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**MINUTES OF THE PLANNING COMMISSION WORK MEETING ON  
TUESDAY, SEPTEMBER 1, 2015,  
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.  
THE MEETING BEGAN AT 5:00 PM.**

**MEMBERS PRESENT:** Chairman Jack Archer, Commissioners Randy Taylor, Joe Pitti, Mike Marriott, Liz West, Allan Staker and Jack Burns from Zion National Park

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

**Approval of Agenda:** Motion made by Joe Pitti to approve the agenda; seconded by Liz West.

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

**Commission discussion and announcements:** Town Clerk Darci Carlson introduced the new Deputy Town Clerk Jennifer Thompson. Ms. Thompson is replacing Pam Humphreys who retired after sixteen years of service. Ms. Thompson was the most qualified candidate and was previously the Utilities Clerk for the City of LaVerkin. She will be working with Chief Brecke and Darci Carlson. Ms. Thompson has a great capacity and attitude and will be an asset to the Town.

Mr. Dansie announced the outdoor lighting audits were completed and he is in the process of tabulating the results. A letter will be sent to residents about the observations on their property. In addition a list of compliant light fixtures will be made available should anyone need examples.

- Mr. Staker asked if many were out-of-compliance. Mr. Dansie said each of the four reviewers seemed to focus on different things. He said nearly every commercial property, and a good number of residences, had something that needed reporting.
- Once the data is compiled, Ms. West asked for information on the percentage of properties that were in compliance versus those that were not.

Mr. Dansie said the Associate Planner position has been posted and the Town hopes to have a replacement for Moumita Kundu in the next few months.

Mr. Pitti asked about the electrical work being installed on Lion Boulevard. Mr. Dansie said the work was being done pursuant to a settlement agreement attached to the property. Overhead power lines are required to be placed underground.

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

**Ordinance Revision: Drive-through window regulation:** Mr. Dansie said the Town Council requested the Planning Commission review the ordinance that currently prohibits drive-through, drive-up and drive-in windows at restaurants. He said it may be appropriate to expand this regulation to include all business throughout Town. If the Planning Commission wants to move in this direction, they should develop thorough findings as to why a change is being considered. Some findings are listed in the staff report. Also, Lisa Zumpft submitted a letter providing additional suggestions the Commission may consider.

- Mr. Dansie said the Town currently has one drive-up window located at Zions Bank. The Commission should consider options on how to treat this window moving forward. They can: 1) do nothing and treat it as a non-conforming use; 2) provide an amortization period which gives the bank a certain number of years to remove the drive-in window; 3) craft the ordinance so drive-in windows at banks are allowed.

Mr. Archer asked how often the bank window is used. Mr. Dansie said one to two customers use it per day.

Ms. West asked about walk-up windows and whether they should be discussed in conjunction with the drive-through windows.

- Mr. Dansie suggested a drive-through window has significantly more impacts than a walk-up window however the Commission can discuss the differences. Currently the Town does not have any walk-up windows but a number of businesses have a service counter where patrons make a purchase and either sit inside or move outside.
- Ms. West said the definition of a walk-up window is designed to allow pedestrians to be served without entering into a building.

Mr. Taylor said other possible impacts of a drive-through window include litter and noise generated from outside speakers.

Mr. Dansie said Commissioners should review the ordinance and provide feedback. If they are comfortable with the language, the issue moves to a public hearing. After the public hearing, the Commission can make a recommendation to the Town Council. There would be no formal action tonight.

Mr. Archer said Ms. Zumpft's comment about idling was important in addition to those mentioned by Commissioner Taylor.

Mr. Pitti said the strongest reason to change the ordinance is to create uniformity in the ordinance language. Prohibition should apply to all businesses and not just restaurants. He listed findings that support the ordinance update and should mitigate any challenge including:

- The motor vehicle restrictions support Town Code 6-1-5(C).
- The General Plan lists non-motorized traffic as a primary goal in Chapter 9.
- The Town desires to emphasize walking as a special characteristic for visitors.
- The objective in 9.1 of the General Plan promotes a pedestrian-oriented Town.

Mr. Marriott said some of these arguments would be more difficult to make for walk-up windows. Mr. Pitti said walk-up windows are pedestrian friendly. They can add language that clarifies no vehicles are allowed to access a walk-up window.

Mr. Archer asked if there was a specific amount of time they could amortize removal of the drive-through window. Mr. Dansie said they must give a business enough time to sufficiently depreciate the asset over the amortization period. It also cannot be specific to any one business. If the Commission does nothing to address the drive-through window at Zions Bank it becomes a non-conforming use. This would be the easiest way to manage it.

Mr. Archer asked about the window at Casa de Amigos. Mr. Dansie said if a non-conforming use is discontinued for a year or more, the rights associated with the use are lost. It is the Town's burden to demonstrate the use has been discontinued, however in this case, drive-up windows are already prohibited at restaurants.

Mr. Pitti asked what happened if the bank remodeled. Mr. Dansie said they cannot take out the old window and put in a new one.

The Commissioners decided to go with the non-conforming use approach for the bank's drive-through window. Mr. Dansie said he will revise the ordinance language to include all the findings and bring back for a public hearing, likely in their October meeting.

**Discussion of revisions to the General Plan: Chapter 4 Economic Development:** Mr. Dansie said Commissioners briefly talked about Chapter 4 during their last meeting and were comfortable with the language changes. The repeal of the formula restaurant ordinance affected a number of the sections. Updated figures regarding tax revenue sources were added. The section about 'expanding' tourism was changed to 'managing'. This provided a slightly different emphasis given the impacts from the larger number of tourists coming to the area.

- Regarding the tax figures, Mr. Taylor asked if the percentages represented Springdale's portion or the total amount. Mr. Dansie said they represented the total. Springdale receives a smaller portion. It was suggested the chart be updated to reflect three columns: 1) the total percent of tax; 2) the percent coming to Springdale; 3) the portion attributed to the Town budget.

Commissioners discussed section 4.2.2.d. The Town should actively seek its "fair share" of county tax but they want this revenue to be used for the benefit of Springdale and not just earmarked for marketing purposes.

- Mr. Archer noted they don't want to stop marketing Springdale. Although we may be getting inundated with visitors now, this may not be the case forever.
- Mr. Dansie said language could be changed to emphasize management over expansion.

Ms. West said the Zion Canyon Visitors Bureau received 90% matching funds from the Utah State Office of Tourism. The group also planned to ask for additional matching funds to support other Town events.

Mr. Pitti expressed concerned with language that supports furthering festivals during the busy season. He suggested language be finessed to encourage activity during non-peak times so as to not exacerbate problems.

- Mr. Marriott felt it helpful to emphasize strategies that promote events during the shoulder and off-season.
- Ms. West said the Zion Canyon Visitors Bureau was developing a billboard campaign for the Vegas area to encourage visitation during off-seasons.
- Mr. Burns said how you manage visitation determines the quality of the experience. The Park's goal is to create a quality experience while protecting resources. He said this same goal can be added to the General Plan for the Town.

Mr. Staker said the Park has some big thinkers and asked their suggestions on what to do with the crowds.

- Mr. Burns said they are looking at a number of strategies to spread out use and move some of the visitation to the shoulder seasons. The big question is whether the Park will have the infrastructure to support increased visitation during this period. There is no shuttle service and the number of Park employees is decreased. Whatever is promoted, the Park and Town need to be sure they have capacity to support it.
- Mr. Burns added Zion National Park is considered a six month park in Washington but it is really a nine month park. Everything is tied to funding and it can be challenging.

Mr. Marriott noted objective 4.1.3 should be updated to more appropriately reflect current needs. The implementation strategies should more clearly promote small business.

Commissioners discussed section 4.2.2 and agreed extended stays were preferred and seemed to already be occurring. Mr. Marriott said it is less work for hotels to turn multi-night stays.

Mr. Archer asked Mr. Dansie to incorporate the discussed changes and then allow the Planning Commission to review the chapter one more time.

- In the overview paragraph, Mr. Burns suggested an insertion of "rural small town character" to the paragraph. He felt this addition provides more balance. He also said the statistic relating to Park visitation in 2015 may change. Mr. Staker suggested they used terminology to express visitation is up and not necessary input a specific number.

**Ordinance Revision: Geologic Hazards Ordinance:** Mr. Dansie said several meetings ago the Commission reviewed the geologic hazards ordinance and voiced concerns about the impact on property owners. They also discussed if the areas mapped by the Utah Geologic Survey where sufficient or if other areas should be targeted.

- Mr. Dansie said David Simmons provided a third party review of the ordinance language and returned fairly general comments. The biggest impact for property owners and developers is the requirements for a detailed geologic study. If the study identifies substantial issues the property owner will need to pre-stabilize and mitigate the hazard to the fullest extent possible. This could be potentially very costly. Mr. Dansie included options to reduce these burdens. There are essentially two paths the Commissioners can consider. One focuses on safety and would require

the studies and mitigation of hazards. The other is less restrictive and identifies hazards but doesn't require detailed studies or mitigation.

Ms. West asked the legalities of who is responsible.

- Mr. Dansie said David Simmons said if there are geologic issues generally everyone is sued. The Town is protected under governmental immunity but if there is an issue people will try and chip away at this protection.

Mr. Taylor said the original philosophy was to not prevent development in geologic hazard areas, but to set some standards. Property owners must take steps to mitigate hazards to protect the public. The point is to keep people safe without prohibiting development.

- Mr. Pitti wholeheartedly agreed and said the Town should do all it can to protect its citizens. He said areas should be identified by professionals and there should be criteria to follow.

Mr. Burns said he had mixed feelings about the ordinance. We are asking people to mitigate the unknown. No one can predict the magnitude of events.

- Mr. Pitti said there are specific places that are riskier than others. He wanted to err on the side of furthest protection and exploration of the possible hazard. This will provide some added comfort. There should be full disclosure.
- Mr. Taylor commented some don't want to know there is a problem on their property. It interferes with their dreams. If they are forced to mitigate, perhaps they will think twice. Sometimes people need to be protected from themselves.

Mr. Marriott asked the average cost of a geologic hazard study. Mr. Dansie said it depends on the scale of the property and the problem. A typical geotechnical report is several thousand dollars. A more detailed study with greater subsurface exploration would be substantially more. Mr. Dansie noted if the proposed development is outside the mapped geologic hazard area then the requirements of the ordinance would not be applicable.

Mr. Taylor said it starts with a geologic report and mitigation is done only if something is found in this report. It was important to set minimum standards of what is required.

- Mr. Marriott suggested they hear from property owners who might be affected by this ordinance.
- Mr. Pitti said the driving force behind the ordinance is protection of citizens. The Town has easily identifiable geologic hazards but some are hidden. A report would be useful to identify potential issues.

Mr. Marriott said the ordinance may render some properties worthless.

- Mr. Taylor said economically some land is unbuildable, but the purpose is to take steps to mitigate hazards before development.
- Mr. Pitti said if a piece of property is worthless it's because it is unsafe based on findings of the geologic report.
- Ms. West said that even though some people may not want to know, their job as public servants is to protect the people.
- Mr. Pitti said from his experience sometimes full disclosure on a property doesn't happen. Mr. Staker said real estate law demands full disclosure. If a seller knows something about geologic hazards they must disclose it. People have to do their own investigation.

Mr. Marriot questioned the number of lots that would be affected by the ordinance. Mr. Dansie said it is not an insignificant amount. The Town uses maps provided by the Utah Geologic Survey to identify areas with a greater likelihood of being exposed to rockfalls and landslides. Just because lots are in a high hazard area does not render them unbuildable.

Mr. Marriott asked about remodels. Mr. Dansie said the ordinance would come into play only if a remodel or reconstruction affected more than 50% of the structure's gross area.

Mr. Taylor said the Iron County ordinance includes rockfall shadow angles with source zone, acceleration zone and a run-out zone. Mr. Dansie said this was David Simmons recommendation also. Mr. Simmons also suggested the Town consider including other hazards in addition to rockfalls and landslides.

Wayne Hamilton was in attendance and said there were current geologic studies going on now in Springdale. One is on water tank hill and the other is on the Watchman slide. Data should be sent to the UGS for peer review.

Mr. Pitti felt they should endorse this direction and integrate the changes discussed. Mr. Archer agreed and said it protects the Town.

- Mr. Marriott said it would be useful to look at sites that may be impacted. Some may not be that threatened. He said they should consider shadow zones. Mr. Dansie explained the 22% shadow angle is what geologists say is the approximate extend of where a rock may end up from its source. The map identifies areas of elevated risk but is not a lot-by-lot analysis. If a lot is identified it would trigger a geotechnical report and, depending upon the findings, may trigger mitigation strategies.
- Mr. Pitti felt using the professional recommendations was more prudent than having the Town review lots and make determinations.

Mr. Marriott asked if a lot is in a rockfall zone would it require the property owner to conduct tests for other geologic hazards. Mr. Dansie said tests only need to be conducted when applicable.

Ms. West said it should be an absolute requirement for lodging properties to conduct studies.

The Commission asked Mr. Dansie to include their comments into the language and then bring back for public hearing.

**Motion to adjourn at 6:50pm made by Mike Marriott; seconded by Randy Taylor.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**



Darci Carlson, Town Clerk

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



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

9-15-15

