



**TOWN OF SPRINGDALE**

118 Lion Blvd PO Box 187 Springdale UT 84767 \* 435-772-3434 fax 435-772-3952

**MINUTES OF THE SPRINGDALE PLANNING COMMISSION AND TOWN COUNCIL JOINT WORK MEETING ON TUESDAY, FEBRUARY 07, 2006 AT 6:30 P.M. AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UT.**

**PRESENT:** Mayor Pat Cluff, Councilmembers Louise Excell, Kathy LaFave and Robert Warren, Acting Chair Paul Mailloux Planning Commissioners Tom Haraden, Steve Masefield, Christine Wolken and Alternate Patsy Hosey. Mr. Mailloux chaired the meeting.

**EXCUSED:** Councilmember Stan Smith and Commissioners Jonathan Zambella and David Rutz

**ALSO PRESENT:** DCD Tom Dansie, Town Clerk Fay Cope and 13 citizens. (See attached list.)

**Approval of Agenda: A motion to approve the agenda was made by Steve Masefield; it was seconded by Patsy Hosey and passed unanimously.**

**Review of Redhawk Final Plat and Apartment Design Development Review:** Mr. Dansie said they were meeting to take a preliminary look at the application before the hearings. There would be no approvals made in the meeting. He suggested they start by reviewing the final plat.

Mr. Dansie explained that Color Country Community Housing (CCCH) had changed the concept of the final plat since the preliminary plat. Instead of locating building pods inside common area, they had defined individual lot boundaries around the house locations. The Commission would need to determine if the final plat was in conformity with the preliminary plat. The Commission was concerned they would be unable to do so without a Mylar plan of the preliminary plat which could be laid over the final plat. They also wanted the overlay to show elevation contour lines to indicate how the homes were located on the terrain. The Commission was concerned that the homes wouldn't meet the setback requirements of the FR zone underlying the affordable housing overlay zone. Mr. Spencer Jones of CCCH suggested that if a proposed home didn't meet the requirements of the ordinance at the time of Design Development Review (DDR), CCCH would take all the risk of not being able to build it. The Commission was unwilling to accept that proposal and asked CCCH to provide a plat that proved all the homes would be buildable. The Council was adamant that CCCH could not lower the number of affordable or moderate-income homes built in the project.

The Commission reminded Mr. Jones that no excavation could encroach on lot boundary lines, that all the homes would have to meet height requirements and none could encroach on 30% slopes. The Commission had to have proof they were not approving high-visibility lots.

Mr. Dansie pointed out a small road that would have to be bonded by the developer to ensure its completion. The Commission discussed requiring a letter of credit for the unfinished road. They discussed whether the fire marshal would require a hammerhead on that road. Mr. Dansie said it was less than 150'; the fire code didn't require one.

Mr. Jones said he could provide additional drawings as needed by the Town, though the final plat needed to be 'simple' in order to be recorded. Mr. Masefield asked if lot 11 was going to be relocated; it still appeared to be on the knoll. He said the house couldn't be located where it

was shown on the map. Mr. Jones said they would resolve lot 11 in Design Development Review (DDR). He said that lot 6 had been moved five feet to the north.

Mr. Dansie cautioned Mr. Jones; now that CCCH had drawn lot lines, they would have to show the project didn't exceed 30% lot coverage by designating coverage limits for each individual lot. Mr. Jones asked if they could specify those limits in the CCRs. Mr. Dansie suggested they put a note on the plat map. Each individual lot didn't have to adhere to 30%, but the average of the total couldn't exceed that percentage. Ms. LaFave suggested that CCCH determine and specify lot coverage limits on each lot on the plat. Mr. Jones was hesitant to allocate a percentage to each lot. Mr. Dansie asked what level of comfort the council and commission had with CCCH's assurance that they wouldn't exceed the coverage limits. Mr. Dansie asked if the Town needed oversight of the coverage. Mr. Mailloux said unless there was a 'running tally', the Commission wouldn't be able to make determinations by lot as they went through DDR. Mr. Dansie said one way to handle the problem was to make individual lot approvals as they were built until the last lot, which could be forfeited if necessary; the alternative was to require the developer to allocate percentages up front. Mr. Masefield thought the developer should provide that information up front. If they had a model representing the percentage allocations, it would be apparent if there were problems early in the process. Mr. Dansie suggested that instead of requiring plat notations, a model could be acceptable. The development agreement did call for the town to facilitate the process as much as possible. Ms. LaFave said once the buildings were overlaid on the property lines, it should become clear whether the project exceeded coverage.

Mr. Mailloux said there would be a lot to track once the project went under construction. He also thought it appeared CCCH didn't have a 'handle' on the building height issues in relationship to topography.

Ms. LaFave said if there were not lot lines, there was open space that needed to be governed by a home owners association (HOA). HOAs needed to have funding, which might 'defeat' affordability. Mr. Masefield said CCCH should have done more preparation for the meeting. It wasn't defensible that they weren't more prepared. Mr. Jones said he had been through final plat processes all over the country, but he wasn't used to Springdale's requirements.

The Boards then discussed the apartments. Ms. Hosey pointed out that the uniform grade lines and existing grade lines appeared to be reversed on the drawings. The large-scale drawings provided at the meeting differed from the packet information. They showed virtual plane, but it appeared the buildings were still too tall. The buildings appeared to be below the road by 4-5 feet. Mr. Mailloux recommended that a finished floor elevation be shown for all the buildings on the plans and the property be marked with an elevation marker. They were very close to the height limit. He said every application with close building height limits was watched to ensure the building was within height. If they just leveled off the land or filled the property to make it level, the buildings would be too high. He told Mr. Jones the buildings needed to show the finished floor elevation.

They discussed how each building would need a geotechnical report, per the ordinance. They determined that since there were two apartment buildings on each lot, they needed only one report for each parcel. Mr. Jones expressed concern that he might not have time to accomplish that. Ms. LaFave said it needed to be done before the building permit could be approved. The apartments would be built before the homes.

The maximum building height was based on the existing grade, not the finished grade. The site plan and the drawings needed to be consistent. The drawings provided were sometimes measured from floor level and sometimes from finished grade. The later drawings were showing 26' height rather than 25'. Mr. Jones said the engineer had misunderstood; the council had approved the buildings at 26'.

They discussed design elements. Mr. Jones asked for input regarding color choices. He said cultured stone was available in many styles from river rock to slate. Ms. Cluff asked them to look at and use the same kinds of colors of stone already in use in town. They discussed colors. Mr. Dansie suggested that CCCH bring some choices in so he could ensure they were on the color palette before the DDR meeting. Ms. LaFave suggested CCCH bring 3 choices of roof, stucco and materials. Mr. Mailloux asked whether the mechanical equipment would be adequately screened. Mr. Jones said they would be using plantings to screen. Lighting would be

down-directed and shielded. Parking lot lighting would have to meet the code. Mr. Jones said he hadn't seen details for the Community Center lighting; he understood there would be bollards. He asked if there were regulations for the design of the bollards. He asked if they could come back to have the lighting approval changed from bollards to taller poles once the ordinance was changed. Mr. Mailloux suggested the Town might even word the approval so lighting would be approved on a later review. Mr. Jones said the parking lot would have all the conduits laid before paving, so they would have to know where the lights were located. They discussed design alternatives for parking lot lighting and how to plan for a changing ordinance. Mr. Mailloux asked Mr. Jones to provide the overlay as soon as possible. Mr. Dansie instructed Mr. Jones to have everything submitted before the 14<sup>th</sup>.

Mr. Jones thanked them for meeting to discuss the applications.

### **Ordinance revisions:**

**30% Grade restrictions:** Mr. Dansie said the current ordinance prohibited disturbances on 30% slopes. There had been instances where homes had to move onto flatter portions of lots, which were more visible. Protecting the slopes in some instances defeated the visibility goals. Ms. Excell said a scar made by cutting into a slope was usually more unsightly than a home. They discussed how difficult it would be to write an ordinance that allowed 'flexibility'.

Ms. LaFave referred to a proposed home on a lot which neighbored her home. A preliminary design showed a tiered home 'disappearing' onto a slope, which was a 30% grade. Forcing the owner to move into flat land would achieve the opposite result; it would create a more visible and obtrusive home. The Commission said writing an ordinance that allowed for the kind of flexibility that allowed for case-by-case evaluation set the town up for lawsuits about arbitrary and capricious decisions. He said the old UBC used 30% grade as the 'kick-in' factor for several construction elements. Many communities 'picked up' that percentage as a cut-off point for allowing construction of structures. There were other areas in the code that stated limitations about building near or on those slopes. He discussed some design determinations that might allow buildings to be built without massive scars, but he thought trying to facilitate changing slope requirements in a flexible manner would be difficult. Ms. LaFave said she wanted to explore with the attorney whether an ordinance could be written that wasn't arbitrary and capricious. Mr. Mailloux said he could work with Mr. Dansie on a draft to see what could be accomplished. Mr. Masefield said he thought it was a good idea to minimize visibility impacts. Ms. Excell said the Town had to expect this would be an issue more from now on; many of the remaining un-built lots in Springdale were only marginally buildable. Mr. Mailloux suggested if they could make the ordinance quantitative, in other words, if they could measure how an impact would be lessened by a design on a slope, it might be 'doable'. Mr. Warren said building materials and colors could minimize impact on visibility, and that would be preferable over allowing people to cut into slopes. Mr. Mailloux said a 'massing' ordinance was long overdue, and this might also be the time to study how to design for minimizing visual impacts. Ms. LaFave said a revised ordinance needed to 'make things better' or it wasn't sensible to enact a change.

**Private lane and flag lot regulations:** Mr. Mailloux said it had been a 'surprise' to the Commission how many people in town were concerned about private lanes and how many properties were accessed by private lanes or private streets. Mr. Dansie summarized the issue for the council: Three subdivisions had come to the Town at the same time, all of which required private lanes. The ordinance required them to have conditional uses for their private streets, which had never been required of developers before and there were no standards in existence for those conditional use permits. In the attempt to create an ordinance that addressed the problem, it became clear that there were many property owners who would be affected. Mr. Mailloux said private lanes allowed developers to increase the density of their subdivisions. Be reacting to that problem, the Commission discovered how many properties were impacted by the proposed ordinance. Ms. Excell said the ordinance draft didn't address how such an ordinance would affect 'grandfathered' properties. Mr. Dansie said the first draft required a subdivision accessed by a

private lane or street to improve that access to meet public street standards. That had created a lot of uproar. The Mayor said if someone only wanted to add one or two homes to a private lane, making the developer meet 'public' standards might be onerous. The Commission discussed real situations relating to existing private lanes, and if the standard might be to make the roads meet the requirements for emergency vehicle access. They discussed a 'layered' set of requirements, depending on the size of an additional development. Mr. Dansie said there was already precedence for lowering standards for subdivisions of 2-3 lots.

Mr. Mailloux said roads couldn't cross 30% grades. Some older roads were on grades in excess of 30%. Ms. Excell said in order to make the ordinance work, many named or even unnamed roads would have to be designated as 'private streets'. Mr. Dansie said 10-25-10.K listed roads that would be grandfathered. He cited Valley View as an example of how an historical access could remain across properties, but it would have to meet a 22' wide easement with improvements if further development took place. The developer would have to obtain all necessary easements and pay all the costs of improvement. Mr. Masefield suggested that if a lane served more than two lots, the owner would have to widen and improve existing access. That would require the town to ensure that those two lots couldn't be subdivided again in the future without making the necessary improvements. Mr. Mailloux said the fire marshal would make determinations about when a better access was required. Mr. Dansie said the fire marshal would require a 20' wide access if the road was more than 150 feet long. Mr. Mailloux said the Commission needed to have more information about how private lanes accessed other developable properties and to what extent those properties could be developed. Ms. Hosey suggested defining lanes, drives and streets and make those titles apply to existing thoroughfares appropriately. Ms. LaFave said the town couldn't require people to rename their streets from 'drive' to 'lane'.

They asked Mr. Dansie to include the definition of a public street in the amendment for reference.

Ms. LaFave suggested the Council and Commission should meet quarterly in work meeting to discuss planning issues.

**Discussion of Current Development Projects: None**

**Adjourn: A motion to adjourn was made by Steve Masefield at 9:15 PM; it was seconded by Christine Wolken and passed unanimously.**

---

Fay Cope, Town Clerk

APPROVED: \_\_\_\_\_