



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION ELECTRONIC REGULAR MEETING
ON WEDNESDAY JUNE 3, 2020 AT 5:00PM**

This Planning Commission 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 a public hearing wherein public comments were monitored electronically by the meeting host.

Meeting convened at 5:10 PM

MEMBERS PRESENT: Chair Jack Burns, Barbara Bruno, Mike Marriott, Joe Pitti, Ric Rioux, Tyler Young, and Dawn McComb

ABSENT: J. Treacy Stone representing Zion National Park

ALSO PRESENT: Director of Community Development Tom Dansie, Town Clerk Darci Carlson, Associate Planner Sophie Frankenburg, and Deputy Clerk Katy Brown recording. See attached sheet for attendees known to have signed into the electronic meeting.

Approval of the Agenda: Motion made by Joe Pitti to approve the agenda; Seconded by Barbara Bruno.

Bruno: Aye

Pitti: Aye

Marriott: Aye

Young: Aye

Burns: Aye

Motion passed unanimously.

Commission discussion and announcements: Council member Suzanne Elger was present to acknowledge Ms. Frankenburg's terrific service to the Town over the last few years. Ms. Elger recalled that she was working at the library on Sophie's first day and enthusiastically greeted her during a tour of the Town facilities. Ms. Elger was happy to have young female representation on the staff and was proud of the work Ms. Frankenburg had done. She wished her well in her continuing education and future career path.

A. Information/Discussion/Non-Action Items

1. Planning Commission Training:

Attendance

Mr. Burns had recently observed a slip in meeting attendance at the work meetings and reminded his fellow Commissioners how important their presence was to the discussions. The best way for them to represent the community was to fully engage in the Commission conversations. If personal issues were continually interfering with the ability to attend the meetings, that would require some honesty an individual's part to determine if continuing on the Commission was appropriate.

One avenue of tightening up the standard for attendance was to revisit the Commission's bylaws. The bylaws currently stated that missing three *regular* meetings was cause for recommendation of removal. The Commission could choose to amend it to, simply, three consecutive meetings.

Ms. Bruno noted that a Commissioner missing three consecutive meetings would put that individual severely behind in the discussions. She had committed to make every meeting and felt that attending a Wednesday meeting consistently every other week was a reasonable ask.

Mr. Burns suggested instead that a Commissioner would be recommended for removal after missing three meetings in a six-month time period.

Mr. Marriott wondered if it would be easier to just have staff or the Chair call the individual to inquire about the reason for absences.

- Mr. Burns felt it was a shared responsibility and it would be just as easy for the Commissioner who was absent to call the chair or staff to explain.
- Mr. Pitti shared a metaphor about weeds and orchids in relation to what kind of work ethic should be required of Commissioners. Orchid's had very specific needs, required a specific environment, and did best when they were coddled. Weeds were able to thrive in tough conditions, without water or care of any kind. He didn't think the staff should have to take care of orchids when they really needed weeds.

Mr. Dansie clarified that amending the bylaws to tighten up the attendance expectation would hopefully emphasize how important meeting attendance was to current and prospective Commission members. He was not aware of any past poor attendance that had escalated to a point of recommendations of removal. If, in the future, poor attendance became such an issue that removal was appropriate, the amendment to the by laws would ensure that the process was not prolonged unnecessarily.

Ms. McComb agreed with Mr. Marriott and felt that an email from the Chair to the absent Commissioner would be a more considerate approach.

- Mr. Pitti felt it was equally inconsiderate to not come to meetings.

Mr. Burns felt that neither the chair, nor staff should have to shoulder the responsibility and plead with Commissioners commit to the meeting schedule. He was in favor of amending the bylaws to assert that removal would be recommended to the Council after three consecutive missed meetings in a sixth month time period. The Commission agreed.

- Mr. Pitti emphasized that if a Commissioner was missing meetings, they still needed to be respectful of decisions made in their absence.

Preparedness

The Commissioners were expected to read the material and come to the meeting prepared. Staff was always available as a resource to answer questions.

Handling Difference of Opinion

Commissioners were expected to treat each other with respect and professionalism. It was important to be aware of what a person communicated by way of tone, posture, facial expression, and other body language.

Mr. Pitti added that it was important to accept the Commission's recommendations after an action. If a Commissioner didn't agree with a Commission decision, it was not entirely appropriate for them to press the Council with a different recommendation.

Personal Bias

Ms. Bruno asked for clarification on the difference between disclosing a conflict of interest and recusing oneself from the discussion and vote.

- It was best practice to always disclose any type of conflict of interests. Recusal was generally recommended anytime an individual had a vested interest in the subject and might experience a financial loss or gain from the resulting decision.

Speaking to the Public

Commission members served two distinct functions, administrative and legislative. The Commission routinely reviewed administrative applications to determine if proposals were in compliance with current land use standards. Speaking to the public prior to the Commission's discussion on administrative matters would not be appropriate since opinions should not influence decisions on whether or not the proposal met the standards defined by ordinance. Recommending new policy such as ordinance revisions and General Plan updates were legislative actions and, in such instances, it was encouraged to gather as much public input as possible.

Mr. Pitti asked how the Town responded to public comment emails.

- When receiving public comments, staff had an internal policy of acknowledging the sender and answering specific questions to the best of their ability. If the sender requested that the email be forwarded to the Council or Commission, staff would do so. Staff also used discretion in determining situations when a matter would need to be escalated and sent to the Mayor or the Council, even if not requested by the sender.
- Mr. Pitti expressed his wish that staff would keep the Commission informed of any replies in instances when a member of the public addressed the entire Commission in an email. It would help the Commission to know that the matter was being resolved.

Legal Matters

Mr. Burns urged Commissioners to be mindful of their comments regarding legal matters. Commission discussions were part of the public record and should not contain someone's personal opinion about whether or not a decision would 'invite a lawsuit,' as one example. Furthermore, legal opinion letters provided to the Commission were confidential and should not be referenced directly or cited within the Commission's discussion.

- Mr. Dansie clarified that a legal opinion was simply a letter from the Town's legal counsel stating that they had evaluated a particular issue and provided an opinion of the associated legal risk. A legal opinion was not binding. If Town bodies ever decided to forgo any legal recommendations, the Town attorneys would still provide defense of any Town decisions.

Mr. Burns thanked the Commission for their contributions to the training and acknowledged staff's effort to provide summaries for the topics.

2. Geologic Hazards Ordinance: Discussion of alternatives: The Council had directed the Commission to consider standards for development on geologically hazardous properties. The Utah Geologic Survey (UGS) recommended that any geologic hazard ordinances should include a requirement for an engineering geology report. UGS further recommended that a geologic hazard ordinance should contain a requirement for notice and disclosure of risks, along with a review of the report and mitigation as a condition of development. The Commission could also consider limiting the allowable uses or development densities in geologically hazardous areas.

Staff asked the Commission to discuss which options they wanted to pursue for the geologic hazards ordinance and offered to conduct further research accordingly. Additionally, staff sought direction from the Commission on how to engage the community through the process.

Ms. McComb asked why the ordinance had been so strongly opposed in the past.

- Staff felt that in the past, the Community had not been brought into the development process early enough. The 2015 public hearing for the draft ordinance was the first time many members of the public had caught wind of the concept. The ordinance was met with concerns surrounding loss of property value and impacts on property rights.

Ms. McComb asked what the Town's legal and moral risk was when approving development on geologically hazardous properties.

- State code allowed the Town to regulate development based on geologic standards, so they were fairly well legally insulated. The bigger questions were that of the moral best approach and the economical best practice as well.

Ms. Bruno was more in favor of looking at limiting uses and density on geologically hazardous land rather than pursue a more far-reaching policy that included survey requirements.

The Commission discussed which reports they could require and if certain findings would then trigger a requirement for mitigation strategies prior to development. They agreed that not all properties were created equal and therefore had a difficult time committing to a standard approach to survey requirements. They also acknowledged that surveys and reports would pose an additional cost to the property owner.

- Staff felt that if the Commission wanted to rely on findings from a first-line geotechnical soils report as a potential trigger for more in-depth research, then perhaps the Commission could also consider a requirement for a basic geologic hazard assessment.

Mr. Burns asked what would happen if an inherent hazard could not be mitigated.

- The ordinance as drafted in 2015 addressed that issue, stating that the cost of mitigating the hazard may make development on the property infeasible.

The Commission wanted to move forward with language in the ordinance that focused specifically on landslide, rockfall, and debris flow hazards. If the soils report determined that any one of those hazards was likely, the Commission could request an engineering geology report. Staff was directed to draft policy outlines based on their discussion and a summary to present to the public.

3. General Plan Update – The first General Plan survey was effective in determining what was and was not working for community members, but now the Commission was curious as to the reasons behind the responses. Mr. Rioux had assisted staff in compiling follow-up questions to drill down into the ‘why.’ The follow-up questionnaire would serve as springboard for one-on-one interviews each Commissioner would now conduct with their neighbors and associates, or even Springdale business owners and employees. Staff requested that each Commissioner reach out to a minimum of five people and to be prepared to report back in their regular meeting on June 19th.

B. Adjourn

Motion to adjourn at 7:23 pm made by Barbara Bruno; Seconded by Joe Pitti.

Bruno: Aye

Young: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Katy Brown, 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@infowest.com for more information.



PO Box 187 118 Lion Blvd Springdale UT 84767

REMOTE MEETING ATTENDANCE RECORD

PLANNING COMMISSION Special Meeting 06/03/20

Suzanne Elger

Tom Kenaston

PENDING APPROVAL