



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION SPECIAL MEETING ON  
WEDNESDAY, JULY 2, 2025, AT 5:00 PM  
AT THE CANYON COMMUNITY CENTER,  
126 LION BOULEVARD, SPRINGDALE, UT 84767**

**The meeting convened at 05:00 PM.**

**MEMBERS PRESENT:** Chair Tom Kenaston, Commissioners Terry Kruschke, Paul Zimmerman, Jennifer McCulloch, Rich Swanson, Mellisa LaBorde, Kashif Bhatti, and Susan McPartland from Zion National Park.

**ALSO PRESENT:** Director of Community Development Tom Dansie, Principal Planner Niall Connolly, Zoning Administrator Kyndal Sagers, and Deputy Town Clerk Robin Romero, recording. See the attached sheet for attendees.

**Approval of the Agenda:**

**Motion made by Jennifer McCulloch to approve the agenda. The motion was seconded by Rich Swanson.**

**Kenaston: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

**General Announcements:**

Mr. Connolly announced that Community Development will be organizing a town tour for Planning Commissioners. Commissioners interested in participating should notify him, and he will coordinate a time. While the tour may be particularly helpful for newer members, all Commissioners are welcome to attend. He also invited them to share any specific areas or topics they would like to see addressed during the tour.

Mr. Dansie announced that a Fourth of July parade will take place on Friday, July 4th, with a brief closure of SR-9 at 9:00 a.m. Additionally, a pancake breakfast will be held at Springdale Elementary School at 7:30 a.m. All are welcome to attend.

**Declaration of Conflicts of Interest:** There were no declared conflicts of interest.

**A. Discussion / Non-Action items**

1. Discussion of Potential Revisions to Chapter 10-15F of the Town Code to Require Assessment of Slope Stability Within Geotechnical Reports in Certain Circumstances. Staff Contact: Niall Connolly

**Staff Presentation:**

Mr. Connolly explained that the Commission had been working to draft ordinance language aimed at addressing the risk of slope failure resulting from deep excavations. Initially, the concern focused on excavations near property lines and their potential impact on neighboring properties. However, as

discussions progressed, an additional concern emerged regarding steep slopes, such as 30% grades, located within a single property that could also be at risk of failure due to nearby excavation activity.

The draft ordinance language sought to address both concerns. It required that geotechnical reports include a slope stability assessment in two instances: first, if the distance from the excavation to a property line was less than twice the depth of the excavation; and second, if the same condition applied to a slope of 30% or greater. The ordinance further required that any slope stability recommendations outlined in the report be implemented in the development.

#### **Commission Questions and Discussion:**

Mr. Zimmerman questioned Section 10-15F-5(C)(9), noting that it only referenced slope failure. He pointed out that other types of structural failure, such as a collapsed swimming pool excavation, could also pose risks. He suggested expanding the language to address more than just slope failure.

- Mr. Connolly agreed that the description could be broadened for clarity.

Mr. Kruschke inquired whether proximity to the Virgin River floodway should be considered as an additional trigger for requiring a slope stability assessment. Mr. Zimmerman agreed and asked whether that had already been addressed elsewhere in the code.

- Mr. Connolly asked for clarification, specifically whether they were referring to excavations near the floodway.

Mr. Kruschke confirmed and asked whether including it would be redundant if already covered elsewhere in the ordinance.

- Mr. Connolly explained that grading or excavation within the Special Flood Hazard Area (SFHA) was already regulated and that such plans were reviewed as part of the existing process.

Mr. Swanson asked for a definition of “floodway.”

- Mr. Connolly explained that the floodway referred to the area immediately adjacent to the river where water velocities and flooding risks were highest. The SFHA encompassed a broader area representing the 100-year floodplain.

Mr. Kruschke commented that the Town generally discouraged any construction in the floodway.

- Mr. Connolly confirmed that it was the case and asked what specific impacts the Commission had in mind.

Mr. Kruschke replied that, similar to concerns about slope collapse near property lines or steep grades, excavation near the Virgin River could also pose a risk if the bank were to collapse during construction.

- Mr. Connolly noted that the Erosion Hazard Zone already required an engineering study for improvements within that area, which might address the concern.
- Mr. Dansie added that the erosion hazard analysis and the floodplain development permit were two good safeguards. However, if the Commission wanted language more specifically addressing excavation-related collapse, it could be helpful to include that here. He referenced a recent example where he and Mr. Connolly had visited a site with a swimming pool located just five feet from the edge of a protected wash. Excavation reached a depth of 14 feet due to the underlying clay. While they were able to work collaboratively with the excavator, it would be prudent to have ordinance language that addressed similar situations in the future.

Mr. Swanson inquired about unprotected washes and whether the geotechnical report would typically account for them.

- Mr. Connolly explained that standard geotechnical reports generally focused on foundation design, including soil types such as clay and bedrock, and sometimes evaluated risks, such as landslides or rockfall. However, the presence of a wash might not be directly addressed unless specified.

Mr. Kruschke recalled a prior discussion about how small a wash needed to be to qualify for protection. He suggested that while some smaller washes might not warrant protection, adding language to cover

washes and floodways generally would be beneficial. He emphasized that the requirement would not be for an entirely separate report, but rather for the geotechnical report to include a specific section addressing slope stability under these conditions.

- Mr. Connolly confirmed that the ordinance was structured so the geotechnical report was already required, and in these specific circumstances, it would need to be expanded to include slope stability analysis, not require a separate report.

Mr. Kenaston asked whether it would be helpful to add descriptive language specifically referencing the floodway along the Virgin River and protected washes, to ensure it was clear these areas were also subject to slope stability considerations.

- Mr. Connolly responded that it would be straightforward to add criteria, such as minimum distances from a property line, from a 30% slope, or the edge of a wash or floodway, if that was the Commission's preference.

Mr. Swanson asked what exactly the Commission wanted the report to include.

- Mr. Kruschke responded that the report should provide recommendations for mitigating the risk of excavation-related failure.
- Mr. Kenaston added that the report should involve expert analysis of site-specific conditions, such as soil composition (including rock, clay, and sand), to ensure that appropriate mitigation strategies were implemented.

Mr. Swanson asked whether that might include something like a barricade to redirect water during monsoons and prevent water from entering an open excavation.

- Mr. Kruschke replied that, at this point, the approach was to rely on the expert's recommendations.
- Mr. Connolly elaborated that the primary concern was avoiding scenarios where a project appeared to avoid protected features, such as steep slopes or washes, on paper, but once excavation began, especially during heavy rain, those features were compromised. By expanding the geotechnical report, the engineer could identify mitigation strategies, such as temporary barriers, setbacks, or shoring techniques.

Mr. Swanson asked whether the ordinance language should state that the report must include mitigation requirements for any potential damage.

- Mr. Zimmerman noted that Section 10-15F-5(C)(9) already required the report to include recommendations to mitigate impacts, and those recommendations must be implemented.

Mr. Swanson clarified that he was asking whether the language should be enhanced to explicitly include flood-related risks during construction.

Mr. Kruschke cautioned against listing specific scenarios, explaining that doing so might inadvertently suggest that engineers did not need to consider risks not mentioned. He preferred leaving the language broad so that the engineer was responsible for evaluating all relevant risks.

Mr. Kenaston summarized that the goal was to place the responsibility on the engineer to manage the project successfully, rather than prescribing specific hazards in the ordinance.

Mr. Zimmerman added that Section 10-15F-5(C)(7) already required the report to address geotechnical recommendations, including drainage control. If a project involved construction during the monsoon season, it should include guidance on managing stormwater around open excavations. Failure to address that would be a deficiency in the report.

Mr. Connolly clarified that the primary concern was not flooding itself, but rather erosion of the riverbank, particularly near protected washes. The objective was to prevent erosion or potential bank collapse resulting from excavation activity, rather than to directly mitigate floodwaters. Mr. Kruschke added that slope failure could lead to conditions that exacerbate future flooding, making the issue one of both immediate erosion risk and long-term flood vulnerability. Mr. Connolly concluded that the focus was on

preventing bank erosion and its potential to contribute to future flooding, rather than addressing flooding as an immediate risk during the construction phase.

The Commission agreed to move the item to a public hearing with the minor adjustments discussed. If the changes became more extensive, it could warrant further review in another work meeting.

2. Discussion on Potentially Removing the Restriction on Parking Spaces Being Located in the Special Flood Hazard Area and Also Protecting the River Corridor from the Potential Negative Impacts of Parking Lots. Staff Contact: Niall Connolly

#### **Staff Presentation:**

Mr. Connolly explained that the Planning Commission had been working on ordinance language related to parking spaces in the Special Flood Hazard Area (SFHA). Under the existing code, parking was prohibited within 10 feet of the SFHA. The proposed changes would remove that restriction for residential zones, require low-impact design elements to address water quality concerns, and limit parking in the floodplain to three spaces per property, with exceptions in overlay zones. The draft also clarified that garage spaces would count toward the parking total.

At the previous meeting, the Commission directed staff to add language to Chapter 13A, restricting the use of enclosed areas below the base flood elevation for parking. Mr. Connolly included a discussion of that in the staff report and welcomed questions from the Commission.

#### **Commission Questions and Discussion:**

Mr. Kruschke noted that, based on his reading of the ordinance, it was unclear how a standalone garage could have a floor below the base flood elevation. He referenced sections 10-13A-8(A)(8) and (B)(2), which stated that the lowest floor of non-residential construction, such as garages, must be either at or above the base flood elevation or, if below, must be watertight. Since standard garage doors are not watertight, he questioned how a compliant design could be achieved.

- Mr. Connolly acknowledged the Commission's concern and noted that FEMA guidance had frequently illustrated scenarios where garages or similar spaces were located below the base flood elevation, with the residential living area elevated above, typically in areas prone to deep tidal flooding, such as the Gulf Coast. In those cases, garages could be enclosed but were not considered residential spaces. He noted the ordinance language might not clearly define whether such spaces were permitted or how they should be classified.

Mr. Kruschke asked how the Commission should determine, when reviewing a DDR for a project, whether a structure below the base flood elevation should be considered a basement and subject to (B)(2) or treated as an enclosure under (B)(3). The two sections impose opposite requirements: (B)(2) required watertight construction, while (B)(3) required floodwater to be able to enter and exit. He suggested that the presence of utilities or sanitary facilities would follow (B)(2); otherwise, (B)(3).

Mr. Zimmerman added that the former (B)(3) language, before "parking of vehicles" was struck, had aligned with Mr. Kruschke's view: if used for vehicle storage or similar purposes, floodwaters must flow through. If plumbing or other infrastructure were present, watertight construction would be required.

- Mr. Dansie acknowledged the confusion and explained a key distinction: "basement" was defined as a space where at least half of its height was below natural grade and no more than 12 inches was exposed above grade. A parking space could be below the base flood elevation but not qualify as a basement if it is not below grade. Therefore, such a space wouldn't require watertight construction.

Mr. Kruschke suggested removing the proposed edits to 10-13A-8 and instead adding language to 10-23-7(H) that requires all parking spaces to be at or above the surrounding natural grade.

- Mr. Connolly agreed, noting that FEMA discouraged basement parking in floodplains due to safety concerns. The ordinance language referred to at-grade enclosures, even if they were below the base flood elevation.

Mr. Kruschke suggested requiring at least one open side for drainage or designing spaces to allow water to drain naturally. He emphasized that as long as water could exit and the space wasn't below grade, the design would be functional and safer, and proposed adding language requiring all parking spaces in the SFHA to drain to natural grade. The Commission agreed with that approach.

Mr. Dansie asked if the rule should apply town-wide or just in the SFHA.

- The Commission confirmed the intent was to apply the standard only within the SFHA.

Mr. Swanson inquired whether a parking space slightly below grade, with a drain extending 30 feet to natural grade, would be acceptable.

- Mr. Kruschke responded that such a drain wouldn't work during flooding and would create invisible hazards for first responders. He emphasized that drainage should occur at natural grade, not through submerged or constructed systems.

Mr. Zimmerman inquired whether the Commission endorsed the low-impact design requirements. They agreed they did.

Mr. Kenaston referenced the removal of "10 feet of any area" in 10-23-7 and asked whether that would permit new parking in commercial zones.

- Mr. Connolly confirmed the proposed draft would remove the 10-foot setback in commercial zones, allowing parking up to, but not within, the SFHA. However, that language was still open for revision.

Mr. Zimmerman asked if commercial parking lots could now be built in the SFHA.

- Mr. Connolly clarified that only residential parking would be permitted within the SFHA, and that commercial lots would be allowed only up to the edge.

Mr. Kenaston voiced concern that loosening restrictions near the Virgin River might encourage development before the Town finalized protective riparian buffers. He preferred to leave the 10-foot restriction in place while the Town worked with Zion National Park representatives and other experts to study appropriate setbacks for wildlife, vegetation, and pollution control. Removing the restriction now could create a window for premature development.

Mr. Zimmerman agreed and recommended caution. Ms. McCulloch agreed in part but pointed out that it could make more sense in some cases to place parking near the river rather than buildings. Mr. Zimmerman acknowledged that allowing buildings but not parking in those areas seemed inconsistent. He suggested that if parking were allowed, it should come with stronger mitigation requirements to protect the riparian zone. If those standards couldn't be implemented immediately, it would be better to maintain the current setback.

Mr. Kenaston supported leaving the restriction in place until the study was complete, noting that the findings might even recommend broader restrictions, including for commercial development.

The Commission agreed to retain the existing 10-foot setback and revisit the issue after completing the riparian zone study.

Mr. Dansie reminded the Commission that most commercial parking in the SFHA was not located along the river or in the riparian zone, but rather in tributary wash areas throughout the town. Therefore, the proposed ordinance would primarily affect those locations.

Mr. Kenaston acknowledged that point and noted that the study would include a comprehensive review of the Virgin River's hydrology, including dry washes, depending on expert recommendations.

- Mr. Connolly said the issue was high on the priority list and that Mr. Fink had previously indicated staff support. He expected the topic to return to the agenda soon.

Mr. Connolly summarized the Commission's direction: remove the proposed changes to Chapter 13A, add language to Chapter 10-27 requiring parking spaces to be at or above the surrounding natural grade or designed to drain to it, and retain the 10-foot setback for commercial parking adjacent to the SFHA for the time being.

3. Discussion of Potential Revisions to Chapter 10-22-3 and 10-22-8 of the Town Code Regarding Farmers' Market and Private Outdoor Event Standards and Application Processes. Staff Contact: Kyndal Sagers

#### **Staff Presentation:**

Ms. Sagers explained that the proposed changes were administrative in nature and related to the required application documents. They were based on the Town's experience with previous farmers' markets and private outdoor event permits. The revisions were intended to improve the clarity and efficiency of the permitting process by requiring more detailed site plans and clearer signage requirements in the farmers market section, as well as a comprehensive parking plan for private outdoor events. She noted one suggested change that had not been included in the redlined draft, under the farmers market section 10-22-8(E)(5)(a), she recommended adding the phrase "if applicable" to account for situations where the requirement was not necessary. She welcomed any questions.

#### **Commission Questions and Discussion:**

Mr. Swanson asked whether the intent was to remove the word "banners" and replace it with "signage."

- Ms. Sagers clarified that they were not intending to eliminate banners entirely, but rather to add "signage" in addition to banners. Previously, the code referred only to banners, which were defined as being made of strong cloth or vinyl. As a result, only those types of materials were permitted, excluding other forms of signage.

Mr. Kruschke observed that both Sections D7 and D8 required banners to be set back three feet. He suggested simplifying the language by revising D8 to state that all signage and banners must be set back three feet, eliminating the need to restate the setback requirement in item D7.

- Ms. Sagers agreed with the suggestion. She explained that the existing language was intended to distinguish between properties with and without frontage on SR-9. The repetition was meant to clarify that banners on properties without frontage still needed to comply with the setback requirement. Nevertheless, she was happy to make the proposed revision.
- Mr. Dansie added that the provision was also intended to allow for off-site banners. If a property lacked frontage on SR-9, the code would permit the placement of a banner at a nearby corner, provided it remained at least three feet from SR-9.

4. Discussion of Potential Revisions to Chapter 10-7A-2 to Correct an Erroneous Reference to Food Truck Standards. Staff Contact: Niall Connolly

#### **Staff Presentation:**

Mr. Connolly explained that the purpose of the item was to correct an error identified by Commissioner Zimmerman. Chapter 10-7A, the permitted use table, included a reference to food trucks and cited standards in Chapter 10-22-17; however, that was incorrect, as no such section existed. The correct reference should have been to Chapter 10-22-11. Upon reviewing the issue, it was determined that the reference should apply not only to food trucks but to all mobile businesses. As a result, they proposed striking the erroneous reference to food trucks and instead adding "mobile businesses," with a corrected reference to the applicable code.

**Commission Questions and Discussion:**

Mr. Kenaston noted that the correction seemed straightforward. The Commission agreed and had no further questions or discussion.

**B. Adjourn**

**Motion made by Jennifer McCulloch to Adjourn at 06:00 p.m. The motion was seconded by Terry Kruschke.**

**Kenaston: Aye**

**Kruschke: Aye**

**Zimmerman: Aye**

**McCulloch: Aye**

**Swanson: Aye**

**The motion passed unanimously.**

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Robin Romero, Deputy Town Clerk

**APPROVAL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

A recording of the public meeting is available on the Town's YouTube Channel at [youtube.com/@SpringdaleTownPublicMeetings](https://youtube.com/@SpringdaleTownPublicMeetings). For more information, please call 435-772-3434 or email [springdale@springdale.utah.gov](mailto:springdale@springdale.utah.gov).