



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

Meeting convened at 5:02 PM

MEMBERS PRESENT: Chair Mike Marriott, Allan Staker, Suzanne Elger, and Tyler Young
EXCUSED: Joe Pitti, Jack Burns, and J. Treacy Stone Representing Zion National Park
ALSO PRESENT: Director of Community Development Tom Dansie (via phone), Associate Planner Sophie Frankenburg, Town Clerk Darci Carlson, and Deputy Clerk Katy Brown Recording. Please see attached list for citizens signed in.

Approval of the Agenda: Motion made by Suzanne Elger to approve the agenda; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Marriott: Aye

Young: Aye

Motion passed unanimously.

Ms. Brown announced that the Declaration of Candidacy period for two Town Council seats began on June 3rd. So far, Lisa Zumpft and Tyler Young had declared their candidacy and the cut-off would be Friday June 7th at 5:00 pm for any other interested candidates.

A. Information/Discussion/Non-Action Items

1. Twenty-minute open Commission discussion: No discussion Items.

2. Update on Community Stakeholder Group: Ms. Frankenburg announced that the Planning department, along with long-time resident and active community member Jan Passek, had discussed forming another stakeholder group to assist the Planning Commission on their direction for affordable housing. Staff hoped to gather fresh perspectives that the Commission could use as yet another tool to help their planning efforts. The group would present their findings to the Commission sometime in the future.

Mr. Marriott asked what criteria was being used to determine the members of the stakeholder group.

- Jan Passek had been tasked with assembling the group and would seek a diverse mix of business owners, seasonal and long-time employees of Springdale businesses, and full-time residents.

Mr. Marriott asked when the Commission could expect an update on the discussions.

- Ms. Frankenburg replied that forming the group was in the preliminary stages and the commitment was being posed to potential group members as attending a meeting once each quarter.
- Mr. Dansie added that the goal would be an initial meeting near the first part of July. The Commission could expect an update toward the end of the year. Instead of being tasked with finding affordable housing options, the group would try to take a broader view of general housing needs in Springdale and discuss strategies to help determine the type of housing needed and who it should serve.

3. Noise Ordinance revisions: Although the Commission typically only reviewed ordinances directly related to land use, staff was presenting the draft Noise Ordinance to gather feedback that would accompany the draft review at the upcoming June 12th Town Council meeting. Ms. Frankenburg highlighted the revisions for the Commission. Of note, Staff and the Police Department had eliminated categories for types of noise and instead addressed general noise by time of day and zone. Noise levels would be determined and enforced using decibel levels.

Mr. Staker was curious what kinds of sounds would be would be classified as an “Interaction of wind with non-natural structures.”

- Examples included windmills, wind turbines, and even structures in disrepair emitting noise via wind.

Mr. Marriott had researched a variety of meters and was wondering what kind of meter the Town would use. He was curious about proximity limitations. He sought clarification on where the decibel reading would be taken in relation to the location of the noise.

- Ms. Frankenburg shared that the Police Department had been testing the device and were currently developing protocol. Issues surrounding obtaining readings on private property were being taken into consideration. Officers would most likely operate the meters within the public right-of-way. There were still details that needed refinement.

Mr. Marriott had researched a list of decibel levels for typical noises. One report he came across listed noise output from a lawn mower at 98 decibels. Based on the draft ordinance, mowing a lawn would be above the decibel limit.

Ms. Elger asked why the decibel limits varied by zone. She didn't see the logic in that approach since each zone touched the next and noise could easily travel across zone boundaries.

- Mr. Dansie explained that there were different perceived expectations of noise depending on the zone. One would expect more noise output from the commercial zones than in residential zones. If the Commission would like to suggest a different approach to the Council, the feedback would be very valuable to them.
- Ms. Elger felt it would be easier to enforce if decibel limits were the same for every zone.

Mr. Young agreed that the Commercial zone had the potential to generate more noise than other zones, but he had general concerns with limiting normal activities like mowing a lawn.

Mr. Staker wondered how many noise complaints the Town typically received.

- There had been enough complaints that the Town Council had requested a review of the ordinance and moved it up in priority.

Ms. Elger asked how the ordinance would address noise violations committed by renters of a property whose owner was not present in Springdale.

- Officers would be able to cite both, the “author” of the nuisance and the owner of the property where the violation occurred.

Ms. Elger also asked how barking dogs were addressed in the ordinance.

- Ms. Frankenburg said that a barking dog was addressed in Police Regulations in 5-2-10(F) under “Loud and Offensive Animals,” but the standards were not enforceable by decibel level.

Ms. Elger wanted the Commission's feedback to include a statement about encouraging the use of battery powered equipment when available.

Marriott asked about the portion of the ordinance that addressed an exemption permit.

- Mr. Dansie said that the current ordinance granted one exemption per year, specifically to construction companies, in the event an extenuating circumstance required the company to produce noise outside of the allowed time frame. Staff revised the draft to allow any company to apply for an exemption once a year, not just construction companies.

- Mr. Marriott assumed the exemption clause was in the draft to carve out an allowance for the Zion Canyon Music festival.
- Mr. Dansie said that the Music Festival venue was actually state-owned and would not be subject to the local noise ordinance. Mr. Marriott raised a good question in the event the venue relocated in the future and therefore subject to Town regulation.

Mr. Young suggested adding language to clarify that the exemption permit was not in place to allow someone to throw a party and be intentionally loud once a year.

Mr. Marriott noted that the ordinance could potentially affect the movies in the park.

Ms. Elger noted that the CDC was a good resource to reference for safe decibel levels. Their stance was that any noise above 85 decibels had the potential to cause hearing damage.

The Commission directed staff to forward their comments to the Town Council to be included in the Noise Ordinance review on June 12, 2019.

4. Outdoor Lighting revisions: Mr. Dansie reported that the outdoor lighting ordinance had been in effect since 2009. The amortization period was complete and all property owners were now expected to be in compliance. Staff was recommending the following revisions: 1) The Commission could adopt a light color temperature standard and limit lights to 3,000 Kelvins or less. The current ordinance regulating illuminated signs had a <3,000K standard, but the outdoor lighting ordinance did not. 2) Total lumen caps (lumens/acre cap): This would attempt to limit the total amount of light output an establishment could produce, based on the property's acreage. 3) Refine the definition of a "full-cutoff" light fixture. Currently the definition prohibited light fixtures from throwing light above a horizontal plane but did not address glare that could be viewed from adjacent properties. Revising the definition to require that the light source be recessed in the fixture could help mitigate glare issues. 4) Prohibit string lights: This would provide property owners with better defined standards and be less of a regulatory burden for the Town.

Temperature: Ms. Elger asked if the temperature standard could be applicable to any type of technology yet to be developed.

- Mr. Dansie said any type of light could be evaluated on the light color temperature scale.

Mr. Young suggested including modifiers such as "warm" or "cool" lighting to make the ordinance easier for someone to understand. He had received recent feedback from some residents who noted that it was hard to understand Kelvin measurements and what those numbers meant in a real-world application.

Mr. Staker asked how many properties were out of compliance after the 10-year transition.

Mr. Dansie said that most were in compliance but the Town's Code Enforcement Officer was currently working with a few property owners to address a few lingering issues.

Lumen caps: Ms. Elger asked how one would obtain information on deciding the maximum number of lumens per acre.

Mr. Young felt it would be a bizarre occurrence to be approached by someone asking to inspect the total lumens his business or home was generating.

Mr. Marriott asked if the Town would actually go through every single fixture on each property and tally up the lumens to determine a total.

- Mr. Dansie said it would be next to impossible to apply the standard retroactively. It was more geared toward new development.

Mr. Marriott suggested considering a different standard for commercial vs. residential properties.

Mr. Young thought a lumen cap would be appropriate for commercial properties but not for residential.

Mr. Staker was not in favor of lumen caps. He felt it would be impossible to determine what the limits would be and to continually enforce it as well.

In light of achieving a good rate of compliance with the outdoor lighting ordinance, Mr. Marriott asked if there was truly a need for further regulations on lighting.

- Mr. Dansie appreciated the question and asked the Commission to consider if this was an issue that they wanted to spend their time on or not.

Ms. Elger felt a lumen cap would give the town a mechanism to manage the amount of light coming off each property. She thought it was a worthwhile goal to keep lighting impacts as small as possible in a desire to help preserve the night sky.

Mr. Marriott asked if the concerns were driven by commercial properties or residential.

- Mr. Dansie said it was more of a concern with commercial properties.

Mr. Staker was not in favor of further regulation in general. Although he didn't object to the methodology behind the outdoor lighting revisions, he didn't agree with adding more regulations to an ordinance that was already sufficient.

- Ms. Elger felt that considering lumen caps was more an attempt to manage lighting concerns with future development instead of changing what was already in place.

Full-Cutoff Standard: Ms. Elger had researched how other communities approached lighting fixtures in their ordinance. Some required a fully shielded fixture if over 1800 lumens.

Mr. Staker said a requirement for recessed lighting was unnecessary for any light fixture placed below eye level. The height of the light should be taken into consideration.

Ms. Elger asked if the new streetlights were in compliance with the current and/or drafted ordinance.

- The Town learned very quickly that the flush mount fixtures on the street lights lining SR-9 were insufficient in addressing glare and light trespass. In response, the Town had to manufacture custom shields and retrofit them to the street lights in order to be in compliance with the lighting ordinance.

String lights: Mr. Marriott thought temporary use of string lights was acceptable. He understood it being an issue if they became a permanent fixture. He was hesitant to outrightly ban a relatively unobtrusive lighting option just because enforcement had been difficult.

Ms. Elger thought an outright ban would be an effective way to mitigate what had started to become a nuisance. She asked if there had been any successful attempts at regulating their use

- Ms. Frankenburg said it had been quite difficult and staff was seeing many instances of string lights becoming a permanent fixture.

Mr. Young suggested limiting the duration of time that string lights could be displayed rather than prohibiting an entire category of lighting.

Mr. Staker felt that the individual application of string lights varied greatly. He wouldn't mind them at an outdoor patio of a restaurant but he might find them annoying right next door to his house. With such a wide spectrum of how they would be used, he didn't think it was the right approach to set an outright ban.

Ms. Frankenburg noted that the backbone of the current lighting ordinance centered around not being able to see a bulb in the fixture. String lights were essentially a string of exposed bulbs.

Ms. Elger felt that string lights created impacts on the night sky that the General Plan suggested limiting.

Mr. Marriott felt it was acceptable to allow string lights for events.

In terms of enforcement, Mr. Dansie said it would be easiest to either allow string lights permanently with a few standards, or prohibit them entirely. Taking an in-between approach and allowing them only for events or under temporary circumstances was largely what had made the use of string lights so difficult to regulate under the current ordinance. Staff suggested the prohibition in an attempt to streamline the process of monitoring and enforcement but would also happily support the Commission if they chose to refrain from making any changes to how string lights were regulated.

- Mr. Marriott suggested holding off on prohibiting string lights for the time being. If the Town received a flood of complaints related to string lights the Commission could reopen the discussion at that time.

5. Transient Lodging Ordinance revisions: Based on the Commission's past discussion, feedback from stakeholders and community members, staff suggested alternative ways to categorize Transient Lodging Units (TLUs). The proposed categories of were:

- Residential Hosting – On-site Host, replaces "Bed & Breakfast" category
- Short Term Rental - No on-site Host
- Hotel – No distinction between large and small
- Hostel – Dormitory sleeping quarters with shared bathroom and living areas

Staff felt the new categories were a better representation of what lodging types actually existed in Springdale.

Mr. Marriott asked if the new categories were even relevant if the Commission chose not to impose caps.

- Mr. Dansie affirmed the categories would assist the process of assigning caps but was also relevant to the amount of parking spaces required by the businesses.

Mr. Dansie provided an overview of the proposed caps. Instead of looking at imposing caps by zone, the Commission could choose to look at caps based on non-lodging uses in commercial zones. Another way to look at caps was to determine a time period allotment (e.g.; no more than 50 lodging units allowed in a two-year time period, etc.).

Mr. Staker questioned the purpose statement in the ordinance revision and the desire to maintain Springdale's character as a "rural residential community." He felt the notion misrepresented what Springdale actually was today. He invited anyone to ask a long-time resident if Springdale was the same rural community today as it was 50-100 years ago. He was not in favor of any caps on lodging units. He felt that the underlying zoning ordinances were adequate and should be upheld. He opposed any ordinance that would limit a property owner to develop their property to its highest and best potential. Imposing caps was a solution looking for a problem. The Town was 85% built out and felt it was not productive to focus on further regulating the remaining 15% in addition to the zoning standards that were already in place.

- Ms. Elger asked what Springdale was if not a "rural residential community."
- Mr. Staker defined Springdale as the entryway community to the National Park. On any given day Springdale had 10,000 visitors passing through. He was not promoting or encouraging more development, but rather issuing a plea to call Springdale what it was.

Ms. Elger acknowledged that the Commission was struggling with trying to define what they wanted Springdale to be in the future. She felt it should be more than just a place to sleep when visiting the National Park. It was easier to develop land into lodging than it was to foster community. She understood the issues the Commission faced on finding common ground with this issue. She appreciated the suggestions provided by staff and asked the Commission to identify which strategy could potentially put Springdale in the direction they wanted it to go.

- Mr. Staker's firm stance was that caps would limit property value and would therefore invade a land owner's property rights.

Mr. Marriott asked why caps would be considered for lodging but not for other types of businesses like touring and guiding. He ventured that the majority of patrons of restaurants and gift shops were generated from and made possible by the lodging industry in Town.

Ms. Elger wanted to be clear that imposing a cap on lodging units was not an effort to stymie the development of hotels per se. A reality facing Springdale that the Commission had discussed addressing was the potential for businesses converting to lodging units. She used the recent conversion of the LaFave Art Gallery into nightly rentals as an example.

- Mr. Marriott maintained that it was lodging units that had helped make restaurants and gift shops successful. He questioned placing caps on the one type of business that was driving the success of all the others.
- Ms. Elger was not against more lodging, but she wanted to look at how the Commission could best regulate, plan, and encourage other usages of property that weren't just another bed being sold.

Mr. Young spoke to the perception of the public that the development of new lodging facilities was out-pacing the growth of other economic ventures in Springdale. He was concerned that the development of even more lodging units would offer little to Springdale's permanent residents in terms of being able to participate fully in the local economy.

Mr. Staker asked the Commission what it was they were trying to limit. If it was the amount of people who visited and stayed in hotels on any given night, he reminded the Commission about the potential for hundreds more hotel units being added to the economy through settlement agreements. Placing any kind of cap on the small remaining potential wouldn't begin to stem the inevitable tide of the units allowed through those agreements.

Mr. Dansie said that the Commission was indeed discussing how to regulate the last 15-20% of remaining potential for lodging units. One of the main perspectives he heard was questioning why the Commission should spend their time regulating the remaining small percentage of lodging development if the impacts could be eclipsed by much larger-scale development through settlement agreements. The other perspective he heard was to try steering the small remaining potential toward development that would have as little impact as possible on the character of the community and its residents. Both perspectives were valid and the Commission had discussed the nuances at length. He urged them to consider finding an approach to the new trend of non-lodging uses in the commercial zones converting to lodging uses, such as the previously mentioned LaFave Gallery conversion. If that was a concern to the Commission, they should address it.

Mr. Marriott wondered why non-lodging commercial development was being displaced.

- Mr. Dansie said it was more economically advantageous to open a lodging facility than an art gallery.

Mr. Young referenced the strip of small businesses next to the Zion Park Motel with a laundromat, clothing store, shoe store, and candy shop. The owners of the property were long-time hoteliers and nothing prevented them from converting all of the shops into lodging units if they chose to do so. He asked if the Commission cared to preserve other types of businesses in Town besides lodging.

- Mr. Marriott maintained that more hotel rooms meant more customers for the shops and restaurants.
- Ms. Elger agreed but stated that if retail shops were converted to lodging, fewer shops would be left for visitors to enjoy.

Ms. Elger highlighted a few recent examples of permanent residents in long-term rental contracts being displaced due to the property owner's decision to convert the residences into nightly rentals. She touched on businesses being converted to nightly rentals. She felt this was a huge loss to the community.

- Mr. Marriott didn't understand why it was viewed as a loss. He didn't see anything wrong with a property owner selling and the new owner doing something different with the new property.
- Mr. Young asked if that trend was acceptable to the Commission or if they wanted to encourage other types of development.

The Commission acknowledged the issue was the biggest issue they had faced during their time.

Ms. Elger liked the annual allotment cap approach that staff suggested. She felt the option offered a good compromise.

Some concern was raised about the Park's VRMP program and how limiting visitation would potentially affect the local economy. The Commission would continue to discuss as they knew more.

The Commission agreed to discuss further and try to develop a clear vision of what the last 20% of build-out in Springdale should look like.

Motion to adjourn at 7:34 pm made by Allan Staker; seconded by Tyler Young.

Staker: Aye

Elger: Aye

Marriott: Aye

Young: 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.