

Minutes taken at the Town of Apple Valley, Regular Planning Commission meeting that was held on the 12th day of May, 2011 at 7:00 pm at the Smithsonian Fire Department Building, 1777 N. Meadowlark Drive, Apple Valley, Utah. 84737

1. The meeting was called to order at 7:00 pm.
2. The Pledge of Allegiance was led by Dick Naylor.
3. Roll Call: Roger Ashmore, Todd Stratton, Dick Naylor, Dale Beddo and Kevin Sair were present. Mike Cooke was excused. Nathan Bronemann, Town Clerk, took minutes.
4. Declarations of conflict of interests.

None stated.

5. Discussion and possible action on the sign ordinance.

Dick Naylor stated that since two planning commissioners have resigned and since there has been no word back from the town attorney, he decided to drop the issue and keep the sign ordinance as is currently on the books.

6. Discussion and possible action on golf course counting as density and PUD ordinance.

Dick Naylor stated that he believed golf courses should qualify as open space for the purposes of density credit. He also stated that the Land Use Ordinance contradicted itself with regard to the issue. Dale Beddo asked him to read the contradiction. He read Section 10:11:8:E:1:b:(1), Common Open Space Areas, (part of Chapter 11, Planned Development Zone. Dale Beddo stated that this section did not state that golf courses qualified for open space for the purposes of density credit. He continued stating that golf courses could not be counted for the purpose of density credit because they are not open to the public for free. Dick Naylor stated that in every other city they allow golf courses to count as open space for density purposes. Dale Beddo countered stating that just because other cities do it isn't a good reason for us to do so. Kevin Sair added that he was under the impression that this issue was going to be forwarded to the Town Council for a decision. Dick Naylor replied that he stopped it from being forwarded and that he was going to keep it off the table. He added that if the Town Council wanted to override him that was fine. Kevin Sair stated that the problem with the ordinance as it stands is that there is conflict within the ordinance, and that is why it was being looked at initially. If one part is changed, the whole ordinance will need to be rewritten. Dick Naylor replied that he was not convinced of that statement. Kevin Sair asked Dick what he would like to have happen. Dick Naylor replied that he would like to leave the density limit at 8 units per acre and have golf courses qualify as open space. Dale Beddo stated that the density was not on the table and that they needed to stick to the issue at hand.

Dale Beddo made a motion to table the issue due to the fact that the Town did not have a PUD ordinance currently in the Town or classified within the ordinance books. Roger Ashmore seconded the motion.

Dick Naylor disagreed stating that the Town did have a PUD zone. Dale Beddo said that there is no such thing as a PUD in the Town's ordinances.

Vote: Roger Ashmore-yes, Todd Stratton-yes, Dick Naylor-no, Dale Beddo-yes. Motion passed 3/1.

Dale Beddo stated that he would be glad to make recommendation and report on all the ordinances combined that would allow the commission to get to a position where they could address and vote on the issue of open space for golf courses. Dick Naylor declined.

Dick Naylor made a motion to remove the words “a charge may be made for uses, such as a golf course, or” from 10:11:8:E:1:b:(1).

Dale Beddo stated that the other areas of the Land Use Ordinance book qualify the developer’s density based on grounds that are in fact developable and then sacrificed in order to create open space. If he puts in a golf course where he is making money, he is not making a sacrifice and should not be receiving a credit because of a sacrifice to the overall community. Examples of sacrifice would include parks, trails, cemeteries, etc. To make this change would add further conflict to the ordinance book.

Roger Ashmore seconded the motion. Vote: Roger Ashmore-no, Todd Stratton-no, Dick Naylor-yes, Dale Beddo-no. Motion failed 1/3.

7. Discussion and adoption of county tax form for future subdivision approvals.

Nathan Bronemann explained that Mayor Moser had requested that the Planning Commission adopt this county tax form as requested by Washington County because several developers were avoiding paying property taxes.

Motion made by Dale Beddo to adopt the county tax form. Dick Naylor seconded the motion. Vote: Roger Ashmore-yes, Todd Stratton-yes, Dick Naylor-yes, Dale Beddo-yes. Motion passed 4/0.

8. Consider approval of minutes:

a. March 24, 2011 Regular Meeting Minutes.

Motion made by Dale Beddo to approve the minutes. Dick Naylor seconded the motion. Vote: Roger Ashmore-abstain, Todd Stratton-abstain, Dick Naylor-yes, Dale Beddo-yes, Kevin Sair-yes. Motion passed 3/0.

b. March 31, 2011 Regular Meeting Minutes.

Motion made by Dale Beddo to approve the minutes. Dick Naylor seconded the motion. Vote: Roger Ashmore-abstain, Todd Stratton-abstain, Dick Naylor-yes, Dale Beddo-yes, Kevin Sair-yes. Motion passed 3/0.

c. April 14, 2011 Regular Meeting Minutes.

Motion made by Dale Beddo to approve the minutes. Dick Naylor seconded the motion. Vote: Roger Ashmore-abstain, Todd Stratton-abstain, Dick Naylor-yes, Dale Beddo-yes, Kevin Sair-yes. Motion passed 3/0.

9. Adjournment.

Motion made by Dick Naylor to adjourn the meeting. Dale Beddo seconded the motion. Vote: Roger Ashmore-yes, Todd Stratton-yes, Dale Beddo-yes, Dick Naylor-yes. Motion passed 4/0.

Meeting adjourned at 7:50 pm.

ATTEST BY: _____
Nathan Bronemann

Dick Naylor
Planning Commission Chairman