



1862-2012

118 Lion Blvd PO Box 187 Springdale UT 84767 \* 435-772-3434 fax 435-772-3952

**MINUTES OF THE SPRINGDALE PLANNING COMMISSION MEETING ON TUESDAY, JUNE 17, 2014 AT 5:30 P.M. AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH. THE WORK MEETING BEGAN AT 5:00 PM.**

**MEMBERS PRESENT:** Chair Joe Pitti, Commissioners Jack Archer, Mike Marriott, Randy Taylor, Liz West and NPS Liaison Commissioner Kezia Nielsen

**ALSO PRESENT:** DCD Tom Dansie and Town Clerk Fay Cope recording. Fifteen citizens signed in; see attached list.

**Work Meeting**

**Discussion/Information/Non-Action Items**

**Staff review of agenda items**

Mr. Dansie explained all the agenda items were public hearings; all motions would be recommendations to the Town Council.

**Conditional use permit for a public parking area on property at 38 Lion Boulevard:**

- Mr. Dansie explained parking areas were allowed as conditional uses in the zone. There were general and specific standards for Conditional Use Permits (CUP) for parking lots outlined in the staff report. If the application met or could meet the standards, the CUP had to be issued.
- The preliminary site plan submitted didn't meet the front setback and didn't have landscaping plans. Those issues could be resolved if the use were approved.
- The ordinance required a fence along any property line bounding a residential zone. The Commission could consider requiring the fence to be located closer to the parking area. The property line was far from the parking area and along or inside the wash. It wasn't a logical or practical location for a fence.
- Mike Lang had submitted a written claim of ownership interest in the property. He didn't object to the application. Ms. Madsen wasn't present and had indicated she would send a representative, but Mr. Dansie didn't know who that might be.
- Mr. Taylor asked whether it would be appropriate to make a recommendation without complete plans. Mr. Dansie said the Commission could make recommendations or they could request more info; they could discuss that. If they didn't have enough info to make a determination, they could request more information and wait until it was provided to make a recommendation. Mr. Pitti said they weren't contemplating a zone change, so they didn't need that kind of engineered plans.

**Ordinance Revision: Changes to definition of "Aircraft":** Mr. Dansie explained there was no definition currently; this would clarify the town code by adding one. Mr. Dansie mentioned this definition was only added to Title 10; if they intended this to carry over into the nuisance ordinance, they should make that recommendation to the council.

**Ordinance Revision: Changes to the method used to measure sign area:** This issue had been discussed several times in work meetings after which he had written language proposing a simple change that would have a significant impact on the size of signs.

**Ordinance Revision: Addition of standards for Solar Energy System:** This had also been reviewed many times in past work meetings.

- Two public comments had been received. (See attachment #1.)
- 10-15e-6 (a3) regarding size, had been changed per prior discussions to 'owner of the property'.

**Discussion of recently approved development projects under construction:** Mr. Dansie had nothing new to report.

Chair Pitti suggested limiting the first meeting of each month to no more than two hours. The Commission was supportive. Mr. Dansie said they could have an informal policy or change the bylaws. They decided to try it before changing the bylaws.

Meeting adjourned at 5:23.

### **Regular Meeting**

The meeting convened at 5:30 pm.

**MEMBERS PRESENT:** Chair Joe Pitti, Commissioners Jack Archer, Mike Marriott, Randy Taylor, Liz West and NPS Liaison Commissioner Kezia Nielsen

**ALSO PRESENT:** DCD Tom Dansie and Town Clerk Fay Cope recording. Fifteen citizens signed in; see attached list.

### **Discussion/Information/Non-Action Items**

**Approval of agenda: Motion by Mike Marriott to approve the agenda, seconded by Jack Archer:**

**Archer: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye**

**Motion passed unanimously.**

### **Commission discussion and announcements:**

Mr. Dansie announced the July 1 work meeting had been cancelled.

### **Action Items**

**Public Hearing: Conditional Use Permit: Melanie A. Madsen Thatcher requests a conditional use permit for a public parking area on property at 38 Lion Boulevard (Parcel S-137-A, located on the north side of Lion Boulevard).**

**Summary:** Public parking areas were allowed as conditional uses in the VR zone. The staff report reviewed the general and specific standards for Conditional uses. If the application complied or could be made to comply, a permit must be issued. Mr. Dansie said the site plan was just a preliminary plan and would need to be refined to comply with the ordinance. The use of the property was under consideration, and the Commission would need to determine if the application included enough information for them to make a recommendation. The Commission would need to determine the best location of the fence, if it were required. There was no one present representing Ms. Thatcher.

Questions from audience to staff and Commission:

Ed Govignon: Would this be a paid parking lot? Yes. Mr. Govignon said he had heard that the Gregorics were planning to build a home and business on the property. *That would be on a different parcel. It wasn't relevant to this application.*

**Motion to open public hearing by Jack Archer, seconded by Mike Marriott:**

**Archer: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye**

**Motion passed unanimously.**

**Comments:**

- Rick Praetzel of Zion Adventure Company encouraged the Commission to favorably consider the application. He thought it would have a positive impact on Lion Boulevard. He had discussed the matter with Ms. Thatcher; he thought they could work out a parking agreement for his fleet.
- Mr. Govignon: How many parking spaces? *Approximately 90, though they could be permitted up to 100 per the zoning.*
- Mary Stults asked about night lighting: *There would be no lighting. It was not a night lot, except for special events.* How would people make payments? *Honor system with periodic collection.* How long would the Conditional Use Permit be in effect? Would a permanent parking structure be built? *Mr. Dansie explained that CUPs ran with the land in perpetuity. There wasn't a time limit. If the owner came back in the future, they could make improvements as allowed by the ordinance.*

**Motion to close public hearing by Mike Marriott, seconded by Jack Archer:**

**Archer: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye**

**Motion passed unanimously.**

**Deliberation:**

- Ms. West asked how overnight parking, which was allowed, would be different than camping in the parking lot, which was not. *Occupancy of the vehicle.* Mr. Dansie said even now people who went on long hikes parked and left empty cars on Lion Blvd, sometimes for days. He agreed that would be important to address camping restrictions in the conditions, and the Commission might consider requiring signage.
- No vending would be allowed because it was not allowed in the zone.
- They discussed potential future restrooms. They could be beneficial, but they could encourage camping. Ms. West asked if a restroom would allow a density bonus. *Potentially. Would have to go through a negotiated process.* The applicant had discussed no other plans for future development with Mr. Dansie; this application should be reviewed on its own merits.
- Mr. Pitti said other plans by other developers had been submitted and overturned. This was only about parking.
- Mr. Marriott said he liked the plan, but there needed to be more information. He thought they needed a Design/Development Review. There should be a plan showing alignment of stalls as well as a landscaping plan. They discussed maintenance of vegetation and gravel. There should be no way cars could be parked on dry weeds.
- Mr. Pitti said he would rather see gravel than asphalt.
- Mr. Taylor approved of the idea of permeable surfaces and suggested there were other options than gravel. Mr. Dansie said the applicant had been researching permeable parking surfaces used by the Forest Service.
- Conditions for the CUP had to be determined one time; they couldn't change things later.

**Mr. Pitti reviewed the standards:**

**The Commission recommends approval of the proposed Conditional Use Permit for a public parking area on property at 38 Lion Boulevard based on these findings: the application complies with the six general standards and the four specific standards and therefore must be granted.**

**General standards include: 1) the property complies with all applicable land use standards of the VR zone; 2) the proposed use won't interfere with the lawful use of surrounding**

properties, as parking is already common in the proposed area: 3) the proposed use won't create a need for additional municipal services which cannot be reasonably met within three (3) months and the party seeking the conditional use is willing and able to contribute to the cost of said services: 4) the proposed use shall not emit excessive noises or noxious odors or otherwise adversely impact the quality of air or water: parking is already common in the area and conditions shall be imposed to ensure maintaining the surface area so it doesn't affect the air quality with dust: 5) the proposed use is located adjacent to a residential zone to the north: however, the common boundary between the subject property and the residential property to the north is removed from the proposed parking area by 100 feet or more: this common boundary runs through Black's Canyon Wash in many places and it may not be practical or desirable to place a fence on the common boundary: 6) because the proposed use is projected to generate more than ten vehicular trips per day, the use must be located on a public street: Lion Blvd is a public street. Specific standards include 1) measures must be taken to screen the view of the property area from view of surrounding property owners: fence screening may not be practical or desirable because it could detract from the natural setting of Black's Canyon Wash: 2) access to the parking area met the standard of being no closer than seventy five (75) feet from any existing mainstructure on adjacent properties in the FR or VR zone: 3) parking lot lighting must be turned off after ten o'clock PM: there was no lighting proposed with the parking area: and 4) parking areas in the VR zone may contain no more than one hundred (100) spaces: the application proposed only 90. Approval was conditioned on the following: 1) The applicant must work with Town Staff on a revised final site plan showing compliance with setbacks and landscape requirements: 2) the applicant must come back to the Commission for design/development review: 3) the applicant shall show how the lot will be maintained to prevent excessive dust: 4) appropriate signage was required prohibiting overnight parking, idling, and camping (occupancy): 5) no vending was permitted: and 6) regarding the screening required by specific standard #1, the Commission finds natural vegetation or rocks shall be provided for screening as well as to define the parking area and protect surrounding vegetation: motion seconded by Mike Marriott:

Archer: Aye

Marriott: Aye

Pitti: Aye

Taylor: Aye

West: Aye

Motion passed unanimously.

#### **Public Hearing: Ordinance Revision: Changes to definition of "Aircraft" in section 10-2-2 of the Town Code.**

Summary: This revision only added a definition to the code to clarify intent. This proposal exempted small flying toys.

#### Questions:

- Sharon Nawara asked if there was a regulation about height of flights. Mr. Pitti explained Springdale couldn't regulate flight, but it was not legal to land any aircraft in Springdale. He explained the question originally arose because of drones – were they aircraft? The Town had said yes, but the Mayor realized the ordinance wasn't clear-cut and sent the question to the Commission.
- Ms. Nawara asked if there were rules about how low aircraft could fly over the canyon. Kezia Nielsen explained the Federal Aviation Administration (FAA) regulated all airspace. Airplanes were supposed to stay more than 300 feet above unpopulated areas and 400 feet above populated areas. Helicopters were not regulated.
- Rick Praetzel proposed building a model F14 (he indicated about 5' wingspan) with his grandson that would be relatively noisy. That would be okay, because it was a toy, right? Kezia Nielsen said there was an FAA advisory that suggested not flying model aircraft in populated areas, but he was right; it wouldn't be prohibited under this ordinance.

**Motion to open public hearing by Randy Taylor, seconded by Mike Marriott :**

**Archer: Aye**  
**Marriott: Aye**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

Lisa Zumpft suggested, based on Mr. Praetzel's last comment, adding a definition of 'small.' There were no other comments.

**Motion to close public hearing by Mike Marriott, seconded by Jack Archer:**

**Archer: Aye**  
**Marriott: Aye**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

**Deliberation:**

The Commission discussed how to establish 'small'. Mr. Taylor suggested restricting toys to use on the owners' property would sidestep the question of size. Kezia Nielsen explained the NPS prohibited all flying toys in the National Parks. Joe Pitti said he didn't want to prohibit toys. 'That sounded really bad,' he explained. He pointed out it was possible to tell the difference between a small flying toy and the large model aircraft proposed by Mr. Praetzel in terms of noise, operation and space required to fly the machine. He said any problems that arose could be addressed later by revising the ordinance again. There was discussion about interpreting toys as drones or drones as toys and amateur drones vs. professional drones. Mr. Dansie suggested removing the last sentence to remove the complication. He thought it would be 'uncommon' for anyone to make an issue of someone flying a toy. The Commission agreed with that, recognizing changes could be made later, if necessary.

They suggested this change should be added to the town nuisance code.

**Motion by Mike Marriott to recommend the Town Council approve the ordinance revision adding a definition of "Aircraft" in section 10-2-2 of the Town Code for the purposes of clarification, with the deletion of the second sentence "This definition does not include small flying toys which do not create loud noises." The Commission recommended adding the revised definition to the town's nuisance code: motion seconded by Jack Archer:**

**Archer: Aye**  
**Marriott: Aye**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

**Public Hearing: Ordinance Revision: Changes to the method used to measure sign area, affecting chapter 10-24 and related sections of the Town Code.**

A recent change to the sign ordinance had replaced the 'outside rectangle method' of measuring sign area to the 'unlimited-side polygon method,' which had the unintended consequence of much larger signs being proposed. This revision, which had been the result of much discussion, was 'middle ground'. By restricting the polygon to only ten sides, it limited sign size but still allowed creativity in sign design.

There were no questions from the Commission or the audience.

**Motion to open public hearing by Jack Archer, seconded by Liz West:**

**Archer: Aye**  
**Marriott: Aye**

**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

Comments: none

**Motion to close public hearing by Jack Archer. seconded by Randy Taylor:**

**Archer: Aye**  
**Marriott: Aye**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

Deliberation:

- Randy Taylor suggested the polygon must have 'ten straight sides'. No curved sides.
- Sharon Nawara said the definition of a polygon was 'a closed figure made up of straight-sided segments.'
- Mr. Marriott said he didn't see the need for the change. He preferred the existing language.
- Mr. Archer said he thought it was necessary to control the size. Mr. Taylor agreed with Mr. Archer.

**Motion by Jack Archer to recommend approval of the Ordinance Revision making changes to the method used to measure sign area, affecting chapter 10-24 and related sections of the Town Code: seconded by Liz West:**

**Archer: Aye**  
**Marriott: No**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed 4-1.**

**Public Hearing: Ordinance Revision: Addition of standards for Solar Energy System, affecting multiple sections of Title 10 of the Town Code related to solar energy devices.**

Mr. Dansie explained the Town currently had 'scant' regulations concerning solar panels or energy devices, being limited to screening. The Town Council had directed the Commission to address the ordinance. The Commission had determined more robust screening standards were needed, as well as size and height regulations and an application and review process which required neighbor notice. The Commission had met several times to develop this ordinance, which met those requirements.

**Questions:**

- Brant Warner asked what 'robust' screening meant. Mr. Dansie explained there were three main types of collectors permitted and though there were general standards which applied to all three, each would need to be screened differently. Roof mounted devices must either be screened or mounted on a parallel plane not above the peak of the roof; ground mounted had to be screened either with vegetation or some kind of structure; pole mounted would only be permitted in the public use zone and only if the applicant demonstrated the other types weren't feasible.
- Mr. Warner asked if the neighbors disapproved or had concerns, a planning commission review kicked in. *Yes. If no neighborhood issues were raised, there would be a town staff review.*
- Shaunna Young asked if there was a minimum size. *No.* She had a small (12" x 12") solar collector for a shed light, would that be prohibited? *Yes.*

**Motion to open public hearing by Randy Taylor. seconded by Mike Marriott:**

**Archer: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye**

**Motion passed unanimously.**

- Sharon Nawara asked about solar panels used to screen or shade windows, like an awning. *Under the current ordinance, that would not be allowed.*
- Dan Mabbutt said he had listened to all the meetings and comments. He was opposed to the ordinance. It would disallow innovation. It would make Springdale environmentally unfriendly. He felt there was no justification for the limitations imposed by this ordinance.
- Brant Warner agreed limiting to three types was too restrictive. People used garden shade structures, parking shade structure panels, there were panels that let light through and were collectors on both sides. He thought the ordinance should allow more flexibility.
- Lisa Zumpft agreed with Mr. Marriott and Mr. Warner; it seemed to create elitist requirements. It was not 'green.' She asked if solar collector path lights were exempted. *No, and that needed to be addressed.*
- Shaunna Young agreed with the others and wished the Commission would reconsider.
- Barbara Farnsworth thought creativity should be encouraged, not prohibited. She thought the Commission should reconsider.

**Motion to close public hearing by Mike Marriott, seconded by Liz West:**

**Archer: Aye**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye**

**Motion passed unanimously.**

- Chair Pitti said Susan Rovira and Leo Gallia had submitted written comments in support of the ordinance. See attachment #2.
- Mr. Pitti said the ordinance was flexible; it supported many objectives of the General Plan; it encouraged people to be responsible about their own carbon footprints. He said he had done a lot of research and learned that customers of Rocky Mountain Power were encouraged to build arrays that supplied only enough power for their own property. At the end of the power year, the 'slate was wiped clean' and the collection period started over. Nothing carried into another year.
- Mr. Pitti suggested removing the application fee.
- Mr. Marriott agreed that there were merits to the comments about smaller panels. He suggested exempting panels less than 2 SF.
- Mr. Archer asked if there could be language that would allow consideration of new technology or ideas.
- Ms. West read from information provided to the Commission by the American Solar Transformation Initiative, suggesting special consideration be given to 'Special Zoning Districts' like canyons and historic districts: 'consider allowing solar systems that conform to the intended feel of an area, rather than just restricting them outright...while aesthetic concerns should be taken into account, most issues can be alleviated with the proper siting of panels on a structure and by using solar technologies that are the most aesthetic for the situation.'
- Mr. Marriott agreed building mounted panels might be appropriate at times, perhaps they could change the terminology to 'roof/building mounted arrays'. He realized there were many considerations when allowing building mounted arrays, like architecture and visibility.
- Mr. Pitti said they might need to add a section that addressed the possibility that if none of the allowed systems were feasible or effective or there was new technology that presented another option, they could consider different systems.
- The Commission discussed adding new sections and realized they needed to bring the ordinance back so they could address regulations for the new proposals and exempt (and limit) smaller devices.

**Motion to table until next work meeting Jack Archer, seconded by Mike Marriott:**  
**Archer: Aye**  
**Marriott: Aye**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

**Adjourn: Motion to adjourn at 6:57 pm by Mike Marriott, seconded by Randy Taylor:**  
**Archer: Aye**  
**Marriott: Aye**  
**Pitti: Aye**  
**Taylor: Aye**  
**West: Aye**  
**Motion passed unanimously.**

  
\_\_\_\_\_  
Fay Cope, Town Clerk

APPROVAL:  \_\_\_\_\_

**Fay Cope**

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**From:** Thomas Dansie <dcd@infowest.com>  
**Sent:** Monday, June 16, 2014 9:13 AM  
**To:** jpitti@springdaletown.com; jarcher@springdaletown.com;  
knielsen@springdaletown.com; lwest@springdaletown.com; rgt402b@infowest.com;  
mmarriott@springdaletown.com  
**Cc:** rwixom@infowest.com; springdale@infowest.com  
**Subject:** FW: Public Comment on Application for Parking on Lion Blvd.

Commissioners-

Here is a comment on the proposed parking area on Lion Blvd.

Tom

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**From:** Jonathan D. Zambella [<mailto:jonathan.zambella@gmail.com>]  
**Sent:** Sunday, June 15, 2014 9:55 AM  
**To:** Thomas Dansie  
**Cc:** Melanie Madsen Thatcher  
**Subject:** Public Comment on Application for Parking on Lion Blvd.

Tom,

After reviewing the packet for Melanie Madsen's proposal for Lion Blvd. I have the following comments.

- 1) The use is a great idea which will have benefits to the town, tourists, and adjacent property owners. Having an approved and more formal parking layout for the current businesses will also help mitigate traffic, turn-around, and conformity issues.
- 2) The zone should be changed to a commercial use if it is going to be used commercially.
- 3) Lion Blvd. would benefit greatly if there were specific RV spots in the lot.
- 4) I encourage the use of non-impervious materials for the lot versus being required to pave. The geogrid product approved by the former Fire Marshall is much less expensive than paving, and if installed correctly adds to the landscape value of the land and reduces run-off, which would otherwise end up in Black's Wash. <https://www.youtube.com/watch?v=vmVJzBcPTQ> and <http://celltekdirect.com/> and <http://www.invisiblaststructures.com/gravelpave2.html>.
- 5) I encourage the developer to gain approval for a second curb cut so that traffic can flow through the property more naturally.
- 6) I encourage the town to also approve directional signing for at the corner of Lion Blvd. to indicate public and paid parking.
- 7) Though an expense burden to the applicant, even a minimal style dual bathroom unit on the property would be very beneficial. Similar to the concrete formed units the BLM and NFS use, though flushing toilets instead of pit style.

061714 pem att #  
pg 2

Thank you for considering my opinions.

Jonathan Zambella

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061714 pcm att # 2 &  
PS 1

## Fay Cope

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**From:** Thomas Dansie <dcd@infowest.com>  
**Sent:** Tuesday, June 17, 2014 9:11 AM  
**To:** jpitti@springdaletown.com; jarcher@springdaletown.com;  
mmarriott@springdaletown.com; rgt402b@infowest.com; lwest@springdaletown.com;  
knielsen@springdaletown.com  
**Cc:** rwixom@infowest.com; springdale@infowest.com  
**Subject:** FW: Planning meeting, 6-17-14 agenda

-----Original Message-----

From: Leo Gallia [<mailto:lcgallia@gmail.com>]  
Sent: Monday, June 16, 2014 7:41 PM  
To: [dcd@infowest.com](mailto:dcd@infowest.com)  
Subject: Planning meeting, 6-17-14 agenda

Springdale Town Planning Commission,

I support the revisions to the Town ordinances concerning Solar Panels and Aircraft.

By establishing clear guidelines you will promote solar within our community. This gives us a the assurance that solar is encouraged and we as neighbors and homeowners have ample notice to allow us to work together to continue to enjoy our Town's views at the same time.

The aircraft definition also helps us know what is allowed. It allows amateur drone operators to fly their toys as long as they don't annoy the neighbors.

Thank you for your continuing attention to our Town affairs.

Leo Gallia,  
Springdale homeowner

**Fay Cope**

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**From:** Thomas Dansie <dcd@infowest.com>  
**Sent:** Tuesday, June 17, 2014 9:10 AM  
**To:** jpitti@springdaletown.com; knielsen@springdaletown.com; lwest@springdaletown.com; rgt402b@infowest.com; jarcher@springdaletown.com; mmarriott@springdaletown.com  
**Cc:** rwixom@infowest.com; springdale@infowest.com  
**Subject:** FW: Solar Energy System Ordinance

**From:** Susan Rovira [<mailto:for2n8k9@gmail.com>]  
**Sent:** Monday, June 16, 2014 6:11 PM  
**To:** [dcd@infowest.com](mailto:dcd@infowest.com)  
**Subject:** Solar Energy System Ordinance

Dear Springdale Planning Commissioners,

I would like to express my support of the proposed ordinance revisions. I think you have found the right balance to allow reasonable placement of solar panels, while protecting the views that Springdale homeowners value. Please approve this proposal.

Susan Rovira  
Homeowner, Springdale

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

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TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please sign

Meeting of PC on 6/17/14

If you'd like to be included on our great e-notice list, please give us your email address. That's the only reason you need to provide that information. Your address will never be sold, though we may have to provide it as public information. If you have provided the information before, you don't need to add it again.

Form with 15 rows for name and email input. Handwritten names include: Dan Abbott, Stew Farber, Mary Stults, M. JARMAN, Lisa Zupp, Rick Pappalardo, Shannon, H.L. [unclear], Sharon Niagara, [unclear], Kimberlee Schear, [unclear], [unclear], [unclear], [unclear], [unclear], [unclear].