



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION SPECIAL MEETING ON
WEDNESDAY, APRIL 2, 2025, 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 Tom Kenaston, Commissioners Terry Kruschke, Paul Zimmerman, Jennifer McCulloch, Rich Swanson, and Mellisa LaBorde.

ALSO PRESENT: Director of Community Development Tom Dansie, Principal Planner Niall Connolly, Zoning Administrator Kyndal Sagers, and Deputy Town Clerk Robin Romero, recording. See the attached sheet for attendees.

EXCUSED: Matt Fink from Zion National Park.

Motion made by Rich Swanson to change the agenda, as he felt the two items were very similar and that it would be difficult to pass both due to the differing language addressing the same issue. He motioned to add an agenda item to discuss whether they should handle the items separately or consider the possibility of incorporating the Housing Committee's recommendation into the first section of potential revisions.

Discussion of the motion:

Mr. Kenaston stated that he was not aware of any conflict regarding the housing and accessory building structures.

Mr. Kruschke noted that they both modified section 10-20-8 with different modifications. He expressed a similar concern that they might want to combine them and asked for staff recommendations.

Mr. Dansie confirmed that both agenda items discussed potential revisions to section 10-20-8. Since they were discussion items, the Commission would not act on either one during the current meeting. Depending on the decisions made tonight, changes would need to be made. He recommended not combining the two agenda items because they were different policies and issues. One was a housing issue, and the other was a development issue. They were distinctly different enough in the types of policies they were trying to address that they should be handled separately. If both were to pass, there would need to be some reconciliation between the changes in section 10-20-8. However, that could be more of an administrative issue after a decision is made on the policy issues in each agenda item.

Mr. Kenaston asked if Mr. Dansie recommended that the Commission attempt to reconcile the differences tonight.

Mr. Dansie recommended that they discuss each agenda item on its own merit and determine whether they were policies the Planning Commission wanted to recommend favorably. They did not need to try to reconcile them because the Town's codifier service would do that automatically.

There was consensus to approve the agenda without modification.

The motion failed due to a lack of a second.

Approval of the Agenda:

Motion made by Jennifer McCulloch to approve the agenda. The motion was seconded by Rich Swanson.
Kenaston: Aye
Kruschke: Aye
Zimmerman: Aye
Swanson: Aye
McCulloch: Aye
The motion passed unanimously.

General Announcements:

Mr. Dansie reminded everyone that the open house for the Travel Smart study will take place tomorrow, April 3rd, from 4:30 to 6:30 PM at the Canyon Community Center. The study focuses on promoting alternative modes of transportation to and within Springdale, such as transit, ride-sharing, and other options besides private vehicles. Community members are encouraged to attend and share their feedback during the event.

Mr. Connolly shared that he and Ms. Sagers recently attended a Utah Land Use Institute conference. While there, they picked up several copies of the Utah Land Use Regulation Handbook, 2024 edition. A few extra copies are available for any Commissioners who would like one.

Declaration of Conflicts of Interest: Mr. Kenaston disclosed that he was a member of the Housing Committee.

A. Discussion / Non-Action items

1. Discussion of potential revisions to the Town's regulations of accessory buildings and structures.
Staff contact: Thomas Dansie

Staff Presentation:

Mr. Dansie clarified that the proposed ordinance focused on regulating accessory structures in terms of their height, size, visual impact, and placement on a property. It did not regulate how accessory structures were used. Rather, it addressed where such structures could be located, how tall they could be, and the total amount of development allowed on a residential property.

He noted that the Commission had previously discussed the ordinance in several work meetings. During those meetings, they had thoroughly reviewed the policy, evaluated the potential impacts of different regulatory choices, and explored alternative approaches. Mr. Dansie believed the Commission had generally reached a consensus on the policy direction and was now comfortable with the proposed framework.

The purpose of the evening's meeting was to review the policy in the final draft of the ordinance. While earlier meetings had included draft language, it had not been structured in the format or sections where it would ultimately appear in the Town Code. The version presented at the meeting incorporated the Commission's consensus language into the formal structure of the ordinance, as requested.

The proposed ordinance was divided into two sections:

1. Section One included updates to Section 10-20-8 of the Town Code. This section was previously titled *Accessory Buildings*. Mr. Dansie proposed renaming it *Residential Accessory Structures* to better reflect that the regulations applied to all types of structures, not just buildings. The updated section incorporated the agreed-upon standards for size and location of accessory structures on residential properties. The only edits made were minor modifications to existing language for clarity.
2. Section Two introduced a new section, 10-20-16, which established guidelines for the total amount of structure allowed on a residential property, a concept that had not previously existed in the code. The only changes made since the last work meeting involved revisions to the tiered table of property sizes. The tiers were adjusted to ensure that the minimum lot size for each zone fell within the second tier, addressing the concern of a two-acre property being treated differently than a 2.01-acre property. Additionally, the alternative “circle radius” method was removed from the highest tier. The remaining provision in that tier allowed a 9,000 square foot cap with additional allowances.

Mr. Dansie requested feedback from the Commission on the language's clarity, consistency, and style. Based on their input, the next step would be to schedule a public hearing and move toward making a formal recommendation to the Town Council.

Commission Discussion:

The Commission reviewed potential inconsistencies between the draft accessory structure ordinance and the Housing Committee's Accessory Dwelling Unit (ADU) recommendations. Mr. Dansie explained that the accessory ordinance limited structures to the standard maximum height for the zone and did not allow increases based on residential building bonuses. In contrast, the Housing Committee's ADU recommendation allowed a maximum height of 17 feet, which exceeded the 15-foot height limit in the Foothill Residential (FR) Zone. Mr. Dansie clarified that in cases of conflict, the more restrictive regulation would apply. He encouraged the Commission to consider whether the 17-foot ADU height should be revised to align with existing standards.

Mr. Swanson stated he had no issue with the 17-foot height if it was consistent across both ordinances. He believed that standards such as height, setbacks, and visual impact should apply equally to all accessory structures, regardless of use.

Mr. Kruschke pointed out that while accessory buildings could be up to 3,000 square feet, ADUs were limited to 1,500 square feet under the Housing Committee's proposal. Ms. McCulloch added that some non-ADU structures, such as RV garages, required additional height. Mr. Kruschke also noted that in the FR Zone, the maximum height without additional allowances was 15 feet. Although builders could increase height to 20 feet by signing a design agreement, this did not apply to ADUs. Therefore, on high-visibility or view-obstructing properties, ADUs and accessory structures would still be limited to 15 feet.

Mr. Zimmerman raised a question about how visual impact regulations applied if a structure was placed in a low-visibility area of a high-visibility lot. Mr. Kruschke clarified that current regulations applied the high-visibility designation to the entire parcel rather than individual buildings. Mr. Dansie confirmed that under the ordinance, once a property was classified as high visual impact, all structures on it were subject to the associated design standards.

The Commission then discussed the language concerning additional square footage for structures beyond 9,000 square feet. Mr. Kruschke expressed concern that requiring those structures to be located specific distances apart could result in unnecessary road construction and environmental impacts. He referenced section 10-20-8, which states that accessory structures should be located near the primary building. He suggested that instead of distance requirements, the ordinance should require that any

additional structure be located in an area that does not meet the criteria for high visual impact or view obstruction.

Mr. Kenaston supported this approach, noting it would help protect scenic views of the Moenave Sandstone and skyline. The Commission reviewed the definitions for "high visual impact" and "view-obstructing" parcels.

Mr. Kruschke proposed simplifying the current table, which allows one additional building of either 1,250 or 4,000 square feet, depending on its distance, to a single allowance of one building up to 3,000 square feet, as long as it avoided high visual impact and view obstruction.

Some Commissioners raised concerns that eliminating separation distances might lead to clustering of large structures. Mr. Zimmerman noted that initial proposals had emphasized spreading buildings out to create a village-like feel. Mr. Kruschke responded that requiring low visual impact would already encourage spacing and careful placement.

Mr. Zimmerman expressed hesitation about allowing any additional structures on high-visibility parcels. Mr. Kruschke replied that the extra structure would not be allowed if no low-impact location existed on a property. Mr. Dansie clarified that the visual impact designation applied to the parcel based on the first structure built. Even if a later building does not meet the criteria for high visual impact, the entire property will still be bound by restrictions, including height limits.

The Commission then discussed §10-20-8-E, which allows exceptions where placement rules cause greater visual impact. Mr. Kruschke suggested requiring applicants to submit written descriptions, drawings, or photo simulations to justify exceptions. Mr. Dansie supported including this requirement in the ordinance to give the Planning Commission authority to request supporting materials during administrative review.

The Commission debated whether neighbor perspectives should be considered. Mr. Dansie cautioned against requiring neighbor approval, noting that it would abdicate their decision-making to the neighbors who, under Utah State Code, had no legal authority to make land use decisions on a neighbor's property. He emphasized that any exceptions would be administrative decisions based on whether applicants demonstrated compliance with ordinance standards elsewhere on the property.

Mr. Kruschke proposed requiring applicants to show both the code-compliant building option and their proposed alternative, supported by simulations or visual aids. Mr. Kenaston agreed that applicants should demonstrate how their proposal would reduce the impact of development. The Commission agreed to draft functional language to outline general expectations to help support decision-making.

Discussion then turned to the number of accessory structures allowed per lot. While the draft ordinance permitted up to four, several members suggested increasing the limit to five or exempting structures under 200 square feet. Mr. Dansie noted that small sheds or open-sided pavilions could be excluded by specifying a size threshold, preserving flexibility without increasing visual clutter.

The Commission acknowledged that existing separation requirements were intended to reduce visual bulk when large buildings were placed side by side. Some favored relaxing these rules, while others believed they helped maintain a village-like atmosphere. Mr. Dansie explained that spacing requirements could reduce overall development due to topographic constraints, thereby helping limit visual impact.

The Commission ultimately agreed to allow up to four accessory structures larger than 200 square feet, plus one additional structure up to 200 square feet. They decided more revisions were needed before proceeding to a public hearing. Mr. Dansie confirmed he would incorporate the discussed changes and return with a revised draft for further review.

2. Discussion of Housing Committee's recommendations regarding ADU standards. Staff contact: Thomas Dansie

Staff Presentation:

Mr. Dansie introduced the agenda item, explaining that about a year prior, the Planning Commission had spent considerable time developing an Accessory Dwelling Unit (ADU) ordinance. Although the Commission's draft was forwarded to the Town Council, the Council ultimately chose not to adopt it, primarily due to unresolved concerns regarding external ADUs in the Foothill Residential (FR) Zone. However, the Council acknowledged that many aspects of the ordinance were valuable and directed the Housing Committee to review the Commission's work and identify components that could be preserved, excluding the external ADU issue in the FR Zone.

The Housing Committee reviewed the ordinance and submitted recommendations to the Planning Commission for feedback. Mr. Dansie emphasized that the Committee was not reopening the ADU policy discussion. Rather, they requested the Commission review the proposed changes for clarity, consistency, and style. A public hearing would follow, during which the Commission could make a formal recommendation to the Town Council. This meeting served as an introduction to the proposed changes and preparation for the hearing.

Mr. Dansie summarized the recommended changes:

- Definition of Guest (10-2-2): The definition was revised to increase the maximum stay from 60 to 90 days, aligning with long-term rental minimums in the FR and Village Residential zones.
- Accessory Structure Occupancy (10-20-8): Three allowable uses were clarified:
 1. Use by a guest staying fewer than 90 days without payment;
 2. Use as an ADU with a valid permit;
 3. Use by non-paying family members, with "family" specifically defined to exclude extended family or unrelated individuals.
- Clarification of ADU Components (10-22-9 B1 & B2): These sections clarified that basic amenities such as a wet bar, bathroom, and bedroom do not constitute an ADU unless the space is logically configured to function as an independent dwelling unit.
- Parking Standards: For internal ADUs, one off-street parking space is required in compliance with state law. For external ADUs, all required parking must be located on-site, without specifying a number, since the parking need may vary by unit size and bedroom count.
- Residential Character and Ownership: Language was refined to clarify what it means for an ADU to be consistent with the residential character of the property and that it may not be sold, subdivided, or otherwise separated from the primary dwelling.
- Rental Terms: Language was added to prevent ADUs from being used as short-term rentals through lease manipulation. A tenant cannot sign a long-term lease and vacate early, only to have the unit leased again. The intent was to close that loophole.
- Size Limit: The external ADU size was capped at 1,500 square feet. While the Planning Commission had originally recommended 2,500 square feet (or 50% of the primary dwelling's size), the Council reduced the limit to 1,500 square feet.

- Height and Lot Size: External ADUs were limited to a maximum height of 17 feet and allowed only on properties of at least one-half acre. These provisions were intended to preserve neighborhood character and prevent overdevelopment of small lots.

Mr. Dansie invited comments focused on clarity, consistency, and style, reiterating that re-evaluation of policy decisions was not required at this stage.

Commission Discussion:

Mr. Kenaston supported the recommendations, stating that the Housing Committee had effectively incorporated and refined the Planning Commission's prior work.

Mr. Zimmerman proposed aligning lease provisions for internal and external ADUs. He suggested that landlords should be able to lease units immediately if the tenant broke the lease through no fault of the landlord.

Ms. McCulloch and Mr. Kruschke raised concerns that this change could reopen the very loophole the provision was designed to prevent, specifically, repeated short-term leases masquerading as long-term rentals.

Mr. Zimmerman acknowledged the concern but pointed out that legal circumstances, such as those involving military service members, could require landlords to refund all rental payments, leaving them unable to lease the property again despite no wrongdoing.

Mr. Kruschke suggested modifying the language to clarify that the restriction would only apply if the landlord were legally required to refund all payments. Mr. Dansie agreed and proposed adding a minimum 30-day wait period even in the event of a broken lease, making the internal and external ADU provisions consistent. Commissioners were in agreement on this change.

Mr. Kruschke also noted that section 10-20-8(B) defined "family member" more narrowly than the broader definition in section 10-2-2. Mr. Swanson said the narrower definition aligned with state standards. Mr. Dansie confirmed that while the broader code allowed for groups of four unrelated individuals to qualify as a household, the Housing Committee intentionally excluded this from the ADU definition to prevent higher-impact living arrangements.

Mr. Zimmerman remarked that this might limit the utility of ADUs for local employee housing. Mr. Kruschke added that under the proposed rules, a property owner could rent the main dwelling to four unrelated individuals but could not rent the ADU or use it for additional occupants. The ADU would remain unoccupied unless used by the owner or a non-paying, qualifying family member.

Ms. McCulloch asked whether owner occupancy was required. Mr. Kruschke explained that owner occupancy was required only when two households were present: one in the main dwelling and one in the ADU. If only one household occupied the property, the owner was not required to reside there, but the ADU could not be used.

Mr. Zimmerman observed that under these conditions, the structure would revert to being an accessory building, not an ADU, since it no longer met the use standards. Mr. Dansie confirmed that the structure's

status as an ADU was conditional and could change based on how it was used. It would always be considered an accessory structure, but could serve as a guest house or ADU depending on compliance.

Mr. Zimmerman proposed a scenario in which four unrelated individuals rented the main home, and a relative of one of them stayed in the accessory structure. Mr. Dansie confirmed that this would be allowed under the provision for non-paying family members.

Mr. Kenaston referenced section 10-22-9(D)(2), which requires that the property owner reside in either the main home or the ADU. Mr. Dansie and Mr. Kruschke clarified that if the property was rented to a group of four unrelated individuals (legally considered a single family under the code), and the owner did not reside on-site, the accessory structure could not be used as an ADU.

Ms. McCulloch asked whether the guest house use could be limited to owners rather than occupants. Mr. Kruschke cautioned against that, noting it could unintentionally restrict reasonable use, such as a family with a non-paying elderly parent. Mr. Dansie advised that land use codes are inherently broad and imperfect, and minor ambiguities are expected. He said the Commission should determine whether such hypotheticals warranted further revision.

The Commission agreed that the concerns discussed were relatively minor and unlikely to cause significant issues.

Finally, the Commission confirmed that the proposed 17-foot height limit for external ADUs would be subject to the most restrictive applicable zone standard. Mr. Dansie said he would revise the lease language as discussed to close the identified loophole and ensure consistency. He concluded that the proposed changes were generally straightforward and supported by the Commission and stated that staff would prepare the ordinance for a public hearing.

B. Consent Agenda

1. Approval of Minutes from March 5th, March 12th, and March 19th, 2025.

Motion made by Jennifer McCulloch to approve the Consent Agenda for the Minutes from March 5th, March 12th, and March 19th, 2025. The motion was seconded by Terry Kruschke.

Kenaston: Aye

Kruschke: Aye

Zimmerman: Aye

Swanson: Aye

McCulloch: Aye

The motion passed unanimously.

C. Adjourn

Motion made by Terry Kruschke to Adjourn at 07:00 p.m. The motion was seconded by Rich Swanson.

Kenaston: Aye

Kruschke: Aye

Zimmerman: Aye

Swanson: Aye

McCulloch: Aye

The motion passed unanimously.

Robin Romero, Deputy Town Clerk

APPROVAL: _____ **DATE:** _____

A recording of the public meeting is available on the Town's YouTube Channel at youtube.com/@SpringdaleTownPublicMeetings. For more information, please call 435-772-3434 or email springdale@springdale.utah.gov.

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