



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY, JULY 20, 2022, AT 5:00 PM
AT THE CANYON COMMUNITY CENTER,
126 LION BLVD, SPRINGDALE, UT 84767**

The meeting convened at 05:05 p.m.

MEMBERS PRESENT: Chair Ric Rioux, Commissioners Kyla Topham, Tom Kenaston, Pam Inghram, Noel Benson, Pat Campbell, Adam Hyatt.

ALSO PRESENT: Director of Community Development Thomas Dansie (participated remotely), Zoning Administrator Shelly Heaton, and Town Clerk Darci Carlson recording. See attached sheet for attendees.

EXCUSED: Susan McPartland from Zion National Park

Approval of the Agenda:

Motion made by Pam Inghram to approve the agenda. The motion was seconded by Kyla Topham.

Vote on the Motion:

Topham: Aye:

Benson: Aye:

Rioux: Aye:

Kenaston: Aye:

Inghram: Aye:

The motion passed unanimously.

General Announcements: There were no announcements.

A. Action Items

- 1. Public Hearing – Design/Development Review: Luke Wilson Requests a DDR for a Small Commercial Building at 358 Zion Park Boulevard in the VC (Village Commercial) Zone. The Proposed Building is Located at the Southwest Corner of the Property on a Small Hill Above the Paid Parking Area.**

Community Development Director, Thomas Dansie reported that the application involved a Design/Development Review of a small commercial building located at 358 Zion Park Boulevard. The proposed building would be placed on a small hilltop at the back of the parking area that was previously developed on the property. The Planning Commission received a similar request for a similar building last year. That request was denied due to concerns regarding slope stability and geologic hazards. Since then, the Town had adopted a new Geologic Hazard Ordinance that required a more intense investigation of the hazards on a proposed development site in areas of high geologic hazard. The applicant provided the required Geologic Hazard Investigation and a Geologic Hazard Consultant reviewed the investigation multiple times. The various reviews and communication between the consultant and applicant were included in the packet. Mr. Dansie noted that those communications should be considered during the deliberation.

In addition to the geologic hazards, the Staff Report identified additional areas of concern such as 30% slopes. Mr. Dansie reported that the proposed development was surrounded by steep slopes in excess of 30%. It appeared that the proposed development was placed to abut the 30% slopes. As a result, the Staff Report recommended a condition of approval that would require extensive monitoring and verification that the 30%

slopes were protected during development. The Staff Report also specified that there were a few minor development details that needed to be verified. Those details were related to lighting and landscape. Mr. Dansie noted that the applicant indicated that the proposed use of the building was for transient lodging. Transient lodging required the Transient Lodging Overlay Zone to be applied to the property.

Commission Questions to the Staff: Mr. Benson was confused about the application since the stated intent went against the acceptable uses. Mr. Dansie reported that the Planning Commission reviewed the design of structures for compliance and conformance with the Development Standards. The Planning Commission also approved the use of structures. There were two separate processes. One was the Design/Development Review, which reviewed the structure, and the other was the use. He clarified that what was presented to the Commission was a request to approve the design of the structure. The Commission could decide whether the proposed development complied with the standards and recognized that the proposed use would require separate approval. Mr. Dansie stated that the Commission could make the approval contingent on the property being placed in the Transient Lodging Overlay Zone. Alternatively, the structure could be developed and have another use. For example, long-term residential use would comply with the Ordinance.

Mr. Benson asked for clarification on the square footage. The Staff Report specified that the proposed building was just under 500 square feet and the maximum allowed was 5,000 square feet. However, there were other buildings on that property. Mr. Dansie explained the maximum building size applied to each building on the property in all zones. There was not a standard regulating the cumulative square footage of buildings on the property. Each building was measured independently.

Questions from the Public to the Staff: There were no questions from the public for Staff.

Presentation from the Applicant: The applicant, Luke Wilson, reported that he met with Mr. Dansie the previous day and had spoken to Staff about the Transient Lodging Overlay Zone. He understood that the property was subject to those requirements. He stated that the project had gone through a rigorous geologic review. It met the slope stability and there was no need to mitigate. However, some mitigations had been factored in, if needed. Mr. Wilson noted that recently there had been discussions with the Town Consultant from Terracon. The Consultant mentioned that placing a structure next to, adjacent to, or in proximity to a landslide may be a significant hazard. He later clarified that the reference was to a general residential setting. The conversation was included in the packet for context and Commission review.

Mr. Wilson reported that his Consultant determined that the property was outside of the landslide and the risk mitigations were considered. The proposed building would be small, at 500 square feet, but would have a basement. The basement would be helpful in two ways. First, there would be additional space and it would deepen the foundation of the project. Below the basement, there would be piers that extended approximately 35 feet. As a result, the bearing point of the building would be below the surface of the parking lot. He understood that there are new Ordinances, but at the time the application was submitted, those Ordinances were not in place. The Town had asked previously that the structure not be two stories. At that time, a 26-foot building was considered, which was reduced to a 12.5-foot single story. The roofline was altered to match the new building in front to achieve consistency in the area. Mr. Wilson recognized that there needed to be sensitivity to the Stone Mountain Condominiums, so windows and doors facing that direction would be removed.

Commission Questions to the Applicant: Mr. Campbell wanted clarification regarding micropiles and expressed concerns about the associated risks. The micropiles would be deeper than the parking lot. Mr. Wilson explained that it would depend on where they were embedded to a certain density of clay. From that point, they needed to go down approximately 25 feet. The basement was 10 feet with a grade beam of four feet, plus air space of 1.5 feet, and the embedment of the micropile. When the different soil layers were pinned, the micropiles "soil nailed." This added further stability. Mr. Campbell asked about language regarding groundwater at 50 feet and perched water above that. Mr. Wilson explained that the information was modeled in several different ways because the Consultant at Terracon was critical of the way it was modeled. For example, if it was modeled in a certain way, it could pass, and if it was modeled in another way, it could fail. As a result, the water and saturation were modeled at different levels and densities. The design mitigation for water was to membrane beneath the building, even though it was not necessarily needed.

Ms. Inghram asked for additional clarification on where the micropiles started, elevation-wise. Mr. Wilson explained that the micropiles had contact in the dirt approximately 14 feet down. From 14 feet down, the micropiles went down anywhere from 30 to 50 feet. Ms. Inghram noted that in the report the Planning Commission stated that the micropiles should be installed at a minimum of 50 feet. Mr. Wilson clarified that his experience with micropiles was that the embedment was usually 20 to 50 feet. An on-site engineer would verify the pile's cleanliness, depth, and embedment. It would not always be 50 feet on a project but could be for this one. Certain specifications needed to be met. Ms. Topham wondered about the leveling of the hill. It was her understanding that the hill was leveled without a permit. Mr. Wilson confirmed that was the case.

Ms. Inghram stated that the Commission was provided with before and after photos of the lot. There was substantial deterioration in the slope and vegetation due to the movement of the earth from leveling, the road, and the installation of the retaining wall. She wondered if he had a comment to share about the degradation. Mr. Wilson identified the retaining wall and stated that the town property above known as Balanced Rock Road, projected a lot of mud onto the parking lot during downpours. To address that, a drain system was installed. The road was improved to that point for that purpose. The road to the top was improved to clean up the old water tank. Drilling was done on the top and an inclinometer was installed. Mr. Wilson reported that the town has access to the inclinometer, which measured movement and slides. Mr. Wilson cleaned up the top area as well and staged some materials there. The town fined him for that work. That was approximately three years ago. The Commission further discussed the images shared.

Mr. Wilson explained that when he did some landscaped bouldering, he regraded the road so that the water would run off and go into his drain system. If water was projected onto the Stone Mountain Condominiums, he would be liable. There was a discussion regarding the retaining wall. Mr. Wilson explained that it was installed in 2018 before the water tank was moved. He informed the Commission that the tank was moved because all of the mud from the old subdivision would flood in. Now that was not happening. It was noted that the photographs shown were from 2020 and 2022. The water tank was removed in 2020. Some of the Commissioners believed there was evidence of erosion based on the photographs and wondered if that had been addressed in any of the reports or materials. Mr. Wilson stated that it was likely because the water used to run down the left side and into the Stone Mountain area. It now came down and across. There would likely be some landscaping done to dissipate the flow of the water. Those issues were addressed in the Geotechnical Report under grading maintenance.

Ms. Topham disclosed that Mr. Wilson's company is currently remodeling her home. She noted that this was a 500-square-foot building and wondered why he wanted to build there given the amount of work that was required. Mr. Wilson stated that it would cost \$500,000 to develop the small building. He believed that the development would still make economic sense. It would not be as profitable as a larger building because a larger building would be more cost-effective per square foot but it was still worthwhile to do since he already owns the land. There were no questions from the public for the applicant.

Questions by the Public to the Applicant: There were no questions from the public for the Applicant.

Motion made by Pam Inghram to Open the Public Hearing. The motion was seconded by Tom Kenaston.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

The motion passed unanimously.

Public Comment: There were no public comments.

Motion made by Pam Inghram to Close the Public Hearing. The Motion was seconded by Tom Kenaston.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Ave

Kenaston: Ave

Inghram: Ave

The motion passed unanimously.

Commission Deliberation: The Commission deliberated on the item. Chair Rioux referenced the images shown and the erosion that had impacted the area over the last two years. He felt that the changes were fairly significant. Mr. Kenaston agreed with Chair Rioux and noted that there was much less foliage shown. The bushes were removed within two years. He was not sure whether that was from moving the water through the conduit down to the parking lot level or by drought in the area. There was a dramatic change in the appearance of the hill that needed to be taken into consideration.

Mr. Campbell questioned liability. Ms. Inghram pointed out that if the property was rented, it might add to concerns about liability. Since it would not be owner-occupied, she wondered if every renter would need to sign a Hold Harmless Agreement. Based on the Engineering Report, the surface structures were not secured. If the micropiles were at 50 feet, this would theoretically secure the building but nothing would secure the top surface.

Mr. Kenaston noted that the Consultants conducted a thorough analysis of the risks associated with the geology. However, something that could not be controlled is the risk of landslides. The structure was proposed to be built near the toe of the landslide. It was not on the landslide but was near it, so there was some landslide risk associated with building in that particular location. Chair Rioux pointed out that the Planning Commission was directed to look at the reports included in the packet. The Terracon Report stated that “the site comes with risk that cannot be fully mitigated within the scope of the development.” That information came from people who were knowledgeable in the field. Mr. Campbell stated that there was communication referencing similar sites with risks that had already been constructed. He was interested to know what those sites were and their risk levels. Chair Rioux explained that there was not a Geologic Hazard Ordinance in place previously. Since there had been concerns about geologic issues, the Ordinance was created. The intention was to tighten up the standards. The Planning Commission was now tasked with reviewing the application against the criteria outlined in the Geologic Hazard Ordinance.

Mr. Kenaston mentioned the 1992 earthquake that occurred near St. George. The shockwaves impacted Springdale and moved the whole landslide area. Four or five homes were demolished and the landslide rolled out into State Road 9. It was a major seismic, earth-moving event, from a relatively minor earthquake 20 or 30 miles away. That history needed to be considered. Mr. Benson felt that the pictures showed how development can devastate a property. There was no way to mitigate all of the risks on the subject property. Approving this application meant the Commission felt that the property was safe. However, the data found that there was no way to mitigate all of the risks.

Ms. Topham pointed out that the materials clearly stated that it could be built but as a Commissioner, she kept coming back to the word “unreasonable” in the Geologic Hazards Ordinance. She felt that the development was unreasonable and the risks made her uncomfortable. Mr. Campbell referenced a chart on Page 79 – Table 2 (Seismic Hazards Summary for Proposed Development Area). It addressed the seismic stability and the gravitation of acceleration of 0.485. That was fairly significant and classified as moderate to high. The Commission also looked at the graph on page 58 of the packet. It was noted that there were sections that were charted and identified as active slide areas. The subject property was nearby. As a result, the health, safety, and welfare of the general public were of concern.

Motion made by Tom Kenaston that the Planning Commission Deny the Proposed Design Development Review for the Hilltop Building at 358 Zion Park Boulevard, as shown in the Plans. The Motion was Based on the following findings:

1. **The Town has recently adopted a Geologic Hazard Ordinance to better manage development risk and provide Springdale a way to enforce a complete discovery of those risks so an informed decision can be made to protect the safety of its residents and visitors. This Ordinance bolsters and clarifies the Town's standard prohibiting development that places people or property at unreasonable risk of natural hazards. The**

Geologic Hazard Ordinance (Chapter 10-15F of the Town Code) requires development in areas of known geologic risk to submit a thorough analysis and investigation of the specific hazards on the site. The required Geologic Hazard Analysis must also recommend strategies that will mitigate risk.

2. The purpose of our Geologic Hazard Ordinance is to determine whether or not a proposed development:
 - A. Places people or property at unreasonable risk of a natural hazard (see Section 10-15F-9(E)(3)(B) and also Ordinance 10-11B-12(A) from the Village Commercial Zone.
 - B. Includes mitigation measures that will reduce the risk to life and property to a reasonable and acceptable level (see Section 10-15F-9(E)(3)(C).
3. The applicant's Hazard Investigation Report, prepared by Landmark Engineering and Western Geologic Consultants, finds that there is a high risk of seismic, rockfall, and landslide hazards on the proposed development site. Their analysis indicates that the slope is stable and they propose mitigation processes for the expansive clays. They believe the site is not located on the Balanced Rock landslide and Western Geologic does not believe the site moved during the 1992 Balanced Rockslide. Their analysis also shows that rockfall is not present as a hazard and liquefaction and flood hazard are not present. Landmark also notes the site does not pose more risk when compared to other recently developed sites in Springdale.
4. Terracon, the Town's geologic hazard consultant, agrees that the applicant's consultants have properly exposed geologic risks on-site and have provided well-thought-out mitigation alternatives that can be achieved within the scope of the project. Terracon also agrees with Landmark and Western Geologic that some existing developments in Springdale are situated at similar risk and some at higher risk. However, Terracon points out that it is not appropriate to automatically place new developments at similar risk.
5. Terracon states that there are hazards on the site that can never be fully mitigated (e.g., mass slope movement associated with a landslide event). It remains their opinion that placing an occupied residential building on an old landslide mass and adjacent to or near the toe of a very high hazard classified landslide involves above-average risk. Terracon also finds that "the risk associated with proximity to a known landslide and its potential impacts, should it reactivate, as has occurred in the past, cannot reasonably be completely removed at this site. Full mitigation and risk elimination are likely to be cost prohibitive. Due to these factors, it is our opinion that the site has above normal risk for an occupied structure."
6. The Commission finds the mitigation measures as proposed by the applicant's consultants are unable to reduce the risk to life and property to a reasonable and acceptable level. Because the building would be placed at a location at or near the toe of the Springdale Landslide close to where structures were destroyed in 1992 by a moderate seismic event. The Town's consultant advises that the 1992 earthquake is not an isolated event and a recurrence could likely damage property and cause injury to the Town's residents and visitors. Therefore, the proposed development will place people and property at 'unreasonable risk' of natural hazards. The application is therefore denied. The Motion was Seconded by Noel Benson.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye
Kenaston: Aye
Inghram: Aye
The motion passed unanimously.

2. Public Hearing – Design/Development Review: The Town of Springdale Requests a DDR for a Remodel of the Front of the Town Hall Building, Which will Add a New Front Entrance and Lobby Area, Located at 118 Lion Boulevard in the PU (Public Use) Zone.

Mr. Dansie reported that the above item involved a request for a Design/Development Review for a small remodel of the front of the Town Hall Building. The remodel would include the addition of a lobby area in the section that was currently covered by a wood pergola. An interior remodel was proposed as well. Mr. Dansie explained that the Planning Commission should analyze the exterior addition, which was the added lobby area and a slight change to the roofline. All applicable standards for the Public Use Zone were satisfied with the application.

Commission Questions to the Staff: Ms. Inghram asked if there had been a discussion regarding building a new Town Hall. Mr. Dansie confirmed that there had. Ms. Inghram noted that voting in favor of the application would indicate that the Commission was in favor of expanding the current Town Hall even though a new Town Hall Building may be being considered. Mr. Dansie clarified that the task of the Commission was to review the proposal for compliance. The Town Council made the budgetary decision to proceed with the project while pursuing a completely new Town Hall sometime in the future. It could be in the next five years or much further out. If the Commission was concerned about that decision, he urged them to speak to the Town Council representatives.

Ms. Topham asked about parking spaces. She noted that the Staff Report specified that only nine parking stalls were needed. There were more than that but she wondered if nine spaces were enough to accommodate Staff. Mr. Dansie explained that nine stalls would not cover all Staff but is what was required by Code.

Questions from the Public to the Staff: There were no public questions for Staff.

Motion made by Kyla Topham to Open the Public Hearing. The Motion was Seconded by Pam Inghram.

Vote on the Motion:
Topham: Aye
Benson: Aye
Rioux: Aye
Kenaston: Aye
Inghram: Aye
The motion passed unanimously.

Public Comment: There were no public comments.

Motion made by Kyla Topham to Close the Public Hearing. The Motion was seconded by Noel Benson.

Vote on the Motion:
Topham: Aye
Benson: Aye
Rioux: Aye
Kenaston: Aye
Inghram: Aye
The motion passed unanimously.

Commission Deliberation: Mr. Kenaston believed it was clear that additional space was needed. He was in favor of the application. Chair Rioux had heard rumors that a new Town Hall was being contemplated but was a future desire. In the meantime, it would be beneficial to focus on the remodeling of the existing building.

Motion made by Kyla Topham that the Planning Commission Approve the Design Development Review for the Town Hall addition, as discussed in the Planning Commission Meeting of July 20, 2022. The Motion was based on the following findings:

1. **The application appears to meet the Land Use Ordinance for the PU (Public Use) Zone in scale, design, lighting, and landscape.**
2. **This application is approved with the following condition:**
 - A. **The concrete used for the adjusted walkway and steps must match the existing concrete in color, in accordance with the Town's Color Palette Ordinance.**

The Motion was seconded by Noel Benson.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

The motion passed unanimously.

3. **Nomination and Recommendation for Planning Commission Chair and Vice Chair for the remainder of 2022.**

Town Clerk, Darci Carlson indicated that background information was included in the Staff Report. Ms. Topham was currently serving as Vice-Chair of the Planning Commission. However, with Chair Rioux leaving the Planning Commission, the Commission needed to determine who would fill the Chair and Vice-Chair positions for the remainder of 2022. That decision would go before the Town Council for ratification. Chair Rioux recommended that Ms. Topham take over the Chair position for the remainder of the year. Ms. Topham was happy to fill that position and appreciated the support of the Commissioners.

Motion made by Ric Rioux to recommend Kyla Topham serve as Planning Commission Chair for the remainder of 2022. The Motion was seconded by Pam Inghram.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

The motion passed unanimously.

Chair Rioux noted that previously, Mr. Kenaston was unable to serve as Vice-Chair. However, things had changed and he was now interested in serving in that capacity. Ms. Topham supported the recommendation. She described Mr. Kenaston as even-keeled and able to bring a sense of calm to the Commission. Mr. Kenaston was willing to serve in that capacity for the remainder of the year.

Motion made by Ric Rioux to recommend Tom Kenaston serve as Planning Commission Vice-Chair for the remainder of 2022. The Motion was seconded by Noel Benson.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye
The motion passed unanimously.

Chair Rioux was grateful for the Commission. He was honored to have been a part of the Planning Commission. A lot of excellent work had been done, including work on the General Plan and Ordinances. While he was sad to leave the Commission, he felt good about the group that was in place. Everyone put in a great deal of effort and regularly attended meetings. The Commissioners thanked Chair Rioux for his leadership and stated that he would be missed.

B. Consent Agenda

1. **Approval of Minutes from June 15th and July 6th, 2022.**

Motion made by Kyla Topham to Approve the Minutes from June 15th, 2022, and July 6th, 2022 Planning Commission Meetings. The Motion was seconded by Tom Kenaston.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

The motion passed unanimously.

C. Adjourn.

Motion made by Kyla Topham to Adjourn at 6:12 p.m. The Motion was seconded by Noel Benson.

Vote on the Motion:

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

The motion passed unanimously.

Darci Carlson, Town 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.



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please print your name below

Meeting Planning Commission Date 7/20/22

IN PERSON ATTENDEES:

REMOTE ATTENDEES:
(Clerk will complete)

[Handwritten signature]
Name (please print)

Dianne
Name (please print)

Robert Carlton
Name (please print)

Laura
Name (please print)

Name (please print)

Passet
Name (please print)

Name (please print)

Rick Wixom
Name (please print)

Name (please print)

Riley
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Steven Wells
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Greg
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Cade Campbell
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