



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY JUNE 16, 2021 AT 5:00 PM
AT THE CANYON COMMUNITY CENTER, 126 LION BOULEVARD, SPRINGDALE, UTAH.**

Meeting convened at 5:00 pm.

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

EXCUSED: Dawn McComb, Kyla Topham

ALSO PRESENT: Director of Community Development Thomas Dansie 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 Tom Kenaston to approve the agenda. Seconded by Jack Burns.

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Motion passed unanimously.

Commission discussion and announcements: None.

A. Action Items

1. Public Hearing - Design/Development Review: New housing structure at 35 Lion Boulevard – Max Gregoric: The property was already developed with a retail building and three housing structures. The proposed structure would be east of the existing structures.

Questions from the Planning Commission to staff: None were asked.

Questions from the public to staff: None were asked.

Applicant Presentation of Proposal: Zoe Gregoric was present as a representative of the project. She said the structure would be used strictly as a private residence, not for nightly rentals.

Commission Questions to Applicant: None were asked.

Questions from the Public to Applicant: None were asked.

Motion made by Ric Rioux to open Public Hearing. Seconded by Tom Kenaston.

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye
Motion passed unanimously.

Public Comments: None were made

Motion made by Tom Kenaston to close public hearing. Seconded by Ric Rioux.
Kenaston: Aye
Rioux: Aye
Bruno: Aye
Burns: Aye
Motion passed unanimously.

Commission deliberation: No comments were made.

Motion made by Jack Burns that the Planning Commission approves the proposed Design/Development Review for a residential structure at 35 lion boulevard as presented in the application. This motion is based on the following findings: that the proposal is in compliance with the Town ordinances, specifically chapter 10-11-B, 10-16, and standards addressed in the staff report. Seconded by Tom Kenaston.
Kenaston: Aye
Rioux: Aye
Bruno: Aye
Burns: Aye
Motion passed unanimously.

2. Public Hearing: Design/Development Review: Addition to an existing structure at 54 Juniper Lane - Max Gregoric: 54 Juniper Lane was a small property located behind the Sol Foods market. The existing building had non-compliant side and rear setbacks. The applicant was proposing to combine the parcel on 54 Juniper Lane with the Sol Foods market parcel, thus removing the shared lot line and also curing the side setback non-compliance. The non-compliant rear setback would remain. Town Code allowed additions to non-complying buildings as long as any new development met the current ordinance standards and received approval from the Town Council. The Council reviewed the proposal in their June regular meeting and approved the development. The addition would be placed on top of the existing carport and would meet the rear setback where the existing building was currently non-conforming. All aspects of the proposed new development were within standards. Staff recommended a condition of approval that would require the lots to be combined.

Questions from the Planning Commission to staff: None were asked.

Questions from the public to staff: None were asked.

Applicant Presentation of Proposal: Ms. Gregoric stated that the planned addition would be used for more storage.

Commission Questions to Applicant: None were asked.

Questions from the Public to Applicant: None were asked.

Motion made by Jack Burns to open Public Hearing. Seconded by Tom Kenaston.
Kenaston: Aye
Rioux: Aye
Bruno: Aye
Burns: Aye
Motion passed unanimously.

Public Comments: None were made.

Motion made by Jack Burns to close public hearing. Seconded by Tom Kenaston.
Kenaston: Aye
Rioux: Aye
Bruno: Aye
Burns: Aye
Motion passed unanimously.

Commission Deliberation: No comments were made.

Motion made by Jack Burns that the Planning Commission approves the proposed Design/Development review for a second story addition to the existing structure at 54 Juniper Lane as presented in the application. This motion is based on the following findings: The proposal is in compliance with Town Ordinances, specifically Chapters 10-11A, 10-16, 10-21-9, and standards addressed in the staff report. The Town Council has reviewed and approved the proposal to allow for the addition to the building with the non-complying setback per their June 9th meeting. An added condition to this approval is parcel S-23-A-1 must be combined with parcel S-23-A prior to the building permit being issued for the project. Seconded by Ric Rioux.
Kenaston: Aye
Rioux: Aye
Bruno: Aye
Burns: Aye
Motion passed unanimously.

3. Erosion Hazard Development Permit: Canyon Springs Lot 1 – Ruth & Jerry Jacobsen: Mr. Dansie refreshed the Commission on the erosion hazard zone which was a result of the completed Virgin River Management Plan. The plan suggested strategies to promote a healthy Virgin River corridor. The purpose of the erosion hazard zone and ordinance was to establish how property owners could protect themselves from inherent geologic hazards and damages. The ordinance encouraged development outside of hazard zones, but recognized that may be impossible for some properties. If development was proposed in any of the mapped hazard zones, the development must meet the standards outlined in the erosion hazard ordinance, and the proposed erosion hazard protection strategies would need to be approved by the Planning Commission.

In regard to the application for development on Canyon Springs lot 1, the proposed erosion protection improvements were designed to support a single-family residence. The applicant proposed rip rap and floodwall buried underground, combined with bioengineering techniques. An existing river channel would be preserved and willow plantings would remain. The Town engineer had not yet completed his technical analysis, so a condition of approval could be tied to the applicant receiving a favorable recommendation from the Town's engineer. Because the proposed development was in the FEMA flood plain area, the Commission could also require a flood plain development permit. That permit was a staff-level review and would require an elevation certificate and a post-development review.

Mr. Burns quoted a portion of the Landmark technical analysis and felt that it should be added as a condition to any erosion hazard permits that would be issued:

"We respectfully request the opportunity to review the final design drawings and specifications in order to determine whether the assumptions and recommendations presented herein are applicable to the anticipated design."

Mr. Kenaston asked for more clarification of how rip rap was installed.

- Rip rap consisted of individually placed stones or piles of rocks placed on a streambank or trench and were designed to act as a hard buffer to erosion.

Mr. Burns asked for clarification on the plan for willow plantings.

- The development plan referred to willow cuttings that would be placed in or near the high-water mark.

Motion made by Jack Burns that the Planning Commission approves the Erosion Hazard Development Permit for Canyon Springs Lot 1 as presented in the application. This motion is based on the following findings: That the application is in compliance with Chapter 10-13-E Erosion Hazard zone. An erosion hazard analysis has been completed by a qualified engineering firm. The applicant must follow recommendations in the report to mitigate the potential for lateral bank erosion and impacts upstream, downstream, or across the river. A flood plain development permit issued by the Town of Springdale is required prior to construction of erosion protection improvements and approval of Erosion Hazard analysis is required by the Town engineer prior to issuing a permit. The applicant is required to have the consultant who drafted the technical analysis review the final design drawings and specifications in order to determine whether the assumptions and recommendations presented herein are applicable to the anticipated design. The consultant shall inform the Town in writing of their findings of that review. Seconded by Ric Rioux.

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Motion passed unanimously.

4. Erosion Hazard Development Permit and Grading Permit: 46 Hummingbird Lane - Breck

Dockstader: There was a significant amount of earth work associated with the proposal and the applicant had concurrently applied for a grading permit. The proposal was intended for future development as a vacation rental property and the property was located in a high-risk hazard zone. The proposed erosion protection involved removing fill previously placed on the property which had resulted in an over-steepened streambank and an artificial flood protection berm. Structural rip rap would be buried in a trench at the top of the slope. Because the proposal was very near the high-water mark and could result in impacts, a stream alteration permit from the Utah State Division of Water Rights was required. The application had been submitted but the permit had not yet been issued. Staff also recommended a condition of approval that would require a FEMA flood plain development permit to be issued prior to any development. Two additional conditions proposed by staff were that the applicant would be required to preserve the existing cottonwood trees along the top of the bank and execute appropriate disposal of the excavated material off of the site. Excavated material may not be disposed of elsewhere in Springdale without the appropriate review and permitting. The Commission had received a number of public comment letters from the surrounding neighborhood expressing concerns about the previous fill on the placed property, the nature of the future proposed development, as well as access into the adjacent property.

Ms. Bruno felt the application was fraught and questioned whether the Commission should act on a proposal that was missing key information.

Ms. McPartland was also in the process of confirming the National Park boundary line as presented in the development plan. She hoped the developer would pay attention to the Park boundary during the development process. She also noted an error in the technical report which stated that FEMA zone AE was described as having a 0.1% chance of flooding. The correct figure was actually a 1.0% chance of flooding.

Mr. Burns noted the public comments from surrounding property owners who had raised concerns. He expressed a reticence to approve an application that could deny adjacent property owners full use of their property.

Ms. Bruno clarified that if the erosion hazard permit and grading permit were approved by the Commission, the project would still need to come before the Commission for design approval. She worried that approving the permits would communicate implicit approval for the project, and since it involved the river corridor, she felt that any actions by the Commission should be executed very deliberately.

Mr. Kenaston was concerned about the fill removal and hoped to be provided more with information.

Jared Bates from Roseburg & Associates stated that the current fill was not needed for maintaining the capacity of the river. They would try to provide more stability to the channel by returning the bank to a 3:1 slope. They intended to remove as much fill as possible and not disturb the river or the high-water mark.

Mr. Burns asked how the fill was placed on the property to begin with.

- Staff asserted that the fill was placed without oversight or approval from the Town.
- Mr. Burns felt that any other property owner who would propose to have massive amounts of fill brought to their property with the potential for impacts to the river corridor would typically have to follow a process of approval. There was a missing step in the process for the project.

Motion made by Barbara Bruno that the Planning Commission tables the proposed project for an erosion hazard development permit and grading permit for 46 Hummingbird Lane. This motion is based on the findings that the Planning Commission needs more information including the access to adjacent properties' existing easements and the intent of those easements, the status of a lawsuit that may or may not have been filed to date, we would like to better understand fill on the property, and any road damage that has been done and will be done and how that would be taken care of and we would like to see the Town Engineer's report also which we do not yet have. Seconded by Tom Kenaston.

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Motion passed unanimously.

5. Residential Design Development Review: Canyon Springs Lot 24 – Burke Cartwright: The lot was regulated by the underlying Foothill Residential zoning, as well as the Zion Park Resort Settlement Agreement which allowed the development of the Canyon Springs subdivision. The Town had been withholding action on the application due to the pending geologic hazard ordinance, which the application would be subject to. The property was in a high-risk landslide and rockfall zone and the applicant had submitted a geotechnical investigation which discussed the site hazards in detail. Staff had analyzed the

application and found that the development met the requirements of the Town Code, and the Commission would now need to review the geologic hazards on the site.

Ms. Bruno had been present for the pole test on the site and she felt that the reports submitted were thorough and complete

Mr. Kenaston noted some rockfall risk but a low risk for liquefaction.

Mr. Rioux felt that the remaining recommendations from the geotechnical consultants could be addressed during the construction phase.

Motion made by Jack Burns that the Planning Commission approves the proposed residential development at Canyon Springs lot 24 as presented in the application. This motion is based on the following findings: The DDR is in compliance with 10-9A of the Land Use ordinance, the DDR is in compliance with the 1994 Zion Park Resort settlement agreement. The applicant is required to have the consultant who drafted the geologic technical report review the final design drawings and specifications in order to determine whether the assumptions and recommendations presented herein are applicable to the anticipated design. The consultant shall inform the Town in writing of their findings of that review, and Landmark Testing and Engineering shall provide materials, testing, and special inspection services during the construction of this project. Seconded by Tom Kenaston.

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Motion passed unanimously.

B. Consent Agenda

Motion made by Jack Burns that the Planning Commission approves the minutes of the May 19th and June 6th meetings as presented. Seconded by Barbara Bruno.

Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Motion passed unanimously.

C. Adjourn

Motion to adjourn at 5:50 pm made by Jack Burns. Seconded by Barbara Bruno.

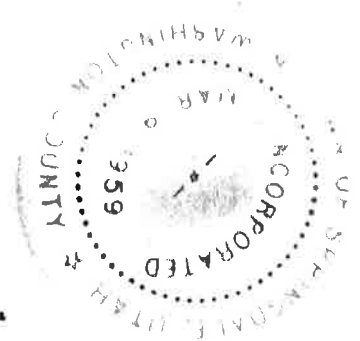
Kenaston: Aye

Rioux: Aye

Bruno: Aye

Burns: Aye

Motion passed unanimously.



Katy Brown, Deputy Clerk

APPROVAL: Barbara Bruno

DATE: 7-21-21

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 Regular Meeting Date 6/16/21

IN PERSON ATTENDEES:

REMOTE ATTENDEES:
(Clerk will complete)

Zoe Gregoric
Name (please print)

Erin Tyler
Name (please print)

Jared Bates
Name (please print)

Chuck Passek
Name (please print)

Clark Spilker
Name (please print)

Ken Tyler
Name (please print)

Nick Spilker
Name (please print)

Trish Rioux
Name (please print)

David Crow
Name (please print)

Kyla Topham
Name (please print)

BURKE CORTWRIGHT
Name (please print)

Luke Wilson
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