



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION WORK MEETING ON WEDNESDAY  
JULY 7, 2021 AT 5:00 PM**

THIS MEETING DID NOT HAVE AN ANCHOR LOCATION AND WAS CONDUCTED ELECTRONICALLY. COMMISSION MEMBERS  
CONNECTED REMOTELY.

**Meeting convened at 5:02 pm.**

**MEMBERS PRESENT:** Chair Barbara Bruno, Commissioners Ric Rioux, Dawn McComb, Tom Kenaston, and Kyla Topham.

**EXCUSED:** Jack Burns and Susan McPartland from Zion National Park

**ALSO PRESENT:** Director of Community Development Thomas Dansie. See attached sheet for attendees known to have signed into the electronic meeting.

**Approval of the Agenda:** Motion made by Dawn McComb to approve the agenda. Seconded by Rick Rioux.

Topham: Aye

Rioux: Aye

McComb: Aye

Kenaston: Aye

Bruno: Aye

Motion passed unanimously.

**Commission discussion and announcements:** Mr. Dansie thanked the public for their patience with the recent flood clean-up efforts. The Commission would soon be reviewing building and repair proposals related to the flood damage. He also reminded them about the Meet the Candidates event that would take place on July 8<sup>th</sup> at 6:30 pm at the Canyon Community Center.

**A. Action Items**

**1. Building Design Ordinance Updates:** The Commission had been working on development standards on and near the SR-9 corridor for quite some time. A new edition to the version the Commission would review tonight was in accordance with new state legislation that impacted the Town's ability to regulate building design on one- and two-family residential structures. There had also been clarification from the state on the definition of 'transient lodging' which would be reviewed tonight as well. The purpose of the ordinance was to ensure that development along SR9 would have a more consistent look and to prioritize Parkitecture-themed development. The Commission had added the concept of creating a design review board that would be an informal board to provide initial input on the design prior to its review by the Planning Commission.

Another portion of the draft ordinance the Commission needed to discuss was regarding regulation of one- and two-family residences. The state legislature recently removed the ability of local governments to regulate design on single family residences and duplexes. Under the new law, the Town could not regulate color, materials, roofline, landscape and a number of other design elements on one- and two-family residences. The state had intended for the new standards to reduce the cost of residential development thereby potentially creating more affordable housing. The Commission had expressed an interest in trying to retain some ability to regulate design on residential development while still trying to promote attainable housing options in Springdale. One strategy was to reduce the allowable building size and height for all residential development in Springdale. If a developer wanted an increase in size or height, they could voluntarily agree to be regulated by the current design standards which included specific standards for color, material, roofline, etc. In exchange, and as a development incentive, the state allowed the Town to grant a size and/or height increase to developers who would voluntarily comply with the more stringent Town standards relating to colors, materials, etc.

Another issue for the Commission to consider was the definition of 'Transient Lodging Unit.' The Town could benefit by being more specific on what a transient lodging unit was since they had observed new trends in how many guests could be accommodated in what the Town considered as a single transient lodging unit.

Ms. McComb asked how many transient lodging units Springdale currently had and how many more were possible in the future. She assumed there was not a lot of room for more lodging units to be added and wasn't sure it was worth spending time on legislating.

- Some examples the Town had seen recently were entire homes being constructed for the sole purpose of transient lodging. Staff used the buildings near the Terrible's gas station as an example. Per Town code, each building was treated as one lodging unit and therefore required parking for only one unit. The multi-room buildings could obviously house more than a typical single unit, and therefore created larger impacts.
- Ms. Bruno felt a larger issue was that people were proposing and building large transient lodging facilities in and near residential neighborhoods. Even if there was adequate parking there would likely be more traffic impacts. She also noted that impact fees were charged per room with standard hotels, but transient lodging facilities could have many different units and still only pay impact fees for one unit.

In response to the future potential for more transient lodging units, Mr. Dansie reported that the remaining undeveloped properties in the commercial zones were smaller lots around a half-acre in size. Because of the price of commercial real estate, developers would likely want to maximize their investment. Based on density standards, a typical hotel-style building could only accommodate five or six hotel rooms on these smaller lots. There was more incentive for a developer to instead build a handful of three- to four-bedroom suites on a small lot. The Village Commercial zone where these undeveloped lots were located bordered residential zones, and high-impact commercial development would undoubtedly have a large impact on residential neighborhoods.

- Ms. Bruno was concerned that if nightly rental compounds continued to be developed next to residential neighborhoods, residents may exit the community and the entire flavor of Springdale could change.

Ms. Topham asked how 'Transient Lodging Unit' would be defined under the new standard.

- Each bedroom would be defined as a unit.

Mr. Rioux asked if HOAs could still implement design standards even though the state law had stripped local governments of design regulation.

- The state law only applied to local governments and could not regulate HOA standards.

Ms. Bruno felt that the development incentive concept was a good workaround with the new state regulations on local governments. She noted that Mr. Burns, who was excused from the meeting, had asserted that he was opposed to any development incentives.

Ms. McComb had an issue with the language regarding not allowing structures to be built on hilltops, ridgelines, or mesas and felt that had the potential to limit property values. She felt the Foothill Residential zone already had language that addressed development on certain terrains.

- The previous language was softer but the feedback received from the consulting architects was that the language needed to specifically call out sites where development should be prohibited. The Commission could revise the language as needed.

- Mr. Dansie suggested revising the language to specify “In the Village and Central Commercial zones,” before the language about building on hilltops, ridgelines, and mesas. Then the foothill residential zone would continue to be regulated by the existing standards. The Commission agreed to the revisions.

Mr. Rioux had an issue with language regarding directional siding. He felt it should be defined as just “siding,” instead of calling out the direction as horizontal or vertical. The Commission agreed.

The Commission was comfortable moving forward with the ordinance including the revisions discussed. The item would move forward to a public hearing at the July regular meeting.

**2. Accessory Dwelling Units Ordinance Update:** The state had recently passed a law that said municipalities must allow internal Accessory Dwelling Units (ADUs) in all residential zones effective October 1, 2021. The Commission had directed staff to make revisions to the Town ordinance to come into compliance with the state law. The ordinance created two classes of ADUs, internal and external. An internal ADU was a unit that was completely contained within the footprint of the primary dwelling unit, and external ADUs were separate from the primary dwelling as a casita or guest house. Pursuant to state law, the new ordinance would extend an allowance for internal ADUs in all residential zones in Springdale. Internal ADUs were currently only allowed in Valley Residential (VR) zone. Under the new ordinance, external ADUs would still only be allowed in the VR zone and still be prohibited in the Foothill Residential zone (FR).

The new ordinance also made some state-required changes to reduce the minimum lot size for ADUs from half an acre to 6000 sq. ft. For internal ADUs, the 1000 sq. ft. limit had been removed pursuant to state law. External ADUs were still subject to the 1000 sq. ft. size limit. Internal ADUs now had a 30-day minimum rental period per state law. External ADUs were still subject to 90-day minimum rental periods. The new ordinance also implemented an ADU permit requirement. Having a permit requirement allowed the Town to better track where ADUs were located and granted the Town the authority to use short-term rental website listings in enforcement practices, a right previously blocked by the state.

Ms. Bruno asked if the state law required the owner to occupy the primary dwelling unit. She also clarified the definition of ‘family’ in regard to the requirement that only one family could occupy an ADU. As she understood it, ‘family’ meant one family or no more than four unrelated persons.

- Mr. Dansie confirmed that the state required the owner to occupy the primary dwelling unit. Ms. Bruno had the correct definition for ‘family.’

Mr. Kenaston asked if the Town would prohibit the installation of separate water meters for external ADUs as well as internal. He felt it would be worthwhile for a property owner to have a separate water meter for external ADUs.

- The Commission was free to revise the standard that separate water meters were prohibited for both types of ADUs. The reason the Town had the standard, along with many other municipalities, was that it was one extra safe-guard to ensure that ADUs continued to be an accessory use and didn’t become a complete standalone and separate residence on the property.
- Ms. McComb noted that it could be a burden for a long-term renter to not be able to produce a utility bill in their name as proof of residency. She hoped a rental contract would be enough proof for those cases.

Mr. Rioux corrected language regarding rental terms for internal and external ADUs to be 30-days or *more* and 90-days or *more*, respectively, rather than 30-days or “less” and 90-days or “less.”

Ms. Topham wondered if the new state standards effectively prohibited an owner from renting out their entire home if it included an ADU due to the requirement that the primary residence be owner-occupied.

- The characteristic of an ADU was that it was an accessory to the primary, owner-occupied residence. An owner could not rent the primary residence to one party and the ADU to a different party. However, the owner could rent the entire residence, including the ADU, to one party.

Mr. Rioux suggested creating separate subsections in Section D for internal and external ADU standards rather than listing them together with indications for which standards apply to each use. He also suggested strengthening the language from "ADUs *may* not be used for transient lodging," to "ADUs *shall* not be used for transient lodging."

Staff would revise the draft ordinance with the Commission's suggestions and include it in the next scheduled public hearing.

**3. Home Occupation Standards Revisions:** The Council had directed the Commission to investigate the home occupation permit language in response to concerns about impacts of home occupation permits on residential neighborhoods. The idea behind the permit was to allow limited conduct of business from a residence in a residential neighborhood while still protecting the residential character of the that neighborhood. Traditionally, home occupation permits were used for home offices, in-home music lessons, and low-impact businesses of a similar nature. The recent pandemic had inadvertently forced rapidly changing business and work trends, and ideas on how to use a home to conduct business had evolved in such a way that there had been an increase in intensity of home occupations. Another concept of 'gig work' business opportunities had emerged, such as Uber and Lyft drivers who use their home as a pick-up point, or parcel sorting services who sort packages in their home and have a van pick up for delivery. These evolving business trends had greater neighborhood impact potential than what the ordinance had previously intended. The Commission should discuss the concept of number of visits per day, the potential for increased service deliveries to the residence, and the potential for increased vehicular traffic brought by the nature of business of the home occupation. Staff would use the discussion points to draft ordinance revisions for the Commission to review.

Ms. McComb felt that a general approach should be to communicate through the ordinance that home occupation permits would be considered in terms of parking, neighborhood character, and safety, rather than list all of the types of home occupations that would be allowed or prohibited.

- Ms. Topham felt there were already general expectations built into the current ordinance and they were seeing those standards being abused.

Ms. Bruno recalled a recent example of a condo resident using the home occupation permit to rent ebikes from their residence. Frequent client visits to the residence along with outdoor bike storage had created a noticeable impact to the character of the neighborhood. Conversely, she spoke of a recent neighbor of hers on Anasazi Plateau who sought a home occupation permit for a real estate home office which she felt was an appropriate use of the permit according to the ordinance. She suggested widening the proximity noticing requirement that was currently set at a 300 ft. radius. She also suggested revisions to section E1 to limit the home occupation to the primary residence, rather than including the use of an ADU as a business site. She felt an office in an external ADU could easily become a standalone, separate business. She was unsure how the Town could enforce the space limit on product storage without a home inspection. Overall, if a person had a home occupation permit to conduct business at home, the neighbors of that home occupation should never see an increase in negative impacts to the neighborhood if the business owner was operating squarely within the ordinance as written.

Mr. Rioux was opposed to rentals of any kind as an allowed home occupation use. Rentals would likely always generate more than a normal amount of traffic.

Ms. Topham asked what the difference was between a home occupation permit and a Business License.

- A home occupation proprietor was required to have both, the home occupation permit and a Home Occupation Business License. The two permits were a separate and distinct process. The business license permitted the owner to conduct business on the property per Town Code Title 3 which regulated Business Licensing, while the home occupation permit allowed the use of a residence for a home occupation business under the Land Use ordinance in Title 10.

Ms. McComb asked how home occupation permits had been implemented in other communities

- Home occupations had only recently become problematic. With the evolving trends at play, many Planners and municipalities were currently having discussions about how to get a handle on the shift to higher-intensity home occupation uses.

Ms. McComb suggested having home occupation applicants come before the Commission to present their application.

- There would still need to be concrete standards on which the Commission could evaluate each application. It couldn't be a discretionary Commission decision.

Ms. Bruno felt that counting numbers of visits made the ordinance more onerous and that outrightly prohibiting rental businesses as home occupations was an easier way to go. She also suggested widening the neighbor noticing requirement to neighbors within a 500-600 ft. radius of the proposed home occupation.

- The Commission agreed to a 600 ft. radius for neighbor noticing and wanted to prohibit rental business from getting a home occupation.

Staff would draft an ordinance revision based on the Commission's discussion and present it to them in subsequent meeting.

**4. General Plan Update:** The Commission had successfully completed drafting the general goals and strategies and was still in the stage of developing background language and including it into a working document. Staff would continue facilitating the working document and bring to the Commission for review and editing as soon as more substantial work had been completed.

**B. Adjourn**

**Motion to adjourn at 6:48 pm made by Dawn McComb Seconded by Tom Kenaston.**

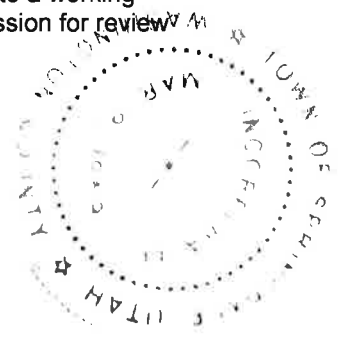
**McComb: Aye**

**Topham: Aye**

**Burns: Aye**

**Rioux: Aye**

**Motion passed unanimously.**



*Katy Brown*

Katy Brown, Deputy Clerk

APPROVAL: Barbara Bruno

DATE: 7-21-21

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.