

**APPLE VALLEY
ORDINANCE O-2023-15**

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

SECTION 1: **AMENDMENT** “2.14.040 Term Of Office” of the Apple Valley Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.14.040 Term Of Office

The term of the regular members of the planning commission shall be ~~three~~three four (34) years and until their respective successors have been appointed; provided, that the terms of the regular members shall be staggered so that no more than ~~three~~three one (123) regular member's term expires each year. The term of the alternate members shall be two (2) years and shall be staggered so that not more than one (1) alternate member's term expires each year.

SECTION 2: **REPEAL** “2.14.020 Findings” of the Apple Valley Municipal Code is hereby *repealed* as follows:

R E P E A L

Delete 2.14.020 Findings

- ~~A. The Township of Apple Valley ("Apple Valley") was incorporated by the State of Utah on the 14th day of October, 2004.~~
- ~~B. Apple Valley has previously adopted the Zoning Ordinance of Washington County (Ordinance No. 2004-1-O), which includes provisions for a countywide planning commission (Title 10, Section 3).~~
- ~~C. The residents of Apple Valley would benefit from the establishment of a municipal planning commission.~~
- ~~D. Creation of a municipal planning commission would necessitate repealing Title 10, Section 3 of the Zoning Ordinance of Washington County.~~
- ~~E. It is in the interest of the public and the residents of Apple Valley that Apple Valley establish a municipal planning commission.~~

SECTION 3: AMENDMENT “2.14.030 Establishment Of Municipal Planning Commission” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

2.14.030 Establishment Of Municipal Planning Commission

Pursuant to Title 10, Chapter 9a of the Utah Code Annotated, Apple Valley hereby establishes a municipal planning commission, which is comprised of five (5) regular members, one of which may be a town council member, and up to three (3) alternate members, which shall be appointed by the mayor, with the advice and consent of the town council. Each planning commissioner shall be a resident of and qualified elector in the township, and shall remain a resident and qualified elector. Not less than three (3) members constitute a quorum. Alternate members may be called to fill a quorum when there are insufficient regular members available. The members of the planning commission, whether regular or alternate members, shall serve without compensation, except as provided herein: members shall be paid a per diem for each duly-called and advertised regular and special meeting of the planning commission that they actually attend, as set by ordinance after public hearing, which is initially set at \$50; and for the reimbursement of authorized, budgeted, and actual travel expenses incurred, upon proper presentation of receipts as approved by the town council. Members and alternate members shall be deemed "volunteers" for purposes of Town ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah Governmental Immunity Act as set forth in Utah Code Annotated section 63G-7-102 et seq., as amended.

SECTION 4: AMENDMENT “2.14.050 Filling Vacancies And Removal From Office” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

2.14.050 Filling Vacancies And Removal From Office

The mayor may appoint, with the advice and consent of the town council, members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason. Planning commission members may be removed from their position for cause by the town council. "Cause" includes, but is not limited to, moving out of the town-, failing to attend planning commission meetings, or committing any act inimical to public service.

SECTION 5: **AMENDMENT** “2.14.070 Powers And Duties” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

2.14.070 Powers And Duties

The planning commission shall have the powers and duties outlined in Utah Code § 10-9-~~302~~~~204~~, as amended, including:

- A. Preparing and recommending a general plan and amendments to the general plan to the town council as set forth in Utah Code § 10-9-~~34~~01 et seq. (as amended).
- B. Recommending land use ordinances and maps, and amendments to land use ordinances and maps, to the town council as set forth in Utah Code § 10-9-401 et seq. (as amended).
- C. Administering provisions of the land use ordinance, where specifically provided for in the land use ordinance adopted by the town council.
- D. Recommending subdivision regulations and amendments to those regulations to the town council as set forth in Utah Code § 10-9-~~68~~01 et seq. (as amended).
- E. Recommending approval or denial of subdivision applications as provided in Utah Code § 10-9-~~68~~01 et seq. (as amended).
- F. Advising the town council on matters as the town council directs.
- G. Hearing or deciding any matters that the town council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits.
- H. Exercising any other powers:
 - 1. that are necessary to enable it to perform its function; or
 - 2. delegated to it by the town council.

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.

SECTION 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 18, 2023.

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