



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON WEDNESDAY
FEBRUARY 17, 2021 AT 5:00 PM**

This Planning Commission meeting did not have an anchor location and was conducted entirely via electronic means. Commission members connected remotely.

The meeting was available to the public for live viewing/listening and contained public hearings.

Meeting convened at 5:00 pm

MEMBERS PRESENT: Chair Barbara Bruno, Commissioners Ric Rioux, Jack Burns, Dawn McComb, Tom Kenaston, Kyla Topham, and Susan McPartland from Zion National Park.

ALSO PRESENT: Mayor Stan Smith, Town Manager Rick Wixom, Town Clerk Darci Carlson, Director of Community Development Tom Dansie, Director of Parks and Recreation Ryan Gubler, and Deputy Clerk Katy Brown recording. See attached sheet for attendees known to have signed into the electronic meeting.

Approval of the Agenda: Motion made by Ric Rioux to approve the agenda. Seconded by Dawn McComb.

McComb: Aye

Topham: Aye

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Motion passed unanimously.

Commission discussion and announcements: A community information meeting was planned for Wednesday February 24th to discuss measures that the Town and residents can take to protect against negative impacts from Geologic hazards. Steve Bowman from the Utah Geologic Survey would be presenting at the gazebo at 3pm.

A. Action Items

1. Public Hearing: Design/Development Review - The Town of Springdale requests a Design/Development Review for the renovation and remodeling of an existing structure at 680 Zion Park Boulevard into a history center: The proposal was to convert an existing building to a history/visitor center. The property was located in the Public Use (PU) zone and development was further regulated by a development agreement between the Best Western ownership group and the Town. The proposed changes to the building included cosmetic changes such as repainting and re-roofing. There would also be a new covered entry way, a new ADA ramp, an additional stairway at the rear of the building to access the restrooms, a parking area, and landscaping. The Commission was tasked with reviewing the proposed revisions to the property to check for compliance with PU zone standards as modified by the development agreement. The existing building was non-conforming due to the side setback that would need to be reviewed by the Town Council in March.

Commission questions to staff: Ms. Bruno asked about the roof line extending onto the adjacent property and how that would be resolved.

- The adjacent property owner was aware of the encroachment and had not offered any objections thus far.

Ms. McComb asked about public restroom configuration in regard to a public comment letter (Attachment #1). She wondered if consideration had been given to placing the restrooms inside the building.

- The Town committee that had reviewed the plans for the building had considered the restroom configuration suggestion, but the Commission was charged with reviewing the official proposal submitted by the Town.

Ms. Topham asked how many parking spots would be available.

- Per the Town's parking requirements, four parking spots were needed. The proposal had three parking spots and one accessible spot for a total of four that would be available.

Questions to staff by members of the public: None were asked

Applicant presentation: Ryan Gubler felt that the History Center would be a great asset to the Town and he was excited to see it progress.

Commission questions to the applicant: Ms. McComb asked if bathroom configuration changes were being considered.

- Configuration suggestions were taken under advisement during the process but the design review team ultimately decided on the configuration that the Commission was currently reviewing.

Public questions to the applicant: None were asked.

Motion made by Dawn McComb to open Public Hearing. Seconded by Tom Kenaston.

McComb: Aye

Topham: Aye

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Motion passed unanimously.

Public Comments: In addition to speaking, the public could type a comment into the Zoom chat box to be acknowledged. No public comments were made.

Motion made by Ric Rioux to close public hearing. Seconded by Dawn McComb.

McComb: Aye

Topham: Aye

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Motion passed unanimously.

Commission deliberation: Ms. McComb asked if the overhanging roof could be an issue for the Town in the future.

- The Town would need to continue to explore solutions directly with the property owner to mitigate the encroachment.

Motion made by Barbara Bruno to approve the Design Development Review based on the findings that the building conforms with the Public Use zone and it conforms with all of the requirements, and where there are exceptions to that, are covered by the development agreement. Seconded by Ric Rioux.

McComb: Aye

Topham: Aye

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Motion passed unanimously.

2. Public Hearing: Final Subdivision Plat: Luke Wilson requests final subdivision plat approval for the Canyon Cottonwoods Cottages subdivision (nine cottage units) at approximately 1775 Zion Park Boulevard:

The project was approved in 2019 by the Cottage Housing Development Overlay (CHDO) zone and the preliminary plat was reviewed at that time. The purpose of the final plat was to legally subdivide so the plots could be sold on an individual basis.

Commission questions to staff: Mr. Kenaston had concerns about the Commission was being asked to provide approval prior to some of the infrastructure being built and hoped the Town would ensure full completion before issuing a Certificate of Occupancy. He also noted that the preliminary plat included a 630 sq/ft. retention pond which appeared to have been replaced with a drainage system leading to the river on the final plat.

- The original drainage plans had been changed to an underground drainage system but a detention basin was still included underground. Drainage would not be routed directly into the river. The reason for the change was that the original drainage system configuration would have required a large amount of tree removal which would destabilize the river bank. The drainage system plan was altered to avoid root disturbance.

Questions to staff by members of the public: None were asked.

Applicant presentation: The concept was an open neighborhood style development. Landscaping would be similar to Gifford Park and would include walkways for access.

Commission questions to the applicant: Ms. McComb asked why two units which included basements seemed to exceed the maximum square footage allowed by the zone.

- The CHDO ordinance allowed finished or unfinished basements to be included without counting toward the total cottage size.

Mr. Kenaston asked about margins of safety for the three structures near the river in the event of flooding.

- Extensive hydrology studies were conducted by Rosenberg during the preliminary plat phase. Recommendations were made at that time after extensive study. The portion of the development closest to the river was graded as a waterway in the event of flooding and the units had five foot deep foundations including an underground rock wall to protect the structures against a flood event.

Public questions to the applicant: None were asked.

Motion made by Dawn McComb to open Public Hearing. Seconded by Ric Rioux.

McComb: Aye

Topham: Aye

Rioux: Aye

Kenaston: Aye

Bruno: Aye

Motion passed unanimously.

Public Comments: In addition to speaking, the public could type a comment into the Zoom chat box to be acknowledged. No public comments were made.

Motion made by Dawn McComb to close public hearing. Seconded by Kyla Topham.

McComb: Aye

Topham: Aye

Rioux: Aye

Kenaston: Ave
Bruno: Ave
Motion passed unanimously.

Commission deliberation: The Commission felt the proposed final plat was in compliance with the CHDO zoning standards. They requested that driveways be completed prior to issuing a Certificate of Occupancy.

Motion made by Dawn McComb that the Planning Commission recommends approval of the final subdivision plat for the Canyon Cottonwoods Cottages at based on the findings that the plot conforms to the previous 2019 plat that there will be no issuing of approval of occupancy until driveways are completed and that the Town will complete the water meter placing. Seconded by Barbara Bruno.
McComb: Ave
Topham: Ave
Rioux: Ave
Kenaston: Ave
Bruno: Ave
Motion passed unanimously.

3. Continued from November 18, 2020 – Design/Development review: Luke Wilson requests a Design/Development Review for a transient lodging building at 358 Zion Park Blvd: The Commission had originally heard the item back in November of 2020 and held a public hearing at that time. The Commission initially had three primary concerns with the proposal: 1) The landscape plan was not sufficiently developed and required additional detail. 2) There were concerns about the visual impact that the structure would have from SR-9 and the Stone Mountain condominiums. 3) There were concerns regarding geologically hazardous property with respect to Town code 10-11B-12(A) which prohibited development on geologically hazardous property that would place people or property at unreasonable risk of harm. In response to those concerns the applicant had submitted an updated and more fully developed landscape plan which demonstrated compliance with landscape requirements. The applicant had also modified the structure from a two-story to a single-story structure, decreasing the height from 22 ft. to 13 ft. The applicant had also provided artist's renderings of how the proposed structure would look from SR-9 and the Stone Mountain Condos. In response to the concerns about geologic hazards, the Town contracted with a geologic hazard expert to review the proposal and offer comments/recommendations. The applicant had retained additional geotechnical experts to respond to the Town's review which resulted in a few back-and-forth discussions with the Town's reviewer which were provided to the Commission in the staff report. With regard to the geologic hazards, the Commission should consider Town Code 10-11B-12(A) to determine whether or not the proposed structure would place people or property at unreasonable risk of natural hazard. Considering the comments from the Town's independent reviewer and the applicant's geotechnical reports available to the Commission, any findings should be based on expert testimony provided and not on personal observations or opinions.

Applicant Luke Wilson said the project was very important to him and had required a lot of legwork from many expert engineers and his architect. The applicant had changed the design to address concerns that the Commission expressed in the first review of the proposal. A few Commissioners had expressed disfavor with the high level of visibility from SR-9 of the proposed structure. Mr. Wilson conducted a review of other properties in Town with much higher visibility than his proposal. He had since decreased the height of the structure so that it wouldn't detract nearly as much as other properties, he was aware of in Town. He asked staff to show a picture of a home on Kinesava Drive that he felt was similar to how his structure would look from the road way. The structure was set into the hillside and broke the skyline yet the dark colors and surrounding vegetation helped it blend into the natural surroundings. He noted that the structure was about five times the footprint of his proposed structure, had many more windows, and was much closer to the roadway.

Mr. Wilson felt that a lot hinged on the geologic aspects of the proposal and wanted to speak more in-depth about it. He had spoken directly to Rick Chesnut with Terracon who was hired by the Town to conduct a third-party review of the site. He invited Mr. Chesnut to make a site visit with Mr. Wilson's engineers. Mr. Chesnut was ultimately unable to make the trip but told Mr. Wilson that the overarching theme of his analysis was acknowledgement of inherent risk and potential mitigation recommendations. He felt that Landmark had succeeded in thoroughly answering his questions, which was not his experience with the first company, GTS,

who conducted the initial analysis of the site. Mr. Wilson was confident that slope stabilization could occur by removing weight from the top of the hill and putting piers in the ground, along with deep-rooting the foundation to make the bearing point low in the ground. His engineer from Landmark, John Anderson, was also present to answer any questions. Mr. Chesnut had also reviewed the parking lot proposal a few years back when Mr. Wilson wanted to build a parking structure. Mr. Chesnut said that developing at the toe of a landslide (where the parking lots was located) was many multiples more dangerous than developing on top of the slide.

Mr. Wilson was currently building a home on blue clay in Claret Cup which had the same inherent risk warnings documented in the geotechnical reports. These clauses were not uncommon and appeared in any development with blue clay soil.

- Ms. Bruno recalled an early recommendation from a geotechnical report to involve a geologist who could perform a site analysis and as asked if the applicant had done so.
- Mr. Wilson replied that the initial recommendation was in regard to slope stability. Subsequent reviews of the site had shown that a geologic analysis would prove ineffective.
- Mr. Anderson clarified that Mr. Chesnut's initial recommendation was to hire a geologist to determine the margins of the slide area. Mr. Wilson's geotechnical reviews had been extensive enough to determine where the toe of the slide was and they felt it wasn't necessary to hire a geologist.

Mr. Rioux asked if members of the public would be able to comments.

- Ms. Bruno wanted to hear from the Commission first and was happy to accept comments from the public after that.

Mr. Kenaston said that Rick Chesnut's analysis clearly asserted that the subject property was at or near the toe of the landslide and that "per UGS [Utah Geological Survey], existing landslides were considered the most likely points that may reinitiate." Mr. Chesnut had also noted in his report that the soils analysis was not analyzed under a wetted condition which could show some liquidity and flexibility of the clay slope. Mr. Kenaston felt that Mr. Chesnut's report repeatedly indicated that the site may not be suitable for building due to being at or very near the toe of a landslide. Especially given the intent for a commercial application, transient lodging clientele would be exposed to risk. The recommendation seemed to be more geotechnical analysis with a geologist.

Mr. Rioux also cited Mr. Chesnut's assessment that the geotechnical investigation was not considered sufficient to evaluate the risks associated with the landslide on the planned development. Even the final conclusion from the applicant's geotechnical review performed by Landmark said that it should be understood that movement from the Balanced Rock slide was possible and could not be predicted, clearly stating that the applicant should be aware of the risks. In terms of safety and welfare of people based on town ordinance, Mr. Rioux said the conclusion was that there is the possibility of high risk associated with developing a structure at the proposed location and without more study and other things done, the proposal could present a hazard. He based this on the site reviews. He had no doubt in the builder's abilities, rather he was basing his opinion on the location and the risks associated.

Ms. Topham asked if the applicant planned to inform his lodging clientele that there were risks associated with the location. She felt it was unfair to not disclose the potential hazards to a person who likely wouldn't know the history of the location or the risks present. She also asked the applicant to clarify the claim that the structure's foundation would actually stabilize the hill and make it less likely to slide.

- Mr. Anderson said that the stuff at the top of the slide wanted to be pushed down to the bottom. Anything that can be done to take weight from the top of the slide would make things less likely to slide. The foundation that was recommended would pin the house to the hill and have a net increase in the stability of the hill. The building being located there would offer more stability than not having a house there.

Mr. Burns arrived at 6:00 pm.

Ms. McComb felt that after reading the all reports from each study, there seemed to be a resolution to some of the initial questions. The reports communicated that although the location presented some risks, many of the risks had planned mitigation strategies. Most properties in Springdale had hazards associated with them.

- Mr. Wilson noted that if the Commission was only consulting the report from Rick Chesnut and not taking into account the final report from Landmark, some of the concerns raised would sound unresolved. The experts had undergone a fair amount of back and forth that was documented and

included in the packet. The final correspondence, however, showed that many of the concerns had been resolved. He added that, in regard to the question of whether or not the structure and piers would actually stabilize the hill, Mr. Wilson said it was called a net positive wherein the soil nailing and vertical piers would stabilize the hill more than it currently was. He admitted that it was near the landslide but it was not on the landslide. He felt that most people knew that it was an active canyon. He noted that Mr. Kenaston's house was built on piers atop blue clay on a steep slope next to a water way. He guessed that Mr. Kenaston probably received a report similar to what the Commission was reviewing that stated there were inherent risks with the property and to follow engineering guidelines closely. Any development that involved slope stabilization always included an acknowledgement of risk. As the contractor, owner, and financier of the project, Mr. Wilson fully acknowledged and accepted the risk involved. He ventured that having the unit on top of the small mound on his property was far safer than many of the recent transient lodging facilities that had been approved: Subway transient lodging, Thai Sapa transient lodging, transient lodging at his building above Feel Love Coffee, and the new units at Cable Mountain Lodge.

Ms. Bruno liked the building design and she knew that Mr. Wilson was a great builder but wished he would build the structure in the parking lot. She read the language "may involve above normal risk" and stated that normal risk would be something she would feel better about. She wouldn't want to see a residence in that location and especially not a nightly rental.

- Mr. Wilson asked his Mr. Anderson if the structure would be safer in the parking lot or on top of the slope.
- Mr. Anderson stated that the parking lot posed additional risks that were not present on the hill above. The boulders on the side of the hill could roll down the hill and hit whatever was on the bottom, which was not a risk with the structure on the top of the hill. Every risk that was present at the top of the hill was also present in the parking lot. If the hill got wet up on the top and slid down, it would end up at the bottom. There was blue clay under the parking lot just like on the top. Building in the parking lot down below had more risk than on top.
- Mr. Burns said that if that was the case, the applicant probably shouldn't build in either location.

Mr. Wilson said that in 1992, if a structure had been built at the toe of where the landslide happened, it probably would have been buried. If it had been on top of the landslide, the people inside would have walked away.

Mr. Burns had never heard a claim before that carving into the toe of a landslide would stabilize the site even more by putting a structure on it. The whole hill was adjacent to an active landslide area.

- Mr. Anderson felt that was the crux of the whole discussion: Is the site part of the landslide or is it not? Nothing he had seen said that this was part of the landslide. If they moved the site 50 ft. to the North, then yes, they would be in the landslide area.
- Mr. Burns thought the Geotechnical report identified areas adjacent to landslides as geologically hazardous areas.
- Mr. Anderson felt he had addressed that point with Terracon directly.

Mr. Kenaston asked for Mr. Anderson's response to the Terracon report where it stated that "It appears that the scope of the geotechnical investigation was likely not intended to address the larger risk of landslide movement."

- When Mr. Anderson responded to Mr. Chesnut about that statement, he said that the Balanced Rock slide was something that no one could perform a rigorous analysis on because it was too vast. It had not moved since the slide in 1992.
- Mr. Burns asked if they were able to substantiate that claim.
- Mr. Dansie said the Town had been monitoring several targets on the landslide slope for the last five years. Over the course of time movement had been observed measuring in fractions of an inch.

Ms. Bruno asked if any members of the public were interested in making comment.

Mr. Plaisier who lived part-time in Moenave and owned a condo in the Stone Mountain subdivision had some concerns. He had an engineering background and felt that the proposed structure was not a suitable site to construct a transient lodging facility. He didn't think it was impossible for the applicant to engineer and construct the building so it would be safe, but at what cost? While he appreciated the builder's willingness to consider neighbor's viewshed, he didn't understand the great costs to construct a single unit.

Mr. Burns' opinion had not changed since the first geotechnical report was performed and that the third-party review pointed out the deficiencies from the original report. The level of detail in the second report was appreciated. The question was not about the builder's skill, it was whether or not the proposal met the ordinance. The ordinance was basically saying you shall not build on unstable soils. The Commission was ultimately having to entertain the idea of putting a structure that would become an overnight accommodation on a 100% blue clay hill that posed an above-normal risk. He had not seen any compelling evidence that it was a good idea. The second technical report did not indicate that it was a good idea, in fact the opposite.

Mr. Wilson posed an honest question to Mr. Burns. They had really tried to shrink the structure and minimize the impact of. He asked if it was the location of the structure and its visibility that was bothering Mr. Burns.

- Mr. Burns appreciated the attempts to minimize the visual impact. They had come up with a more suitable design for the hilltop. Aside from the appearance, it really came down to whether or not the proposal was meeting the ordinance. There was nothing in his background that indicated that it was a good idea to build at the toe of an active landslide area, whether moving centimeter or inches. Coupled with 100% blue clay, nothing indicated that it was a good idea.
- Mr. Wilson had many examples of developments with similar conditions that had been approved in Springdale and he was concerned that the Commission simply did not like the design. He alone would bear any burdens financially and legally.

Ms. Bruno asked if the Commission would be making a recommendation to the Council or if they would offer approval/denial of the application.

- As the approval authority for Design Development Reviews, the Commission would need to make a motion to approve, deny, or table the application. Any motions should be backed by findings and heavily based on the expertise provided in the geotechnical studies and not personal observations.

Motion made by Jack Burns to deny the Design Development Review on the basis that the development does not meet the ordinance as related to building structures on unstable soils per Town Code 10-11B-12A. Seconded by Tom Kenaston.

McComb: No.

Rioux: Aye

Kenaston: Aye

Burns: Aye

Bruno: Aye

Motion passed 4:1.

B. Consent Agenda

Motion made by Barbara Bruno to approve the minutes from the Planning Commission meetings of January 20th and February 3rd as presented. Seconded by Jack Burns.

McComb: Aye

Rioux: Aye

Kenaston: Aye

Burns: Aye

Bruno: Aye

Motion passed unanimously.

C. Adjourn

Motion to adjourn made by Dawn McComb. Seconded by Tom Kenaston.

McComb: Aye

Rioux: Aye

Kenaston: Aye

Burns: Aye

Bruno: Aye

Motion passed unanimously.

Katy Brown, Deputy Clerk

APPROVAL: _____ **DATE:** _____

A recording of the public meeting is available by contacting the Town Clerk's Office. Please call 435-772-3434 or via email at springdale@springdale.utah.gov for more information

DRAFT



PO Box 187 118 Lion Blvd Springdale UT 84767

REMOTE MEETING ATTENDANCE RECORD

Meeting: Planning Commission Work Meeting 2/17/2021

James Daly

Lily Biardi

John Anderson

Chuck Passek

Stan Plaisier

Burke Cartwright

PENDING APPROVAL

To: Members of the Planning Commission

From: Kathleen Kavarra Corr (Historic Preservation Commission Member)

Re: Design of History Center

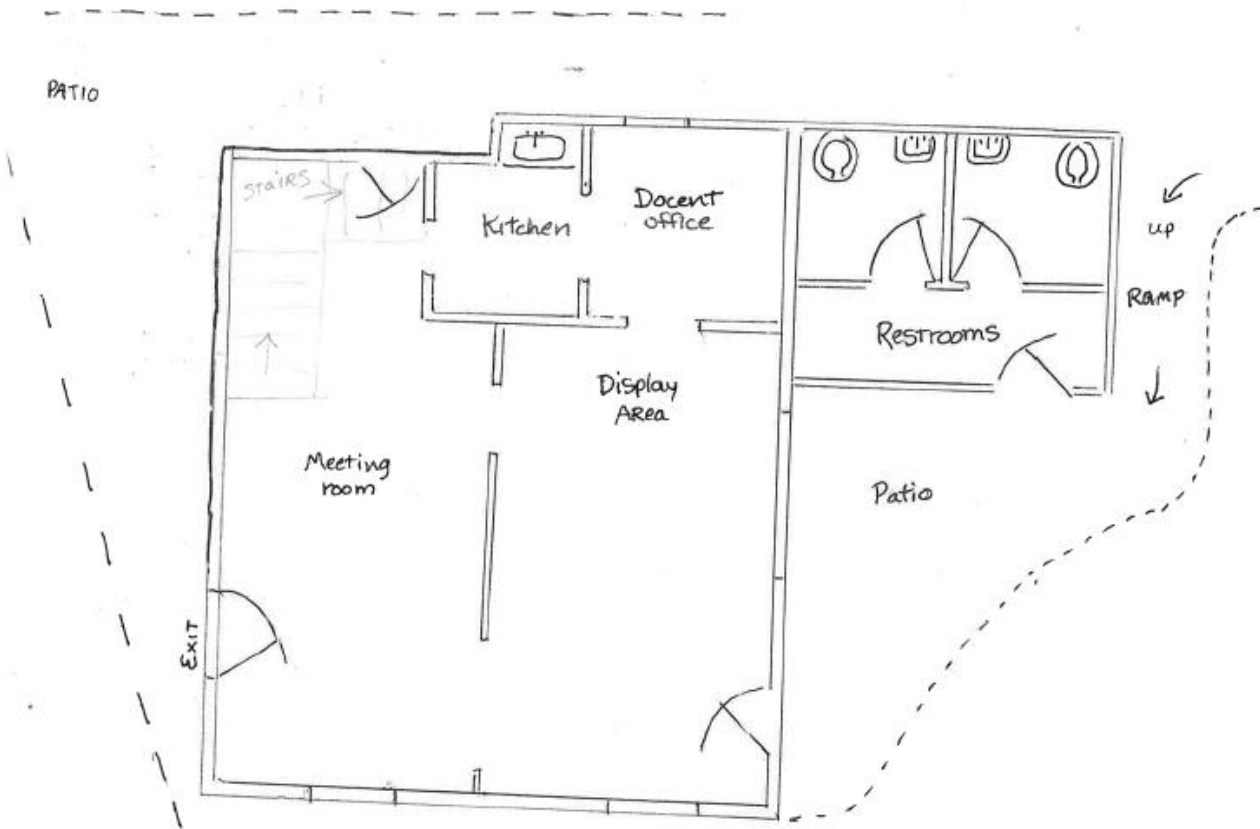
Feb 17, 2021

Please consider the History Center design accompanying this letter that was thoughtfully composed by Lila Moss as well as the comments below about a History Center design in general and Springdale's new History Center

1 The main difference between the two designs is the placement of the restrooms. In Ms. Moss's rendering the bathrooms are outside of the building. The exterior placement allows for the following:

- A. Access to the restrooms after the History Center is closed. There is a huge need for public restrooms near the center of town. These outdoor restrooms could help supply this need.
- B. If bathrooms are placed outside issues concerning public health, smells, noise, cleaning will not interrupt the integrity and use of the inner spaces
- C. What are the uses of the inner spaces: public programs such as: speakers, research, displays, collection development and sorting, a public respite in an educational space, interview collection, children's programs and much more! Think if the meeting room in the Canyon Community Center had its bathrooms in the same space as the main use room....this would be disruptive on many levels. The history Center use space is much smaller allowing for the impact of bathrooms to be much larger.
- D. Placing the restrooms outside would not deter tourists from entering the History Center to make use of its resources but it would deter the History Center from becoming a quick bathroom stop with all the activity accompany the unfortunate aspects of highly used public restrooms. Sols Foods has a public restroom and it is outside of the space dedicated for the purpose of the store. It is important to have bathrooms near but to also protect the integrity of purpose and environmental atmosphere of the History center.
- E. The History Center is not merely a display area the aim is for it to be a space interacting with the history of Springdale and Rockville creating programs for residents and tourists to engage in. The traffic of bathroom use would detract from this purpose by influencing the pleasant interior environment space with smells, noise, unsanitary events, etc.
- F. I encourage each of you to seriously consider this thoughtful design improvement for Springdale's History Center.

DRAFT



PENDING