



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, November 02, 2022 at 6:00 PM

MINUTES

Chairman | Allen Angell

Commissioners | Lee Fralish | Forrest Kuehne | Margaret Ososki | Richard Palmer

CALL TO ORDER- Chairman Angell called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Allen Angell

Commissioner Lee Fralish

Commissioner Margaret Ososki

Commissioner Richard Palmer

Commissioner Forrest Kuehne

Staff and/or Consultants Present

Town Clerk/Recorder Jenna Vizcardo

Town Administrator Jauna McGinnis

Planning Department Manager Frank Lindhardt

Planning and Zoning Assistant Kyle Layton

CONFLICT OF INTEREST DISCLOSURES

None declared.

CONSENT AGENDA

1. Welcome new Planning Commission member: Richard Palmer.

Chairman Angell welcomed Richard Palmer as Planning Commission member.

Commissioner Palmer commented that he has been in Apple Valley for five years and he lives up on Gooseberry, 961 W Smithsonian Way.

2. Welcome new Planning Commission alternate member: Garth Hood.

Commissioners welcomed Garth Hood.

APPROVAL OF MINUTES

3. Minutes: August 9, 2022
4. Minutes: August 17, 2022
5. Minutes: September 7, 2022



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MOTION: Commissioner Ososki motioned to approve the minutes from August 9, 2022, August 17, 2022, and September 7, 2022.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING

6. **PUBLIC HEARING:** Zone Change for AV-1354-NP-6-A from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. Applicant: The Little Creek Trust Dated April 28, 2021, Agent: Sophia Daley, Ordinance-O-2022-61.

Planning and Zoning Assistant, Kyle Layton reported: This property consists of 5.00 acres that is undeveloped and is currently zoned OST. It is bordered by OST properties to the North, East, and South as well as OSC (Open Space Conservation) to the West. There are residential properties to the East and South of this property. It appears that the property will have water via a private well as it is too far from any municipal water services. Rocky Mountain Power has supplied a will serve letter stating that they will be able to provide power to the property. Applicant has also submitted an agreement for approval of onsite wastewater system from Ash Creek Special Services District. The following is our report based upon the property location and other facts: Required considerations to approve a zone change. When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

I. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

The general plan shows this property as a low-density residential area. The proposed zoning of Agricultural 5 acre is consistent with a low-density zone.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;



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This property is surrounded by mostly undeveloped property with 2 residences, one to the east and one to the north of the property.

3. The extent to which the proposed amendment may adversely affect adjacent property; and

This property is consistent with the surrounding property.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

Applicant has provided documentation for most major utility services.

Applicant commented that there in the process of getting the easements access since application has been filed as well as on the building permit level.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

22. **DISCUSSION AND ACTION:** Zone Change for AV-1354-NP-6-A from Open Space/Open Space Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5) for the stated purpose of constructing residence and farm. Applicant: The Little Creek Trust Dated April 28, 2021, Agent: Sophia Daley, Ordinance-O-2022-61.

Chairman Angell commented he the only thing that is not kosher with this is the 7-acre minimum and this parcel is grandfathered in. Planning Department Manager Frank Lindhardt commented we are proposing a change of the 7-acre minimum later in the meeting. Commissioners discussed if a general plan map amendment was needed. It was decided it was not needed.

Chairman Angell asked applicant if there was another home on the property and the applicant stated, there is a manufactured home that was approved through previous administrations. Chairman Angell commented that you are only allowed one primary residence on the parcel.

MOTION: Commissioner Kuehne motioned to approve zone change application for AV-1354-NP-6-A from Open Space/Open Space, with recommendation to Town council at the next meeting. Transition Zone (OS/OST) to A-5 Agricultural Zone (A-5).

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:



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Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

7. **PUBLIC HEARING:** Zone Change for AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. Applicant: Caren Widner.

Applicant states this was Agricultural zoning in 1997 as purchased. Planning and Zoning Assistant Kyle Layton states sometimes there is confusion due to the tax statement having the word agricultural but that is for tax purposes and not zoning.

Planning and Zoning Assistant Kyle Layton reported: Applicant has put in application with the stated purpose to change the property back to a previous zoning designation of agricultural. This property consists of 10.00 acres that is undeveloped and is currently zoned OST. It is bordered by A-20 properties to the North, OST Property to the East, A-10 Property to the South, and RE-1 Properties to the West. The properties to the south and east are currently undeveloped, the properties to the north and west are developed with single family residences. Application was submitted to the Joint Utility Committee and did not receive any feedback. The following is based upon the property location and other facts: **REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE** When approving a zone change, the following factors should be considered by the Planning Commission and Town Council:

I. Whether the proposed amendment is consistent with the Goals, Objectives, and Policies of the Town's General Plan;

- The General plan shows this property as a medium density residential. A zone change to A-10 is not necessarily medium density (medium density is considered 1-5 acres).

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

- Property is bordered by private residences on the north and west and vacant land to the south and east. Applicant has not stated whether there are any plans to build a residence on this property or if the property will solely be used for agricultural purposes. Property seems to match surrounding development.



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3. The extent to which the proposed amendment may adversely affect adjacent property; and

- There appears to be no negative affect to neighboring properties cause by this zone change.

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

- Applicant has not provided any proof of utilities. However, it does have access to a main road. Utilities may be something that could be addressed at the time of the building permit. Joint Utility Committee did not have any negative response to this application.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

23. **DISCUSSION AND ACTION:** Zone Change for AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10) for the stated purpose to change it back to the original zoning of agricultural. Applicant: Caren Widner.

MOTION: Commissioner Ososki motioned that we recommend zone change on AV-1330-D-1 from Open Space/Open Space Transition Zone (OS/OST) to A-10 Agricultural Zone (A-10).

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

8. **PUBLIC HEARING:** General Plan Map Amendment, Ordinance-O-2022-58.

Planning Department Manager Frank Lindhardt reported proposal is to change one section to residential medium.

Chairman Angell opened the public hearing.



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No public comments.

Chairman Angell closed the public hearing.

26. **DISCUSSION AND ACTION:** General Plan Map Amendment, Ordinance-O-2022-58.

Commissioner Kuehne commented about changing on the legend.

MOTION: Commissioner Fralish motioned approve the changes to the general plan amendment Ordinance-O-2022-58 and send on to Town Council.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

13. **PUBLIC HEARING:** Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.

Planning Department Manager, Frank Lindhardt discussed we are almost at 1,000 population and this will allow us to qualify with the State for low-income housing. This will allow their casita, part of their house or RV/Trailer if hooked up to all utilities to be rented. This allows people to stay in their home and rent out a part of their home for additional income if necessary. He clarified this does not apply to short term rentals.

Chairman Angell opened the public hearing.

Richard Ososki, 1024 W Little Pinion: Commented this opens the door for abuse. People are going to rent them out. Voiced concerned about nuisance complaints and code enforcement.

Rich Kopp, 2222 E Ranch Rd: Commented about the question is it will be limiting to one RV at your house. Of course, subject to the same ordinances.

Anthus Barlow, 1650 S 2220 E: Commented, wondering about why there wouldn't be a size of lot allowance due to large size Ag lots.

Allison Kapisky, 2808 N Foothill Dr: Questioned how many. If you are going to rent out your RV, she feels a business license is necessary and concerned with code enforcement.



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Rich Kopp, 2222 E Ranch Rd: Questioned about property line distances.

Richard Ososki, 1024 W Little Pinion: Commented about septic tanks.

Mayor Lindhardt read from the ordinance to clarify the setbacks are in the ordinance as well as size requirements.

Chairman Angell closed the public hearing.

31. **DISCUSSION AND ACTION:** Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.

Planning Department Manager Frank Lindhardt clarified the setbacks that have previously been on the books.

Planning Department Manager Frank Lindhardt commented liked idea of adding cannot exceed 50% of the backyard.

Discussion amongst Commissioners to see if a business license would be required. Town Administrator Jauna McGinnis interjected if this is for long term rental, we don't require anyone else to currently have a business license so why would we this be any different.

Commissioner Kuehne commented the correct term is moderate income housing rather than low-income housing. He also mentioned that an RV is not considered a permanent structure so that would need to be updated in the ordinance in his opinion.

MOTION: Commissioner Fralish motioned to table Ordinance changes to O-2022-36 until we have further information and set it up for work meeting.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

18. **PUBLIC HEARING:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.



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Planning Department Manager Frank Lindhardt discussed adopting the ordinance from the county for shipping containers. He continued this is an attempt to meet both side in the middle. He read presented changes in packet.

Chairman Angell opened the public hearing.

Joanie Moses, 2888 N Foothill: Questioned about property that 1.63 acres, theoretically how many can she put up. She continued, two is too many for her neighborhood.

Alison Kapisky, 2808 N Foothill: Commented we already had this discussion way back. But the thing is we don't want them. She commented about them being an eyesore.

Rich Ososki, 1024 W Little Pinion Way: Commented about a compromise was done in 2019. He continued in Gooseberry is all open. He has issues with code enforcement and trying to get rid of shipping containers. See Attached. (Attachment A, 3 pages total)

Sid Johannsen, 2848 N Foothill Dr: He agreed with what has been said previously. Continued, it would de-value property value. Concerned with the open property in Gooseberry.

Colton Winder: Commented not currently resident but owns property, he commented about permissible uses in agricultural.

Pamela Quayle: Commented about industrial look. This is only going to further this industrial look.

Patricia Parker, 2826 Purple Sage: I tried to voice my opinion and wasn't allowed on zoom. My opinion is shipping containers are considered commercial and construction use not for residential area. I should have been allowed to speak. Who do I complain to my husband is concern with his hearing disability. Thank you.

Chairman Angell closed the public hearing.

36. **DISCUSSION AND ACTION:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.

Commissioner Ososki commented about the email received from residents that are her neighbors against this update.

Chairman Angell asked the commissioners if they see anyway to modify based on the complaints they received at the public hearing.

Commissioner Kuehne mentioned that shipping containers are not considered accessory buildings.

Chairman Angell liked the idea of striking F in the ordinance.

Commissioner Ososki proposed under 2 acres nothing over 20' shipping container.

Chairman Angell commented about adding this item to a work meeting.



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Commissioner Kuehne asked about the requirement of shielding.

MOTION: Commissioner Ososki motioned to table the Ordinance amendment to 10.28.230 Accessory Buildings to a work meeting, date to be scheduled at a later time.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

10. **PUBLIC HEARING:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.

Planning Department Manager Frank Lindhardt reported on amendment in the ordinance presented. He continued proposed change for permitted use, only after a building permit issued. Also adding conditional use permits.

Chairman Angell opened the public hearing.

Rich Kopp, 2222 E Ranch Rd: Commented this is exactly what happened in front of my house, if you have to dedicate a road, oh well in his opinion.

Chairman Angell closed the public hearing.

28. **DISCUSSION AND ACTION:** Update Title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33.

Chairman Angell asked what is typically done. Planning Department Manager Frank Lindhardt responded on smaller lots you don't have a minimum; you have an average size lot in the subdivision. He continued; his thought is density. As a government, we need to find what is reasonable without overreaching. Conversation amongst commissioners for a compromise of 5 acres. Chairman Angell asked what our medium density is. Planning Department Manager Frank Lindhardt responded 1-5 acres.

Debbie Kopp, 2222 E Ranch Rd: Commented about her road and the issues she has dealt with.

Commissioner Kuehne questioned about acquiring a building permit for a permanent dwelling.



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Planning Department Manager Frank Lindhardt made suggestion to add everything under accessory buildings and uses.

Commissioner Kuehne and Commissioner Ososki suggested for permanent dwelling not be necessary for a church. For 5, 6 and 7 no permanent residence required. Commissioner Kuehne discussed about disallowed pets in Rural Estates. Commissioner Kuehne made suggestion to copy language from 10.10.060 SF regarding household pets. He commented about domesticated farm animal being different than household pet. Also, page 113 in packet paragraph H has four misspelled words.

MOTION: Chairman Angell motioned to adopt the changes to title 10.10.050 RE Rural Estates Zone, Ordinance-O-2022-33 with the discussed changes and recommend approval by the Town Council.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

24. **DISCUSSION AND ACTION:** Preliminary Site Plan for AV-1376-B-3 | 1442 E 2000 S for the proposed use of food processing. Applicant: Nuance Management, LLC

Planning and Zoning Assistant, Kyle Layton reported:

Applicant is applying for a site plan review for a commercial property. The proposed use of the commercial property will be food processing, specifically freeze drying. The property is bordered to the north by open space BLM property, to the east by residential estate 5 acre, to the south by open space transition and residential estate 1 acre, and to the west by open space transitions. The property is currently zoned C-3 which was voted on and approved by the Town Council of September 21st 2022.

This application was sent to most of the Joint Utility Committee and a few comments were received. Big Plains and the Fire department responded with concerns about how water runoff from the adjacent BLM property will be dealt with. Anthus Barlow responded to this by letting me know that the water runoff does not currently run across the property. It is currently routed to a drainage



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culvert that runs under the highway and they will continue to direct the water down the same path. The plans also show a detention basing to handle water runoff from their own property.

The same department also expressed that we make sure that they are using our town standards for their access road coming into the property. This will be addressed during construction documents. The applicant is also aware that some improvements will be required on Bubbling Wells including a pavement section that ties into the highway and extends a certain distance down Bubbling Wells road.

Comments were also received from Ash Creek Special Services District. They were asking about the septic system. They did not see any information for the treatment of the food processing waste. They sent a “pre-treatment” survey for the applicant to fill out. In talking with the applicant over the phone they informed staff that they have not gotten into detail with Ash Creek or the health department. It was advised that they start that process as soon as possible so that we can make sure that they are meeting those requirements before a building permit will be issued.

The public works department and the town engineer were unreachable in the early stages of this project but staff will continue to seek out their approval and comments.

A preliminary site plan shall include at least the following information [10.07.100.d.2.a.1-9]:

1. The Name, Address and telephone number of the applicant and the applicant’s agent, if any;
 - a. This information has been received by staff and all but the phone number is on the preliminary site plan
2. Location, topography showing two-foot contours, identification of 30 percent or greater slopes, and layout of proposed uses;
 - a. Application shows topography at 1-foot contours with no slopes 30 percent or greater
3. Location of open space;
 - a. There will be no open space with this project
4. Proposed access to the property and traffic circulation patterns;
 - a. The site plan shows the property being accessed using 2000 south street.
5. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities;
 - a. Site plan shows all required utilities
6. Proposed reservations for parks, playgrounds, schools, and other public facility sites, if any;
 - a. None
7. Adjoining properties and uses;



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a. Site plan shows adjacent parcel numbers but does not specify the use, these uses were specified when the zone change was requested.

8. Tables showing the number of acres in the proposed development and a land use summary;

a. Site plan does show the number of acres on the property. There will only be one use on the property for food processing.

9. A phased development plan if applicable.

a. No phased development in this project.

Planning and Zoning Assistant Kyle Layton commented he recommends if approved to have conditions and put a timeframe on it.

MOTION: Commissioner Fralish motioned we approve the Preliminary Site Plan for parcel AV-1376-B-3 with the restrictions of the sewer, water and road concerns as listed and the road concerns are to road base 2000 S and paving the first 25 feet into the highway in.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

25. Lot Line Adjustment for AV-1366-A-16 & AV-1366-A-17. Applicant: Farrar, Michael and Karale.

Planning and Zoning Assistant, Kyle Layton reported: Applicant has submitted application with the stated purpose of adjusting the lot lines for these two properties. Property 1 is not in compliance with current zoning as it is right now, lot line adjustment would bring that property into compliance with the current zoning. Both properties have an existing single-family residence. Property is surrounded by multiple properties of similar size with single family residences on the properties. Overall application would achieve more compliance than what is currently there. Application was sent to Joint Utility Committee and did not return with any negative comments.

Planning Department Manager Frank Lindhardt commented that the town initiated this and asked them to do for compliance purposes.



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MOTION: Commissioner Fralish motioned that we recommend approval to the Town Council for the lot line adjustments for parcels AV-1366-A-16 and AV-1366-A-17.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

Chairman Angell commented if this does not need to go to Town Council for approval than the Planning Commission has approved.

11. **PUBLIC HEARING:** Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.

Planning Department Manager Frank Lindhardt reported the changes proposed in the ordinance presented.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

29. **DISCUSSION AN ACTION:** Update Title 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34.

Commissioner Ososki commented about clarification on what equipment is in reference to. She also commented about semi-trailers being parked on streets.

Chairman Angell commented this ordinance doesn't reference trailers. He likes that the ordinance requires permits.

MOTION: Commissioner Ososki motioned that we pass 10.28.100 Parking Requirements Of Private Recreational Vehicles In Residential Zones, Ordinance-O-2022-34 to the Town Council.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:



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Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

12. **PUBLIC HEARING:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.

Planning Department Manager Frank Lindhardt reported on the changes in the ordinance presented. He commented adding conditional uses and specifically prohibiting anything that is not shown in this section will be prohibited unless Planning Commission has determined that it could be a conditional use or it is very similar to one of the other uses.

Chairman Angell opened the public hearing.

Rich Ososki, 1024 W Little Pinion Way: Commented about the CCR's in Gooseberry.

Chairman Angell closed the public hearing.

30. **DISCUSSION AND ACTION:** Update Title 10.10.060 SF Single Family Residential Zone, Ordinance-O-2022-35.

Chairman Angell commented for 5, 6 and 7 no permanent residence required. Also, change from 1250 to 1000 and number 10 make change from 2.5 acre to 5 acre. The ordinance changes that we recommend approval of include the changes we already discussed plus the change to line out Single Family 0.25 acre.

MOTION: Chairman Angell motioned with the proposed changes that we discussed that we recommended the update to Title 10.10.060 regarding Ordinance-O-2022-35. The ordinance changes that we recommend approval of include the changes we already discussed plus the change to line out Single Family 0.25 acre. Chairman Angell motioned to update my original motion to include lining out of the 0.25-acre lot districts.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes



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Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

14. **PUBLIC HEARING:** Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.

Planning Department Manager Frank Lindhardt reported the changes in the ordinance presented.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

32. **DISCUSSION AND ACTION:** Update Title 10.10.030 C Commercial Zones, Ordinance-O-2022-38.

MOTION: Commissioner Kuehne motioned that we recommend the amendment to 10.10.030 C Commercial Zones of Apple Valley land use and send it forward to the Town Council as Ordinance-O-2022-38 as written.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

15. **PUBLIC HEARING:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.

Planning Department Manager Frank Lindhardt reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.



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No public comments.

Chairman Angell closed the public hearing.

33. **DISCUSSION AND ACTION:** Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-39.

MOTION: Chairman Angell motioned approve the update to Title 10.10.040 as written for approval by the Council.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes

Commissioner Kuehne - Yes

Commissioner Palmer - Yes

Commissioner Fralish - Yes

Chairman Angell - Yes

The vote was unanimous and the motion carried.

16. **PUBLIC HEARING:** Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.

Planning Department Manager Frank Lindhardt reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

34. **DISCUSSION AND ACTION:** Update Title 10.04.010 Terms Defined, Ordinance-O-2022-40.

MOTION: Commissioner Ososki motioned that we approved definitions Ordinance amendment to 10.04.010 Terms Defined of Apple Valley land use and Ordinance number O-2022-40 to the Town Council.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:



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Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

9. **PUBLIC HEARING:** Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.

Planning Department Manager Frank Lindhardt reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

Colton Winder commented is this basis of science. He would rather see it limited with the number of pigs rather than the time. For a lot of family's pigs is a great source of food opportunity.

Chairman Angell responded he believed it had to do with kids and 4-H.

Chairman Angell closed the public hearing.

27. **DISCUSSION AND ACTION:** Update Title 10.10.020 A Agricultural Zone, Ordinance-O-2022-17.

Planning Department Manager Frank Lindhardt discussed we have 5-acre agricultural parcel randomly all over the Town.

Chairman Angell commented to change the 2.5-acre designation to 5-acre.

MOTION: Commissioner Palmer motioned to recommended approval of the changes on 10.10.020 Agricultural Zone, Ordinance from 2.5-acre to 5-acre and all the proposed changes on Ordinance-O-2022-17.

SECOND: The motion was seconded by Commissioner Kuehne.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes



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The vote was unanimous and the motion carried.

17. **PUBLIC HEARING:** Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

35. **DISCUSSION AND ACTION:** Update Title 10.20 Conditional Uses, Ordinance-O-2022-41.

Commissioner Ososki commented about certain items being in the different zones.

Planning Department Manager Frank Lindhardt commented only applies if this item is under conditional uses.

MOTION: Commissioner Kuehne motioned to forward Ordinance O-2022-41 to the Town Council as written.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

19. **PUBLIC HEARING:** Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.



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37. **PUBLIC HEARING:** Update Title 10.10.090 MH Manufactured Housing Park Zone, Ordinance-O-2022-43.

MOTION: Commissioner Fralish motioned we forward to Town Council the changes to Ordinance-O-2022-43 under Title 10.10.090.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes

Commissioner Kuehne - Yes

Commissioner Palmer - Yes

Commissioner Fralish - Yes

Chairman Angell - Yes

The vote was unanimous and the motion carried.

20. **PUBLIC HEARING:** Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

38. **DISCUSSION AND ACTION:** Update Title 10.18.020 Residential Lots; Access, Ordinance-O-2022-56.

Commissioner Ososki commented about not maintaining the ditches that is not on your property.

Planning Department Manager Frank Lindhardt discussed the egress to your property is the reason the culvert is the responsibility of the resident.

MOTION: Commissioner Ososki motioned that we approve amendment 10.18.020 Ordinance O-2022-56 and send to town council for approval as written.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes

Commissioner Kuehne - Yes



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Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

21. **PUBLIC HEARING:** Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

Planning Department Manager, Frank Lindhardt, reported on the changes presented in the ordinance.

Chairman Angell opened the public hearing.

No public comments.

Chairman Angell closed the public hearing.

39. **DISCUSSION AND ACTION:** Update Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

MOTION: Chairman Angell motioned that we recommend to Town Council that they approve the updates as written to Title 11.02.050 Notice Requirements, Ordinance-O-2022-57.

SECOND: The motion was seconded by Commissioner Ososki.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes
Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Chairman Angell.

VOTE: Chairman Angell called for a vote:

Commissioner Ososki - Yes



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Commissioner Kuehne - Yes
Commissioner Palmer - Yes
Commissioner Fralish - Yes
Chairman Angell - Yes

The vote was unanimous and the motion carried.

Meeting adjourned at 10:01 p.m.

Date Approved: _____

Approved BY: _____

Chairman | Angell Allen

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo