



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY, JANUARY 19, 2022, AT 5:00 PM**

This meeting did not have an anchor location and was conducted entirely via electronic means. Commission members connected remotely. The meeting was available to the public for live viewing/listening and included public hearings whereby public comments could be made electronically. If a member of the public did not have access to the internet, they could join the meeting audio via telephone.

Meeting convened at 05:01 pm.

MEMBERS PRESENT: Vice Chair Ric Rioux, Commissioners Tom Kenaston, Kyla Topham, Pam Inghram, Pat Campbell, and Susan McPartland from Zion National Park.

ALSO PRESENT: Director of Community Development Thomas Dansie, Planning Technician Shelly Heaton, Town Clerk Darci Carlson, and Deputy Clerk Aren Emerson recording. See attached sheet for attendees known to have signed into the meeting.

EXCUSED: Commissioners Adam Hyatt and Noel Benson.

Mr. Rioux announced that Commissioner Mr. Campbell would be a voting member at the current meeting in Mr. Benson's absence.

Approval of the Agenda: Motion made by Tom Kenaston to approve the agenda. Seconded by Pat Campbell.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Ms. Carlson announced that the statute required appointed and elected officials to take an Oath of Office and asked each Commissioner to raise their right hand and repeat the Oath of Office.

Commission discussion and announcements:

Mr. Rioux reminded the remote attendees to stay muted until the appropriate times to speak during public hearings.

Ms. Carlson announced the Public Officials training was moved to February 18th and was located at the CCC.

A. Action Items

1. **Public Hearing – Conditional Use Permit:** Zach Chappell requests a conditional use permit for a transient lodging facility in the VC zone at 1460 Zion Park Boulevard (located off Dillyholler Drive).

The request was to use a portion of an existing single-family residence for a transient lodging facility. The current structure on the property had five bedrooms; the applicants proposed to use two of the bedrooms and one bathroom as a nightly rental. The remainder of the structure would continue to serve as the applicant's primary single-family residence. There were no structural changes proposed for the home. The Commission had received several public comments expressing concerns over possible impacts to the adjacent neighbors. The Commission's objective was to analyze any impacts on adjacent properties and craft conditions that could be established to mitigate any impacts.

Commission Questions to Staff:

In response to a public comment letter received, Mr. Kenaston asked if the Commission could require paved access to the property as a condition for approval.

- Section 10-3A-3(D) stated that the proposed use should not impact air quality. The Commission could discuss whether or not they could make a finding that the additional use of the two bedrooms as a transient lodging facility could generate impacts on air quality, particularly dust on the road.

Mr. Rioux asked what the parking requirement was for the transient lodging structure.

- Section 10-23-4 of the Town code established the required parking spaces for that use to be a minimum of six parking spaces for the property. The Commission should add a condition to ensure the transient lodging facility met all parking requirements before gaining approval.

Ms. Topham asked Mr. Dansie to clarify what historic access entailed.

- A term used to describe the roads used as access to properties but had never been through the official process to be designated as a private lane, a private street, or a dedicated public road; instead, they were recorded easements.

Public Questions to Staff: None were asked.

Presentation from applicant:

Zach Chappell wanted the opportunity to use two existing bedrooms in his home as nightly rentals. He requested relief from adding a screen wall or fence since it would not be effective in screening based on the land's topography. He stated that he maintained the road every couple of years to ensure that it was not impacting the neighboring residents.

Commission Questions to Applicant: None were asked.

Questions by the public to the Applicant: None were asked.

Motion made by Pam Inghram to open the Public Hearing. Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Public Comment:

Stating that he had no vested interest in this project, Andrew Green commended and expressed his support for a long-time resident being invested in transient lodging in his community and using his property in a consistent way with the Town ordinances.

Supporting the previous comment, Scott Williams stated that this was a great example of what the CUP was created for.

Ava Misseldine expressed concern about the guests trespassing onto her property as an adjacent neighbor to the property. She requested that the Commission require the applicant to add fencing or signage to mitigate that impact.

Motion to close the Public Hearing made by Tom Kenaston. Seconded by Pam Inghram.

Topham: Aye

Rioux: Ave

Kenaston: Ave

Inghram: Ave

Campbell: Ave

Motion passed unanimously.

Commission deliberation:

The Commission discussed that the additional vehicular trips would create a large amount of dust and significantly impact the neighboring residents. It was nice to see the homeowner residing on the same property to ensure the guests were respectful to the neighboring residents and their property. Being concerned with guests trespassing onto the adjacent properties, the Commission discussed that a fence would be necessary to mitigate that impact and establish the boundaries.

Mr. Dansie referred to section 10-3A-3(E), which stated that if the proposed use abuts a residential zone, the applicant shall provide a screening wall or fence at least six feet in height along the common boundary of the proposed use and residential zone. In relation to trespassing, the Commission may find a barrier to be appropriate.

Motion made by Pam Inghram that the Commission recommends approval of the conditional use permit for a two-unit transient lodging facility located at 1460 Zion Park Boulevard. This motion is based on the following findings:

1. **Based upon the number of anticipated vehicular trips of 3.5 per transient lodging unit per day, no more than two bedrooms may be used for transient lodging unless the historical access road is upgraded to a dedicated public street (10-3A-3F). The property owner must provide documentation to the Town that only two bedrooms are being used for transient lodging. The conditional use permit will be revoked if at any time more than two bedrooms are used as transient lodging (10-3A-5).**
2. **The owner or manager must continue to reside on-premise (10-2-2).**
3. **A minimum six-foot tall fence must be installed to designate property lines from all adjacent residentially zoned properties (10-3A-3(E)).**
4. **Outdoor lighting must be designed such that the bulbs or lenses of light sources are not visible beyond the property boundaries. All exterior lights must use full cutoff fixtures (10-3A-4).**
5. **The substantial increase in the number of expected vehicular trips on the historical access road is anticipated to have a significant impact on air quality due to dust from the existing gravel/dirt road surface: increased road degradation: and a significant increase in noise to adjacent property owners from the vehicle tires and pedestrians traveling on the gravel road (10-3A-3(D)). The applicant shall mitigate these issues by improving the road surface of the historical access road.**
6. **The applicant will comply will all relevant sections of Chapter 23 Off-Street Parking Standards and Requirements. In particular, the applicant should refer to 10-23-1-A6, 10-23-2, 10-23-4, 10-23-6, and 10-23-9, which address surface requirements for parking access lanes as well as parking stalls, the number of parking stalls required for the combination of uses on the property which appear to consist of a Single-Family Residence and the proposed transient lodging units. Seconded by Kyla Topham.**

Topham: Ave

Rioux: Ave

Kenaston: Ave

Inghram: Ave

Campbell: Ave

Motion passed unanimously.

2. Public Hearing – Design/Development Review: Ryan Lee requests a DDR for a 13-unit transient lodging facility located at 1200 Zion Park Boulevard in the VC zone.

The current proposal was a Design Development Review to construct a transient lodging facility that contained 13 transient lodging units. The development included three buildings, a pool, and a parking area. The Commission’s objective was to review the proposal and identify if it complied with the standards established in the ordinance. Three staff recommended conditions were outlined in the staff report to ensure compliance with the applicable ordinances.

Commission Questions to Staff: None were asked.

Public Questions to Staff: None were asked.

Presentation from applicant:

Ryan Lee stated that the proposal contained three buildings, two of which have four transient lodging units and one that has five transient lodging units. The design was similar to the buildings at LaFave. Mr. Lee clarified orientation of the front stone columns would be horizontal and consistent with the entire building.

Commission Questions to Applicant:

Ms. Topham asked if Mr. Lee had planned to monitor the pool to mitigate any negative impacts.

- The plan was to install a pool cover with a lock to enforce the pool closing time and ensure adjacent neighbors and other guests would not be affected by noise. Mr. Lee committed to nearby residents that he would be a low-impact neighbor.

Questions by the public to the Applicant: None were asked.

Motion made by Tom Kenaston to open the Public Hearing. Seconded by Pam Inghram.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Public Comment: None were made.

Motion to close the Public Hearing made by Kyla Topham. Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Commission deliberation:

Stating that it met the requirements in the ordinance, the Commission commended Mr. Lee for his commitment to being a good neighbor and addressing his neighbors’ concerns.

Motion made by Tom Kenaston to approve the Design Development review application for a 13-unit transient lodging facility at 1200 Zion Park Boulevard as presented at this Planning Commission meeting. This motion is based on the following findings: the Commission finds that the application complies with applicable code found in Chapter 10-11B for the Village

Commercial zone and 10-16 for the architectural standards and design guidelines. The Commission attaches the following conditions to the approval. 1. The applicant must install additional blocking around the recessed can lights to ensure the light source is not visible beyond the property boundaries. 2. The applicant must choose drought-tolerant grass species for the lawn areas. 3. The applicant must install a radon barrier around the basement areas if a basement is included in the structure. Seconded by Kyla Topham.

Topham: Ave

Rioux: Ave

Kenaston: Ave

Inghram: Ave

Campbell: Ave

Motion passed unanimously.

3. Public Hearing – Annexation Policy Plan: Adoption of an annexation policy plan establishing the annexation boundaries for the Town of Springdale.

To summarize the proposed plan, Mr. Dansie introduced the Planning Consultant who produced the annexation policy plan, Christine Richman, from GSBS. He reminded the Commission that their discussion should focus on the annexation policy plan, irrespective of any property purchases within the past year. There was an adequate notice in the Town code to property owners. Although there was adequate notice of the public hearing to property owners, notice was not sent to affected entities as required by statute. Therefore, the Commission would continue the discussion of this item at the February regular meeting.

Christine Richman stated that the purpose of the annexation policy plan was to provide policy direction for consideration of possible future annexation petitions. Although it doesn't result in an annexation, it provides criteria that the Town would evaluate if they received an annexation petition. The Town did not currently have an annexation policy plan, but there were statutory requirements for one in 10-2-401.5 of the Utah code, which provided direction of the criteria that needed to be considered to evaluate an annexation policy plan. The annexation plan would accommodate development consistent with the General Plan and land uses in the area to protect as much open space as possible. The annexation petitioner would provide, operate, and maintain all site improvements if necessary. The annexation would not create or exacerbate an existing peninsula or island unless the Town Council determined that not annexing the entire unincorporated area was in Springdale's best interest. The annexation would not require the expansion of current municipal systems. The Town would extend community development and general government services through user fees and property taxes.

Commission Questions to Staff:

Ms. Inghram asked if it was common practice to include a review of any potential liabilities, such as if a reservoir overflowed or a dam broke in an annexed property.

- Mr. Dansie stated that even though the property would be in the Town's municipal boundaries, it did not mean that the Town had any more liability than they would for any other kind of private improvements on private property.

Public Questions to Staff:

Ryan Lee asked if the annexation plan drafted was consistent with other annexation plans that Ms. Richman had viewed.

- The annexation plan was unique but did not have an in-depth level of detail because the development intensity was less than it would be in bigger cities.

Ryan Lee asked if it was common for the Town not to pay for the services in a new development.

- It was common; most Towns usually required payment from the developer to install services and then dedicate them, or have developers pay impact fees.

Ryan Lee asked if the annexation created a peninsula.

- When talking about a peninsula, they generally referred to leaving a peninsula of an unincorporated area. This unincorporated area would need to be serviced by the County.

Ryan Lee asked why Rockville did not have an equal claim to annex the property as Springdale.

- Ms. Richman indicated they did. Should a dispute arise between the two municipalities, there was a process established in state law to determine the best course of action.

Questions by the public to the Applicant: None were asked.

Motion made by Kyla Topham to open the Public Hearing. Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Public Comment:

Ryan Lee stated that the report was incorrect in saying 2,500 acres and wanted the record to reflect a more accurate number of 2,000 acres.

Motion to close the Public Hearing made by Tom Kenaston. Seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Commission deliberation:

Mr. Dansie stated that this was an excellent opportunity for the Commission to provide Ms. Richman with feedback. The Commission discussed improving the map by adding landmarks and specifying areas to avoid confusion.

Motion made by Kyla Topham to table the annexation policy until the February 16th Planning Commission Regular Meeting. Seconded by Tom Kenaston

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

4. **Design/Development Review:** Mark and Tammy Brown, represented by Rodney Steuer, request a residential DDR for a high visual impact lot on Canyon Springs Estates Subdivision, Lot 35. Typically, a single-family residential development was reviewed at the staff level. However, if a single-family DDR was more complex, it was forwarded to the Commission for review. Since the lot was a high visible impact property, it was sent to the Commission. Canyon Springs was governed by both

the Town's Land Use Ordinances and the standards of a settlement agreement between the Town and Zion Park Resort in 1994. The Commission's job was to review the proposed home to determine if it met all applicable land use standards and standards in the 1994 settlement agreement. Outlined in the staff report were four staff recommended conditions of approval. A fifth staff recommendation was not included in the staff report, which required a geotechnical report and geologic hazards analysis. Also noted in the staff report was that the front entry gate on the site plan was set back 21 feet from the front property, which made the gate height compliant.

Mark Brown clarified that the columns on the plans would be reduced to eight feet tall, and the gate would be reduced to six feet tall.

Motion made by Kyla Topham that the Commission approved the residential design development review for lot 35 of the Canyon Springs Estates Subdivision as presented during the January 19th, 2022 Commission meeting. The motion is based on the following findings: With the following conditions, the plans presented meet the requirements outlined in the Springdale Town code Chapter 10 section 9A foothill residential zone and meet the requirements in the Zion Park settlement agreement of 1994. The conditions of approval are 1. The applicant must provide an outdoor lighting plan including details regarding the type of light fixtures and color temperature; this plan must be provided before issuing a building permit. 2. All 30% or greater grade areas must be fenced off during construction to prevent accidental or incidental disturbances. 3. All native vegetation six feet tall or greater removed during construction must be replaced with similar native vegetation at a 2:1 ratio. 4. The property owner must complete a residential design standard agreement to qualify for additional building size and height allowances. The agreement must be signed and recorded before issuing a building permit. 5. Before issuing a building permit, the applicant must provide a soil and geotechnical hazards report. Seconded by Pam Inghram.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

5. Nomination and recommendation for the 2022 Planning Commission Chair and Vice Chair
Mr. Kenaston nominated Ric Rioux to be the Chair for the Planning Commission and commended him for stepping into the role in the absence of the Chair.

Motion made by Tom Kenaston to nominate and recommend Ric Rioux to be Chair of the 2022 Planning Commission. Seconded by Kyla Topham.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Campbell: Aye

Motion passed unanimously.

Mr. Rioux nominated Kyla Topham to become the Vice Chair for the Planning Commission.

Motion made by Ric Rioux to nominate and recommend Kyla Topham to be Vice Chair of the 2022 Planning Commission. Seconded by Tom Kenaston.

Topham: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye
Campbell: Aye
Motion passed unanimously.

B. Consent Agenda

Motion by Kyla Topham to approve the consent agenda. Seconded by Pat Campbell.
Topham: Aye
Rioux: Aye
Kenaston: Aye
Inghram: Aye
Campbell: Aye
Motion passed unanimously.

C. Adjourn

Motion to adjourn at 07:02 pm made by Ric Rioux Seconded by Kyla Topham.
Topham: Aye
Rioux: Aye
Kenaston: Aye
Inghram: Aye
Campbell: Aye
Motion passed unanimously.

Aren Emerson, Deputy Clerk

APPROVAL: _____ **DATE:** _____

A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or via email at springdale@springdale.utah.gov for more information.