



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION SPECIAL MEETING  
ON WEDNESDAY MAY 1, 2019 AT 5:00PM  
AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

**Meeting convened at 5:00 PM**

**MEMBERS PRESENT:** Chair Mike Marriott, Suzanne Elger, Joe Pitti, Jack Burns, Tyler Young, and J. Treacy Stone Representing Zion National Park

**EXCUSED:** Allan Staker

**ALSO PRESENT:** Director of Community Development Tom Dansie, Associate Planner Sophie Frankenburg, and Deputy Clerk Katy Brown Recording. Please see attached list for citizens signed in.

**Approval of the Agenda: Motion made by Joe Pitti to approve the agenda; seconded by Jack Burns.**

**Elger: Aye**

**Young: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

Mr. Stone was welcomed as the new ex officio member representing Zion National Park. Since Mr. Staker had been excused from the meeting, Commissioner Tyler Young would serve as alternate.

**A. Action Items**

**1. Review and possible approval of Event Policy revisions (continued discussion from 4/16/19):**

The Commission reviewed the Event Policy in the last work meeting and had requested adding additional language to the purpose statement about the impacts social events can have on wildlife and the Town's natural setting.

Mr. Marriott asked if temporary tent structures were addressed in the policy before them.

- Earlier versions of the policy included a permit requirement for any events that incorporated a tent structure but the Commission felt there was no need to regulate that aspect of an event. The current drafted policy did not require a review from the Town or a permit to use a temporary tent at an event.

Mr. Burns asked if any more thought had been put into the idea of basing the liability insurance amounts on the number of event participants.

- Mr. Dansie had spoken with the Town's risk manager who offered an analysis of the current policy draft. He did not recommend adjusting the amount of liability insurance that the Town should require so the required amount was retained.

Mr. Young asked if requiring private event organizers or vendors to carry liability insurance also protected the Town.

- The Town had governmental immunity, making the Town exempt from liability but not exempt from lawsuit.

Mr. Pitti suggested adding language to clarify that free speech event permits were exempt from an application fee.

Mr. Marriott noted that listing the permit requirements separately from event types was potentially difficult for an applicant to navigate.

- Mr. Dansie suggested separating the categories, then grouping standards, permit requirements, and the process together under their applicable category.

Mr. Burns asked if there had been any consideration on advertising impacts in advance of large events.

- Mr. Dansie referred to the Outdoor Events section which stated "The application must be submitted a minimum of six weeks prior to the event. The Town assumes no responsibility for investment, advertisement, publicity, registrations accepted, etc. prior to the approval of the event permit. Nor shall such be used as justification for approval of the event permit."

**Motion made by Joe Pitti that the Planning Commission recommends the Event Policy revisions and move them forward to the Town Council; seconded by Suzanne Elger.**

**Elger: Aye**

**Young: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

## **B. Information/Discussion/Non-Action Items**

**1. Twenty-minute open Commission discussion:** Ms. Elger noted the public feedback regarding noise that was received during the Event Policy Public Hearing. She felt that a review of the noise ordinance should be a priority.

- Mr. Dansie said the noise ordinance was contained in Title Four of the Town code. Ordinarily, issues outside of Title Ten typically did not flow through the Planning Commission. Staff was happy to share their drafted revisions of the noise ordinance and collect the Commission's feedback in the next work meeting.

Mr. Pitti asked what direction staff was going in relation to noise enforcement.

- Mr. Dansie indicated that staff was looking at setting decibel limits to help determine standards that would be easier to enforce
- Mr. Pitti was concerned that there was an abundance of noise in the Commercial zone which contradicted the experience that lodging owners in that zone were trying to sell, which was one of quiet respite in the canyon.

Mr. Pitti asked if the Town was addressing the paint color on the Century Link drum structure. The white paint did not meet the Town's color standards.

- Springdale's code enforcement officer had been working closely with Century Link personnel and they were close to a solution that would bring them into compliance with the Town's color palette.

Mr. Burns noted that the current lighting standards permitted lights measuring 3,000 K or lower. He felt that in addition to addressing brightness, the Town should also consider having a color standard for lights.

- Mr. Dansie replied that the 3,000 K limit actually was a color standard which measured hue and was adopted in relation to sign illumination, not outdoor lighting. Outdoor lighting was not currently subject to color temperature requirements. The Commission was free to add or revise the ordinance to require a kelvins limit on outdoor lighting in addition to illuminated signs.
- Mr. Burns had concerns about newly constructed large-scale developments and their lighting impacts. He was hoping to open a discussion on setting better standards to deter new developments from utilizing bright outdoor lighting.

Mr. Pitti suggested installing soft lighting on the Springdale sign near the south entrance of Town.

Mr. Marriott asked for a progress update on the street light shields on SR-9.

- Mr. Dansie invited the Commission to view the light shield that was fitted to the street light near Evie lane. The Town was happy with the prototype developed by the code enforcement officer and they were in the process of manufacturing the design to outfit the rest of the streetlights.

**2. Continued discussion of Lodging regulation revisions:** Mr. Dansie summarized the requested analysis detailing existing lodging developments by zone. Based on past discussion regarding the Lodging Stakeholder group's findings, the Commission wanted a more in-depth analysis of the undeveloped potential, particularly in the VC zone. A few members in the Stakeholder group had alluded to an issue with placing a 40-unit limit on newly built transient lodging facilities and voiced concern that it appeared to adversely affect only one property in particular. Mr. Dansie concluded through his analysis that all properties in the VC zone larger than 160,000 square feet (the size required to have at least 40 units) had already been developed with transient lodging facilities except for one property.

Mr. Marriott asked what would happen to additional units granted by development agreements if the ownership changed.

- Development agreements were land use entitlements that ran with the property and not with the property owner.

Mr. Dansie pointed out that the average size of lodging facility in the VC zone was actually larger than the average size of lodging facilities in the CC zone.

Rather than establishing limits on existing lodging, Ms. Elger felt the Commission would be wise to focus their discussion on the potential for current commercial uses converting to nightly rentals. She referenced the LaFave art gallery as an example of this possibility.

- Mr. Dansie agreed and noted that the analysis he provided addressed existing lodging uses only and did not contemplate non-lodging commercial properties converting to lodging units. This was an important factor for the Commission to consider.

Mr. Young was concerned that if the Commission approved the current draft, the Town could be seen as biased against the one property owner who could be negatively impacted in the VC zone.

- Mr. Dansie said that the Town was well within their scope of power to make legislative decisions if it was "reasonably debatable" that the decisions were for a legitimate government purpose.

Ms. Elger questioned what was considered a "unit" in the staff analysis of total unit potential in the commercial zones.

- Mr. Dansie referred the Commission to the secondary chart provided in the staff report which compared the total number of units for smaller lodging establishments under both the current ordinance and the proposed ordinance. The current ordinance counted units in general terms which could include entire houses with multiple rooms (vacation rental properties) as one lodging unit. The proposed draft took a more granular approach by looking at the number of bedrooms to help define what a unit was.

Hans Dunzinger who owned the Driftwood Lodge was present and invited by Mr. Marriott to share his thoughts. Mr. Dunzinger was a member of the Stakeholder group and also the owner of the property that could potentially be negatively impacted by the 40-unit limit placed on lodging facilities under the proposed ordinance revisions. Mr. Dunzinger provided feedback from his legal counsel that approval of the ordinance as drafted with the 40-unit limit would be discriminatory and an unequal application of the law. He stated that the proposed ordinance would be in direct conflict with State Law, which always superseded local laws. He urged the Commission to seek legal review on the proposed ordinance before moving any further.

Mr. Pitti spoke on the Commission's underlying task to help create buildings with village character. The VC was meant to be a transitional zone. He felt hotels in that zone were not looked upon favorably. Mr. Pitti felt that decision making on their level should be made with the entire Community in mind rather than just considering effects on one property.

Mr. Marriott didn't feel that the drafted ordinance which included the 40-unit cap would change the character of the zone significantly. The only effect the cap had was to de-incentivized owners from tearing down existing structures to rebuild because they likely already had more than 40-unit cap would allow.

Mr. Pitti suggested setting the limit to 65 units instead of 40 units.

Mr. Burns suggested getting a legal opinion on whether or not State Law superseded Town ordinances.

- Mr. Dansie affirmed that State Law supersedes local law. He also referenced Utah State Code 10-9A-511(3)(b) governing the reconstruction of non-conforming buildings, stating that "A municipality may prohibit the reconstruction or restoration of a non-complying structure or terminate the non-conforming use of a structure if a property owner has voluntarily demolished a majority of the non-complying structure or the building that houses the non-conforming use." He felt it was clear that if someone tore down a non-conforming building, they would be subject to the current ordinance for any new construction.

Ms. Elger thought the purpose of the discussion wasn't necessarily setting caps or limits, but rather trying to find a vehicle to discourage large-scale developments. She wanted to spend more time focusing on defining transient lodging units (TLUs) and considering a total cap for the Town.

- Mr. Dansie agreed recommended looking at a Town-Wide cap. He directed them to the Lodging Limits section of the proposed ordinance which placed caps on units based on type of lodging facility.

Mr. Marriott asked what the total buildout potential for lodging units would be under the current code

- The Town did an analysis in 2009 by looking at the distribution of lodging uses in Town to determine a percentage. Assuming that percentage stayed consistent into the future, staff was able to project a total buildout amount of 1600-1800 units, which the Commission then capped at 1620. Since the analysis had been done however, the trend of converting non-lodging commercial uses to lodging uses (such as nightly rentals) had the potential to make the total buildout closer to 2742 lodging units.

Mr. Young relayed feedback he had received from fellow business owners in Town who had shown an interest in the income generating potential from converting their business to nightly rentals. He didn't see any signs of the trend slowing.

Mr. Burns asked how they Commission could best consider what the residents wanted regarding lodging.

- Ms. Dansie offered three tools available to the Commission: 1) The General Plan, which had been vetted through the public, 2) Consideration of the recommendations provided from the Lodging Stakeholder group, and 3) Hold a public hearing to collect public feedback on the current draft.

Mr. Marriott noted the possibility of a rush on applications if a cap was set, thereby accelerating short term growth.

- Mr. Dansie offered alternative strategies to combat that possibility, such as considering linking the caps to the amount of residential growth. The Commission could also consider allowing a certain number of units to be developed each year in an attempt to meter the development over a period of time. He also referenced La Verkin's approach of setting caps based on the zone.

Mr. Stone offered the alternative of incentivizing new developers by guiding them toward tax credits for historical property. This could promote a mentality of renovation or rehabilitation of existing structures as an alternative to tearing down and rebuilding.

Mr. Dansie clarified that regardless of caps, there was currently the potential for the development of 251 units that were guarded through development agreements.

- Mr. Stone agreed with the Commission's approach of determining a cap. Hotels create significant stress on a Town's infrastructure.

Ms. Elger reiterated her desire to discuss and clarify definitions for TLUs.

- The way the ordinance was drafted, the Commission had determined that every bedroom combined with a bath would count as a unit.
- Mr. Marriott felt the only way a multiple bedroom unit should count as two units was if there was a way to separate the rooms with separate entrances.

The Commission agreed to continue the discussion further at the next work meeting.

**3. Continued discussion of Development Incentive revisions:** The Commission wanted to retain the incentives for the public use zones and strike the rest of the incentives.

Mr. Pitti had general concerns that development in the Public Use zone was not subject to the same restrictions as any other zone.

- Mr. Dansie said in some instances that may be true, but in other instances there were standards unique to the public use zone that were actually more restrictive than other zones. Building size, for example, was restricted to 4,000 square feet in the public use zone. The maximum building size in the Commercial zone was 8,500 square feet and 5,000 square feet in the Residential zone. Public Use zones also had more stringent landscaping standards requiring a greater percentage of the lot to be landscaped.

Mr. Young was not in favor of removing incentives for developers in the CC zone who want to install public restrooms. He felt it was appropriate to incentivize a builder to provide a public amenity.

- Mr. Pitti was in favor of incentivizing for public amenities likes restrooms but didn't think that increasing building size was the way to do it.

Mr. Burns asked what other incentives were available to builders if the Commission wanted to strike any that involved an increase in building size.

- Under the current ordinance, developers who included a public amenity were eligible for deferred impact fees. He invited the Commission to explore financial incentives more at a future work meeting.

The Commission moved the revisions forward to a Public Hearing.

**Motion to adjourn at 7:12 pm made by Suzanne Elger; seconded by Tyler Young.**

**Elger: Aye**

**Young: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

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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](mailto:springdale@infowest.com) for more information.**