



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION WORK MEETING ON
WEDNESDAY MAY 5, 2021 AT 5:00 PM
AT THE CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH.**

Meeting convened at 5:03 pm.

MEMBERS PRESENT: Chair Barbara Bruno, Commissioners Ric Rioux, Jack Burns, Dawn McComb, Tom Kenaston, Kyla Topham, and Susan McPartland from Zion National Park.

ALSO PRESENT: Director of Community Development Tom Dansie 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 Jack Burns to approve the agenda. Seconded by Ric Rioux.

Burns: Aye

Rioux: Aye

Kenaston: Aye

Topham: Aye

Bruno: Aye

Motion passed unanimously.

Commission discussion and announcements: The State legislature passed a bill that now required public officials to attend a minimum of four hours of training per year. The Town routinely sent ULCT and LUAU training opportunities to public officials and would continue to do so on a more frequent basis to remain in compliance with the new state standards.

A. Action Items

1. Discussion regarding Accessory Dwelling Units and HB82: An Accessory Dwelling Unit (ADU) was a unit contained within a single-family residence being used as a long-term residence. ADUs were classified as a dwelling unit. The definition for “dwelling unit” mandated that the unit must include a separate kitchen, separate sleeping area, and separate bathroom facilities. In general, ADUs could be contained within the existing structure or be a detached structure like a casita or a guest house.

Ms. McPartland asked for the definition of “long term” in regard to rentals.

- The Town allowed both internal and external ADUs only in the lots greater than a half-acre in the Valley Residential (VR) zone. Under the current code restrictions, an ADU has to be rented for 90 days or more. HB82 changed that to 30 days or more.

HB82 placed additional constraints on the Town’s regulation of ADUs. Under the new law, the Town could now only require one parking space, whereas Town code previously required two. Additionally, any lot greater than 6000 sq. ft. could qualify to include an ADU, whereas the Town previously required lots to be half-acre at a minimum. The one concession built in to HB82 for cities and towns was that they could now use short-term rental listings (e.g., Airbnb) for enforcement purposes, but only for *internal* ADUs and only if the town code included a permitting and licensing process for internal ADUs, which the Town currently did not have in place.

The state differentiated between external and internal ADUs, but Springdale Town code did not. The Commission needed to consider if they wanted to revise the ordinance to be consistent with the State. The new state law also allowed the Town to prohibit internal ADUs in up to 25% of the area of the Town

that was zoned residential. The Commission could consider where those areas in Town would be and if that was an acceptable strategy.

Ms. McComb arrived at 5:19pm

Ms. Bruno asked how the Town would enforce a permitting process for those who were already illegally renting their ADUs. She asked if HB82 also applied to HOAs.

- Those currently operating legally were a legal non-conforming use and would not need to be permitted since they had already established that use. Those operating ADUs illegally would be subject to the permit process, if created. The Town would have to prioritize education and outreach if a permitting process was put in place. The new law included a provision that HOAs could not prohibit internal ADUs.

Ms. Bruno worried that HB82 brought municipalities one step closer to not being able to regulate nightly rentals. She asked if the Town's enforcement strategy would be expanded.

- There weren't any plans to hire more enforcement personnel, but the Town did gain the concession that nightly rental listings could be used for enforcement purposes.

Mr. Burns asked if the Housing study analyzed the current ADU utilization. He felt that the new law brought an opportunity to increase housing options, but there would have to be a solid commitment to monitoring and enforcement.

- The housing study did not perform a detailed analysis on current ADUs in Town. They determined that Springdale did in fact have a housing deficiency, but would never be able to fully meet housing demands.

Staff had tasked the Commission with identifying sensitive areas in Town and to consider whether they wanted to designate areas where ADUs could be prohibited. Ms. Bruno disclosed that she lived in the Anasazi Plateau subdivision and that it had suffered negative impacts from an increase in use. There were constraints on the sewer grinder system made worse by misuse and the roads in and out of the Anasazi Plateau Subdivision became increasingly fragile with overuse. The conservation easement had also taken a beating with fiberoptics installation. Anything that would increase traffic would bring further negative impacts to already sensitive areas in Town. Areas like these could potentially benefit from a prohibition on ADUs, if that was a strategy that the Commission wanted to entertain.

Ms. McComb did not like the idea of designating areas where the Town could prohibit ADUs. She couldn't figure out how the Town could execute that strategy in a fair manner. She also felt that the Town should absolutely allow for more long-term housing opportunities. If property owners knew that the Town could now use short-term rental listings for enforcement, she imagined that ADU uses would become self-regulating.

- Some Commission members disagreed. Mr. Rioux had no faith in self-regulation and had seen overtly questionable uses happen in his own neighborhood. Mr. Burns stated that the high revenue-potential from nightly rentals was tempting enough to break the laws to do it.

Mr. Burns asked if the Town could place a condition on internal ADUs to require a separate entrance.

- Staff would have to research if that was possible. As a general rule, most ADUs had their own separate entrance.

Ms. Topham asked if listings could be used for enforcement of *external* or *detached* ADUs.

- State law was clear the enforcement could be used only for *internal* ADUs using listings.

Ms. Bruno asked for a straw poll on the issues at hand:

1. Should the Commission allow external ADUs in the FR zone?

- Ms. McComb and Ms. Topham expressed a desire to allow external/detached ADUs in the FR zone. However, the majority of the Commission was in favor of proceeding with separate regulations for internal and external dwelling units while continuing to prohibit external ADUs in the FR zone.

2. Should the Commission identify areas in Town that were highly sensitive/fragile above and beyond other areas and designate up to 25% as not appropriate for ADUs?

- Mr. Kenaston felt like people in Town were all in this together and it would be hard to please everyone if certain areas were being chosen over others.
- Ms. Bruno agreed and felt that no area should be excluded.
- The Commission ultimately would not move forward with this strategy.

Staff would draft language incorporating language from the state law and bring it back to the Commission for review.

2. Discussion of General Plan Update – Finalize Goals and Objectives, Determine Format,

Discussion of Future Land Use Map: Mr. Burns felt like the language “independent businesses unique to Springdale” was nebulous and cautioned against vague language in the General Plan. He said that words matter, and the Commission should strive to clearly articulate what the community wanted in the General Plan. He was concerned that ambiguous language was what some relied on to introduce unintended negative impacts to the Community. He used the recent surge of ebike businesses in Town as an example. There was nothing in current code that limited that use and he highlighted the negative impacts from ebike patrons’ disregard happening in the Park. Ebike business was booming so the proprietors were unlikely to self-regulate. He also questioned why there was still language about development incentives when the Council took strides in the past to do away with incentives.

Ms. McComb spoke about a widely publicized lawsuit in St. George that happened after a business license was denied to a bar establishment because there were ‘already too many bars.’ She had concerns about dictating which types of businesses were and were not encouraged.

- Mr. Dansie responded that the Town could not legally prohibit non-local business, or give local business a leg up. The Town was trying to enhance and support an environment where locally-owned businesses would thrive.

In an effort to identify the best format, Mr. Dansie showed the Commission examples of other General Plans which were basic, homemade word documents from Boulder, UT and Sun Valley, ID. In contrast, Provo City’s General Plan was hosted online which allowed for greater search features via an online interface to navigate the General Plan. Memphis, TN was another example showcasing the use of a publisher and graphic designer and included quality graphics and pop out texts.

The Commission expressed a desire for an interactive table of contents (linked) and the use of some graphics. The layout of the new General Plan would remain generally similar to the current version.

The Commission would discuss changes to the Future Land Use Map (FLUM) in a subsequent meeting.

Ms. Bruno made a final note about an idea she had heard recently regarding allowing residential properties to request a zone change to commercial that could take care of some of the eye sore

properties along SR-9. She wondered if there could be a condition that the property could not be used for nightly rentals.

- Mr. Burns thought other types of zoning other than commercial should be considered first.

B. Adjourn

Motion to adjourn at 7:00 made by Dawn McComb. Seconded by Tom Kenaston.

McComb: Aye

Burns: Aye

Rioux: Aye

Kenaston: Aye

Bruno: Aye

Motion passed unanimously.



Katy Brown, Deputy Clerk

APPROVAL: Barbara Bruno

DATE: 5-19-21

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.



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please print your name below

Meeting Planning Commission Work Meeting Date 5/5/21

IN PERSON ATTENDEES:

REMOTE ATTENDEES:
(Clerk will complete)

None
Name (please print)

Name (please print)

"Robert"
Name (please print)

Name (please print)