



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

**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING ON
TUESDAY, MAY 17, 2016,
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.
THE MEETING BEGAN AT 5:00PM.**

MEMBERS PRESENT: Chairman Jack Archer, Allan Staker, Randy Taylor, Liz West, Scott Taylor, Mike Marriott and Jack Burns representing Zion National Park

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

Approval of Agenda: Motion made by Jack Archer to approve the agenda; seconded by Liz West.

Staker: Aye

R. Taylor: Aye

Archer: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion and announcements: Mr. Dansie said Chairman Archer asked he give a brief overview of the work going on at the Springhill Suites pond. The developer drained the pond and did significant alteration without formal review or approval from the Town in violation of the grading ordinance. Their actions were counter to conditions put in the motion by both the Planning Commission and the Town Council.

- The Town informed the developer of the violation and instructed them to stop work around the pond. They must submit a grading permit application to demonstrate their plans. The application will be reviewed against standards of the grading ordinance to determine compliance. The Town has also been in contact with the Army Corp of Engineers and the State Division of Water Rights regarding their regulatory and permitting processes. The developer was now working with these organizations.
- Mr. Archer asked about the concrete dam. Mr. Dansie said it was constructed without prior authorization or approval.
- Mr. R. Taylor asked if the developer needed a permit from the Army Corp of Engineers. Mr. Dansie replied the Corp had scheduled a site visit to review if the work being conducted was a regulated activity. Because of the pond's direct surface connection with the Virgin River it was regulated water of the United States.
- Mr. Staker asked if the spring was flowing. Mr. Dansie answered 'yes'. The Town and property owner both had water rights that came out of the spring. Access to this spring water had not been impaired.
- Mr. S. Taylor said a lot of local residents felt strongly about the situation. He asked if the Town was aware of any lawsuits being brought forth by private citizens against the property owners. Mr. Dansie said there was justified and obvious frustration from residents regarding the pond however he was not aware of any legal action.

Action Items

Public Hearing – Final Subdivision Plat: Clark Subdivision, a three-lot duplex-style subdivision in the VR-PD zone located at 1776 Zion Park Boulevard: The applicant Matt Rayner was not present at the meeting but asked to participate via phone.

Mr. Dansie provided a summary. The final plat was for a three lot subdivision. Each lot would be developed with a two-unit duplex. The purpose of the final plat was to be sure it complied with the preliminary plat, verified conditions of approval were met, and confirmed all infrastructure was completed or bonded for.

- The front and rear open space areas were required to be protected by a conservation easement. Mr. Dansie recommended this be signed and recorded with the final plat.
- The preliminary plat was approved with condition the developer pay the Town for installation of curb, gutter and sidewalk. This payment should be submitted to Town before recordation of the final plat. At this time there was no estimate for the cost of these improvements. The funds would be used to make these improvements elsewhere in Town, with the exact location to-be-determined.
- Mr. Dansie said the majority of the infrastructure was complete. Only minor finishing remained. Staff recommended a condition be added that the Public Works Department review and approve prior to recording the final plat.

Ms. West said she thought UDOT would run sidewalk along both sides of the road during the SR-9 project.

- Mr. Dansie did not believe UDOT planned any additional sidewalks however the Town was contemplating this improvement.
- There were no sidewalks in the area close to this development therefore it was thought to be more beneficial to install them somewhere else in Town.

Mr. Staker asked about the parking associated with each unit and if an easement should be reflected on the plat.

- Mr. Dansie said there was a garage and driveway area for each unit. Ingress, egress and public utility access easements already served each of the lots.

Mr. Dansie indicated the Town attorney reviewed both the easement and final plat and was satisfied.

Building design approvals were good for one year. The developer would need to come back for a re-review of the building design since the previous approval was in January 2015. The subdivision final plat approval was separate from the building design approval.

Public questions: None were asked.

Motion made by Jack Archer to open public hearing; seconded by Liz West.

Staker: Aye

R. Taylor: Aye

Archer: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: Louise Excell was an adjoining property owner to the development. She indicated the ingress and egress for the property was also the driveway to her home. Since it was a shared driveway, which her family allowed, Ms. Excell would appreciate being advised when they won't have access to their driveway. She indicated this had happened when the infrastructure was being installed. Otherwise, Ms. Excell commented she did not see that the final plat had changed from the preliminary plat.

- Mr. Rayner said this was true during a time when the road was being worked on. He did not foresee this would happen again but indicated it was not a problem. Mr. Rayner said he would speak with Ms. Excell.

Motion made by Liz West to close public hearing; seconded by Mike Marriott.

Staker: Aye

R. Taylor: Aye

Archer: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Commission discussion: Commissioners said it appeared the final plat conformed to the preliminary and conditions had been met.

Mr. R. Taylor asked about plans to restore the pasture area given the conservation easement.

- Mr. Rayner said part of the restoration would include a new sprinkler system. He said the front section near the road would likely be grass and fruit trees.

Motion made by Mike Marriott to recommend approval of the final plat for the Clark subdivision a three lot development in the VR-PD zone at 1776 Zion Park Boulevard based on findings the final plat conforms to the preliminary plat. There are three uncompleted items from the original proposal that are restated as conditions: 1) the conservation easement governing the open space agricultural areas must be recorded with the final plat, 2) in lieu of requiring the installation of curb, gutter, and sidewalk, the developer must pay an amount equal to the cost of curb, gutter, and sidewalk along SR-9 frontage of the property to the Town prior to the final plat being recorded; 3) the Town Public Works staff must inspect and approve all the public infrastructure for the subdivision before the final plat be recorded; seconded by Liz West.

Staker: Aye

R. Taylor: Aye

Archer: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Discussion/Information/Non-Action Items

Ordinance revision: Sign standards related to logos and illumination: Mr. Dansie said one of the priority issues identified by the Commission was sign regulation; in particular, how to deal with logos and sign illumination. A logo was generally defined as a unique identifying symbol for a business. There was not a lot of guidance in the Town Code to regulate this which caused confusion. A logo was currently exempt from the color palette if limited to 10% or less of the sign area.

Current sign illumination standards indicated copy and logos could be illuminated. Non-logo/non-copy areas could not be illuminated. Some applicants have claimed their entire sign was a logo and could therefore be fully illuminated. The Planning Commission agreed this was clearly not the intent.

The Town's present standards indicated any illumination must be the lowest level necessary to accomplish the purpose; however there were no definitive or quantifiable standards for what this meant.

Mr. Dansie said the Commission may consider removing all references to logos. They could also make allowances that part of a sign area be compliant with the color palette or not. Mr. Dansie said measurements of lumens or foot candles were originally avoided in the ordinance to make it easier to administer from a design-based standard rather than a technical-measurement standard.

- Ms. West said much of the confusion came from determining what copy was and what a logo was. She said it should not be up to the Planning Commission to determine what a logo was. She felt the entire sign must meet the color palette. Ms. West wanted the focus to be on size, color, material and lighting rather than content.

Mr. Dansie said the Planning Commission might also consider regulating color temperature. He provided a demonstration illustrating various examples.

- Ms. West contacted the International Dark Sky Association. She provided a copy of their email response to the Commission (Attachment #1). They recommended use of the lowest color temperature possible.
- Mr. Dansie said the Town's new street lights would have a color temperature of 3000K – 3500K and be more directed with a diffusing lens.

Mr. Burns asked if there was consideration regarding the amount of time a sign could be lit.

- Mr. Dansie said there was a healthy discussion about light curfews when the ordinance was adopted. Currently for commercial uses lights must be turned off by midnight but signs were exempt.
- Mr. Burns said Flagstaff, an international dark sky community, required all lighting be off by 11pm. They had light zones which determined at what time signage turned off.
- Mr. Burns said this all goes back to the Town's commitment to protect a precious resource - the amazing dark sky. He said it was difficult to gain back once it was lost. There were already external threats from lights in Hurricane and La Verkin. Mr. Burns said it was surprising but some youth come to Zion National Park having never seen a star or the Milky Way.
- Mr. S. Taylor said light impact around Town was different. Anasazi Plateau was different compared to the area near the post office.

Mr. Archer said some hotels were open 24/7; therefore he suggested sign lights be lowered but perhaps not turned off. Mr. Marriott thought this would be difficult to do. Signs could be put on timers and turned off at a specific time.

The Commission discussed the impact of the color palette on logos.

- Mr. Dansie said traditionally courts had been supportive of municipalities to regulate the time, place and manner in which signs were displayed. They could not regulate content.

Mr. R. Taylor said requiring conformance to Springdale's sign ordinance would make the Town more unique. Businesses would be required to do something different.

Mr. Staker felt the least desirable part of a sign was plastic. Reducing the amount of this material and encouraging use of the other approved elements would be preferred.

Mr. Marriott said by removing reference to the 10% allowance for logos, he felt the issue would be resolved. All signs would then need to conform to the color palette. He could not think of too many business owners who actually used this provision except against what the Town intended.

Ms. West asked if businesses would have a period of time to comply.

- Mr. Dansie said typically when the Commission adopted an ordinance any new applications would have to comply; existing signs could be grandfathered in unless they were changed out. In some instances the Town had set amortization periods.
- Mr. Marriott wanted to be careful not to complicate the issue by making frequent changes.
- Mr. Archer suggested existing signs be required to change out the lighting. Mr. Dansie said this would be a simple fix but enforcing it would likely be extremely difficult.

Commissioners discussed color temperature and the possibility of eliminating the use of plastic.

- Ms. West said an amortized change to the light temperature would work well with the night sky ordinance standards.
- Mr. S. Taylor said the most important issue for him was how brightly a sign was lit, whether internally or externally.
- Mr. Marriott said sometimes internally illuminated signage was obscured and therefore be difficult to determine the temperature.

Mr. Burns asked if the Town was after a thematic look or an eclectic look for signs. If the desire was to have a mixed appearance, this was where the Town was going.

- Mr. Staker liked the idea of a thematic approach. He agreed currently this was not what the Town was getting.
- Ms. West said maintaining specific materials and colors would eliminate a lot of sign issues.
- Mr. Dansie said 90% of complaints were regarding the brightness of internally illuminated signs. Reducing color temperature and intensity could be done but would require more technical administration of the ordinance.
- Mr. Marriott said regulating light intensity and hues was a good first measure as opposed to prohibiting internally illuminated signs. Mr. S. Taylor agreed.

The Commission expressed consensus on two points including: any mention of a logo should be removed from the ordinance; and, all portions of a sign must stay within the color palette.

- The also entertained light temperatures being 3000K or less, and only allowing plastic for lettering. Required changes would not be retroactive but apply to new signs or signs that were altered.

Ms. Benevento said she was drafting a fact sheet for sign companies to use as reference. It would detail standards and help answer many of the questions she was asked regarding the ordinance.

Mr. S. Taylor referenced 10-15C-4(A) and said the word 'excessive' should be better defined.

- He also referenced 10-15C-4(B)(7)(f) and 10-15C-5(F)(3)(c). The terminology 'low wattage' should be defined.

Mr. S. Taylor said section 10-15C-9(B) indicated flashing signs in business windows were prohibited. He wanted to be sure this was being enforced.

- Mr. Dansie said the Town Council directed staff to be proactive in enforcing lighting and sign violations. If there were locations out of compliance they should be identified so staff could follow up.

Mr. Marriott mentioned sandwich board signs seem to creep into Town.

- Mr. Dansie said the Police Department was good about following up on these. He said an A-frame sign visible off a business boundary was prohibited.

Mr. Dansie said the Commission's initial priority was to address logos and illumination. If the Commission wanted to consider other sections of the code concerning directional signs, informational signs, window signs or sandwich boards, for example, it would require a more comprehensive, time-consuming review. It was up to the Commission to determine how extensive they wanted their review to be.

Given the feedback provided by the Commission, Town staff would draft ordinance language and bring back for further discussion.

Planning Commission Training Resources: Mr. Dansie announced a training opportunity provided by the Land Use Academy of Utah (LUAU). The class was called *Land Use 101* and would be held on Saturday, June 11th from 9:00am – 12:00pm in St. George. Ms. Carlson would follow-up with an email.

In addition LUAU had a website (www.luau.utah.gov) containing a number of resources helpful for Planning officials. Mr. Dansie highly recommended Commissioners take time to review.

Consent agenda

Motion made by Randy Taylor to approve the minutes from May 3rd; seconded by Allan Staker.

Staker: Aye

R. Taylor: Aye

Archer: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Adjourn

Motion to adjourn at 6:50pm made by Jack Archer; seconded by Mike Marriott.

Staker: Aye

R. Taylor: Aye

Archer: Aye

West: Aye

Marriott: Aye

Motion passed unanimously.

Darci Carlson
Darci Carlson, Town Clerk

APPROVAL:  DATE: 6-13-16

John Barentine (International Dark-Sky Association)

May 17, 08:56

Hi Liz,

Thanks for contacting IDA. I'm glad to hear from someone in Springdale about ordinances, given the proximity to Zion. It's not an IDA Dark Sky Park (<http://darksky.org/idsp/parks/>) now, but I expect that they will apply in the future.

Our Model Lighting Ordinance (darksky.org/mlo) doesn't address signs, and to date we have no official guidance with respect to sign illumination levels. The pressure to come up with some guidance is ratcheting up, particularly given the proliferation of digital billboards around the country. What I can tell you is based on reading lighting ordinances in areas that tend to be more rural and less developed, which I think would be appropriate for a gateway community for most national parks. For either internally- or downward-illuminated, a value of 200 nits (1 nit = 1 candela per square meter) is a common illumination threshold in a common "engineer's unit". Here in southern Arizona, there is a town called Sahuarita south of Tucson that's close to an astronomical observatory in nearby mountains. Their sign code limits illumination to 100 nits, which is probably better for a place like Springdale.

The benefit of this approach is that the brightness is measurable with so-called "nit guns": you point the device at a sign, push a button, and it tells you what the brightness is. Since surface brightness doesn't vary with distance, you can make the measurement beyond the property line (e.g., in the street) and still get the right answer. That helps objectively determine whether a code violation is occurring. The downside is that nit guns aren't cheap, and most cities (Tucson included!) that have sign brightness limits in their codes don't own nit guns, so they can't independently establish when signs violate the code. A prescriptive means of getting around that (albeit one that I haven't seen in a code) is to limit the number of lumens of light per square foot of sign. However, lumens are a characteristic of the source lamp, and don't allow for differences in sign material through which the light is transmitted. That could drive everyone to the lightest-colored signs (i.e, the ones that transmit the most light) as a result. Since the concern should be about limiting the amount of light emitted by/through the sign, I think it's better to establish a surface brightness cutoff in its.

Furthermore, some of our Dark Sky Communities have codes that require certain design elements intended to reduce light emission, and/or curfew hours after which illuminated signs must be turned off. By "design elements", I mean a requirement that signs be light-colored letters (not white) on dark backgrounds. Here is an example from Cottonwood, Arizona, which is working toward becoming a Dark Sky Community:

"1. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source: the color of such opaque backgrounds is not restricted by this section. Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set in subsection H.10. All illuminated signs shall be turned off at 10:00 p.m. or when the business closes, whichever is later."

Bottom line: We recommend all three of these approaches (limiting sign brightness, sign face material, and hours of operation) in order to best protect dark skies.

Lastly, for internally-lit signs, long-tube fluorescent lamps (e.g., so-called T8's) are most common because they last relatively long and are easy to replace. We would encourage people to use the lowest "color temperature" lamps possible, where that term refers to how relatively 'warm' or 'cool' the quality of the light is. That's especially true near a protected area like Zion. We generally recommend color temperatures of 3000 K or less for outdoor lighting, although locals might insist on a higher color temperature (i.e., 'cooler' light) to get good color rendition at night.

I hope this is useful to you. Please let me know if you need additional information.

Best regards,

John

John C. Barentine, Ph.D.
Program Manager
International Dark-Sky Association

john@darksky.org
+ 1 (520) 293-3198 x406
darksky.org