ford Motor Credit Company	03062010	23 - 2017 F550 V	03/06/2020	03/06/2020	929.87	Principal - 2017 F550 Vehicle Lease	104220.620 - Fire Principal
Big Plains Water and Sewer SSD	4454	022920	02/29/2020	03/10/2020	905.40	Feb20 Bulk Meters	102340 - Due To/Big Plains Water P
Zions Bank	03252012	9 - 2008 Dump T	03/25/2020	03/25/2020	761.57	Principal - 2008 Dump Truck	104410.810 - Road Principal
Pelorus Methods, Inc.	4467	200401	03/01/2020	03/25/2020	600.00	Quarterly Software Service	104141.240 - Admin Office supplies
Little Creek Station	4466	022920	02/29/2020	03/25/2020	525.49	January Road Fuel	104410.560 - Road Equipment Fuel
South Central Communications	4459	030120	03/01/2020	03/10/2020	381.72	Phone and Internet	104141.280 - Admin Telephone and
RDB Law, PC	4457	35	02/29/2020	03/10/2020	320.00	Prosecutor	104141.330 - Admin Legal Wages a
Revco Leasing	4458	560571	03/03/2020	03/10/2020	230.69	Printer Monthly Lease	104141.250 - Admin Equipment mai
CRM and Sons, Inc.	4455	Refund: 1352	03/09/2020	03/10/2020	225.96	Refund: 1352 - CRM and Sons, Inc.	101311 - Accounts receivable
AT&T	4453	030120	03/01/2020	03/10/2020	208.08	Cell Phones	104141.280 - Admin Telephone and
Rocky Mountain Power	ACH	032620	03/26/2020	03/26/2020	205.11	Monthly Power	104141.270 - Admin Utilities
Griffin, William & Brenda	4465	RFD 679.032320	03/23/2020	03/25/2020	200.00	Deposit Refund: 679 - Griffin, William & Brend	102330 - Customer security deposit
Ford Motor Credit Company	03062010	23 - 2017 F550 V	03/06/2020	03/06/2020	192.28	Interest - 2017 F550 Vehicle Lease	104220.610 - Fire Interest
XPress Bill Pay	ACH	030520	03/05/2020	03/05/2020	176.47	Xpress Monthly Support	104141.250 - Admin Equipment mai
Department of Workforce Services	ACH	033120	03/31/2020	03/31/2020	169.24	2020 Q1 Unemployment	104141.130 - Admin Employee bene
Star Sign	4472	134957	03/27/2020	03/30/2020	167.21	No Parking Sign	104410.450 - Road Department Sup
Kopp, Debbie	4456	022920	02/29/2020	03/10/2020	148.48	Treasurer mileage reimbursement	104111.210 - Council Travel Reimbu
RDB Law, PC	4471	36	03/27/2020	03/30/2020	120.00	Prosecutor	104141.330 - Admin Legal Wages a
Zions Bank	03252012	9 - 2008 Dump T	03/25/2020	03/25/2020	118.80	Interest - 2008 Dump Truck	104410.820 - Road Interest
Big Plains Water and Sewer SSD	4454	022920	02/29/2020	03/10/2020	107.53	Feb20 Will Serve Letters	102340 - Due To/Big Plains Water P
Republic Services	ACH	030920	03/09/2020	03/25/2020	95.81	Park Portable Toilet	104415.450 - Public Works Supplies
Arizona Strip Landfill Corporation	4452	022020	02/20/2020	03/10/2020	80.00	Town Dumpster	104420.460 - Solid Waste Service
Vercimak, Michael	4461	030520	03/05/2020	03/10/2020	75.00	Cedar Point RV Review	104141.320 - Admin Engineering/Pr
Vercimak, Michael	4461	030520	03/05/2020	03/10/2020	75.00	West Temple Village Review	104141.320 - Admin Engineering/Pr
Vercimak, Michael	4468	031220	03/12/2020	03/25/2020	75.00	Yusuf Zone Change Review	104141.320 - Admin Engineering/Pr
Amazon.com	CC	031220	03/12/2020	03/12/2020	52.78	Paper - 16 Reams	104141.240 - Admin Office supplies
The Spectrum	4460	3199386	02/29/2020	03/10/2020	42.70	Public Notices	104141.220 - Admin Public notices
Department of Workforce Services	ACH	033120	03/31/2020	03/31/2020	32.95	2020 Q1 Unemployment	104220.130 - Fire Employee Benefit
LogMeIn GoToMeeting	CC	031920	03/19/2020	03/19/2020	20.22	GoToMeeting	104141.240 - Admin Office supplies
Zoom Video Communications Inc.	CC	031920	03/19/2020	03/19/2020	15.96	Electronic Meetings	104141.240 - Admin Office supplies
Ooma	CC	030220	03/02/2020	03/02/2020	7.16	Ooma	104141.280 - Admin Telephone and
Ooma	CC	033020	03/30/2020	03/30/2020	7.16	Ooma	104141.280 - Admin Telephone and
Department of Workforce Services	ACH	033120	03/31/2020	03/31/2020	6.75	2020 Q1 Unemployment	104111.130 - Council Employee ben
Department of Workforce Services	ACH	033120	03/31/2020	03/31/2020	0.36	2020 Q1 Unemployment	104415.130 - Public Works Employe
					\$26,302.51		

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 03/31/2020
75.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General property taxes-current	104,185.09	0.00	108,647.87	107,216.00	101.34%
3120 Prior year's taxes-delinquent	6,526.28	1,261.66	7,816.27	6,500.00	120.25%
3130 General sales and use taxes	71,003.36	10,020.76	79,714.09	96,969.00	82.21%
3140 Energy and communication taxes	10,109.25	3,339.95	25,998.78	38,016.00	68.39%
3150 RAP Tax	7,071.62	2,144.90	8,792.29	9,846.00	89.30%
3160 Transient Taxes	1,282.42	243.44	1,374.05	1,360.00	101.03%
3170 Fee in lieu of personal property taxes	4,942.90	857.79	4,006.25	8,338.00	48.05%
3180 Fuel Tax Refund	119.28	0.00	0.00	0.00	0.00%
3190 Highway/Transit Tax	0.00	915.66	3,713.50	0.00	0.00%
Total Taxes	205,240.20	18,784.16	240,063.10	268,245.00	89.49%
Licenses and permits					
3210 Business licenses	2,325.00	1,500.00	3,475.00	3,464.00	100.32%
3221 Building Permits-Fee	27,031.68	2,237.30	22,715.22	38,513.00	58.98%
3222 Building Permits-Non Surcharge	3,371.70	335.60	3,179.04	6,286.00	50.57%
3223 Building permit - HCP Valuation	(9,764.06)	0.00	(1,732.42)	0.00	0.00%
3224 Building Permits Surcharge	229.87	0.00	0.00	0.00	0.00%
3225 Animal licenses	880.00	30.00	760.00	1,263.00	60.17%
Total Licenses and permits	24,074.19	4,102.90	28,396.84	49,526.00	57.34%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" road allotment	66,773.15	12,391.90	71,423.12	78,681.00	90.78%
3358 Liquor control profits	697.45	0.00	845.23	875.00	96.60%
3370 State Grants	0.00	0.00	10,900.95	50,000.00	21.80%
Total Intergovernmental revenue	67,470.60	12,391.90	83,169.30	139,556.00	59.60%
Charges for services					
3410 Clerical services	21.25	0.00	25.00	0.00	0.00%
3416 Other Interdepartmental Charges	4,902.50	0.00	0.00	0.00	0.00%
3420 Fire Department Contracts	300.00	0.00	0.00	0.00	0.00%
3431 Zoning and subdivision fees	26,678.50	1,855.00	23,169.50	17,121.00	135.33%
3440 Solid waste	31,644.32	3,700.00	33,321.58	43,400.00	76.78%
3441 Storm Drainage	28,265.17	3,253.23	29,194.60	38,080.00	76.67%
3461 GRAMA requests	0.00	0.00	113.50	0.00	0.00%
3470 Park and recreation fees	30.00	0.00	55.00	0.00	0.00%
3615 Late charges	(479.93)	406.60	2,835.60	3,500.00	81.02%
Total Charges for services	91,361.81	9,214.83	88,714.78	102,101.00	86.89%
Fines and forfeitures					
3510 Fines	3,094.05	858.94	4,506.48	4,015.00	112.24%
Total Fines and forfeitures	3,094.05	858.94	4,506.48	4,015.00	112.24%
Interest					
3610 Interest earnings	2,876.99	516.44	5,112.89	3,226.00	158.49%
Total Interest	2,876.99	516.44	5,112.89	3,226.00	158.49%
Miscellaneous revenue					
3640 Sale of capital assets	650.00	0.00	0.00	0.00	0.00%
3690 Sundry revenue	0.00	7.70	127.70	0.00	0.00%
3692 Fire department fundraisers	128.00	0.00	1,200.00	1,000.00	120.00%
3697 Park department fundraisers	121.76	0.00	6,049.19	12,000.00	50.41%
3801.1 Impact fees - Fire	590.00	59.00	531.00	1,003.00	52.94%
3801.3 Impact fees - roadways	5,140.00	514.00	4,626.00	8,738.00	52.94%
3801.6 Impact fees - storm water	1,974.56	177.16	2,595.47	2,924.00	88.76%
3801.7 Impact fees - parks, trails, OS	1,410.00	141.00	1,269.00	2,397.00	52.94%
Total Miscellaneous revenue	10,014.32	898.86	16,398.36	28,062.00	58.44%
Contributions and transfers					
3802.7 Contributions - parks and recreation	100.00	0.00	0.00	0.00	0.00%
3890 Fund balance appropriation	0.00	0.00	0.00	57,000.00	0.00%
Total Contributions and transfers	100.00	0.00	0.00	57,000.00	0.00%
Total Revenue:	404,232.16	46,768.03	466,361.75	651,731.00	71.56%
Expenditures:					
General government					
Council					

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 03/31/2020
75.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.110 Council Salaries and wages	5,910.99	300.00	3,975.00	17,400.00	22.84%
4111.130 Council Employee benefits	2,420.72	29.71	87.27	1,331.00	6.56%
4111.210 Council Travel Reimbursement	45.58	167.04	1,273.72	1,764.00	72.21%
4111.220 Council Training	790.00	0.00	370.00	2,800.00	13.21%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	1,000.00	0.00%
Total Council	9,167.29	496.75	5,705.99	24,295.00	23.49%
Administrative					
4141.110 Admin Salaries and wages	60,775.76	5,858.98	58,550.09	86,100.00	68.00%
4141.130 Admin Employee benefits	4,841.88	672.02	5,508.15	7,480.00	73.64%
4141.140 Admin Employee Retirement - GASB 68	1,536.36	829.66	7,814.52	10,720.00	72.90%
4141.210 Admin Dues, subs & memberships	646.92	0.00	473.18	905.00	52.29%
4141.220 Admin Public notices	734.99	43.75	536.14	1,200.00	44.68%
4141.230 Admin Clerk training	963.64	0.00	654.00	930.00	70.32%
4141.240 Admin Office supplies	3,753.96	742.84	3,196.18	4,300.00	74.33%
4141.250 Admin Equipment maintenance	4,652.24	407.16	3,733.49	5,049.00	73.95%
4141.260 Admin Building & ground maintenance	1,026.61	0.00	400.38	1,900.00	21.07%
4141.270 Admin Utilities	5,165.97	620.21	3,786.06	4,546.00	83.28%
4141.280 Admin Telephone and Internet	13,459.45	654.12	7,921.04	11,694.00	67.74%
4141.290 Admin Postage	1,456.55	0.00	2,870.10	2,900.00	98.97%
4141.320 Admin Engineering/Professional Fees	5,325.00	225.00	22,876.90	105,000.00	21.79%
4141.330 Admin Legal Wages and Contract Labor	3,711.97	2,602.42	31,684.86	41,300.00	76.72%
4141.340 Admin Accounting	12,868.13	0.00	3,998.66	4,000.00	99.97%
4141.350 Building Inspector Fees	14,118.78	0.00	14,603.91	25,418.00	57.45%
4141.360 Admin Education-general	0.00	0.00	0.00	299.00	0.00%
4141.390 Admin Bank service charges	2,471.77	133.41	2,736.78	4,403.00	62.16%
4141.410 Admin Insurance	9,854.57	0.00	9,813.26	9,900.00	99.12%
4141.490 Admin Travel reimbursements	593.46	0.00	154.86	200.00	77.43%
4141.500 Admin Weed abatement	386.99	0.00	975.00	0.00	0.00%
4141.740 Admin Capital outlay	1,060.00	0.00	0.00	0.00	0.00%
4170 Elections	0.00	0.00	867.21	900.00	96.36%
Total Administrative	149,405.00	12,789.57	183,154.77	329,144.00	55.65%
Total General government	158,572.29	13,286.32	188,860.76	353,439.00	53.44%
Public safety					
Police					
4210.110 Police Salaries & wages	1,080.00	0.00	0.00	0.00	0.00%
4210.130 Police Employee benefits	82.63	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	62.50	0.00	62.90	70.00	89.86%
Total Police	1,225.13	0.00	62.90	70.00	89.86%
Fire					
4220.110 Fire Salaries & wages	14,907.78	1,569.24	14,907.78	20,400.00	73.08%
4220.130 Fire Employee Benefits	1,542.15	153.01	1,326.12	1,700.00	78.01%
4220.210 Fire Dues, subscriptions & memberships	108.90	0.00	0.00	200.00	0.00%
4220.230 Fire Travel & mileage	27.52	0.00	282.05	600.00	47.01%
4220.240 Fire Office expenses	328.96	0.00	0.00	0.00	0.00%
4220.250 Fire Equipment maintenance & repairs	348.86	0.00	209.66	1,533.00	13.68%
4220.260 Fire Rent expense	0.00	0.00	741.60	0.00	0.00%
4220.360 Fire Training	1,172.68	0.00	310.39	0.00	0.00%
4220.450 Fire Small Equip/Supplies	295.47	0.00	1,129.92	1,524.00	74.14%
4220.460 Fire Supplies-Fundraisers	273.05	0.00	0.00	0.00	0.00%
4220.465 Fire Gear	1,350.33	724.46	1,394.46	2,234.00	62.42%
4220.475 Fire Other Grant Expenditures	0.00	0.00	962.89	0.00	0.00%
4220.560 Fire Equipment Fuel	1,422.11	0.00	1,053.74	2,000.00	52.69%
4220.610 Fire Interest	0.00	192.28	1,893.80	2,497.00	75.84%
4220.620 Fire Principal	0.00	929.87	8,205.55	10,969.00	74.81%
4220.740 Fire Capital outlay	304.50	0.00	0.00	5,000.00	0.00%
Total Fire	22,082.31	3,568.86	32,417.96	48,657.00	66.63%
Total Public safety	23,307.44	3,568.86	32,480.86	48,727.00	66.66%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	789.00	0.00	15.00	3,000.00	0.50%
4410.130 Road Employee benefits	60.36	0.00	1.15	230.00	0.50%
4410.270 Road Flood damage	2,228.67	0.00	0.00	0.00	0.00%
4410.380 Road Department Services	0.00	0.00	350.00	350.00	100.00%
4410.450 Road Department Supplies	2,403.80	167.21	818.27	3,000.00	27.28%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2019 to 03/31/2020
75.00% of the fiscal year has expired

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.550 Road Equipment Maintenance	1,100.84	0.00	3,785.84	10,786.00	35.10%
4410.560 Road Equipment Fuel	1,494.85	0.00	3,945.18	5,500.00	71.73%
4410.740 Road Capital outlay	0.00	0.00	20,185.00	20,185.00	100.00%
4410.810 Road Principal	31,000.00	761.57	38,778.33	41,076.00	94.41%
4410.820 Road Interest	32,200.00	118.80	32,570.07	32,914.00	98.96%
4415.110 Public Works Wages and Contract Labor	7,327.00	0.00	1,447.50	2,948.00	49.10%
4415.130 Public Works Employee benefits	571.97	0.36	116.87	358.00	32.65%
4415.450 Public Works Supplies	93.93	95.81	2,461.67	3,012.00	81.73%
4415.550 Public Works Equipment Maintenance	3,753.32	0.00	646.44	1,600.00	40.40%
4415.560 Public Works Equipment fuel	452.51	0.00	557.57	1,000.00	55.76%
4415.570 Public Works Travel Reimbursement	196.10	0.00	101.76	0.00	0.00%
4415.610 Public Works Storm Drainage	0.00	0.00	0.00	36,000.00	0.00%
4415.710 Public Works Interest	0.00	0.00	2,199.36	2,199.00	100.02%
4415.720 Public Works Principle	0.00	0.00	13,860.64	13,861.00	100.00%
4415.740 Public Works Capital Outlay	3,700.00	0.00	0.00	0.00	0.00%
Total Highways	87,372.35	1,143.75	121,840.65	178,019.00	68.44%
Sanitation					
4420.460 Solid Waste Service	27,076.40	3,636.85	35,990.35	43,553.00	82.64%
Total Sanitation	27,076.40	3,636.85	35,990.35	43,553.00	82.64%
Total Highways and public improvements	114,448.75	4,780.60	157,831.00	221,572.00	71.23%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	0.00	0.00	2,465.00	0.00	0.00%
4540.250 Park/Rec Department supplies	243.08	0.00	461.76	500.00	92.35%
4540.460 Park/Rec Community events supplies	759.63	0.00	0.00	500.00	0.00%
4540.740 Parks Capital outlay	0.00	0.00	2,650.85	15,000.00	17.67%
Total Parks	1,002.71	0.00	5,577.61	16,000.00	34.86%
Total Parks, recreation, and public property	1,002.71	0.00	5,577.61	16,000.00	34.86%
Debt service					
4141.810 Debt service - principal	21,930.40	0.00	0.00	0.00	0.00%
4141.820 Debt service - interest	5,351.10	0.00	0.00	0.00	0.00%
Total Debt service	27,281.50	0.00	0.00	0.00	0.00%
Transfers					
4811 Transfer to Fund Balance	0.00	0.00	0.00	11,993.00	0.00%
Total Transfers	0.00	0.00	0.00	11,993.00	0.00%
Total Expenditures:	324,612.69	21,635.78	384,750.23	651,731.00	59.04%
Total Change In Net Position	79,619.47	25,132.25	81,611.52	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2019 to 03/31/2020
75.00% of the fiscal year has expired

	<u>Prior YTD</u>	<u>Current Period</u>	<u>Current YTD</u>	<u>Annual Budget</u>	<u>Percent Used</u>
Change In Net Position					
Expenditures:					
Miscellaneous					
4141.740 Capital Outlay expenses	210.00	0.00	0.00	0.00	0.00%
Total Miscellaneous	210.00	0.00	0.00	0.00	0.00%
Total Expenditures:	210.00	0.00	0.00	0.00	0.00%
Total Change In Net Position	210.00	0.00	0.00	0.00	0.00%



Town of Apple Valley

1777 N Meadowlark Dr
 Apple Valley UT 84737
 T: 435.877.1190 | F: 435.877.1192
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee
 1 – 100 Acres: \$50.00/Acre
 101 – 500 Acres: \$25.00/Acre
 501 + Acres: \$10/Acre

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting			
Name: <i>Aaron Stout</i>		Phone: <i>435-313-0832</i>	
Address: <i>1752 W. Plains Dr.</i>		Email: <i>Aaron.WStout@gmail.com</i>	
City: <i>Apple Valley, UT 84737</i>		State: <i>UT</i>	Zip: <i>84737</i>
Agent: (If Applicable)		Phone:	
Address/Location of Property: <i>Plains Dr. AU-1335</i>		Parcel ID: <i>AU-1335</i>	
Existing Zone: <i>Commercial</i>		Proposed Zone: <i>R.U. Park</i>	
Reason for the request <i>To seek approval of an R.U. Park on the lot.</i>			

Submittal Requirements: The zone change application shall provide the following:

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

Official Use Only	
Date Received: <i>1/8/20</i>	By: <i>Ben Billingsley</i>
Date Application Deemed Complete:	By:



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

APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION

Date of Planning Commission meeting for this agenda item to appear 1/22/20

Paperwork returned by Aaron Stout (Date) 1/8/20

Name of Applicant: Aaron Stout

Site Location: AV-1335

Mailing Address: Plains Dr. Apple Valley, UT.

Phone: 435-313-0832

Purpose of Request: To seek approval of an RV Park or RV Park and tiny Cabin Mixed Use Park on lot AV-1335.

Aaron Stout
 Applicant Signature

1. Annexations: \$1500.00 filing fee
2. Conditional Use Permit: \$300.00 filing fee
3. Zone Changes: \$500.00 + Acreage Fee filing fee
4. Subdivisions: \$1500.00 filing fee
5. Lot Line Adjustment: \$200.00 filing fee
6. Lot Split (2 Lots): \$250.00 filing fee
7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

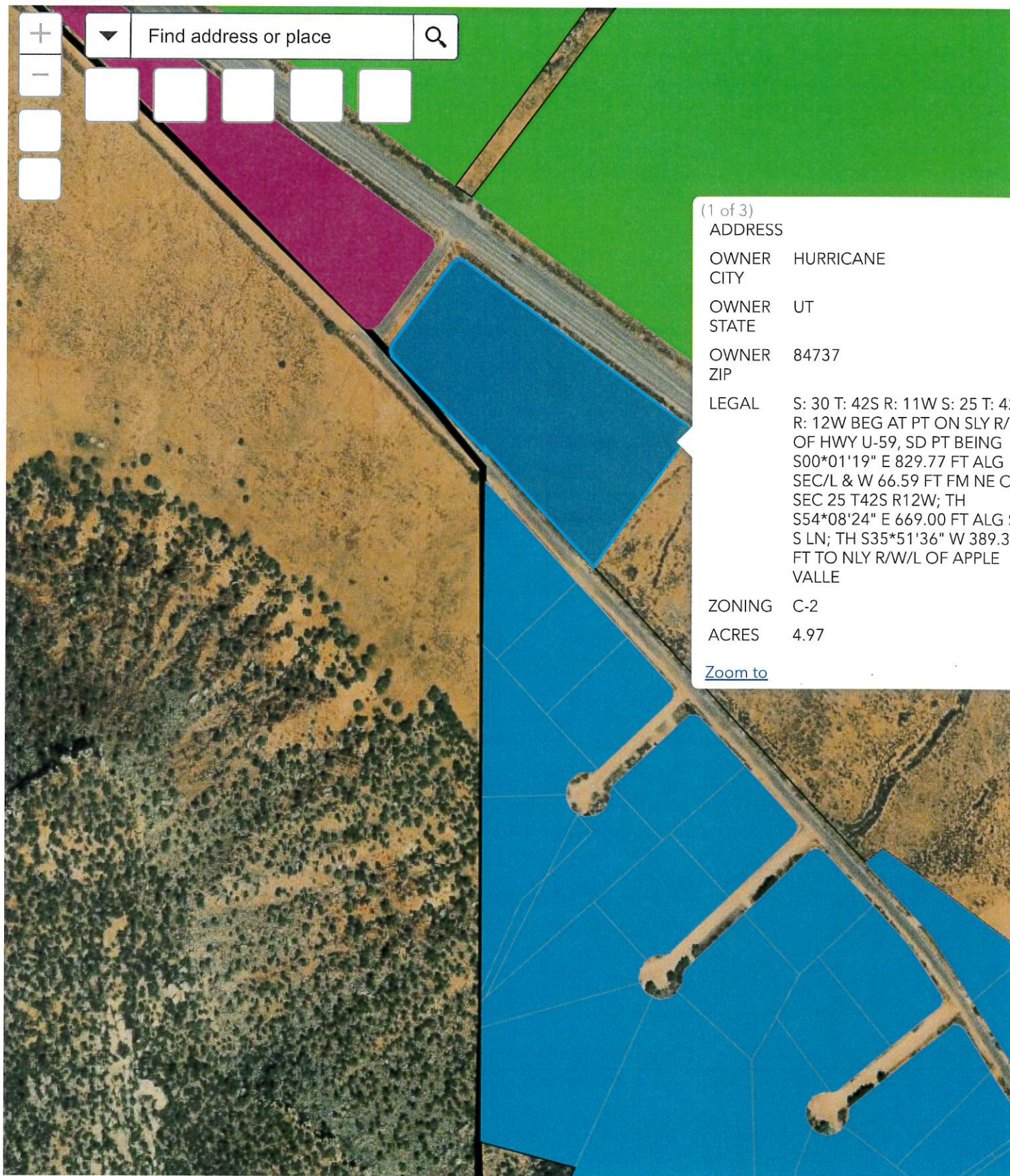
_____/_____
 Planning Commission Chairman Date

_____/_____
 City Administration Date



Apple Valley Zoning (Edit)

Apple Valley, Utah



(1 of 3)

ADDRESS

OWNER HURRICANE
CITY

OWNER UT
STATE

OWNER 84737
ZIP

LEGAL S: 30 T: 42S R: 11W S: 25 T: 42
R: 12W BEG AT PT ON SLY R/W
OF HWY U-59, SD PT BEING
S00*01'19" E 829.77 FT ALG
SEC/L & W 66.59 FT FM NE CO
SEC 25 T42S R12W; TH
S54*08'24" E 669.00 FT ALG S
S LN; TH S35*51'36" W 389.30
FT TO NLY R/W/L OF APPLE
VALLE

ZONING C-2

ACRES 4.97

[Zoom to](#)

300ft

-113.141 37.107 Degrees

Account 0812244

<u>Location</u>	<u>Owner</u>	<u>Value</u>	
Account Number 0812244	Name MERRITT HAROLD	Market (2019)	\$25,200
Parcel Number AV-1335	635 N COUGAR LN	Taxable	\$25,200
Tax District 45 - Apple Valley Town	HURRICANE, UT 84737	Tax Area: 45	Tax Rate:
Acres 5.03			0.009803
Situs 0, 0		Type	Actual Assessed Acres
Legal S: 30 T: 42S R: 11W S: 25 T: 42S R: 12W BEG AT PT ON SLY R/W/L OF HWY U-59, SD PT BEING S00*01'19" E 829.77 FT ALG SEC/L & W 66.59 FT FM NE COR SEC 25 T42S R12W; TH S54*08'24" E 669.00 FT ALG SD S LN; TH S35*51'36" W 389.30 FT TO NLY R/W/L OF APPLE VALLEY DRIVE; TH N43*12'18" W 349.98 FT ALG SD N LN; TH N45*03'40" W 329.50 FT ALG SD N LN; TH N35*51'36" E 270.92 FT TO POB. LESS: ANY POR LYING W/I APPLE VALLEY DRIVE AS FOL: COM NE COR SEC 25 T42S R12W; TH S01*15'30" W ALG SEC/L 1059.69 FT; TH W 210.35 FT TO POB. SD PT BEING ON NELY R/W/L OF APPLE VALLEY DRIVE; TH N43*45'39" W ALG SD R/W/L 101.27 FT TO PT OF CUSP W/NON-TNGT CUR LFT RAD PT LIES N46*14'21" E RAD DIST OF 25.00 FT, TH ELY ALG ARC OF SD CUR 43.24 FT THRU CTL ANG OF 99*05'56"; TH N37*08'25" E 207.86 FT TO BEG OF CUR LFT HAV RAD OF 25.00 FEET & CTL ANG OF 89*59'47", TH NLY ALG ARC OF SD CUR 39.27 FT TO PT ON SWLY R/W/L OF ST HWY 59; TH S52*51'22" E ALG SD R/W/L 100.00 FT TO PT OF CUSP W/NON-TNGT CUR LFT, RAD PT LIES S37*08'38" W RAD DIST OF 25.00 FT, TH WLY ALG ARC OF SD CUR 39.27 FT THRU CTL ANG OF 90*00'13"; TH S37*08'25" W 223.87 FT TO BEG OF CUR LFT HAV RAD OF 25.00 FT & CTL ANG OF 80*54'04", TH SLY ALG ARC OF SD CUR 35.30 FT TO POB.		Non	
		Primary	\$25,200 \$25,200 5.030
		Land	
Parent Accounts 0474893			
Parent Parcels AV-1334-K			
Child Accounts			
Child Parcels			
Sibling Accounts			
Sibling Parcels			

Transfers

<u>Entry Number</u>	<u>Recording Date</u>
20060035854	08/09/2006 04:23:22 PM
20090039374	10/14/2009 08:52:27 AM
20100002924	01/28/2010 01:15:50 PM
20100002925	01/28/2010 01:15:50 PM
20100002926	01/28/2010 01:15:50 PM
20110031703	10/18/2011 02:16:28 PM
20110031704	10/18/2011 02:16:28 PM
20160003450	02/02/2016 11:12:42 AM
20190000956	01/09/2019 11:15:43 AM

**AFFIDAVIT
PROPERTY OWNER**

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) _____, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20__.

Notary Public

Residing in: _____

My Commission Expires: _____

AGENT AUTHORIZATION

I (We), Harold Merritt + Terry Robbins the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Aaron Stout to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

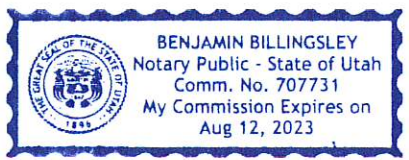
Harold Merritt

Property Owner

Terry Robbins

Property Owner

Subscribed and sworn to me this 9th day of January, 2020



Ben Billingsley

Notary Public

Residing in: Washington County

My Commission Expires: Aug 12, 2023

**TOWN OF APPLE VALLEY
ORDINANCE O-2020-04**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1335 FROM
COMMERCIAL C-2 to RECREATIONAL VEHICLE PARK ZONE RVP**

WHEREAS, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification for parcel AV-1335 from C-2 to RVP; and,

WHEREAS, the Planning Commission has reviewed pertinent information in the public hearing held on the 22nd day of January, 2020. In a meeting on the 12th day of February, 2020 the Planning Commission recommended a denial of the zone change request by unanimous vote; and,

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation and has received and reviewed pertinent information; and,

WHEREAS, in making these reviews the Town Council finds that the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 6th, day of May, 2020, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The zoning classification of Parcel AV-1335 is changed from C-2 to RVP.

SECTION II: Update of Official Zoning Map. The Official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective upon passage, without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 6th day of May, 2020.

Marty Lisonbee, Mayor

ATTEST:

Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardsen	Aye ___ Nay ___

Town of Apple Valley					
FY 2020-2021 Preliminary Budget Proposals					
					FY21 Budget
	FY18	FY19	FY20 YTD Feb20	FY20 Budget	Total
Revenue:					
Taxes					
3110 General property taxes-current	\$70,677	\$105,007	\$108,648	\$107,216	\$100,740
3120 Prior year's taxes-delinquent	\$10,460	\$12,804	\$7,816	\$6,500	\$8,000
3130 General sales and use taxes	\$99,678	\$105,307	\$69,693	\$96,969	\$80,000
3140 Energy and communication taxes	\$14,771	\$15,889	\$25,347	\$38,016	\$34,200
3150 RAP Tax	\$10,052	\$10,459	\$7,817	\$9,846	\$9,000
3160 Transient Taxes	\$659	\$1,979	\$1,131	\$1,360	\$1,500
3170 Fee in lieu of personal property taxes	\$10,142	\$8,634	\$4,006	\$8,338	\$8,500
3180 Fuel Tax Refund	\$0	\$119	\$0	\$0	\$0
3190 Highway/Transit Tax	\$0	\$0	\$2,798	\$0	\$9,600
Total Taxes	\$216,439	\$260,197	\$227,256	\$268,245	\$262,733
Licenses and permits					
3210 Business licenses	\$4,113	\$2,775	\$3,475	\$3,464	\$3,400
3221 Building Permits-Fee	\$47,301	\$34,309	\$20,478	\$38,513	\$25,000
3222 Building Permits-Non Surcharge	\$0	\$4,295	\$2,843	\$6,286	\$3,000
3223 Building permit - HCP Valuation	\$9,669	\$1,732	-\$1,732	\$0	\$0
3224 Building Permits Surcharge	\$347	\$1,178	\$0	\$0	\$0
3225 Animal licenses	\$1,340	\$970	\$760	\$1,263	\$700
3430 Assessment fee income	\$2,006	\$0	\$0	\$0	\$0
Total Licenses and permits	\$64,775	\$45,258	\$25,824	\$49,526	\$32,100
Intergovernmental revenue					
3341 EMP Grant \$5,000/\$10,000	\$0	\$0	\$0	\$0	\$0
3342 Fire Dept-State Wildland Grant	\$0	\$0	\$0	\$10,000	\$0
3356 Class C" road allotment"	\$63,285	\$80,259	\$71,423	\$78,681	\$72,000
3358 Liquor control profits	\$1,171	\$697	\$845	\$875	\$800
3370 State Grants	\$0	\$0	\$10,901	\$50,000	\$45,000
3371 State Highway Grants	\$0	\$0	\$0	\$0	\$0
3372 Federal Fire Grants	\$0	\$0	\$0	\$0	\$0
Total Intergovernmental revenue	\$64,456	\$80,956	\$83,169	\$139,556	\$117,800
Charges for services					
3410 Clerical services	\$25,323	\$21	\$25	\$0	\$0
3415 SSD Payroll Services	\$48,566	\$0	\$0	\$0	\$30,000
3416 Other Interdepartmental Charges	\$0	\$4,903	\$0	\$0	\$0
3420 Fire Department Contracts	\$2,000	\$300	\$0	\$0	\$0
3431 Zoning and subdivision fees	\$17,105	\$33,854	\$23,170	\$17,121	\$15,000
3440 Solid waste	\$40,815	\$42,442	\$29,622	\$43,400	\$48,750
3441 Storm Drainage	\$35,399	\$37,778	\$25,945	\$38,080	\$38,880
3461 GRAMA requests	\$36	\$0	\$114	\$0	\$0
3470 Park and recreation fees	\$60	\$55	\$55	\$0	\$0
3481 Sale of cemetery lots	\$0	\$0	\$0	\$0	\$0
3483 Opening and closing - cemetery	\$0	\$0	\$0	\$0	\$0
3615 Late charges	\$21,026	-\$2,307	\$2,421	\$3,500	\$2,000
Total Charges for services	\$190,330	\$117,045	\$81,350	\$102,101	\$134,630

Town of Apple Valley					
FY 2020-2021 Preliminary Budget Proposals					
					FY21 Budget
	FY18	FY19	FY20 YTD Feb20	FY20 Budget	Total
Fines and forfeitures					
3510 Fines	\$6,000	\$5,360	\$4,038	\$4,015	\$4,800
Total Fines and forfeitures	\$6,000	\$5,360	\$4,038	\$4,015	\$4,800
Interest					
3610 Interest earnings	\$2,676	\$5,493	\$4,657	\$3,226	\$4,800
Total Interest	\$2,676	\$5,493	\$4,657	\$3,226	\$4,800
Miscellaneous revenue					
3640 Sale of capital assets	\$26,182	\$650	\$0	\$0	\$2,000
3670 Debt proceeds	\$77,000	\$48,074	\$0	\$0	\$0
3690 Sundry revenue	\$1	\$420	\$128	\$0	\$0
3692 Fire department fundraisers	\$2,636	\$947	\$1,200	\$1,000	\$800
3697 Park department fundraisers	\$819	\$884	\$6,049	\$12,000	\$800
3698 Miss Apple Valley fundraisers	\$0	\$0	\$0	\$0	\$0
3699 Miss AV scholarship fund	\$0	\$0	\$0	\$0	\$0
3801.1 Impact fees - Fire	\$2,589	\$767	\$472	\$1,003	\$531
3801.2 Impact fees - police	\$0	\$0	\$0	\$0	\$0
3801.3 Impact fees - roadways	\$10,014	\$6,682	\$4,112	\$8,738	\$4,626
3801.4 Impact fees - culinary water	\$0	\$0	\$0	\$0	\$0
3801.5 Impact fees - wastewater	\$0	\$0	\$0	\$0	\$0
3801.6 Impact fees - storm water	\$2,924	\$2,728	\$2,418	\$2,924	\$712
3801.7 Impact fees - parks, trails, OS	\$2,115	\$1,833	\$1,128	\$2,397	\$1,269
Total Miscellaneous revenue	\$124,280	\$62,984	\$15,507	\$28,062	\$10,738
					\$0
Contributions and transfers					
					\$0
3802.2 Contributions - public safety	\$0	\$0	\$0	\$0	\$0
3802.7 Contributions - parks and recreation	\$594	\$100	\$0	\$0	\$0
3880 Class C" balance appropriated"	\$0	\$0	\$0	\$0	\$0
3890 Fund balance appropriation	\$0	\$0	\$0	\$57,000	\$8,278
Total Contributions and transfers	\$594	\$100	\$0	\$57,000	\$8,278
Total Revenue:	\$669,550	\$577,394	\$441,802	\$651,731	\$575,879
Expenditures:					
General government					
Council					
4111.110 Council Salaries and wages	\$17,031	\$8,311	\$3,975	\$17,400	\$17,200
4111.130 Council Employee benefits	\$9,962	\$2,610	\$315	\$1,331	\$1,316
4111.210 Council Travel Reimbursement	\$0	\$453	\$1,107	\$1,764	\$2,040
4111.220 Council Training	\$0	\$1,630	\$370	\$2,800	\$1,850
4111.610 Council Donations and discretionary spending	\$1,344	\$0	\$0	\$1,000	\$500
Total Council	\$28,337	\$13,004	\$5,532	\$24,295	\$22,906
Administrative					
4141.110 Admin Salaries and wages	\$87,583	\$91,128	\$58,550	\$86,100	\$85,000
4141.130 Admin Employee benefits	\$19,568	\$7,444	\$5,339	\$7,480	\$13,403
4141.140 Admin Employee Retirement - GASB 68	\$6,454	\$4,272	\$7,815	\$10,720	\$4,616

Town of Apple Valley					
FY 2020-2021 Preliminary Budget Proposals					
					FY21 Budget
	FY18	FY19	FY20 YTD Feb20	FY20 Budget	Total
4141.210 Admin Dues, subs & memberships	\$1,135	\$1,257	\$473	\$905	\$700
4141.220 Admin Public notices	\$1,251	\$1,290	\$492	\$1,200	\$800
4141.230 Admin Clerk training	\$0	\$1,299	\$654	\$930	\$900
4141.231 Admin PlanComm Training	\$0	\$0	\$0	\$0	\$0
4141.240 Admin Office supplies	\$5,126	\$4,688	\$3,053	\$4,300	\$3,550
4141.250 Admin Equipment maintenance	\$5,134	\$5,924	\$3,557	\$5,049	\$5,048
4141.260 Admin Building & ground maintenance	\$2,379	\$1,027	\$400	\$1,900	\$1,000
4141.270 Admin Utilities	\$4,365	\$5,987	\$3,166	\$4,546	\$4,430
4141.280 Admin Telephone and Internet	\$4,518	\$16,834	\$7,907	\$11,694	\$10,646
4141.290 Admin Postage	\$1,149	\$1,899	\$2,870	\$2,900	\$2,970
4141.320 Admin Engineering/Professional Fees	\$36,457	\$7,975	\$22,877	\$105,000	\$55,000
4141.330 Admin Legal Wages and Contract Labor	\$13,078	\$5,644	\$31,565	\$41,300	\$65,000
4141.331 Admin Assessment legal fees	\$6	\$0	\$0	\$0	\$0
4141.340 Admin Accounting	\$7,512	\$12,868	\$3,999	\$4,000	\$4,000
4141.350 Building Inspector Fees	\$0	\$20,656	\$14,604	\$25,418	\$15,260
4141.360 Admin Education-general	\$1,462	\$0	\$0	\$299	\$0
4141.390 Admin Bank service charges	\$2,301	\$2,902	\$2,603	\$4,403	\$3,600
4141.410 Admin Insurance	\$10,987	\$10,129	\$9,579	\$9,900	\$10,000
4141.490 Admin Travel reimbursements	\$5,208	\$760	\$155	\$200	\$500
4141.500 Admin Weed abatement	\$0	\$387	\$975	\$0	\$0
4141.540 Admin Contributions to SSD	\$0	\$0	\$0	\$0	\$0
4141.610 Bad debt expense	\$0	\$0	\$0	\$0	\$0
4141.740 Admin Capital outlay	\$2,068	\$1,060	\$0	\$0	\$0
4141.741 Admin Capital outlay - Enginerr CDBG	\$0	\$0	\$0	\$0	\$0
4170 Elections	\$1,885	\$0	\$867	\$900	\$0
Total Administrative	\$219,627	\$205,429	\$181,735	\$329,144	\$286,423
Total General government	\$247,964	\$218,433	\$187,267	\$353,439	\$309,329
					\$0
Public safety					\$0
Police					\$0
4210.110 Police Salaries & wages	\$9,522	\$1,080	\$0	\$0	\$0
4210.130 Police Employee benefits	\$736	\$83	\$0	\$0	\$0
4210.230 Police Travel & mileage	\$628	\$0	\$0	\$0	\$0
4210.250 Police Expenditures	\$0	\$0	\$0	\$0	\$0
4210.470 Police Building Permits	\$35,999	\$0	\$0	\$0	\$0
4210.740 Police Capital outlay	\$0	\$0	\$0	\$0	\$0
4253.250 Animal Control Supplies	\$64	\$63	\$63	\$70	\$100
Total Police	\$46,949	\$1,225	\$63	\$70	\$100
Fire					
4220.110 Fire Salaries & wages	\$14,625	\$20,400	\$14,908	\$20,400	\$20,400
4220.130 Fire Employee Benefits	\$910	\$1,976	\$1,293	\$1,700	\$1,621
4220.140 Fire Contract Salaries & Wages	\$0	\$0	\$0	\$0	\$0
4220.145 Fire Contract Benefits	\$0	\$0	\$0	\$0	\$0
4220.150 Fire Contract Expense	\$0	\$0	\$0	\$0	\$0
4220.210 Fire Dues, subscriptions & memberships	\$94	\$109	\$0	\$200	\$0
4220.230 Fire Travel & mileage	\$271	\$28	\$282	\$600	\$300

Town of Apple Valley					
FY 2020-2021 Preliminary Budget Proposals					
					FY21 Budget
	FY18	FY19	FY20 YTD Feb20	FY20 Budget	Total
4220.240 Fire Office expenses	\$78	\$329	\$0	\$0	\$0
4220.250 Fire Equipment maintenance & repairs	\$1,823	\$705	\$210	\$1,533	\$300
4220.260 Fire Rent expense	\$720	\$0	\$742	\$0	\$750
4220.360 Fire Training	\$440	\$1,248	\$310	\$0	\$800
4220.450 Fire Small Equip/Supplies	\$1,196	\$458	\$1,130	\$1,524	\$1,200
4220.460 Fire Supplies-Fundraisers	\$604	\$544	\$0	\$0	\$200
4220.465 Fire Gear	\$0	\$9,383	\$670	\$2,234	\$2,500
4220.470 Fire EMPG grant expenditures	\$0	\$0	\$0	\$0	\$0
4220.475 Fire Other Grant Expenditures	\$0	\$0	\$963	\$0	\$0
4220.560 Fire Equipment Fuel	\$1,290	\$2,047	\$1,054	\$2,000	\$1,800
4220.610 Fire Interest	\$0	\$0	\$1,702	\$2,497	\$2,362
4220.620 Fire Principal	\$0	\$0	\$7,276	\$10,969	\$11,103
4220.740 Fire Capital outlay	\$1,386	\$305	\$0	\$5,000	\$5,000
Total Fire	\$23,436	\$37,532	\$30,538	\$48,657	\$48,336
Total Public safety	\$70,385	\$38,758	\$30,601	\$48,727	\$48,436
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	\$13,037	\$879	\$15	\$3,000	\$3,500
4410.130 Road Employee benefits	\$5,204	\$67	\$1	\$230	\$268
4410.270 Road Flood damage	-\$9,929	\$9,008	\$0	\$0	\$0
4410.380 Road Department Services	\$0	\$0	\$350	\$350	\$0
4410.450 Road Department Supplies	\$1,474	\$10,873	\$651	\$3,000	\$1,000
4410.550 Road Equipment Maintenance	\$11,383	\$19,999	\$3,786	\$10,786	\$10,000
4410.560 Road Equipment Fuel	\$337	\$2,674	\$3,945	\$5,500	\$5,400
4410.740 Road Capital outlay	\$0	\$48,076	\$20,185	\$20,185	\$51,000
4410.810 Road Principal	\$35,000	\$31,000	\$38,017	\$41,076	\$41,113
4410.820 Road Interest	\$32,950	\$32,200	\$32,451	\$32,914	\$32,076
4415.110 Public Works Wages and Contract Labor	\$56,049	\$10,965	\$1,448	\$2,948	\$2,500
4415.130 Public Works Employee benefits	\$13,391	\$702	\$117	\$358	\$191
4415.140 Public Works Employee Retirement - GASB 68	\$7,153	\$0	\$0	\$0	\$0
4415.450 Public Works Supplies	\$313	\$207	\$2,462	\$3,012	\$300
4415.550 Public Works Equipment Maintenance	\$374	\$3,753	\$646	\$1,600	\$500
4415.560 Public Works Equipment fuel	\$1,881	\$742	\$558	\$1,000	\$500
4415.570 Public Works Travel Reimbursement	\$0	\$202	\$102	\$0	\$200
4415.610 Public Works Storm Drainage	\$0	\$0	\$0	\$36,000	\$0
4415.710 Public Works Interest	\$0	\$0	\$2,199	\$2,199	\$1,680
4415.720 Public Works Principle	\$0	\$0	\$13,861	\$13,861	\$14,381
4415.740 Public Works Capital Outlay	\$84,598	\$3,700	\$0	\$0	\$0
Total Highways	\$253,217	\$175,048	\$120,793	\$178,019	\$164,609
Sanitation					
4420.220 Solid Waste Postage	\$481	\$0	\$0	\$0	\$0
4420.240 Solid Waste Office supplies & expense	\$0	\$0	\$0	\$0	\$0
4420.460 Solid Waste Service	\$37,436	\$37,475	\$32,354	\$43,553	\$44,445
Total Sanitation	\$37,918	\$37,475	\$32,354	\$43,553	\$44,445

Town of Apple Valley					
FY 2020-2021 Preliminary Budget Proposals					
					FY21 Budget
	FY18	FY19	FY20 YTD Feb20	FY20 Budget	Total
Total Highways and public improvements	\$291,135	\$212,523	\$153,146	\$221,572	\$209,054
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	\$0	\$0	\$2,465	\$0	\$4,560
4540.130 Park/Rec Employee benefits	\$0	\$0	\$0	\$0	\$0
4540.250 Park/Rec Department supplies	\$325	\$243	\$462	\$500	\$500
4540.450 Park/Rec Miss AV-special dept supplies	\$0	\$0	\$0	\$0	\$0
4540.460 Park/Rec Community events supplies	\$1,584	\$760	\$0	\$500	\$0
4540.740 Parks Capital outlay	\$0	\$0	\$2,651	\$15,000	\$4,000
Total Parks	\$1,909	\$1,003	\$5,578	\$16,000	\$9,060
Cemetery					
4590.250 Cemetery Maintenance	\$0	\$0	\$0	\$0	\$0
4590.460 Cemetery supplies and equipment	\$0	\$0	\$0	\$0	\$0
4590.470 Cemetery Capital Outlay	\$0	\$0	\$0	\$0	\$0
Total Cemetery	\$0	\$0	\$0	\$0	\$0
Total Parks, recreation, and public property	\$1,909	\$1,003	\$5,578	\$16,000	\$9,060
Debt service					
4141.810 Debt service - principal	\$14,341	\$24,585	\$0	\$0	\$0
4141.820 Debt service - interest	\$1,999	\$6,063	\$0	\$0	\$0
Total Debt service	\$16,340	\$30,648	\$0	\$0	\$0
Transfers					
4810 Transfer to capital projects	\$0	\$0	\$0	\$0	\$0
4811 Transfer to Fund Balance	-\$1	\$0	\$0	\$11,993	\$0
Total Transfers	-\$1	\$0	\$0	\$11,993	\$0
Total Expenditures:	\$627,732	\$501,364	\$376,592	\$651,731	\$575,879
Total Change In Net Position	\$41,818	\$76,030	\$65,210	\$0	\$0

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL OF APPOINTMENT OF A MAYOR PRO TEMPORE (RESOLUTION 2018-12)

Mayor Campbell recommended Trevor Black for the experience he has. Council Member Kopp agreed he is a good choice for the position. Council Members Edwardsen and McLaughlin agreed.

MOTION: Council Member Kopp motioned to appoint Trevor Black as the Mayor Pro Tempore.

SECOND: The motion was seconded by Council Member McLaughlin.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL OF TYPE VI TRUCK

Fire Chief Zolg stated the F250 is overweight and a liability and is not supposed to be on the highway. The Fire Department was not involved in the purchase of the two trucks they have. The trade in of the F250 will pay off both trucks and purchase a Type 6 Brush Truck. The current loan payment will essentially remain the same amount. The department will be able to contract out the truck, which will pay for itself in 2-3 years average. The new truck costs approximately \$70,000 and will fulfill all requirements to go out on wildland and local fires that current truck can't do now. It will be an F550 rated at 24,000 pounds. The contract for the truck is \$152/hour, with 16 hour days and minimum of 2 weeks.

Mayor Campbell extended his appreciation to the fire department.

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION ON THE GATEWAY PROJECT

Engineer Curtis Nielsen reported progress has been made. He then indicated that the details will be given in a closed session.

CONSIDER APPROVAL OF CIB HEARING DATE

Fire Chief Zolg presented the details of the Wildland Fire Truck that is on the CIB list. The request is for a \$190,000 loan with a \$190,000 grant for a Type 3 wildland fire truck. The Type 6 truck that has been approved for purchase in a previous meeting will provide the capital needed to pay for this Type 3 until it can be contracted out for revenue in the next burn season. Most fire departments have received enough in contract fees to pay off the loan within two years. Contracting the truck provides training for the crew that will be beneficial for our community.

Resident Tish Lisonbee asked if the contract would be for the truck or a crew. Chief Zolg said it could be the truck alone or truck with a crew.

Resident Rich Kopp asked how the truck would be equipped. Chief Zolg stated the purchase price includes equipping the truck, plus he has submitted an application for a grant to provide the equipment for the truck.

Resident Jerry Jorgensen expressed his concern with the truck being gone. Chief Zolg stated the back-up plan is the Type 6 truck that is being purchased presently. The fire department has recently acquired a Hummer that will have a tank put on it, plus he has plans for the older Chevy truck. The fleet will be two Type 6 trucks, plus water tenders and the Engine.

Chief Zolg further indicated this will help in the direction of going to a first responder role.

Mayor Campbell presented the storm drainage item. The cost is \$355,000 as a \$173,000 loan, a \$172,000 grant, and \$5,000 from the Town. The loan payment would be \$6,756. The Town collected about \$28,000 in storm drainage fees last year. The idea is to use \$6,756 per year out of that fund to be able to work on our top priority issues now. He stated Ensign Engineering will be assisting with the grant application.

Council Member Trevor agreed this makes sense to be able to pay for our problems that we have no other way currently to do.

Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

Resident Pamela Quayle questioned how we are going to pay for the projects with the gap in the income/expenses.

Council Member Black commented on the storm drainage. The Town collects \$28,000 in storm drainage. The loan portion is \$6,700 which will be paid from the collection. The remaining amount will be used for other minor storm drainage issues. Resident Pamela Quayle questioned if the cash balance was sitting in the bank. Council Member Black responded that it was and could only be used for storm drainage issues.

Chief Zolg addressed the wildland truck. One 14-day fire contract session will produce \$50,432. The fire department annual budget is \$24,000. Council Member Edwardsen inquired how far the truck would be sent out. Chief Zolg answered it can be sent anywhere in the U.S. as requested. Mayor Campbell outlined the payment on a \$190,000 loan at 1% for 20 years is \$10,500. Chief Zolg has been guaranteed by Fire Warden Adam Heyder, who has the MOU for the fire department, if there are fires they will be sent out. The Type 6 will be finished and ready to build up revenue as a buffer before Type 3 will be ready to contract out.

Council Member Kopp asked Fire Chief Zolg to explain how Apple Valley remains covered when the truck is contracted out. Fire Chief Zolg has arranged for a Hummer to be equipped to stay and fight fires in this area. It will not leave this area. The Type 3 engine can be gone fourteen to twenty-one (14-21) days with three (3) fire fighters mandatory. The profit after payroll and expenses will be \$37,000. Most departments pay off a truck in two years with some money in the bank. He expects a three to five (3-5) year payback period for this truck.

Resident Margie Ososki questioned what road stabilization is. Council Member Black explained storm water saturates the ground and it begins to slough. The use of rip rap washes and road base along the road is used to hold the road together. She further questioned why the Gooseberry roads are not on the priority list. Mayor Campbell replied the list can be updated. At the time it was prepared by Engineering only thirteen (13) projects were prioritized. Resident Ososki further explained she meant the long stretch of road. Council Member Black explained the CIB item is specific to drainage. Road surface is not part of this funding. Resident Ososki inquired about the \$10 storm drainage fee not being charged to vacant land owners. Mayor Campbell says this goes back to State Law. A variation would be a tax instead. Resident Ososki stated it is not

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

CONSIDER APPROVAL ON REPORTS, RECOMMENDATIONS, APPOINTMENTS, AND ANNOUNCEMENTS

- Events Committee – Delila Russon/Debbie Kopp – Council Member Kopp announced the first ice cream social will be Saturday at 7pm. Mayor Campbell reported it was brought to his attention the need for alternates for the Events Committee when no quorum is available. One of the suggestions was to allow all volunteers to be alternates.

MOTION: Mayor Campbell motioned to approve volunteers to be allowed as Events Committee alternates with approval of the Events Committee Chairman the night of the meeting.

SECOND: The motion was seconded by Council Member Kopp.

VOTE: Mayor Campbell called for a vote:

Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Black – Aye
Council Member Edwardsen - Aye
Mayor Campbell - Aye

The vote was unanimous and the motion carried.

- Planning Commission – Cynthia Browning/Michael McLaughlin – Council Member McLaughlin reported there are no updates. He thanked all who have put forth effort to move forward to make the town great. The meeting for next week has been moved to May 22nd.
- Fire Department – Chief Dave Zolg, Jr reported the burn season has been closed due to the area being dry too fast. If anyone has a problem they should contact Chief. He reminded residents they must have a legal pit 36” around 18” deep to burn in. The cab and chassis for the Type 6 brush truck will be in this week. He is waiting on a call to be able to report on the mitigation calculation. He feels it is close. But may need to talk to a few people. He is considering organizing a

community volunteer cleanup to collect hours. Next year he hopes to purchase a wood chipper with proceeds from the Type 6 contracting. There was a vehicle fire from an overheated vehicle on Manzanita Drive. No one was hurt. The fire did not spread to the brush that was nearby. There was an accident on Bubbling Well Road involving three cars. There were three EMS calls. The Sheriff presence is greater in the area. Council Member Edwardsen suggested all to submit complaints about Hwy 59 incidents. They are required to be responsive to the high complaint areas. Resident Colleen Kuehne inquired about the completion of shoulder work being done by UDOT. Mayor answered it is an ongoing process. The areas are close to completion. Council Member Black reminded residents to fill out mitigation for any weed control. Resident Ed Finkenberg inquired if clearing the land for his home could be submitted as mitigation. Mayor Campbell directed him to fill out a form. Spraying of weeds is also mitigation. We are under extreme conditions. A study is predicting extreme conditions especially late in the season. Resident Jan Hirschi commented there used to be trash pickup along HWY 59. A problem in her area is fires caused by late season mowing with sparks from chains, hitches, etc. Chief Zolg reported the Fire Warden is working with UDOT to hit it earlier. UDOT doesn't seem to want to budge on their schedule. Our area is last on the list. Mayor Campbell has pushed Todd Abbott to hit it a month or two earlier. Resident Richard Fischer inquired if a brush mower could be rented. Chief Zolg is not sure what liability is in their right of way.

- Engineering – Ensign – Excused. Nothing to report.
- Big Plains Water and Sewer SSD – Harold Merritt – Excused Tonight.
- Code Enforcement – Kevin Sair/Paul Edwardsen – Council Member Edwardsen reported setting up protocols and prioritizing cases is a work in process. When we start enforcement there is a financial burden. Code Enforcer Kevin Sair has been putting out red tags. He praised Kevin Sair for his demeanor, calmness, listening skills and fielding objections ability.
- Storm Drainage – Trevor Black – Council Member Black indicated when they can find funding, they will do what they can.
- Council – Mayor has an upcoming meeting with the sheriff. He attended a solid waste meeting. He thanked the Cub Scouts for giving “thank you’s” to the Council.
- Other – Nothing to report.

REBUDGET WORKSHOP

Due to limitation in time, Mayor Campbell asked Council to come prepared on May 22nd.

OPENING

Mayor Campbell brought the meeting to order at 8.58 p.m. welcoming all in attendance and led the pledge of allegiance.

PRESENT

Mayor Robert Campbell
Council Member Debbie Kopp
Council Member Michael McLaughlin
Council Member Trevor Black
Council Member Paul Edwardsen
Town Recorder Jauna McGinnis

OTHERS IN ATTENDANCE

Big Plains Water Chairman Harold Merritt
Fire Chief Zolg
Planner Frank Lindhardt
Planner Forrest Kuehne

EXCUSED

Town Attorney Shawn Guzman

PUBLIC COMMENTS

Resident Rich Kopp inquired in light of what the Town pays out to the building inspector, is there any way we can explore keeping it in-house instead of shipping it down to hurricane. Mayor Campbell responded if someone was qualified by the state then yes.

Fire Chief Zolg stated people are not seeing the hard numbers and facts with contracts they have with government vehicles, outlining what the fire department will get paid when the truck goes out. The department has people ready to go. There is a pool outside of this department they has access to. A minimum tour is 14 days at 16 hours, bringing in \$34,000 on the low end. Fire fighters are paid \$17.50/hour with the government paying \$25/hour. This leaves a profit margin of \$27,000. The numbers don't lie. If we get fires, we can go. The range of travel is very broad, even as far as New York. Council Member Kopp stated we will have the tender and hummer here to fight local fires. Hummer will be the better than anything in the past, and it was free.

Resident Andy McGinnis inquired about the talk of taxes being raised, what Council is doing, and

3420	Fire Contract		
	Seasonal Fire Contract	102,000	
	Seasonal Mitigation Contract	7,500	
3692	Fire Fundraisers	5,000	
3340	Fire Grants	216,500	
3670	Fire Loans	266,500	<u>\$ 597,500</u>
4220.11	Fire Salaries and Wages		20,400
4220.13	Fire Employee Benefits		2,340
4220.15	Fire Contract Expense		
	Wildland Type 6 Seasonal Fire Contract. 1 Engine Boss & 1 WLFF (6 Wks)	27,800	
	Truck Expenses (Fuel/Main)	4,500	
	Seasonal Mitigation Contract	4,647	36,947
4220.21	Fire Dues, Subscriptions & Memberships		120
4220.24	Fire Office Expenses		
	Fire Department Software	1,495	1,495
4220.25	Fire Equipment Maintenance & Repairs		
	Batteries, Tune Ups, Inspections & Safety Inspections	650	650
4220.26	Fire Rent Expense		
	Repater Space Rental	720	720
4220.36	Fire Training		
	EMT Training	1,200	
	Engine Boss Training	200	
	Hazmat Training	200	
	Wildland Training	200	1,800
4220.45	Fire Supplies		
	Rehab Drinks	100	
	Commercial Garbage Bags	19	
	N95 Masks	13	
	Fire Shirts & Sweaters	350	
	9V Batteries	36	518
????	Fire Gear		
	Wildland Uniforms (3)	1,323	

Wildland Boots (3)	750	
Traffic Signs (2)	296	
Wire Cutters (6)	240	
Fire Extinguisher	221	
Water Can Extinguisher (2)	180	
Fire Blankets (5)	100	
Grain Shovels (2)	54	
Push Brooms (2)	52	
Saw/Drill/Driver Set	329	
Gas Cans ((5)	210	
Fire Helmet Badge (6)	321	
Acc System Tags	100	
Spanner Wrench (6)	114	
Fire Shelter (4)	1,744	
Wildland Fire Packs (5)	1,375	
Wildland Rogue Hoe (5)	250	
Wildland Gloves (5)	38	
Window Punch/Rescue Hammer (5)	75	
Glas Master (2)	350	
Glass Keeper (4)	156	
Kevlar Glove Strap (5)	30	
Salvage Covers (2)	150	
Throwline Bags (2)	192	
Handheld GPS (3)	750	9,400

4220.74 Fire Capital Outlay

Stucture Engine	75,000
Hydro Testing	2,000
New SCBA'S	9,750
K970/K760 Saw	858
LED Scene Lighting	620
4 Gas Monitors (2)	1,070
Gas Can Locker	560

Thermal Imager	5,650	
Electric Vent Fans	1,940	
Turnout Lockers	1,800	
BK Radios (2)	3,960	
Wildland Type 3 Engine (\$191,500 Grant/\$191,500 Loan)	<u>383,000</u>	<u>486,208</u>
		<u>560,598</u>
		\$36,902

Type 6 Revenue		109,500
Type 6 Expenses		
Salaries	32,447	
Truck Expenses	<u>4,500</u>	<u>36,947</u>
Type 6 Profit		72,553
Type 6 Debt Service	18,000	
Type 3 Debt Service	<u>14,400</u>	<u>32,400</u>
Type 6 Net Revenue		<u>40,153</u>

**APPLE VALLEY
ORDINANCE O-2020-05**

AMENDMENT OF TOWN CODE 10.26 OUTDOOR LIGHTING

WHEREAS, The Planning Commission of the Town of Apple Valley found it necessary to amend the Outdoor Lighting Code, and

WHEREAS, The Planning Commission held a public hearing on 25th day of September, 2019, and

WHEREAS, The Planning Commission recommended to the Town Council that changes should be made to the Outdoor Lighting Ordinance, and

WHEREAS, The Town Council of the Town of Apple Valley adopted these changes in a public meeting held on the 6th, day of May, 2020.

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

SECTION 1: **REPEAL** “10.26.010 Purpose” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.010 Purpose (Repealed)~~

~~Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.~~

SECTION 2: **REPEAL** “10.26.020 Scope And Applicability” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.020 Scope And Applicability (Repealed)~~

- A. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
- B. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

SECTION 3: **REPEAL** “10.26.030 Conformances With Applicable Codes” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.030 Conformances With Applicable Codes (Repealed)~~

~~All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.~~

SECTION 4: **REPEAL** “10.26.040 Regulations” of the Apple Valley Land Use is hereby *repealed* as follows:

R E P E A L

~~10.26.040 Regulations (Repealed)~~

~~All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.~~

A. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

B. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of 1800 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

C. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

D. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
 - a. All fixtures used for the event lighting shall be fully shielded as defined in subsection B,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
 - b. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

E. Parking Area Lighting Low pressure or high pressure sodium light sources are the only

allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
2. Pole Height / Wattage / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
 - a. review of the Site plan,
 - b. proposed land uses,
 - c. surrounding land uses,
 - d. Parking area size,
 - e. Building mass,
 - f. Location of the site with respect to other lighting sources,
 - g. Impact on the adjacent properties,
 - h. Topography of the site, and
 - i. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
 - a. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
 - b. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
 - c. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
 - a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
 - b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
 - c. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the

site.

6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

F. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.

G. Exemptions The following shall be exempt form the requirements of this Ordinance.

1. Holiday lighting SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1 - MARCH 1 YOUR CHOICE
2. Traffic control signals and devices
3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.

H. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering

1. The public and /or private benefits that will result from the temporary lighting.
2. Any annoyance or safety problems that result from the use of the temporary lighting
3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

SECTION 5: **REPEAL** “10.26.050 Effective Date And Nonconforming Luminaries” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

~~10.26.050 Effective Date And Nonconforming Luminaries (Repealed)~~

- A. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- B. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming 159 luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
- C. This ordinance does not recognizes permanent nonconforming lights. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
- D. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

SECTION 6: **REPEAL** “10.26.060 New Subdivision Constructions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

~~10.26.060 New Subdivision Constructions (Repealed)~~

- A. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
 - 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 - 2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacture and drawing.
 - 3. Photo data, such as the furnished by manufactures, or similar data showing the angle of cut off or light emissions.
- B. Additional Submission: The above required plans; descriptions and data shall be

sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall 160 additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.

- C. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
- D. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

SECTION 7: **REPEAL** “10.26.070 Violations And Legal Action” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

~~10.26.070 Violations And Legal Action (Repealed)~~

~~If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.~~

SECTION 8: **REPEAL** “10.26.080 Definitions” of the Apple Valley Land Use is hereby *repealed* as follows:

REPEAL

~~10.26.080 Definitions (Repealed)~~

~~For the purpose of this Ordinance, terms used shall be defined as follows:~~

~~**Direct Light:** Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.~~

Direct Glare: The visual discomfort resulting from insufficiently shielded light source.

Fixture: The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

Flood or spotlight: Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully Shielded Lights: Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Nonconforming Luminaire: Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

Height of Luminaries: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off other surfaces.

Lamp: The component of the luminaire that produces the actual light.

Light Trespass: Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

Luminaire: a complete lighting system, including a lamp or lamps and fixture.

Outdoors Electrically Powered Illuminating Devices: Illuminaries utilizing AC and / or DC power.

Outdoor Lighting: the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

SECTION 10: **ADOPTION** “10.26.010 Title And Purpose” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.010 Title And Purpose(*Added*)

This chapter shall be known as the TOWN OF APPLE VALLEY EXTERIOR LIGHTING ORDINANCE. The purpose of these regulations is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

- A. Provide safe roadways for motorists, cyclists and pedestrians, and ensure that sufficient lighting can be provided where needed to promote safety and security;
- B. Minimize the effects of direct glare and excessive lighting;
- C. Protect the nighttime use and enjoyment of property and curtail the degradation of the nighttime visual environment, and thereby help preserve the quality of life in the town;
- D. Prevent light trespass in all areas of the town;
- E. Promote energy efficient and cost effective lighting in all areas of the town;
- F. Allow for flexibility in the style of lighting fixtures;
- G. Define practical and effective measures by which the obtrusive aspects of outdoor light usage can be minimized, and provide lighting practices that direct appropriate amounts of light where and when it is needed;
- H. Provide nonfinancial assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter.

SECTION 11: **ADOPTION** “10.26.020 Applicability” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.020 Applicability(*Added*)

- A. All exterior lighting, installed after the effective date hereof, shall conform to the standards established by this chapter.
- B. All existing exterior lighting, installed before the effective date hereof, shall be brought into conformance with this chapter, except subsection B.1 of this section, within the following time periods:
 - 1. All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, building permit or any other kind of land use approval is required to be brought into conformance with this chapter before issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
 - 2. All other existing exterior lighting on property used for residential, commercial, institutional, or any other public and semipublic use that is not in conformance with this chapter shall be brought into conformance with this chapter within eighteen (18) months from the date of adoption of this chapter.
 - 3. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

SECTION 12: **ADOPTION** “10.26.030 Definitions” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.030 Definitions(*Added*)

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application:

AREA LIGHT: A luminaire equipped with a lamp that produces over one thousand eight hundred (1800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

AVERAGE HORIZONTAL FOOT-CANDLE: The average level of luminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

BUILDING OFFICIAL: The planning and zoning administrator for the Town of Apple Valley, or any other person appointed by the Town of Apple Valley mayor, with the concurrence of the Town of Apple Valley Town Council. DIRECTIONAL FLOODLIGHT: A fully shielded fixture that is angled no higher than thirty degrees (30°) from vertical and which targets a specific area to be lit.

EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINAIRES: Luminaires that do not allow light to escape above an eighty five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground.

EXTERIOR LIGHTING: Temporary or permanent outdoor lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this chapter.

FLOODLIGHT: A light fixture that produces up to one thousand twelve hundred (1200) lumens and is designed to flood a well defined area with light.

FOOT-CANDLE (fc): The American unit used to measure the total amount of light cast on a surface (luminance). One foot-candle is equivalent to the luminance produced by a source of one candle at a distance of one foot (1'). For example, the full moon produces 0.01 fc (fc is measured with a light meter). One foot-candle is approximately equal to ten (10) lux, the metric unit also used to measure luminance.

FULL CUTOFF LUMINAIRES: Luminaires designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaires.

FULLY SHIELDED: The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier on the top and sides of the fixture.

GLARE: Stray light striking the eye that may result in: a) nuisance or annoyance glare, such as light shining into a window; b) discomfort glare, such as bright light causing squinting of the eyes; c) disabling glare, such as bright light reducing the ability of the eyes to see into shadows; or d) reduction of visual performance.

HOLIDAY LIGHTING: Exterior lighting consisting of strings of individual lamps, where the output per lamp is not greater than fifteen (15) lumens.

IESNA: Illuminating Engineering Society Of North America (IES or IESNA). The professional society of lighting engineers.

IESNA RECOMMENDED PRACTICES: The current publications of the IESNA setting forth luminance levels.

ILLUMINANCE: The amount of light falling on any point of a surface measured in foot-candles or lux. Foot-candles are measured as lumens per square foot, and lux is measured as lumens per square meter.

LED: Light emitting diode solid state lighting source.

LAMP: The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of Luminaire). Commonly referred to as "bulb".

LIGHT: The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHT POLLUTION: Any adverse effect of artificial night light, including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, or any manmade light that diminishes the ability to view the night sky.

LIGHT TRESPASS: Light falling on the property of another or the public right of way when it is not required to do so.

LIGHTING: Any or all parts of a luminaire that function to produce light.

LIGHTING ADMINISTRATOR: A city official designated by the city council to administer, interpret and enforce this chapter, and make recommendations thereunder.

LUMEN: The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging.

LUMINAIRE: A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as "fixture".

LUMINANCE: At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: Candelas per unit area. The luminance is the perceived brightness that we see the visual effect of the luminance, reflected, emitted or transmitted from a surface.

MAINTAINED ILLUMINANCE: The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal luminance and measured at five feet (5') above ground with sensor perpendicular to the ground for vertical luminance.

NONESSENTIAL LIGHTING: Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.

OPAQUE: The effect of a part or parts of a luminaire that provides a barrier above and in some cases around the lamp, that does not allow any light to pass through.

PARTIALLY SHIELDED: The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier of the fixture's walls while concealing the lamp from the viewer.

PLANNING AND ZONING ADMINISTRATOR: The Town of Apple Valley planning and zoning administrator.

RECESSED: When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

SHIELDED: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cutoff fixture.

SKY GLOW: The overhead glow from light emitted sideways and upward. Sky glow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere.

TEMPORARY LIGHTING: Lighting that is intended to be used for a special event for seven (7) days or less, and temporary construction lighting.

TRANSLUCENT: The effect of a part or parts of a luminaire that provides a barrier around the lamp that allows some light to pass through the barrier in a diffused manner, such that the lamp cannot be clearly distinguished.

UNSHIELDED: The luminaires only incorporate clear glass, which permits all light to escape.

UPLIGHTING: Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

WALL WASH: The reflectivity of artificial lighting from the exterior surface of a building or structure.

SECTION 13: **ADOPTION** "10.26.040 Standards And Requirements" of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.040 Standards And Requirements(*Added*)

A. General Standards:

1. Exterior Lighting: All exterior lighting shall be designed, located and lamped in

order to prevent or minimize:

- a. Overlighting;
- b. Energy waste;
- c. Glare;
- d. Light trespass;
- e. Sky glow.

2. Nonessential Lighting: All nonessential lighting on the exterior of all commercial, recreational and residential structures shall be turned off no later than eleven o'clock (11:00) P.M. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
3. Canopy Lights: Canopy lights, such as service station lighting or covered entries, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.
4. Area Lights: All area lights shall be a minimum eighty five degree (85°) full cutoff type luminaire.
5. Luminaires: Rocky Mountain Power shall not install any luminaires after the effective date hereof that lights the public right of way without first receiving approval for any such application by the lighting administrator.
6. Hillsides, Ridgelines, And Special Cases: In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the building permit review process.
 - a. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.
 - b. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
 - c. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.

B. Use Of Luminaires: No unshielded or clear glass luminaires shall be allowed; all exterior lighting shall use full cutoff luminaires with the light source downcast and fully shielded, with the following exceptions:

1. Luminaires: Luminaires that have a maximum output of eight hundred (800) lumens per fixture (equal to one 60-watt incandescent lamp) regardless of number of lamps, may be partially shielded, provided the luminaire has an opaque top or is under a solid overhang.
2. Floodlights: Floodlights with external shielding shall be angled; provided, that no light is directed above a thirty degree (30°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaires do not cause glare or light to shine on adjacent property or public rights of way. Residential floodlights must be turned off by eleven o'clock

(11:00) P.M.

3. Residential Holiday Lighting: Flashing holiday lights on residential properties are discouraged. Holiday lights shall be turned off by eleven o'clock (11:00) P.M.
4. Commercial Holiday Lighting: Flashing holiday lights are prohibited. Commercial holiday lights shall be turned off by eleven o'clock (11:00) P.M. or the close of business, whichever is later.
5. Sensor Activated Luminaires: Sensor activated luminaires, provided:
 - a. It is located in such a manner as to prevent glare and light trespass onto properties of others or into a public right of way;
 - b. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased;
 - c. The luminaire shall not be triggered by activity off the subject property.
6. Emergency Lighting: All temporary emergency lighting needed by the fire and police departments, or other emergency services.
7. Lighting For Flags: Lighting for flags, provided the flag is a United States Of America or state of Utah official flag and the maximum lumen output is one thousand three hundred (1300) lumens. Flags may be taken down at sunset to avoid the need for lighting. The external beam shall minimize light trespass and/or glare.
8. Uplighting: Uplighting for landscaping and/or structures shall be fully captured for approval. All uplighting shall be turned off by eleven o'clock (11:00) P.M.
9. Lighting Of Towers: Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
10. Neon Lights: See subsection 10-22-5C3 of this title.
11. Playing Field Luminaires: Luminaires used for playing fields and courts shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field or court is in use. In no case shall the lights be used later than eleven o'clock (11:00) P.M. without prior approval.
12. Nonresidential Luminaires: Nonresidential luminaires may deviate from the requirements of these exterior lighting regulations only upon submitting for planning commission approval a design review application, detailing the specific reasons for the proposed deviation. Such application may be granted only if the applicant demonstrates each of the following:
 - a. The proposed deviation is appropriate to the location of the lighting and the surrounding neighborhood;
 - b. The proposed deviation will not unreasonably diminish either the health, safety or welfare of the surrounding neighborhood uses; and
 - c. The proposed deviation will not unreasonably conflict with the general intent of these exterior lighting regulations.
 - d. The planning commission may approve, deny or approve with

conditions any such application submitted under this subsection.

C. Placement And Height Of Luminaires:

1. Parking Areas: Parking area luminaires shall be no taller than seventeen feet (17') as measured from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in lumens, as opposed to fewer in number, higher in height and higher in lumens.
2. Private Property In Residential Zones: Freestanding luminaires on private property in residential zones shall be mounted at a height no greater than twelve feet (12') from ground level to the top of the luminaires.
3. Arterial Roads: Streetlights used on arterial roads may exceed twenty feet (20') in height, with the recommendation by the city council, and only with a finding that exceeding twenty feet (20') is necessary to protect the safety of the residents of the Town.
4. Illumination Of Rights Of Way: Lighting of public and private rights of way shall be fully shielded. In addition, lighting shall comply with source color temperature of this section.
 - a. Exception: Traffic signal indications.
 - b. Definitions: Right of way types:
 - (1) COLLECTOR ROADS: Roadways serving traffic between major and local streets. These are streets used mainly for traffic movement within residential, commercial and industrial areas.
 - (2) EXPRESSWAY: A divided major roadway for through traffic, with partial control of access and generally with interchanges at major crossroads.
 - (3) LOCAL ROADS: Local streets are used primarily for direct access to residential, commercial, industrial, or other abutting property.
 - (4) MAJOR ROADS: The part of the roadway system that serves as the principal network for the through traffic flow. The routes connect areas of principal traffic generation and important rural roadways leaving the Town.
 - c. Illumination Levels Of Rights Of Way: The maximum average illumination level along the entire right of way being illuminated and over the right of way area only, shall be:
 - (1) Expressway: 1.4 foot-candles
 - (2) Major roads: 1.5 foot-candles.
 - (3) Collector roads: 1.0 foot-candle.
 - (4) Local roads: 0.4 foot-candle.
 - (5) Existing luminaires on local roads may be retrofitted with full cutoff luminaires with the design not to exceed 0.4 foot-candle average. The maximum maintained average illumination in the intersection area shall be two (2) times the average of the maintained foot-candles of the two (2) types of roads at the intersections.

- (6) Intersections of collector and local roads shall be 1.6 foot-candles maximum and at intersections of local and local roads shall be 1.4 foot-candles maximum.
5. Playing Fields: Luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use.

D. Luminance And Type Of Lamp:

1. Luminance levels for parking lots, sidewalks and other walkways affected by side mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed luminance levels listed in the most current "IESNA Recommended Practices", as amended from time to time. The Town recognizes that not every such area will require lighting.
2. Above ground parking lot lighting shall not exceed an overall average illumination of 1.5 footcandles. Interior parking structure lighting shall not exceed the minimum security illumination levels listed in the most current "IESNA Recommended Practices", as amended from time to time.
3. The use of lighting for exterior wall washing is limited for residences, condominiums and apartments; the use of recessed eave lighting to achieve wall washing is preferred, and wall washing should strive for uniform illumination distribution. Eave lighting used in angled gables must be shielded to prevent spill lighting effecting traffic or other neighbors. The maximum average illumination limits for wall washing are:
 - a. Dark colored exterior surfaces: 1.0 foot-candle
 - b. Light colored exterior surfaces: 0.5 foot-candle.
4. Luminance measurements of indirect light creating wall wash shall be measured with a luminance meter four feet (4') from ground level with the meter held horizontally and touching the wall surface.
5. Streetlights shall be LED, unless otherwise determined that another type is more efficient and approved by the City Council. LED street lighting shall be fully shielded, and emit no light upward. Light housing shall be constructed to expel excess heat from the fixture. The correlated color temperature on all fixtures shall be three thousand Kelvin (3000 K) or warmer (lower number). LED lighting fixtures shall be installed with an adaptive control system capable of dimming and/or motion sensor control that is compatible with the current Town control system. If a light type other than LED is permitted, then the replacement fixture shall have the equivalent output as the other light type.
6. LED streetlights shall be implemented in accordance with an engineering study, specifically a photometric plan, that shall have been conducted and approved prior to installation of LED luminaires. Said photometric plan shall recommend appropriate perceived levels of illumination based upon the correlated color temperature of the proposed luminaires and the specific location and purpose of the luminaire, e.g., residential cul-de-sac, highway intersection, etc., as

referenced in "IESNA Recommended Practices".

SECTION 14: **ADOPTION** “10.26.050 Procedure For Approval” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.050 Procedure For Approval(*Added*)

- A. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits or building permits shall include lighting plans showing location, type, height, lumen output and luminance levels in order to verify that lighting conforms to the provisions of this chapter. The Lighting Administrator may waive the requirement for luminance level information only, if the Lighting Administrator finds that the luminance levels conform to this chapter. For all other exterior lights which must conform to the requirements of this chapter, an application shall be made to the Lighting Administrator, showing location, type, height, lumen output and luminance levels.
- B. The Lighting Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permits, or any other land use approval, to determine whether the exterior lighting complies with the standards of this chapter.
- C. The Lighting Administrator shall convey in writing a recommendation whether the exterior lighting complies with the standards of this chapter to the building official, the Planning Commission, or to the appropriate approving body as the case may be, before any review or hearing on a building permit, design review, conditional use permit, planned unit development, subdivision application or applicable sign permit.
- D. For all other exterior lighting which must conform to the requirements of this chapter, the Lighting Administrator shall issue a decision whether the exterior lighting complies with the standards of this chapter. All such decisions may be appealed to the Appeal Authority within thirty (30) days of the decision. (Ord. 10.08, 2-19-09)

SECTION 15: **ADOPTION** “10.26.060” of the Apple Valley Land Use is hereby *added* as follows:

ADOPTION

10.26.060 Violations And Enforcement(*Added*)

If the Lighting Administrator finds that any provision of this chapter is being violated, the Lighting Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning Department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter. Such actions or proceedings shall be in addition to the enforcement and penalties provisions of chapter 2 of this title.

This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____
Councilmember Edwardsen	_____	_____	_____	_____

Presiding Officer

Attest

Marty Lisonbee, Mayor, Apple Valley

Michelle Kinney, Clerk Apple Valley

**APPLE VALLEY TOWN
ORDINANCE O-2020-003**

**AN ORDINANCE VACATING AND CHANGING THE ALIGNMENT OF PORTIONS OF MAIN STREET AND
AUTHORIZING THE REVERSION OF VACATED PORTIONS OF MAIN STREET TO ADJACENT PROPERTY
OWNERS**

WHEREAS, the Town of Apple Valley (“Town”) is an incorporated municipality organized under laws of the State of Utah

WHEREAS, Utah Code Annotated, Title 10, Chapter 9a, Subsection 102(2) states "... municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls ..."; and

WHEREAS, pursuant to Utah Code Annotated § 10-3b-301, the Apple Valley Town Council (“Town Council”) is designated as the governing body of the Town and the “land use authority” with regards to the approval and regulation of roads, utilities, subdivisions and land uses within the Town.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-609.5 the Town Council, may pass an ordinance to vacate, narrow, or modify public streets and utility easements within the Town or otherwise manage or dispose of Town property; and,

WHEREAS, the Town Council finds that, in conformance with Utah Code Annotated § 10-9a-609.5 the Town, has initiated a petition to modify and vacate part of Main Street, a public street and utility right-of-way in the areas described and depicted in the Road Vacation marked Exhibit “A” prepared by Rosenberg Associates which is attached hereto (“Re-Alignment & Vacation Plat”); and,

WHEREAS, the Town Council finds, and has determined, in conformance with Utah Code Annotated § 10-9a-609.5(7)(b), that: a) there is good cause for vacating and modifying the alignment of Main Street as described and depicted, b) the vacating and realigning of this public street will not be detrimental to the public interest nor will any person be materially injured by the vacation, c) the portion of the street to be vacated does not include a protected utility easement as defined in Utah Code Annotated § 54-3-27; and,

WHEREAS, the Town Council finds that in conformance with Utah Code Annotated § 10-9a-609.5(7)(b), that notice of the intention of the Town Council to re-align and vacate part of Main Street following a public hearing on the matter has been given as provided and that all other applicable noticing requirements as set forth in Utah Code Annotated § 10-9a-208 and elsewhere in the Utah Municipal Code (Utah Code Annotated Title 10, Chapter 9a) have been satisfied; and,

WHEREAS, the Town Council finds that, in conformance with Utah Code Annotated § 10-9a-609.5, the published notice required for this action has been properly given by publishing the same in a newspaper of general circulation in the Town, i.e. the Spectrum; and,

WHEREAS, to fully effectuate the purposes and intent set forth above, the Town Council now desires to adopt the following Ordinance.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 6th day of May, 2020, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

1. FINDINGS. The Town Council finds that the process for approval of the re-alignment and partial vacature of Main Street has been complied with and that good cause exists – as set forth in the Recitals above.

2. REALIGNMENT AND PARTIAL VACATURE OF MAIN STREET. The following portion of Main Street in Apple Valley, Washington County, State of Utah is hereby re-aligned and partially vacated as set forth in the Re-Alignment and Vacation Plat attached to this Ordinance.

3. RECORDING OF QUITCLAIM DEEDS. To bring clarity to property owners adjacent to the vacated area of Main Street, after adoption of this Ordinance, but prior to recording of said Ordinance, the Mayor is authorized and directed to execute and cause to be recorded quitclaim deeds in favor of the property owners directly adjacent to the two areas being vacated. Said quitclaim deeds shall contain the metes and bounds legal descriptions as set forth in “Exhibit “A””.

4. RECORDING OF ORDINANCE. Upon approval, execution and official attestation of this Ordinance, the original shall be recorded in the Official Records on file in the Office of the Recorder of Washington County, State of Utah, the effect of which being to vacate and re-align a portion of Main Street in conformance with Utah Code Annotated § 10-9a-609.5 thus voluntarily relinquishing the Town’s fee title interest in the vacated area.

5. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

6. SAVINGS CLAUSE. If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the Town Council. **PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Apple Valley, Utah this 6th day of May, 2020.

Marty Lisonbee, Mayor

ATTEST:

Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardsen	Aye ___ Nay ___

**APPLE VALLEY
ORDINANCE O-2020-06**

RURAL ESTATES ANIMAL ALLOWANCES

WHEREAS, the Planning Commission of the Town of Apple Valley found it necessary to amend the Rural Estates Zoning; and,

WHEREAS, the Planning Commission held a public hearing on the 22nd day of April, 2020; and,

WHEREAS, the Planning Commission recommended to the Town Council that changes should be made to the Rural Estates Zoning, and,

WHEREAS, the Town Council of the Town of Apple Valley adopted the following changes in a public meeting held on the 6th day of May, 2020.

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

SECTION 1: AMENDMENT “10.10.050 RE Rural Estates Zone” of the Apple Valley Land Use is hereby *amended* as follows:

A M E N D M E N T

10.10.050 RE Rural Estates Zone

- A. Purpose: The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use.
- B. Permitted uses: Uses permitted in this zone are as follows:
 - 1. Single-family dwellings not less than 1250 sq.ft. on the main floor;
 - 2. Accessory buildings and uses, following issuance of a building permit for a permanent dwelling;
 - 3. Home occupations;
 - 4. Traditional household pets (dogs, cats), provided they are not kept, bred, or maintained for any commercial purposes. Pets are expected to be fenced/ leashed, sheltered from the weather, and trained to not be a noise nuisance;
 - 5. Raising of crops, gardens, and horticulture;
 - 6. Residential facility for persons with a disability (see AVLU 10.28 for supplementary information);
 - 7. Residential facility for the elderly (see AVLU 10.28 for supplementary information);
 - 8. Churches;
 - 9. Park or playgrounds;

10. The keeping of animals and fowl for family food production, but not for commercial use.
11. Animal Allowances/Restrictions:
- a. The number of domesticated animals which may be maintained on the property shall be determined on the basis of a point system. No ~~parcel/lot of property~~ shall exceed one hundred (100) points per acre. ~~Lots of less than or greater than one (1) acre~~ All Lots will be apportioned 25 points in 0.25 acre increments up to 250 points or 2.5 acres. (e.g., a 1.20 acre lot is allocated 100 points. A 1.25 acre lot is allocated 125 points). After 5 acres, 25 points per 0.25 acre increments up to 500 points or 7.5 acres. After 10 acres, 25 points per 0.25 acre increments up to 750 points or 12.5 acres. After 15 acres, 25 points per 0.25 acre increments up to 1000 points or 20 acres. (eg. a 12 acre lot is allocated 250 points for the first 5 acres, 250 points for the 2nd 5 acres, plus 200 points for the next 2 acres for a total of 700 points).
 - b. Type of animal or fowl (number of points per animal), further restrictions:
 - (1) Cow, horse, donkey, mule, or similar large animal, and potbelly pig (50/25 points each), but not to exceed the maximum of ten (10) large animals ~~on any lot per five (5) acres;~~
 - (2) Miniature horses, sheep, goats, or similar medium-size animals, less than 36 inches in height as measured from the withers, (25/8 points each), but not to exceed the maximum of twenty (20) medium animals ~~on any lot per five (5) acres;~~
 - c. ~~±~~ Chickens, ducks, pigeons, doves, rabbits, turkeys, geese, pheasants, and similar small and medium-size fowl (15 points each), but are not to exceed ~~the maximum of twenty thirty thirty (30/20) medium fowl on any lot per One (1) five (5) acres;~~
 - d. ~~Chickens, ducks, pigeons, doves, rabbits, or similar small fowl/animal (5 points each), but are not to exceed thirty thirty (30) small fowl/animals per five (5) acres.~~
 - e. ~~No~~ No rooster is permitted on any lot which ~~is less than five (acres) is less than one (1) acre., -and~~ Lots 1 acre or larger may then, only have one (1) rooster is allowed per thirty thirty (30) chickens.
 - f. ~~No exotic animals~~ Only domestic and farm animals shall be kept on any lot with in the Rural Estates Zone.
 - g. ~~Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the~~ Other than domesticated potbelly pigs allowed under AVLU 10.10.050.B.11.b(1), the keeping of any pigs is not allowed in the Rural Estates Zone.
 - h. ~~The unweaned, offspring of a residing animal or fowl, under six (6) months of age,~~ The following shall be excluded from consideration for

the purpose of determining compliance with this section:

- (1) The unweaned, offspring of a residing animal or fowl, under six (6) months of age.
- (2) School-aged Apple Valley Residents 18 years or younger participating in a 4-H, FFA or similar youth program raising an animal with the intent to sell the animal at auction within twelve (12) months.
- i. Animals shall~~should~~ be contained in proper pens, coups, corals, pasture, paddock, areana, or similar exercise area on ~~resident's~~ owners property. Animal enclosures shall~~should~~ be cleaned regularly, be kept in good repair, give the animals ample room, and offer the animals shelter and shade.
- j. Noise, safety, pests or smell nuisances that result from improper care of animals or property are strictly prohibited.~~Animals must not be allowed to become a noise or smell nuisance.~~
- k. Violation of this AVLU 10.10.050.B.11 is considered an infraction, and punishable by fine up to \$750 if violation is not corrected within thirty (30) days~~one month~~ of initial notice of violation.

12. Any use not specifically allowed under permitted uses shall be prohibited.

C. Height Regulations: No building shall be erected to a height greater than ~~thirty~~ thirty-five (35) feet. No accessory building shall be erected to a height greater than twenty-five (25) feet.

D. Minimum Area, Width, and Yard Regulations

District	Area	Width in Feet	Yard Setbacks in Feet for Primary Residence		
			Front	Side	Rear
RE-1.0	1.0 acre	100	25	10	10
RE-2.5	2.5 acres	150	25	25	25
RE-5.0	5.0 acres	200	25	25	25
RE-10.0	10.0 acres	300	25	25	25
Re-20.0	20.0 acres	400	25	25	25
RE-X	**Any Size	400	25	25	25

** No more than one (1) home on property

E. Modifying Regulations:

- a. Side Yards: The side yard setback on a "street side" yard shall be the same as a front yard setback. Accessory buildings located at least ten (10) feet away from the main building must have a side or rear property setback of at least ten (10)

feet on interior lot lines.

- b. Distance Between Buildings: No two (2) buildings on the same property shall be located closer together than ten (10) feet. No building, structure, or pen/corral/coop/kennel housing animals or fowl shall be constructed closer than fifty (50) feet to a dwelling unit on an adjacent lot, or thirty (30) feet from property line, whichever is further. Animal enclosures shall be behind the main dwelling and shall be no closer than ~~thirty~~thirty (30) feet to main dwelling.
- c. Prohibited Materials and Storage: No trash, rubbish, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, or junk cars shall be stored or allowed to remain on any lot in any residential zone.
- d. All lighting shall comply with AVLU 10.26 Outdoor Lighting Ordinance.
- e. No ~~industrial-looking building such as~~ pre-engineered steel or pole barns are allowed, unless specifically approved by the planning commission.
- f. For additional restrictions and clarifications in this zone, see AVLU 10.28 Supplementary and Qualifying Regulations for Land Use and Building.
- g. All street, drainage, utility and other public improvements shall be installed as required by the applicable town ordinances, standards and regulations. However, upon recommendation by the Planning Commission and approval of the Town Council based upon good cause shown, the requirements for the installation of dry sewer, curb, gutter and asphalt may be waived or delayed, as the Town Council, in its discretion, may determine.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Bass	_____	_____	_____	_____
Councilmember McLaughlin	_____	_____	_____	_____
Councilmember Kopp	_____	_____	_____	_____
Mayor Lisonbee	_____	_____	_____	_____
Councilmember Edwardsen	_____	_____	_____	_____

Presiding Officer

Attest

Marty Lisonbee, Mayor, Apple Valley

Michelle Kinney, Clerk Apple Valley

When recorded, please mail to:

Ruesch & Reeve, PLLC

86 N 3400 W Bldg C Ste 101

Hurricane UT 84737

Tax I.D. Nos. AV-CDPT-3-12; AV-CDPT-3-13; AV-CDPT-3-14; AV-CDPT-3-15

FIRST ADDENDUM TO DEVELOPMENT AGREEMENT

THIS FIRST ADDENDUM TO DEVELOPMENT AGREEMENT (“Addendum”) is entered into as of this 2nd day of December 2019, by and between 1st United Investments, Inc., a Utah corporation, Zion Tiny Home Vacations, LLC, a Utah limited liability company (hereinafter collectively referred to as “Developer”), and the Town of Apple Valley, Utah, a municipal corporation and political subdivision of the State of Utah, whose address is 1777 North Meadowlark Drive Apple Valley, UT 84737 (hereinafter referred to as “Town”). Throughout this Agreement, both the Town and Developer shall collectively be referred to as “Parties” and individually as “Party”.

RECITALS

A. Developer owns or controls certain real property located in Washington County, Utah which is more fully described in Exhibit “A” attached hereto and incorporated herein (the “Property”).

B. On April 19, 2019, the Parties previously caused to be recorded that certain Development Agreement with the Washington County Recorder’s Office as Doc ID 20190014478 (“Agreement”).

C. The parties hereto desire to clarify, resolve and fully satisfy all issues and disputes between them relating, in any way, to the Property, in accordance with the terms and provisions of the Agreement and this Addendum.

D. Each of the Parties are willing to enter into this Addendum in order to implement the purposes and conditions of the approval of the Plan and to more fully set forth the covenants and commitments of each Party, while giving effect to applicable state law and the Town’s Land Management Code (“LMC”).

E. Acting pursuant to its authority under Utah Code Annotated, §§ 10-9a-101, *et seq.*, and after all required public notice and hearings, the Town, in its exercise of its legislative discretion has determined that entering into this Agreement furthers the purposes of: (i) the Utah Municipal Land Use, Development, and Management Act (“LUDMA”); (ii) the Town’s General Plan; and (iii) the Town’s LMC. As a result of such determination, the Town has concluded that the terms and conditions set forth herein serve a public purpose and promote the health, safety, prosperity, security, and general welfare of the inhabitants and taxpayers of Town.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing promises, conditions, covenants and agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The recitals set forth above are incorporated fully into this Addendum as if fully set forth herein.

2. Approval of Business License; General Provisions. The Parties agree to the following terms:

- a. Site Numbers. Developer shall provide Town with a numbering system for each Tiny Home Pad in the Plan.
- b. Phasing. Developer shall propose a plan for phasing the development of the Property. Each phase shall be for a minimum of 10 units. The phases shall identify the numbers of each pad included in the phase and comply with all applicable building and fire codes as well as the Plan as set forth in Exhibit "B" of this Addendum and the Agreement.
- c. Building Permit. Developer shall apply for a Building Permit for the improvements on the Property with the Town. The date of application of the Building Permit shall be October 5, 2017.
- d. Building Permit and Impact Fees. Developer shall pay the applicable building permit and Impact fees to Town for the entire Plan.
- e. Concrete Rental Unit Pad. The parties agree that the size of the concrete rental unit pad set forth in the Plan shall be ten by twenty-four feet (10'x24'). Town agrees that Developer may install the Concrete Rental Unit Pads in phases and that it is not necessary for Developer to install Concrete Rental Unit Pads all at once, in order to obtain a Business License.
- f. Landscaping Plan. Instead of real grass, which the parties agree requires more water and maintenance than is prudent in this arid region, Developer may install artificial turf in the size of eight feet by twenty feet (8'x20'), to be located as per the Plan. Developer shall comply with all other aspects of the landscape plan as shown on Exhibit "B".
- g. Fence. Developer shall install the 6-foot site obscuring fence referenced in the Plan prior to the town issuing its first certificate of occupancy for the Plan.

Developer may construct the fencing using brick, wood, or other material as allowed under the Town’s LMC in effect on October 5, 2017.

- h. Completion Deadline. The Parties agree that all improvements set forth in the Plan, the Agreement and this Addendum shall be fully completed no later than twelve (12) months after the first certificate of occupancy is issued for the Property (“Completion Deadline”). Notwithstanding the foregoing, the parties agree that the Completion shall be automatically extended another six (6) months upon Developer’s notification to the Town.
- i. Business License. Town shall issue a business license to Developer after Developer submits an application, pays the applicable fee, and complies with the terms of the Agreement and this Addendum as well as any applicable Town ordinances and any applicable local, state, and federal law.

3. Execution of the Addendum. This Addendum may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. Electronic transmission (including email and fax) of a signed copy of this Agreement and the retransmission of any signed electronic transmission shall be the same as delivery of an original.

4. All Other Terms and Conditions of the Agreement Apply. Except for the provisions of this Addendum, all other terms and conditions of the Agreement shall apply.

IN WITNESS WHEREOF, this Agreement has been executed by Town and by a duly authorized representative of Developer as of the date first written above.

TOWN:

TOWN OF APPLE VALLEY
a Utah municipal corporation

Attest:

By: _____
Marty Lisonbee, Mayor

_____, Recorder

STATE OF UTAH)
 : ss.
COUNTY OF WASHINGTON)

On the _____ day of _____ 2020, personally appeared before me Marty Lisonbee and _____, who duly acknowledged before me that they are respectively the Mayor and Town Recorder of the Town of Apple Valley, a Utah municipal corporation, and that they signed the foregoing Development Agreement on behalf of said city, pursuant to authority granted them by the Town of Apple Valley Town Council, and for the uses and purposes stated therein.

Notary Public

DEVELOPER

1st United Investments, Inc.

DocuSigned by:

Jerry Eves

4/24/2020 | 6:58 PM MDT

By: *Jerry Eves*

Its: **Authorized signer**

STATE OF UTAH)

: ss.

COUNTY OF WASHINGTON)

On this ____ day of _____ 2020, appeared before me Jerry Eves the _____ of 1st United Investments, Inc., Developer herein, who, his identity and position having been satisfactorily established to me, affirmed to me upon oath that the governing body of 1st United Investments, Inc., has authorized him to execute the foregoing document, and did duly acknowledge in my presence having executed the same for the purpose stated therein.

Notary Public

DEVELOPER

Zion Tiny Home Vacations, LLC

DocuSigned by:


4/24/2020 | 6:18 PM PDT

By: Autumn McGregor

Its: _____

STATE OF UTAH)

: ss.

COUNTY OF WASHINGTON)

On this ____ day of _____ 2020, appeared before me Autumn McGregor the _____ of Zion Tiny Home Vacations, LLC, Developer herein, who, her identity and position having been satisfactorily established to me, affirmed to me upon oath that the governing body of Zion Tiny Home Vacations, LLC has authorized her to execute the foregoing document, and did duly acknowledge in my presence having executed the same for the purpose stated therein.

Notary Public

EXHIBIT A

Legal Description

Lots 12, 13, 14 and 15, CEDAR POINT PHASE 3, according to the Official Plat thereof on file in the Office of the Recorder of Washington County, State of Utah.

Together with all improvements and appurtenances thereunto belonging, and being subject to easements, rights of ways, restrictions, and reservations of record and those enforceable in law and equity.

Tax I.D. Nos. AV-CDPT-3-12; AV-CDPT-3-13; AV-CDPT-3-14; AV-CDPT-3-15

EXHIBIT B