



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, JULY 15, 2014 AT 5:30 P.M. AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH. THE WORK MEETING BEGAN AT 5:00 PM.**

**Work Meeting**

**MEMBERS PRESENT:** Chair Joe Pitti, Commissioners Mike Marriott and Randy Taylor

**ABSENT OR EXCUSED:** Jack Archer, Liz West and NPS Liaison Commissioner Kezia Nielsen

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

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

**Staff review of agenda items:**

**Design/Development Review for Public Parking Area at 38 Lion Boulevard - Melanie Madsen Thatcher:** Mr. Dansie explained a conditional use permit had been granted, one condition being a Design/Development Review. The refined site plan showed changes to the original site plan – RV parking and bus parking had not been shown before. The landscaping plan showed natural vegetation and additional plantings. An existing building was shown abutting a property line, which was inaccurate. The drawing had been traced from an aerial view and the property lines were not always located correctly over the land below. A 'little fudge factor' was needed when using those lines.

**Ordinance Revision: Solar Panel Ordinance:** 10-15e-6 had been amended to clarify the size of the array could be based on the needs of 'the property owner', not 'the property.' The Commission asked Mr. Dansie to further revise that section because it was still difficult to understand. A hearing had already been held on this ordinance, but the Commission could still take comments if they wished.

**Ordinance Revision: Accessory Structure Size Limits:** Mr. Dansie had devised a chart based on the 'Rayner Equation' for calculating the total aggregate building size allowed. The Commission had also requested a chart based on half the size of the main house.

**Discussion of recently approved development projects under construction: none**

Because the Commission still had more than ten minutes left until it was time for the regular meeting, they decided to bring the discussion item from the regular agenda into the work agenda:

**Ordinance Revision: Accessory Structure Size Limits:**

- Mr. Taylor thought many of the larger lots would be agriculturally used – larger accessory buildings like barns might be appropriate. The Commission reviewed the chart (based on the Rayner Equation) and the second option (half the main building size.)
- They discussed visual impact of accessory structures. Mr. Taylor suggested limiting the aggregate size of all accessory structures to half the size of the main structure.
- 10-20-8 restricted accessory buildings from being in front of the main house unless they were screened or actually reduced the visual impact from SR-9. They considered removing 10-20-8-a. They discussed how attaching an accessory structure to the main house with a walkway or arch would make it the part of the main house, not an accessory building.

Having discussed the issue past the regular meeting time, they agreed to discuss it again as it appeared on the regular agenda and adjourned to the regular meeting.

## Regular Meeting July 15, 2014

Convened at 5:39

**MEMBERS PRESENT:** Chair Joe Pitti, Commissioners Mike Marriott and Randy Taylor

**ABSENT OR EXCUSED:** Jack Archer, Liz West and NPS Liaison Commissioner Kezia Nielsen

**ALSO PRESENT:** DCD Tom Dansie and Town Clerk Fay Cope recording. 6 citizens signed in; see attached list.

**Approval of agenda: Motion by Mike Marriott to approve the agenda with the elimination of the consent agenda, seconded by Randy Taylor:**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye** 

**Motion passed unanimously.**

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

- Mr. Dansie announced Wednesday July 30 was the next Night Sky event – the Dark Rangers from Bryce Canyon would be making a ‘Stellar Presentation’ followed by stargazing, weather permitting.
- The Town had received notice that the Paiute Tribe of Utah had requested a transfer of approximately 174 acres in Springdale into tribal trust lands. There was a comment period to submit comments to the Bureau of Indian Affairs.
- Leo Gallia said he thought the Paiute project was ‘gone’ after the Town had refused their zone change request, but now they were asking to become trust land, not fee land. The Federal Government would hold the land in trust for the Paiutes, but the Town would not have any jurisdictional authority over that land. He asked further questions about access and infrastructure. Mr. Dansie said the town was attempting to find out the answers to those questions and Town representatives would be in attendance at the Open House information meeting scheduled for July 22 at Hampton Inn.
- Lisa Zumpft said every citizen of the United States could attend that meeting. It wasn’t just a local question. She encouraged people to write comments or make phone calls if they couldn’t attend.

### **Action Items**

#### **Design/Development Review for Public Parking Area at 38 Lion Boulevard:**

- Melanie Madsen Thatcher was present. She said the plan showed more parking stalls than allowed because there were stands of vegetation they would enclose entirely, some in areas shown as parking stalls. She explained Zion Adventure Company had been using a portion of her land for parking and access; they would still use that area. They wanted 14 stalls. Mr. Pitti explained those 14 stalls would have to be counted in the 100. She would have to have an agreement with them for their commercial parking. It couldn’t continue as it had been.
- Mike Marriott asked about the bus parking shown on the plan. The stalls didn’t look big enough. JR Madsen, who had designed the site plan, said there was plenty of room for buses – the property was wide enough and long enough. He understood there might be greater need for RV spaces. Buses weren’t their priority, but he recognized there might be a need. He said they would really like to address the need for RV parking, too.
- Ms. Thatcher asked what kind of separation she would need to have between two different parking lots. Mr. Dansie said he wasn’t sure - the ordinance was vague. She had one very large parcel. Mr. Marriott asked if she would need to subdivide. That wasn’t clear. Zion Adventure Company had been illegally parking their fleet on Ms. Thatcher’s property for several years. There were also renters using her property for parking and access.
- Ms. Thatcher said she intended to keep as many indigenous trees and plants as possible. She hoped to plant some juniper trees, too. Mr. Pitti asked how they would protect the vegetation. She said they would use flagstone pathways and edge around vegetated areas with half-timbers. Mr. Marriott asked about payment. Ms. Thatcher said there were credit card machines, but she thought that might be in a later stage.
- Mr. Taylor suggested they build wider aprons at the entry and exit points so the buses and RVs didn’t drive over curbs and vegetation.
- Ms. Thatcher said she would do whatever was needed to comply with the ordinance and meet the town’s parking needs.
- Mr. Pitti asked if she was aware of the council’s conditions. *She was.* He asked how she intended to manage dust. Ms. Thatcher said they wanted to avoid impervious materials if possible. She had heard about using road oil, which sounded awful but actually wasn’t.

- How would she control overnight parking? She would have signage. She would charge for overnight parking, but occupancy would be prohibited. She would have people monitoring the lot.
- The Council had requested signage directing people to public restrooms. Apparently Gazebo Park restrooms were closest.
- The Commission expressed appreciation for the parking lot idea but dissatisfaction with the amount of detail provided on the site plan. Ms. Thatcher asked them to be specific.
- Chair Pitti explained what was needed:
  - A site plan that clearly showed how the setback with the Zion Adventure Company boundary was met.
  - Where the road cut would be, where the paths were, how the plants would take the place of parking stalls.
- There was a discussion about designation of the details on the boundary with Zion Adventure Company and the illegal parking and access.
- Ms. Thatcher said she couldn't control how people parked on her property, and she wasn't an enforcer. The Town needed to enforce the illegal parking. She wouldn't.
- Mr. Dansie said if the Commission was concerned about illegal parking, they needed to direct staff to enforce the rules.
- Mr. Taylor said he thought the Commission would prefer to incorporate the Zion Adventure Company's parking so they weren't parking illegally. Couldn't there be a way for the two commercial properties to share the parking and waive setbacks? Mr. Dansie said a parking agreement would need to be negotiated between the businesses.
- Mr. Pitti asked if Ms. Thatcher would be willing to wait till the meeting in two weeks and supply the Commission with a parking agreement and additional information in the meantime. Ms. Thatcher said if she didn't get some kind of go-ahead that night, she wouldn't proceed at all.
- Mr. Pitti said this plan was the most incomplete plan the Commission had ever seen and he wasn't comfortable with approving it. It was unfortunate that the applicant wasn't willing to work it out.
- Ms. Thatcher said she would completely eliminate the parking being used by Zion Adventure Co. and the 14 spaces at that end would not be part of the plan. That should meet their requirements.
- Mr. Pitti said the Commission needed to deliberate. He read through the Town Council's conditions of the Conditional Use Permit: He suggested they add another to address the boundary with Zion Adventure. Ms. Thatcher explained that there were trees and natural landscape at that end. There was a path and a driveway that she could mitigate. Bushes and rocks would work. Ms. Thatcher said there was already a pile of debris that also acted as a barrier.
- Mr. Taylor suggested a parking agreement between the parties could be a condition.

**Motion by Mike Marriott to approve the Design/Development Review for a Public Parking Area at 38 Lion Boulevard whereas the Commission finds it is in keeping with the standards of the underlying zone. Approval is conditioned on the following:**

**A) The conditions outlined in the conditional use permit (CUP), including the seven additional conditions attached by the Town Council at CUP approval:**

- 1) The property owner must develop and adhere to a plan for maintenance of the parking area to mitigate the potential for dust.**
- 2) A refined final site plan showing the parking meeting setbacks and landscape details must be approved by the Planning Commission.**
- 3) The parking stalls and parking area must be clearly identified and equipped with a means to keep people from driving over vegetation.**
- 4) Vegetative screening and other natural elements must be installed to screen the parking area from the street and from surrounding properties. Vegetation used for screening must be larger mature vegetation or fast growing vegetation.**
- 5) The parking area must include signs that clearly indicate there is no overnight occupancy of vehicles or camping allowed, and that idling of vehicles is prohibited. Signage must also indicate the direction to the nearest public restroom.**
- 6) Vending is not allowed.**
- 7) A minimum of two access points to the parking area are required; in addition, the Commission attaches these conditions:**

**B) All plant species used for landscaping must be selected from the Town's approved plant list;**

**C) No more than 100 parking spaces may be included in the parking area;**

**D) Signage indicating no overnight occupancy of vehicles, no idling, and the direction to the nearest public restrooms must be included in the parking area.**

**E) Access points to the parking area must be coordinated with the development on the south side of Lion Boulevard;**

**F) Side setbacks must be met and clearly delineated with appropriate landscaping and vegetation; that landscaping plan must be submitted to the Town DCD prior to construction; and**

**G) To further delineate the southeast side set back, either the timber barriers used as wheel-stops, rocks, or wood chips must be used to partition off the setback area so isn't driven across.**

**The motion was seconded by Randy Taylor:**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**Passed unanimously.**

#### **Ordinance Revision: Solar Panel Ordinance**

- Max Gregoric thanked the Commission for allowing him to speak; he had been out of town during the public hearing. He explained he had been coming to Zion for fifteen years before he moved here and he had lived here fifteen years. He had seen a continuing decrease in the air quality. There were so many cars.
- Rocky Mountain Power generated most of their power with coal-fired plants. Solar energy decreased the need for that power. He thought this ordinance was too restrictive – he listed several solar devices used in Zion NP, they would all be prohibited in Springdale under this ordinance. Solar powered signs and solar gardens on large parcels should be allowed, among other things.
- He appreciated what the Commission was doing – he had been on the Rockville Commission for 9 years and he understood how hard it was to take criticism on something they had been working on for a long time. He thought this ordinance needed more work.
- Shaunna Young said everyone should just get used to seeing solar panels and getting over seeing them as objectionable; they should be seen as beautiful.
- Mr. Gregoric said he didn't see the point of screening panels on a roof – the screen was just as objectionable as the panel.
- Lisa Zumpft thought it would be more appropriate for the Commission to wait until the other two Commissioners were present before taking action. The Commission thought that was a reasonable request.
- Mr. Taylor said the ordinance was addressing valid issues. Neighbor input was important. Reflectivity was a real problem for neighbors.
- Mr. Pitti said the Commission had done good work on this ordinance. There had been more interest in solar panels in the past several months than had been seen in many years.
- Mr. Pitti said the Commission had received a letter from Bill Ellard, who worked for a solar company. He stated he agreed with much of the ordinance, but was willing to offer additional input. Louise Excell had written a comment expressing concern that inviting neighborhood involvement could lead to neighborhood conflict and even vindictiveness. She thought applications that met all the standards of the ordinance should be handled without involving the neighbors. *See att #1*
- Mr. Taylor said the solar devices mentioned by Mr. Gregoric were wonderful innovations, but they weren't affecting any neighbors who had to look at them constantly.

**Motion by Randy Taylor to table until the next work meeting, seconded by Mike Marriott:**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**Motion passed unanimously.**

#### **Discussion (Non-action) Items**

##### **Ordinance Revision: Accessory Structure Size Limits continued:**

- Shaunna Young was concerned that the half-size formula would encourage people to increase the size of their home in order to be allowed a larger accessory building.
- Mr. Dansie asked the Commission if having an accessory building in the front of a main building had been a problem in the past or if 10-20-8(a) was even necessary. The Commission could think of at least one recent problematic situation; the section seemed important, but could be amended to add other screening possibilities. Mr. Dansie urged the Commission to avoid language that required subjective administration. Mr. Pitti reread the section and thought it wasn't as restrictive as he'd first thought. The Commission discussed verbiage changes. Mr. Dansie suggested eliminating the screening language, but the Commission preferred adding 'vegetative screening'. They asserted the section needed to allow more than one way to reduce visual impact.

- Mr. Dansie stated they had decided on using 20-8-b because it was easier to administer and asked if they wanted this to appear at another work meeting with the other Commissioners or if they were ready to schedule it for hearing. Mr. Pitti said they hadn't made any other major changes so he was comfortable moving forward. Mr. Marriott pointed out since there was a work meeting before the hearing meeting, it could be reviewed by all the Commissioners at the next work meeting. Mr. Dansie agreed to have the revision ready for that meeting.

**Adjourn: Motion by Mike Marriott to adjourn at 7:40 pm, seconded by Randy Taylor:**

**Marriott: Aye**

**Pitti: Aye**

**Taylor: Aye**

**West: Aye**

*R*

**Motion passed unanimously.**

Town Clerk Fay Cope



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



## Fay Cope

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**From:** Thomas Dansie <dcd@infowest.com>  
**Sent:** Tuesday, July 15, 2014 3:20 PM  
**To:** jpitti@springdaletown.com; jarcher@springdaletown.com;  
mmarriott@springdaletown.com; lwest@springdaletown.com; rgt402b@infowest.com;  
knielsen@springdaletown.com  
**Cc:** rwixom@infowest.com; springdale@infowest.com  
**Subject:** FW: Solar ordinance

Commissioners-

Please see the comments on the solar ordinance in the email below.

Tom

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**From:** Bill Ellard [<mailto:bellard@yahoo.com>]  
**Sent:** Tuesday, July 15, 2014 1:50 PM  
**To:** [dcd@infowest.com](mailto:dcd@infowest.com)  
**Cc:** Bill Ellard; Barbara Ellard; Rick wixom  
**Subject:** Solar ordinance

Hi Tom;

Thanks for talking to me today about the town's new solar ordinance. I have been quite busy in CO, and as such have been unable to attend any solar meetings. My Firm Energy Solutions Partners consults with municipalities and utilities on solar. I have been working with the City of Boulder, CO helping them with solar ordinances, rules, reg's and incentive programs. I am very willing to help Springdale on solar issues.

My firm ESP is planning on bringing more solar to Springdale – both commercial and residential. I will bring jobs to Springdale as well. I have several projects planned for this fall and need to know the status of any new solar ordinances. These rules will affect my business so this is very important to me. Also it is very important to me that solar systems are designed, sized, and look visually appropriate.

I am fully behind strong rules on rooftop solar such as height, being tight to the roofline, size, patterns, etc...I have sent the town sample ordinances in the past to review – they are very robust and would satisfy any concerns neighbors would have. My only issue with the new ordinance is this:

**“10-15E-3: Notice to neighbors:** Upon receiving an application for solar energy system, the DCD shall send mailed notice to owners of property within 300 feet of the property where the solar energy system is proposed. The notice shall state that affected property owners have the right to review plans for the solar energy system and have the further right to request that the proposed solar energy system be reviewed by the planning commission in a public meeting.”

**This should only apply to new ground mounted systems** – new structures on a premise. This threat of a public meeting will significantly reduce any rooftop solar systems in Springdale. – this will just become a public brawling session in the future – both politically and neighbor on neighbor....totally unnecessary. Let's change this above paragraph to stipulate only ground mounted systems require public notification and public meetings...

With the proper well worded rooftop array standards that do not change the visual shape of a roofline in any way – then the city's job is easy, and all neighbors view vectors protected. The inspection performed before net-metering is turn on would include the DC/AC inverter, but in addition the height/tightness to roofline/size would also be validated. I agree

for new structures on a premise like a new garage, or shed, or solar array – the city should perform more due diligence including neighbor notification and possible public meetings. Economically – rooftop solar is almost always the best solution, and is by far the most common.

The value of solar is also important to consider – new jobs, cleaner air(RMP is mostly dirt coal gen.), lower utility bills for Springdale residents and commercial property owners ( one can create electricity for under 7-8 cents per KWH), and a positive clean image for Springdale.

I have reached out to 2 solar organizations I work with for more clarity on muni rooftop solar ordinances:

<http://www.ases.org/>

<http://www.seia.org/>

We could not find any other municipalities with such restrictive solar rooftop rules. Let discuss in more detail. Please forward this E-mail to the planning/zoning and town council. I will be in town the first week of Aug. to meet with anyone that is interested in this issue.

I am available for conference calls anytime to discuss further.

<http://www.ases.org/>

<http://www.seia.org/>

Thanks;

Bill Ellard

TimeSeriesGroup

3111 Carbon Place

Boulder, CO 80301

435-632-1880(mobile)

<http://www.timeseriesgroup.com/>

Energy Solutions Partners – ESP

<http://energysolutionpartner.com/>

261 Valley View drive

Springdale, UT 84767

435-632-1880(mobile)

<http://www.solrenview.com/SolrenView/mainFr.php?siteId=2042>

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Teach InfoWest Spam Trap if this mail is spam:

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

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**Fay Cope**

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**From:** Thomas Dansie <dcd@infowest.com>  
**Sent:** Tuesday, July 15, 2014 4:23 PM  
**To:** jpitti@springdaletown.com; jarcher@springdaletown.com;  
mmarriott@springdaletown.com; lwest@springdaletown.com; rgt402b@infowest.com;  
knielsen@springdaletown.com  
**Cc:** rwixom@infowest.com; springdale@infowest.com  
**Subject:** FW: Solar ordinance

One more comment on the solar ordinance.

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**From:** JULIE MCKOWN [mailto:juliemckown@msn.com]  
**Sent:** Tuesday, July 15, 2014 3:45 PM  
**To:** Tom; Under the Eaves  
**Subject:** FW: Solar ordinance

Hello Tom,

I agree with Bill Ellard's opinion on solar ordinances. Why can't it simply be notification of neighbors within 300 feet of the property, as other structures? Let's not make things that are so very positive prohibitive from happening. While there certainly are unattractive solar mounts, I get excited when I see solar applications & think of the positive effects of solar power.

Thank you,

Julie McKown  
Flanigan's Villas  
Zion Nat. Park  
Springdale UT  
435-632-0798  
[info@FlanigansVillas.com](mailto:info@FlanigansVillas.com)

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**Sent:** Tuesday, July 15, 2014 1:50 PM  
**To:** [dcd@infowest.com](mailto:dcd@infowest.com)  
**Cc:** Bill Ellard; Barbara Ellard ([barbarazion55@gmail.com](mailto:barbarazion55@gmail.com)); Rick wixom ([rwixom@infowest.com](mailto:rwixom@infowest.com))  
**Subject:** Solar ordinance

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My firm ESP is planning on bringing more solar to Springdale – both commercial and residential. I will bring jobs to Springdale as well. I have several projects planned for this fall and need to know the status of any new

July 15, 2014

Planning and Zoning Commission  
Tom Dansie, DCD  
Town of Springdale

I apologize that I was unavailable to attend the public hearing last month, and I should have written sooner, but the entire solar issue in Springdale has been extremely painful to my and my husband personally. It has cost us the good will of our neighbors as well as a great deal of embarrassment in our community. In spite of that, I can't help but comment on one section of the proposed ordinance at this late date. I would attend the meeting tonight, but it is simply too painful to endure.

I take issue with *Section 10-15E-3: Notice to neighbors*, which requires that the DCD must send notice to neighboring properties of the proposed solar project, and which allows those neighbors to force a review by the planning commission in a public meeting.

Essentially, what you are doing is practically ensuring that every solar array installation will result in a planning commission agenda item at a public meeting. That's very counterproductive and impractical, because any neighbor with an axe to grind or who just happens to be having a bad day could demand a public airing for the solar array. There is nothing in the proposed ordinance that protects a conscientious homeowner who follows the code to the letter from being hauled into a public meeting because her neighbor doesn't like her

The Town's proposed rules on placement, size, screening, and so on are more than sufficient to protect surrounding properties. A homeowner ought to be able to install a solar array as long as it complies with every aspect of the very draconian standards the Town has already devised in this proposed ordinance. If neighbors believe that the installation is not done to code, then they should write a complaint, but they should not have the right to create a public spectacle because they hold a grudge against a neighbor—which is exactly what you are setting yourselves up for.

Louise Excell  
P.O. Box 266  
1700 Zion Park Blvd.  
Springdale, Utah



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please sign

Meeting of Planning Comm on 7/15/14

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.

Melanie A. Madson, Thatcher  
name

J R MADSEN  
name

Max Gregoric  
name

Shouyan  
name

Leo Gallati  
name

Joseph S. Byrd  
name

email (not required)

email (not required)