



APPLE VALLEY PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, May 12, 2021 at 6:00 PM

MINUTES

CALL TO ORDER- Chairman Angell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chair Allen Angel

Commissioner Wenn Jorgensen

Commissioner Janet Prentice

Commissioner Lee Fralish

Commissioner Richard Fischer

CONFLICT OF INTEREST DISCLOSURES

None declared.

HEARING ON THE FOLLOWING

1. Public Hearing on the Zone Change for Parcel AV-1311-V from SF to RE-10

Chairman Angell opened the public hearing.

Patricia Parker: Voiced opposition to the zone change, arguing that new property owners should not be allowed to alter zoning to suit their needs.

Mark Parker: Supported Patricia's opposition, emphasizing his desire to prevent the zone change.

Chairman Angell: Reminded attendees of procedural rules, asking everyone to state their name before speaking and clarified that the meeting was a forum for public comments, not a conversational debate.

David Wilson: Expressed curiosity about why a community that values beauty would oppose efforts that might enhance it.

Lauri Charles: Suggested that differences in opinions about beauty prevent communities from achieving harmony.

Felicia Gardner: Asked for clarification on what "RE" stands for.

Chairman Angell: Explained that "RE" means Rural Estate, noting that the proposed change was from Single-Family zoning to Rural Estate 10, which would allow more flexibility, such as keeping animals.

Rich Ososki: Highlighted discrepancies between Apple Valley's practices and county standards, citing a need for proper documentation. He criticized the town for not aligning with county processes, described ongoing issues with permitting, and pointed out aesthetic concerns regarding shipping containers and fifth wheelers in his view.

Margaret Ososki: Addressed a letter from Marv Bateman in the agenda packet, criticizing its implications and referencing the Fifth Amendment. She noted that necessary documentation, such as the record of survey and the transfer deed, was incomplete. She raised concerns about the potential for subdivision and questioned why the application sought RE-10 instead of RE-20 zoning.

Chairman Angell closed the public hearing.

DISCUSSION AND POSSIBLE ACTION ITEMS

3. Discussion and Possible Action on the Zone Change for Parcel AV-1311-V from SF to RE-10.

After public comments, Chairman Angell closed the hearing and initiated a commission discussion. Commissioners confirmed that prior issues, including incorrect parcel identification, had been resolved. They noted that the applicant had met all requirements and complied with the county's standards. The commission discussed the community's desire to preserve rural character and the benefits of large-lot zoning, concluding that the proposed RE-10 zoning aligned with these goals.

During the Planning Commission meeting, the chairman highlighted a recurring challenge faced by the town—continuity of staffing. The chairman expressed support for Taylor's (current Town Clerk) decision to further their education but noted the upcoming transition as another instance of staff turnover, a pattern that has created instability for the town.

The chairman emphasized the importance of maintaining long-term, well-qualified staff to ensure smooth operations and continuity. They urged the town leadership to address this issue, stating that staffing should not be affected by local politics or other external factors. The chairman went on record to advocate for proactive measures to secure consistent and professional staffing, stressing that this stability is vital for the town's success and efficient governance.

MOTION: Commissioner Jorgensen moved that we approve the Zone Change for Parcel AV-1311-V from Single Family (SF) to RE-10.

SECOND: The motion was seconded by Commissioner Fischer.

VOTE: Chairman Angell called for a vote:

Commissioner Fralish - Aye
Commissioner Prentice - Aye
Chairman Angell - Aye
Commissioner Jorgensen - Aye
Commissioner Fischer - Aye

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING

2. Public Hearing on the Zone Change for Parcel AV-1377-B-1 from RE to AG.

Chairman Angell opened the public hearing.

Amy: Asked for clarification on the practical differences between RE and AG zoning, particularly regarding allowances for animals and buildings. Expressed curiosity about why the applicant sought the change if the differences were minimal.

Roger Ashmore: Supported the rezoning request, noting the benefits of encouraging agricultural use in the community.

Margaret Ososki: Questioned the necessity of the rezoning, given that surrounding properties were designated as Rural Estate. Expressed concerns about potential discrepancies in how the zoning change could affect neighboring properties.

Chairman Angell closed the public hearing.

DISCUSSION AND POSSIBLE ACTION ITEMS

4. Discussion and Possible Action on the Zone Change for Parcel AV-1377-B-1 From RE to AG.

The commission clarified that the primary motivation for the zoning change was to facilitate agricultural use, including potential tax benefits under the greenbelt designation. They emphasized that the change would have minimal impact on the property's current usage and surrounding areas. Members acknowledged the applicant's compliance with the general plan and the benefits of preserving agricultural land.

MOTION: Commissioner Prentice motioned to approve the Zone Change, send it to Town Council for their approval on parcel AV-1377-B-1 from RE to AG and in conjunction with this that this would reflect on the general map to be low density.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Fralish - Aye
Commissioner Prentice - Aye
Chairman Angell - Aye
Commissioner Jorgensen - Aye
Commissioner Fischer - Aye

The vote was unanimous and the motion carried.

DISCUSSION AND POSSIBLE ACTION ITEMS

5. Open and Public Meetings Act Required Annual Training. Presented by: Shawn Guzman

Shawn Guzman presented the annual training for the Planning Commission, focusing on compliance with the Open and Public Meetings Act (OPMA), effective governance practices, and the roles and responsibilities of commission members.

Key Topics Discussed

1. Electronic Meetings

- A new state law effective May 5th requires a policy for conducting electronic meetings.
- The policy should define:
 - Who can participate electronically.
 - Conditions for electronic participation.
- Recommendations:
 - Adopt a resolution or ordinance quickly.
 - Reference statute 52-4-207 for guidance.
 - Look at similar jurisdictions for templates.
- Electronic broadcasting of meetings for public transparency remains allowable.

2. Conflict of Interest Forms

- Forms must be completed by all commission members and updated every two years.
- Common conflicts include owning businesses licensed in the town.
- Disclosure is required, but conflicts don't necessarily preclude participation.

- A policy for routine review and completion was suggested.

3. Meeting Procedures

- The town should adopt written procedures for meetings.
- Use a **modified version of Robert's Rules of Order**, with key steps:
 - Applicant speaks first.
 - Commissioners ask questions.
 - Motion is made, seconded, and discussed before voting.
- Public hearings should feature the applicant's presentation before public comments.

4. Agendas

- Current agendas list parcel IDs, which may not be clear to the public.
- Recommendations:
 - Include approximate addresses or descriptions alongside parcel IDs.
- Agenda items should flow logically, with discussion and action following public hearings.

5. Public Hearings and Meetings

- A public hearing allows public input but is not intended for prolonged discussions.
- Open meetings allow public observation but do not guarantee public participation.
- Chairpersons may permit comments in open meetings as appropriate.

6. Commissioner Conduct

- Commissioners should:
 - Avoid expressing personal opinions in official communications.
 - Refrain from opposing or supporting items publicly after a Planning Commission recommendation.
 - Understand that all communications, including emails, are public records.
- Commissioners represent the town and must maintain professionalism.

7. Minutes and Recordings

- Minutes summarize discussions, motions, and decisions but are not verbatim.
- Recordings serve as the complete record of meetings and should be available within three days.
 - Public comments from hearings should be summarized in minutes but are detailed in recordings.

8. Public Notice Requirements

- Regular meetings require 24-hour notice, while public hearings require 10 days.
- Notices must be posted:
 - On the Utah Public Notice Website.
 - At the town office or meeting location.

- Emergency meetings require best efforts to notify members and the public.

9. Closed Meetings

- Limited to specific topics, such as litigation or personnel matters.
- Closed meetings must meet strict criteria, including a two-thirds majority vote.

Key Remarks

- **Chairman Angell:**
 - Suggested adding a Q&A session with applicants as a separate agenda item before public hearings.
 - Advocated for logical agenda structure to ensure clarity for attendees.
 - Emphasized the importance of commissioners maintaining professionalism and avoiding public bias.
- **Shawn Guzman:**
 - Commended the dedication of Apple Valley commissioners and residents.
 - Noted that clear policies and adherence to OPMA enhance transparency and trust.

ADJOURNMENT

MOTION: Commissioner Prentice motioned to adjourn.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Angell called for a vote:

Commissioner Fralish - Aye
Commissioner Prentice - Aye
Chairman Angell - Aye
Commissioner Jorgensen - Aye
Commissioner Fischer - Aye

The vote was unanimous and the motion carried.

The meeting was adjourned at 7:15 p.m.

Date Approved: _____

Approved BY: _____

Chairman | _____

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo