IVINS CITY
PLANNING COMMISSION
MINUTES
February 28, 2017
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:29 p.m. All present included Chairman Jeff Loris, Commissioner Adel Murphy, Commissioner Mike Scott, Commissioner Lance Anderson, and Commissioner Bryan Pack.

Staff Attending: Dale Coulam-City Manager/Attorney, Sharon Allen-Deputy City Recorder.

Audience Attending: Lloyd Warner, Fritz Sawyer, Venda Kemple, Luke Godfrey, Booke Harrison, Lauren Lee, Dwayne Lee, Deanne Haut, Kerry Haut, Doug Brady, Jay Beacham, Martin Nohr, Claudette Larsen, Dee Osborn, Gary and Debbie Pendleton, Glen Andersen, Brandee Walker, Randy Read, John Whitaker, Brett Boyce, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Bryan Pack

C. Invocation--Chairman Jeff Loris

D. Disclosures

Commissioner Lance Anderson stated that his son has an adjoining piece of property contiguous to the property on 600 W. 280 S. No other conflicts.

2) REPORTS AND PRESENTATIONS - None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS-

A. Public Hearing on a Land Use Change from LDR (Low Density Residential) to HDR (High Density Residential) located at approximately 300 West Highway 91. Graf Land and Livestock-Owner. Blake Frei/Kade Ence-Applicant.

Chairman Jeff Loris stated that there was a noticing error regarding this agenda item, and this Public Hearing has been rescheduled for Planning Commission's next meeting.

B. Discuss and consider recommendation on a Land Use Change from LDR (Low Density Residential) to HDR (High Density Residential) located at approximately 300 West Highway 91. Graf Land and Livestock-Owner. Blake Frei/Kade Ence-Applicant.

C. Public Hearing on a Land Use Change from LDR (Low Density Residential) to MDR (Medium Density Residential) located at approximately 600 West 280 South. Cousin Eddie, LC-Owner. Douglas Brady-Applicant.

Dale Coulam stated that this property is currently zoned Low Density Residential; across 600 West it is High Density Residential; to the southwest is Commercial; to the southeast is Medium Density Residential; and to the north is Low Density Residential. This is approximately 4.63 acre parcel at 600 West 280 South. Cliffrose subdivision was approved with a density bonus for open space on this property. Their preliminary plan shows a stub road to the North as well. The current zoning is RA-1 and they are requesting Medium Density Residential, which would be similar to the South and East. Staff does not make recommendations on land use applications. This is a legislative process where we will take public comment and then the Planning Commission will make recommendation to the City Council. **Chairman Jeff Loris** stated that City Council makes final decision. He opened the Public Hearing. Kerry Haut stated that he

DRAFT

opposes the rezone and provided a petition to the land use amendment signed by all but two residents on RA-1 properties from Center Street to Highway 91, and from 400 West to 600 West. Commissioner Anderson's son and brother are the exceptions and were not contacted. (A copy of the Zoning Petition form is available up on request at the City Office.) The petition cited keeping the rural flavor that our General Plan addresses. Deanne Haut stated that she is opposed to the rezone. In the General Plan it addresses multiple times the intent to preserve Ivins agricultural heritage. Under Visions and Goals, it states "The primary objective of the General Plan is to protect and enhance the quality of life for residents and visitors alike." Under the General Plan's Goals, it reads, "to encourage the preservation of farmland and open pastures that recall the agricultural heritage of Ivins." It also states "to encourage the preservation of areas for rural lifestyle consistent with the local heritage." She is not opposed to all development, but the cumulative effect of being surrounded be dense population will significantly impact the quality of life of RA-1 and larger acreage residents. She gave the Planning Commission a letter from Douglas and Colleen Gordon, located at 440 South 400 West that was also in opposition. (A copy of the letter is available upon request at the City Office.) They shared the same concerns and stated concerns to be careful of our water usage. Jay Beacham stated he is opposed based upon the aforementioned petition and comments and addressed in a letter he submitted with concerns. (A copy of the letter is available upon request at the City Office.) Dwayne Lee inquired about the secondary access from Cliffrose. **Dale Coulam** stated possibly 600 West, but the engineer is present to answer any questions. They don't have to show a plan at this time. They are not required to during land use and zone change hearings. Dwayne Lee stated that he opposes the rezone also. Randy Read stated that he is opposed also. He has some sheep and chickens and would like to keep it rural. Brandee Walker stated she is representing Civil Science for the applicant. Due to the shape of this property being a rectangle, it really laid out to have a single road down the middle. The Medium Density Residential zone is to allow more narrow lot frontages. The zone that her clients would like to come in at is the 10,000 sq ft zone which would put 13 lots on the property. They will be larger than the Cliffrose lots. Access has been in negotiations with a property owner and discussions with the City Engineer regarding 600 West but nothing definitive yet. John Whitaker stated he lives on 400 South and has animals-horses, etc., and he opposes the rezone. He bought into the area with the thought that there would be consistency to the zones there. He would like the Planning Commission to respect that. Doug Brady stated that he has been developing for 25 years and in the dozens of subdivisions he has done, he understands that change is difficult. They could already put 15000 sq foot lots on there the way it is zoned currently, but he is looking for 2-3 additional lots. The average lot size would be 13000 sq feet. He is looking at this property to create homes that people can afford. The current zoning will allow approximately 9 lots, but he is looking for an additional 2-3 lots. There are similar zones surrounding it, and this is a good buffer to go back towards low density. We choose to also maximize the value for surrounding neighborhoods. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

D. Discuss and consider recommendation on a Land Use Change from LDR (Low Density Residential) to MDR (Medium Density Residential) located at approximately 600 West 280 South. Cousin Eddie, LC-Owner. Douglas Brady-Applicant.

Commissioner Mike Scott stated that to the West is High Density Residential and to the South is Medium Density Residential and to the East is Medium Density Residential. **Dale Coulam** stated yes; across the street is Commercial, and to the North is Low Density Residential. **Commissioner Mike Scott** stated that it is 3/4 surrounded by Medium Density

DRAFT

Residential or higher. It is a compatible use and especially if they keep it at the lower density of those choices. **Commissioner Bryan Pack** stated that the developer said it would be 12 lots which would be 3 additional lots. Could we verify that? **Commissioner Lance Anderson** stated 13 lots would be 12,400 sq feet. That is with the road. **Mike Rodriguez** introduced himself as the new Building and Zoning Administrator. If they limit their lot sizes to 12,500 or larger there would not be more than 12-13 lots in this development. **Commissioner Lance Anderson** stated that they can go down as low as 7,500 at Medium Density Residential. **Commissioner Adel Murphy** stated at 15,000 they get 9 lots. **Commissioner Lance Anderson** stated that most of the people that signed the petition are in Medium Density Residential, and at any time they could come in and choose to split their lot without any land use change. **Commissioner Bryan Pack** stated that the impact is not much different for 2-3 lots. He would go on record as saying that he supports this, but he wouldn't support any density lower that what they have currently represented, at the medium density of 12,500 sq ft. **Commissioner Mike Scott** stated that is his feeling on it too. It is mostly surrounded by Medium Density Residential or higher. He would recommend 12,500 sq ft or more. **Commissioner Adel Murphy** stating that we keep saying each one is surrounded and it just continues to creep. **Commissioner Bryan Pack** stated that there is a spot to stop the creep, but this is a peninsula and this is not it. **Commissioner Lance Anderson** stated in Low Density Residential the highest density that is allowed is 15,000 sq ft. **Commissioner Adel Murphy** stated that gives them 9 lots. **Commissioner Mike Scott** states that if the subject property goes to 12,500 and then it trends towards Low Density Residential from there. **Chairman Jeff Loris** inquired what is north of 200 South? **Commissioner Lance Anderson** stated that back in the day, everything 400 South was going to be RE-25. And now we have all these residents that live here. That was in 2005. **Dale Coulam** stated they are long deep lots with the road down the middle. **Commissioner Lance Anderson** stated that the frontage messes up getting more lots in there. **Commissioner Bryan Pack** stated that he is in favor. **Commissioner Adel Murphy** stated she can see it both ways and she knows it's only two more lots, but she worries about the creeping. **Chairman Jeff Loris** stated there were dozens of names on the petition in opposition of this agenda item. They went to a lot of work to help contain it. **Commissioner Bryan Pack** stated that the impact going from 9-12 lots is minimal. There are going to be 9 lots there either way. He believes in the landowners' rights to develop their land. If the impact was greater he would voice that concern. He would recommend they are consistent with what they have presented. **Commissioner Lance Anderson** stated he almost wants to recuse himself and he honestly didn't think this would be an issue tonight. The creep line is 200 South for him. **Commissioner Bryan Pack** stated that he agrees that is the stopping spot. **Commissioner Lance Anderson** stated we can recommend to the City Council, but they will do what they want with it too. **Commissioner Mike Scott** stated that there is Medium Density Residential and High Density Residential surrounding it. Low Density Residential is not as good a fit. If the developer limits the amount of housing, and with the lot sizes being larger, he is in favor of this at the low end of Medium Density Residential. **Commissioner Lance Anderson** stated dividing the whole property by 80% determines their density. The space is there, but it is the frontage in RE-15 that's an issue. He can sympathize with that. **Commissioner Adel Murphy** stated that 12,500 sq ft is okay because there is not a big impact but we don't know what happens at City Council. **Commissioner Mike Scott** inquired if we could make a recommendation with a condition? **Commissioner Bryan Pack** stated no, it is not binding, it would just be up to us to remember when the zoning came back. We are pretty consistent to notice the creep, where the buffers are, and where we would suggest stopping it. **Commissioner**

DRAFT

Lance Anderson stated that it doesn't have to happen all at once either. We have seen properties sit for ten years and then come in and ask for their zoning. **Chairman Jeff Loris** is opposed to the change. Right now is a nice place to stop it and have a buffer between medium and high density. **Commissioner Lance Anderson** stated that he personally fights the frontage issue every time. They could be bigger than 12,500 sq ft lots but their frontage kills them. 13 lots would be 12,400 sq ft.

MOTION: Commissioner Bryan Pack moved to recommend approval of the land use change to Medium Density Residential for the property located at 600 West and 280 South. **Commissioner Mike Scott** gave the 2nd. **Chairman Jeff Loris and Commissioner Adel Murphy** both stated opposed. **Commissioner Lance Anderson** recused himself. **Dale Coulam** stated that they are in a tie so you can discuss it further or make a motion to continue. **Dale Coulam** showed the zoning map. The holding zone that Bruce Parker used is RA-1so the current zoning for this property is RA-1. The zoning of the petitioners north and south of Cliffrose would be RA-1 even though the density on the land use change was Medium Density Residential. There are 3 zones in medium density residential; 7,500, 10,000 and 12,5000 sq ft. The applicant would have to submit a zone change application to get to 15,000 sq ft. lots because this property is currently zoned RA-1. **Commissioner Bryan Pack** stated even if we ended at 15,000 sq ft there will be a jump and no transition zone which goes against what we have done in the past. **Dale Coulam** stated you can't do a land use with the zone change. You can't approve a zone change until the land use amendment is completed. **Commissioner Bryan Pack** stated he is still in favor. **Commissioner Mike Scott** stated he hopes for a lower density, but if they take the higher end of medium density residential, it still fits the land use better. He hopes that the City Council will follow the staggering buffer approach to bring the size down. It would be a nice compatible way to merge. **Commissioner Lance Anderson** stated he will no longer recuse himself and would vote to recommend denial to the City Council.

MOTION: Commissioner Adel Murphy moved to deny recommendation on the Land Use Change from LDR (Low Density Residential) to MDR (Medium Density Residential) located at approximately 600 West 280 South. Cousin Eddie, LC-Owner. Douglas Brady-Applicant.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS-

A. Discuss and consider recommendation on Ordinance 2017-03, regarding zoning text amendments on swimming pool enclosure requirements.

Dale Coulam stated that Commissioner Lance Anderson handed out the old Ivins City Code which we are back to. Zoning Ordinance 16.12.119. In 2014 we adopted the pool enclosure requirements contained in appendix G of the International Residential Code. The 2015 version of that code still has an appendix G, but does not contain the section on pool enclosure requirements. So this ordinance takes the language of Appendix G and puts it in the Zoning Ordinance 16.12.119. Commissioner Lance Anderson raised some questions on whether Appendix G was desirable, so we also have St. George's code section on swimming pool

DRAFT

enclosures and safety devices printed out. **Commissioner Lance Anderson** stated 31.09.4.1 in St. Georges' code shows an exception. It says a swimming pool with a power safety cover or a spa with a safety cover compliant with ASTMF 1346 is showing they don't need a barrier fence. On our proposal in #5 it says barrier exceptions for spas and hot tubs with safety covers which comply with ASTMF 1346 shall be exempt from provisions of this section. He has been seeing a fight on pools in areas where they will put in a moat of 4 feet and then a 4 foot fence. It changes how houses can sit on properties and then it gets full of dirt and it naturalizes. What does it accomplish? Pool covers in St. George require that they have to meet standards to walk on it. People have been coming to him asking what he can do about this. Most drownings happen from inside someone's home. They are required to have an alarm sounding device, but if they leave the door open the sound doesn't go off anyway. The pool cover is safer than a fence. **Commissioner Mike Scott** stated so you want to add pools to Item #5 not just spas.? All pools in the City? **Dale Coulam** stated this change would only apply to new construction. You are talking about rigid hard covered surface for pools? **Commissioner Lance Anderson** stated yes. **Mike Rodriguez** stated that rural county jurisdictions that he has worked in, the interpretation is to have fences, so they have to put it around the pool area itself. There is an exception for motorized pool covers, but they are costly and have to comply with the requirements. **Commissioner Lance Anderson** stated ours says we have to have a barrier fence and a pool cover or an alarm device. If it is safety we are looking at, most with a pool cover would close those. **Commissioner Mike Scott** stated the pool cover an adult can walk out on. A four-foot barrier is not that much of a defense. **Commissioner Lance Anderson** stated that he is asking that we add that if it's safe. Brett Boyce was invited to speak and stated he was with Splitrock Construction. He has built a number of homes with pools in St. George and a cover only works on square or rectangular pools. They have a guide that guides them along and they are very strong. Cost is about $6000 for a standard sized pool to add this. They are safe. It also provides better sight-lines like Kayenta and Ivins to just require a pool cover. **Chairman Jeff Loris** inquired if they knew the cost of a fence? **Commissioner Lance Anderson** stated between $42 to $50/sq ft. It is not just about cost but whether it is safe and aesthetics. **Commissioner Adel Murphy** stated you have to replace them every few years. **Chairman Jeff Loris** stated that ASTMF 1346 as of 2010 reads that the standard performance specifications for safety covers and labeling requirements for all covers for swimming pools, spas and hot tubs.

MOTION: Commissioner Mike Scott moved to approve recommendation of Ordinance 2017-03, regarding zoning text amendments on swimming pool enclosure requirements, with the addition of Item #5 in our ordinance be modified to match St. George's wording in Section 31094.1, stating the exception swimming pool or spa with a power safety cover comply with ASTMF 1346.

SECOND: Commissioner Adel Murphy

VOTE: The motion carried.

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

B. Discuss and consider approval of the Ivins City Planning Commission minutes for January 31, 2017.

DRAFT

MOTION: Commissioner Bryan Pack moved to approve B. Discuss and consider approval of the Ivins City Planning Commission minutes for January 31, 2017.
SECOND: Commissioner Mike Scott
VOTE: The motion carried.

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

6) REPORTS

A. Planning Commission

B. Chairman

C. City Attorney, Dale Coulam

Dale Coulam introduced Mike Rodriguez as our new Building and Zoning Administrator.

D. Items to be placed on future agendas

Dale Coulam stated that there will be a Public Hearing Meeting scheduled for Highway 91 property. Crimson Canyon Final Plat will also be coming.

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT
SECOND: Commissioner Bryan Pack
VOTE: The motion carried.

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

DRAFT