

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

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

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

BEFORE ADOPTION

10.05 Planning Documents (Non-existent)

AFTER ADOPTION

10.05 Planning Documents(*Added*)

SECTION 2: **ADOPTION** “10.05.01 Purpose” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.01 Purpose (Non-existent)

AFTER ADOPTION

10.05.01 Purpose(*Added*)

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

SECTION 3: **ADOPTION** “10.05.02 General Plan” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.02 General Plan (Non-existent)

AFTER ADOPTION

10.05.02 General Plan(*Added*)

A. **Purpose.** In order to accomplish the purposes, set forth in chapter 1 of this title the Town has prepared and adopted a comprehensive, long range general plan for present and future needs of the Town, and growth and development of the land within the Town. The plan may provide for:

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

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

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

1. The general plan shall include a plan for moderate income housing as required by Utah Code Annotated section 10-9a-408, as amended.
2. The general plan may include, among other things:
 - a. A land use element that:
 - (1) Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(2) Includes a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan.

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

c. An environmental element that addresses:

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

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

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

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

(1) Historic preservation;

(2) Elimination of blight; and

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

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

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

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

i. Any other element the Town considers appropriate.

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

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

a. Each affected entity;

b. The automated geographic reference center created in Utah Code Annotated section 63F-1-506;

c. The association of governments, established pursuant to an interlocal agreement under Utah Code Annotated title 11, chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and

d. The state planning coordinator appointed under Utah Code Annotated section 63J-4-202.

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

a. Indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;

b. Describe or provide a map of geographic area that will be affected by the general plan or amendment;

c. Be sent by mail, e-mail, or other effective means;

d. Invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:

(1) Impacts that the use of land proposed in the proposed general plan or amendment may have; and

(2) Uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and

e. Include the address of an internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendment.

E. *Plan adoption by Planning Commission.* After completing a proposed general plan for all or part of the area within the Town, the Planning Commission shall schedule and hold a public hearing on the proposed plan as provided in [section 10-7-4](#) of this title at least ten days before the date of the hearing. After the public hearing, the Planning Commission may make changes to the proposed general plan. The Planning Commission shall then forward the proposed general plan to the Town Council.

F. *Plan adoption by Town Council.* The Town Council shall schedule and hold a public hearing on the proposed general plan recommended to it by the Planning Commission as provided in [section 10-7-4](#) of this title at least ten days before the date of the hearing. After the public hearing, the Town Council may make any modifications to the proposed general plan that it considers appropriate. The Town Council may adopt the proposed general plan without amendment; amend the proposed general plan and adopt or reject it as amended; or reject the proposed general plan.

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

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

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

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

a. For map amendments:

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

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

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

- (4) Correct property addresses of parcels included within the area of the proposed amendment;
- (5) Written statement specifying the potential use of property within the area of the proposed amendment;
- (6) Written statement explaining why the existing general plan designation for the area is no longer appropriate or feasible;
- (7) Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc.; and
- (8) As part of the general plan map amendment process, the applicant shall attempt to collect the signature of the property owner or authorized agent or, in the case of amendments affecting multiple properties, the signatures of a majority of the persons who own property within the area proposed for the general plan map amendment.

b. For text amendments:

- (1) Written statement showing the desired language change;
- (2) Written statement explaining why existing general plan language is no longer appropriate or feasible;
- (3) Analysis of the potential impacts of the proposed amendment; and
- (4) Map showing affected areas if text changes will affect specific geographic areas.

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

SECTION 4: ADOPTION “10.05.03 Road Master Plan And Official Map” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

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

AFTER ADOPTION

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

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

B. *Amendments.* Amendments to the road master plan may be made in accordance with the procedures set forth in [section 10-5-2](#) of this chapter.

C. *Effect of official map.*

1. *An official map does not:*

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

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

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

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

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

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

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

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

SECTION 5: ADOPTION “10.05.04 Capital Facilities Plan” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.05.04 Capital Facilities Plan (Non-existent)

AFTER ADOPTION

10.05.04 Capital Facilities Plan(*Added*)

A. **Capital facilities availability.** In the event capital facilities are unavailable to serve a proposed development project subject to the requirements of this title, the capital facilities plan adopted pursuant to [title 9](#), chapter 2 of this Code shall be used as a guide to determine when needed capital facilities may be available.

B. **Capital facilities plan preparation.** The capital facilities plan shall be prepared as provided in Utah Code Annotated section 11-36-201.

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

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

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

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

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley