

Chapter 02 Land Use Authority

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Section 10:02: 1 Statutory Authority:

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

Section 10:02: 2 Purpose of Provisions:

The purpose of this title is to establish a Town wide planning commission required by Utah Code Annotated section 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 10:02: 3 Establishment of Town 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 10:02: 4 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 10:02: 5 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 10:02: 6 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 10:02: 7 Powers and Duties:

The planning commission shall have the powers and duties outlined in Utah Code Annotated section 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 Annotated title 17, chapter 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 Annotated title 17, chapter 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 Annotated title 17, chapter 27, as amended;
- E. Recommending approval or denial of subdivision applications to the Town council as provided in Utah Code Annotated title 17, chapter 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.