

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

DECEMBER 18, 2019

CALL TO ORDER

Vice-Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 p.m.

Roll Call

Present: Commissioner Arias, Commissioner Harrison, Vice-Chairman Kallen
Absent: Commissioner Tinsley

INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Yvonne Rivera, Deputy Town Clerk, administered the Oath of Office to the newly appointed Planning Commissioners Thomas Lanyon.

Roll Call

Present: Commissioner Arias, Commissioner Harrison, Commissioner Lanyon, Vice-Chairman Kallen
Absent: Commissioner Tinsley

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Lanyon.

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. Conditional Use Permit No. 2019-003 and Deviation No. 2019-002. A request to approve a Conditional Use Permit to install a seventy (70)-foot tall wireless telecommunications tower designed as a monocross. The tower will be situated within the southern portion of the church site and will include a 484 square-foot enclosure that accommodates the tower and equipment. The deviation is a request for a reduced separation distance from residential zoned property located to the west, east and south.

Vice-Chairman Kallen opens the public hearing at 6:02pm.

Ms. Carol Miller, Assistant Director of Community Development, met with the applicant prior to the meeting and they have requested to continue.

Jillian Newcomer with Synergy, representing T-Mobile, is requesting a continuance to allow them to work on the design criteria.

Commissioner Harrison suggested that the applicant look at surrounding towers to help with the design.

MOTION

Motion by Commissioner Harrison seconded Commissioner Arias to continue Conditional Use Permit 2019-003 and Deviation No. 2019-012.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
 Commissioner Arias
 Commissioner Harrison
 Commissioner Lanyon
Noes: None
Abstain: None
Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

2. Development Code Amendment No. 2019-017. *(Continued from December 4, 2019)* An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units as required for compliance with recently approved State Legislation.

Vice-Chairman Kallen opens the public hearing at 6:08pm.

Ms. Pam Cupp, Senior Planner, presented the staff report as filed with the Planning Division.

Commissioner Harrison asked if Juniors units were allowed in an R3.

Ms. Cupp said Junior units were allowed but only when there is an existing single-family home.

Vice-Chairman Kallen asked if we deviate from what the State says, do we then lose State Funding.

Ms. Cupp said if we deviate from this law then, HCD would give us the opportunity to correct it and we don't, then this would be forwarded to the Attorney General for further action.

Vice-Chairman Kallen asked if we could fight this new law in court.

Albert Maldonado Town Attorney said some cities do have the funds to fight these regulations but ultimately this is a statewide for every community and some of the cities that have defied it are currently being sued by the State.

Commissioner Harrison expressed concerns with the impact this change would have on the community such the power grids, water system and sewer lines.

Commissioner Harrison asked if there were any class action movements from multiple municipalities against this.

Attorney Maldonado did not have any information.

Ms. Cupp added that staff would monitor any court cases should anything get overturned.

Vice-Chairman Kallen closed the public hearing at 6:30p.m.

MOTION

Motion by Commissioner Arias seconded Commissioner Harrison to approve Planning Commission Resolution No. 2019-020.

ROLL CALL VOTE

Yes: Commissioner Arias
Commissioner Lanyon
Commissioner Harrison

Noes: Vice-Chairman Kallen

Abstain: None

Absent: Vice-Chairman Tinsley

The motion carried by a 3-0-1-1 vote.

3. Development Code Amendment No. 2019-016. An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.36.230 and adding Section 9.29.210 as it relates to cannabis cultivation for personal recreational purposes and penalties for cannabis cultivation violations.

Vice-Chairman Kallen opens the public hearing at 6:34pm.

Ms. Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division.

Commissioner Lanyon asked if the Town will be notifying the homeowner if tenant has applied for a grow certification.

Ms. Miller stated the town would not be notifying the owner.

Vice-Chairman Kallen asked if an option could be added to the form so staff is aware if the applicant rents or owns the home.

Ms. Miller said this would be no different than a Home Occupation Application, where the town requires owner approval and if the owner does not want the tenant to grow marijuana in the home, then that should be listed on the lease agreement.

Bonnie Lanyon Apple Valley Resident, asked if having this permit, will it allow law enforcement to enter a home at any time.

Ms. Miller said if a complaint is filed, then it will be followed up with Law Enforcement and Code Enforcement to investigate.

Vice-Chairman Kallen closed the public hearing at 7:00p.m.

Vice-Chairman Kallen asked staff to add a section where it states, Owner will be notified if a grow permit is requested.

MOTION

Motion by Commissioner Arias seconded Vice-Chairman Kallen to approve Planning Commission Resolution No. 2019-019.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Arias
Commissioner Harrison
Commissioner Lanyon
Noes: None
Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote.

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

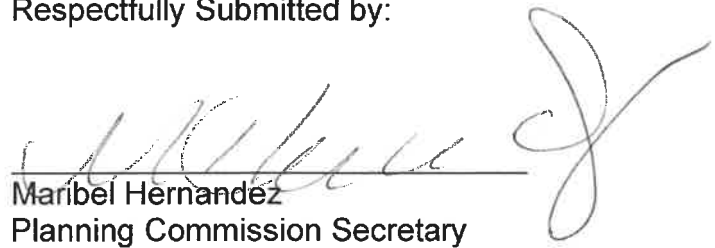
Commissioner Harrison asked to keep Pastor from Church of The Valley in your prayers as he has fallen ill.

STAFF COMMENTS

ADJOURNMENT

Motion by Commissioner Arias, Second by Commissioner Harrison, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:43p.m. to the Regular Meeting on January 15, 2020.

Respectfully Submitted by:


Maribel Hernandez
Planning Commission Secretary

Approved by:


Vice-Chairman, Bruce Kallen