



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING HELD ON
WEDNESDAY, NOVEMBER 5, 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, Mellisa LaBorde, Rich Swanson, and Kashif Bhatti.

EXCUSED: Jennifer McCulloch, Terry Kruschke, and Matt Fink from Zion National Park.

ALSO PRESENT: Director of Community Development Tom Dansie, Principal Planner Niall Connolly, 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 Mellisa LaBorde to approve the agenda. The motion was seconded by Rich Swanson.

Vote on Motion:

Kenaston: Aye

Bhatti: Aye

LaBorde: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

General Announcements:

Mr. Kenaston congratulated Mr. Connolly for receiving the Employee of the Year award, as well as Robert George and Raylynn Akkerman, who shared the honor. He said Mr. Connolly was well deserving of the recognition.

He also mentioned that he had recently spoken with Commissioner Kruschke, who was recovering well from a serious injury but would likely miss a few more meetings before returning.

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

A. Discussion / Non-Action Items

1. 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 item was a continuation of the discussion regarding non-compliant buildings. The Town Council had tasked the Planning Commission with clarifying the definitions of building removal and

ordinary maintenance and repair as they relate to non-complying buildings. At the previous meeting, the Commission directed staff to draft ordinance language, which was presented for consideration that evening.

The proposed draft includes a 50% market-value test to determine whether a building has been “removed.” This approach mirrors the substantial improvement test used for FEMA flood risk compliance. The draft also references a demolition permit requirement. Although the town does not currently have a demolition permit process, the Town Council has directed staff to create one, which will be presented at an upcoming Council meeting. Once implemented, this process will help track the extent of demolition and support the application of the 50% valuation test.

The draft further proposes limiting the number of demolition permits issued within a 180-day period to prevent piecemeal demolition and reconstruction, which would undermine the ordinance’s intent. The 180-day timeframe is a suggestion and could be adjusted if needed.

Finally, the draft clarifies what constitutes ordinary maintenance and repair, providing examples of what qualifies and what does not to offer clearer guidance. Mr. Connolly said he was happy to answer any questions about the proposed language or the broader topic.

Commission Questions and Discussion:

Mr. Swanson asked whether a structure could currently be removed from a property without a permit.

- Mr. Connolly confirmed that it could, noting that an air quality permit from the Department of Environmental Quality might be required, primarily related to asbestos. He explained that while the town requests proof of that permit, it is not a town-administered process.

Mr. Swanson asked questions about the proposed demolition permit and associated fees.

- Mr. Dansie explained that the demolition permit process would be discussed at an upcoming Town Council meeting. He stated that the intent was not to create a burdensome or bureaucratic process, but rather to ensure communication with property owners so they understand the requirements, consequences, and potential loss of non-complying rights before removing a structure. He clarified that the demolition permit would be an administrative process directed by the Town Council and would not require Planning Commission review unless the Council requested it.

Mr. Kenaston asked whether the definitions of removal and the demolition permit would apply to both residential and commercial buildings. Mr. Connolly confirmed that they would.

Mr. Kenaston raised concerns about how the proposed standards might affect historic and commercial buildings, noting that older commercial structures, particularly those built under different setback standards, could have difficulty complying with current regulations. Mr. Connolly acknowledged the concern and explained that this issue had previously been linked to discussions about revitalizing the Central Commercial Zone. He said the topics had since been separated but could be revisited together or addressed separately in the future.

Mr. Swanson expressed concern about the proposed 180-day limit on demolition permits, citing scenarios where additional damage, such as termite or structural issues, might be discovered after initial work begins. He worried that the rule could create unnecessary delays and confusion by requiring multiple permits. Mr. Kenaston agreed that unforeseen damage is often discovered once work begins.

Mr. Swanson said he supported pulling additional permits when the scope of work changes, but was concerned about forced delays and wanted a more streamlined process. The Commission discussed ways to avoid unnecessary permits when additional issues are discovered mid-project.

Mr. Dansie explained that the 180-day limitation was intended to prevent incremental demolition that avoids classification as building removal. He suggested focusing first on defining what constitutes removal and how to close that loophole, rather than on the mechanics of the demolition permit process.

Mr. Swanson also raised concerns about the 50% market-value threshold, particularly when unforeseen damage necessitates expanded repairs. He suggested allowing an exception when homeowners can

demonstrate that additional work was necessary due to unforeseen conditions, without altering the building footprint or structure.

- Mr. Connolly referenced the section on ordinary maintenance and repair, noting that it addresses situations where damage requires replacement.

Mr. Zimmerman pointed out potential inconsistencies in the draft, particularly where replacement of wall sheathing was allowed as ordinary maintenance, but replacement of structural framing was not. He noted that this could effectively prohibit necessary repairs on non-complying buildings. Mr. Connolly responded that removal of structural elements could trigger the definition of building removal and the 50% threshold, though he acknowledged the language might not clearly reflect that intent.

Mr. Zimmerman suggested refining the demolition permit language to allow multiple permits within 180 days, provided the cumulative work does not exceed the 50% threshold. He noted that typical repairs, such as deck removal and limited wall repairs, would likely remain below that threshold.

Mr. Kenaston shared experiences from historic neighborhoods where extensive hidden damage is often discovered during repairs and questioned whether the Commission was comfortable with the 50% threshold.

Mr. Swanson questioned whether replacing walls or upgrading systems without changing the footprint truly affected a home's value and expressed concern that routine modernization could exceed the 50% cost threshold. Mr. Connolly clarified that the threshold was based on construction cost relative to market value, not on increased property value.

Mr. Zimmerman explained that the intent was to prevent the complete teardown and reconstruction of nonconforming buildings without bringing them into compliance. Mr. Swanson countered that buildings destroyed by fire can be rebuilt, and accidents during construction should be treated similarly.

Mr. Connolly suggested that consultation with the Town's Building Inspector could help address situations involving unforeseen conditions requiring necessary repairs. He confirmed that repairs needed to bring a building up to code could be considered ordinary maintenance and repair.

Mr. Swanson raised concerns about required upgrades, such as reinforcing roof trusses for fire-rated roofing, potentially triggering the 50% threshold. Mr. Kenaston added that community safety improvements, such as fire resistance, may be more valuable than strict setback compliance.

Mr. Zimmerman noted that the current draft did not require upgrades to modern fire standards unless triggered by other provisions. He stated that repairs to make a structure safer under current building codes could be considered ordinary maintenance and repair, though he acknowledged the complexity of the issue.

Mr. Swanson emphasized that remodeling without changing the footprint should be allowed, even for nonconforming buildings. Mr. Kenaston agreed, noting the neighborhood and community value of updated homes.

Mr. Connolly clarified that additions to nonconforming structures are currently allowed as long as they do not expand existing nonconformities.

Mr. Dansie asked the Commission to consider three scenarios: rebuilding after catastrophic damage, voluntary teardown and rebuild, and demolition required due to disrepair. He noted that the code already allows rebuilding after catastrophic events and sought guidance on the other scenarios.

Mr. Swanson said homeowners should not be penalized for necessary repairs due to deterioration, but should not be allowed to voluntarily tear down nonconforming buildings and rebuild them unchanged.

Mr. Dansie emphasized that the core issue was defining building removal, ordinary maintenance and repair, and whether disrepair should allow rebuilding without triggering full compliance. He asked the Commission which policy direction they preferred so staff could refine the ordinance accordingly.

Mr. Kenaston highlighted concerns specific to commercial properties that are significantly out of compliance and effectively face planned obsolescence under current standards. Mr. Dansie agreed and noted that the Commission had previously discussed addressing these issues as a separate work item.

Mr. Zimmerman and Mr. Dansie clarified differing interpretations of the draft language regarding alterations, removal, and rebuilding of nonconforming structures. Mr. Dansie reiterated that staff were seeking direction on how to define removal and whether the 50% threshold was appropriate.

Mr. Swanson reiterated his concern that routine upgrades could exceed 50% of a structure's value and argued that the threshold was too vague. Mr. Dansie responded that cosmetic and routine repairs would not require a demolition permit and were considered ordinary maintenance and repair, but acknowledged the need for clearer separation between those concepts.

Mr. Kenaston said the 50% figure felt arbitrary and difficult to apply. Mr. Connolly agreed it was one option among many and said alternatives could be explored.

The Commission agreed that the item should return as separate agenda items. Mr. Connolly stated that staff would revise the definitions of building removal and ordinary maintenance and repair based on the discussion and prepare a separate analysis regarding nonconforming commercial properties, potentially to be discussed at the same meeting.

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

Staff Presentation:

Mr. Dansie explained that staff had been working on this item over the past several work meetings. He said the materials presented to the Commission included revised buffer yard concepts reflecting feedback from the previous meeting, as well as draft ordinance language to implement those buffer yard standards. He asked the Commission to review the revisions to the three buffer yard concepts and provide feedback on whether the changes appropriately addressed their prior direction. He also requested feedback on the format and content of the proposed ordinance language.

Commission Questions and Discussion:

Mr. Zimmerman said he thought the staff had done an excellent job. He said the revised concepts accurately reflected the prior discussion and resulted in a solid solution. He noted a few minor questions. He pointed out that several sections referred to the wall or fence being "on the property line" and suggested clarifying that it should be immediately adjacent to, but not straddling, the property line, since other sections already prohibited straddling. He said that clarification should be applied consistently throughout the ordinance.

Mr. Zimmerman also noted that Option 2 allowed fences constructed of block or concrete with stucco or stone veneer, rusted metal, or wood, while Option 1 did not allow wood. He asked why wood fencing was permitted in one option but not the other.

Mr. Dansie explained that Option 1 was the narrowest buffer yard, making the wall or fence more critical to screening and buffering. He said more substantial materials, such as concrete or rusted metal, were intended to provide more reliable screening over time than wood, which can warp or deteriorate. He added that in Option 2, the wall or fence was shorter and set farther from the property line, serving more of a visual and noise-buffering function, which made wood more appropriate. He said that if the Commission preferred, wood fencing could also be allowed in Option 1.

Mr. Zimmerman said he believed wood fencing could provide better sound attenuation than rusted metal and could be more visually appealing, depending on the material. He said prohibiting wood in Option 1, which included the tallest fence, seemed counterintuitive.

Mr. Dansie said adding wood as an allowed material in Option 1 would be a simple revision if the Commission supported it.

Mr. Kenaston said the requirement for commercial property owners to consult adjacent residential owners caught his attention, particularly in Option 1, since it was the most likely to be used due to its 10-foot width. He asked whether nearby residents could request a lower fence or shorter trees if an 8-foot fence or 25-foot trees would block views, such as of the Moenave Sandstone, and whether that flexibility might benefit both residents and commercial property owners.

Mr. Dansie said Option 1 already allowed the fence height to be reduced from eight feet to six feet at the request of the adjacent residential property owner. He said staff did not recommend reducing the height below six feet. He added that a similar provision could be applied to tree height, allowing shorter trees if requested by the adjacent property owner.

The Commission agreed with that approach.

Mr. Swanson said he recalled extensive discussion about Option 2 and the need for discontinuous fencing to allow maintenance access. He said he was surprised the maximum distance between fence breaks was limited to four feet.

Mr. Dansie said that the distance could be increased. He explained that the intent was to maintain effective screening and that excessive separation between fence segments could diminish that effect. He said the spacing could be adjusted to balance access and screening.

Mr. Swanson asked whether the ordinance required the commercial property owner to maintain the entire berm.

Mr. Dansie explained that maintenance requirements were addressed in the general provisions and applied to all three buffer yard options. He appreciated the Commissioner's feedback.

B. Adjourn

Motion made by Paul Zimmerman to Adjourn at 06:30 p.m. The motion was seconded by Rich Swanson.

Vote on Motion:

Kenaston: Aye

Bhatti: Aye

LaBorde: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

Robin Romero, 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.