



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY, JUNE 20, 2018, AT 5:00PM
AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:00PM

MEMBERS PRESENT: Chair Joe Pitti, Allan Staker, Suzanne Elger, Mike Marriott, Jack Burns, Ethan Newman, and Cindy Purcell representing Zion National Park

EXCUSED: Jerry Giardina

ALSO PRESENT: DCD Tom Dansie, and Town Clerk Darci Carlson recording. Please see attached list for citizens signed in.

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

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie announced the next Planning Commission work meeting would be held on Tuesday, July 3rd, since the first Wednesday of the month was the Fourth of July holiday.

Ms. Carlson announced Tuesday, June 26th was the Republican Primary. Registered Republicans in Washington County should have received a mail-in ballot.

Action Items

Public Hearing - Subdivision Plat Amendment - Converting multi-family apartment lots in the Moenave subdivision to a multi-family condominium project - Mountain Vista Development: Mr. Dansie indicated this was an administrative change that would impact the ownership in the multi-family buildings. The proposed amendment would convert units to individually owned condominiums. The plat amendment affected lots 11, 12, 13, and 14 in the Moenave subdivision. The Planning Commission had already approved a Design/Development Review for these buildings.

Mr. Dansie pointed out that zoning compliance for density and landscape were based on the entire subdivision and not on these four lots individually. The final plat should note these four lots are part of the larger Moenave subdivision and must follow the same development restrictions as originally platted. In addition, the Moenave subdivision must provide six of the multi-family units as affordable. There must be certainty as to how this process would be complied with prior to the plat being recorded.

Council questions to staff: Mr. Marriott asked the difference between water meters versus water connections.

- Mr. Dansie explained individually owned units were billed independently and therefore required individual meters which constituted a separate connection. The subdivision infrastructure was constructed to accommodate individual connections for billing purposes.

- Mr. Staker clarified there would be an impact fee for each water meter.

Mr. Pitti asked if there was any risk associated with the affordable housing portion.

- Mr. Dansie said the affordable housing component was an ordinance requirement. Prior to a certificate of occupancy being issued, the affordable units had to be developed in proportion to the market rate units.

Ms. Elger asked the purpose of an administrative plat amendment.

- Mr. Dansie explained it allowed units within the buildings to be sold and transferred individually.

Mr. Burns asked if the intent was for long-term or short-term occupancy.

- The Planned Development Overlay Zone was applied to this property which prohibited short-term rentals.

Public questions to staff: Jan Passek asked who would manage and own the affordable housing units.

- Mr. Dansie said this was still being determined and a third-party affordable housing administrator may be involved.

Rebecca McKown asked the benefit to the Town allowing this change.

- Mr. Dansie said it was not a benefit to the Town but was allowed by code and zoning.
- Mr. Pitti commented it provided another option for housing as called for in the General Plan.

Council questions to applicant: Tyler Kukahiko was in attendance to represent Mountain Vista Development and clarified the only change was related to the mechanism of how the units were owned and sold. The developer had anticipated this change and therefore set up individual water meters. Mr. Kukahiko confirmed the developer was willing to comply with all the staff report recommendations. The condominium buildings would remain part of the entire subdivision.

Mr. Kukahiko addressed the affordable housing issue. He said each six-unit building had two smaller end units ear-marked as affordable and pricing would be dictated by the Washington County median income requirements. Mr. Kukahiko was unsure what that pricing would be at this time.

Mr. Marriott asked if someone could buy a unit and then rent it to an income qualified occupant.

- Mr. Dansie indicated this was an option. Occupants would need to be income verified; the ongoing management of which was still being determined.
- If the unit was resold, the affordability component would transfer.

Mr. Staker asked about CCR's and an HOA.

- Mr. Kukahiko said there would be a master association for the subdivision, and CCR's and HOA for the condominiums.

Public questions to applicant: None were asked.

Motion made by Mike Marriott to open public hearing; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: None were made.

Motion made by Suzanne Elger to close public hearing; seconded by Mike Marriott:

Staker: Aye

Elger: Aye

Pitti: Aye
Burns: Aye
Marriott: Aye
Motion passed unanimously.

Council deliberation: Mr. Marriott said it was a straightforward administrative decision. He supported a common HOA for condominium maintenance to encourage cohesion in the development.

Mr. Pitti wanted the motion to include the affordable housing component.

- Mr. Dansie reiterated the condition from the March 21, 2018 Design/Development Review approval which stipulated “the applicant must identify the six units that will be dedicated as affordable housing per the requirements of the Town code, and the property owner must record a restrictive covenant against the properties where the affordable units are located stipulating terms and requirements of the affordable units consistent with the affordable housing requirements in Town code prior to a certificate of occupancy being issued for any of the development authorized by this DDR approval”. He recommended this condition be referenced in any new motion.

Mr. Burns said it was unfortunate that a large development did not provide a benefit to the Town and help address a major need for affordable housing. He hoped this could change in the future.

- Even though they were not apartments, Mr. Marriott felt they still provided a lower cost condominium option which the Town did not have.
- Mr. Newman commented the affordable units provided an option although the Town definitely needed more.

Mr. Dansie also recommended a note be added and recorded on the revised plat indicating the four condominium buildings were part of the larger Moenave subdivision.

Motion made by Mike Marriott to recommend to the Town Council approval to convert the multi-family part of the lots in the Moenave subdivision to a multi-family condominium project. Whereas we find it is an administrative decision but that it also meets the desire of the Town to diversity its housing stock. With conditions: 1) For purposes of compliance with land use standards, the Moenave Condominiums are considered part of the larger Moenave subdivision. The final plat shall contain a plat note that acknowledges the Moenave Condominiums are included with the surrounding Moenave subdivision for determining compliance with land use standards, and the Moenave Condominiums are subject to the same regulations, standards, and restrictions that would have applied to lots 11, 12, 13, and 14 of the original Moenave subdivision plat, with the exception that ownership of the individual units in the buildings is able to be transferred independently from the other units in the building; 2) Prior to recording the final plat, the Town Attorney and the developer must finalize the method for maintaining a minimum of six of the units in the multi-family portion of the Moenave subdivision (including the Moenave Condominiums) as affordable housing units; 3) Prior to recording the final plat, the Town Attorney and the developer must finalize the method for maintaining a minimum of six of the units in the multi-family portion of the Moenave subdivision (including the Moenave Condominiums) as affordable housing units; 4) And, with the reminder that the development rate of the affordable housing units be applied as previously required by the Design/Development Review; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public Hearing: Ordinance Revision - Changes to section 10-14-9(C) clarifying the Town's regulation of gated access to subdivisions: Mr. Dansie said Town Code currently prohibited gated access to subdivisions, however a subdivision could petition the Town to install a gate if there was a

compelling need. The Planning Commission had worked to develop clarifying language on what a compelling need was which had been rolled into a proposed ordinance draft

Mr. Dansie indicated there were two public comment letters submitted from residents in subdivisions who sited criminal activity and personal safety as justifications for wanting a gate (Attachment #1).

Council questions to staff: None were asked.

Public questions to staff: Rebecca McKown asked how many subdivisions could have gates.

- Mr. Dansie explained any subdivision with privately owned roads could petition the Town for a gate. He indicated there were approximately eight (8) to ten (10) in Town.
- As drafted the ordinance listed justifications including increases in crime, property damage, traffic and road damage. These justifications needed to be attributed to non-residential use of the roads and that the increase would have been stopped, or prevented, by a gate.

Council questions to applicant: None were asked.

Public questions to applicant: None were asked.

Motion made by Suzanne Elger to open public hearing; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: Lynn Anderson, twenty-year Springdale resident noted the ordinance draft referenced village character but he was unsure what this meant in our Town. He questioned why a gate would detract from village character any more than privacy fencing. He listed a number of fencing materials used throughout Springdale and asked how they fit in with village character. A private gate was less invasive than much of the fencing. Mr. Anderson said many of the subdivisions this would affect were off SR-9. Mr. Anderson did not think Springdale should be any different than other areas in the country desiring privacy.

Rick Piette, Springdale resident, agreed with clarifying verbiage in ordinances. When purchasing his lot in 1998 he was given documentation from the realtor indicating it was a private community and the non-motorized gate would be mechanized with the formation of the HOA. The settlement agreement stated there was no public access. Mr. Anderson wanted what he paid for and what he deserved. He felt the ordinance singled out Canyon Springs Estates and the standards were excessive and onerous. Mr. Anderson asked the Planning Commission to use sensibility in their decision.

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

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Council deliberation: Mr. Marriott expressed concern about the findings in the ordinance. He recommended 10-14-9C(1) be changed to read "*As documented in the Springdale General Plan, the Town Council finds that gated access into subdivisions may make access to public lands less convenient and may make pedestrian and bicycle travel on private streets more difficult*", which he felt was more accurate.

- Under section 10-14-9C(3)(c), Mr. Marriott asked what it meant to "*supersede the Town's General Plan objectives*" and what criteria would be set forth to know.

- Gates did not necessarily make emergency vehicle access into subdivisions more difficult and Mr. Marriott suggested section 10-14-9C(4)(c) be struck because anyone installing a gate would make provisions for emergency vehicle access.
- Additionally, he stated if people in a private development wanted pedestrians they could design a gate that allowed it. Mr. Marriott indicated he did not like the ordinance and would not vote for it.

Mr. Burns said 10-14-9C(4)(c) was an important provision. Mr. Pitti agreed.

- Ms. Elger noted other ordinances related to gates had a provision pertaining to emergency response vehicles.
- Mr. Pitti felt it should be stipulated that the gate be constructed in such a way to allow easy access in an emergency situation.

Mr. Burns said we lived in area where access to public lands was critically important. He was unsure about the legality or impact of putting in a gate near park lands.

- Ms. Purcell said she could not find anything about access to neighboring public lands in the ordinances but suggested this be addressed with the Town attorney. If there was a boundary to a national park on private lands, there were other access points for the public. She was unsure of the legality and felt a lawyer should be involved.

Mr. Dansie suggested the Planning Commission recommend a policy that best promoted the Town's goals and objectives. Then, as part of the Town Council's review, the Town attorney would provide legal analysis.

Mr. Pitti suggested property owners fence their own property. He felt the largest component of village atmosphere was access to open space and gated neighborhoods was concerning. Mr. Pitti said he spoke extensively with parking enforcement and there had not been any parking issues in subdivisions. He also spoke with law enforcement and the crime rate was low. The public comment letters were not enough for him to believe there was a safety issue. Burglaries were related to construction sites. Mr. Pitti said most police reports were neighbor-on-neighbor conflict, not tourism. Other than not wanting people in a neighborhood, Mr. Pitti did not believe there was a compelling need for a gate. It was not community-friendly to close off subdivisions or access to public lands.

Mr. Burns felt segmenting parts of a community gave the appearance of an elitist attitude. Springdale should promote more unity. Free movement was an important part of the character of a community.

Although the Commission had spent a lot of time defining compelling need, Ms. Elger said it was not definable. She did not support gates, suggested compelling need be struck, and gates be prohibited. Gates did not promote community or the General Plan.

- If there was evidence to substantiate a compelling need, Mr. Pitti indicated he would be in favor of a gate. However, he did not feel there was evidence.
- Mr. Marriott said the issue was to define compelling and not about evidence. He said some people may not feel safe and their compelling need was different. This ordinance was for everyone and not just Canyon Springs.

Mr. Staker felt compelling need had a variety of definitions. To him, it came back to property rights and private ownership allowed you to do what you wanted. Regarding public access, no trespassing signs should be respected. People should not be able to go through private property to get to public land unless permission was given. Regarding 10-14-9C(3)(c)(i), Mr. Staker did not know how this could be proven.

- Mr. Pitti said based on his research, gated communities didn't protect more.

Commissioners discussed section 10-14-9C(3)(c) to clarify what "*supersede the Town's General Plan objectives*" meant.

- Mr. Dansie referenced objective 2.1.3 from the General Plan pertaining to the impact of gated communities on village character.

- Mr. Burns felt this objective explained why Springdale did not want gates and a reminder that subdivisions were part of a community. However, he acknowledged the objective did not say 'no gates'.
- Mr. Marriott reminded the reason for the ordinance was determine a pathway for a community to have a gate.
- Mr. Pitti felt the General Plan objective encapsulated the majority of the residents in Springdale.

The Commission continued to struggle with the issue. Mr. Pitti proposed the draft ordinance be moved forward to the Council for review and feedback.

- Mr. Marriott suggested the Commission continue to work on the ordinance in another work meeting. He said there were items in the draft that should be further discussed.
- Mr. Burns felt the ordinance was verbose and lacked balance in the findings.
- Mr. Staker questioned the intent and said the ordinance was essentially written to ban gates.

Motion made by Joe Pitti recommend to the Town Council the ordinance revision and changes to 10-14-9C clarifying the Town's regulation of gated access to subdivisions as written; seconded by Suzanne Elger.

Staker: No

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: No

Motion passed.

Public Hearing: Ordinance Revision - Changes to sections 10-2-2, 10-7A-2, and 10-7A-4, adding standards for the temporary storage of towed vehicles: Mr. Dansie said this ordinance allowed vehicles, towed for parking infractions, to be temporarily stored in existing public parking areas. It would not allow for storage of junk vehicles. Mr. Dansie noted there was a public comment letter submitted (Attachment #2).

Council questions to staff: Mr. Newman clarified temporary storage of towed vehicles was already happening; this ordinance made it official.

Public questions to staff: None were asked.

Council questions to applicant: None were asked.

Public questions to applicant: None were asked.

Motion made by Mike Marriott open public hearing; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: Mr. Dansie said language related to impound lots in the draft would be changed to temporary storage.

There was no public comment.

Motion made by Suzanne Elger to close public hearing; seconded by Allan Staker:

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Council deliberation: Mr. Marriott was unsure of the need.

- In speaking with parking enforcement, Mr. Pitti said five vehicles had been towed since the parking meter program began. He felt temporary storage was good so towed vehicle owners did not have to go down canyon.
- Mr. Burns agreed it helped facilitate the Town's parking management strategy.

Mr. Dansie clarified the temporary storage of vehicles would be located in permitted, licensed, public parking areas.

Motion made by Mike Marriott to recommend the ordinance revision with changes to sections 10-2-2, 10-7A-2, and 10-7A-4 adding the standards for temporary storage of towed vehicles, whereas we find we have new needs in Town and this provision is going to be helpful and provide added convenience to Park visitors and Town visitors. With the addition of language under section 1-public parking areas, not patron parking areas, associated with a commercial business; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Sign Permit: Free standing sign at Flanigan's Inn located at 450 Zion Park Blvd – Larry McKown:

Rebecca McKown was in attendance to represent the applicant. Mr. Dansie indicated this request replaced the existing free-standing sign removed due to the sidewalk expansion.

Mr. Dansie explained a number of properties were impacted by the SR-9 road construction project. The Council had given direction that any project impacted due to the road project should not be penalized for this reason. The setback for this sign would be less than the required three feet.

Mr. Marriott asked if this location was a business center.

- Mr. Dansie confirmed it was a business center and ordinarily would be allowed one free-standing sign. However, this location had two, both of which were permitted. The code allowed a second free-standing sign under certain circumstances. In this situation, since the second free-standing sign was removed because of the road project, Mr. Dansie suggested the Commission gave leeway to allow them to put the sign back up.

Mr. Burns asked how long businesses would be allowed an allowance for the road impact.

- Mr. Pitti suggested if a business had any issues from the road project they should address them with the Town now. It was assumed a business could not come back several years later and claim impact from the road project.

The Commission discussed the labyrinth symbol and whether it was considered a logo. Recent changes in the sign ordinance prohibited a logo from being illuminated.

Motion made by Joe Pitti to approve the sign permit for the free-standing sign at Flanigan's Inn located at 450 Zion Park Boulevard. The Commission has determined that it meets the standards as related to the sign ordinance. With the condition: 1) The applicant will illuminate the light lettered portion of the sign with a color that conforms with the color palette as well as provide samples in relation to the colored letters and have determined the labyrinth is a logo and will not be illuminated; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Consent agenda:

Motion made by Mike Marriott to approve the consent agenda and minutes from May 16th and June 5th; seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Motion to adjourn at 7:44pm made by Allan Staker; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: 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.



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please print your name below

Meeting Planning Commission Date 6/20/18

LAURA SINK
Name (please print)

Name (please print)

Rick Piette
Name (please print)

Name (please print)

Janet Passel
Name (please print)

Name (please print)

Iyler Kuka Hiko
Name (please print)

Name (please print)

Rebecca Mydown
Name (please print)

Name (please print)

CORNEIL WALTERS
Name (please print)

Name (please print)

MAURY WALTERS
Name (please print)

Name (please print)

Lynn V. Anderson
Name (please print)

Name (please print)

David D. Crow
Name (please print)

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To: Tom Dansie and Members of the Springdale Planning Commission

Re: Comment for Public Hearing on June 20, 2018

Topic: Changes to section 10-14-9(C) clarifying the Town's regulation of gated access to subdivisions

A Public Hearing is scheduled for June 20, 2018, to discuss changes to Town Code section 10-14-9(C) (Ord. 2008-07, 5-21-2008), clarifying the Town's regulation of gated access to subdivisions. As I am unable to attend this Public Hearing in person, let me provide my thoughts and experiences to you here.

As a homeowner in Canyon Springs Estates (CSE), I believe that subdivisions should have the right to limit access to private property within the subdivision, in the same way that individuals have the right to limit access to their own private property.

The primary access to CSE is via Canyon Springs Road and the CSE Bridge crossing the Virgin River. Although Canyon Springs Road also services the hotels and restaurants between SR9 and the Virgin River, (including Holiday Inn Express, Hampton Inn, Springhill Suites, Jack's and The Switchback, as well as another restaurant in the planning stage), it is NOT a public road nor is it maintained by the Town of Springdale. The same holds true for the CSE Bridge and all roads across the bridge (Canyon Springs Road, River Bend Circle, and Canyon Cove); these are all PRIVATE. The CSE Bridge and roads within the subdivision were never intended to be for public use.

Objective 2.1.2 in the General Plan aims to "Protect residential neighborhoods located next to commercial areas" and goes on to state: "Impacts of commercial development should be determined prior to any approval and appropriate buffers should be used to mitigate foreseen impacts. These buffers may include such things as increased setbacks and open space, fences and walls, vegetation, or a combination of these methods." In my opinion, the town has not adequately determined the impacts of commercial development on CSE. In addition, Merriam-Webster defines a gate as "the opening in a wall or fence" and therefore should be included in the list of appropriate buffers, not prohibited.

I am primarily concerned with my safety and that of my neighbors, and secondarily with protecting property within private subdivisions from excessive liability. Over the past few years, there have been numerous documented incidents in CSE regarding illegal activities such as drug use, hunting, trespassing, camping and an attempted break-in. Unfortunately, the increased popularity of Zion National Park (ZNP) brings visitors from all walks of life, including criminals. I personally had three recent experiences in CSE that solidified my opposition to Springdale's prohibition of gated communities.

The first event occurred during the evening of May 21, 2018. The cul-de-sac at the end of Canyon Cove became the scene of a police investigation, when 2 Springdale Police trucks, 2 US Park Ranger SUVs, and 2 undercover Hurricane Police vehicles, as well as a flatbed tow truck, were parked in the midst of our serene, private community. Someone high on meth had

previously stolen a truck, driven to the end of Canyon Cove, drove off-road across two CSE lots, continued through a barbed wire fence at the ZNP boundary and abandoned the truck when he could go no further up a wash in ZNP. Luckily, no one was injured during this incident and little damage was done. If the offender had been hurt or killed by his stunt on CSE property, could CSE homeowners be sued and found liable? In my opinion, the outcome could have been much worse than it was and easily would have been prevented with a gate designed to keep unauthorized vehicles from entering the CSE subdivision.

The second and third events occurred over the 2018 Memorial Day weekend. In both cases, I was in my front yard. One time, an older gentleman walked up with a beer in hand and we started chatting. He was staying in one of the nearby hotels, saw the "Private" sign by the CSE Bridge and entered our private community anyway. When he departed, I thought to myself "I hope he makes it back to his hotel safely". If he had fallen and hurt himself, might he sue the HOA? Sadly, our society is a litigious one and we need to protect ourselves from unwarranted lawsuits.

In the last incident, a dog came running at me from out of nowhere while I was in my yard. I am generally fond of animals but have had previous experiences with off-leash dogs which make me fearful. In this instance, there were 2 dogs running off-leash through the neighborhood and onto my property: their "persons" were not CSE residents and did not have control of their animals. I am afraid to think what might have happened if I had been injured by one of these dogs. There are plenty of approved places in town for dogs to run off-leash; the private CSE subdivision is not one of them.

The unprecedented increase in visitation to ZNP each year for the past 5 years, with over 5 million people predicted to visit ZNP and Springdale again in 2018, has changed the character of Springdale, whether you like it or not. The "village atmosphere" still exists in town along the main street (SR9) where hotels, restaurants and shops are located and where visitors interact with each other, residents and business owners. The "village atmosphere" should not extend into private subdivisions situated away from the main street. "Private Property" and "No Trespassing" signs are essentially ignored. I don't want uninvited people trespassing, causing a nuisance, and committing crimes on private property. As such, I believe the town should allow gates on subdivisions, as it is one of the few means of physical control remaining to prevent unauthorized access to private property.

Thank you for your time.

Sincerely,

Susan Hoover

From: Tim
To: dcarlson@springdaletown.com
Subject: Fwd: gate comments
Date: Tuesday, July 3, 2018 12:52:44 PM

Darci,
Here are the comments I sent on June 8th for the Public Hearing.
Tim

Begin forwarded message:

From: Tim Hoover [REDACTED]
Date: June 8, 2018 at 10:47:54 PM PDT
To: "Tom C. Dansie" <dcd@infowest.com>
Subject: gate comments

Tom, and town council members,

As a resident of Springdale, I am writing to protest the town council's ridiculous opposition to placing gates to restrict access to private communities. If an individual were to fence his property and erect a gate, there would be no question as to his right to do so. Somehow, when a private community like Canyon Springs Estates does the same thing, the town council feels they have the right to prohibit it.

What exactly gives the town council the right to violate an individual community's personal property rights? Is it some sort of misplaced nostalgia for a free and welcoming environment? If so, then it's time to admit that that ship has sailed. Due to the town council's own actions we now have massive commercial hotel development in town, traffic jams, chain restaurants, \$22 parking, and people living in storage containers, yet somehow controlling unauthorized access to personal property is where the town council chooses to draw the line? This is disgraceful and you should all be ashamed of yourselves. You don't have the guts to stand up to commercial interests with large financial backing that actually impact our quality of life, so you try to bully individual residential subdivisions? Disgraceful.

In Canyon Springs Estates we residents own all the subdivision property, the roads, and the bridge that provides the only access to our private property. We fully intend to exercise our rights to keep trespassers off our private property. It is a shame that the personal preferences of a few members of the town council prevent you from acknowledging this basic right.

Luckily there is still time for you to reconsider your position on this matter and refocus your energies on more positive projects. Like maybe building a clubhouse for the Frisbee golf course for instance.

Most Sincerely,

Tim Hoover

From: Tom Dansie
To: jpitti@springdaletown.com; "Mike Marriott"; jgiardina@springdaletown.com; "Allan Staker"; "Suzanne Elger"; "Jack Burns - Planning Commission"; Cindy_Purcell@nps.gov; ethanjeromene@mar...
Cc: [Darci Carlson](mailto:Darci_Carlson)
Subject: FW: Gated Communities
Date: Wednesday, June 20, 2018 9:27:38 AM

Commissioners-

See the comment on the gated community ordinance below.

Tom

From: PATTY DALE CATTEN [REDACTED]
Sent: Wednesday, June 20, 2018 8:32 AM
To: Mike Alltucker <malltucker@infowest.com>; adrnplay@infowest.com; Lisa Zumpft [REDACTED]; Joe P [REDACTED]; Tom Dansie <dcd@infowest.com>; Darci Carlson <dcarlson@springdaletown.com>
Subject: Gated Communities

So... For what it's worth... I just wanted to express my opinion on gated communities in Springdale.

When we first moved to Springdale, this would have been a non-issue for me. But I need to express that over the last five years with the extreme growth of new homes and traffic and the millions of tourists arriving into our small town, I am starting to think that a gate would provide a good security system.

I only want a gate for security. I love Canyon Point Drive. But more and more often I am starting to feel very vulnerable.

Because we are the only full-time residents in the circle at this point, I worry that our community is more open to the possibility of crime. I think the homes up here would be easy targets. Especially once people watch and figure out who's home and who's not home.

I am not requesting a gate to block out the residents of Springdale. I don't believe the residents are our crime problem, but then again I could be wrong. I have no idea how much crime is committed by a resident versus a tourist.

I know that several people that have lived in this town for years and years hate the idea of people fencing and gating off their communities. But, I think this is a major safety issue and I think the council and planning and zoning and the mayor and administration need to reconsider this gate issue.

If gated communities cut down on some of the neighborhood crime, to me it's way worth it. Most of us living in these different communities really don't worry about somebody breaking in to steal our TV or computer. We worry about our personal safety.

Thanks for considering my opinion
Patty Catten

Teach InfoWest Spam Trap if this mail is spam:

REMEMBER: Never give out your account information, password, or other personal information over e-mail.

NOTE: This message was trained as non-spam. If this is wrong, please correct the training as soon as possible.

Teach InfoWest Spam Trap if this mail is spam:

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REMEMBER: Never give out your account information, password, or other personal information over e-mail.

From: Tom Dansie
To: ["Jack Burns - Planning Commission"; Cindy_Purcell@nps.gov;](#) [REDACTED]
Cc: [Darci Carlson](#)
Subject: FW: GATE COMPELLING NEED INCIDENTS
Date: Wednesday, June 20, 2018 9:26:29 AM

Commissioners-

Please see the below public comment on the gated community ordinance.

Tom

From: L.L. Sink [REDACTED]
Sent: Wednesday, June 20, 2018 3:29 AM
To: Tom C Dansie <dcd@infowest.com>
Cc: jpitti@springdaletown.com; astaker@springdaletown.com; jgiardina@springdaletown.com; mmarriott@springdaletown.com; selger@springdaletown.com; ssmith@springdaletown.com; malltucker@springdaletown.com; raton@springdaletown.com; aplayer@springdaletown.com
Subject: CSE: GATE COMPELLING NEED INCIDENTS

Dear Tom,

Please find below the following 2006 – 05/2018 “Compelling Need” Incidents, I have experienced in Canyon Springs Estates. Sadly, there are more criminal/illegal incidents than not. None of these incidents listed below would have happen, if the Canyon Springs Estates gate had been in working operation.

1.) 05/21/2018: (2) DEA Agents, (2) Springdale Police Officers & (2) ZNP Rangers attempted to remove a stolen struck from the wash area next to CSE Lot #23 on Canyon Cove. The perpetrator was high on Meth, drove thru CSE and on CSE Lot #23, and stole 5 trucks in the Springdale area in the middle of April 2018. It appeared the perpetrator had been living in the truck for some time. Fortunately, he did not attempt to break in a CSE house or hurt a CSE resident. The perpetrator confessed to a DEA Agent of his crimes, to help his legal case. May 23, 2018, a tow truck company removed the stolen truck from the wash next to CSE Lot #23.

2.) 05/09/2018: I asked Springdale Chief of Police Garen Brecke to ask Lyman Whitaker, to stop walking his 2 unleashed dogs in CSE. It is unsafe, irresponsible and illegal to walk an unleashed dog in Springdale. A dog is capable of turning hostile at any time, for any reason and would bite a person quickly. Lyman Whitaker's dogs run wild into our yard, Rosemarie Martini's yard and leaving their fecal matter on CSE streets. The dogs fecal matter looks terrible and stinks when walking in CSE. When the dogs run towards our yard and Rosemarie Martini's yard we have to move quickly, so we do not get hurt and get our cats out the yard and inside our houses, before our cats are hurt by the unleashed dogs. Officer Brecke was going to contact Lyman Whitaker about this issue. Per The Town of Springdale Ordinance – Dogs are to be on a 6' Leash, voice commands or hand commands

3.) 04/14/2018: Lyman Whitaker's unleashed dogs ran across Hoover's driveway and almost knocked Tim Hoover off his feet. One of Whitaker's dogs clipped Tim behind his knees. Lyman Whitaker and his wife did not call for their dogs or talk with Tim and Sue Hoover about their dogs. One of Whitaker's dogs charged towards Sue Hoover too. Thankfully, Tim and Sue Hoover were not seriously injured. I did inform Springdale Chief of Police Garen Brecke about this issue. It has been a ongoing problem for many years with Lyman Whitaker walking his 2 unleashed dogs in CSE.

4.) 03/11/2017: At 2:12 am, a male attempted to break in our house through Master Bed Room door. I contacted Chief of Police Garen Brecke and 911. Springdale Police Officer Mathew Hansen arrived at our

house at 2:45 am. Fortunately, I was not hurt and there was no physical damage to our property. It was an extremely emotionally disturbing time for me. Most grateful for Officer Brecke, texting with me and the 911 dispatcher staying on the with me until Officer Hansen arrived. Those 30 minutes of waiting to see Officer Hansen, seemed like hours.

5.) 01/2017: Patricia and Brant Warner CSE Residents, saw a white male naked standing next to his truck, on Canyon Springs Road next to CSE Lot #36. I did advise Officer Brecke of this situation. He said to contact him, if this person was seen again in CSE.

6.) 11/2016: White Male urinated at 1:00 pm on Canyon Cove Cul-de-Sac in front of Lot #23. I contacted Officer Brecke. He sent Officer JJ Ray, to our house. Per my information, Springdale Police Officer Ray, was able to find him at the Springhill Hotel. The male had warrants out for his arrest from Las Vegas. .

7.) 09/04/2016: 8:00 am, a white male in his 30's and a white woman in her 50's were parked on Canyon Cove, at the cul-de-sac in front of vacant lot #23, smoking Meth inside a light blue & white Chevy pick-up truck. I contacted Springdale Police Officer Britt Ballard. By the time Officer Ballard arrived, the couple had left. Per my description, Officer Ballard, knew the couple. Per Officer Ballard, the male had a warrant out for his arrest.

8.) 09/03/2016: Labor Day Weekend – A white female and white male from France, driving a VW Jetta with California plates camped overnight on Lot #37, Owners

Mave & Phyllis Hedberg. I contacted Phyllis via telephone at 9:00 pm. I and explained the situation to Phyllis and gave her the police officer on duty – Dennis Wolsleger’s mobile number. Because at the time there were only 4 or 5 Springdale police officers and only 1 Springdale Police Officer on duty per shifts. Phyllis did contact Officer Wolsleger. He said he would go by there and tell them to leave their property. I spoke with Officer Wolsleger too. He said he was working with ZNP Rangers to arrest 2 males on LSD and Meth. He would do his best to take care of this issue. At that time the Springdale police officers only worked till 3:00 am. It took longer to work with ZNP than he anticipated. Officer Wolsleger quit work at 3:00 am, and never came to CSE to remove the overnight campers. The next morning, I went to Hedberg’s lot and told the people they were not legally allowed to be on lot 37 and the police will be arriving soon. The male said, a person at the ZNP entrance told them to camp in CSE. They couple did not remove their trash of wine bottles, food wrappers and toilet paper. Thankfully, they did not have a camp fire. I did find cigarette buds on the lot. I did remove their trash from CSE Lot #37.

9.) 08/26/2016 at 7:15 pm, a 2015 or 2016 black, 4 door, Chevy – Impala, UT License Plates, parked in front of LOT: #23, LOT OWNER: Gaines Desloge. A white couple late 20’s or early 30’s got of the car. The male removed a 2’ x 3’ x 2’ large black case and removed a motorized helicopter/drone, from the case. The woman was standing on Lot: #23, using binoculars to view CSE Lots 25, 24, 23, 22, 21, 20 and 19. It was extremely uncomfortable and alarming to watch her pan the area with her binoculars. She may have been casing the area for a burglary? Who knows? I explained Canyon Springs Estates is private property. The subdivision is clearly marked with signs at the subdivision entrance. He

continued to get out his motorized his large drone. I said "It is illegal in Springdale, UT, for any aircraft to take off or land in Springdale, UT." He replied "It is legal in Springdale, UT." I said, "I called the Springdale Police and they are on their way." He packed up his large drone and left. Springdale Police Officer Trent Feltner and Officer Dennis Wolseger, arrived to discuss this issue. By the time the police arrived, the couple had left CSE.

10.) 07/2016: A Large Beige Leprechaun RV with a family of 5 parked their RV on Canyon Springs Cul-de-Sac in front of vacant lot #23 – Gaines Desloge. I walked over as the father was unloading his gear with his kids to set up camp on Gaines's lot. I said, "It is illegal to camp on a private property in CSE." He was so aggravated and angry, because there was nowhere to park in Springdale for he and family. I said, "I understood, but CSE is a private neighborhood and no one is allowed to park RV's on CSE streets and camp in CSE." I said, "I will contact the Springdale Police, if he does not leave immediately." He said he understood and left. I did tell Officer Brecke about this situation.

11.) 2016: The Springdale Police arrested (1) male regarding drugs on CSE Lot #35.

12.) 2008 – 2010: I had kept a log of the vehicles and the state of the license plate driving up and down Canyon Cove. The total was 1,487. The majority of the license plates were California, along with Utah, Nevada and Oregon.

13.) 12/01/2008: Abandoned Vehicle on Canyon

Springs Road. The Springdale Police were contacted.

14.) 02/17/2008: 12:30 am, a male attempted to break into our house via the front door. A male was beating on the front door. I contacted 911. St. George police arrived 50 minutes later. Springdale Police were not on duty at that time. The police officer found fresh male foot prints in the mud on the side of the house. No one was found. It was a very emotional upsetting time for me.

15.) 03/01/2008: Person Trespassing on Canyon Cove. I contacted the Springdale Police.

16.) 08/03/2007: Suspicious Vehicle on Canyon Cove. White couple in their 50's were having sex in the front seat of a silver Chevy Tahoe with Utah license plates. I contacted the Springdale Police.

17.) 2006: During the construction of Kruschkes Lot #20, lawn chairs and materials were stolen That is the reason the Kruschkes have 2 steel poles with a chain & lock "A Gate" at the end of their drive.

12/29/1999, seeing up close and personal CSE was a "Gated Community" was a very appealing to us. The gate was closed with a lock on the CSE Bridge. CSE having a gate was a huge plus when purchasing CSE Lot #19. The Best Western Hotel Maintenance Man would use his key to let us in CSE.

1996: CSE has a Settle Agreement with the Town of

Springdale.

1995 - Present: CSE was established as private community with a gate on CSE Bridge. The CSE Gate would be grandfathered in prior to The Town of Springdale No Gate Ordinance.

The Public Walkers or Bikers in CSE: Walk/Bike on the CSE streets. Walk on CSE vacant lots. Walk thru CSE houses under construction. Walkers/Bikers leave their trash on CSE streets. When walking with their dogs they do not pick up their dogs fecal matter. The general public treat CSE, like a public park.

CSE Lot Owners are legally financially responsible for their streets, common areas and their lots. It, is a huge financial liability for all 39 CSE Lot owners, if, a non-CSE Lot Owner is injured on CSE streets or CSE Lots.

Unfortunately, the general public does not respect any CSE Owners, residents, the private signs at the CSE entrance or the word private. The general public just wants to walk or bike in CES, because they want to. Their arrogant behavior is extremely disrespectful to the CSE Lot Owners and Residents who bought in CSE to live in a private community, and have their privacy. Why is okay for the general public to walk or bike in CSE, as they please in a private community? That is not fair to the CSE people that live in CSE. Does The Town of Springdale want the financial liability of the general public, if they are injured when walking or biking on CSE streets? It appears The Town of Springdale, wants to help and protect the general public more than the Springdale CSE Owners/Residents.

****The illegal drug Meth is a popular drug used by drug addicts in Springdale, UT and the surrounding towns. Sadly, drug addicts will break into houses to steal anything, to sell for any amount of money. Use the money to buy more drugs to support their drug addiction. Their drug addiction will cause them to continue the cycle of illegally breaking into houses, steal items/vehicles, sell the items and take the money to buy more drugs.***

CSE would be an appealing subdivision for burglarizing, due to the fact 11 out of 19 houses are vacant/part timers/2 homes.

Gated Communities are extremely desirable to people who have second houses. The Town of Springdale is full of second houses for part time residents. These houses are used for vacation rental properties too! The annual documentation states the crime rate is increasing in Springdale, and the St. George area. More crime means, more people want security.

We have an alarm system in our house. An alarm system provides information, to the police department, of a disturbance when activated. By the time a police officer arrives to our house I could be raped, murdered, pets killed or stolen, items stolen and enormous cost of property damage.

I have lived in gated communities in the past. None of those properties ever experienced the illegal issues listed above or any illegal acts. The entrance & exit gates were easy to access with remotes and driver side window sku number stickers for the residents, guests,

and any emergency vehicles 24/7. Living in a gated community provides peace of mind with security. It is common sense, to want to have better security, to protect oneself from criminals.

Laura L. Sink

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