

TOWN OF APPLE VALLEY

ORDINANCE O-2022-01

TEMPORARY LAND USE REGULATIONS INCLUDING MORATORIUM ON ZONING, DEVELOPMENT, AND SUBDIVISION APPLICATIONS AND ALL BUILDING ACTIVITY ON LANDS WITHIN THE TOWN OF APPLE VALLEY

WHEREAS, Utah Code Annotated § 10-9a-504 authorizes the Town Council, as the legislative body of the Town of Apple Valley (the "Town"), to enact an ordinance establishing a temporary land use regulation for all or part of the Town, for up to six (6) months, without prior Planning Commission consideration or recommendation, provided there is a compelling, countervailing public interest; and

WHEREAS, the office of the State Engineer for the State of Utah has advised the Big Plains Water and Sewer Special Service District ("Big Plains SSD"), which is the water provider for the Town and which the Town Council oversees, that the Apple Valley Water System can only support thirty (30) more single unit residential connections or thirty (30) equivalent residential units (ERU) before it exceeds its storage capacity; and

WHEREAS, the Town has previously approved subdivisions that are in the process of being developed, which subdivisions include numbers of approved residential lots that will far exceed thirty (30) single unit residential connections; and

WHEREAS, according to information provided to the Town Council, the number of platted, single-family lots already approved by the Town but not yet developed exceeds the number of residential water connections that the Apple Valley Water System's current storage capacity can support; and

WHEREAS, the Utah Department of Environmental Quality, Division of Drinking Water, has reported in its schedule created on September 29, 2021, that the Cedar Point Water System (PWS ID: UTAH27089) "lacks more than 20% of required source capacity"; and

WHEREAS, the Town has received numerous complaints regarding the sufficiency, pressure, and quality of culinary water provided through the Cedar Point Water System to existing residents; and

WHEREAS, the Town Council is in the process of taking an inventory of, doing an assessment of, and planning for necessary infrastructure, including water, power, roads, fire protection, police, and wastewater to support the existing and future increased needs of the Town; and

WHEREAS, the Town Council finds that many of the Town's ordinances, policies and procedures, which include, but are not necessarily limited to, the Town's General Plan, zoning ordinances, subdivision ordinances, construction standards, street and traffic plan, water and wastewater ordinances and policies, trails plan, storm water plan, and other similar documents, policies and procedures, either do not exist or must be revised and updated to protect the health, safety and welfare of its citizens and to fully address the burgeoning growth that is now occurring and is expected to continue to occur; and

WHEREAS, the Apple Valley Planning Commission and Town Council is in the process of revising its General Plan to better meet the needs of a growing and evolving Town; and

WHEREAS, the extraordinarily large number of subdivision, planned development, and other large-scale residential development applications being submitted to the Town in recent months has placed pressure on the Town's capacity beyond the Town's existing ability to adequately evaluate the applications in light of the Town's limited and inadequate services and services, which places at risk the health, safety and welfare of its citizens; and

WHEREAS, the Town Council finds that accepting zoning and development applications during the time that the Town is in the process of inventorying and assessing its infrastructure, revising its ordinances, policies, and procedures regarding development to adequately protect the health, safety and welfare of the Town's citizens, and updating the General Plan, will compromise the health, safety and welfare of the Town's citizens and place unfair burdens on a disproportionate number of landowners and taxpayers within the Town; and

WHEREAS, the Town Council has determined and found that there is a compelling, countervailing public interest to impose a six-month temporary land use ordinance restriction in the form of a moratorium on all zoning, commercial construction, and development in the Town of Apple Valley to allow the Town to conduct a comprehensive inventory and review of its existing infrastructure and its ability to provide further services to additional developments, as well as a comprehensive review and necessary additions to and revisions to applicable ordinances, policies and procedures pursuant to Utah Code Annotated § 10-9a-504.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of Apple Valley, Washington County, State of Utah, as follows:

1. All land use applications, zone change applications, subdivision applications, preliminary and final plat applications, approval of development agreements, and commercial building permit applications are prohibited.
2. Residential building permit applications are prohibited for development within the Cedar Point Water System, which system is identified by the Utah Division of Drinking Water as PWS ID: UTAH27089.
3. Outside of the Cedar Point Water System, no more than thirty (30) residential building permits may be issued for development located within the Apple Valley Water System area serviced by the Big Plains SSD.
4. The moratorium shall be in effect for a period of six months from the date this Ordinance is adopted by the Town Council.
5. This Ordinance shall become effective immediately upon publication or posting as set forth by State law.

ADOPTED AND PASSED, by the APPLE VALLEY TOWN COUNCIL this 27th day of January, 2022.

ATTEST:

Jenna Vizcardo, Town Clerk

APPLE VALLEY TOWN COUNCIL:

Dina Mason Walters, Mayor

COUNCIL VOTE TAKEN:

Council Member Sair	voted _____
Council Member Whitmore	voted _____
Council Member McGinnis	voted _____
Council Member	voted _____
Mayor Walters	voted _____