



## **ORDINANCE NO. O-2025-08**

AN ORDINANCE APPROVING THE MASTER DEVELOPMENT AGREEMENT FOR THE GOOSEBERRY PRESERVE AT ZION DEVELOPMENT TO BE LOCATED UPON PARCEL NOS. AV-1327-B WHICH FURTHER MODIFIES AND REGULATES ALLOWED USES, DENSITIES AND STANDARDS FOR THE UNDERLYING RE RURAL ESTATES ZONE DISTRICT FOR WHICH THE ABOVE-REFERENCED PARCEL(S) HAVE BEEN DESIGNATED PURSUANT TO THE TOWN OF APPLE VALLEY'S OFFICIAL ZONING MAP.

### RECITALS

WHEREAS the Town of Apple Valley ("the Town") is an incorporated municipality duly organized and existing under the laws of the State of Utah;

WHEREAS the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the Town's municipal boundaries;

WHEREAS pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Apple Valley Town Council ("Town Council") is designated as the governing and legislative body of the Town.

WHEREAS pursuant to Utah Code Annotated Title 10, Chapter 9a, Section 503(1) the Town Council is the only body designated as the Town's "Land Use Authority" who may adopt "(a) the number, shape, boundaries, area, or general uses of any zoning district; (b) any regulation of or within the zoning district; or (c) any other provision of a land use regulation."

WHEREAS pursuant to Utah Code Annotated Title 10, Chapter 9a, Sections 502 and 505 the Town Council may adopt or amend a land use regulation or its Official Zoning Map to redesignate (aka rezone) parcels within the Town after the proper notice is given in compliance with Utah Code Annotated § 10-9a-205 and an ordinance on the subject receives a recommendation from the Apple Valley Planning Commission ("Planning Commission") after a public hearing is held.

WHEREAS pursuant to Utah Code Annotated Title 10, Chapter 9a, Section 532(2)(a)(iii) the Town Council may, via a development agreement, permit a use or development of land that would otherwise be prohibited, so long as the Town Council follows the same procedures required of the Town when enacting or amending a land use regulation or rezoning a parcel of property under Utah Code Annotated §10-9a-502 & §10-9a-505.

WHEREAS the Town has received from the owner of certain tracts of real property consisting of 40 acres known as Parcel(s) AV-1327-B (“Subject Property”) a request for the approval of certain modifications to the standards and requirements of the zoning district and general land use regulations applicable where the Subject Property is located - said requested modifications include density enlargement, use variation, public improvement standard variation, and alterations to the standard installation & dedication timing for said public improvement (“Requested Modifications”).

WHEREAS legal counsel for the owner of the Subject Property has drafted a master development agreement for the Subject Property (“MDA”) which addresses the Requested Modifications with specificity.

WHEREAS Town Officials and representatives of the owner of the Subject Property have reviewed and further negotiated and revised the MDA into a final draft ready to be taken thru the approval process contemplated by Utah Code Annotated §§ 10-9a-502 and 10-9a-505.

WHEREAS, on January 29, 2025, the Planning Commission reviewed, conducted a public hearing on, and made a recommendation for approval of the MDA and this corresponding Ordinance and forwarded said recommendation to the Town Council.

WHEREAS, after reviewing the recommendation from the Planning Commission, the Town Council finds it to be in the best interest of the health, safety, and general welfare of the Town that this Ordinance effectuating the Town’s consent to MDA be approved.

### **ORDINANCE**

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

1. Approval of the MDA for the Subject Property. The MDA for the Subject Property in the form attached hereto as Exhibit “A”, is hereby approved and the mayor of the Town of Apple Valley, State of Utah (“Mayor”) is hereby authorized to execute said MDA on behalf of the Town.
2. Recordation of the MDA. Once the MDA for the Subject Property is fully executed with notarized signatures, the original shall be recorded in the Official Records on file in the Office of the Recorder of Washington County, State of Utah with the MDA being specifically indexed against the tax identification numbers for the parcel(s) that make up the Subject Property.
3. Severability. If any Section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
4. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

5. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Council and execution by the Mayor.

ADOPTED AND APPROVED BY THE APPLE VALLEY TOWN COUNCIL this 19 day of February, 2025 based upon the following vote:

Councilmember (check one per seat):

Michael Farrar (Mayor)	Aye:	Nae:	Abstain:	Absent:
Kevin Sair	Aye:	Nae:	Abstain:	Absent:
Annie Spendlove	Aye:	Nae:	Abstain:	Absent:
Scott Taylor	Aye:	Nae:	Abstain:	Absent:
Richard Palmer	Aye:	Nae:	Abstain:	Absent:

TOWN OF APPLE VALLEY  
A Utah municipal Corporation

ATTEST:

\_\_\_\_\_  
Michael Farrar, Mayor

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Jenna Vizcardo, Town Recorder