



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON  
WEDNESDAY, AUGUST 16, 2023, AT 5:00 PM  
AT THE CANYON COMMUNITY CENTER,  
126 LION BOULEVARD, SPRINGDALE, UT 84767**

The meeting convened at 05:00 p.m.

**MEMBERS PRESENT:** Chair Kyla Topham, Commissioners Tom Kenaston, Noel Benson, Adam Hyatt, Pat Campbell, Pam Inghram, Terry Kruschke and Jonathan Shafer from Zion National Park

**ALSO PRESENT:** Director of Community Development, Tom Dansie; Principal Planner, Niall Connolly; Town Clerk, Aren Emerson; and Deputy Town Clerk, Robin Romero recording. See attached sheet for attendees.

Vice Chair Tom Kenaston was acting as Chair for the meeting.

**Approval of the Agenda:**

**Motion made by Noel Benson to approve the agenda. The motion was seconded by Kyla Topham.**

**Campbell: Aye**

**Inghram: Aye**

**Kenaston: Aye**

**Benson: Aye**

**Topham: Aye**

**The motion passed unanimously.**

**General Announcements:**

There were no announcements.

**A. Action Items**

- 1. Public Hearing - Ordinance Revision: Changes to Chapter 10-13F of the Town Code, the Transient Lodging Overlay Zone, altering the application process, review procedures, and land use requirements for new transient lodging facilities. Staff contact: Thomas Dansie.**

**Staff Presentation:**

Mr. Dansie reviewed the standards in the Transient Lodging Overlay (TLO) Zone and stated that prior to the TLO Zone, transient lodging was a permitted use in the Central Commercial Zone and a conditional use in the Village Commercial Zone. Beginning in 2022, with the adoption of the Transient Lodging Overlay Zone, Transient Lodging was no longer a permitted or conditional use. It was only allowed through the TLO Zone change approval process. It was a legislative action that gave the Town more discretion for new Transient Lodging. As the Town reviewed applications pursuant to that version, it was realized that clarification, enhancement, and revisions were needed for new Transient Lodging to promote the General Plan's objectives and goals within the Town.

The Town Council appointed a transient lodging committee to make recommendations for revisions. They met for six months and presented the revised draft in July 2023. The Commission reviewed, provided feedback, and requested changes. The Committee made those changes and Mr. Dansie presented the revised and finalized ordinance, which would entirely replace the prior language of the TLO Zone.

Mr. Dansie clarified that a few minor details were brought to his attention that needed revision. The first was to revise an incorrect reference to transient lodging facility instead of transient lodging unit. The other revision removed redundancy in the language regarding a front desk requirement for a transient lodging the language of a front desk requirement for transient lodging facilities.

**Questions from the Commission:** None were asked.

**Questions from the public:**

- Laura Doty, resident in the Town of Springdale and owner of Zion Canyon Offerings, said she owned property in the Central Commercial zone as well as a home. She stated she wished she had been a part of this process and been able to provide input to the Committee. As someone who lived on the ground floor, she was affected by the ordinance. She expressed that it was a great ordinance as it was written and a step in the right direction. Ms. Doty asked why the Committee felt there should not be any consideration or credit given for parcels that already had a mixed-use or uses in place, i.e., residents, retail, restaurant, and specifically on smaller parcels.
  - Mr. Dansie explained that the Planning Commission and Town Council held a joint work session in 2022. Feedback was provided after a de-brief of the first five applications the Town reviewed last year. Part of that feedback was that the intent of the TLO Zone was to provide new diversity in the mix of uses in the Town, not necessarily to take advantage of existing diversity. The General Plan sought to promote new lodging facilities that added to the Town's mix of uses. One of the purposes of the TLO Zone was to prevent modularization of uses in the Town. For a new transient lodging facility to take advantage of existing mixed-use, the feedback from the Commission and Council was that it did not promote the goals of what the TLO Zone was set up to do. The goal was to provide new mixed uses in the community.
- Ms. Doty asked if it would be appropriate for the Town to consider delaying the application month for 2024 since the ordinance was not finalized. She suggested that the application month for 2024 should be three months after the ordinance was final or, as an alternative, the Town had the actual application available to potential applicants in advance.
  - Mr. Dansie stated it was certainly possible and a suggestion to bring to the Commission during the public comment period.
- Ms. Doty stated there was a two-thousand-dollar application fee. In addition, there was a great expense the applicant had to go through to prepare preliminary plans and the requirements, which could be four to five thousand dollars, and the applicant had no guarantee that they would receive approval. If an applicant was denied because three others had been approved in that year, could that two-thousand-dollar application fee be credited and applied if an applicant chose to try again in the next go around?
  - Mr. Dansie answered that under the current fee schedule, the fee was non-refundable and non-creditable to a future application. He reiterated that the suggestion would be good to present to the Commission during the public comment period.
- Ms. Doty queried, based on what has happened with the construction in town and time frames, if the construction deadlines were realistic and based on actual, current, or potential future construction timelines, was it possible that the clause could be reconsidered and made a bit more flexible if a land owner/developer could provide written documentation to prove they were conducting their due diligence to begin and/or complete the project.
  - Mr. Dansie addressed the first part of the question and shared that construction time frames and deadlines were realistic and feasible and based on the Town's experience observing the actual time it had taken to build and construct similar projects. Mr. Danise replied that everything in the ordinance was amendable, and the suggestion would need to be presented to the Commission during the public comment period.
- Ms. Doty wondered if, regarding the site plan, it was necessary for a relatively flat parcel of land to supply a topography map in the site plan.

- Mr. Dansie expressed that her question was a policy discussion and recommended that she suggest to the Commission if she felt that it was not appropriate and needed to be revised.

**Motion made by Kyla Topham to open the Public Hearing. The motion was seconded by Pat Campbell.**

**Campbell: Aye**

**Inghram: Aye**

**Kenaston: Aye**

**Benson: Aye**

**Topham: Aye**

**The motion passed unanimously.**

**Public comment:**

- Laura Doty approached the pulpit and shared her thoughts with the Commission. She said she understood the challenges the Transient Lodging Committee, Planning Commission, Council, and staff were faced with trying to craft an ordinance that would be effective, constructive, and further the objectives of the Town's village character. She recognized that it was a daunting task and commended those involved. She agreed this revision was far better than the prior. However, she was disappointed the ordinance did not take into consideration smaller parcels and properties that already had commercial use and/or residences in place. It did not seem equitable that the ordinance did not address and provide concessions for commercial parcels that already had mixed-uses, whether retail, restaurant, residence or a combination, especially smaller parcels. The requirement for long-term housing on smaller parcel developments might tend to encourage increased buildout and less open space to compensate for the return on investment of the long-term rental requirement. She did not have an issue with the long-term rental, but if that was a requirement, she thought she would need to offset that. She believed that other developers would feel the same.

She continued that the Town Staff would have to compile the application form requirements. Once the ordinance was finalized, it would be considerate of the Town to allow enough time for 2024 applicants to meet all required stipulations in the ordinance. Perhaps the application month in 2024 should be at least three months from the date the application was available.

Regarding the two-thousand-dollar application fee, the application process was costly for the landowner/developer, especially a smaller one. Not including the two-thousand-dollar fee, upfront out-of-pocket costs could be four to five thousand dollars, possibly more for larger properties. She recognized that it was quite a gamble, with no guarantee or direction from the Town officials involved in the process, that an application even stood a chance of receiving approval. That seemed one-sided and meanspirited to her and not very friendly or constructive in its tone. She suggested that if an applicant were denied and wanted to resubmit an application the following year, the two-thousand-dollar application fee would be credited and applied to the new application.

On the topic of construction deadlines, Ms. Doty stated perhaps the Council should consider a change in the one-year start date for construction to eighteen to twenty-four months. There could be unforeseen mitigating circumstances that could delay the start and completion of a project, such as the availability and timing of architectural plans. She added she would not do anything until she was approved because she would not want to spend more money and did not have that kind of money to spend. The bidding process with contractors took time, and the contractor construction start and finish dates could be longer than expected. She was also concerned about supply chain issues and weather delays. She sensed the Town would want to work with an approved applicant since the Town only approved three applicants biennially. She suggested that the landowner/developer prove due diligence and contracts, committing to the timeframe available for them to begin and complete the project or provide proof of delays beyond their control. Perhaps a more flexible clause would save the town money trying to enforce and shut projects down if they were delayed. She had observed some of the local ongoing projects that were taking a long time and did not know why. Lastly, she suggested the Town revisit the parking ordinance.

- Samuel Roth addressed the Commission regarding the requirement for applications to be submitted on even-numbered years. He suggested that applications were accepted every year, even if that meant lowering the number of applications that would be approved. He felt the applicant pool would stay large because those not approved would apply the following year. His second comment was related to building eight units with one long-term rental (LTR). If someone only wanted to build a few units, they would still need to build one LTR. Therefore, eight would need to be built to maximize the one LTR. That restriction caused the developer to build out the property all at once. He stated that overall, the ordinance was well thought out, but the section on LTR needed additional thought as it was too restrictive and would cause more development, not less.

**Motion made by Noel Benson to close the Public Hearing. The motion was seconded by Pat Campbell.**  
**Campbell: Aye**  
**Inghram: Aye**  
**Kenaston: Aye**  
**Benson: Aye**  
**Topham: Aye**  
**The motion passed unanimously**

**Commission Deliberation:**

Mr. Kenaston agreed with Ms. Doty that it might be difficult to start building within one year. He suggested the Commission consider changing from one year to a longer term.

Mr. Kruschke mentioned previously there was the ability to add a one-year extension to the end of construction. He suggested it might make sense to allow an extension to the start of a project as well.

Mr. Benson questioned the time requirements imposed in the Conditional Use Permit (CUP) and any prior issues arising from those restrictions.

- Mr. Dansie clarified the CUP requirement deadlines. Transient Lodging allowances through CUPs required that construction had to start within one year to keep the permit valid. The start of construction was defined as the pouring of concrete. Mr. Dansie indicated there were construction projects that had to hurry to meet deadlines, but there were not any developments that failed to meet their deadline.

The Commission discussed where the year grace period should be added. Mr. Kenaston felt it might be beneficial to add the extra time allotment to the start of construction, but it might not benefit smaller developers.

Mr. Hyatt suggested meeting in the middle and allowing an eighteen-month window but excluding a time extension. Ms. Topham commented that it might be a good compromise in lieu of adding time to either the front or back end of construction dates. Mr. Benson said perhaps having two six-month extension permits on either start or finish deadlines could be an option as opposed to two one-year extensions.

Ms. Topham asked Mr. Dansie if there was an expiration for the application documents.

- Mr. Dansie stated there was not anything in the ordinance that explicitly expressed a date requirement for documents. The caveat would be if conditions to the land changed e.g. lot lines, etc., then updated documents may be out of date. Conceptual drawings were only required during the early stages and did not expire, but construction drawings did have expiration dates due to needing to be up to current code standards.

Ms. Topham was undecided regarding annual permit reviews and questioned the Commission's initial thoughts. Mr. Kruschke commented that having the two items together, eighteen-month grace, and permit reviews every twelve months could be problematic. He suggested having the eighteen-month grace would

necessitate an every-other-year review to avoid having projects open from a prior year that were not yet started. Mr. Benson agreed it was a good decision and made a lot of sense.

Ms. Inghram liked the comment made by Ms. Doty, suggesting three months to submit an application once the application was made available. She questioned the proposed dates when the application might be available.

- Mr. Dansie stated the dates were not chosen for any specific reason. He suggested it was of benefit to choose dates that would allow for construction to begin in late summer or early fall. That would provide more time to build in the off-season and realistically have one full year.

The Commission agreed that a March deadline would allow enough time for the applicant to compile the documentation needed for application submission and time for the application to pass through all the required reviews. The application fee was discussed. There were not any changes suggested.

A phased approach to building units was discussed. The consensus was it would go against what the Planning Commission was trying to accomplish.

Topographical requirements would continue to be required for consistency.

Mr. Benson clarified and stated, for the record, his marketplace approach. It was a facilitation and motivational transaction to allow development or property rights to transfer from one property to another to avoid new Transient Lodging Units. The marketplace would not change the requirement to present to the Town Council the benefit of the transfer. The Town would still need to approve or deny.

There was a discussion on the topic of restaurant hours. It was decided that the Planning Commission would not impose hours of operation.

**Motion made by Kyla Topham that the Planning Commission recommends approval with changes to the Transient Lodging Overlay Zone Ordinance section 10-13F of the Town Code altering the application process, review procedures, and land use requirements for new transient lodging facilities. This motion is based on the following findings:**

1. **The overlay zone will help Transient lodging more fully accomplish the goals of the general plan while mitigating negative effects and adding to the community character of the Town. See General Plan Goal Land Use and Town Appearance, Subgoal G. These changes to the Transient Lodging Overlay Zone clarify, revise, and enhance to better accomplish the goals of the General Plan. In addition, long-term residential housing and restaurants are the most threatened by the transient lodging development and therefore are the most important to require with new transient lodging as it is developed.**

**This motion has the following condition of approval:**

1. **Increase the amount of time to start development from one year to eighteen months.**
2. **Restaurants must be open for at least dinner service.**
3. **The Application window shall open in March and close at the end of the month.**
4. **Section 10-13-F7E fix the numbering sequence from 1 to 4.**
5. **Section 10-13-F7 change to require development of long-term housing.**
6. **Section 10-13-F9A-4 remove the word used.**

**The motion was seconded by Pam Inghram.**

**Discussion of the motion:** There was no additional discussion.

**Vote on the Motion:**

**Campbell: No**

**Inghram: Aye**

**Kenaston: Aye**

**Benson: No**

**Topham: Aye**

**The motion passed 3:2.**

Mr. Benson expressed that without provisions for those affected by the moratorium and the proximity requirement that hindered some individuals, there was no way he could vote for more new transient lodging units.

**B. Non-Action Items**

1. **Discussion of potential revisions to Chapters 10-11 and 10-25 of the Town Code, relating to access standards for commercial properties.**

**Staff Presentation:**

Mr. Connolly stated that this item related to proposed amendments to the code specifically concerning access to commercial parcels. The Planning Commission expressed concern with the existing access standards and that new commercial parcels could be developed with substandard access. The changes would modify language in the ordinance to make it clearer and more consistent. It was proposed that the ability to create new commercial parcels with flag line access or access from a private lane or historic access was removed. The Planning Commission instructed staff to insert wording to restrict access to commercial parcels through residentially zoned parcels. The Planning Commission also instructed staff to make edits to standardize the language related to lot frontage measurements from the circumference of a cul-de-sac.

Ms. Inghram wanted to confirm that a 20-acre flag lot, if, under this provision, the parcel could not be re-plated or subdivided.

- o Mr. Connolly said that no new flag lots shall be created in the Central Commercial or Village Commercial zones. An existing parcel could be developed, but a newly subdivided parcel would not be allowed.

Mr. Benson shared concern about opening that up to potentially private streets that met requirements. Otherwise, he was satisfied with everything else.

Mr. Campbell said the previous ordinance mentioned a dedicated street and questioned if that would preclude a private street in the existing ordinance.

- o Mr. Connolly responded that it would. Mr. Dansie interjected that the revised ordinance clarified what constituted a dedicated street for lot frontage.

There was a discussion about streets and maintenance.

- o Mr. Dansie explained that private streets were built to standards and maintained by the homeowners of that subdivision. For private lanes and historic access, the Town ordinance required a road maintenance agreement.

2. **Discussion of potential revisions to the Town's regulations of Accessory Dwelling Units (ADU).**

**Staff Presentation:**

Mr. Dansie began by explaining that the revisions shown were a starting point based on a prior Planning Commission meeting. There were three main items up for discussion; ADU zoning, ADUs per parcel, and caregiver occupancy.

The majority of the Commissioners seemed to be in favor of opening ADUs to all zones in the previous meeting.

There was a brief discussion regarding caregivers and whether they would be permitted to occupy a guest house or casita without it being subject to ADU regulations.

The ordinance allowed only one ADU per property.

- One concept was to allow one internal and one external ADU or two internal ADUs. That would prevent multiple structures on one property for ADU use.

Mr. Campbell pointed out the rental timeframe in code 10-9A-14A, and the draft did not match.

- Mr. Dansie acknowledged that the two needed to be consistent and also meet the state code.

Mr. Campbell inquired why the water was not metered on an ADU.

- Mr. Dansie stated water was metered to the ADU, but went through the main meter that served the whole property. The purpose was ADUs were intended to be clearly secondary and incidental to the main unit. Having a common meter was one of the ways for the ADU not to become a second residence on the property.

Ms. Inghram requested to know how long Valley Residential (VR) external ADUs had been allowed, how many complaints the Town had received, and if they were required to be permitted. She also requested to know how many permits had been issued.

- Mr. Dansie said ADUs had been allowed in VR since approximately 2016-2017. He was unable to recall any complaints from neighboring properties. They were required to have a permit, and he believed approximately four or five ADU permits had been issued.

Mr. Campbell asked if there was a way to track complaints.

- Mr. Dansie shared that there was a database that tracked code enforcement but no other complaints.

Mr. Krushke asked about section 9(B) and the potential need to be more specific and explain what the word footprint meant.

- Mr. Dansie believed that language came from the state definition of an internal ADU. He said the Town could clarify what that meant as long as it remained consistent and compliant with the state.

Ms. Inghram suggested having a good neighbor policy similar to the Transient Lodging requirement.

Mr. Benson wondered if there was a desire to have more than one ADU if the property had acreage.

Mr. Kenaston thought that a larger property size could easily accommodate more than one ADU, and the community would be more supportive. There would also be a benefit with the owner living on-site and, therefore, being able to manage the property.

Mr. Krushke countered that lot size was not the only consideration. Increased traffic was also a concern.

Ms. Inghram disagreed and pointed out that some people had large families, rented rooms, and had multiple drivers in one household.

Mr. Krushke conceded that none of these items were going to fit perfectly, but it was a reasonable consideration.

Ms. Topham suggested there needed to be more than one parking spot per ADU. Additional discussion regarding square footage in relation to parking spaces occurred. There were contrasting opinions as to how that would or would not have negative effects on the community.

Ms. Topham asked the Commission if they wanted to consider expanding ADUs to the Agricultural Zone, and it was agreed it should be added.

Ms. Topham asked staff for the definition of lot versus property.

- Mr. Dansie explained the general term was property or parcel. Lot specifically referred to subdivided properties.

Ms. Inghram returned to the topic of ADUs in relation to occupancy. She questioned what a caretaker was versus a caregiver. Mr. Krushke and Ms. Topham perceived a caregiver to mean someone who provided care to a person, and a caretaker was someone who took care of a property. Ms. Inghram requested that a caretaker be allowed in the code.

There was a discussion about owner-occupied requirements. The state standards were specific to internal ADUs, but not external. Mr. Dansie would look into that further.

Mr. Benson expressed the need for public comment.

Mr. Dansie would distribute a draft or summary to the community for review. A Public Hearing would be held for community input.

**C. Consent Agenda**

**Motion made by Kyla Topham to approve the Consent Agenda for the Minutes from June 21st, July 5th, and July 19th. The motion was seconded by Pat Campbell.**

**Campbell: Aye**

**Kruschke: Aye**

**Inghram: Aye**

**Benson: Aye**

**Topham: Aye**

**The motion passed unanimously.**

**B. Adjourn**

**Motion made by Noel Benson to Adjourn at 07:10 p.m. The motion was seconded by Pam Inghram.**

**Campbell: Aye**

**Inghram: Aye**

**Kenaston: Aye**

**Benson: Aye**

**Topham: Aye**

**The motion passed unanimously.**



Robin Romero, Deputy Town Clerk



DATE: \_\_\_\_\_

A recording of the public meeting is available by visiting the Town's YouTube Channel at [youtube.com/@SpringdaleTownPublicMeetings](https://www.youtube.com/@SpringdaleTownPublicMeetings) Please call 435-772-3434 or via email at or more information.





PO Box 187 118 Lion Blvd Springdale UT 84767

**ATTENDANCE RECORD**  
**Please print your name below**

Meeting PLANNING COMMISSION REGULAR Date 08/16/23  
MEETING

**ATTENDEES:**

Paul Zimmerman  
Name (please print)

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Name (please print)

Robert Carlton  
Name (please print)

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Name (please print)

Laura Dwyer  
Name (please print)

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Name (please print)

Julian Coiver  
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Claudia  
Name (please print)

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SAMUEL ROTH  
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Rosalind Roth  
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Bethany Lindsey  
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