



PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, February 03, 2021 at 6:00 PM

MINUTES

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, February 03, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that the Planning Commission Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial-in phone numbers will be provided when the agenda for the meeting is published on the Town website or via <https://www.utah.gov/pmn>

Zoom Meeting ID: 870 4501 0060

Zoom Link: <https://us02web.zoom.us/j/87045010060>

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

Chair Angell called the meeting to order and led the pledge of allegiance at 6 pm.

PRESENT

Chair Allen Angell

Commissioner Wenn Jorgensen

Commissioner Janet Prentice

Commissioner Lee Fralish

Commissioner Richard Fischer

Conflict of Interest

No conflicts of interest declarations

APPROVAL OF MINUTES

Commissioner Wenn Jorgensen requested a correction to the minutes of July 8, 2020. On the bottom of page 4 of the packet, paragraph 3. Tommy Heart stated that "he waste under the impression ..." should be corrected to "he was under the impression ..."

Commissioner Jorgensen pointed out a needed correction to the minutes of January 6, 2021. On page 23 of the packet, when Shamim Monshizadeh is speaking, the last sentence in the paragraph should be corrected to say, "... when it benefits the developer and not the town" instead of, "... when it benefits the developer and the town."

Commissioner Janet Prentice moved that with those two corrections, the commission give consent approval to the minutes of July 8, 2020; October 7, 2020; November 17, 2020; December 9, 2020, and January 6, 2021,

Commissioner Richard Fischer requested that the minutes of July 8, 2020, through December 9, 2020, meetings be approved separately from the January 6, 2021, minutes because he was not present for that meeting.

Commissioner Prentice's motion was amended in accordance with Commissioner Fischer's request.

Motion: That with the noted correction to the minutes of July 8, 2020, that the minutes of July 8, 2020; October 7, 2020; November 17, 2020, and December 9, 2020, be given consent approval

Motion made by Commissioner Jorgensen, Seconded by Commissioner Fischer.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

1. Meeting minutes for July 8th, 2020

Meeting minutes for July 8th, 2020, approved in consent as written above.

2. Meeting minutes for October 7th, 2020

Meeting minutes for October 7th, 2020, approved in consent as written above.

3. Meeting minutes for November 17th, 2020

Meeting minutes for November 17th, 2020, approved in consent as written above.

4. Meeting minutes for December 9th, 2020

Meeting minutes for December 9th, 2020, approved in consent as written above.

5. Meeting minutes for January 6th, 2021

Approval of minutes for 01.06.2021

Motion: That with the noted correction to the minutes of January 6, 2021, that the minutes of January 6, 2021, be given consent approval

Motion made by Commissioner Prentice, Seconded by Commissioner Fralish.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

HEARING ON THE FOLLOWING

6. Public Hearing for ZONE CHANGE of parcel: AV-1330-C from Open Space (OS) to Agriculture 10 Acre (A-10)

Landowner Walter Josey was present by Zoom. He purchased the property before the town of Apple Valley became a subdivision. At that time it was county zoned as residential/agricultural. He recently learned it was rezoned to Open Space. He would like to change zone back to Agricultural. He is planning to use it for agriculture and may later decide to build a house.

Comment by Tish Lisonbee, 1386 N Mount Zion, in favor of Walter's requested zone change. She is a close neighbor and feels Walter should be able to use his property as he requested and that people should be able to use their property as they want to.

7. Public Hearing for ZONE CHANGE of parcel: AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)

Applicant Mark Pierson explains he bought the house to build a house on it which is why he is requesting the zone change. He doesn't plan to use the property for anything else.

8. Public Hearing on land use ordinance creating "Camping Resort Zone (CRZ)"

DISCUSSION AND POSSIBLE ACTION ITEMS

9. ZONE CHANGE application for AV-1330-C from Open Space (OS) to Agriculture 10 Acre (A-10)

Discussion: Commissioner Prentice commented that Walter Josie has been in the area for 30+ years and should be able to do with his land as he desires. He has always been a good neighbor. Recommends approval.

Commissioner Fischer commented that land used to be agricultural. He does not have a problem with the 10 acres changed back to agricultural.

No objections from other commissioners.

Motion: To approve zone change for application AV-1330-C from Open Space to Agriculture-10 acres and recommend zone change to Town Council.

Motion made by Commissioner Jorgensen, Seconded by Commissioner Prentice.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

10. ZONE CHANGE application for AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)

Commissioner Prentice said they would like to keep the lots large like this one and she is all for it.

Chair Angell said the smallest lots in that area are 5 acres and this one is a nice piece.

Motion: To send to Town Council with a recommendation for approval for a change to parcel AV-1365-J-1 from Open Space (OS) to Rural Estate 20 Acre (RE-20)

Motion made by Commissioner Prentice, Seconded by Commissioner Fischer.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

11. Land use text amendment creating "Camping Resort Zone (CRZ)"

Commissioner Prentice read from the prepared document: The town of Apple Valley does not presently have a designation for RV camping. Cabin camping and tent camping is allowed. The addition of Chapter 1010-130, Camping Resort Zone (CRZ) into the current code would benefit the traveling public and economic well-being of town through rural and resort tax. The zone would allow the town to control the adverse visual, light, and noise impact to the town. No less than 15 acres and in harmony with the town. Cannot be located within a 100-year flood plain and be in compliance with Apple Valley land use Chapters 10.38.

Commissioner Prentice noted a desirable addition to the language of the chapter regarding pets. The chapter mentions leashes and keeping pets quiet but does not mention clean up after pets.

Commissioner Jorgensen said words are proposed to be added to the ordinance. After "on the leash at all times" add the words, "campers shall immediately clean up after their pets."

Public Comments:

Aaron Stout, 1752 Plains Drive: Since this new zone mentions RV's, cabins, tent cabins, and such, has the town already done away with the tiny cabin/tiny house zone, RV zone, and other things like that? Is this a mixed-use zone?

Commissioner Prentice responded, "Yes, it will be more like the Virgin River Resort."

Aaron Stout asked if there is any reason why the others are 10 acres and this one is being bumped up to 15?

Chair Angell commented that the other zones have been bumped up to 15 as well.

Tish Lisonbee: "You are going to micro-manage the dog poop but you're not going to tell everybody what time they have to go to bed?" Normally the details are not in ordinances, they are in rental agreements with customers. Lisonbee expressed concern that we are over-reaching in how someone manages their business.

Chair Angell acknowledged that this should be common sense but the item regarding dog poop was placed because there is a reference to dogs in the ordinance, not an effort to micro-manage.

Commissioner Fisher agreed with the comment regarding managing dog poop. When talking about the city park we should manage it but when it's someone's business it is between them and their patrons.

Commissioner Prentice: the Town Council (TC) has wanted this since July and they would like to provide it to the TC.

Shawn Guzman: On G, General Provisions for Campgrounds, subsection IV (page 61): need to strike the language of, "Patron logs shall be made available to code enforcement officers at their request." There was a US Supreme Court decision in 2015 which said those logs require a search warrant. They should keep the logs but we would need a warrant to obtain the logs.

Motion: Send to Town Council the text creating the Camp Resort Zone CRZ for passage.

Motion made by Commissioner Prentice, Seconded by Commissioner Fralish.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

ADJOURNMENT

Motion: to adjourn tonight's meeting

Motion made by Commissioner Fralish, Seconded by Commissioner Prentice.

Voting Yea: Chair Angell, Commissioner Jorgensen, Commissioner Prentice, Commissioner Fralish, Commissioner Fischer

Meeting adjourned at 7:32 PM

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, John Barlow, as duly appointed Administrator for the Town of Apple Valley, hereby certify that this Hearing notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town Website www.applevalleyut.gov and sent to The Spectrum on the **22nd day of January 2021**.

Dated this 28th day of January, 2021

John Barlow, Town Administrator

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.

Date approved: _____

Chairperson

ATTEST BY: _____