IVINS CITY
PLANNING COMMISSION
MINUTES
March 31, 2015
435-628-0606

1) WELCOME AND CALL TO ORDER

Meeting began at 5:30 pm.

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:30 p.m. All present included Chairman Jeff Loris, Commissioner Adel Murphy, Commissioner Mike Scott, Commissioner Bryan Pack, and Commissioner Lance Anderson.

A. Acknowledgement of Quorum

Staff: Dale Coulam City Manager/Attorney, Sharon Allen Deputy City Recorder. Kevin Rudd Building and Zoning Administrator was excused.

Audience attending: Claudette Larsen, Phillip Gubler, Eric McFadden, David Lynn, Dee Osborn, Thomas Ahey, and others who did not sign in.

B. Flag Salute -Commissioner Lance Anderson

C. Invocation-Commissioner Bryan Pack

D. Disclosures-None

2) REPORTS AND PRESENTATIONS -None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS -None

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider recommendation of proposed Amendments to Ivins City Code/Zoning Ordinance, Title 16 Chapter 12 Section 123 (Short Term Leases of Residential Properties) and Title 16 Chapter 9 (Development Agreements). David Lynn/VE Mgmt & Investment Co LC, Applicant.

Dale Coulam stated that this proposal is similar to what Santa Clara has allowed over by Lava Ridge Intermediate School to allow short-term rental projects. Currently Ivins doesn't allow anything like that unless it's a hotel in a commercial zone or a bed and breakfast in a residential zone. It is a fairly significant deviation from what has been allowed in the past. The second component is an amendment to the development agreement section of the zoning ordinance. This is mainly updating the language of that Chapter. Kevin Rudd proposed that it would apply as an overlay or a multi-family project. There is also a table of the zones in which this type of project would be allowed. The discussion is whether those are the zones in which Planning Commission wants it allowed or any further conditions on it. **Commissioner Adel Murphy** inquired if this is in regards to single family? She stated that it looks like we are trying to put it in all zones, except for a few. She inquired if the Commission was putting multi-family things in single family zones by doing a PD overlay? **Chairman Jeff Loris** stated that it is a subdivision enhancement overlay, a planned development overlay and a multi-family project. **Commissioner Bryan Pack** stated that it still has to qualify for the underlying zone. **Commissioner Adel Murphy** stated that it can go in almost any zone. **Commissioner Bryan Pack** stated that you still can't have a multi-family structure in single family zone. Only in a multi-family zone area. **Commissioner Lance Anderson** inquired on R2-6, which is duplex/townhomes, as to why we wouldn't allow it there? He stated that seems like a good place to allow it. **Commissioner Adel Murphy** stated that it makes more sense to allow it there and not allow it in your bigger zones. Vacation rentals don't want a lot of maintenance on each house to take care of grounds and things, and maybe with the overlay they would cluster them. **Commissioner Lance Anderson** stated that some

people have a lot that has an acre and they rent the whole house out for $4-5,000 a month. **Commissioner Bryan Pack** stated that this has to be a whole project, not existing subdivisions, so it won't be just dropped in peoples' back yard. **Commissioner Lance Anderson** inquired if two homes is considered a project. **Commissioner Adel Murphy** stated there should be something like a Resort Mixed Use where we have a buffer in between regular residential and one of these projects. She stated that she understands there is a need for it, but people renting houses for 3-4 days will not treat them the same as people that live there. There should be some kind of a separation. Also we need to decide if these are whole projects or portions of a project. **Commissioner Lance Anderson** stated if someone brings in a project and they want to allow for both permanent and short-term and everyone buys in to that concept per development agreement. Maybe it could be double the setback or something as a buffer. **Commissioner Adel Murphy** inquired about the RV boat storage and what that would look like. Paradise Village in Zion is an example, she inquired where would the Commission want that, screening and things like that. **Commissioner Lance Anderson** stated that it gets parked in the street so we need to decide what kind of neighborhood we are trying to create. Maybe they should be contained in a fenced area to protect the viewshed. **Chairman Jeff Loris** read #5D off street parking is not to exceed 48 hours. So you could leave a boat in the street for two full days. **Commissioner Mike Scott** says that it could be there for a whole trip almost. Two days at the beginning. Two days at the end. **Commissioner Adel Murphy** stated that there are some short-term rentals in the city already and if you drive past there are four trucks in the street and ATV's all over. We need to be concerned for the homes around the project. **Chairman Jeff Loris** stated that the people in the project know what they are getting into. It is a good point with the buffer zone. **Dale Coulam** stated that these type of projects are not as obtrusive or loud because they have a local manager within Washington County on call with a short response time. It might be nice if it was an on-site manager like Encanto proposes for their rental project. Subparagraph C states that it can be less than an entire project and then it is up to the City Council to approve a certain number of units. **Commissioner Adel Murphy** stated that the spirit of this is to have a complex. The one in Santa Clara has a pool area, a clubhouse and park area. It is done very well. That is why she is considering whether some of these zones we are suggesting make sense. **Commissioner Mike Scott** stated that this could be great idea for the community. It has a lot of potential for the City as far as revenue, jobs, variety of housing options and it better utilizes people with a second vacation home that sits vacant when they're not here. The zones that we are putting it in SEO MUO and PDO, with these mix of uses, our zoning code says that a single family home is a detached one dwelling unit. It doesn't necessarily say it's a long-term homeowner living in it. Mixed use lets you combine those two different uses. The trouble is our Mixed Use zone is very limited. It needs latitude to find appropriate spots for it. The overlays are there not to encourage a mix of uses, they give you flexibility in your development. We are not specifically looking for a different physical structure we are really looking for a mixed use. It seems that this is what Resort commercial would allow. Either we limit it to the Mixed Use Overlay and expand it, or look at expanding Resort Commercial or create a new zone. **Dale Coulam** stated that people would have to come in and apply for a Mixed Use Overlay, just like the others. They'd have to apply for this and see what amenities the City will get in exchange, and generally that has been a density bonus. So would we change the SEO to allow short-term rental as well as a density bonus or in lieu of a density bonus? We would have to decide how we would want that to work. **Commissioner Mike Scott** stated that the purpose of different zones is to create diversity. July 2010 zoning says that a Mixed Use Overlay district can only fit in A-20, RA-5, RA-1 and RA-75, nothing with higher density is permitted. That is extremely restrictive and wouldn't fit. **Dale Coulam** stated that historically that helped out the 'Village Project' which

was a lot of Mixed Use. You write a Mixed Use plan and the zoning can change a bit pursuant to the plan. **Commissioner Lance Anderson** stated that his understanding is that Mixed Use is more retail than living. **Commissioner Mike Scott** stated that this is retail and living. **Commissioner Lance Anderson** stated that Mixed Use plan would be to sell something at a store or in residential and living there on a short-term basis. That is the difference. **Commissioner Mike Scott** stated that it looks like a single family home but it cannot be treated the same. **Commissioner Lance Anderson** stated that Mixed Use was retail, then there was residential. You can have that now, but it has to be rented for 30 days or more. That is the distinction. **Dale Coulam** stated that Kevin Rudd was stuck by our ordinances in that the SEO applies to the smaller zones, and the PD applies to all the larger zones. Since making that change in 2005 he is not sure that the City has had one PD application. SEO has had applications. Santa Clara's was under a PD-type project and maybe it's time to rethink that process. We need to impose regulations so that we know what we are going to get and what we want to see in the City. Santa Clara may have had the sale of land being tied to approval of that project. It may give us pause to look at the PD Overlay and use that as the vehicle to allow something similar to the Santa Clara project. **Commissioner Mike Scott** stated yes because then we can redefine what its purpose is. Either we use that or the Mixed Use Overlay and change it to fit our needs. **Commissioner Bryan Pack** stated that additional restrictions, no matter what they're calling it, will give flexibility to select whichever one works for their project, and have to follow the criteria. It doesn't matter what it is called, but they still have to meet the requirements of the statute. It's already there. **Commissioner Lance Anderson** stated that Mixed Use means commercial, the retail end of it. His development and Fitness Ridge are the only two that have ever been done. **Chairman Jeff Loris** inquired if the Commission thinks this fits and modify this and it still goes through Planning Commission and City Council to get approved. **Commissioner Mike Scott** stated that he is having difficulty with SEO. He doesn't know the purpose of adding all those overlays. He feels the purpose was for variety in design of single family housing that not only allowed the developer some benefit, but the community got an extra benefit. He doesn't mind using those zones for the overlay for the right purpose. **Commissioner Lance Anderson** stated that the SEO gets to create a cluster. Short-term would cluster and give it an open space. **Chairman Jeff Loris** stated that clustering comes as a benefit to the City by having trails, parks, etc. He inquired what the benefit was and is it being applied properly. **Commissioner Adel Murphy** stated that clustering would help with buffering. The spirit of this is a large scale project. Otherwise the City would have little pockets everywhere. They couldn't have a buffer with two houses on a lot. Off of Highway 91 is a perfect spot for this. Commissioner Lance Anderson inquired what size projects we are looking for? 5-10 units? **Commissioner Bryan Pack** stated that it should be big enough for an on-site manager. **Commissioner Adel Murphy** stated if they're not on-site you will not get what you are looking for. **Commissioner Mike Scott** stated that an on-site manager would have enough houses to justify it. Maybe 10-20 units. I think that is a great idea. **Commissioner Lance Anderson** inquired about the definition of a licensed property manager. He felt that was asking a lot. **Dale Coulam** stated that property manager means they take care of various rentals. We have a current code-enforcement case pending right now that is creating a nuisance and they just show up to the neighbors and threaten them so they renters can have a good experience while there and claiming it as a short-term rental. He sees the benefit of an on-site manager to control the chaos that goes on and some people here from out of town are here for the experience and they don't care about impact on the residents. Property Management is employed by the owner and their job is to make sure the renters have a good time. He is not real keen on that. He sees the number of code enforcement cases going up with this. It's a game how they advertise on the

website. **Commissioner Lance Anderson** stated that it needs to be someone responsible to the project. Not necessarily licensed. **Dale Coulam** stated that a realty company in St. George isn't here. They are paid to keep the owner and the renters happy. That's it. **Commissioner Adel Murphy** stated they also could have 5-10 property managers in one project. It should be one on-site property manager that is one person for everything. The City will not be able to control any of that. The lighting ordinance would also have an impact. She is against it being in every single zone. She thinks the City can find places where it fits and think that all through. She would have to look at it. It would be Highway 91 on both sides. **Dale Coulam** stated that there are certain areas that if they heard this was coming to their backyard they would throw a fit. The area being presented by the applicants is a good fit. They have been trying to do different projects and fit it in our zoning ordinance and this gives the most flexibility. They have to meet SEO requirements, one of which is open space. They are trying to work within the zoning and this is the only one they could make it work with. **Commissioner Bryan Pack** inquired if there are things they could do with SEO that they couldn't do with the Resort Commercial or is it broad enough? **Commissioner Lance Anderson** stated yes but once we give them that zone, it's there. This is to allow residential to still go on but they can't retail. **Commissioner Adel Murphy** inquired where else is this besides Santa Clara? Are there any other projects like this that they could look at long-term effects of doing this? Coral Canyon four-plexes. **Commissioner Lance Anderson** inquired where could you put this? There is nothing along Center Street. Everything is pushed to the South now and out further by the corrals and stuff. There is not many places if the project is the right size that it could fit. Like Commissioner Adel Murphy stated, you don't want two houses in the middle of a bunch of subdivisions. **Chairman Jeff Loris** inquired if the Commission needs to rewrite this? **Commissioner Mike Scott** stated that it appears the Santa Clara project is being managed by one sole entity. If it is centrally managed their primary focus is the community and all the renters. They would be more willing to take responsibility for the rules. **Dale Coulam** Sentierre and Encanto will have on-site managers, and the point is well taken that the larger projects will be more concerned with how everyone feels. They are going to try to protect that project. **Commissioner Lance Anderson** stated they could create a HOA Board. **Commissioner Adel Murphy** stated they need to change 5A that it is one property manager that is invested in the whole thing. **Commissioner Lance Anderson** stated that it should be single management. One manager for the whole project, and maybe not on-site but they have to be within 15-20 minute response time. If there is a water leak, something reasonable. Let's say 20 minutes. It is set there so we can judge off of when it doesn't happen. **Commissioner Bryan Pack** inquired if it is a consistent problem where it takes them an hour to continually show up, then does code enforcement start ticketing? **Commissioner Lance Anderson** stated that the project has to have a business license to operate for nightly rentals. That is a yearly thing. License could be inactivated until they do all their requirements to get it back. **Chairman Jeff Loris** stated that Item #D-48 hours off-street parking seems a little long. He suggested 6 hours. Just time to pack your stuff and go. That should be reduced. **Commissioner Adel Murphy** inquired about the off-street parking available for the RV and boat parking, where that will go and what it should look like. Who brings an RV to a rental house? **Commissioner Lance Anderson** stated that a cousin comes along, they meet at the rental house. **Commissioner Adel Murphy** added that it could also be the owner that leaves it there as storage all the time. **Chairman Jeff Loris** suggested they screen it. **Commissioner Lance Anderson** agreed, that if it is screened right and protect the neighbors around it. **Commissioner Mike Scott** stated it should have a minimum of two parking spaces. It should be permitted to have three parking spaces. **Commissioner Lance Anderson** stated that in a residential area, you can't build a house without a garage. It is already

understood. You have to meet the residential code. **Chairman Jeff Loris** stated that it should say it will be consistent with residential requirements. **Commissioner Adel Murphy** stated if you get 3-4 families in there and 3-4 cars then you need more away from the house parking. **Commissioner Lance Anderson** inquired if the Conditional Use Permit goes to the City Council as well? **Commissioner Adel Murphy** stated yes. This just needs more tweaking. **Dale Coulam** stated that he would take these changes and plug them in and begin to fine tune these other issues. **Commissioner Lance Anderson** stated that the intent is to have a manager who is near the project within 20 minutes. He inquired to **Eric McFadden** how many units they were thinking. **Eric McFadden** stated 40-60 units and then on other side could be 120. We like open space and densities. **Commissioner Adel Murphy** stated that they are going to want a big project. **Eric McFadden** suggested limiting the density to the actual parcel size. **Commissioner Lance Anderson** stated they would have to look at all the zoning to determine that. He can see where areas with clusters of 10-15 might work. **Commissioner Adel Murphy** stated that makes no sense to her. This is meant for homes in an envelope. Someone wouldn't buy a 4000 sq ft home on an acre and make $7000.00 here and there. **Commissioner Bryan Pack** stated he could see an acre and putting two houses on it. **Commissioner Adel Murphy** stated that the City doesn't want that. **Commissioner Lance Anderson** stated that 5 one acre houses like Park City, Hawaii, and people pay $4-7000.00 to stay in those houses for a weekend. They want that space. **Commissioner Mike Scott** stated that people do that now in Ivins for friends and family but this gives them a legal ability and an organized way to do it through a rental pool with common area amenities. **Commissioner Lance Anderson** stated then the City collects the tax. He wouldn't want to make it so big that no one does it and not so little that everyone does. **Chairman Jeff Loris** stated that was a good discussion and we need to continue thinking about it.

MOTION: Commissioner Mike Scott moved to table recommendation of proposed Amendments to Ivins City Code/Zoning Ordinance, Title 16 Chapter 12 Section 123 (Short Term Leases of Residential Properties) and Title 16 Chapter 9 (Development Agreements). David Lynn/VE Mgmt & Investment Co LC, Applicant.
SECOND: Commissioner Adel Murphy
VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Adel Murphy	AYE
Commissioner Mike Scott	AYE
Commissioner Bryan Pack	AYE
Commissioner Lance Anderson	AYE

B. <u>Discuss and Review Updating General Plan.</u>

Commissioner Bryan Pack stated that it needs to be more technical in nature, not a sales document. It lays out the groundwork for the Ordinances. **Commissioner Adel Murphy** stated that the first sentence lays out the vision. Ours is not doing that. **Commissioner Mike Scott** stated that it lays out all our requirements but it does it as a vision document. **Commissioner Lance Anderson** stated that our ordinances are about protecting the viewsheds, openness, keeping what we have here. **Commissioner Bryan Pack** stated that we should just say we're growing and don't need to amend it every 5 years. **Commissioner Mike Scott** stated there is a history section with those growth numbers. **Commissioner Lance Anderson** stated we need to mention the breathtaking beauty, we've protected the openness and that we want to keep that viewshed. **Commissioner Bryan Pack** stated that we should stick with what we have and not rewrite the whole thing. It doesn't need to be. Add a first paragraph about the overall vision. **Commissioner Mike Scott** stated there are not too many changes. Destination