



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING  
ON WEDNESDAY, OCTOBER 17 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, Jack Burns, and Mike Marriott

**EXCUSED:** Ethan Newman and Cindy Purcell

**ALSO PRESENT:** DCD Tom Dansie participated via teleconference, Associate Planner Sophie Frankenburg, 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:** Ms. Carlson announced registered voters in Washington County should have received their election ballot in the mail. If not, they should contact the Washington County Election Clerk. Ms. Carlson encouraged everyone to vote.

Registration for the November 10<sup>th</sup> Butch Cassidy Fun Run was open. Locals received a discount and should call Town Hall for the special code.

There would be two Planning Commission meetings in November. The regular meeting was scheduled for Wednesday, November 7<sup>th</sup> starting at 5:00pm and the work meeting was scheduled for Tuesday, November 13<sup>th</sup> starting at 4:00pm. There would be one meeting in December held on the 5<sup>th</sup>.

Mr. Pitti noted the Commission would need to select a Chair and Vice Chair for the new year. He requested this be added to an upcoming agenda.

Mr. Marriott recused himself from agenda item A1 as he was representing the applicant.

Mr. Dansie joined the meeting via teleconference.

**Action Items**

**1. Public Hearing: Zone Change Request - AIL Group LLC, represented by Mike Marriott, requests a zone change from Valley Residential (VR) to Valley Residential - Cottage Housing Development Overlay (VR-CHD) on parcel S-141-NP (immediately south of the Canyon Vista Bed and Breakfast). The zone change will allow the development of 12 cottages on 2.28 acres:** Mr. Dansie explained the Cottage Housing Development Overlay allowed the development of smaller cottage units on residentially-zoned property clustered together with common amenities. The goal of this overlay zone designation was to diversify housing options in Springdale. As proposed, this application would increase the maximum potential density from six units to twelve units. Required elements for submittal were provided including a site plan and conceptual designs.

Based on information in the application, the intent was to keep the twelve units as long-term residential units rather than for-sale units. As a condition for zone change approval, the Commission could memorialize this stipulation in a development agreement. The development agreement would also spell out all the particulars of the development. Mr. Dansie noted three comment letters from the community expressing concern had been received (Attachment #1).

**Commission questions to staff:** Ms. Elger asked why a development agreement would be suggested for this applicant when not suggested for another applicant applying for the CHD zone change.

- Since the applicant specifically contemplated rental use of these units, the Commission had the ability to require this as a condition of approval and document it in a development agreement.

**Public questions to staff:** None were asked.

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

**Staker: Aye**

**Elger: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Public comments:** Ken Dailey researched the Cottage Housing Overlay ordinance and felt it was contrary to the spirit of the Town of Springdale. He understood the need to find more affordable housing however he did not believe this would address the issue in a significant manner. Mr. Dailey noted a standard in the ordinance stipulated the development not have significant detriment to adjacent property; he contended interjecting twelve units posed an obvious detriment to the enjoyment of his property and had summarized comments in a letter included in Commission packets. Mr. Dailey expressed disappointment Mr. Marriott did not discuss this proposal with him in advance. The development was yards away from a scenic pull-out and therefore would impact the visual impact from SR-9. Mr. Dailey stated he wanted to be sensitive to the Town's interests but opposed this proposal since it did not meet the criteria for granting a zone change and should not be approved.

It was noted the question and answer period of the applicant by the staff and the public should have preceded the Public Hearing.

**Commission questions for applicant:** Mike Marriott was representing AIL. He walked the Commission through the submittal and said this proposed development was located on the south side of Town situated between Canyon Vista and the Madsen property. The Town sewer line ran through the center of the property; therefore, the layout of units was carefully considered. The property had flood zone issues and the proposed layout was designed to avoid bringing in fill dirt. The project was contemplated to be employee rental units primarily for the Holiday Inn Express, Hampton Inn, and the Springhill Suites.

Mr. Pitti asked if AIL would manage the units and if they would be amenable to a development agreement conditioning the units as long-term rentals.

- At this time, Mr. Marriott was unclear about the exact rental structure. He believed the ownership group would be open to a development agreement if there were options for flexibility in the future.

Mr. Pitti suggested moving employee housing closer to the employer and utilizing the acreage behind the Whitaker parcel.

- Mr. Marriott replied that parcel was part of a settlement agreement, independent of this parcel owned by AIL, and commercially zoned.

Ms. Elger said the development looked like a cluster of row houses and lacked visual interest. She felt the proposed layout missed the mark.

- Mr. Marriott noted this piece of property had different constraints than the Luke Wilson property. He said using fill dirt would open up other avenues in terms of design. The units opened up onto a common area which was one of the design criteria.

**Public questions for applicant:** Ken Dailey asked questions pertaining to the number of people employed by the hotels and their average wage. He suggested rent would likely be more than these people could afford. Mr. Dailey asked if Mr. Marriott had an ownership position in the project suggesting it may be a conflict of interest.

- Mr. Marriott commented housing would likely be subsidized. He currently did not have an ownership interest but did not feel the line of questioning was relevant to the zone change request.
- Mr. Marriott stated he had a real interest in the community, employees and providing housing. It was a good location near a shuttle stop and the property set down from SR-9. Mr. Marriott felt this development would be no more distracting than any other homes built along the road.

Mr. Dailey asked if Mr. Marriott felt this project would have a serious detrimental impact on his property.

- Mr. Marriott noted Mr. Dailey was running a business in a residential zone. This project was not commercial but residential and therefore Mr. Marriott did not see how the development would jeopardize peace and serenity of the adjacent property.
- Mr. Dailey responded twelve families would absolutely have an effect.

Diana Dokos asked if the units might be available to employees from other businesses.

- Mr. Marriott said it would depend upon demand.

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

**Staker: Aye**

**Elger: Aye**

**Pitti: Aye**

**Burns: Aye**

**Motion passed unanimously.**

**Commission deliberation:** Applications from Mr. Marriott and Mr. Wilson were the first for the Cottage Housing Development Overlay and Mr. Pitti said it was important for the Commission to get it right. Mr. Pitti commented he did not have an issue with the location, but felt the design was more commercial than residential. He recommended the applicant make changes to the blacktop configuration and row of houses so it had more of a neighborhood feel.

Mr. Marriott wanted to comment, however Mr. Pitti indicated this was time for the Commission to deliberate. As the applicant Mr. Marriott felt he had the ability to speak at any time.

- Mr. Dansie said an applicant could address the Planning Commission outside the Public Hearing. However, the Commission could run the meeting as they wanted and this may or may not include applicant comments.

Mr. Pitti indicated allowing an applicant to speak during the deliberation was not the normal protocol the Planning Commission followed. He felt Mr. Marriott should be aware of this since he had been part of the Commission for many years.

- Mr. Marriott did not think this procedure was right.
- Although the public was bound to comment only during the public comment portion of a public hearing, an applicant was not bound to address the Commission only during this time. Mr. Dansie reiterated however that allowing an applicant to comment was at the discretion of the Commission.

Mr. Marriott justified why the units were laid out in the format presented but said they were open to design suggestions.

Given how meetings had been run, and in fairness to previous applicants, Mr. Pitti indicated he would move forward with Commission deliberation. He was not in favor of shifting protocol.

- Mr. Marriott objected and said the Commission had engaged applicants after the public hearing process.
- As Chair, Mr. Pitti had authority to move forward in how the meeting was run. The Commission continued with deliberations.

Referencing ordinance standards 10-13F-10B, 10-13F-10E and 10-13F-11I, Ms. Elger contended this proposal did not meet any of the criteria. She felt the plan should be resubmitted to better reflect these elements.

Mr. Burns struggled with the Cottage Housing Overlay Zone in general. The two proposals before the Commission each maximized density possibly allowing the development of twenty-one (21) modest sized homes on the same side of the road a quarter mile apart. Part of the Commission's job was to protect the sense of arrival when entering a town adjacent to a national park. Mr. Burns felt the development would be detrimental to adjacent properties and the Town's character. The concept was good but needed work. He could not support the Cottage Housing Overlay Zone at this time.

Mr. Staker commented the applicant had gone to great lengths to meet the standards of the ordinance. If compliant, it was not up to the Planning Commission to push back. Development in Town was almost always met with objection. If the Commission would not allow a cottage neighborhood on this property, which appeared to fit the parameters, Mr. Staker questioned where it would be allowed.

Mr. Pitti said the ordinance provided guidelines for design elements and layout meant to inspire a concept of a cottage neighborhood. The Planning Commission could not just rubberstamp applications and had jurisdiction to give suggestions to better meet criteria.

Mr. Burns respectfully disagreed with Mr. Staker. It was important to ground truth the reality of the ordinance when an application was submitted. The Commission should not move forward if they recognize something was wrong.

Ms. Elger commented the Cottage Housing Overlay Zone was developed to address housing. Once applications were submitted it gave the Commission an opportunity to see what this type of development would look like which was not necessarily the best feel for Town character. The Commission had the ability to recommend revisions and design alterations.

Mr. Staker said Commissioners could not make decisions based off personal opinions. If the parameters of the ordinance were met, the application could not be denied.

- Mr. Burns said a proposal must also fit in with the General Plan. There were other determinants to consider besides the ordinance.

Mr. Dansie explained the difference between approval of an administrative action versus a legislative action. With an administrative action, such as a DDR, the Commission reviewed an application against the standards of an ordinance. If the application met these standards then the request was approved. With a legislative action, such as a zone change, the Commission had discretion and was not bound by the standards of the ordinance. The Commission considers the review criteria and should determine if an application accomplished the goals and objects of the ordinance and was compatible with the General Plan.

The Commission expressed a degree of support for the concept but raised concern about the design and layout. Mr. Pitti suggested the applicant come back to the Commission with an updated plan based on the feedback received tonight.

**Motion made by Suzanne Elger to table the zone change request for parcel S-141-NP from Valley Residential to Valley Residential-Cottage Housing Development Overlay for the purpose of building a twelve-unit cottage neighborhood development to allow the applicant to resubmit a concept plan that addresses the findings of the Planning Commission over concerns with 10-13F-10B high quality living environment, 10-13F-10E the design and layout is compatible with the Town's unique rural village character, 10-13F-11I the layout and design of parking area must promote rural village character, and consider the density so that it doesn't have a potential detrimental impact on adjacent properties; seconded by Jack Burns.**

**Staker: Aye**

**Elger: Aye**

**Pitti: Aye**

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

Mr. Staker qualified his aye vote was influenced by the information provided by Mr. Dansie concerning a legislative action.

Mr. Marriott rejoined the Commissioners at the dais.

**2. Zone Change Request - Luke Wilson requests a zone change from Valley Residential (VR) to Valley Residential-Cottage Housing Development Overlay on parcel S-CCWS-2 (1775 Zion Park Boulevard, located adjacent to Silver Bear) for the purpose of building a 9-unit cottage neighborhood development, continued from the August 15, 2018 Planning Commission meeting:** The Commission considered this item in August but raised concerns over the design, layout, similarity of footprint, and lack of access to common areas. The applicant resubmitted plans but in order to accommodate the changes requested, two of the units were placed in the flood hazard area. Mr. Dansie stated development was allowed in the flood hazard area but prohibited in the flood way. If the zone change was recommended, Mr. Dansie suggested the Commission stipulate the applicant provide documentation that any development would be outside the flood way. Additionally, details concerning the design layout should be memorialized in a development agreement. Although not on the revised site plan, Mr. Dansie indicated the applicant was committed to provide a wildlife corridor.

Luke Wilson was in attendance to answer questions. He said the revised proposal addressed issues with setback, size, variation in layout, floorplan, and orientation but specifics regarding a wildlife corridor or riparian areas could also be included. Mr. Wilson noted three additional parking spaces were added near the common building.

- Regarding the wildlife corridor, Mr. Burns suggested a wildlife biologist be consulted. The wildlife corridor was intended to provide a way for animals to traverse the property and have access to the river. It would be helpful to involve an expert.

The Commission appreciated the applicant taking suggestions from the previous meeting and integrating them into the new submittal.

Mr. Pitti asked if the applicant was open to a development agreement.

- Mr. Wilson understood a zone change often required some kind of agreement however, he was resistant to not being able to sell the units.

Mr. Marriott liked the changes and felt the applicant did a great job.

- Mr. Pitti agreed and was happy how the proposal was updated.

Mr. Burns thanked Mr. Wilson for listening. The intent of the Commission was not to be difficult but to get it right.

- Ms. Elger agreed the layout represented what a cottage neighborhood should look like.

Mr. Dansie reminded the Commission the time for discretionary changes was now. Any important items the Commission wanted to include with this zone change request should be done now and put in the development agreement.

**Motion made by Joe Pitti that the Springdale Planning Commission recommends the zone change request for the Cottage Housing Development Overlay Zone on parcel S-CCWS-2 as the Commission finds that the applicant has met the proposed changes from VR to VR-CHD to meet the criteria for a zone change found in section 10-3-2A of the Town Code and promotes the goals and objectives of the General Plan and land use ordinance. The Commission also finds that the applicant has improved the application from the previous review that includes a 30' front setback and limits the two cottages closest to SR-9 to a single story and 850 square feet to reduce visual impact and ensures all cottages have direct walking access to a common area and is approving the design layout as submitted to the Commission this evening. With the condition that the**

approval of the zone change to the Cottage Housing Overlay Zone is contingent on the applicant entering into a development agreement with the Town that details the layout, design details, unit count and other requirements associated with the approval. A condition that no development is allowed in the flood way and the applicant must provide documentation to confirm. The applicant will present opportunities for wildlife to pass through the property to access the river; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Mr. Pitti suggested the Commission discuss the Cottage Housing Development Overlay ordinance, in general terms, at a future work meeting. The Commission wanted to discuss tweaks to the language that might address concerns raised during the review of the recent two applications.

- Mr. Dansie said the Commission might consider recommending the Council adopt a policy or resolution which halted new applications to allow the current proposed cottage neighborhood developments to play out.

**Consent agenda:**

Motion made by Suzanne Elger to approve the minutes from September 19<sup>th</sup> and October 3<sup>rd</sup>; seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.

Motion to adjourn at 6:44pm made by Mike Marriott; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Pitti: Aye

Burns: Aye

Marriott: Aye

Motion passed unanimously.



Darci Carlson, Town Clerk

APPROVAL:  DATE: 11.7.18

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](mailto:springdale@infowest.com) for more information.



PO Box 187 118 Lion Blvd Springdale UT 84767

### ATTENDANCE RECORD

Please print your name below

Meeting Planning Commission Date 10/17/18

[Signature]  
Name (please print)

10-17-18  
Name (please print)

Kendrick  
Name (please print)

10-17-18  
Name (please print)

Danette Dooer  
Name (please print)

10-17-18  
Name (please print)

\_\_\_\_\_  
Name (please print)

Ken Dailey

c/o Canyon Vista B&B  
PO Box 351  
2175 Zion Park Blvd  
Springdale UT, 84767

October 13, 2018

Town of Springdale  
118 Lion Blvd  
Springdale, Utah 84767

Dear, Planning Commission Members, City Council Members, and Springdale Administrators:

I appreciate the opportunity to send a written statement expressing my concerns regarding the zone change request by AIL Group LLC. I regret that I cannot be with you to personally share my thoughts and concerns, and hope this letter is received in the spirit it is intended.

Upon learning of the requested zone change approximately one week ago, I have attempted to give due consideration to the project (see addendum 3). While some elements of the proposed development make sense others elements do not. Ostensibly, some of the aspects of the proposed development contradict the General Plan and the Springdale Town Code Valley Residential Housing Ordinances. Also, noticeably, the proposed development appears to not comply with all of the Town Code Cottage Housing ordinances (10.13F). Some of these observations are addressed below:

Therefore, with due consideration, I submit that the members of the Planning Commission and/or Town Council **deny** the request for zoning change on parcel S-141-NP from Valley Residential (VR) to Valley Residential – Cottage Housing Development Overlay (VR-CHD) (immediately south of the Canyon Vista Bed and Breakfast).

1. **(General Plan 5.1.2) “Ensure that housing in Springdale reflects the village atmosphere, complements the natural surroundings and is compatible with the heritage of Springdale.”**
  - a. The proposed project does not reflect the historic village atmosphere of Springdale
  - b. The proposed development is not compatible with the heritage of Springdale
  - c. The proposed project does not support “the continuing agricultural use of the residential area” at current neighborhood standards. Nor does it “help maintain the rural and agrarian feel of the community, especially along SR-9.”
  
2. **(General Plan 5.1.4) “Encourage housing in mixed-use zones (e.g. housing in commercial zones).”**
  - a. **“Maintaining the low housing densities in the residential zones will be possible if housing is encouraged in the commercial zones.” (GP 5.1.4)**
    - i. The proposed VR\_CHD, while viewed as a functioning neighborhood within itself, would have a high impact and negative effect if inserted into an existing residential neighborhood.
  - b. **“Housing allows the opportunity for people to live and work in the same area, furthering a pedestrian orientation and reducing the need for commuting.” (GP 5.1.4)**
    - i. Located at the outskirts of town, the proposed development will likely not reduce the need for commuting.
  - c. **“Housing may be more practical in the commercial zones if incentives are provided that encourage mixed-use developments and maximize the use of the available land.” (GP 5.1.4)**

- i. If Cottage Housing Developments are approved, the General Plan encourages that they be developed in commercial zones thereby preserving the historic agricultural atmosphere of residential areas.
  
- 3. **(Town Code 10.9B.1 VALLEY RESIDENTIAL) The valley residential (VR) zone is established to ... retain land in parcels large enough to provide efficient and attractive residential development which preserves the historic open agricultural and farm type impression of the area. (Ord. 2013-11, 12-11-2013)**
  - a. The proposed development does not preserve “land parcels large enough ...”
  - b. The proposed development contradicts the historic open agricultural and farm type impression of the area.
  
- 4. **(Town Code 10.9B.14.D WILDLIFE CORRIDORS) VR zone is comprised primarily of the greenbelt and Virgin River areas of the canyon valley. Much of the wildlife living in Zion Canyon depend on the river and the greenbelt for their survival. The planning commission may reasonably restrict the use of land, buildings, structures, fences and walls within the VR zone to maintain adequate wildlife corridors for access from the foothills to the river valley. (Ord. 2013-11, 12-11-2013)**
  - a. The increased density of the proposed development will negatively impact the Wildlife habitat including foreseeable disruption of existing wildlife in the immediate area (i.e. Blue Herron’s may still be nesting near the proposed development location, and seasonal presence of Canadian Geese, etc.)
  
- 5. **(Town Code Cottage Housing 10-13F-10: STANDARDS) Applications for the CHD Zone will not be approved unless the Town Council finds all of the following standards have been met:**
  - a. **C. The proposed development creates no significant detriment to adjacent properties or to the adjacent areas in which it is located.**
    - i. The proposed development would create a significant and undeniable detriment to an adjacent property. (see addendum 1)
    - ii. The proposed development would create an undeniable detriment on the adjacent business, the Canyon Vista B&B.
  
- 6. **(Town Code Cottage Housing 10-13F-13: SITE LOCATION CRITERIA) Cottage housing developments shall be located according to the following criteria:**
  - a. **D. A CHD must be located and developed such that it will not detrimentally impact views as seen from SR-9. (Ord. 2018-04, 2-14-2018)**
    - i. Due to the pathway of SR-9, the nature of the landscape, and the lines of site for motorists approaching Springdale, the proposed project will, indeed, detrimentally impact views as seen from SR-9.
    - ii. It may be valuable to note that the proposed project site is less than 100 feet from the once signature historic scenic pullout for the town (The pullout was eliminated to allow access for the bike path.)

In summary, as a business owner and a strong proponent of Springdale, I support the cautiously progressive nature of the Town to address the challenges of planned growth and empathize with the difficulty of the resolutions that town stewards are required to make (see Addendum 2). I commend those same town stewards for their ever thoughtful consideration.

Regarding the current issue however, based on the fact that the proposed development is ostensibly at odds with the General Plan and Town Code, and based on the fact that the proposed development does not comply with VR-CHD ordinances noticed above (including the facts that the proposed project creates a significant detriment to an adjacent property and a detrimental impact on the views as seen from SR-9), I strongly urge

members of the Planning Commission and, if necessary, the City Council to **deny** the request from AIL Group LLC to change the zoning for parcel S-141-NP from Valley Residential (VR) to Valley Residential – Cottage Housing Development Overlay (VR-CHD) (immediately south of the Canyon Vista Bed and Breakfast) to allow 12 cottages on 2.28 acres.

Most respectfully,

Ken Dailey

## Addendum 1

### THE DETRIMENTAL EFFECTS ON AN ADJACENT PROPERTY and AN ADJACENT BUSINESS

I have frequented Springdale and Zion's regularly for over five decades. In 2010 when I considered purchasing property here, I did so because I was impressed with the peaceful, residential / agricultural atmosphere of the available property. As a then potential resident I carefully assessed the property which is now adjacent to the proposed development. The collective elements of the property including the small, river-side orchard and frequent visitation of wildlife (deer, geese, wild turkey, a blue herring family nesting nearby on the river), represented the essence of Springdale. During my due diligence process I was impressed to learn that this was not only encouraged but also protected by Springdale's general plan and town code Valley Residential zoning ordinance. *The quiet, soothing (Valley Residential) atmosphere of the property was fundamental in the purchase decision of the property and is the single most desirable trait of the property.*

Simultaneously, as a then prospective Springdale business owner, I assessed the potential success of the B&B operation. I realized the B&B would never be able to compete with the other lodging rooms in Springdale (then less than 800) on price, or scale, or proximity, or amenities, or advertising budgets, etc. But, the one competitive advantage that Canyon Vista Bed and Breakfast could offer was the calm, quiet, semi-remote "spirit" of the area (neighborhood). Again it was that same blend of residential and agricultural atmosphere - both encouraged and preserved by the Valley Residential Zoning ordinance - that was most appealing. Consequently I formulated a business and marketing strategy that emphasized the quiet, relatively remote, soothing, residential/agricultural atmosphere that has been supported and protected by the zoning ordinance.

Today, the success of the Canyon Vista B&B relies heavily on the shielding ordinances of the Valley Residential zone to protect the existing historic sense of Springdale. Leveraging the quiet escape from the congestion of the town and crowds has become our leading competitive advantage. And, over the years, as the town has changed dramatically (now with an est. 1,200+ lodging rooms) we have come to be known for the quiet, peaceful, tranquil atmosphere guests enjoy while on our property. This is our defining characteristic. This is our competitive advantage. We are told repeatedly that this is the reason why our guests return. And, of course, our guests are not alone. We, too, value the serenity and sanctity of the property: myself, my family members, my friends and associates, as well as our on-site managers who have called Canyon Vista their home for nearly a decade.

The impact of a cottage housing development on the adjacent lot would undisputedly alter the atmosphere of our property. It would compromise the quality of life we experience and significantly diminish the quality of overall experience we are able to afford our guests. It would have a predictably distressing effect on the Canyon Vista B&B business model and, inevitably, have a negative impact on the business' profitability - a primary source of income for both the owner and resident managers.

Following are specific examples of how the fundamental elements of a VR-CHD would create a detrimental effect to my property. These detrimental effects may be easier to understand as one imagines they are proposed directly adjacent (with a 10 or 20 foot setback) to their own home.

1. **Light:** The increase amount of light from up to 12 cottages - potentially twenty feet high each, with the accompanying auto head lights at night - would negatively impact the sense of privacy for the adjacent property owners AND guests of the accompanying B&B operations. The increased amount of light, with added light pollution, may also create a detrimental effect on property owners living on the East Side of SR-9 - looking down on the property.
2. **Noise:** Noise is normal and generally tolerable in a typical neighborhood. By design, the VR protects against excessive noise. However, when an entire development is compressed into a single (or

double lot) the increased amount of noise will be indisputably disconcerting. Autos and music, spirited conversations and pets, gatherings and parties (all normal for a residential area) would be magnified by a proposed factor of 12. This would, undeniably, create a significant detriment for us and our B&B guests. .

3. **Traffic:** With up to 24 vehicles (two per unit) coming and going out of a single, adjacent driveway each day, the increased traffic emissions, noise, light, and possible congestion would create another significant detriment for the adjacent property owners.
4. **Parking lot irony:** As a side note, the proposed request would effectively create a “parking lot” for 24 cars. And, while I understand I may be comparing apples and oranges, I grin awkwardly to realize that a respected town steward has requested consideration of a VR-CHD Overlay adjacent to and very near the property line of a property where a parking lot was denied just last year.
5. **Neighborhood:** Sometimes the most difficult things to measure are the most important to consider. To that end, the proposed VR-CHD affects the existing general sense of Residential “Neighbor – lines.” It contradicts the spirit of the Valley Residential Zone, and threatens the bucolic and defining spirit of Springdale. To insert a cottage development into this Valley Residential neighborhood, (or any other), whether the stated intent is for owner occupants or rentals, would significantly alter and (in my opinion) diminish the sense of currently existing Residential Neighborhood that currently exists.

## Addendum 2

### ADDITIONAL CONSIDERATIONS FOR FUTURE VR-CHD (AND OTHER DEVELOPMENT) DECISIONS.

1. **A simple cost benefit analysis:** Sometimes, when looking ahead to decisions that affect the future, we consider a simple cost-benefit analysis. For example, benefits of the proposed development might include: Short or long term financial benefit for one property owner (AIL Group LLC) and also, perhaps, benefits for up to twelve potential town employees or lower income residents. The costs, in contrast would be: a detrimental effect on and disservice to another property owner; a detrimental effect on other Springdale residents and their place of employment (the resident managers); decrease in the overall experience of approximately 2,000 guest nights (est. 1,000 room nights x 2 pax); and potential long or short term loss for the business.
2. **(More) development in the name of (more) affordable housing:** In recent years Springdale has made commendable efforts to provide (more) affordable and/or employee housing with the Redhawk, Rainer Townhomes, and Moanhave projects. Each has been received with mixed results. In the process, we have learned that while providing affordable housing is a noble endeavor it is also tricky, No agency is able to control either real estate prices or owner “greed.”. Though a VR-CHD may be similarly justified under the auspices of affordable housing units and/or rental units for employee housing, it is foreseeable that such units will, at some time in the future, be sold and eventually resold - the common practice for residential real estate. As the properties change hands, any desired town controls for the intended use of low income housing and/or controlled Cottage neighborhood would be predictably lost. In essence Springdale would have “sold” the highly valued (and time tested) benefits of the Valley Residential zone for the short term hopes of a CHD and possible “affordable housing.”
3. **Future use of “Cottages.”** It does not take much of an imagination to realize that these “cottages” could, in fact, eventually be used as nightly rentals. I am perhaps as appreciative of any and the first to applaud Springdale’s efforts to monitor and try to enforce unapproved (illegal) nightly rentals. But the “Air B&B” model which has significantly disrupted the lodging industry will predictably, with time, only continue to gain momentum.
4. **The effective impact: VR-CHD vs Commercial:** While developing “cottage communities” (under the protection of the allowable CHD overlay) would not technically constitute a commercial zone change, the “effective impact” on the neighbors, neighborhoods, and town would be essentially the same. For example, the proposed development with the request in question would have a similar impact on the neighborhood in terms of size, light, noise, traffic, etc. as would a boutique hotel with 24 rooms (that was operated at 100% year round occupancy). To paraphrase an Englishman, “A rose by any other name ... is still a rose.”
5. **Springdale vs development:** Springdale has undergone tremendous change in the past decade. Developers want to develop, and long-time residents want to preserve identity. I have heard some argue that the town has sold it’s once noble soul to the devils of development and tourism. Indeed, some change is inevitable and, yes, there may be more merit to that criticism than what we would like to admit. But, if Springdale protects it’s historically defined unique characteristics, it need not forfeit it’s identity. Recognizing this, the Town of Springdale created a Long Term Plan for Development including Zoning Ordinances to protect the historical sense and feel of the community. Trading the historic residential / agricultural identity of Springdale for newly approved VR-CHDs would unnecessarily (and, maybe, unforgivably) be another incremental step to compromise the town’s noble character.

### **Addendum 3.**

#### **RESPONDENT'S DUE CONSIDERATION OF THE PROPOSED COTTAGE HOUSING DEVELOPMENT**

Respondent thanks the Town of Springdale for sending the "Dear Neighbor" letter notifying respondent of the proposed development on the adjacent property. This was his initial introduction to the proposed development.

Respondent would have been appreciative had a representative for the project contacted him directly and offered consideration for the detriment and expense the project would cause.

Upon learning of the proposed development and zone change request respondent gave the proposal due consideration in the following manner:

- Respondent reviewed, with new interest, the recently approved (10.13F) Cottage Housing Development Overlay Zone ordinance. Much of the ordinance makes sense and, once again, respondent felt compelled to commend the Town of Springdale for their proactive efforts to address critical issues.
- In an effort to understand the history and local perspective of the Cottage Housing Development ordinance respondent reached out to town leaders, administrators, neighbors, and other Springdale residents for their insights and perspectives.
- In an effort to understand the AIL Group's interests and perspective respondent contacted the proposed development's representative, Mike Marriott, a couple times. Respondent appreciates the time and conversations afforded by Mr. Marriott in sharing his general view of cottage developments and his overview of AIL's interests. As a business owner and a proponent of business respondent can empathize with the desire of AIL Group LLC to optimize the use of the property; including the desire to maximize the financial profits on their investment.
- At Mr. Marriott's recommendation, respondent researched Cottage Developments in general. Respondent considered the mixed results of historic successes and failures.
- Respondent reviewed the preliminary schematic plan for the proposed project and found the design to be thoughtfully constructed.
- Most recently, respondent reviewed the packet of materials prepared for the public hearing before the Planning Commission scheduled for Wednesday, October 17, 2018

To: Town of Springdale Town Council, and the Town of Springdale Planning Commission

From: Alan and JoNell Jensen

Managers at Canyon Vista Lodge--Bed and Breakfast

Recently we learned from Ken Dailey about a development proposed for the now vacant lot on SR-9 between Canyon Vista and the home of Richard and Sheralyn Madsen. As Innkeepers and as residents of Springdale, we are anxious to have a voice in the process surrounding the Cottage Overlay proposal for this lot.

We share the high regard Ken expressed for Town of Springdale representatives and employees generally. We also fully share his concerns about and opposition to the proposed Overlay area development. We want to be clear about our motivations for taking the position we have. We are, of course, very concerned about the detrimental effects such a development will have on Canyon Vista as a business and on the experience our guests have here. But we are also concerned about adverse effects for ourselves as residents and on our neighborhood.

When Ken began looking for innkeepers after purchasing Canyon Vista almost ten years ago, the notice he posted on the community message board at the Post Office said he was looking for "someone willing to make a long-term commitment to the community of Springdale." And living in a town where residents are involved in community life and government was one of the main reasons we decided to move here from St. George. Since moving here, we have been involved as much as the demands of work and family situations would allow. In that time, Ken has never asked or suggested that we express any views on local issues that were not our own.

As a year-round, long-term residents and business operators, we are opposed to the proposed Overlay Zoning modification for three reasons:

1) The development would have a detrimental on the experience Canyon Vista residents, visitors, and paying guests. The entrance and exit ways to Canyon Vista that cross the walking path are fairly narrow and often not easy to identify for drivers on SR-9 passing Canyon Vista in either direction. With the increase in traffic on SR-9 in the past few years, it is often awkward to turn onto or off from the highway. This usually seems like an acceptable price for visually unobtrusive entrances, which contribute to the feeling of privacy, and of harmony with our surroundings that we try to maintain here. But the addition of twelve new households with some twenty or more new vehicles in the neighborhood, can only make this situation more difficult.

2) This congestion, while a significant concern, is not the only problem for the neighborhood by any means. We have always been in favor of measures the town has taken to preserve the night sky viewing in Springdale. (Indeed we are a little dismayed at the difficulty the town is

having with lighting ordinance compliance on the part of a few property owners--notably at the Majestic View.) But even permissible lighting for driveways, paths, entries, and inside lights from so many residences is bound to have a noticeable negative impact for nearby residents. And without question, enjoying the relative quiet at this end of town, along with the evening sky after dark, is one of the things we and most of our guests enjoy about Canyon Vista.

3) Many of us in town were introduced to the idea of "small" multiple-unit clustered developments several years ago--in a workshop sponsored by the Town and conducted by a consulting firm that specialized, apparently, in issues of planning and development. The idea, as it was explained to us at the time, was to have numerous small housing units placed closely together on a parcel, instead of a few somewhat larger homes which would be more evenly distributed, or "spread out" across the space. In theory the result would be more density in part of the development offset by more open-space and a view corridor in the remainder. The Overlay area development proposed here does almost the opposite. Under the proposed plan, space that might have been open and a view corridor will be occupied by homes that have the back yard of Canyon Vista as a view corridor and open space. This would be a considerable loss of privacy for us and for employees or homeowners who may live at Canyon Vista in the future.

We recognize, of course, that the 2 plus acres next door would accommodate two or three larger homes as currently zoned, which would inevitably diminish the view we have now of the Eagle Crags. But the twelve or more detached structures in the project envisioned by the AIL group developers, lined up at evenly spaced intervals would constitute a sort of visual barrier--along a more or less east to west line when viewed from the north at Canyon Vista, and running roughly parallel to the Virgin River when viewed from SR-9.

To be more explicit, of the four planned homes that would be just over the fence across a narrow setback from Canyon Vista, three would be on the east (i.e., SR-9) half of the lot, with multiple windows—likely in doors to a back patio—facing the gravel parking area, landscaped island, and our own back patio, on the south side of the Canyon Vista house. This is a space where we, our guests, and family and friends who stay at Canyon Vista often gather to relax, both during the day and in the evening.

If the units in the finished project in the overlay area are well-designed, and not "maxed out" in terms of allowable height, such a development could be visually pleasing and consistent with existing development in or adjacent to the more developed Village Commercial part of town. But it is not compatible with the circumstances and needs of residents in this neighborhood.

For visitors entering Springdale from the south, the Madsen's home, pleasantly situated as it is, and surrounded by large cottonwoods and other greenery, is hardly noticeable. Canyon Vista, likewise, is surrounded by largely natural vegetation, is visually appealing and unobtrusive. Judith and Mark Schraut's home to the north of us is also low-key and nicely landscaped. This peaceful transition from rural to semi-rural more or less defines the

neighborhood. Twelve units on the parcel between Canyon Vista and the Madsen's would significantly alter this character. The view towards the river coming down the hill on SR-9 from Majestic View, and possibly the view for residents further up the hill on Kinesava Drive, would be changed to include a lot of parking space, walls and rooftops.

Finally, as Ken, Canyon Vista's owner, will attest, we have always been strongly in favor of more affordable housing in Springdale. Our understanding was that one of the main reasons for having overlay zones is to allow for the development of such housing. Like Ken, we believe that the effort on the part of the Planning Commission and Town Council to promote affordable housing has been in good faith. But the legal and economic environment in Utah (and most of the rest of the country) is making that effort very difficult. Sadly, recent experience suggests that Cottage Housing Developments may often end up producing housing that is a) not necessarily affordable and b) used for vacation rentals instead of housing for long-term, permanent residents.

Sincerely,

Alan and JoNell Jensen

**From:** [Tom Dansie](#)  
**To:** [Darci Carlson](#)  
**Subject:** FW: Springdale Planning Commission 10/17/18 - Notice & Agenda  
**Date:** Monday, October 15, 2018 8:48:22 AM  
**Attachments:** [image003.png](#)

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**From:** janewhalen  
**Sent:** Sunday, October 14, 2018 12:08 PM  
**To:** Tom Dansie <dcd@infowest.com>  
**Subject:** Fwd: Springdale Planning Commission 10/17/18 - Notice & Agenda

It worries me with new high density housing next to river. The virgin river has a large water shed off the rocks of Zion canyon pouring into a narrow corridor.

There are already other housing subdivisions too close to river.

I have a report I had done for a diversion in grafton. After I read it. I knew a diversion would not stay for long with such floods the virgin river produces.

Jane

Sent from my iPhone

Begin forwarded message:

**From:** "Springdale" <[springdale@infowest.com](mailto:springdale@infowest.com)>  
**Date:** October 12, 2018 at 2:00:02 PM MDT  
**To:** "Springdale" <[springdale@infowest.com](mailto:springdale@infowest.com)>  
**Subject:** Springdale Planning Commission 10/17/18 - Notice & Agenda

**PLANNING COMMISSION NOTICE AND AGENDA**  
**THE SPRINGDALE PLANNING COMMISSION WILL HOLD A REGULAR MEETING**  
**ON WEDNESDAY, OCTOBER 17, 2018, AT SPRINGDALE TOWN HALL,**  
**118 LION BLVD., SPRINGDALE, UT.**  
**THE MEETING WILL BEGIN AT 5:00 PM.**

**Approval of agenda**  
**Commission discussion and announcements**

**A. Action Items**

1. Public Hearing: Zone Change Request - AIL Group LLC, represented by Mike Marriott, requests a zone change from Valley Residential (VR) to Valley Residential - Cottage Housing Development Overlay (VR-CHD) on parcel S-141-NP (immediately south of the Canyon Vista Bed and Breakfast). The zone change will allow the development of 12 cottages on 2.28 acres