



118 Lion Blvd PO Box 187 Springdale UT 84767 * 435-772-3434 fax 435-772-3952

**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING ON =
WEDNESDAY, NOVEMBER 17, 2015, AT SPRINGDALE TOWN HALL,
118 LION BLVD., SPRINGDALE, UTAH.
MEETING CONVENED AT 5:05PM**

MEMBERS PRESENT: Chairman Jack Archer, Commissioners Randy Taylor, Joe Pitti, Liz West, Allan Staker and Jack Burns from Zion National Park

EXCUSED: Commissioner Mike Marriott

ALSO PRESENT: DCD Tom Dansie and Town Clerk Darci Carlson recording. See attached list for citizens signed into the meeting.

Approval of agenda: Motion made by Joe Pitti to approve the agenda with the following change: move item A5 to A1 with all other agenda items to follow; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Discussion/Announcements/Non-action items

General Discussion and announcements: Mr. Dansie announced there would be a public open house to discuss the Transportation Master Plan on Thursday, November 19th at 6pm at the CCC. Topics will include pedestrian and bike improvements, parking and traffic congestion. Anything traffic-related will be open for discussion.

Mr. Dansie said a selection was made for the Associate Planner position. Toni Benevento will be starting shortly.

Action Items – Administrative

Ordinance Revision: Addition of Chapter 15F; Geologic Hazards to Title 10 of the Springdale Town Code: Mr. Dansie said the Commission has been working on this ordinance for some time and conducted a public hearing. The intent is to add development standards to areas of high risk for landslide or rock falls. It would require an additional geologic hazard study to identify site specific hazards, along with suggested mitigation measures.

- The Commission was concerned with the financial hardship associated with these new standards. Therefore the current ordinance draft requires more generalized qualifications for the person conducting the study. The draft also recommends components of the study be included based on discretion rather than requirement. Lastly the report would contain general recommendations for reducing landslide hazard rather than a specific increase in the factor of safety.
- Mr. Dansie confirmed the Commissioners received the public comment.

The USGS maps used to identify landslide and rock fall areas were discussed. Mr. Dansie spoke to the geologist who prepared the maps. He said the geologist conducted on-site field work and referenced previous geotechnical testing. The maps are general and not site-specific but contain ground-truthing and fact-checking.

Mr. Burns asked if the maps showed the potential roll-out of a rock fall.

- Mr. Dansie said they used a 22 degree shadow angle from the rock fall source to calculate the area.
- Properties noted as high or very high risk on the map would be impacted by the ordinance.

Mr. Archer asked what brought on consideration of this ordinance.

- Mr. Dansie said the Geologic Survey produced the maps in 2011 and published in 2013. They came and made a presentation to the community and strongly suggested an ordinance be adopted. The Planning Commission began work on an ordinance but it was never finalized. The Town Council directed the Planning Commission to consider it again, prompted by the receipt of development applications in potentially high geologic hazard areas.

Ms. West asked who or what will benefit from the ordinance.

- Mr. Dansie said the intent is to benefit the property owner and community as a whole. He said the crux of the discussion was to determine the best way to protect property owners. One philosophy was to provide the information and let people determine the best way to educate and decide. Another philosophy was to *require* property owners to protect themselves from geologic hazards. Both have pros and cons as it relates to financial burden on property owners and increased liability for the Town.

Mr. Dansie said by lowering the qualifications for the person conducting the geologic hazard study, the intent was to provide a wider selection of providers at potentially lower costs. The Town wants to receive the best information possible about geologic hazards in order to make decisions. Reducing requirements means the information may not be as precise or accurate.

Although not a public hearing, Chairman Archer allowed public questions and comments.

Community questions and comments:

Stewart Ferber expressed concern the Town would become a responsible party. He felt it best to leave development in the hands of the property owner and their engineers. Calling out geologic hazards may cause a wave affect for an entire area. Any information that was out becomes a potential liability. Mr. Ferber recommended property owners sign an acknowledgement and waiver.

Karla Player questioned if the ordinance would affect current homes. She said the Planning Commission should really look at the ordinance carefully and consider the potential negative impacts.

Stacey Christensen agreed with Mr. Ferber. She said once a study was conducted the information was out there and needed to be disclosed. Ms. Christensen did not feel it should be a requirement of the Town.

Lyman Whitaker did not mind having the study but didn't want to be told he could not develop given the risks.

Curtis Oberhansley owned four lots in Claret Cup since 1985. He provided a geotechnical report as part of the 20 acre subdivision plat which cost \$60,200. His report had both a geotechnical and a geohazard stamp. The ordinance would likely create a ton of uncertainty. Mr. Oberhansley recommended the Town go through the area with professions and better define the maps so they are more viable.

- Mr. Dansie said every lot that develops was subject to geotechnical tests and soils analysis to address the suitability to build. This ordinance would then also require a geologic hazard report which looks more globally for possible hazards on lots identified in high or very high landslide and rock fall areas.

Kathy LaFave believes the maps are too general and have the potential to impact a large number of residents. Using her own property as an example, Ms. LaFave felt geologic hazardous areas were identified with wide brush strokes. This has the potential to adversely affect homeowners. A sweeping requirement was extreme. She said if the Town stamps the reports this creates increased liability. The

third party review would likely be costly for the Town since they burden half the cost. This may create an increase in fees.

Kristi Staker said soils can be measured but how do you quantify and measure geologic hazards. There was no way to predict. Ms. Staker said the whole area was a geologic area and the reason people want to be here.

Max Gregoric said there was little you can do to mitigate a rock fall or landslide. Start zones for rock falls were likely not on your property and therefore difficult to mitigate. At some point people need to take responsibility for themselves. Mr. Gregoric did not think the ordinance was necessary. There are maps available for buyers to review.

Mavor Hedberg had AGECE test the soils on his lot. Despite what the maps showed he felt it impossible for a rock to fall on his lot.

Rick Praetzel said everyone who lives here knows it is a geologically dynamic area. He values the science but felt it incomplete. He recommended people be helped to get the information and then be allowed to make their own decision.

Luke Wilson announced himself as a small developer in Town. He asked what the suggested measures were to mitigate.

- Mr. Dansie said the ordinance talks about mitigating hazards not eliminating them. This could be achieved through design, location or improvements on the site that may reduce the risk of damage.
- Mr. Wilson said people may fear the additional testing but also what has to be done to mitigate. When FEMA remapped in 2010 some lots were deemed unusable. He suggested this new criteria be applied to new developments but not those who currently own.

Commission discussion: Mr. Taylor said it was important to make the distinction between the two types of studies. The soil investigation was used to help design a suitable foundation, which has nothing to do with a hazard survey. The requirements in the current ordinance are for designing foundations not mitigating geologic risks.

Mr. Pitti said he agreed with a lot of what had been expressed. There are identified areas in Town that are moving. He felt these areas should be specifically targeted. Mr. Pitti said he was concerned but also conflicted. The Town should be responsible for informing people, but careful not to be over-reaching in its requirements.

Mr. Archer said once the Town requires certain things, liability goes up. He also did not think the maps were clear.

Ms. West said at first she thought the ordinance was a good idea. Now she had property value concerns. Ms. West suggested property owners sign a waiver and acknowledge the dangers.

Mr. Staker said the ordinance was more about liability than geologic hazards. Geological hazards are easily identifiable in Springdale. Some can be mitigated but nothing could be done for a landslide even if it were predicted. The liability issue is what's driving the ordinance.

Mr. Taylor said if a property owner has a geologic hazards report the information must be disclosed. He was originally in favor of the ordinance when it had more stringent requirements for the quality of the study and the qualifications of the people doing the study. With these types of strict requirements the Town would be relatively safe. As drafted now the standards have been reduced. Mr. Taylor said the geologic hazards ordinance should be done correctly or not at all. The Town needs to find ways to reduce or eliminate liability. If something happens a property owner needs to repair and restore any damage due to failures. In this case, it should be buyers beware and the Town should be out of it.

- Mr. Dansie said the ordinance draft had been routed to the Town attorney however no opinion has come back yet.

Motion made by Randy Taylor to not recommend the Geologic Hazards ordinance to the Town Council but pursue legal avenues to limit the liability of the Town in the event of geological occurrences; seconded by Allan Staker.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

To clarify, Mr. Dansie said in order to adopt an ordinance the Town Council needed a recommendation from the Planning Commission. The Town Council can ask the Commission to revisit the ordinance again.

Action Items

Public Hearing – Conditional Use Permit: Diana Dokos requests a conditional use permit to operate a Class 1 Public Occupation in the Valley Residential (VR) zone from a residence at 140 Juniper Lane: Mr. Dansie said this was a request for a conditional use permit to operate a public home occupation. There are restrictions for commercial use on a residential property. The Class 1 Public Occupation allows patrons to visit the residence for goods or services. Mr. Dansie said the Commission should evaluate the general standards found in code as well as the specific standards for home occupation listed in the application. The Commission should ask about parking and traffic generated from the use.

Diana Dokos was in attendance to answer questions. She said the property has a main house and attached studio. A maximum of 20% of this space would be used for the business. Ms. Dokos said they have had monthly gatherings with about 25 attendees and these generated about six cars. The intention was to maintain a sanctuary environment. Ms. Dokos indicated she had reached out to neighbors and asked for their input before the conditional use permit application was submitted.

Mr. Pitti asked if the business grew how she would deal with this impact.

- Ms. Dokos said she could not anticipate the growth but would explore options and possibly consider a commercial space in the future.
- Ms. West reminded that overnight, transient stays would not be allowed.

Mr. Archer questioned the hours of operation.

- Ms. Dokos said they would follow what was allowed in the Town ordinance. She indicated business was done by appointment and not open to public traffic.

Public questions: None were asked.

Motion made by Joe Pitti to open public hearing; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Public comments: Stacy Christensen said she was the closest neighbor to the subject property. They have been to the gatherings and the impact was very minimal. Ms. Christensen said she loved the work Ms. Dokos conducted. It added integrity to the community. She was fully supportive of the applicant.

Lyman Whitaker was supportive of the request and said it had low impact.

Catrin Zambella said she had extensive conversations with the applicant. Ms. Zambella also expressed support for Ms. Dokos' work and said it was a great contribution to the community.

Motion by Jack Archer to close public hearing; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Commission discussion: Mr. Archer said as long as the vehicle traffic is managed, it appeared all else was compliant.

- Mr. Taylor said Juniper was a narrow road so it was important the neighbors were in favor.
- Mr. Dansie said the home occupation permit was renewable every three years but the conditional use permit runs with the land.

Mr. Pitti expressed issue with the larger gatherings and the fact the conditional use permit stays with the property. Development on Juniper Lane created a lot of congestion. He was concerned with the future of this area. The Community Center was available to rent for large gatherings.

- Mr. Dansie said the conditional use permit was specific to a property not a person. Any future occupant of the property must abide by the standards in the ordinance. He said the Commission could further condition the permit which would run with the land into perpetuity.
- Ms. West said it was a great business for the community. She too expressed concern the conditional use permit stays with the property and suggested the Commission include strict conditions.
- Mr. Staker asked if there was a way to rescind the permit. Mr. Dansie stated a conditional use permit can be suspended but cannot be rescinded or revoked.

Motion made by Liz West to approve the Class 1 public home occupation at 140 Juniper Lane based on findings the ordinances are met for: the Valley Residential (VR) zone, conditional use, and home occupation. Conditions include: 1) signage is not allowed, 2) the business is not open to the public except for invitation or appointment, 3) vehicles must be limited to six; seconded by Jack Archer.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Ms. Dokos thanked the Planning Commission and the community for their thoughtful conversations.

Design/Development Review: Anasazi Plateau Lot 26: Mr. Dansie said this request was for the Hood residence. No pole test was conducted however the home design met the even stricter standards for a view obstructing lot.

The builder Luke Wilson was in attendance to answer questions. He said it was a single level home with a slight slope cut into the grade. The color of the residence was muted tan with a green tone and dark windows. Scones would be down lit. The house timbers were medium brown. There was rooftop access on the garage.

- Mr. Wilson said the house would be solar-powered. The panels will lie at 21 degree angles and are screened by parapets on the roof.

- Mr. Dansie indicted the solar ordinance dictates rooftop panels are flush unless they are completely screened. Mr. Wilson said the panels won't reflect or be seen. The windows will also be non-reflective.
- Mr. Wilson said he was familiar with the fencing requirements during construction to protect the conservation easement.

Motion made by Joe Pitti to approve the residential Design/Development Review for Anasazi Plateau Lot 12 based on the following findings: 1) the development meets the setbacks, size, height, lighting, landscape, color and materials as well as the building design requirements of the Foothill Residential (FR) zone, 2) the development impacts meet the design criteria for the zone; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Design/Development Review: Zion Shadows Lot 7: Mr. Dansie said this application was for a new residence in the Valley Residential sub-zone B. It appeared to be in conformance with all the standards in the ordinance. Due to the height of the building it should be set back an additional 5'. Mr. Dansie spoke to the applicant and this additional set back can be met by shifting the location of the home on the lot. They have agreed to submit a revised site plan.

Jeff Barker was in attendance to answer questions. He said the back deck encroachment was removed and revised plans have 10' between structures.

- Mr. Dansie said the applicant was required to provide at least two parking spaces. There is no maximum as long as landscape and setback requirements were met.

Materials and colors were reviewed and approved.

Motion made by Randy Taylor to approve the residential Design/Development Review for Zion Shadows Lot 7 based on findings size, height, lighting, landscape, colors and materials meet the Town requirements. Conditions include: 1) the house be arranged so the setback requirements are met and approved by the DCD before a building permit is issued, 2) the required 10' separation between the main building and accessory dwelling are met; seconded by Joe Pitti.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Zone change request from Valley Residential (VR) to Village Commercial (VC) on a 0.68 acre property located at 1552 Zion Park Boulevard (parcel number S-78-C-1): Mr. Dansie said the Commission considered this request in a previous meeting, but had concerns regarding the future development and what the applicant specifically intended. The applicant indicated they wanted to build residential units but at a higher density than was allowed in the Valley Residential zone. Mr. Dansie drafted deed restriction language and included it in the staff report. A restrictive covenant and deed restriction would be filed.

Mr. Archer asked if the existing zone designation remained could the density be changed.

- Mr. Ferber said that would set a bad precedence for any other property owners in the Valley Residential zone. The subject property is surrounded by commercial property.
- Mr. Dansie said ordinances could not be violated as currently written. The only way to allow an increase in density was through a zone change.

Mr. Ferber said when Fay Cope was Town Clerk she didn't want to push this zone change issue and give the perception of abuse of power. This was something the family had always contemplated. Mr. Ferber felt it was mis-zoned.

Ms. West said the Commission asked for more detail on the proposed development concept.

- Mr. Ferber said the property will be left to the family when Clara Cope passes. They may not be able to afford to build. The lot was limited by setbacks and parking so there are constraints. Mr. Ferber said the likely development would be a four-plex or individual small cottages. He assured the Commission anything built on the property would not be used for transient lodging.

Mr. Pitti said the property was unique in terms of setting and lends itself to a change. He too was aware that Fay Cope did talk about this zone change. If a restrictive covenant was imposed it would be limited to residential housing.

- Mr. Taylor said he was opposed to rezoning for commercial but this property seems to be in an ideal place for a multi-family development.
- Ms. West felt a zone change could correct a manifest error per 10-3-2 of the Town code. She felt the property is the result of poor planning. They need an easement to get on the property. Objective 3.2.1 of the General Plan discourages rezoning however Ms. West said each application should be reviewed on a case-by-case basis. It was consistent with the future land use map and promoted mixed use in commercial zones. The intended multi-family use would be appropriate.

Mr. Dansie said zone changes must go before a public hearing during a Council meeting. Then the following month the ordinance is brought back for a vote.

Motion made by Liz West to recommend approval of the zone change on parcel S-78-C-1 as presented in the application based on findings code section 10-3-2 amendments and code section 10-1-2 purpose are met, in addition to the General Plan. The zone change corrects a manifest error. Conditions include: 1) include verbiage about restrictive covenants as written in the staff report, 2) the property cannot be combined with any other property; seconded by Joe Pitti.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Consent agenda

Motion made by Jack Archer to approve the consent agenda; seconded by Liz West.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Mr. Dansie said, as in past years, the work meeting for December was eliminated. The regular meeting was moved up a week and was scheduled for December 8th.

Motion to adjourn at 7:38pm made by Joe Pitti; seconded by Jack Archer.

Staker: Aye

Taylor: Aye

Archer: Aye

Pitti: Aye

West: Aye

Motion passed unanimously.

Darci Carlson

Darci Carlson, Town Clerk

APPROVAL:

[Handwritten Signature]

DATE:

12-8-15



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please sign

Meeting of Planning Commission on 11/17/15

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name <u>Diane Johnson</u>	email (not required)
name <u>Diana H. DUKES</u>	email (not required)
name <u>Mark Payer</u>	email (not required)
name <u>ERIC PRATZEL</u>	email (not required)
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