

**APPLE VALLEY
ORDINANCE O-2023-14**

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

SECTION 1: **AMENDMENT** “10.06 Land Use Authority” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.06 Land Use Authority

AFTER AMENDMENT

10.06 Land Use Authority

See Title 2, Chapter 14 for Planning Commission provisions

SECTION 2: **REPEAL** “10.06.010 Statutory Authority” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.06.010 Statutory Authority

The statutory authority for enacting this chapter is Utah Code §§ 17-53-223 and 17-27-201, as amended.

AFTER REPEAL

10.06.010 Statutory Authority

~~The statutory authority for enacting this chapter is Utah Code §§ 17-53-223 and 17-27-201, as amended.~~

SECTION 3: **REPEAL** “10.06.020 Purpose Of Provisions” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.06.020 Purpose Of Provisions

The purpose of this title is to establish a Town wide planning commission required by Utah Code § 17-27-201, as amended. The chapter defines the number and terms of the members, the mode of appointment, the procedures for filling vacancies and removal from office, and other details relating to the organization and procedures of the planning commission.

AFTER REPEAL

10.06.020 Purpose Of Provisions

~~The purpose of this title is to establish a Town wide planning commission required by Utah Code § 17-27-201, as amended. The chapter defines the number and terms of the members, the mode of appointment, the procedures for filling vacancies and removal from office, and other details relating to the organization and procedures of the planning commission.~~

SECTION 4: REPEAL “10.06.030 Establishment Of Town-Wide Land Use Authority” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.06.030 Establishment Of Town-Wide Land Use Authority

The Town of Apple Valley hereby establishes a town wide planning commission, which is comprised of five (5) regular members and up to three (3) alternate members appointed by the Town council. Each planning commissioner shall be a resident of and qualified elector in the Town. 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 for the cost of their monthly solid waste collection on their primary residence and the reimbursement of actual expenses incurred as approved by the Town Council.

AFTER REPEAL

10.06.030 Establishment Of Town-Wide Land Use Authority

~~The Town of Apple Valley hereby establishes a town wide planning commission, which is comprised of five (5) regular members and up to three (3) alternate members appointed by the Town council. Each planning commissioner shall be a resident of and qualified elector in the Town. 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 for the cost of their monthly solid waste collection on their primary residence and the reimbursement of actual expenses incurred as approved by the Town Council.~~

SECTION 5: **REPEAL** “10.06.040 Term Of Office” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.06.040 Term Of Office

The term of regular members of the planning commission shall be two to four (2-4) years and until their respective successors have been appointed; provided that the terms of the regular members shall be staggered so that at least two (2) regular members' terms expire each year. The term of alternate members shall be two (2) years and shall be staggered so that at least two (2) alternate members' terms expire each year.

AFTER REPEAL

10.06.040 Term Of Office

~~The term of regular members of the planning commission shall be two to four (2-4) years and until their respective successors have been appointed; provided that the terms of the regular members shall be staggered so that at least two (2) regular members' terms expire each year. The term of alternate members shall be two (2) years and shall be staggered so that at least two (2) alternate members' terms expire each year.~~

SECTION 6: **REPEAL** “10.06.050 Filling Vacancies And Removal From Office” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.06.050 Filling Vacancies And Removal From Office

The Town council may appoint 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.

AFTER REPEAL

10.06.050 Filling Vacancies And Removal From Office

~~The Town council may appoint 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 7: AMENDMENT “10.06.060 Governance Of Land Use Authority” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.060 Governance Of Land Use Authority

The regular members of the planning commission shall elect one of their members as chair of the planning commission, whose term shall be for one year. The planning commission may create and fill such other offices as it may determine. The planning commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of their proceedings, which record shall be open to inspection by the public at all reasonable times. The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission. These policies and procedures shall be submitted to Town council, and shall be adopted by the town council before taking effect.

AFTER AMENDMENT

10.06.060 Governance Of Land Use Authority

~~The regular members of the planning commission shall elect one of their members as chair of the planning commission, whose term shall be for one year. The planning commission may create and fill such other offices as it may determine. The planning commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of their proceedings, which record shall be open to inspection by the public at all reasonable times. The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission. These policies and procedures shall be submitted to Town council, and shall be adopted by the town council before taking effect.~~

SECTION 8: REPEAL “10.06.070 Powers And Duties” of the Apple Valley Land Use is hereby *repealed* as follows:

BEFORE REPEAL

10.06.070 Powers And Duties

The planning commission shall have the powers and duties outlined in Utah Code § 17-27-204, as amended, including:

- A. Preparing and recommending a general plan and amendments to the general plan to the Town council in compliance with Utah Code 17-27, as amended;
- B. Recommending zoning ordinances and maps, and amendments to zoning ordinances and maps, to the Town Council in compliance with Utah Code 17-27, as amended;
- C. Administering such provisions of this title as provided for in this title;
- D. Recommending subdivision regulations and amendments to those regulations to the Town Council as provided in Utah Code 17-27, as amended;
- E. Recommending approval or denial of subdivision applications to the Town council as provided in Utah Code 17-27, as amended;
- F. Advising the Town Council on such matters as the Town Council directs;
- G. Hearing or deciding any matters that the Town Council designates, including recommendations to approve or deny conditional use permits;
- H. Exercising any other powers delegated to it by the Town Council; and
- I. Exercising any other powers that are necessary to enable it to perform its functions.

AFTER REPEAL

10.06.070 Powers And Duties

~~The planning commission shall have the powers and duties outlined in Utah Code § 17-27-204, as amended, including:~~

- ~~A. Preparing and recommending a general plan and amendments to the general plan to the Town council in compliance with Utah Code 17-27, as amended;~~
- ~~B. Recommending zoning ordinances and maps, and amendments to zoning ordinances and maps, to the Town Council in compliance with Utah Code 17-27, as amended;~~
- ~~C. Administering such provisions of this title as provided for in this title;~~
- ~~D. Recommending subdivision regulations and amendments to those regulations to the Town Council as provided in Utah Code 17-27, as amended;~~
- ~~E. Recommending approval or denial of subdivision applications to the Town council as provided in Utah Code 17-27, as amended;~~
- ~~F. Advising the Town Council on such matters as the Town Council directs;~~
- ~~G. Hearing or deciding any matters that the Town Council designates, including recommendations to approve or deny conditional use permits;~~
- ~~H. Exercising any other powers delegated to it by the Town Council; and~~
- ~~I. Exercising any other powers that are necessary to enable it to perform its functions.~~

SECTION 9: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 10: 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 11: EFFECTIVE DATE This Ordinance shall be in full force and effect from February 15, 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