



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY, OCTOBER 1, 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: Commissioners Paul Zimmerman, Jennifer McCulloch, Mellisa LaBorde, Rich Swanson, and Kashif Bhatti.

EXCUSED: Chair Tom Kenaston, Terry Kruschke, and Matt Fink from Zion National Park.

ALSO PRESENT: Principal Planner Niall Connolly and Town Clerk Aren Emerson, recording. See the attached sheet for attendees.

Mr. Kenaston appointed Mr. Zimmerman to act as the temporary chair in his absence.

Mr. Zimmerman designated Melissa LaBorde and Kashif Bhatti as voting members in the absence of the excused Commissioners.

Approval of the Agenda:

Motion made by Jennifer McCulloch to approve the agenda. The motion was seconded by Rich Swanson.

Vote on Motion:

McCulloch: Aye

LaBorde: Aye

Zimmerman: Aye

Bhatti: Aye

Swanson: Aye

The motion passed unanimously.

General Announcements:

Mr. Connolly announced that the representative from Zion National Park was unable to attend the meeting due to the government shutdown, but was expected to attend the next meeting.

Declaration of Conflicts of Interest: There were no declared conflicts of interest.

A. Discussion / Non-Action Items

1. Discussion of Requirement for Enhanced Buffering and Screening on Commercial Properties Adjacent to Residential Uses. Staff Contact: Thomas Dansie.

Staff Presentation:

Mr. Connolly explained that this item had been carried over from the previous discussion on creating buffers between commercial and residential uses in town. He noted that Mr. Dansie's staff report provided several examples of existing boundary treatments around town where such interfaces occur, along with descriptions and photographs illustrating their design and materials.

Based on those examples, the report outlined three potential buffer zone options for the Planning Commission to consider. The first option featured a narrow buffer with a taller fence or wall and limited vegetation. The second and third options were wider and more expansive, with the second including a berm, which can be particularly effective as a buffer. The report also included graphics to illustrate the options.

Mr. Connolly said the Commission could discuss these or propose other alternatives. He noted that different options might be appropriate for different property types; for example, a small lot might not accommodate a wide buffer zone. However, if all three options were available, most property owners would likely choose the narrowest one, even though the wider options might offer better results. He suggested the Commission consider which options they preferred, whether they could be incorporated into the code, and how property owners might be guided toward the most suitable choice for their properties.

Commission Questions and Discussion:

Mr. Swanson asked whether property owners would be limited to certain fence materials.

- Mr. Connolly explained that the Town's architectural design standards allowed several approved fence materials, including wood, rusted metal, stucco, and stone, with the examples in the staff report meant only to illustrate a few options.

Ms. McCulloch thanked staff for the visuals and raised concerns about fence placement, asking if there was a maximum distance a fence could be from the property line, noting that large setbacks could create unbuffered or inaccessible areas that might fall to residential owners to maintain. She suggested specifying a maximum distance from the property line.

- Mr. Connolly agreed that the code could clarify placement to ensure the buffer functions as intended.

The Commission discussed access and maintenance issues, as well as the installation of fences along the property line.

Ms. McCulloch suggested clarifying fence placement requirements:

- If the fence is continuous, it should be on or immediately inside the property line.
- If the fence is discontinuous, it could be set back and include landscaping on both sides.

She recommended revising Option 2 to state that the fence "must" be discontinuous, rather than "may".

The Commission discussed including clear standards for maintenance, access, and possible uses of berms, as well as potential fence heights and berm combinations.

Ms. McCulloch favored keeping Option 1 as is, with the fence on or beside the property line, and revising Option 2 to require discontinuity, ensuring accessibility for maintenance on both sides.

Mr. Swanson noted that "discontinuous" could simply mean small openings for access. Mr. Zimmerman clarified that Ms. McCulloch's primary concern was preventing unmaintained landscaped areas that fell behind fences.

They agreed that if commercial owners installed landscaping on the residential side, residents would likely maintain it, though that could not be guaranteed. Ms. McCulloch said it would be helpful to research whether this approach worked in other communities.

Mr. Zimmerman noted that each option could serve different purposes depending on the site and whether the intent was visual or sound mitigation. He and Ms. McCulloch both emphasized the need to clarify maintenance responsibilities, especially where landscaping extended beyond the commercial property.

Ms. McCulloch favored Option 3 for its landscaping benefits but acknowledged it would not suit all properties. She and other Commissioners agreed a combination of Options 1 and 2 might provide flexibility. Mr. Swanson suggested allowing property owners to choose among the options.

- Mr. Connolly said the Commission could offer them a "menu" of options or tie them to minimum lot sizes.

Several Commissioners discussed the value of encouraging communication between commercial and residential neighbors. Mr. Zimmerman suggested adding language to promote cooperation and allow flexibility where both sides reach an agreement. Ms. McCulloch stressed the need for clear, enforceable requirements if an agreement cannot be reached. Mr. Swanson proposed allowing written agreements between property owners to establish alternative solutions that still meet the ordinance's intent.

Mr. Swanson suggested requiring commercial developers to share landscape plans with adjacent residents to invite feedback. The Commissioners agreed that requiring submission of the proposed landscaping plan to adjacent property owners for comment could help promote cooperation.

Mr. Zimmerman recommended tabling the discussion to allow staff to refine the options. Mr. Connolly summarized the Commission's direction:

- Option 1: Specify that the fence must be on or beside the property line.
- Option 2: Clarify that the fence must be discontinuous, not an option.
- Option 3: Remain unchanged.
- Potential Option 4: Allow a mutual agreement between residential and commercial owners, provided it meets the ordinance's intent, with a potential notification process giving neighbors 10 days to provide feedback.

Mr. Connolly said staff would refine the language based on the Commission's direction, research how other communities handle similar requirements, and return with revised options.

2. Discussion Following Direction from the Town Council to Revise Chapter 10-21 of the Town Code, Relating to the Repair and Refurbishment of Noncomplying Buildings. Staff Contact: Niall Connolly

Staff Presentation:

Mr. Connolly explained that this discussion continued from the most recent Planning Commission meeting. A recent case before the Town Council highlighted ambiguities in how the town defines "removal of a building" and what constitutes ordinary maintenance or repair of a nonconforming building. The staff report outlines several possible definitions. At its core, the issue is how the town should address noncompliant buildings requiring maintenance or repair, and at what point such work constitutes removal, triggering the need to rebuild the structure in compliance with the ordinance.

At the previous meeting, Commissioners discussed whether a certain percentage of a building could be removed before it is considered "removed" under the code. Questions remain about how to define this percentage, whether by specific building components, building fabric, or building value. Another topic considered was whether replacing noncompliant elements could be allowed, provided incremental improvements toward compliance accompany them. Several options are currently under consideration.

Commission Discussion:

Mr. Zimmerman explained that he attended the Council meeting when this issue was discussed and conducted additional research. He referenced Utah State Code 10-9A-511, "*Nonconforming Uses and Noncomplying Structures*," which states: "A municipality may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use."

He noted that in this case, the developer had torn down the building, and under state law, the town could have required the new structure to comply with current regulations. However, the town chose to allow some leniency. He emphasized that noncomplying situations are generally permitted because they predate current ordinances, but the intent is for such structures to eventually become compliant. He added that the town was not required to be overly lenient in these cases.

Mr. Swanson asked questions about the Watchman property that had prompted the discussion. Mr. Zimmerman reiterated that the long-term goal was to bring all structures in town into compliance with the same set of standards.

Ms. McCulloch said she favored an approach similar to FEMA's substantial improvement rule, where improvements exceeding 50% of a structure's value trigger full compliance with current codes. She noted that the Town's *Substantial Improvement/Substantial Damage Plan* already included a method for determining a structure's value.

Mr. Zimmerman added that if the improvement or damage was assessed at less than 40% or more than 60%, town staff would make the determination. If it fell between 40% and 60%, the town would refer the evaluation to an appraiser.

Mr. Connolly explained that the Planning Commission had created the *Substantial Improvement/Substantial Damage Plan* several years earlier based on FEMA's flood insurance standards. Under that program, if a structure in a special flood hazard area was noncompliant and improvements increased its value by more than 50%, the entire structure had to be brought into compliance with current standards. The same applied if damage exceeded 50% of the structure's value. Although the town had never had to implement that process, a framework was already in place. In some cases, county assessor data would suffice, but if the value was uncertain, an appraiser could be used. He said that because of the similarity between that system and the situation under discussion, the same approach could be adopted.

To illustrate, Mr. Connolly said that if his house in a flood hazard area was noncompliant but grandfathered in, he could make improvements up to 50% of the home's value without bringing the whole structure into compliance. However, if the value of the improvements exceeded 50%, full compliance would be required.

Mr. Swanson noted that in the Watchman case, the project was initially under 50%, but during construction, termite damage required replacement of an exterior wall. He said that was a repair, not an addition.

Mr. Zimmerman clarified that it was not just an exterior wall, and the entire building had been demolished.

Mr. Zimmerman referred back to the state code, noting that when a property owner voluntarily demolishes a noncomplying structure, the municipality may require reconstruction to conform with current standards.

- Mr. Connolly clarified that the 50% process under discussion does not currently apply to noncomplying structures. Therefore, it would not have applied to the Watchman Drive situation, and technically, a demolition permit was not required at that time.

Mr. Zimmerman said that by demolishing the entire building, the property owners had created a situation in which the town could have required full compliance with state law. The town, however, allowed some leniency, acknowledging the mistake and choosing not to enforce compliance in that instance. Moving forward, he said, the town needed to establish a process to prevent similar issues.

He added that the town could either strictly follow state code, requiring full compliance after voluntary demolition, or adopt a more flexible approach.

Mr. Swanson asked whether there was currently a procedure to determine what constitutes 50% of a structure's value.

- Mr. Connolly clarified that the FEMA-based process applies only to floodplain properties but could be adapted for this purpose.

Mr. Zimmerman said that if the 50% threshold were adopted, the FEMA methodology would provide a practical way to calculate value. He noted that most cities base their calculations on the structure's market value, not its construction cost.

- Mr. Connolly confirmed that FEMA uses market value as the standard.

Mr. Zimmerman suggested including a waiver option for cases involving extraordinary circumstances, to be reviewed by the Town Council or Planning Commission. He recommended using the 50% standard with an available waiver process for exceptions.

Mr. Connolly was directed to draft language modeled after the FEMA approach. Mr. Zimmerman cautioned that any new policy should align with maintenance requirements outlined in Utah law.

B. Adjourn

Motion made by Jennifer McCulloch to Adjourn at 06:53 p.m. The motion was seconded by Mellisa LaBorde.

Vote on Motion:

McCulloch: Aye

LaBorde: Aye

Zimmerman: Aye

Bhatti: Aye

Swanson: 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.