

Minutes taken at the Town of Apple Valley, Regular Planning Commission meeting that was held on the 23<sup>rd</sup> day of June, 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 golf course counting as density and PUD ordinance.

Dick Naylor stated that he wasn't sure why the issue was previously tabled. He read again from Section 10:11:8:D, paragraph 6 of the Land Use Ordinances stating that a golf course is acceptable for landscaping purposes and that it should also count as open space in Section 10:11:8:E.

Dale Beddo asked for a clarification and stated that Chairman Naylor was referencing two separate sections. He added that no matter how the council decided, if this particular section was changed, it would contradict the remainder of the Land Use Ordinances.

Chairman Naylor made a motion to remove the golf course wording from Section 10:11:8:E, Paragraph 1:b(1). The motion was not seconded.

Roger Ashmore agreed with Dale Beddo that there would be contradictions if the wording of were changed as proposed.

Todd Stratton asked what the argument was on the issue and that he did not understand why there was a problem with this particular issue.

Dale Beddo stated that this has not been an issue in the past with any developers wanting to develop in the Town.

Todd Stratton stated that in paragraph E (of the same section) it states that "Open space shall be defined as a portion of a lot or other area of land [that shall be] available for entry... and at times to the general public."

Dale Beddo replied that there is a verse that states that it has to be open to the general public with no fee. (Section 10:11:8:E:1:b(1))

Todd Stratton stated that he didn't understand why it was an issue.

Roger Ashmore asked how allowing golf courses to count as open space would benefit a developer.

Dale Beddo stated that if a golf course was allowed to count as open space, a developer would be able to count the golf course acreage toward the currently required 30% of open space.

Roger Ashmore asked why we as a Town would want to count golf courses as open space.

Todd Stratton stated that in Section 10:11:8, paragraph 2:a allows a 50% reduction of the required 30%.

Dale Beddo stated that this is only for grounds touching public property.

Chairman Naylor stated that he felt that golf courses should be counted as is done in other communities and that it hasn't done any harm in other cities.

Dale Beddo replied that this Town is known for its scenic view and spaces and that it was not the job of the Council to do things based solely on opinion.

Dale Beddo made a motion to forward this item as well as the proposed density plan that was attached to it several weeks back to the Town Council for a decision. Roger Ashmore seconded the motion. VOTE: Roger Ashmore-yes, Todd Stratton-nay, Dale Beddo-yes, Dick Naylor-nay. Motion did not pass 2/2.

Roger Ashmore asked Chairman Naylor how this would benefit the general public.

Dale Beddo further asked how you accommodate the balance of the ordinances that are trying them drive the Town of 7,000 acres of open space. How is that goal achieved?

Chairman Naylor asked Mayor Moser what they could do now since there was no decision.

Mayor Moser stated that if nothing could be decided it should be forwarded to the Town Council with no recommendation.

Chairman Naylor reiterated that he was not trying to cause an issue.

Mayor Moser stated that by definition a golf course is not open space since it is not free to the public like a public park.

Roger Ashmore stated that if it does not benefit the general Town, he didn't feel that it was right to allow golf courses to count as open space.

Dale Beddo explained that the Town uses the 30% open space to drive up the Town's asset base and that a golf course does not do that.

Kevin Sair stated that in the past he created a sliding scale for density credit based on the theory that golf courses do not add a benefit to the general public. The developer would gain credit for donating areas open to the general public that the developer would not be making money with. He stated that we need to mad a decision on this issue.

Dale Beddo stated that under the current density of 8 units per acre, a developer who included a golf course would end up making millions more in money while the Town loses money due to not receiving lands back.

Todd Stratton asked for clarification.

Mayor Moser clarified that when parks are donated to the Town it builds the Town's asset base that can be used for borrowing collateral. A golf course would not be counted since it is privately owned. The land is not taxed, but still appraised the same way privately owned land is valued.

Motion made by Kevin Sair to forward the issue to the Town Council without a recommendation. Dale Beddo seconded the motion. VOTE: Roger Ashmore-yes, Todd Stratton-nay, Dale Beddo-yes, Dick Naylor-nay. Motion failed to pass 2/2.

Todd Stratton asked about our profits from building permits.

Mayor Moser stated that 80% of the building permit fee is paid to the building inspector and the majority of the remainder of the fee goes to other things that the Town does not receive.

Roger Ashmore asked how the Town would benefit from a golf course.

Mayor Moser stated that there would be no gain to the Town until the amenities for the homes go in. He added that if the Council wanted the issue settled, they could make a motion to bring an alternate to the current Council to vote and settle the issue.

Dale Beddo made the motion to bring an alternate to the current Council to vote and settle the issue. There was no second.

Chairman Naylor made a motion to table the issue until next meeting. There was not second.

Chairman excused himself at 7:47 pm.

Dale Beddo made the motion to serve as the Co-Chairman of the Planning Commission for the remainder of this meeting. Todd Stratton seconded the motion. VOTE: Roger Ashmore-nay, Todd Stratton-yes, Dale Beddo-yes. Motion passed 2/1.

Dale Beddo again made the motion to bring Cynthia Browning and Margaret Ososki to the Council to help settle the issue. Todd Stratton seconded the motion. VOTE: Roger Ashmore-nay, Todd Stratton-yes, Dale Beddo-yes, Kevin Sair-yes. Motion passed 3/1.

Margaret Ososki stated that since she had not read the current code, should would have to agree that golf courses should not be allowed to count as open space.

Dale Beddo stated that he did not want to shove this issue down Chairman Naylor's throat and said that they needed to further discuss it.

Todd Stratton stated that he conflicted somewhat, being in the business of developing. He stated that he had a hard time requiring 30% of the developers.

Dale Beddo agreed and stated that with the newly proposed sliding scale that could be reduced.

Cynthia Browning added that the goal is to benefit the Town.

Margaret Ososki asked for clarification on the sliding scale proposal.

Dale Beddo explained that a developer would be allowed 1 unit per acre, but as more parks, etc. were contributed to the Town, the developer could increase the allowed units per acre to a maximum of 2.5 units per acre.

Dale Beddo made a motion to forward this item to the Town Council along with the sliding scale for them to make a decision.

Roger Ashmore asked if the sliding scale needed to be on the agenda.

Mayor Moser stated that since it had previously been tabled and since it was part of the current item it could be addressed.

Roger Ashmore still had an issue with making a motion.

Cynthia Browning seconded the motion. VOTE: Roger Ashmore-yes, Todd Stratton-nay, Dale Beddo-yes, Cynthia Browning-yes, Margaret Ososki-abstained, Kevin Sair-yes. Motion passed 3/1 with one abstention.

6. Consider approval of minutes:

a. June 9, 2011 Regular Meeting Minutes.

Motion made by Roger Ashmore to approve the minutes. Margaret Ososki seconded the motion. VOTE: Roger Ashmore-yes, Todd Stratton-yes, Dale Beddo-yes, Cynthia Browning-yes, Margaret Ososki-yes, Kevin Sair-yes. Motion passed 5/0.

7. Adjournment.

Motion made by Todd Stratton to adjourn the meeting. Dale Beddo seconded the motion. VOTE: Roger Ashmore-yes, Todd Stratton-yes, Dale Beddo-yes, Cynthia Browning-yes, Margaret Ososki-yes, Kevin Sair-yes. Motion passed 5/0.

Meeting adjourned at 8:11 pm.

ATTEST BY: \_\_\_\_\_

Nathan Bronemann

\_\_\_\_\_

Dick Naylor  
Planning Commission Chairman