



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION SPECIAL MEETING ON
WEDNESDAY, FEBRUARY 15, 2023, AT 5:00 PM
AT THE CANYON COMMUNITY CENTER,
126 LION BOULEVARD, SPRINGDALE, UT 84767**

The meeting convened at 05:00 pm.

MEMBERS PRESENT: Chair Kyla Topham, Commissioners Tom Kenaston, Noel Benson, Pam Inghram, Pat Campbell, Adam Hyatt, and Susan McPartland from Zion National Park

ALSO PRESENT: Director of Community Development Tom Dansie, Principal Planner Niall Connolly, Zoning Administrator Shelly Heaton, Town Clerk Darci Carlson, and Deputy Clerk Aren Emerson recording. See attached sheet for attendees.

EXCUSED: Commissioner Terry Kruschke

Approval of the Agenda:

Motion made by Pam Inghram to approve the agenda. Seconded by Tom Kenaston.

Campbell: Aye

Inghram: Aye

Kenaston: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

General Announcements: Mr. Dansie announced that the Town's Two-Cent event was very successful and an excellent opportunity for the community to interact with the members who serve them. Staff was planning the Town birthday party on March 11th as another opportunity for community engagement. The event would be held from 11:00 AM to 2:00 PM.

A. Action Items

- 1. Public Hearing - Preliminary and Final Subdivision Plats:** Lloyd Chamberlain requests a preliminary and final subdivision plat approval for a two-lot subdivision of 3.75-acre property located at 1865 Zion Park Boulevard (Parcel S-150-C), located partially in the VC zone and partially in the VR zone.

Bert Chamberlain sought to subdivide the parcel to sell a portion of the property. The lot was approximately 3.75 acres. Currently, the Silverbear Rock Shop, a single-family home, and some outbuilding structures were located on the property. The subdivision process was in section 10-14 of the Town code and was typically intended for the subdivision of larger properties into numerous parcels. Therefore, not all of the requirements in the subdivision process applied in this instance. The existing property was unusual because it was split between two zones. The front of the property was zoned Village Commercial (VC), and the rear was zoned Valley Residential (VR). If subdivided, the split zoning would apply to both subdivided parcels. Although unusual, the code did not prohibit subdividing a split-zoned parcel. In addition, the Town code allowed discretion for specific improvements to be waived on smaller subdivisions such as this. The Town's Public Works Superintendent confirmed that the proposed infrastructure was appropriate for the scale and nature of this subdivision. Mr. Chamberlain sought approval for the preliminary and final plat submitted to the Town. The Commission would be making a recommendation to the Town Council.

Mr. Hyatt disclosed that he had prior contact with the applicant when he was selling the property but had since withdrawn interest in the property.

Commission Questions to the Staff:

Ms. Inghram asked what types of development the Public Works Superintendent considered while conducting his analysis.

- Since there were no proposed developments, the utility needs could vary. Therefore, the Commission could require another analysis to be conducted once development was proposed to examine the infrastructure needed for a specific type of development.

Mr. Kenaston wondered if the portion of the lot that was zoned VC was viable for construction, given the setbacks.

- That would be up to the future property owner to determine.

Public Questions to the Staff: None were asked.

Presentation from the applicant:

Bert Chamberlain stated that his property was split-zoned without his knowledge, and he intended to sell the portion of the property that he could no longer maintain due to health issues. Maria Chamberlain stated that they consulted with Rocky Mountain Power staff, who recommended adding utilities once a development was proposed to know what type of utilities were required.

Commission Questions to the Applicant:

Ms. Inghram asked if prospective buyers had approached the applicants.

- Maria stated there were interested parties, but they were waiting to go through the correct processes before proceeding.

Questions to the Applicant by the Public: None were asked.

Motion made by Tom Kenaston to open the Public Hearing. Seconded by Pat Campbell.

Campbell: Aye

Inghram: Aye

Kenaston: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

Public Comment: None were made.

Motion to close the Public Hearing made by Pat Campbell. Seconded by Pam Inghram.

Campbell: Aye

Inghram: Aye

Kenaston: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

Commission deliberation:

Mr. Benson was concerned about the split zoning and particularly if either zone met the criteria for the minimum lot size.

Ms. Inghram had similar concerns. However, the code required the Commission to consider the entire lot area since it did not address split zoning.

Mr. Dansie clarified that the VR and VC zone had a regulation for minimum lot area. The definition of lot area was the total area within the boundaries of a parcel. Therefore, it did not anticipate the event of a split-zoned lot.

Ms. Topham stated that the Commission should review the application based on the current code, not what the code should have read.

Motion made by Pat Campbell that the Planning Commission recommends approval for the proposed request to subdivide the property located at 1865 Zion Park Blvd as presented in the February 15, 2023, Planning Commission meeting. The motion is based on the following findings:

- 1. The preliminary and final plats complied with the relevant provisions of section 10-14 of the Town Code.**
- 2. The proposed subdivided lots complied with the relevant zoning standards in sections 10-9B VR zone and 10-11B VC zone of the Town Code.**

The conditions of approval are as follows:

- 1. The applicant must provide the Town with confirmation of approval of the plat from the Fire Marshal prior to recording the subdivision.**
- 2. Lot two cannot be irrigated from lot one's irrigation system. Therefore, the applicant must make other arrangements for the irrigation of lot two. This could include allocating water shares to lot two.**
- 3. Public Works will review any future development proposed to ensure compliance with all required utility codes.**
- 4. Future Infrastructure costs would be the property owner's responsibility.**

Seconded by Tom Kenaston.

Discussion of the motion: Ms. Inghram recommended that the Commission consider reviewing and revising the relevant codes in a future work meeting as a priority.

Vote on the motion:

Campbell: Aye

Inghram: Aye

Kenaston: Aye

Benson: No

Topham: Aye

The motion passed 4:1.

2. Residential Design/Development Review: David Baldrige requests a DDR for a single-family residence at 1605 Claret Cup Lane, Lot 3 of the Claret Cup Subdivision, located in the FR-PD zone. The Claret Cup subdivision was in the Foothill Residential – Planned Development zone (FR-PD). This was not a view obstructing or high visual impact lot. However, the parcel was in a very high landslide hazard zone. Section 10-15F of the Town code required a Geotechnical report for properties in high geologic hazard areas to provide an initial site-specific analysis for hazards on the site. Applied Geo Tech Consulting (AGEC) prepared the Geotechnical report to address the risks. The Town's Geotechnical Consultant, Terracon reviewed the report and noted that AGEC used higher values in determining the safety factor than the Town would typically use. Terracon noted that the justification for this deviation was reasonable but should be reviewed by the Town to determine if the overall risk was acceptable. Staff reverted to AGEC for clarification on whether, in their professional opinion, additional study and analysis of site-specific geologic hazards were necessary for the safe development of the property. AGEC responded, in a letter dated February 3, 2023, that additional study was unlikely to result in an altered conclusion. Further, they confirmed that, in their professional opinion, the site was suitable for the proposed construction. However, the Planning Commission needed to review the proposed DDR to determine if it complied with the applicable standards in the Town Ordinance.

Mr. Kenaston disclosed that he was familiar with the builder for the proposed development and had worked with him during the construction of his home.

Jim Nordquist, the Geotechnical Consultant with AGEC, referred to the analysis and stated that it attempted to model the conditions resulting from a landslide. According to their evaluation, the strengths calculated using this model were applied to lot three, indicating that the safety factors were sufficient for development. He noted that

the Ordinance required a specific approach, which was appropriate, but the current conditions in Springdale did not allow for those options. This meant that the landslides that occurred long ago were in an environment that no longer existed. Therefore, he saw this as an opportunity for the Commission to adjust the Town Ordinances to account for the present conditions, ensuring that risk assessments were not evaluated each time one of these properties was reviewed.

Mr. Benson asked if any construction in high-risk areas had been approved since the additional criteria had been in place.

- There had been other projects approved in landslide areas within the last year.

Mr. Dansie stated that all development in Springdale was required to have a Geotechnical analysis as part of the building process. Typically, the report reviewed soils to provide recommendations for foundation design. However, for properties in a high-hazard geologic area, requirements were expanded to conduct a site-specific assessment of the specific hazards on a given property. If the analysis determined significant risks, the next step was to conduct a full Geologic hazard assessment of the property. If the initial Geotechnical analysis found the site suitable for development, the Town's consultant would review it, and if approved, construction could proceed. In this instance, both consultants, despite using different methodologies, agreed that the site was safe for construction.

Ms. Inghram asked what liability the Town would have if a geologic event caused significant damage to the structure after approval.

- The Town had general immunity from liability through the Utah Governmental Immunity Act. In addition, the Geologic Hazards Ordinance had a condition that any development in a high-hazard area required the property owner to sign a notice with the Town, which held the Town harmless and indemnified the Town from future liability for the construction authorized by the permit.

Mr. Dansie stated that the Geologic Hazards Ordinance had been adopted in 2021 and was similar to other municipality's Ordinances across the state. In addition, it was based on a model Ordinance produced by the Utah Geologic survey.

Mr. Kenaston stated that the report provided by Terracon helped alleviate his concerns about the project.

Ms. Inghram suggested that the approval was subject to the specific design elements included.

David Baldrige said they worked diligently with the architect to mitigate the negative lighting impacts. He added that there were no visible neighbors near the property.

Motion made by Pat Campbell that the Planning Commission approves the proposed Design Development Review for a single-family home located at 1605 Claret Cup Lane as presented in the February 15, 2023, Planning Commission meeting. The approval is based on the following conditions:

1. **Outdoor lighting must comply with the Town's Outdoor lighting ordinance found in 10-15C of the Town Code.**
2. **Light fixtures must have a two-inch cut-off, except for step lighting.**
3. **Step lighting must be no more than 18 inches from the ground and less than 300 lumens.**
4. **All outdoor lights must have a temperature of 3,000 degrees Kelvin or less.**
5. **Include light-trespass reduction technology, pursuant to Town Code 10-16-4(B)(4)(b)(9).**
6. **The construction must follow all recommendations outlined in the Geotechnical Report.**

Additionally, areas requiring revegetation shall be vegetated with the quantities described below. In determining quantities, fractions shall be rounded to the nearest whole number.

1. **One pound of desert seed mix per 250 square feet of required revegetation area (spread evenly and raked across the area); and**
2. **When planted, the new trees must be ten-gallon minimum, a minimum of five feet in height, one to one and one-half inch diameter, and a branch spread of four feet minimum.**
3. **Shrubs must be a minimum of five gallons where available.**
4. **Five shrubs (five-gallon size) per 250 square feet of required revegetation area.**

5. All vegetation used to fill the revegetation requirements of this chapter shall be drought-tolerant and low-water-use.
6. Vegetation must be native, naturalized, or compatible with the local environment. No invasive species are allowed.
7. All vegetation shall be shown on the grading plan with locations, sizes, quantities, and types (i.e., tree, shrub, or seed mix) noted.

Seconded by Tom Kenaston.

Motion amended by Ms. Inghram to include implementing proposed mitigation techniques as outlined in the design presented.

Mr. Campbell accepted the amendment to the motion.

Vote on the motion:

Campbell: Aye

Inghram: Aye

Kenaston: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

B. Discussion / Non-Action Items

1. Discussion of potential Ordinance revisions related to outdoor display and rental of non-motorized recreational equipment, including e-bikes

The Town currently allowed the rental of non-motorized recreational equipment in the Commercial zones. The code defined non-motorized recreational equipment as both bicycles and electric bicycles. There were several operators throughout the Town that rented both e-bikes and bikes. In the past, the Commission had discussed the impacts on the Town, residents, and traffic of an overabundance of e-bikes and discussed potential mitigations for the negative effects. Commissioners Benson and Hyatt had proposed revisions to the land use Ordinance regarding the rental of e-bikes. The proposed changes would require a minimum area of 400 square feet for bike orientation and training, an additional parking space for every four rented bikes/e-bikes, and prohibit outdoor displays of rental vehicles. Three public comment letters had been submitted by members of the community. Staff drafted language for the revisions, and the Commission should discuss the changes and provide direction to staff.

Mr. Dansie stated that in his absence, Mr. Kruschke submitted a comment about the potential changes to the Ordinance. Based on the public comment received and his concerns, the Commission and staff should do further research and gather public comment before proceeding.

A proposed bill in the Utah Legislative session (HB-408) would make it difficult for the Town to regulate any mobile business operating from an enclosed truck or trailer. In the past, we have had several mobile e-bike rental companies illegally operating throughout the Town. If the bill passed, mobile businesses would be legal, and our brick-and-mortar regulations would not apply to them.

Ms. Inghram asked if electric scooters were regulated in the Town code.

- They were categorized under non-motorized recreational equipment as well.

Ms. Topham asked for clarification on an outdoor display.

- Anything outside of an enclosed building would be an outdoor display.

Mr. Hyatt stated that this was the start of the discussion and encouraged input from community members and Commission members.

Mr. Benson stated that the intention was to allow the display of vehicles outside but prohibit them from being in the setback area for safety reasons. He further noted that the 400 square feet area was designated for bike orientation to ensure safe riding through the Town. However, this area was not meant for people to learn and practice riding a bike but rather to familiarize themselves with its settings and safety features outside of the right-of-way.

Mr. Benson emphasized that they were open to any solution to the problem and suggested the requirement of additional parking to keep businesses consistent.

During the Commission's discussion, several suggestions were put forward to address the proposed changes. Ms. Inghram recommended gathering input from local business owners about the changes and collecting data on how many people typically occupied one vehicle.?

Ms. McPartland proposed seeking input from Gilbert Kiefer, the Bike Liaison, who had frequent contact with bike rental companies in Town. She also mentioned the benefits of the Bike Ambassador Program in educating people about bike safety.

Mr. Campbell discussed a legal solution to the operation of e-bikes on sidewalks, suggesting that gathering data on the number of citations issued would be useful in enforcing the law. He also noted that the one parking space per four customers regulation could be challenging for bike rental companies with a fleet of 100, requiring them to maintain over 25 parking spaces per year.

Mr. Kenaston agreed that displaying vehicles outside was not a safety hazard as long as they were placed outside of the setback area.

Ms. Topham suggested that the parking space regulation should be based on the square footage of the vehicle storage.

2. Discussion of Planning Commission participation in the Town Birthday Party event, March 11th
To foster more effective collaboration within the community, the Town was organizing a series of events, including a birthday celebration on March 11th from 11:00 AM to 2:00 PM. The event would feature a BBQ and offer a unique opportunity for the community to engage with staff members and representatives from the Town's public bodies.

To showcase the diverse range of services offered by each department, booths would be set up for the event. The Planning Commission, Historic Preservation Commission, and Town Council would also have booths. The Commission now needed to discuss and decide on the design and contents of their booth.

The Commission discussed demonstrating their projects to the community but wanted to take the opportunity to allow the residents of Springdale a chance to give their feedback and suggestions.

Ms. Heaton gave suggestions for their booth presentation and asked the Commission to work closely with her on participation.

General Commission Discussion: Ms. Inghram asked if another Commissioner would have interest in working with her in proposing changes to the Ordinance regarding split zones. Mr. Benson agreed to work on potential revisions.

C. Consent Agenda

Motion made by Adam Hyatt to approve the consent agenda. Seconded by Pat Campbell.

Campbell: Aye

Kenaston: Aye

Topham: Aye

The motion passed unanimously.

Note: The three voting Commissioners were in attendance during the January 4th and January 18th meetings and could attest to the minutes.

D. Adjourn

Motion made by Tom Kenaston to Adjourn at 06:54 p.m. Seconded by Pat Campbell.

Campbell: Aye

Inghram: Aye

Kenaston: Aye

Benson: Aye

Topham: Aye

The motion passed unanimously.

Aren Emerson

Aren Emerson, Deputy Clerk

Kyle Topham

DATE: 03/15/2023

APPROVED:

A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or via email at springdale@springdale.utah.gov for more information.





PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please print your name below

Meeting PLANNING COMMISSION REGULAR MEETING Date 02/15/2023

IN-PERSON ATTENDEES:

REMOTE ATTENDEES:

Emily Stoepel
Name (please print)

Name (please print)

Ken King
Name (please print)

Name (please print)

KEN KING
Name (please print)

Name (please print)

Bert Chamberlain
Name (please print)

Name (please print)

Maria Chamberlain
Name (please print)

Name (please print)

MARK FARRER KING
Name (please print)

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