



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY MARCH 18, 2020 AT 5:00PM
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD., SPRINGDALE, UTAH.**

Meeting convened at 5:03 PM

MEMBERS PRESENT: Chair Jack Burns, Commissioners Tyler Young, Barbara Bruno, and Joe Pitti

EXCUSED: Ric Rioux, Dawn McComb, and J. Treacy Stone

ABSENT: Mike Marriott

ALSO PRESENT: Director of Community Development Tom Dansie, and Town Clerk Darci Carlson recording. Please see attached list for attendees signed in.

Mr. Burns noted this was an amended agenda with one action item. The non-action items had been removed from this agenda due to the current conditions with coronavirus. These items would be brought back to the Commission at a future meeting.

Approval of the Agenda: Motion made by Joe Pitti to approve the agenda. Seconded by Tyler Young.

Young: Aye

Burns: Aye

Bruno: Aye

Pitti: Aye

Motion passed unanimously.

Commission discussion and announcements: In light of the current situation and social distancing protocols, the Mayor asked the April 1, 2020 work meeting be canceled. The status of future meetings would be determined as the situation progressed. Town staff was researching teleconferencing as a possible option.

Mr. Pitti indicated there were four wayfinding signs across from his property which created a confusing and dangerous situation for visitors. The 'market parking' sign in particular was troublesome because parking was not available on SR-9 for this purpose. Mr. Pitti felt the situation should be looked at.

- Mr. Dansie agreed it was an issue. The Parking Department would investigate options to make it clear there was no parking on that corner.

A. Action Items

1. Conditional Use Permit, continued from February 19, 2020: Request to use a newly constructed housing unit behind Thai Sapa as a transient lodging unit at 198 Zion Park Boulevard – Dennis Brooks:

The Planning Commission reviewed this request in their February meeting. They found the proposed unit met ordinance standards with the potential exception the use complied with all applicable land use standards. In particular, the Commission pointed to section 10-11B-12A prohibiting the construction of structures which would place people or property at unreasonable risk of natural or geologic hazards. The Commission felt renters unfamiliar with this location may be placed at unreasonable risk since they did not have prior knowledge of the hazards associated with the structure.

- Because of this, the Commission contemplated imposing a condition that would require the applicant to somehow notify potential renters of the geologic hazards associated with the property.

- The Town attorney provided a legal opinion addressing how such a condition could be structured and the associated issues. This legal guidance was distributed to the Commission before the meeting.

The Planning Commission held a public hearing during their February regular meeting.

Mr. Burns said the geologic hazards in this area were well documented and therefore justified a legal opinion. His interpretation was that the ordinance, as currently written, would not allow for the type of condition the Commission wanted.

- Mr. Young agreed and said this type of condition was likely legal but that the ordinance language would have to be more specific. He recalled this was the only item holding up a recommendation to approve since all other standards complied.

Ms. Bruno asked if the Commission could recommend denial based on their own belief of the geologic hazards.

- Mr. Dansie explained the attorney provided a legal analysis which was not binding. If the Commission recommended denial it would need to include specific findings to support why the proposal did not meet standards established in the ordinance.
- Mr. Pitti said the finding was connected to language in the report that indicated there was a high probability of putting people in danger. In good conscience he could not do that, adding the Commission should not have approved the new building to be built.

Mr. Burns said the Commission had a responsibility to enforce and interpret the ordinance as currently written; however, this pointed to the need to revisit the ordinance in the future.

- Mr. Young shared the frustration. He agreed there was a danger but said Town Code did not give the discretion to impose this condition. Mr. Young reiterated the need to work on the ordinance in the future.

Ms. Bruno referenced the staff report, which read *'At that time the Commission determined the construction could proceed because the proposed use of the building was an office and long-term residential occupancy by the owner or owner's employees. The Commission felt the owner was aware of the risks presented by the natural hazards and had made the choice to move forward...'* Because of this, Ms. Bruno felt the Commission did have a 'leg to stand on' to deny. If the action was an administrative matter, then all the other standards had been met. Ms. Bruno also noted no condition was placed on the initial approval prohibiting the building from being used for another use.

- Mr. Young added without a finding of 'unreasonable risk' in the geologic reports, the risk did not meet the bar of the ordinance.
- Mr. Burns added the reports indicated geologic activity was predictable but it was difficult to know when.

Cody (Sean) Brooks was in attendance representing Dennis Brooks. He commented that they would not have built the building if it were unsafe for renters, family members or seasonal workers. Mr. Brooks said there was a possibility of something happening on any property in the canyon. If they were required to add something in the description stating dangers, he contended the same should be required of the new coffee shop (drink shack) being constructed in a nearby parking lot.

- Mr. Burns said it was important to recognize there was a major earthquake in 1992 and the building was constructed at the toe of an active slope. The toe was still moving and geologic reports documented the risk and probability of movement. Because of this, Mr. Burns refuted the thought the risk level on this site was the same as anywhere in Springdale.
- Mr. Brooks said when the building was built, they took measures to address the soil.
- Mr. Burns was sure the property owner recognized the legal liability. The risk was well documented and if anything did happen, the risk fell to the property owner not the Town.

If the condition was imposed, Mr. Pitti understood the Town could not enforce it. He said it was unfortunate the ordinance did not support what the Commission wanted to do.

Mr. Pitti asked if the building needed a sprinkler system.

- Mr. Dansie said this requirement was determined by the Fire District. There were a number of criteria such as number of occupants and types of uses.

Motion made by Tyler Young that the Conditional Use Permit for 198 Zion Park Boulevard to use the newly constructed housing unit behind Thai Sapa as a transient lodging unit be recommended for approved because it meets all applicable criteria under the Town Code. Seconded by Jack Burns.

Young: Aye

Burns: Aye

Bruno: Aye

Pitti: No

Motion passed.

Mr. Pitti explained his vote. Although happy with the motion, he wanted to send a message to the Council that the Planning Commission was completely torn by their decision. The other Commissioners agreed.

- Mr. Burns said the Planning Commission should not be put in a position of feeling guilty by making a recommendation. He felt this was indicative of an ordinance that needed work.

Although the Accessory Dwelling Unit (ADU) item was not on the agenda tonight, Mr. Pitti wanted Commissioners to remember this application when it was discussed. He said this was an example of something that came in as one thing (an ADU/employee housing/monthly unit), then changed into something else (nightly rental).

Mr. Burns struggled with Commissioners being presented one thing on a property, then, after time, being presented with something different on the same property.

- Mr. Dansie said this was a good learning experience. In the future when an application was considered, it should be analyzed in terms of all development potential the ordinance allowed.
- Mr. Pitti agreed the Commission should think more globally about what could happen on a property and understand how all uses could play out on a broader scale.

The Town investigated a geologic hazards ordinance a few years ago. If adopted, Mr. Dansie indicated it would have provided the 'teeth' the Commission needed to make the recommendation they wanted. If the Commission felt this was a priority, the draft could be brought back for consideration. The Planning Commissioners all felt it was important.

- During the public hearing for the geologic hazard ordinance, Mr. Dansie indicated public opposition was overwhelming. Therefore, if the Commission wanted to discuss this issue again, they should include community outreach, information and education so concerns expressed previously could be addressed.

Although the property and development discussed tonight had all the issues the Planning Commission was concerned with, Mr. Young wanted to express it was not being prejudiced.

B. Consent Agenda

Motion made by Joe Pitti to approve the consent agenda and minutes dated February 19th and March 4th. Seconded by Barbara Bruno.

Young: Aye

Burns: Aye

Bruno: Aye

Pitti: Aye

Motion passed unanimously.

C. Adjourn

Motion to adjourn at 5:46pm made by Tyler Young. Seconded by Joe Pitti.

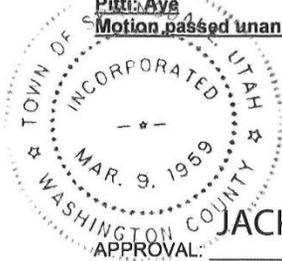
Young: Aye

Burns: Aye

Bruno: Aye

Pitti: Aye

Motion passed unanimously.



Darci Carlson

Darci Carlson, Town Clerk

JACK BURNS Digitally signed by JACK BURNS
Date: 2020.05.21 08:59:29 -06'00'

DATE: 5/21/2020

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@infowest.com for more information.