



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

**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING ON  
TUESDAY, OCTOBER 20, 2015,  
AT THE SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH.  
THE MEETING BEGAN AT 5:00 PM.**

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

**EXCUSED:** Commissioner Allan Staker

**ALSO PRESENT:** DCD Tom Dansie and Town Clerk Darci Carlson recording. Please see attached list for citizens signed in.

**Approval of Agenda: Motion made by Joe Pitti to approve the agenda; seconded by Mike Marriott.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Commission discussion and announcements:** Mr. Dansie announced Friday was the last day to register for the Butch Cassidy race at the discounted price.

**Action Items**

**Public Hearing – Ordinance Revision: Changes to Title 10, Chapter 22 and related sections of the Springdale Town Code dealing with regulations for drive through facilities:** Mr. Dansie said this ordinance expands prohibition of drive-through, drive-up or drive-in facilities for all commercial establishments. If recommended for approval, the Planning Commission should make findings why the Town is adopting the ordinance and what goals it seeks to achieve.

Ms. West asked if there had been a timeline worked out regarding the bank's drive-up window.

- Mr. Dansie said as drafted the ordinance does not have any amortization included in it. Therefore the bank can continue to operate the drive-up window as a non-conforming use.

**Public questions:** None were asked.

**Motion made by Mike Marriott to open public hearing; seconded by Randy Taylor.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Public comments:** None were made.

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

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Commission discussion:** Mr. Archer said the ordinance was well-written and represented what the Commission had discussed in previous meetings.

**Motion made by Randy Taylor to recommend for approval the ordinance amending Title 10, Chapter 22 and related sections of the Springdale Town Code prohibiting drive-up, drive-in or drive-through facilities at commercial establishments based on findings it: 1) promotes pedestrian and other non-motorized forms of travel as a preferred means of transportation in Springdale; 2) avoids air pollution and noise associated with vehicles idling at drive-up facilities; 3) prevents traffic congestion in parking areas and public streets associated with vehicles entering, exiting, and in-line at drive-up facilities; 4) promotes the Town's village atmosphere and identity as a walkable village; 5) eliminates litter that can be associated with drive-up windows; seconded by Joe Pitti.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Public Hearing – Ordinance Revision: Addition of Chapter 15F; Geologic Hazards to Title 10 of the Springdale Town Code:** Mr. Dansie said this ordinance would impose additional standards for development in high risk geologic hazard areas, specifically rock fall and landslide areas. The ordinance would require a more extensive geologic hazard investigation and assessment. The applicant would be responsible for mitigating and reducing the identified hazards according to the recommendations in the study.

- Utah Geologic Survey (UGS) maps were included in the packet materials that show rock fall and landslide areas in Springdale. Those areas identified as 'high' risk on the rock fall map and 'high' or 'very high' on the landslide map would require the additional geologic hazard report. Mr. Dansie noted a considerable number of properties in the foothills would be impacted by the ordinance.
- Ms. West asked if the Park had maps which expand beyond Springdale's. Mr. Dansie said the UGS has done mapping throughout Washington County and inside the National Park.
  - Mr. Taylor asked if the Park takes hazards into account when developing. Mr. Burns said they definitely do.

Mr. Dansie said he received calls from several residents who asked questions. He did not receive any written public comment about the proposed ordinance.

Mr. Pitti asked when the last UGS survey was done. Mr. Dansie said the maps were produced in 2011. As is consistent with geological maps, the lines drawn are very conservative in identifying hazards. Once you are on a site there may or may not be significant hazards, therefore a study may indicate no risk or high risk.

Mr. Archer asked if a property was identified on the UGS maps, but the owner was not building on the section identified as geologically hazardous, did they need to conduct the study.

- Mr. Dansie said under the 'Applicability' section "the standards for mitigating the risk of geologic hazards apply to all parcels at high risk of geologic hazard, as defined in this chapter, and to all new construction, new uses of land, expansions, and reconstructions in those high risk areas." To interpret, if a portion of the property is mapped high risk, any development on the property is subject to the requirements in the ordinance. Mr. Dansie said the Commissioners could certainly clarify this language if they wanted.

Mr. Taylor asked if the report indicated no risk, would the 3rd party peer review still be needed.

- Mr. Dansie said the purpose of the peer review is to validate the findings of the applicant's study. The property owner would need to go through the process. It is a check and balance.

Mr. Burns inquired about the cost of the reports. Depending upon the extent of the site and the hazards, Mr. Dansie estimated the report could range from \$1,000 to many times that amount.

Mr. Pitti asked if the requirement for the 3<sup>rd</sup> party review can be triggered by the results of the initial report. Mr. Dansie indicated the ordinance could be drafted that way.

Mr. Marriott asked if study results conflicted, how was the discrepancy resolved?

- Mr. Dansie said this was a hotly contested land use regulation topic throughout the state and the legislature adopted standards for this situation. The parties enter into arbitration with a panel of three experts. The panel reviews the reports and makes a final decision on the mitigation strategies. Mr. Dansie believed costs for the arbitration were shared between the parties involved.

**Public questions:** Nancy Harrison Williams owns property on Balanced Rock. She asked if the Town and applicant are in agreement was the 3<sup>rd</sup> party review needed. Mr. Dansie said the Town's agreement or not with the conclusions is based on the expert geologic hazard opinion in the 3<sup>rd</sup> party review.

- Ms. Williams questioned if an applicant was defined as an individual landowner or could it be an entire subdivision. Mr. Dansie said as the ordinance is drafted, a report is required only if development is proposed on a specific piece of property.
- Ms. Williams asked if lots could be grouped together for the purpose of evaluation. Mr. Dansie indicated this was an option.

David Johnson owns property on Foothill Lane. He asked if the Town was having trouble with engineers and therefore the reason why this review process was being proposed.

- Mr. Dansie said 'no'. The 3<sup>rd</sup> party review was a suggestion made by the UGS. Geological hazards and hazards mitigation is a complex and specialized field. The benefit of the peer review is to validate the report findings.

Ms. Williams asked about the qualifications of the geological engineers.

- Mr. Dansie read the list of qualifications in section 10-15F-4 of the ordinance.

**Motion made by Mike Marriott to open public hearing; seconded by Liz West.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Public comments:** David Johnson said he spoke with people about this ordinance. He believed there was a lot of confusion about the maps and if certain properties were affected. He understood the Town wanted to protect people but the requirements increased the costs to develop and build a home in Springdale. He was discouraged by the ordinance. Mr. Johnson said some hills haven't moved in hundreds of years and no study could have predicted the earthquake that affected Balanced Rock. He asked the Commission not to pass so many ordinances that it becomes untenable.

Nancy Harrison Williams said she had two studies done on her property and both came to the same conclusion. She said no one can predict what will happen at any given time.

Alan Jensen said in addition to rock falls and landslides there are other hazards to consider including floods, land settling and ground not compacted properly.

**Motion by Liz West to close public hearing; seconded by Mike Marriott.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**  
**Motion passed unanimously.**

**Commission discussion:** Mr. Archer asked how the ordinance applies when development does not occur on the high risk section of property. Mr. Dansie said as the ordinance is currently written, the requirements would apply to any parcel identified as high risk. He said the Commission could clarify and add language where the ordinance would apply to *areas* of high risk on a parcel

- Ms. West commented that having the study on the entire property would help determine where you should or should not develop. Mr. Taylor agreed and said the idea was to identify the areas of low risk.

Mr. Pitti said the ordinance is designed to look out for people and any hazards that may occur but he empathized with property owners regarding the additional expense.

Mr. Taylor said he has been an advocate of the ordinance because it makes people aware of the risks. It also considers liability. If development is allowed in geologically hazardous areas and something occurs, the first entity people generally look to sue will be the Town.

- Mr. Pitti agreed but questioned whether these goals could be accomplished with the first report. In some places people can visually determine there are no hazards. This could eliminate the need for the 3<sup>rd</sup> party review.
- Mr. Taylor said geotechnical and geological hazard assessments are totally different. The reports may identify risks property owners are not aware they have.

Based on the discussion, Mr. Dansie recommended the Commissioners clarify when the 3<sup>rd</sup> party review is required.

Commissioner Burns questioned the ground truth accuracy of the mapping. The maps are computer generated and may not reflect reality. He noted some property owners clearly don't have hazards but according to the map they do. This imposes an added cost.

- Mr. Archer agreed. He said in some situations there is a flat part on the property where development can occur, but we are asking for additional testing.
- Mr. Pitti questioned the accuracy of the maps. He felt there should be something in the first report that triggers a more significant follow-up or not.

Ms. West suggested the Town hire a professional engineer to fine tune the maps.

Mr. Dansie commented the Commission seemed supportive of the goals to protect property, life and development in areas subject to geologic hazards. The main concern was being sensitive to the additional burdens and requirements placed on property owners. They wanted to be sure there was a hazard truly worth investigating.

- Mr. Dansie added the UGS maps use a lot of computer analysis but there was also field work that went into creating them. He said hiring a professional with geologic expertise would shift burden of expense from the applicant to the Town. Mr. Dansie cautioned that geotechnical engineers are looking at soils and compaction rates and therefore not trained in identifying geologic hazards.

Mr. Taylor said he understood the burden of cost but the ordinance was designed to make people aware of the dangers.

- Mr. Marriott said if the Town contracted for the geologic hazard review the opinion may be more unbiased.

Mr. Burns suggested the UGS may have a recommendation regarding a step that would satisfy the Town and the applicant. He also voiced concern the ordinance may devalue property.

- Mr. Marriott thought it would be helpful to understand the costs associated with the ordinance. He said there is quite a bit at stake and was stunned there weren't more residents in attendance for the public hearing. He wondered if they clearly understood what was being discussed.
- Mr. Pitti suspected many residents conducted a visual review of their property and assumed they would not be affected.

Ms. West wondered if insurance rates would be adversely affected if property was identified as being in a high risk zone.

- Mr. Dansie replied the UGS maps are already public record and open knowledge. The ordinance likely wouldn't have an impact.

Commissioners suggested if a property owner could demonstrate development won't occur in a mapped hazard area they would not have to do a study.

Mr. Dansie said the ordinance language was a common template and in a format received by the UGS. Many communities in Utah that have geologic hazards have some version of this template.

- It was suggested the Town absorb some of the review fees required by the ordinance. Mr. Dansie responded the Town can absorb charges for these services, but then costs would ultimately spread to residents of the community as a whole rather than be incurred by the applicant who benefits from the services.
- The ordinance would primarily apply to residential areas since these properties are generally in the high geologic hazard areas.

Mr. Taylor said it was a philosophical question of whether we want people to know the hazards and take responsibility, or deal with problems as they come. He said the Town should either put an ordinance in place that is solid and required reports or not have one at all.

- Mr. Dansie noted cities and towns in Utah with the most geologic hazard issues have ordinances in place. He indicated this was pretty telling.

Mr. Burns suggested the Town consider adding language to the building permit whereby the property owner acknowledges risk and assumes liability. Full disclosure is a requirement if the property is sold.

- Mr. Dansie said the Town is covered by governmental immunity however creative lawyers will always find a way around it.
- Mr. Taylor raised concerns property owners would still place blame on the Town allowing them to build in a hazardous area. He said the more owners understand the hazards up-front, the better the Town's defense.

**Motion made by Joe Pitti to table the ordinance revision addition of Chapter 15F Geologic Hazards to Title 10 of the Springdale Town Code; seconded by Liz West.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Consent agenda**

**Motion made by Mike Marriott to approve the consent agenda; seconded by Randy Taylor.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

**Motion to adjourn at 6:20pm made by Jack Archer; seconded by Mike Marriott.**

**Taylor: Aye**

**Archer: Aye**

**Pitti: Aye**

**West: Aye**

**Marriott: Aye**

**Motion passed unanimously.**

Darci Carlson

Darci Carlson, Town Clerk

APPROVAL:

[Signature]

DATE:

11-17-15



TOWN OF SPRINGDALE

PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please sign

Meeting of Planning Commission on 10/20/15

If you'd like to be included on our great e-notice list, please give us your email address. That's the only reason you need to provide that information. Your address will never be sold, though we may have to provide it as public information. If you have provided the information before, you don't need to add it again.

name: DAVID Johnson

email (not required)

name: NANCY HARRISON WILLIAMS

email (not required) [Redacted]

no!

name

email (not required)

name

email (not required)