



118 Lion Blvd • PO Box 187 • Springdale, UT 84767 • (435) 772-3434

**PLANNING COMMISSION NOTICE AND AGENDA**  
**THE SPRINGDALE PLANNING COMMISSION WILL HOLD A REGULAR MEETING**  
**ON WEDNESDAY, OCTOBER 15, 2025, AT 5:00 PM**  
**AT THE CANYON COMMUNITY CENTER, 126 LION BLVD – SPRINGDALE, UT 84767**

*Due to technical issues, there will not be a live stream of this meeting.  
A recording of the meeting will be made available to the public on YouTube the day after the meeting.*

**Approval of the agenda**  
**General announcements**  
**Declaration of Conflicts of Interest**

**A. Action Items**

1. Design Development Review: Breck Dockstader Requests Approval for a Single-Family Home with Detached Garage / Accessory Building at 54 Hummingbird Lane. Staff Contact: Niall Connolly.
2. Recommendation to the Town Council Regarding Adoption of the Wildland Urban Interface Code. Staff Contact: Thomas Dansie.

**B. Consent Agenda**

1. Approval of Minutes from September 3<sup>rd</sup> and September 17<sup>th</sup>, 2025.

**C. Adjourn**

APPROVED

DATE

10/15/25

This agenda was posted at the Springdale Canyon Community Center and Town Hall at 11:30 am/pm by R. Emerson on 10/10/2025

**NOTICE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting should contact Town Clerk Aren Emerson (435.772.3434) at least 48 hours before the meeting.**

Packet materials for this meeting will be available at: <https://www.springdaletown.com/agendacenter/planning-commission-7>



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON  
WEDNESDAY, OCTOBER 15, 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 Paul Zimmerman, Jennifer McCulloch, Mellisa LaBorde, and Kashif Bhatti.

**EXCUSED:** Terry Kruschke, Rich Swanson, and Matt Fink from Zion National Park.

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

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

**Approval of the Agenda:**

**Motion made by Paul Zimmerman to approve the agenda. The motion was seconded by Mellisa LaBorde.**

**Vote on Motion:**

**Kenaston: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**LaBorde: Aye**

**Bhatti: Aye**

**The motion passed unanimously.**

**General Announcements:** There were no general announcements.

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

**A. Action Items**

1. Design Development Review: Breck Dockstader Requests Approval for a Single-Family Home with Detached Garage / Accessory Building at 54 Hummingbird Lane. Staff Contact: Niall Connolly.

**Staff Presentation:**

Mr. Connolly explained that Mr. Dockstader had applied for Design Development Review (DDR) approval for a single-family home with a detached garage/casita at 54 Hummingbird Lane. The Planning Commission was already somewhat familiar with the project. The original approval was granted on September 20, 2024, but it has since expired. In August 2025, the Commission reviewed an application to revise that approval but deferred a decision pending clarification on fire access.

Since then, the 2024 approval had expired, rendering the August revision application void. As a result, this was treated as a new application, although the architectural plans remained the same as those approved last year.

Mr. Connolly reminded the Commission of certain access complexities affecting the project. Specifically, the fire district required a 20-foot-wide access to the property. However, due to the pump house's location on Hummingbird Lane, there was no clear 20-foot access on either side that did not encroach on neighboring properties.

To provide context, Mr. Connolly reviewed key points about Springdale's development process. Development typically follows two steps: first, the DDR, and second, the building permit. The DDR ensures compliance with the town's Land Use Ordinances, and the Planning Commission serves as the approving body. Once the DDR is approved, the applicant may proceed to the building permit stage, which is overseen by the Director of Community Development. Building permit requirements include compliance with the Building Code and the Utah Fire Code. At this stage, the town requires confirmation from the fire district that plans meet fire code standards, including any fire access requirements.

Staff encouraged the Commission to focus its review on issues within the scope of the DDR process, rather than on requirements that would be addressed later in the building permit process. The staff report included an analysis of the application and suggested potential conditions for the Commission's consideration.

Finally, Mr. Connolly drew the Commission's attention to a public comment letter received that afternoon. Copies were provided to the Commissioners, and he offered to answer any questions.

#### **Questions from the Commission:**

Mr. Kenaston clarified that the Commission's review was purely administrative and limited to the DDR. Any questions regarding access for neighboring properties or for the property itself were not administrative issues and were outside the Commission's purview that evening.

- Mr. Connolly confirmed this, noting that the application approval process was administrative. If the project complied with the Land Use Ordinances, it should be approved. He emphasized that the Commission's decision should focus solely on the DDR. While the building permit was also an administrative process, it had separate requirements that were handled at the staff level, including compliance with the building code and fire access issues.

Ms. McCulloch expressed appreciation for the thorough notes and explanations regarding fire access. She observed that one suggested condition mentioned the applicant providing written confirmation from the fire district that satisfactory fire truck access to the property was in place prior to building permit issuance. She felt this fell outside the Commission's scope, even if noted in the conditions.

- Mr. Connolly agreed, noting that regardless of the condition, fire access was part of the building permit process, not the DDR.

Mr. Kenaston added that any drawings submitted by the applicant showing access to the property or to neighboring properties were purely illustrative. The Commission was not endorsing any access depicted in the application.

- Mr. Connolly agreed and clarified that the drawings included an indicative access and parking area that could serve 44 Hummingbird Lane. However, any approval given that evening would not cover access across properties not owned by the applicant.

Mr. Kenaston emphasized that any access shown on properties across the street was only presented as a potential means for the applicant to achieve 20-foot access and had not been decided.

- Mr. Connolly confirmed this, explaining that the drawings suggested that 20-foot access might be possible on one side of the pump house, but part of that area was on land owned by someone else. He noted that previous plans had shown fire access on the other side, which was a similar situation. It was up to the applicant to work with the relevant landowners to determine a feasible option.

Mr. Kenaston asked whether the fire department would ultimately determine whether the required access needed to be 20 feet or could potentially be reduced to 15 feet, and whether the town would enforce that requirement before issuing a building permit.

- Mr. Connolly responded that he could not speak for the fire district or their requirements. Ultimately, it would be the fire district's responsibility to confirm that access met their standards.

#### **Applicant Presentation:**

The applicant, Mr. Dockstader, did not provide a presentation, stating that he had nothing further to add beyond what the Commission had already heard. He said he would answer any questions they had.

#### **Commission Deliberation:**

Ms. McCulloch stated that, in reviewing the property again and considering the new application, prior discussions, and staff notes, she understood the concerns expressed by neighboring residents. However, after reviewing the Commission's administrative responsibilities and the elements that complied with town requirements, she found the application to be consistent with applicable standards. She noted that some of the staff's suggested conditions were appropriate and did not identify anything at that point that would justify denying the application.

Mr. Kenaston acknowledged Mr. Connolly's suggestion of several potential conditions should the Commission choose to approve the application. He recalled that in previous reviews, a condition had been included specifying that the pump house could not be moved. He noted that this had been a point of contention regarding access to the property and was uncertain whether that condition should be restated. He recognized that the pump house served as a critical water source for the town and questioned whether there were any options to relocate it or place it underground. He also referenced previous conditions, stating that transient lodging would require a transient lodging overlay, that the casita could not be rented separately, and that bridge and trail easements must be provided for the Virgin River Bike Trail.

In reviewing the current site plan, he observed what appeared to be 10-foot-wide hash marks representing a bike trail, but the trail did not seem to extend the full length of the property along the river, ending about halfway up the parcel. He asked the applicant to confirm whether that was correct and if the site plan should be updated to show the full trail alignment.

Mr. Dockstader explained that the intent of the trail was to connect Hummingbird Lane to a potential route across the river. There was sufficient land on the opposite side, now owned by the Cliffrose, where a bike path could potentially cross the river and tie into the Pa'rus Trail system, similar to what had been done elsewhere using pedestrian bridges. The plan was never to extend the trail the entire length of the property. The discussion had always focused on the potential for a corner access point where a pedestrian bridge could cross the private property and connect to the other side.

Mr. Dansie explained that the property was subject to a development agreement between the property owner and the town. One of the provisions of that agreement required the property owner to dedicate a trail easement to the town once similar trail easements on either side of the property were in place.

Mr. Zimmerman interjected that the development agreement stated "in place or planned."

Mr. Dansie replied that he would need to review the exact language of the agreement to confirm. However, as Mr. Dockstader had noted, there were currently no established or planned trail alignments on either side of the property. It would therefore be premature to make definitive statements about where the trail alignment could or should go. That process would require more detailed planning and public engagement, which had not yet occurred. He advised that the Commission's important consideration was simply to ensure that the proposed development would not preclude a future trail easement through the property. While the alignment had not yet been identified, the development agreement still required that, once adjoining trail easements were established, a connection through this property would be provided.

Ms. McCulloch said that, knowing this requirement was already part of the development agreement, she did not believe it was necessary to include it again as a condition. However, she agreed with Mr. Dansie that the Commission could include a general note acknowledging the intent without specifying the alignment.

Mr. Kenaston agreed, stating that, because the requirement was already contained in the development agreement, it was not necessary for the Commission to address it in this administrative review. He asked if Mr. Dansie concurred.

Mr. Dansie confirmed that approach was appropriate. He said the Commission's role was simply to ensure that the development did not prevent a future trail easement from being established. As long as the development maintained that potential and the town's rights under the development agreement remained intact, no further action was needed.

Mr. Kenaston noted that the agreement called for a trail along the Virgin River, which could be achieved in various ways. He emphasized that the current site configuration appeared to allow for that possibility without preventing future connections.

Mr. Kenaston also referenced a public comment letter received from a neighboring property owner expressing concern about potential impacts to her business, particularly regarding access and utilities. He acknowledged those concerns as valid and noted that such issues would need to be carefully managed as development proceeded. He recalled that the parcels had once been under common ownership and that some utilities serving the neighboring property crossed through the applicant's land.

Mr. Zimmerman noted that most of those matters were outside the scope of the DDR review and would be more appropriately addressed during the building permit process.

**Motion made by Jennifer McCulloch that the Planning Commission approve the proposed Design Development Review for a single-family home and detached garage/casita at 54 Hummingbird Lane, as discussed at the Commission meeting on October 15th, 2025. This motion is based on the following findings:**

- 1. Compliance with applicable ordinances Section 10-11B: Village Commercial Zone. Section 10-16: Architectural Standards and Design Guidelines. Section 10-17: Color Palette. Section 10-18: Landscaping, and Section 10-15C: Outdoor Lighting.**

**The motion includes the following conditions:**

- 1. The applicant must provide a sample of the roof material to the Town in advance of construction to ensure it complies with the Town's color palette.**
- 2. The applicant must obtain a separate pool permit for the swimming pool.**
- 3. The new driveway on 50 Hummingbird Lane and the new parking area on 44 Hummingbird Lane are shown on the drawings indicatively only and are not included in this approval. The relevant land owners must make separate applications for those improvements.**
- 4. In the case if rental of the home is to be considered, a transient housing overlay permit must be applied for and obtained prior to rental.**
- 5. The casita cannot be rented separately.**
- 6. Easement establishment outlined in the development agreement for the future Zion Canyon Trail does not preclude the commitment to work with the Town in the future for an easement.**

**Second by Paul Zimmerman.**

**Discussion of the motion:**

**Mr. Dansie clarified that Ms. McCulloch meant to refer to the transient lodging overlay zone.**

**Ms. McCulloch confirmed that was correct and accepted the change.**

**Vote on Motion:**

**Kenaston: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**LaBorde: Aye**

**Bhatti: Aye**

**The motion passed unanimously.**

2. Recommendation to the Town Council Regarding Adoption of the Wildland Urban Interface Code.  
Staff Contact: Thomas Dansie.

**Staff Presentation:**

Mr. Dansie explained that the Planning Commission had reviewed the Wildland Urban Interface (WUI) Code in several previous meetings and had held productive discussions on the topic. He said he had done his best to answer questions and gather information from fire experts at the Utah Forestry, Fire, and State Lands. Based on those prior discussions, he believed the Commission had reached a point where it felt fairly comfortable with the WUI Code and had directed staff to include it on that evening's agenda for possible recommendation to the Town Council.

He noted that Chief Joe Decker and Fire Marshal John Postert were in attendance to provide expert insight, correct any inaccurate information previously shared, and ensure the Commission was fully informed about the WUI Code. They were present to discuss, answer questions, and clarify any remaining concerns.

Mr. Dansie stated that staff recommended the Commission make a recommendation to the Town Council regarding the WUI Code. Specifically, staff suggested that the Commission consider two primary questions: first, whether the town should adopt the WUI Code, and second, where the WUI boundary should be located. In addition to adopting the Code, the town would also be required to adopt a boundary.

He explained that representatives from Utah Forestry, Fire, and State Lands, based on state mapping, had advised that the entire town should be included within the WUI boundary. However, previous Commission discussions had identified potential challenges with that approach, and Mr. Dansie suggested that it would be beneficial to discuss those concerns further with the fire experts and seek their guidance on where the boundary might best be located.

He also identified two related issues that, while not directly part of the WUI Code or boundary, could have implications for the town. The first was that several provisions within the town's Land Use Code might conflict with the objectives of the WUI Code. He recommended that the Commission request direction from the Town Council to study those potential conflicts in more detail and propose amendments as needed.

The second issue was the importance of community education. Mr. Dansie emphasized that adopting the WUI Code would represent a significant change in how property is developed, and it would be essential to ensure the community understood the new requirements and their implications. He suggested requesting direction from the Town Council regarding public education efforts as well.

Mr. Dansie concluded by encouraging the Commission to make full use of Chief Decker and Fire Marshal Postert's expertise during the discussion and to ask any technical questions they might have.

**Questions and Commission Deliberation:**

Chief Decker commented that he wished the discussion could have taken place a few weeks later, as the district's new Battalion Chief over the Wildland Division was scheduled to start soon. The new Battalion Chief had previously worked with Utah Forestry, Fire, and State Lands and had helped write the WUI Code. Chief Decker said he would do his best to answer questions that evening.

Mr. Kenaston recalled prior discussions about the WUI boundary and asked what criteria could be used to establish areas outside the WUI zone.

Chief Decker said there were several factors to consider. He referenced House Bill 48, passed earlier in the year, which required every municipality and local government in Utah to adopt the WUI Code by the end of the year. As a result, he said, the town had little choice but to move forward. The state classified hazards within the WUI area into zones one through three, with one being the lowest risk and three being the highest. The higher classifications reflected areas with little or no defensible space, limited water supply for firefighting efforts, poor fire access, or other mitigating factors. He emphasized the importance of strategically correlating those zones throughout the town, as they could affect homeowners' insurance coverage. The district's goal, he said, was to help mitigate that impact by ensuring there was defensible space, sufficient water supply, and adequate access to properties.

He noted that it would not be possible to simply draw a single line around Springdale to define the WUI area, since different parts of town had unique conditions. The fire department typically considered natural features such as waterways, ditches, creeks, and vegetation density, including areas with tamarisk or other uncleared growth. He compared the process to mapping used for fireworks restrictions, explaining that even though fireworks were prohibited in Springdale, the same type of assessment would apply.

Given Springdale's location in a canyon, Chief Decker said the outer edges of town would likely fall within the WUI Code boundaries due to topography, while central areas, such as Zion Park Blvd, would likely be excluded. He suggested that once the new Battalion Chief arrived, he and Fire Marshal Postert could meet with town staff to review a detailed aerial map and draw the proposed boundary more accurately. He said determining the boundary would require more detailed analysis than could be done that evening.

Ms. McCulloch asked whether it would make sense to initially include the entire town within the WUI boundary to simplify the process.

Chief Decker said that would be the easiest approach, though it might create some difficulties. Adopting the WUI Code would make defensible space a requirement rather than a recommendation, which could be beneficial but would also create additional compliance challenges.

Ms. McCulloch expressed concern about creating potential issues that might be difficult to reverse.

Chief Decker responded that the boundaries could always be revised. The challenge would not be with adopting the WUI Code itself, but in determining where the WUI boundaries begin and end. By rule, a boundary map must follow the code adoption, but there was no specific timeline for completing it. He said that once the new Battalion Chief started, Springdale would be his first priority, and a strong draft map could likely be completed in about an hour.

Ms. McCulloch said it seemed sensible to adopt the Code first and finalize the boundaries later.

Chief Decker agreed, stating that approach would satisfy state requirements by showing the town had adopted the Code and was in the process of mapping the boundary.

Mr. Zimmerman suggested that the appropriate course of action would be to adopt the WUI Code and then work with the new Battalion Chief to develop a proposed boundary, which could be refined following additional technical review.

Chief Decker agreed, noting that mapping the boundary would not take long, though creating an accurate shapefile map would require some engineering work.



Mr. Kenaston expressed concern that parts of town, including his neighborhood, were located within a desert tortoise habitat. Implementing the WUI Code might require vegetation removal that could harm the habitat. He also noted that his property was surrounded by juniper trees, which posed a fire hazard but also stabilized the soil along steep slopes. He worried that removing the trees could increase the risk of erosion.

Chief Decker said those types of factors would be considered in determining zone classifications. When the state assessed properties, elements such as vegetation type, defensible space, and topography would influence the assigned zone. He explained that junipers were considered a noxious species by the state, but complete removal was not always necessary. In some cases, thinning vegetation or introducing natural grasses could achieve compliance. The focus would be on preventing fire from reaching tree canopies and ensuring adequate defensible space around structures.

He added that the state anticipated inspecting approximately 300,000 lots across Utah under the WUI Code, with reinspection required every five years. Properties could improve their classification, from zone three to zone one, by implementing mitigation measures. Chief Decker said the fire district's wildland crew was available to conduct free lot assessments and offer recommendations, though direct assistance with the work would depend on availability.

Mr. Zimmerman and Mr. Kenaston both said the fire district's past lot assessments in their neighborhoods had been excellent and helped residents feel safer.

Mr. Kenaston raised another concern regarding the recommendation to trim trees up to six feet from the ground. He worried that trimming too much at once could damage or kill the trees and asked whether a phased approach could be taken.

Chief Decker agreed, stating that the process could be implemented incrementally. Property owners could develop phased plans, and inspectors would account for ongoing progress during reinspection. The program, he said, aimed to encourage long-term compliance rather than immediate, drastic measures.

Ms. McCulloch observed that there would likely be many questions as the program moved forward.

Chief Decker assured the Commission that the fire district would remain a partner with the town throughout the process. He invited Commissioners to reach out individually or request additional meetings for further discussion, noting that smaller meetings could help work through technical details before bringing items back to the full Commission.

Mr. Dansie added that one issue previously discussed was the scope of the WUI Code. Most provisions, he said, clearly applied to new development, such as construction materials and building methods, while the defensible space requirements appeared to be the only section applicable to existing properties.

Chief Decker confirmed that was correct.

Mr. Dansie asked whether there was a specific timeline for bringing existing properties into compliance with defensible space requirements.

Chief Decker said the timing would depend on how quickly the state's designated inspectors began their work. Washington County had already identified its inspector, and once inspections began, the process



would involve direct communication between property owners and inspectors. Property owners could work out reasonable timelines for compliance, and the fire department would assist wherever possible. He said the department often conducted fuel mitigation work during the winter months and planned to complete a large project in Springdale that season. If individual properties were added to their queue, they would be happy to assist with those as well.

Mr. Dansie concluded by noting that because the WUI Code was not a Land Use Ordinance, no public hearing was required. Although the Planning Commission was not obligated to make a formal recommendation to the Town Council, staff believed it would be prudent to do so given the significance of the issue.

**Motion made by Jennifer McCulloch that the Planning Commission recommends to the Town Council to adopt the Wildland Urban Interface Code, recognizing the state mandate to do so, with the WUI boundary to be defined at a later date, as discussed at the Planning Commission meeting on October 15, 2025. The Planning Commission also recommends Town Council's direction to the Commission for consideration and identification of potential changes to the town's Land Use Ordinances as a result of adopting the WUI Code. For example, Section 10-16-4-(B)(7): allowable roofing materials and Section 10-15B-4-(A)(3): requirement to replace/remove vegetation at a 2:1 ratio. Also recommended to the Town Council is direction to staff to develop community outreach and education efforts to accompany the adoption of the WUI Code, including the dissemination of comprehensive information about the new code requirements for defensible space and strategies to provide defensible space on property. The campaign could include community forums to answer questions and provide details, newsletters, open houses, etc.**  
**Second by Paul Zimmerman.**

**Discussion of the motion:** There was no additional discussion.

**Vote on Motion:**

**Kenaston: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**LaBorde: Aye**

**Bhatti: Aye**

**The motion passed unanimously.**

**B. Consent Agenda**

1. Approval of Minutes from September 3<sup>rd</sup> and September 17<sup>th</sup>, 2025.

**Motion made by Paul Zimmerman to approve the Consent Agenda for the Minutes from September 3<sup>rd</sup> and September 17<sup>th</sup>, 2025. The motion was seconded by Mellisa LaBorde.**

**Vote on Motion:**

**Kenaston: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**LaBorde: Aye**

**Bhatti: Aye**

**The motion passed unanimously.**

Mr. Zimmerman noted that he was not in attendance for the September 17, 2025, meeting.

**C. Adjourn**

Motion made by Paul Zimmerman to Adjourn at 05:51 p.m. The motion was seconded by Mellisa LaBorde.

Vote on Motion:

Kenaston: Aye

Zimmerman: Aye

McCulloch: Aye

LaBorde: Aye

Bhatti: Aye

The motion passed unanimously.



APPROVAL: \_\_\_\_\_

*Tom Kenaston*

*Robin Romero*

Robin Romero, Deputy Town Clerk

DATE: 11/19/25

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



PO Box 187 118 Lion Blvd Springdale UT 84767

## ATTENDANCE RECORD

Please print your name below

**Meeting:** Planning Commission Regular Meeting

**Date:** 10/15/2025

**ATTENDEES:**

Name (please print)

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10/15/2025

**Springdale Planning Commission**

Attn: Planning Department

118 Lion Blvd.

Springdale, UT 84767

**RE: Development Design Review for 54 Hummingbird Lane (Applicant: Dokstar, LLC.; Breck Dockstader) Request for Conditioned Approval Requiring Protection of Access, Utilities, and Public Transparency**

Dear members of the Planning Commission,

We are writing regarding the Development Design Review (DDR) application submitted by Dokstar, LLC for 54 Hummingbird Lane, scheduled for review this evening.

As the adjoining property owners at 44 Hummingbird Lane, we have relied on the existing improved driveway located on the Dockstader parcel for access to our home since purchasing our property in 2019. This access was represented as permissible by the seller, who also acted as our agent in the transaction. We also understand that certain utilities serving our property also traverse the Dockstader parcel. We therefore have a direct and substantial interest in the development of lot 54.

We are not opposed to exploring other access options and have discussed alternatives with the applicant. However, no arrangement for a different driveway has been finalized or permitted. Until lawful replacement access is secured and constructed, we must continue to use the existing driveway to reach our property. We respectfully request that the Town ensure our access and utility connections are not adversely impacted and that all height, setback, and design standards are strictly enforced given the site's unique location adjacent to Zion National Park.

We do not oppose the applicant's right to develop his property. However, we urge the Commission to **condition any approval** on enforceable measures that (1) preserve neighboring access and utilities during constructions, (2) require submittal and approval of a Construction Management Plan (CMP), (3) ensure all necessary off-site easements are secured, and (4) address the applicant's lack of transparency, which has deprived neighboring residents of due process.

**1. Current Status of Access**

- Our property currently depends on an implied easement access route over the Dockstader parcel
- A historic easement across the Kisner property exists, but does not clearly authorize vehicular access (no ingress/egress stipulation)

- We are actively working with Mr. Kisner to formalize a lawful easement and maintenance agreement, but it has not yet been executed
- The applicant's plans rely on a 20-foot fire access across Parcel 45 (Gary Johnson), and Mr. Johnson has stated to the Town that he will grant no such rights

In summary, no recorded, functional vehicular access presently exists for either parcel. Allowing grading or construction prior to a replacement route being legally secured would eliminate our only point of access and risk leaving our home without ingress or egress. While Mr. Dockstader has urged us to assert a right over the Kisner property, we believe it is far more appropriate to reach a lawful and cooperative resolution that respects the interests of all parties involved.

## **2. Status of the Proposed Access Agreement**

Earlier this year, Mr. Dockstader provided an "Easement Abandonment and Construction Agreement." While the applicant has since made partial revisions in response to our attorney's comments, several key issues remain unresolved. The agreement continues to contain ambiguities, is executed under the wrong entity (CBM Springdale Partners, LLC instead of Dokstar, LLC), and lacks clarity regarding construction obligations, consideration, and mutual release terms. We are presently working with both Mr. Dockstader and Mr. Al Kisner to finalize a lawful and permanent access arrangement. Our intent is to secure and record an easement across the Kisner parcel that is consistent with Town and Fire District standards prior to executing any agreement to abandon access rights across the Dockstader parcel. The ball is currently in our court, and we are proceeding in good faith to complete that process. Given the applicant's history of representing that a formal agreement was unnecessary or already resolved, it is critical that the Town require this documentation before any grading or permit approval.

## **3. Basis for a Conditioned Approval**

Town ordinances already require that adequate, legal, and physical access be verified before issuance of a building permit. Given the interdependency of these parcels and the absence of a Construction Management Plan, we request that the Commission condition approval as follows:

- 1) Protection of Access and Utilities:** Prior to any grading, demolition, or building permit, the applicant shall provide evidence, to the satisfaction of Town staff, that:
  - Construction activities will not obstruct or remove the existing driveway currently used to access 44 Hummingbird Lane until lawful replacement access is available; and
  - Any public or private utility infrastructure serving adjacent parcels will be protected or relocated under Town-approved permits to prevent disruption of essential services.

**2) Construction Management Plan**

- Because no Construction Management Plan was submitted with the DDR application, approval should be conditioned on the preparation and Town approval of a CMP prior to issuance of any grading or building permit.

**3) Recorded easements for the Johnson Parcel (Parcel 45)**

- If the approved access design relies on crossing Parcel 45 (Johnson), no grading or building permit shall be issued until a recorded, insurable access easement from the Johnson property owner has been provided to the Town. If such an easement cannot be secured, the applicant shall redesign to provide compliant access wholly within property they own or have lawfully secured rights to.

**4) Separate Authorization for Off-Site Work**

- Any proposed improvements or grading on parcels not owned by the applicant (e.g., Kisner or Johnson) shall not be deemed approved under this DDR and must be separately authorized by those property owners.

**5) Fire District Confirmation**

- The Hurricane Valley Fire District shall confirm in writing that final access design satisfies fire and emergency response standards before issuance of a building permit.

**6) Access and Utility Agreement Requirement:**

- Prior to the issuance of any grading, demolition, or building permit, the applicant shall submit to the Town a fully executed and recorded agreement between Dokstar, LLC and the owners of Lot 44 (Tylers) establishing the terms of vehicular and utility access between the two properties.

**4. Transparency and Due Process Concerns**

We, and our adjacent neighbors, are deeply concerned about the lack of transparency and public due process surrounding this application. By submitting the project as a residential build while privately expressing an intent to convert it to transient lodging, the applicant has effectively circumvented the public hearing and notice requirements that exist to protect neighboring residents and ensure community input.

The consequences are tangible: the plans call for a two-story “garage” structure approximately twenty feet from our front door, transforming what has always been an open and residential setting into a confined alley-like corridor. Should the property later operate as transient lodging, this structure’s activity, lighting, and traffic will further erode neighborhood character and privacy.

We urge the Commission to recognize that these procedural omissions undermine public confidence in the Town’s land-use process. Conditioning approval to require full disclosure

of intended use and adherence to all public-hearing obligations is essential to restoring transparency and due process for affected residents.

**5. Conclusion**

We are proceeding in good faith with Mr. Kisner to finalize a lawful easement and wish only to ensure that this transition occurs in an orderly, equitable way that protects our property's access, utilities, and residential character.

We therefore respectfully request that the Planning Commission condition any approval of the 54 Hummingbird Lane DDR as outlined above and include this correspondence in the public record.

Thank you for your time, diligence, and continued service to the Springdale community.  
Respectfully submitted,

**Erin Tyler**  
**Kenneth Tyler**