



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY MAY 15, 2019 AT 5:00PM
AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:00PM

MEMBERS PRESENT: Chair Mike Marriott, Allan Staker, Suzanne Elger, Joe Pitti, Tyler Young, Jack Burns and Zion National Park representative Treacy Stone

ALSO PRESENT: Director of Community Development Tom Dansie, Associate Planner Sophie Frankenburg, and Town Clerk Darci Carlson recording. Please see attached list for citizens signed in.

Pledge of Allegiance led by Darci Carlson.

Mr. Marriott indicated Richard Madsen was running late and requested his item be moved on the agenda.

Approval of the Agenda: Motion made by Suzanne Elger to approve the agenda moving Item 2 to Item 4; seconded by Joe Pitti.

Staker: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Commission discussion and announcements: Ms. Carlson announced two four-year Council member positions would be decided during the municipal election in November. These positions were currently held by Mike Alltucker and Lisa Zumpft. The Declaration of Candidacy period opened on June 3rd through June 7th. Interested candidates should declare their candidacy with the Clerk's Office.

Mr. Staker asked about the street light shields.

- The shields were currently in production and would be installed in batches.

Jonathan Zambella asked about property boundary fencing height.

- The maximum fence height was six feet (6') unless a residentially-used property bordered a commercially-bordered property in which case the fence could be eight feet (8').

Action Items

1. Public Hearing - Design/Development Review: Jonathan Zambella requests a design/development review for eight transient lodging units and a common building at Nama-Stay, 111 Juniper Lane, in the VC zone: This proposal would add four (4) duplex cabins and a common building. Including this application, the property would be developed with twelve (12) transient lodging units, two (2) long term housing units, and one (1) common building.

Mr. Dansie noted the number of trees on the property exceeded what the code required. Therefore, the applicant requested one (1) extra tree be counted as four (4) required shrubs. If approved, then the landscape plan as presented would be compliant.

As scaled on the site plan, the common building did not meet the rear property setback. Mr. Dansie recommended a discussion with the applicant.

Commission questions to staff: Ms. Elger asked about the duplex units and if they were on the same plane as the common building.

- Mr. Zambella clarified the cabins were placed on the side property line, not the rear property line. The side setback requirement was ten feet (10') and therefore complied.

Ms. Elger noted the 2018 conditional use permit modification specified nine (9) additional units for a total of ten (10) on the property. Now however the applicant was requesting a total of fifteen (15).

- Mr. Dansie explained in some circumstances the Town limited the number of transient lodging units in order to mitigate detrimental impacts on adjacent property. In the case of this CUP modification, although the application and discussion and analysis were based on nine (9) units, the formal motion of approval did not stipulate a specific number.

Mr. Marriott asked if Town staff had any concerns about the additional units.

- When the application came in, Mr. Dansie discussed the unit count discrepancy with the applicant. Tonight, he recommended the Planning Commission note the issue and make it part of the record since the tenor of discussion surrounding the CUP modification was based on the impacts of nine (9) units not eleven (11). Despite this difference, the Town was bound to approve.

Public questions to staff: None were asked.

Commission questions to applicant: Jonathan Zambella was in attendance to answer questions.

Mr. Staker asked if the setback for the common building could be moved.

- Mr. Zambella acknowledged this was an error and was easy to rectify. The common building would have a twenty-foot (20') rear setback.
- The common building was designed to be used by property occupants as a community meeting space for yoga, group dinner, etc.

Catrin Zambella indicated there were 139 trees on the property. Seven non-native elms would be removed and replaced with Ash, Mondale Pine, and Honey Locust. The landscape requirement specified 70 trees and 280 shrubs.

Mr. Marriott asked about the drainage plan. Historically Juniper Lane had issues.

- Mr. Zambella indicated the hydrology report from the engineer was not complete, however the preliminary analysis indicated run-off from a flood could be maintained on the property.
- There was no additional asphalt and units would be developed on pylons to minimally disturb the natural ground and allow water flow.

Mr. Pitti asked about the road surface.

- Mr. Zambella indicated it was gravel-type material. Geo-grid would be used in the parking area and would help keep the ground stable.

Mr. Stone noted the common building was not on piers but was slab on grade.

- Mr. Zambella indicated the drainage plan would address this.

Public questions to applicant: None were asked.

Motion made by Joe Pitti to open public hearing; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Public Comments: No comments were made.

Motion made by Suzanne Elger to close public hearing; seconded by Jack Burns.

Staker: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Commission deliberation: Mr. Young said it appeared to be a well-thought out proposal. Setback requirements and landscape requirements could be addressed in the motion.

When the Planning Commission and Town Council previously considered the CUP request, Ms. Elger said there was a lot of discussion about traffic on Juniper Lane. She asked what would trigger a traffic study.

- The applicant had not submitted an engineered traffic study. Per the requirements of the Transportation Master Plan, if more than 100 peak hour trips were generated, or if it was a problematic traffic area, a traffic plan would need to be submitted. Mr. Dansie said this development would not generate that.

Mr. Pitti raised concerns about applications that morphed into something else. He asked what could be done to hold applicants to their original applications.

- Since a CUP was more conceptual, the Town could attach conditions of approval holding the applicant to specifics. A Design/Development Review was explicit however, and detailed what could be developed.

Whether the Council specifically motioned the number of units or not, Mr. Burns said the intention was clear.

- Mr. Marriott did not agree capping the development was the right thing to do.
- Mr. Pitti said it wasn't about a cap. The original conceptual idea was based on nine (9) units, but the current application was different. Decisions were based on what was presented and Mr. Pitti raised concern about the process to ensure things didn't change.

Recognizing the build-out potential on this property, Mr. Burns felt there should be an updated CUP to reflect the current use being approved.

- Discussion of a cap was a point the Town Council had addressed. Mr. Zambella said at that time there was no basis to impose a cap. The ordinance already defined the number of units that could be developed on the property. Mr. Zambella contended the conditional use process did not bind an applicant to the conceptual plans being submitted with the CUP application.
- Mr. Pitti countered that decisions were made based on these concepts. The Commission should consider this in the future.

Mr. Staker said there was a unit limit based on what the ordinance allowed; therefore, a cap was already in existence.

- Mr. Burns said a CUP should reflect what was developed on the ground.

Mr. Dansie said the CUP approval from the Council governed the property. Although the analysis and review led to a decision, the binding aspect was the motion which did not indicate a specific number of units.

Mr. Marriott said the project was in conformance but wanted to ensure a solid drainage plan was in place.

The property was heavily treed and the Commission felt this number was enough.

- Mr. Dansie agreed the applicant's proposal was reasonable.

Mr. Young asked if this landscape arrangement would set a precedence.

- It could, however Commission members was not concerned by this consideration.

Motion made by Suzanne Elger to approve the Design/Development Review for Nama-Stay at 111 Juniper Lane. The motion is based on the following findings: 1) The Planning Commission finds the DDR meets the architectural standards and design guidelines in Chapter 10-16 for lot area, building size, building height, lighting, colors and materials, and parking. This approval is subject to the following conditions: 1) The common pavilion building must be resituated to meet the required twenty-foot (20') rear setback; 2) The developer will be allowed to use a ratio of one (1) tree to four (4) shrubs to ensure compliance with the landscaping standards; 3) The developer will put a drainage plan in place; seconded by Joe Pitti.

Staker: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

Ms. Zambella commented the volume of traffic on the upper section of Juniper Lane was more than the lower section.

2. Grading Permit – Rocky Mountain Power requests a grading permit for roadway and drainage improvements to improve access to the Springdale power sub-station, parcels S-160-NP and S-161-NP: Ms. Frankenburg reported staff had already given Rocky Mountain Power preliminary approval due to urgency, but the request needed to come before the Planning Commission for official approval. Due to the work done to the substation the access road was widened and an additional access point to the property created. This secondary access would be retained for future need. In the process, Rocky Mountain Power attempted to address drainage issues on adjacent properties.

Mr. Staker asked if grading permits could be approved by staff.

- According to the current ordinance, grading permits had to be approved by the Planning Commission. Since it was an administrative approval this was a change that would come before the Commission in the future.

Revegetation would take place on areas incidentally disturbed during construction.

Motion made by Joe Pitti that the Planning Commission approve the proposed grading permit for Rocky Mountain Power as it meets all the standards for grading permits under section 10-15B of the Town Code. With the following conditions: 1) The applicant must revegetate around the new permanent access area with a native seed mix after the removal of the temporary transformer; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye

Burns: Aye

Motion passed unanimously.

3. Zone Change Request - Continued discussion from 2/20: AIL Group, LLC, represented by Mike Marriott, requests a zone change from Valley Residential (VR) to Valley Residential – Cottage Housing Development Overlay (VR-CHD) on parcel S-141-NP (immediately south of the Canyon Vista Bed and Breakfast). The zone change will allow the development of 11 cottages on 2.28 acres: Mr. Marriott recused himself. Suzanne Elger took over the dais as Chair.

Ms. Elger reiterated this was a continuing discussion from the February 20, 2019 meeting. She indicated no additional information had been provided since that meeting and asked why.

- Mr. Marriott said the partnership was interested in creating affordable housing for employees and this objective had not changed. Other options were considered and Mr. Marriott provided an alternative duplex concept the underlying zone would permit (Attachment 1).

Mr. Pitti asked about potential buildout on this property.

- Each lot in the Valley Residential zone required three-quarters ($\frac{3}{4}$) of an acre. The property would need to be at least 2.25 acres in order to develop three (3) duplex units.

Referencing the February 20th minutes, Mr. Pitti indicated the intent of the units had not been determined. He asked if the intent was specifically for the Springdale employees or if it was still open-ended.

- Mr. Marriott said the ownership wanted to create long-term employee housing for people who worked on their business campus. They were one of the largest employers in Town. Mr. Marriott indicated the ownership wanted future flexibility and was not interested in deed restrictions.

If there was a change in the future and the units were no longer used for employee housing, Mr. Burns asked if the development met the intent of the Cottage Housing Development Overlay Zone.

- Mr. Marriott believed so since it would be built to the cottage housing standards. Regardless the units would be housing.
- Mr. Burns said the lack of commitment concerned him. The intent of the ordinance was to benefit Springdale as a whole not just a specific business.

Ms. Elger raised concern the ownership did not want the property deed restricted. She compared this to the recent Development Agreement with Luke Wilson.

- Mr. Dansie said the Luke Wilson Development Agreement for the Cottage Housing Development Overlay Zone addressed the development and operation of the property but did not stipulate who could occupy the units.
- Mr. Marriott commented development-based deed restrictions would not be an issue.

Mr. Staker did not know of any other projects where restrictions were placed on the occupancy. He said this development was designed to provide low-cost housing for the community. If the units provided housing for a specific business this would help the overall market and reduce demand on other housing units in Town.

- If the intent was to house employees from one specific organization, Ms. Elger said this was restricting access by only benefitting a small segment of the population. This was not one of the pieces of the overlay zone.

Mr. Pitti said the Commission should consider where cottage housing developments were appropriate. Density, lighting, noise, impacts on adjacent property, and how this proposed zone changed fit into the Town's overall planning goals should be taken into consideration.

Mr. Staker stated this request was nearly identical to one previously approved. He suggested a legal opinion be sought before the Commission made a recommendation.

- This was a more open area and the Future Land Use Map identified it as an agricultural/residential area. Therefore Ms. Elger did not favor a high-density Cottage Housing Development Overlay in this section of Town.
- Mr. Pitti added the previous application was in a more densely populated area.

Motion made by Joe Pitti that the Planning Commission recommends denial of the zone change from Valley Residential to Valley Residential Cottage Housing Development Overlay (CHD) on parcel S-141-NP. The motion is based on the following findings: 1) The Planning Commission finds that the proposed zone change does not more fully promote the goals and objectives of the General Plan and zoning ordinance as it is unclear what the specific use or intent of the cottage neighborhood will be as presented by the applicant, is not accommodating substantial changes in conditions in accordance with section 10-3-2A.

General Plan 10-13F-10(C) says the proposed development creates no significant detriment to adjacent properties or the adjacent areas in which it is located. The higher density of the

proposed development will increase the noise, traffic, and light in this area to the detriment of adjacent property owners.

General Plan 10-13F-10E says the Cottage Neighborhood Design and Layout is compatible with the Town's unique rural village character as identified in Chapter 2 the Town Appearance of the General Plan. Parcel S-141-NP is surrounded by residential homes with large properties of open space. The CHD proposal of higher density and clustering of homes is incongruent with the surrounding properties and would have a negative impact on the village atmosphere and character in this area of Town.

General Plan 3.1.2.A allows changes to current Springdale Zoning Map only if changes are clearly consistent with the Future Land Use Map. 13.1.1 of the Town Code: Ensure new development and redevelopment in the Town is consistent with the Future Land Use Map (FLUM). The FLUM for this parcel indicates it is designated agricultural/residential.

In addition, the Planning Commission finds the letters from surrounding property owners as well as Town residents who spoke out in opposition of the zone change request to be very compelling in regards to the negative impacts on their properties and the Town's village character.

In conclusion, the Commission has determined that the subject parcel S-141-NP in this area of Town is more rural in nature, can create a more diverse housing stock with duplexes and is zoned appropriately as is; seconded by Jack Burns.

Staker: No

Elger: Aye

Pitti: Aye

Young: No

Burns: Aye

Motion passed.

Mr. Marriott returned to the dais as Chairman.

4. Grading Permit – Richard Madsen requests a grading permit for streambank and river restoration on parcel S-143-NP-1-A, at 2250 Zion Park Boulevard: In December 2017 a grading permit was approved which allowed fill dirt to be placed on this property. However, more fill was brought in and placed in locations the plan did not allow. In response, the Town, along with the National Park Service and Army Corp of Engineers, contacted the applicant and began working to develop a restoration plan. Restoration had to be done according to strict timelines. Therefore, the applicant had to start work before the application could be presented to the Planning Commission. Mr. Dansie said the work, as presented, had already occurred.

Dirt was removed and encroachments corrected, but Mr. Dansie indicated there was still more fill on the property than the original permit allowed. An approval would sanction this additional fill.

Mr. Burns asked how much fill exceeded what had been allowed.

- Mr. Dansie said about 30,000 cubic yards of fill was brought in which was about twice as much as originally approved.
- Mr. Madsen agreed and said this was what the engineer had estimated.

Mr. Pitti asked how to prevent this from happening again. He said Commissioners worked hard each month on issues and was frustrated if the ordinances had no teeth. He was upset.

- The original arrangement with Sunroc was a win-win, allowing them a place to put loads of dirt from the SR-9 project and benefitting the property owner. Mr. Madsen acknowledged it was difficult to keep track of the volume of dirt.

Mr. Pitti asked about points on the property designed to indicate fill height.

- An original condition was that control points be set on the property to document the height of the fill. Mr. Dansie indicated these were not put in place.

Mr. Madsen said Sunroc actually took elevation measurements and put in flags as control points. There were now new control points throughout the property which showed elevations.

Ms. Elger asked if the compliance certification had been submitted to the Army Corp of Engineers. She indicated this was a requirement of the permit.

- Mr. Madsen was unsure. He said Rosenberg and Associates had been hired to handle the permitting. Mr. Madsen would ask.

Ms. Elger asked if any fines were paid.

- Mr. Madsen indicated fines were paid, although he did not have a cost breakdown.

Mr. Marriott asked the net effect of the elevation difference. Future development and building heights would be impacted by this number.

- Mr. Madsen said the back portion was approximately five feet (5') higher. He understood there would be a future height restriction based on the amount of fill added.

Mr. Marriott asked if the Town had original heights.

- Rosenberg provided pre-fill data that could be used to measure building height for future development.

The first permit allowed 15,000 cubic yards of fill dirt. The excess amount brought in increased the height and significantly encroached on the river. All the dirt placed in the river had been removed and the river now flowed where it had. If approved, this grading permit would allow additional dirt in excess of what the original permit stated.

Ms. Elger asked if more work was intended to be done under this permit.

- Mr. Madsen answered 'no', other than dispersing the existing piles of dirt.

Mr. Young wanted to ensure there was more enforcement of permits in the future. The issue was a big disappointment.

Both the Army Corp of Engineers and the National Park required the river be put back the way it was so Mr. Pitti questioned why the Town was not making the applicant comply with the original permit. He noted the Town had required an applicant lower a roof line yet turned a blind eye in this situation.

- Mr. Marriott said the roofline issue was a violation of an ordinance but in this case more fill could be brought in. The Commission needed to determine if another 15,000 cubic yards of material would be approved with this permit.

The Commission asked if there were fill limits.

- Mr. Dansie indicated the ordinance did not state a limit. He referenced Town Code section 10-15B-13(C) whereby an issue related to non-compliance with a grading permit or plan could be remedied with a revised approval as appropriate.

This issue raised questions for the Commission about better managing the process.

From Zion National Park's perspective, Mr. Stone said it was not the amount of fill brought in but the bounds of where the fill was placed. The fill crossed property lines and went into the river; however, this had been corrected according to the plan. Mr. Stone said the Park's requirements had been met. The additional dirt was a matter for the Town since it was not on Park Service property.

Mr. Madsen felt there was a lot of misconception about this matter and provided a recounting of the situation on his property. He indicated none of the fill brought in by Sunroc was placed on Zion National Park property. Mr. Madsen explained the river channel had been diverted many years ago when the Rockville pressurized irrigation system was compromised and came close to disrupting the Springdale sewer system. The Town of Springdale did not participate in providing assistance to correct this issue. The State of Utah issued an emergency stream altering permit to allow the river to be diverted and fill dirt

brought in to fix the damage. The area eroded again. After the Sunroc fill dirt proposal, Mr. Madsen sought a new stream altering permit from the State to allow fill be placed in the eroded areas. His intent was to prevent the sewer system from being compromised and protect his property from being completely eroded. Mr. Madsen said this project was never done deceptively.

Ms. Elger questioned if the Town ever asked the applicant to remove the excess cubic yards of dirt.

- Mr. Dansie answered 'yes'. Both the applicant and engineer were told to come back into compliance with the original permit. Once determined it would be difficult to do because of cost, a revised grading permit was requested.

Mr. Young thanked Mr. Madsen for being forthright. He said the intent was not to deceive the Town and therefore felt it ok to approve the revised permit.

Mr. Staker said it was a shame the original permit wasn't for a larger amount of fill dirt. He did not see harm increasing the amount of fill dirt approved with a new permit.

Motion made by Suzanne Elger to approve the excavation permit dated April 10, 2019 and floodplain development permit dated March 20, 2019 for the river and streambank restoration project on the property at 2251 Zion Park Boulevard. It should be noted that this restoration work was done under the supervision of the National Park Service and the US Army Corp of Engineers based on the Order Number 18-81-178SA issued by the Utah Department of Natural Resources and Special Use Permit #IMR-1590-5300-V-DE003 issued by the Department of the Interior. The motion is based on findings that it is in conformance with slope stabilization standards in Chapter 10-15B. This approval only covers minimal grading and revegetation activities. This approval is subject to the following conditions:

1) The applicant may not import, dump or otherwise create any additional fill material on the subject property. The grading will be completed with the materials on site as of May 15, 2019.

2) The applicant must restore the areas disturbed during grading with native vegetation per section 10-15B-8 of the Town Code.

3) The applicant should note that the grading plan from Rosenberg Associates dated April 8, 2019 will be used to document the pre-fill elevations. The heights of any future developments will be based on these pre-fill elevations.

4) The applicant must submit a copy of the compliance certification form that was submitted to the US Army Corp of Engineers.

5) All conditions of Order Number 18-81-178SA shall apply noting condition 4 which states that "Construction activities that may result in any disturbance to the stream may not be completed during critical spawning months; therefore, no construction activities may occur from April 1 to July 31st."

Council discussion: Mr. Pitti asked if a condition should be added regarding a monitoring plan.

- Mr. Dansie said the Town monitored all active permits. This permit would continue while the remainder of the fill was spread.
- Mr. Pitti questioned where the monitoring process was in the beginning.
- Mr. Marriott said the work was nearly completed so there was not much to monitor.

The Town Clerk read back the first condition per Mr. Marriott's request.

- Ms. Elger said the intent of this condition was not to allow any more material on to the property.

Motion seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Marriott: Aye

Pitti: Aye
Burns: Aye
Motion passed unanimously.

Consent Agenda:
Motion made by Jack Burns to approve the consent agenda; seconded by Suzanne Elger
Staker: Aye
Elger: Aye
Marriott: Aye
Pitti: Aye
Burns: Aye
Motion passed unanimously.

Motion to adjourn at 7:01pm made by Allan Staker; seconded by Suzanne Elger.
Staker: Aye
Elger: Aye
Marriott: Aye
Pitti: Aye
Burns: Aye
Motion passed unanimously.

Darci Carlson, Town 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

ATTENDANCE RECORD
Please print your name below

Meeting Planning Commission Regular Meeting Date 5/15/19

C. Zambella
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J. Zambella
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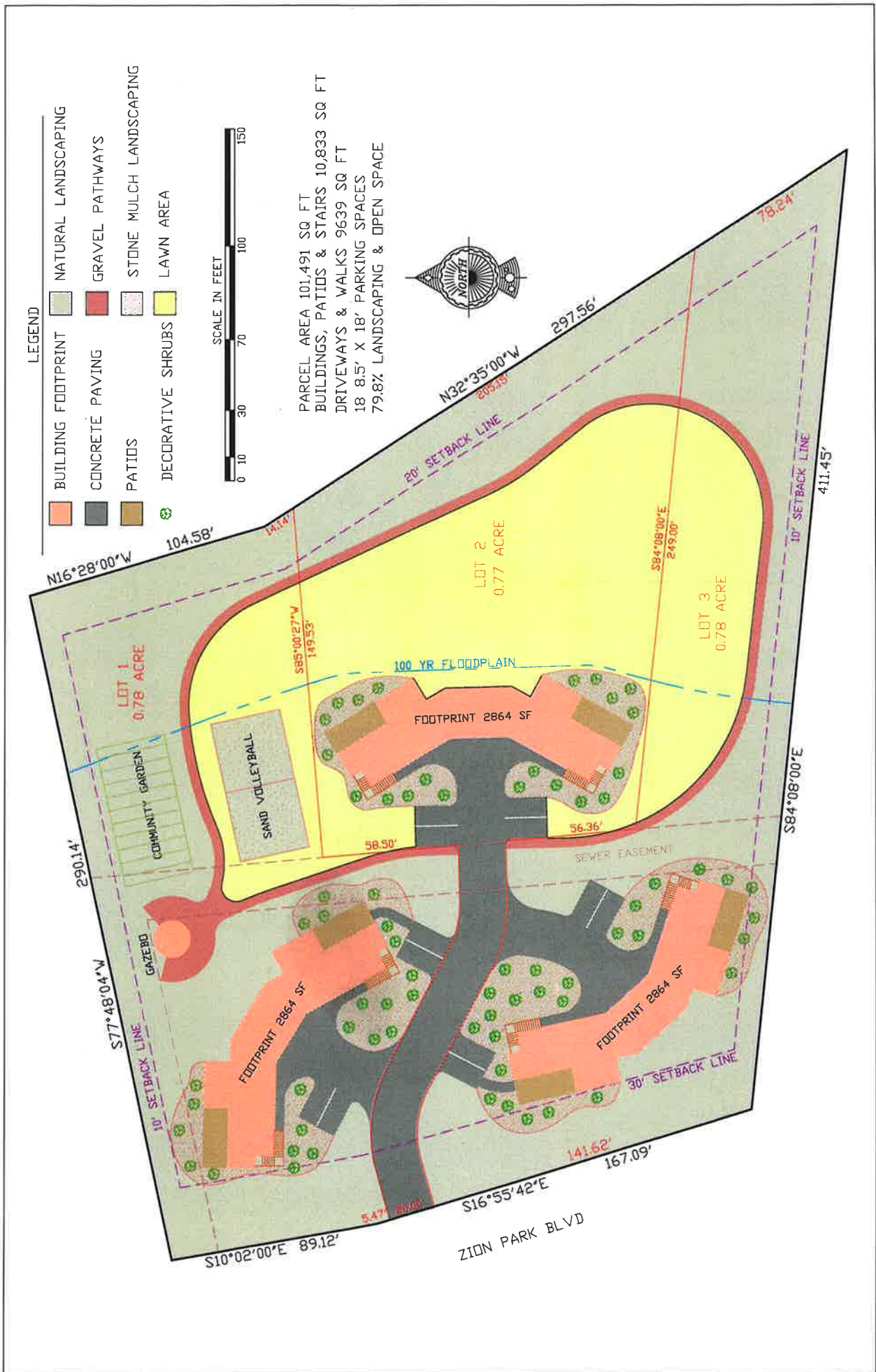
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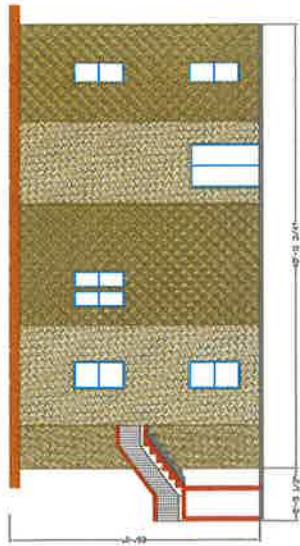
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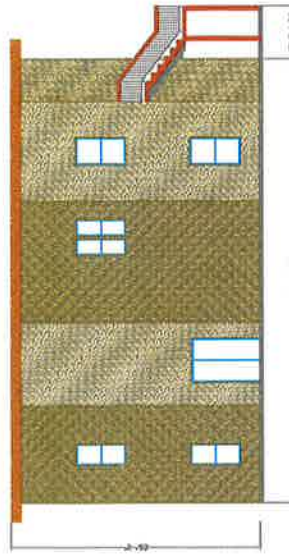
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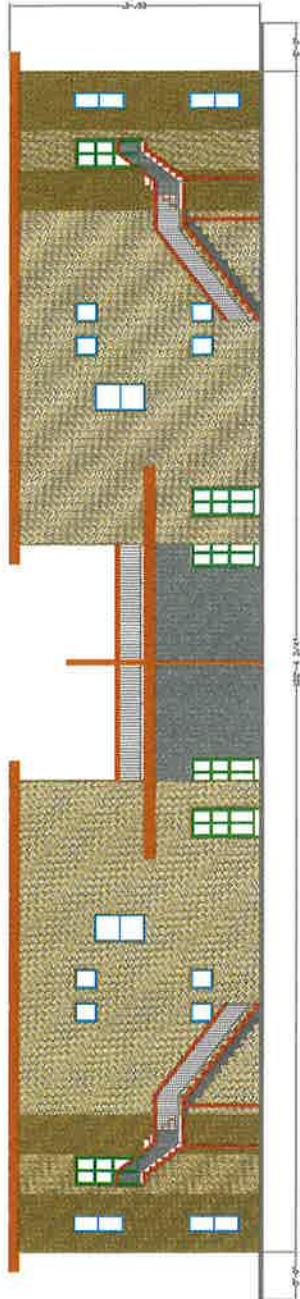




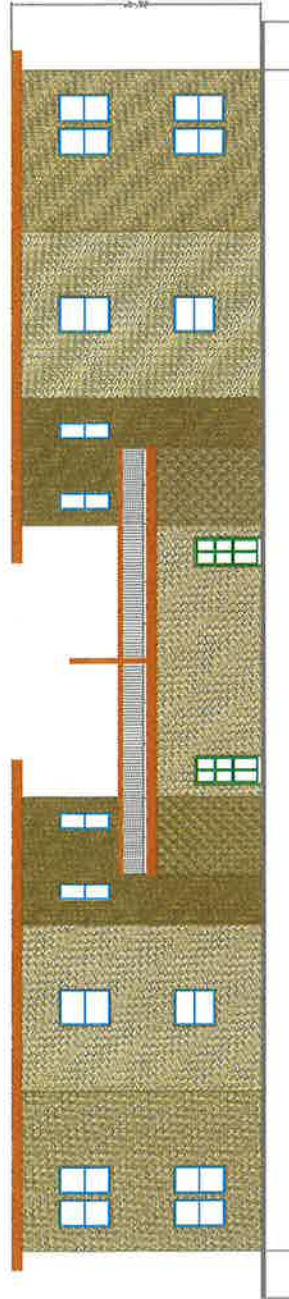
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

