



COURT REPORTING, INC.

Deposition of:

Taken February 16, 2021

Cause No:
Springdale Appeal Authority Hearings

TAKEN BY: Springdale Town

Reported By: Jerry Martin
Job #: 101145

PUBLIC HEARING

THE TOWN OF SPRINGDALE

Taken on Tuesday, February 16, 2021

Remote Location

1:00 p.m. to 1:10 p.m.

Reported by: Jerry Martin, RPR

A P P E A R A N C E S

ADMINISTRATIVE HEARING OFFICER:

Ken Sizemore

FOR THE TOWN OF SPRINGDALE:

Darci Carlson, Town Clerk

Katy Brown, Deputy Clerk

Tom Dansie, Director of Community Development

Rick Wixom, Town Manager

Robert George, Street Supervisor

P R O C E E D I N G S

--oOo--

1
2
3 MR. SIZEMORE: It is 1:00. We've reached
4 the hour to begin this public meeting regarding a
5 variance request from the Town of Springdale. I'm
6 Kenneth Sizemore. I am the administrative hearing
7 officer for the town, and I will be conducting this
8 meeting. My understanding is that we have Tom Dansie
9 here, who will be making a staff report about the
10 request, and then we have Rick Wixom, the town
11 manager, who will be presenting the request from the
12 community. I see that there is a Robert George here
13 joining us.

14 MR. WIXOM: Robert George is our street
15 supervisor.

16 MR. SIZEMORE: And is Robert going to be
17 making any part of the presentation, Rick?

18 MR. WIXOM: He's available for questions
19 if you have any for him.

20 MR. SIZEMORE: Okay.

21 All right. So the request before us
22 today is for a variance to the town code's provision
23 not allowing the disturbance of slopes greater than
24 30 percent. From reviewing the application, it
25 appears that the town is proposing the construction

1 of a sidewalk along State Route 9, and a power box is
2 impeding the construction of the sidewalk,
3 necessitating the disturbance of slopes greater than
4 30 percent.

5 So I'm going to allow Tom now, if he can
6 just review quickly. I've reviewed the written
7 materials; so just quickly review your staff report
8 regarding this request.

9 MR. DANSIE: Thank you, Ken. As you've
10 indicated, this variance is a request for relief from
11 Section 10-15B-9(A) of the town code, and as you've
12 indicated, Ken, that section prohibits disturbance on
13 30 percent -- on steep slopes that measure 30 percent
14 grade and greater.

15 An important note here is that that
16 provision applies to natural slopes of 30 percent
17 grade and greater. Steep slopes that have been
18 previously disturbed and are not natural slopes are
19 not regulated by this provision. That's important
20 because with the construction of this sidewalk there
21 will be a number of steep slopes that exceed
22 30 percent in grade that will need to be disturbed,
23 but those have previously been disturbed with the
24 construction of an earthen irrigation ditch as well
25 as with the construction of State Route 9. Those

1 slopes are not part of this variance request. It's
2 only the natural slopes that measure in excess of
3 30 percent grade.

4 Another important clarification or piece
5 of information is that most of the work for this
6 project will occur within the UDOT state
7 right-of-way. The portion of the sidewalk that needs
8 to bend around the power box that you've mentioned
9 encroaches onto private property, onto Parcel
10 S-101-F-1 that's owned by Albin Tiley. The slopes on
11 that parcel are what are the subject of this request.

12 Slopes that are in the UDOT right-of-away
13 are under state jurisdiction and not under the town's
14 local land use control. Those two are not part of
15 this request. It's just the slopes on Parcel
16 S-101-F-1, owned by Al Tiley, that are part of the
17 request, and Mr. Tiley has consented to the variance
18 request being made.

19 Do you have any questions, Ken, from your
20 review of the staff report or things that were not
21 covered?

22 MR. SIZEMORE: Well, I just want to
23 confirm something I think I'm pretty confident about.
24 The residence owned by the landowner is accessed from
25 a street above State Route 9, and there's no access to

1 this property from State Route 9. Am I correct?

2 MR. DANSIE: That is correct.

3 MR. SIZEMORE: And the amount of
4 disturbance on the private property is in the
5 neighborhood of, as I looked here, 450 square feet or
6 so; is that correct?

7 MR. DANSIE: It's a little bit larger than
8 that. It's about 750 square feet.

9 MR. SIZEMORE: Thank you. I think those
10 were the only two questions. Thanks for that
11 presentation.

12 And, Rick, if you want to present the
13 town's request.

14 MR. WIXOM: Thanks, Ken. I appreciate the
15 opportunity to be here.

16 As in our application, you described our
17 predicament. We're working to construct a sidewalk
18 that will connect an existing sidewalk just north of
19 this property to another existing piece of sidewalk
20 on the property to the south. This section, as we've
21 gone through the design on it, there's a number of
22 retaining walls. As Tom mentioned, there are other
23 slopes that are not natural that will be retained.

24 As we get to where this power switchgear
25 is, the sidewalk has to sweep around the switchgear

1 and extend; and then that disturbance on those
2 adjacent slopes will be approximately 12 feet into
3 the slope in order to then clear around the
4 switchgear, put up the retaining wall, and then
5 regrade behind the retaining wall.

6 So it's a small impact, but if we don't
7 have the variance, we cannot install the sidewalk, we
8 can't move the switchgear, and then with the slopes
9 being in the place that they are, there's just no
10 other place to get around them.

11 I have included several pictures in the
12 application that show the location of the switchgear
13 and the surrounding landscape. You can see that this
14 parking area from the switchgear heading towards the
15 south is a very heavily used parking area. One of
16 our issues and why we want the -- why we think we
17 need the sidewalk is it's a heavily traveled area
18 which forces people, when there's a lot of travel, to
19 walk behind the sidewalk on uneven ground. Having a
20 sidewalk there will improve public safety and keep
21 them from possibly having, you know, walking hazards
22 or trip hazards or slips-and-falls, and it will keep
23 travelers from crossing the roadway, which is
24 sometimes problematic given the amount of tourists
25 that we have in town.

1 So the hardship that we're trying to
2 overcome is without the variance we cannot put the
3 sidewalk in. It just doesn't work without
4 encroaching slightly into the natural slope, and this
5 is the only place on the whole roadway where there is
6 a natural slope that's impacting the sidewalk. All
7 the other non-natural slopes, as Tom discussed, have
8 already been impacted either by the road or the
9 construction of the irrigation ditch, the old ditch.

10 So we think we have a good case for
11 variance. There's a hardship that exists that
12 doesn't exist, you know, generally in the area.
13 Without the variance this one particular piece of --
14 you know, this is going to hamper the ability of the
15 traveling public to walk safely along the
16 right-of-way from where they park their cars up to a
17 safe place to cross the road.

18 It's not contrary to our general plan.
19 It's not contrary to the public interest. In fact,
20 the general plan has several statements that are
21 intending to create pedestrian connections and
22 pedestrian street scapes and to construct sidewalks
23 that will run the length of the town on both side the
24 street. That is a direct quote from our purpose
25 statements in the general plan. So we think from the

1 town's point of view that this is somewhat deserving
2 of a variance request and, again, to promote the
3 public safety.

4 I'd be happy to take any questions if you
5 have any.

6 MR. SIZEMORE: Okay. Thank you. I think
7 my only question, then, would be this connection, this
8 new sidewalk that's part of this request, will it meet
9 the connection between Lion Boulevard and the central
10 business district so there is a sidewalk continuous
11 along that stretch?

12 MR. WIXOM: Yes.

13 MR. SIZEMORE: Okay. I just wanted to
14 confirm that.

15 I don't believe I have any other
16 questions. It's a very straightforward request.

17 Are there any other points that the staff
18 wants to bring out?

19 Tom?

20 MR. DANSIE: I have nothing in addition.

21 MR. SIZEMORE: Thank you. Well, I think
22 it's very straightforward. My typical course of
23 action, then, is to take the information I receive at
24 this public meeting and review the requests from the
25 applicant and render a decision. My intent is to have

1 that decision prepared and sent to the town in short
2 order within the next day or two.

3 Do you have any other questions of me?

4 MR. WIXOM: No. We appreciate the
5 opportunity to put in this request, and it's good to
6 see you again.

7 MR. SIZEMORE: Good to see you all too,
8 and if there are no other business that needs to come
9 before me at this point in time, I will adjourn this
10 public meeting.

11 MR. DANSIE: Thank you very much, Ken.

12 MS. BROWN: Thanks, Ken.

13 (Concluded at 1:10 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF UTAH)
)
COUNTY OF UTAH)

THIS IS TO CERTIFY that said public meeting was taken before me, Jerry R. Martin, a Registered Professional Reporter in and for the state of Utah;

That said public meeting was by me reported in stenotype, and therefore caused to be transcribed into typewriting, and that a full, true, and correct transcription of said meeting so taken and transcribed is set forth in the foregoing pages, numbered 3 to 10, inclusive;

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof. WITNESS MY HAND AT SPANISH FORK, UTAH, THIS 17TH DAY OF FEBRUARY, 2021.

JERRY MARTIN, RPR

1015b9a 4:11	6:16 7:12	business 9:10 10:8	connection 9:7,9	design 6:21
17th 11:12	applies 4:16	c 2:1 3:1	connections 8:21	development 2:7
ability 8:14	appreciate 6:14 10:4	can 4:5 7:13	consented 5:17	direct 8:24
about 3:9 5:23 6:8	approximately 7:2	can't 7:8	construct 6:17 8:22	director 2:7
above 5:25	are 4:18,18 5:1,1 1,11,12,13,14,16 6:22,23 7:9 8:20 9:17 10:8 (15)	cannot 7:7 8:2	construction 3:25 4:2,20,24,25 8:9 (6)	discussed 8:7
access 5:25	area 7:14,15,17 8:12 (4)	carlson 2:5	continuous 9:10	district 9:10
accessed 5:24	around 5:8 6:25 7:3,10 (4)	cars 8:16	contrary 8:18,19	disturbance 3:23 4:3,12 6:4 7:1 (5)
action 9:23 11:11	associated 11:10	case 8:10	control 5:14	disturbed 4:18,22,23
addition 9:20	available 3:18	cause 11:11	correct 6:1,2,6 11:8 (4)	ditch 4:24 8:9,9
adjacent 7:2	because 4:20	caused 11:7	county 11:3	doesn't 8:3,12
adjourn 10:9	before 3:21 10:9 11:4	central 9:9	course 9:22	e 2:1,1 3:1,1 (4)
administrative 2:2 3:6	begin 3:4	certificate 11:1	covered 5:21	earthen 4:24
again 9:2 10:6	behind 7:5,19	certify 11:4,10	create 8:21	either 8:8
al 5:16	being 5:18 7:9	clarification 5:4	cross 8:17	encroaches 5:9
albin 5:10	believe 9:15	clear 7:3	crossing 7:23	encroaching 8:4
allow 4:5	bend 5:8	clerk 2:5,6	d 3:1	event 11:11
allowing 3:23	between 9:9	code 4:11	dansie 2:7 3:8 4:9 6:2,7 9:20 10:11 (7)	exceed 4:21
along 4:1 8:15 9:11	bit 6:7	code's 3:22	darci 2:5	excess 5:2
already 8:8	both 8:23	come 10:8	day 10:2 11:12	exist 8:12
am 3:6 6:1 11:10,11 (4)	boulevard 9:9	community 2:7 3:12	decision 9:25 10:1	existing 6:18,19
amount 6:3 7:24	box 4:1 5:8	concluded 10:13	deputy 2:6	exists 8:11
another 5:4 6:19	bring 9:18	conducting 3:7	described 6:16	extend 7:1
appears 3:25	brown 2:6 10:12	confident 5:23	deserving 9:1	fact 8:19
applicant 9:25		confirm 5:23 9:14		february 1:12 11:12
application 3:24		connect 6:18		feet 6:5,8 7:2

forces 7:18	hazards 7:21,22	interest 8:19	length 8:23	natural 4:16,18 5:2 6:23 8:4,6 (6)
foregoing 11:8	he 4:5	interested 11:11	lion 9:9	necessitating 4:3
fork 11:11	he's 3:18	into 7:2 8:4 11:7	little 6:7	need 4:22 7:17
forth 11:8	heading 7:14	irrigation 4:24 8:9	local 5:14	needs 5:7 10:8
full 11:7	hearing 1:10 2:2 3:6	is 3:3,8,12,14,16, 22,25 4:1,10,15 5:5,24 6:2,4,6,25 7:15,17,23 8:2,5,5,14,24 9:1,10,23,25 11:4,8 (30)	location 1:13 7:12	neighborhood 6:5
further 11:10	heavily 7:15,17	issues 7:16	looked 6:5	new 9:8
g 3:1	here 3:9,12 4:15 6:5,15 (5)	jerry 1:25 11:4,15	lot 7:18	next 10:2
general 8:18,20,25	him 3:19	joining 3:13	made 5:18	no 5:25 7:9 10:4,8 (4)
generally 8:12	hour 3:4	jurisdiction 5:13	making 3:9,17	nonnatural 8:7
george 2:9 3:12,14	i'd 9:4	just 4:6,7 5:15,22 6:18 7:9 8:3 9:13 (8)	manager 2:8 3:11	north 6:18
get 6:24 7:10	i'm 3:5 4:5 5:23	katy 2:6	martin 1:25 11:4,15	note 4:15
given 7:24	i've 4:6	keep 7:20,22	materials 4:7	nothing 9:20
going 3:16 4:5 8:14	impact 7:6	ken 2:3 4:9,12 5:19 6:14 10:11,12 (7)	me 10:3,9 11:4,6 (4)	now 4:5
gone 6:21	impacted 8:8	kenneth 3:6	measure 4:13 5:2	number 4:21 6:21
good 8:10 10:5,7	impacting 8:6	kin 11:10	meet 9:8	numbered 11:9
grade 4:14,17,22 5:3 (4)	impeding 4:2	know 7:21 8:12,14	meeting 3:4,8 9:24 10:10 11:4,6,8 (7)	o 3:1
greater 3:23 4:3,14,17 (4)	important 4:15,19 5:4	land 5:14	mentioned 5:8 6:22	occur 5:6
ground 7:19	improve 7:20	landowner 5:24	most 5:5	officer 2:2 3:7
hamper 8:14	included 7:11	landscape 7:13	move 7:8	old 8:9
hand 11:11	inclusive 11:9	larger 6:7	ms 10:12	one 7:15 8:13
happy 9:4	indicated 4:10,12		much 10:11	only 5:2 6:10 8:5 9:7 (4)
hardship 8:1,11	information 5:5 9:23		my 3:8 9:7,22,25 11:11 (5)	onto 5:9,9
has 5:17 6:25 8:20	install 7:7		n 2:1 3:1	ooo 3:2
having 7:19,21	intending 8:21			opportunity 6:15 10:5
	intent 9:25			

order 7:3 10:2	pm 1:14,14 10:13	11:4,6 (10)	residence 5:24	section 4:11,12 6:20
other 6:22 7:10 8:7 9:15,17 10:3,8 (7)	point 9:1 10:9	purpose 8:24	retained 6:23	see 3:12 7:13 10:6,7 (4)
otherwise 11:10	points 9:17	put 7:4 8:2 10:5	retaining 6:22 7:4,5	sent 10:1
our 3:14 6:16,16 7:16 8:18,24 (6)	portion 5:7	question 9:7	review 4:6,7 5:20 9:24 (4)	set 11:8
out 9:18	possibly 7:21	questions 3:18 5:19 6:10 9:4,16 10:3 (6)	reviewed 4:6	several 7:11 8:20
overcome 8:2	power 4:1 5:8 6:24	quickly 4:6,7	reviewing 3:24	short 10:1
owned 5:10,16,24	predicament 6:17	quote 8:24	rick 2:8 3:10,17 6:12 (4)	show 7:12
p 2:1,1 3:1	prepared 10:1	r 2:1 3:1 11:4	right 3:21	side 8:23
pages 11:8	present 6:12	reached 3:3	rightofaway 5:12	sidewalk 4:1,2,20 5:7 6:17,18,19,25 7:7,17,19,20 8:3,6 9:8,10 (16)
parcel 5:9,11,15	presentation 3:17 6:11	receive 9:23	rightofway 5:7 8:16	sidewalks 8:22
park 8:16	presenting 3:11	regarding 3:4 4:8	road 8:8,17	sizemore 2:3 3:3,6,16,20 5:22 6:3,9 9:6,13,21 10:7 (12)
parking 7:14,15	pretty 5:23	registered 11:5	roadway 7:23 8:5	slightly 8:4
part 3:17 5:1,14,16 9:8 (5)	previously 4:18,23	regrade 7:5	robert 2:9 3:12,14,16 (4)	slipsandfalls 7:22
particular 8:13	private 5:9 6:4	regulated 4:19	route 4:1,25 5:25 6:1 (4)	slope 7:3 8:4,6
parties 11:10	problematic 7:24	relief 4:10	rpr 1:25 11:15	slopes 3:23 4:3,13,16,17,18,21 5:1,2,10,12,15 6:23 7:2,8 8:7 (16)
pedestrian 8:21,22	professional 11:5	remote 1:13	run 8:23	small 7:6
people 7:18	prohibits 4:12	render 9:25	s 2:1 3:1	so 3:21 4:5,7 6:6 7:6 8:1,10,25 9:10 11:8 (10)
percent 3:24 4:4,13,13,16,22 5:3 (7)	project 5:6	report 3:9 4:7 5:20	s101f1 5:10,16	something 5:23
pictures 7:11	promote 9:2	reported 1:25 11:7	safe 8:17	sometimes 7:24
piece 5:4 6:19 8:13	property 5:9 6:1,4,19,20 (5)	reporter 11:5	safely 8:15	somewhat 9:1
place 7:9,10 8:5,17 (4)	proposing 3:25	request 3:5,10,11,21 4:8,10 5:1,11,15,17,18 6:13 9:2,8,16 10:5 (16)	safety 7:20 9:3	
plan 8:18,20,25	provision 3:22 4:16,19	requests 9:24	said 11:4,6,8,10 (4)	
	public 1:10 3:4 7:20 8:15,19 9:3,24 10:10		scapes 8:22	

south 6:20 7:15	thanks 6:10,14 10:12	travel 7:18	walking 7:21	would 9:7
spanish 11:11	their 8:16	traveled 7:17	wall 7:4,5	written 4:6
springdale 1:11 2:4 3:5	them 7:10,21	travelers 7:23	walls 6:22	yes 9:12
square 6:5,8	there's 5:25 6:21 7:9,18 8:11 (5)	traveling 8:15	want 5:22 6:12 7:16	you've 4:9,11 5:8
staff 3:9 4:7 5:20 9:17 (4)	therefore 11:7	trip 7:22	wanted 9:13	your 4:7 5:19
state 4:1,25 5:6,13,25 6:1 11:2,5 (8)	thereof 11:11	true 11:7	wants 9:18	450 6:5
statements 8:20,25	things 5:20	trying 8:1	we're 6:17 8:1	750 6:8
steep 4:13,17,21	think 5:23 6:9 7:16 8:10,25 9:6,21 (7)	tuesday 1:12	we've 3:3 6:20	2021 1:12 11:12
stereotype 11:7	those 4:23,25 5:14 6:9 7:1 (5)	two 5:14 6:10 10:2	well 4:24 5:22 9:21	
straightforward 9:16,22	through 6:21	typewriting 11:7	what 5:11	
street 2:9 3:14 5:25 8:22,24 (5)	tiley 5:10,16,17	typical 9:22	when 7:18	
stretch 9:11	time 10:9	udot 5:6,12	where 6:24 8:5,16	
subject 5:11	today 3:22	under 5:13,13	which 7:18,23	
supervisor 2:9 3:15	tom 2:7 3:8 4:5 6:22 8:7 9:19 (6)	understanding 3:8	who 3:9,11	
surrounding 7:13	too 10:7	uneven 7:19	whole 8:5	
sweep 6:25	tourists 7:24	up 7:4 8:16	why 7:16,16	
switchgear 6:24,25 7:4,8,12,14 (6)	towards 7:14	us 3:13,21	will 3:7,9,11 4:21,22 5:6 6:18,23 7:2,20,22 8:23 9:8 10:9 (14)	
take 9:4,23	town 1:11 2:4,5,8 3:5,7,10,22,25 4:11 7:25 8:23 10:1 (13)	used 7:15	within 5:6 10:2	
taken 1:12 11:4,8	town's 5:13 6:13 9:1	utah 11:2,3,5,12 (4)	without 8:2,3,13	
than 3:23 4:3 6:7	transcribed 11:7,8	variance 3:5,22 4:10 5:1,17 7:7 8:2,11,13 9:2 (10)	witness 11:11	
thank 4:9 6:9 9:6,21 10:11 (5)	transcription 11:8	very 7:15 9:16,22 10:11 (4)	wixom 2:8 3:10,14,18 6:14 9:12 10:4 (7)	
		view 9:1	work 5:5 8:3	
		walk 7:19 8:15	working 6:17	