



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON WEDNESDAY,  
JUNE 15, 2022 AT 5:00 PM  
AT THE CANYON COMMUNITY CENTER,  
126 LION BLVD, SPRINGDALE, UT 84767.**

**Meeting convened at 05:00 pm.**

**MEMBERS PRESENT:** Chair Ric Rioux, Commissioners Kyla Topham, Tom Kenaston, Pam Inghram, Noel Benson, Pat Campbell, and Adam Hyatt.

**EXCUSED:** Susan McPartland from Zion National Park.

**ALSO PRESENT:** Director of Community Development Thomas Dansie, Principal Planner Niall Connolly, Town Clerk Darci Carlson, and Deputy Clerk Aren Emerson recording. See attached sheet for attendees known to have signed into the meeting.

**Approval of the Agenda:** Motion made by Pam Inghram to approve the agenda. Seconded by Noel Benson.

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed unanimously.

**Commission discussion and announcements:**

Mr. Dansie noted that Ms. McPartland from Zion National Park asked to be excused from the current meeting because she was ill.

**A. Action Items**

- 1. Public Hearing – Zone Change:** Andrew Green, representing the Bit and Spur, requests a zone change from FR (Foothill Residential) to VR (Valley Residential) on a 1.28-acre portion of parcel S-161-A-1-A.

The proposal was for a zone change on a 1.28-acre portion of a larger parcel, from the Foothill Residential (FR) zone to the Valley Residential (VR) zone. The applicants clarified in an email submitted on June 15, 2022 (Attachment 1) that the new application intended to provide employee or affordable housing. If the property were to be changed to the VR zone, the maximum allowable development would be one single-family residence or one duplex. In the applicant's email, they expressed interest in developing an Accessory Dwelling Unit (ADU), which was only allowable if the property were to be designed as a single-family residence where the owner either occupied the ADU or the single-family residence. If the zone change was approved, the applicant needed to follow up with a subdivision request of parcel S-161-A-1-A into two parcels to subdivide the property legally. Mr. Dansie explained the setbacks in conjunction with Sage Lane being a historic access road. The Commission had received one public comment that supported the development of employee housing on the parcel but expressed concern about the possible use of transient lodging on the property. The applicants proposed adding restrictive covenants to run with the land in perpetuity. Mr. Dansie added that restrictive covenants were utilized by other municipalities and in the Town of Springdale.

**Commission Questions to Staff:**

Mr. Campbell asked if the intent was to provide attainable or affordable housing.

- Mr. Dansie read attachment #1 into the record to provide clarification on the applicants' intent.

Ms. Inghram asked for the code definition of workforce housing.

- Currently, there was no definition of workforce housing within the code, although the proposed workforce housing ordinance would assist in defining it.

Mr. Benson asked what the minimum lot size was for the FR zone.

- Below 3,950 in elevation, it was a two-acre minimum lot size; above the elevation, it was a five-acre minimum lot size. This property qualified for the two-acre minimum lot size category.

Ms. Topham asked if the legal instrument requested in the email had been used and if the Town was prepared to implement that.

- The Town currently had restrictive covenants attached to properties regulating them as affordable housing. Since it was not a new concept to the Town, it would not be a complex process.

**Public Questions to Staff:** None were asked.

**Presentation from applicant:**

Andrew Green and Trish Jennings gave a brief overview of the proposal stating the application intended to provide housing for workers in the canyon and Zion National Park. There were currently six approved units behind the Bit and Spur, and they wanted to provide additional workforce housing for other employees in the canyon. They recommended the Town add restrictive covenants that would run with the land in perpetuity, even if the property was sold. A deed restriction was sufficient for the Town to implement and provide repercussions. Mr. Green referenced Teton County and Moab, UT, who used the legal instruments suggested and offered to provide more information to Commissioners on their processes established.

**Commission Questions to Applicant:**

Mr. Rioux asked if a caveat was intended to be installed to ensure affordability.

- Since they were zeroing in on workforce housing, there were no restrictions in place on income or monthly payments.

Ms. Topham asked if the applicant currently owned the property.

- The earnest money had been placed in escrow, and a contract had been executed, but the property had not yet been closed on since it was a contingent contract.
- Tracy Dutson stated that the document executed was sure to solidify the purchase of the property.

**Questions by the public to the Applicant:** None were asked.

**Motion made by Pam Inghram to open the Public Hearing. Seconded by Tom Kenaston.**

**Topham: Aye**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Motion passed unanimously.**

**Public Comment:** None were made.

**Motion to close the Public Hearing made by Pam Inghram. Seconded by Tom Kenaston.**

**Topham: Aye**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Motion passed unanimously.**

**Commission deliberation:**

The Commission discussed that they were more comfortable with the proposed zone change being to another Residential zone rather than a Commercial zone but wondered if the proposal met any of the three criteria outlined in the code for granting a zone change. They felt the Commission was not doing their due diligence if they did not review and pass ordinance language from the workforce housing group prior to providing possible approval for the proposal and prior to the implementation of a legal instrument. Because of the lack of foundation, the Commission decided to table the proposal until the language was crafted defining workforce housing and clarifying what was needed to enforce and implement the restrictive covenants.

Ms. Inghram expressed her objection to the proposed zone change because she did not see the community benefit in changing the zone; the Town did not currently have a definition of workforce housing and stated that upon providing approval, the Commission would be adding value and density to the property.

Mr. Dansie added that the Commission could table the proposal to have staff and the applicant craft language for a restrictive covenant and bring it to another Planning Commission meeting.

**Motion made by Tom Kenaston that the Planning Commission recommends tabling the proposed zone change from Foothill Residential to Valley Residential on a 1.28-acre portion of parcel S-161-A-1-A as presented in the applicant's submittal. This motion is based on the following findings:**

**1) The applicant has provided additional information to provide clarity of use regarding the request to rezone from Foothill Residential to Valley Residential. The applicant intends to develop a single-family home or duplex on the 1.28-acre property. The applicant has previously declined to use the Moderate-Income Housing zone to develop housing on the parcel. However, they are willing to deed restrict the property for employee housing and/or Workforce Housing. This deed restriction shall run with the land.**

**2) The Town is in the process of developing a Workforce Housing zone; however, this ordinance is not yet fully developed.**

**3) The Town needs time to more fully develop deed restriction requirements for Employee Housing and an appropriate mechanism for effective enforcement. Therefore, the applicant's request needs to be tabled until later. The Town will fast-track these deed restriction requirements to ensure the Planning Commission can revisit this request at a future date. Seconded by Noel Benson**

**Benson**

**Topham: Aye**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: Aye**

**Inghram: No**

**Motion passed 4:1.**

2. **Public Hearing – Ordinance Revision:** Changes to the front setback requirements in the Valley Residential and Village Commercial zones, making front setback distances dependent on building height.

The Commission had discussed this ordinance in previous meetings. It outlined changes in the setback distances on properties in the Valley Residential Standard zone and the Village Commercial zone with frontage on SR-9. The front setback was dependent on building height. For buildings up to 18 feet in height, the front setback was 30 feet, and for buildings between 18-26 feet in height, the front setback was 50 feet. This only applied to lots with frontage along SR-9 in the VR and VC standard zones that also met the minimum lot size.

**Commission Questions to Staff:** None were asked.

**Public Questions to Staff:**

Jared Bates questioned how 50 feet was determined as a setback for buildings between 18-26 feet in height.

- The Town did a visual analysis on what angles on SR-9 would lead to interruption of views of the Navajo Sandstone.

**Motion made by Pam Inghram to open the Public Hearing. Seconded by Tom Kenaston.**

**Topham: Aye**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Motion passed unanimously.**

**Public Comment:** None were made.

**Motion to close the Public Hearing made by Pam Inghram. Seconded by Kyla Topham.**

**Topham: Aye**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: Aye**

**Inghram: Aye**

**Motion passed unanimously.**

**Commission deliberation:**

The Commission discussed the item extensively in previous meetings and felt comfortable with the Ordinance revision.

**Motion made by Pam Inghram that the Planning Commission recommends approval of the modifications to the setback requirement ordinance 10-9B-7, adopting graduated setback standards based on building height in the Valley Residential Standard (VRS) and Village Commercial (VC) zones as presented and discussed in the June 15, 2022, Planning Commission meeting. This motion is based on the following findings: The General Plan references the need to protect natural features and maintain a village character and scale. These are General Plan objectives 2.2.1 through 2.2.3. Town surveys have also highlighted the desire of residents to preserve views. The proposed changes to the ordinance are intended to help keep views of natural features from SR9 by requiring new construction along SR9 in the VC and VR S zones to be more complementary to natural surroundings by restricting building height at the first setback to 18 feet. The proposed change promotes the goals and objectives of the General Plan and is in keeping with the spirit of the land use ordinance. Seconded by Kyla Topham.**

**Topham: Aye**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: Aye**  
**Inghram: Aye**  
**Motion passed unanimously.**

3. **Public Hearing - Ordinance Revision:** Changes to the method of determining maximum permitted density (units per acre) in the Central Commercial and Village Commercial zones by exempting land in the regulatory floodway and slopes of 30% and greater grade from the density calculation.

The Commission had discussed the ordinance revision extensively in previous meetings. The modification would alter how density was calculated in the CC and VC zones. Density was the number of transient lodging or housing units allowed per area of a property. This excluded land located in the regulatory floodway and on steep slopes greater than 30% grade from being included in an application.

**Commission Questions to Staff:** None were asked.

**Public Questions to Staff:** None were asked.

**Motion made by Pam Inghram to open the Public Hearing. Seconded by Tom Kenaston.**  
**Topham: Aye**  
**Benson: Aye**  
**Rioux: Aye**  
**Kenaston: Aye**  
**Inghram: Aye**  
**Motion passed unanimously.**

**Public Comment:**

Stan Smith expressed concern with the proposal stating that the ordinance revision would negatively impact his property tremendously. His property was landscaped to preserve the viewshed and provided a highway for animals. He cautioned the Commission of the unintended consequences and encouraged them to find another route to control the heavy density and cluster in Town. He suggested using setbacks and buffering requirements between buildings but not discounting developability based on the grading slope of the land.

**Motion to close the Public Hearing made by Pam Inghram. Seconded by Tom Kenaston.**  
**Topham: Aye**  
**Benson: Aye**  
**Rioux: Aye**  
**Kenaston: Aye**  
**Inghram: Aye**  
**Motion passed unanimously.**

**Commission deliberation:**

Mr. Kenaston could see how the proposed ordinance could do a lot of destruction to the value of certain properties.

Ms. Topham concurred and wondered if the Commission could find a better way to regulate density within the Town.

Ms. Inghram clarified that the landscape requirement was not affected by net buildable. This was intended to provide a mechanism to reduce the density perception. She felt it was logical and reasonable that a property in the flood plain would be less valuable than one that was not.

The Commission discussed the topic extensively and determined this was a logical option to help reduce density since it was currently not allowable to build in a floodway and slopes of 30% or greater grade.

**Motion made by Pam Inghram that the Planning Commission recommends approval of the proposed ordinance changes by adopting a net developable area standard to determine allowable density in the Central Commercial and Village Commercial zones as presented and discussed in the June 15, 2022, Planning Commission meeting. The Commission finds that under the current standards for determining building density in the CC and VC zones, there has been an increase in the perceived density not consistent with the Towns village atmosphere and distracts from the village scale. The proposed ordinance modifies the density provisions in the CC and VC zones by excluding areas in floodways and on 30% slopes from the density calculation. These areas are deemed to be undevelopable under the current code. This proposed ordinance will result in development with the perceived density that is more consistent throughout the Town. The General Plan contains references to the need to protect natural features and maintain a village character and village scale. These are General Plan objectives 2.1.3 through 2.2.2 and 2.3.1. Because the proposed ordinance is intended to preserve natural areas and limit the development potential associated with those areas, it will promote these objectives. Seconded by Noel Benson**

**Topham: No**

**Benson: Aye**

**Rioux: Aye**

**Kenaston: No**

**Inghram: Aye**

**Motion passed 3:2.**

- 4. **Grading Permit:** The Town of Springdale requests a grading permit to allow the installation of natural channel flood control and prevention improvements on Black's Canyon Wash on multiple properties from the OC Tanner Amphitheater to SR-9.

This was an application for a grading permit on the Black's Canyon Wash. The wash was subjected to damage and erosion following the June 2021 flood. This was proposed to restore the functionality of the wash and improve the flood protection it provided. A new pedestrian bridge was proposed to replace the one lost in the flood. The works included regrading sections of the wash and installation of erosion control measures. If the Commission wished to approve the grading permit, they needed to consider two conditions. 1. Requiring the riprap material to match the local environment since the colors were not specified. 2. A revegetation plan was provided, but the quantities for seed mix were lower. The ordinance allowed the Commission to approve a lower quantity of planting if they felt more effective vegetation might occur in that case.

Mr. Dansie stated that the Town invited all adjacent property owners to participate in the project. The Town received funding from NRCS to complete the project. There was a match required if an adjacent property owner wanted to participate.

Jared Bates stated that there was an alternative design in place if some property owners were not interested in participating. He noted that the vegetation numbers were lower in the application based on water availability and what types of plants worked in the weather conditions. The purpose was to provide stability rather than ground coverage or a decorative element. More vegetation would require more irrigation from the Town. He stated that the wall shown in the previous plans was a placeholder, but as shown in the current plan, it was 16 feet which would be required to provide erosion protection for the roads. He stated that the riprap color would be black basalt, which was local to the area, to meet the riprap criteria and reflect the local environment.

The Commission discussed that the riprap would comply with the Town Code, and they felt it was counterproductive to require more vegetation for the Town to maintain in the drought.

Motion made by Kyla Topham that the Planning Commission approves the proposed grading permit for Black's Canyon Wash as discussed in the June 15, 2022, Planning Commission meeting. The motion is based on the following findings: 1. The application appears to meet the requirements outlined in the Springdale Town code and promote the Goals in the General Plan by attempting to minimize the potential negative effects of flooding found in objective 8.2.2. The following conditions apply 1. The materials used in the construction of walls must consist of materials native to the area or match the surrounding environment in color and appearance.  
Seconded by Noel Benson.

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed unanimously.

**B. Consent Agenda**

Motion by Pam Inghram to approve the consent agenda. Seconded by Kyla Topham.

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed unanimously.

**C. Adjourn**

Motion to adjourn at 07:16 pm made by Kyla Topham Seconded by Tom Kenaston.

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed unanimously.

Aren Emerson

Aren Emerson, Deputy Clerk

APPROVAL: Pvc Rioux

DATE: 7/20/22

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](mailto: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 06/15/2022

**IN PERSON ATTENDEES:**

**REMOTE ATTENDEES:**  
(Clerk will complete)

Stan Smith

Name (please print)

Robert Carlton

Name (please print)

Brian Lindsey

Name (please print)

RICK PRAETZEL

Name (please print)

Michele Yantone

Name (please print)

Greg McDonald

Name (please print)

Jared Bates

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Ryan Lee

Name (please print)

Sean Hemmersemeier

Name (please print)

Deanne

Name (please print)

Nacy Outson

Name (please print)

Shirley Book

Name (please print)

Laura

Name (please print)

Biley

Name (please print)

Aly Bellon

Name (please print)

Andrew Green

Name (please print)

Jusi Jennings

Name (please print)

Name (please print)

Name (please print)



**Fwd: Bit and Spur Rezoning Clarification**

Thomas Dansie <tdansie@springdale.utah.gov>  
To: Aren Emerson <aemerson@springdale.utah.gov>, Darci Carlson <dcarlson@springdale.utah.gov>

Thu, Jun 16, 2022 at 4:39 PM

----- Forwarded message -----

From: **Andrew Green** <andy@canyondevelopmentservices.com>

Date: Wed, Jun 15, 2022 at 1:43 PM

Subject: Bit and Spur Rezoning Clarification

To: Barbara Bruno <bbruno@springdale.utah.gov>, Thomas Dansie <tdansie@springdale.utah.gov>, Tom Kenaston <tkenaston@springdale.utah.gov>, Ric Rioux <rrioux@springdale.utah.gov>, <ktopham@springdale.utah.gov>, Pat Campbell <pcampbell@springdale.utah.gov>, <nbenson@springdale.utah.gov>, Pam Inghram <pinghram@springdale.utah.gov>, <ahyatt@springdale.utah.gov>, <susan\_mcpartland@nps.gov>, Tracy Dutson <[REDACTED]>, Alex Pelton <evalex@infowest.com>, Aspen Tiger <[REDACTED]>, Lisa Zumpft <lzumpft@springdale.utah.gov>, <jburns@springdale.utah.gov>, Randy Aton <raton@springdale.utah.gov>

Members of Springdale Planning Commission,

We wanted to send an email in advance of tonight's meeting. We will be attending via Zoom (due to Covid), which can be difficult for real-time discussion. We're happy to provide more detail or clarity if requested.

The goal of the rezoning request remains the same as our prior request, providing additional workforce housing in Zion Canyon. Trish Jennings and Alex Pelton (The Bit and Spur) believe the 1.26 acre parcel is appropriate for rezoning from Foothill Residential to Valley Residential.

Trish Jennings and Alex Pelton intend to build a duplex and one ADU (allowed in VR zone). We would need to extend utilities to the property line and make accommodations for access, paving, landscaping etc. It would be disruptive to add these extensions once the approved units are constructed.

We are hopeful that the outcome of tonight's meeting results in the following:

The parcel is rezoned from Foothill Residential to Valley Residential with the following provisions:

- A building permit will not be issued until such time that a legal instrument acceptable to the Town and Applicant (Deed Restriction) is recorded against the property that restricts its use as workforce housing in perpetuity (99+years);
- A legal easement and right-of-way is recorded for access to the parcel;
- Approval by the Hurricane Valley Fire District.

Thank you for your consideration.

Andrew Green

**CANYON  
DEVELOPMENT  
SERVICES**

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