



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION WORK MEETING
ON WEDNESDAY MAY 6, 2020 AT 5:00PM
AT CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH.**

Meeting convened at 5:00 PM

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

EXCUSED: Tyler Young, J. Treacy Stone from Zion National Park

ABSENT: Mike Marriott

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

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

McComb: Aye

Pitti: Aye

Bruno: Aye

Rioux: Aye

Burns: Aye

Motion passed unanimously.

General announcements: There were no announcements.

Mr. Pitti expressed he did not feel good about Commissioner decorum during the last meeting. He recommended the Commission discuss the issue and remedy the concerns.

- Ms. Bruno agreed. There should be rules of conduct about how Commissioners behave and treat each other. She suggested a training.
- Ms. McComb recommended the material discussed in the online Open and Public Meetings training be reviewed.

Mr. Burns was glad the topic was brought up for discussion. He said it was critically important the group conduct themselves in a professional and respectful manner despite a diversity of opinion. Additionally, he said it would be a good learning opportunity to clarify when it was appropriate for Commissioners to discuss agenda items with the public.

It was important for Commission members to understand expectations related to their responsibilities. In particular Mr. Burns said attendance was an issue. Understanding flexibility had to be built in, but whether an alternate or voting member, it was important to commit to all meetings. Without participation from every member, the workload and conversations were lopsided. Also, unless it was prearranged, it was inappropriate to leave the meeting early. Mr. Burns understood everyone was busy, however it was common courtesy and showed good professional conduct to inform the group in advance.

Mr. Pitti appreciated the comments. Work meetings were kept to two hours, however regular meetings could extend longer. Despite the COVID-19 pandemic situation, the Commission had agreed to keep meetings going as scheduled. Mr. Pitti suggested a separate meeting be scheduled so Commission members could have a more in-depth discussion.

- Mr. Rioux agreed. He looked forward to a meeting to review these issues.

Based on the input, Mr. Burns and Mr. Dansie would consider options for a meeting. A lot of eyes were on the Planning Commission and Mr. Burns said this was important to keep in mind.

A. Information/Discussion/Non-Action Items

1. Review of Erosion Hazard Zone Ordinance revisions: The Commission reviewed the erosion hazard ordinance in March. Based on feedback from that meeting, a revised ordinance incorporated these suggestions.

Mr. Dansie provided a summary of the changes that had been made. The revised ordinance clarified that bio-engineering was the preferred method of erosion protection when mitigation was required; structural erosion protection was only allowed in the high erosion area; required development within the erosion hazard zone could not have impacts on property up or down stream; clarified the types of vegetation used for mitigation; and, added qualifications for engineers performing an analysis.

Kavarra Corr had submitted a public comment letter. Mr. Dansie indicated some of the suggestions had already been discussed and incorporated into the ordinance. Another point made in the letter was that erosion mitigation focused on protection of structures rather than natural habitat. This was a component of the erosion hazard ordinance zone, but other ordinances, standards and policies could also come out of the Virgin River Management Plan to address habitat concerns.

Ms. Bruno said Ms. Corr's letter was well-written and wondered if she had any unique qualifications to address the topic.

- Mr. Dansie indicated Ms. Corr had education and experience in natural resources and was coming at the subject from a place of knowledge.
- Mr. Burns said Ms. Corr's letter was thoughtful and on-target. He mentioned her comments might be more relevant to state and/or federal lands.

Under the "Maintenance" paragraph, the owner of the property would inspect all erosion protection improvements. It concerned Mr. Burns to put the onus of proper inspections on the property owner.

- Mr. Rioux noted the ordinance gave the Town of Springdale the ability to inspect all erosion improvements as often as deemed necessary.
- Since the homeowner was required to use a licensed engineer to help with the mitigation, Ms. Bruno was less concerned. She was comfortable with the ordinance language as it appeared to have incorporated all previous comments.
- In terms of regulating non-compliance, Ms. Frankenburg said section 3-3 was all encompassing as it related to penalties.

Mr. Pitti questioned how the Town handled these issues previously.

- There were no prior standards, regulations or oversight. Mr. Dansie said this ordinance would give the Town an opportunity to partner with property owners on erosion mitigation issues.

The next step would be to hold a public hearing. Commissioners agreed to schedule one during their May regular meeting agenda.

2. Consideration of a Geologic Hazards Ordinance: This item was on the agenda as a result of a recently reviewed development proposal in a geologically hazardous area. The current ordinance did not give the Town ability to guide or regulate development to make it safe for future occupants of the property. Based on this, the Commission wanted to review language that could specifically address geologic hazards.

Mr. Dansie said the Town had considered a geologic hazard ordinance in 2010 and 2015. During public hearings, the community raised concern about the impacts this type of ordinance would have on property rights and property values. Because of this, the Town decided not to move forward.

Mr. Dansie suggested the Commission use the 2015 ordinance draft as a template to discuss the need for a geologic hazard ordinance. Prior to bringing a new ordinance forward it was recommended the Commission conduct a lot of public engagement and outreach prior to the discussion.

- It was noted a member of the community already had called in to voice her opposition to this ordinance.

Ms. McComb asked if there would be different reaction from the community now versus in the past.

- Mr. Dansie felt reaction would be the same and therefore important to do public education/outreach in advance.

If a geologic event should occur, Ms. Bruno recalled a possible liability issue for the Town should they not identify a geologically hazardous area.

- The Town was well protected by the Utah Governmental Immunity Act. Although someone could still file suit, the Town could not be held liable for failing to regulate a property in a specific manner.

Ms. Bruno said the Commission's intent was to consider an ordinance which addressed development in certain high-risk areas. The 2015 ordinance went well beyond this scope. She asked if there was something in between.

- Mr. Dansie explained the 2015 proposed ordinance required properties in high hazard landslide or rockfall areas, as identified by Utah Geologic Survey mapping, to conduct a site-specific geologic hazard analysis prior to development. Based on the report, property owners were required to propose mitigation improvements to reduce risk of landslide or rockfalls. This could be very costly and make development financially unfeasible.
- Instead, Mr. Dansie said it could be possible to limit the types of use on a property given the hazards in the area.

The maps frightened people since much of Springdale fell in the hazard zone. Therefore Mr. Burns suggested the existing ordinance be 'beefed up' to address concerns.

- Ms. McComb said allowing people to contribute may help the Commission find a more desirable solution. She felt it was irresponsible to not make people aware of the geologic risks.

Mr. Pitti also supported a balance. At the onset however, he wanted to be sure the Commission had the support of the Town Council. Mr. Pitti asked to get their feedback first before the Commission invested a lot of time and effort on the subject.

Mr. Rioux commented the Commission was in a difficult position when presented with a development proposal in a high-risk area. Having some kind of regulation would be useful.

- Mr. Burns said some uses were not appropriate in some areas.
- Ms. Bruno said the concern was more about informing renters or visitors who would likely not be aware of the possible hazards.
- Mr. Pitti felt it would be important to convey this concern to the public should the Commission move forward with an ordinance.
- Ms. McComb thought there would be a way to make this helpful for the Town and to visitors, yet not be too restrictive.

The Planning Commission directed staff to bring the concept to the Town Council and get their feedback and opinions.

3. Discussion of allowing Accessory Dwelling Units in the Foothill Residential (FR) Zone: Mr. Burns noted the Town received a few comment letters on this issue, some in favor and some not. This concept would allow a casita or guest house to be rented in the FR zone on a long-term basis. In 2018, the Town adopted an ordinance allowing accessory dwelling units (ADUs) in the VR zone but consciously prohibited them in the FR zone. Concerns included an increase in density and traffic, and impact to

neighborhood character. Mr. Dansie indicated the Town had recently received requests from residents and a Council member to reconsider ADUs in the FR zone.

- It was clarified that accessory dwelling units could be rented for 90-days or longer; they could not be used as short-term rentals.

Since ADUs were allowed in the VR zone, Mr. Rioux asked how many units had been added. It would also be helpful to know how many were affordable or rented to employees.

- Mr. Dansie was aware of a handful, but did not have a specific count.

Mr. Burns did not think the Commission should make any decisions on this topic without community input or outside the General Plan update. He asked if there had been big demand for the Commission to review ADUs in the FR zone or if the request came from a few individuals.

- Mr. Dansie answered 'both'. The specific request came from a few individuals and a Council member; however, in general he received questions about ADUs in the FR zone fairly consistently.

Ms. Bruno said it was hard to enforce or fine violators. She felt for some commenters, this was self-serving and not necessarily for the better-good of the community. Additionally, most CCRs in FR zones did not allow ADUs and therefore this zone change was a slippery slope.

Mr. Burns asked about the establishment of an ordinance in direct conflict with CCRs.

- Mr. Dansie explained CCRs were private deed restrictions enforced entirely by the HOA; they were not enforced by the Town. Conversely, the Town administered and enforced its own ordinances which did not involve the HOA. Both were completely separate sets of regulation applied to property and one did not trump the other.

Ms. McComb was at a loss how these units would not serve the community. She emphasized that despite if a unit was rented to an employee or was affordable, the unit was owned by someone in the community and therefore was a benefit to them. Ms. McComb understood what the Commission was attempting to avoid but believed people across the board could benefit.

Mr. Pitti said the FR zone was designed for low-density, single-family use. The majority of the HOAs in Springdale would not allow it. Mr. Pitti expressed his concern over the hypocrisy of the request. He said Adrian Player was using his position as a way help his sister sell her home. He felt this to be offensive and the nepotism was extraordinary. The FR zone was a sensitive, limited area. Residents in the FR zone previously voiced their opposition to ADUs. Mr. Pitti agreed enforcement was a huge issue.

Mr. Burns said there was an opportunity to ask this question during the General Plan update. He didn't want to close the door on the subject and wanted to separate the issue from how it was initiated.

Mr. Rioux suggested the Commission wait until the housing study was complete.

- Mr. Dansie emphasized there was an opportunity with the housing study and General Plan update for the Town to make a more informed decision. The Commission's discussion was also important to inform the consultants.

Commissioners were interested in learning how many ADUs in the commercial zones had converted into nightly rentals. It was also important to be cognizant of the future build-out.

No specific action would be taken now. The Commission would allow the housing consultant to complete their analysis and then also look at options during the General Plan update.

Mr. Pitti asked if it was appropriate for a single Council member to bring items to the Commission.

- The process to initiate an ordinance amendment could come from the Town Council or Planning Commission. An individual could make an application to bring an issue forward. It was not unheard of for a Council or Commission member to ask an issue be discussed in a work meeting.

- Ms. Bruno, Mr. Pitti and Mr. Rioux agreed it was important to disclose any possible conflict of interest if an issue was brought forward.

4. General Plan update: The Commission discussed what could be done to elicit community involvement given the present COVID-restricted environment. The first phase of the General Plan update focused on getting broad-based input from the community which helped establish a vision. Social-distancing and stay-at-home orders made this difficult.

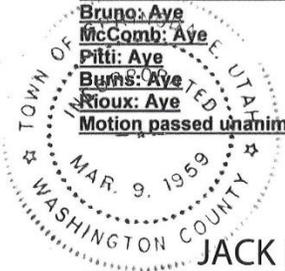
The Community Development staff initiated a survey which had received 112 responses to-date. The survey would be kept open through the end of this week, then staff would analyze the results for presentation at the Planning Commission regular May meeting.

- Other public involvement events included 'go-to-the-public' opportunities where Commissioners could engage the public and residents directly for feedback. It was felt people would appreciate having one-on-one conversations outside. An open house event was also discussed.
- Mr. Pitti suggested zones, or geographic areas, be targeted as a way to get area-specific information. This would help to include a diversity of attendees.
- A 'listening session' with boards of information and question prompts could be used to obtain public input. Images could also be employed to help people visualize examples.

The Commission was supportive of these approaches. Staff would put together a strategy to get these events up and running. The process would also rely on Commissioners to reach out to neighbors and friends for input.

Motion to adjourn at 6:41pm made by Barbara Bruno; Seconded by Dawn McComb.

Bruno: Aye
McComb: Aye
Pitti: Aye
Burns: Aye
Rioux: Aye
Motion passed unanimously.



Darci Carlson

Darci Carlson, Town Clerk

JACK BURNS

Digitally signed by JACK BURNS
 Date: 2020.05.21 09:02:52 -06'00'

APPROVAL: _____

DATE: 5/21/2020

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.