



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING
ON WEDNESDAY SEPTEMBER 16, 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, Barbara Bruno, Mike Marriott, Tyler Young, Ric Rioux, and Dawn McComb, and Tom Kenaston

EXCUSED: Treacy Stone

ALSO PRESENT: Director of Community Development Tom Dansie, Deputy Clerk Katy Brown, and Town Clerk Darci Carlson recording. See attached sheet for attendees known to have signed into the electronic meeting.

Approval of the Agenda: Motion made by Mike Marriott to approve the agenda; Seconded by Barbara Bruno.

Bruno: Aye

Marriott: Aye

Rioux: Aye

Burns: Aye

Young: Aye

Motion passed unanimously.

Commission discussion and announcements: Ms. Carlson announced the Flu “Shootout” was scheduled for October 20th from 9:00am-12:00pm. Those interested in receiving a flu shot would be able to schedule an appointment online.

Mr. Marriott noted it was uncommon to have such a light Planning Commission agenda. He asked if applications had slowed down.

- Mr. Dansie said this could be attributed to the fact residential DDRs and sign permits were now reviewed at the staff level. In addition, there was a slowdown in commercial projects. He did not anticipate a light agenda as a regular occurrence.

Ms. Bruno asked about the excavation by the Hampton Inn.

- Although adjacent to the Hampton Inn, Mr. Marriott clarified it was a parking lot for the Switchback. The extent of the excavation was to create a good base for drainage.

Ms. Bruno noted access to the Chinle Trailhead on the Anasazi Plateau was in deteriorating condition. She questioned whose responsibility it was to repair.

- Mr. Dansie was unsure but would research. The Town also utilized this area to access the water tank.

Mr. Rioux asked if the Planning Commission would have an opportunity to view and comment on the draft housing study.

- Mr. Dansie would send the consultant’s slides to the Commission for feedback.

Mr. Marriott asked about the status of the Springdale census response rate.

- Springdale, Rockville and Virgin all had lower than average response rates. This was attributed to the census packets not being delivered to post office boxes and census workers not canvassing homes until late in the process. Ms. Brown would send out a link containing the most recent return data.

Mr. Burns asked about the Council's direction to the Commission regarding interior lighting.

- Mr. Dansie said the Council was somewhat divided, but ultimately did want the Commission to research the topic.
- Based on the three public comment letters received (Attachment #1), Mr. Burns said the education component would be critical.

A. Information/Discussion/Non-Action Items

1. Planning Commission Training Session: Mr. Dansie indicated two topics would be discussed: 1) consideration of development issues through a property rights perspective; 2) exploration of historical land use issues specific to Springdale that influenced development over the last several decades.

Prior to incorporation in 1959, Springdale was part of Kane County. Any development before that time was not done under municipal authority and therefore did not receive much oversight. In 1977 the Town adopted its first General Plan and zoning ordinance. Between 1977 and the early 1990's pressure for more commercial development came to the forefront. As a result, the community became more engaged in land use regulation and the development process. At this same time, there were a number of large proposals for tourist-oriented development. One proposal was to develop a golf resort which required property be acquired voluntarily or through eminent domain.

Due to heightened concerns from residents, a moratorium was placed on development while the Town adopted a new General Plan and zoning ordinance. This 1992 ordinance placed emphasis on village character and scale. It remains the basic framework of what was used today.

The newly adopted 1992 zoning ordinance prohibited the type of development proposed in the commercial applications previously submitted. As a result, three significant lawsuits were filed each ending in settlement agreements.

- The Western States Settlement Agreement established development standards for the Holiday Inn Express, Hampton Inn, Springhill Suites, Canyon Springs Estates and the vacant property at the end of Big Springs Road.
- The Reese Settlement Agreement allowed the development of the Majestic View Lodge.
- The Palmer/Desert Pearl Inn Settlement Agreement regulated the Desert Pearl property and the eleven acres behind Casa de Amigos. It was noted the land across the river was not subject to the settlement agreement.

Development would continue to be affected into the future since unbuilt properties were subject to these settlement agreements.

Mr. Young asked about similarities in the agreements.

- Mr. Dansie said each agreement was unique and based on concept plans presented prior to the 1992 ordinance being adopted. The agreements were specifically tailored to each property.

1992 also brought a significant overhaul to the sign ordinance whereby large, bright signs were no longer allowed. This ordinance required all existing signs come into compliance through a ten-year amortization period.

In 2009 the Town adopted a comprehensive outdoor lighting ordinance. With this, a seven-year amortization period was established to allow time for property owners to come into compliance.

Impacts from this historical timeline were still in effect today, including a number of legal non-conforming buildings. These structures were non-complying with the current zoning and if voluntarily destroyed, expanded or altered, would need to meet the current ordinance.

Buildings developed as a result of the three settlement agreements were also non-complying. Although settlement agreement provisions stayed with the property, a clause stipulated that any new expansions, additions or modifications would need to follow current ordinances.

Mr. Kenaston asked how much undeveloped property was still subject to the development agreements.

- Mr. Dansie said one 6-acre parcel at the end of Big Springs could develop 17 single-family homes which could be used as nightly rentals. Also, the 11-acre parcel behind Casa de Amigos could develop 150-200 units of transient lodging.

It was noted that a significant amount of development in Town did not comply with the current zoning ordinance. One strategy in the General Plan was to find a pathway for legal non-complying buildings to come into compliance.

- Mr. Dansie commented that every time the ordinance was changed, it essentially created more legal non-complying structures and non-conforming uses.

An amortization period could be established to require compliance over a certain amount of time. This practice was used if the public interest outweighed property owner rights. The amortization period must also be based on the property owner's ability to recuperate the value of their investment. It was noted that amortization should not be a standard practice, and if used, should be justified with sound legal footing.

Next, the Commission watched a [video](#) from the Land Use Academy of Utah (LUAU) featuring the lead attorney from the Property Rights Ombudsman's Office and a representative from the Property Rights Coalition. The Coalition, a group of residential developers and home builders, advocated ordinances and statutes related to zoning and development codes. Property rights were viewed as vital to democracy and the operation of government. People had an expectation their rights would be protected.

Commissioners discussed the first section of the video:

Mr. Young felt this organization was well balanced. He said developers took risks in different ways and it was not an easy or inexpensive process.

- Mr. Dansie said although the Town established the framework, developers built the buildings and helped to implement the General Plan; it was a partnership.

The video continued and addressed why developers were sometimes seen as the 'bad guys'. The work of developers was often prominent and profit-motivated which could be viewed negatively. Public engagement and dialogue were healthy to the process; however, clamor and emotion was counter-productive. Public officials needed to respond to concerns but rely on professional studies that analyzed impacts and review a development proposal based on compliance with established standards.

Commissioners discussed the second section of the video:

In a Town like Springdale, Mr. Burns said a large development may meet ordinance but could have a drastically negative impact on the community and the environment. There was a difference between disgruntled residents versus an outcry from a large segment of the community.

The next section of the video discussed the developer's perspective on a General Plan. A General Plan should be fluid and adapt with the market over time. Any deviation from the plan caused a lack of predictability for the developer.

Commissioners commented on this section of the video:

Overall values in Town may not necessarily change but conditions on the ground could shift. Updates in the market were not always indicative of what the community wanted and in order to maintain certain conditions, the Planning Commission could choose to go in a different direction.

The next portion of the video addressed the property rights of one versus another. Ordinances had to balance everyone's rights and be forward-looking since they were designed to protect both developer and neighbor.

Commissioners agreed ordinances were key to ensure property rights were balanced. Education was viewed as an important component in order to inform community members about what an ordinance did or did not do. This concept sparked some conversation about internal lighting and how the Commission could approach this topic in a future meeting.

Ultimately Commissioners felt it was important to keep Springdale unique and not turn it into Anytown, USA.

Mr. Burns asked if the Commission would revisit current zoning during the General Plan update process.

- Mr. Dansie explained the General Plan established the Town's vision. Ordinances and the zoning map followed the direction of the General Plan and implemented that vision. The future land use map (FLUM) was a component of the General Plan and represented possible future uses of certain properties to help inform zone change decisions.

B. Consent Agenda

Motion made by Barbara Bruno to approve the minutes from August 19th and September 2nd.

Seconded by Ric Rioux.

Bruno: Aye

Young: Aye

Marriott: Aye

Rioux: Aye

Burns: Aye

Motion passed unanimously.

In order to create the safest environment during meetings, Commissioners discussed options for the public to participate. Staff would investigate solutions which provided both a cautious approach and, open and public access.

C. Adjourn

Motion to adjourn at 6:56pm made by Tyler Young. Seconded by Mike Marriott.

Bruno: Aye

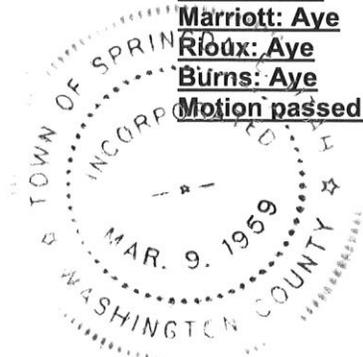
Young: Aye

Marriott: Aye

Rioux: Aye

Burns: Aye

Motion passed unanimously.





Darci Carlson, Town Clerk

APPROVAL: Jack Burns DATE: 10/29/2020



PO Box 187 118 Lion Blvd Springdale UT 84767

REMOTE MEETING ATTENDANCE RECORD

PLANNING COMMISSION Regular Meeting 09/16/2020

No attendees were signed into the meeting.