IVINS CITY
PLANNING COMMISSION
MINUTES
December 15, 2020
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chairman Bryan Pack, Commissioner Lance Anderson, Commissioner Bob Morris, Commissioner Doug Clifford, and Commissioner Jeff Loris.

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator, Lane Mecham-Director of Finance and Sharon Allen-Deputy City Recorder.

Audience Attending: Cody Mitchell, Chris Haddad, Jerry and Stephanie Nostadt, Gail Brimner and Ronald Stoops.

A. Acknowledgement of Quorum

B. Invocation--Chairman Bryan Pack

C. Disclosures--None.

2) REPORTS AND PRESENTATIONS -

A. Concept Plan Report for Larsen Subdivision.

Mike Rodriguez stated this is located at 70 West 200 North and this is an old application that has been resurrected recently by the applicant. They wish to subdivide their .93 acre parcel and create another lot in the front. There is an existing home on the back of the lot, so that will become a flag lot with adequate access and the new proposed lot will comply with the zoning, which is RE-12.5. The improvements will be in compliance with City ordinances.

3) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing on recommendation to approve a Preliminary Plan for Palisades at Snow Canyon Phase 8. Located at approximately Desert Lane and Center Street. Palisades at Snow Canyon LLC-Owner. Flint Decker-Applicant.

Mike Rodriguez stated that this is a 15.3 acre parcel along Center Street just South of the existing Palisades at Snow Canyon development. The property was owned by Ivins City and sold to the developer who rezoned it to RE-12.5 and RE-10 with lot averaging. This is for 32 lots that will be accessed off of Center Street. It has two cul de sacs and then will be joined to the existing Palisades at Snow Canyon development. All the proposed improvements comply with City Ordinances. **Chairman Bryan Pack** opened the Public Hearing. Hearing no comments, **Chairman Bryan Pack** closed the Public Hearing.

B. Discuss and consider recommendation of a Preliminary Plan for Palisades at Snow Canyon Phase 8. Located at approximately Desert Lane and Center Street. Palisades at Snow Canyon LLC-Owner. Flint Decker-Applicant.

Chairman Bryan Pack stated he sees no issues and it appears appropriate in this area, and based on staff's recommendation he is in favor. **Commissioner Jeff Loris** stated that for clarification on the southeast corner at the pool area there is a corner where the detention basin is that the ownership has been changed to wrap-around that detention basin and has it been deeded or given back to the City and who is taking care of it? **Mike Rodriguez** stated says yes, that was worked out with Public Works and the City Engineer and is part of our storm drain improvements. The City will maintain that. **Chairman Bryan Pack** inquired about ownership and if there was an

easement given to the City? **Mike Rodriguez** stated that it will be deeded over and worked out with the final plat.

MOTION: Commissioner Jeff Loris moved to approve recommendation of a Preliminary Plan for Palisades at Snow Canyon Phase 8. Located at approximately Desert Lane and Center Street. Palisades at Snow Canyon LLC-Owner. Flint Decker-Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Jeff Loris	AYE

4) DISCUSSION AND POTENTIAL ACTION ITEMS--

A. Discuss and consider recommendation of Fisk Subdivision Preliminary Plan, located at approximately 45 West 300 North. Justin K Fisk-Owner. Casey Stratton-Applicant.

Mike Rodriguez stated that this property is located at 45 West 300 North. The applicant purchased the lot and it was never legally subdivided. There is a home on the easternmost portion. It was a long narrow lot and the applicant purchased the lot to the west left and after purchasing, discovered it had not yet followed the City's subdivision process. The new parcel will be .47 acres and comply with setbacks with the new dwelling and it complies with the City's ordinances and preliminary processes. **Chairman Bryan Pack** stated it looks fine and is appropriate in this area.

MOTION: Commissioner Jeff Loris moved to approve recommendation of Fisk Subdivision Preliminary Plan, located at approximately 45 West 300 North. Justin K Fisk-Owner. Casey Stratton-Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Jeff Loris	AYE

B. Discuss and consider approval of T&L Parkway Final Plat. Located at approximately 175 West 100 South. Troy Nelson-Owner/Applicant.

Mike Rodriguez stated that this is the final plat for creating a subdivided parcel with a .57 acre parcel on the back part of this property, essentially a flag lot with a 25 foot access and showing as lot #2 on this exhibit. There is an existing home on lot #1. The proposed improvements have been reviewed by TRC and the plan is in compliance with City ordinances. **Commissioner Jeff Loris** inquired that this is a residential split, and not for a commercial application? **Mike Rodriguez** stated yes. This is a residential lot, in a residential zone. **Commissioner Bob Morris** stated it used to be commercial designation, but it is now residential.

MOTION: Commissioner Bob Morris moved to approve T&L Parkway Final Plat. Located at approximately 175 West 100 South. Troy Nelson-Owner/Applicant.
SECOND: Commissioner Jeff Loris
VOTE: The motion carried.

Chairman Bryan Pack	AYE

Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Jeff Loris	AYE

C. Discuss and consider approval of Lot 235 and 237 Palisades at Snow Canyon Amended Final Plat.

Mike Rodriguez stated that this is an amended final plat that had four lots that the applicant is applying to combine them into two large lots. They will now be lots 235 and 237. TRC reviewed and this complies with City ordinances. **Commissioner Jeff Loris** stated that this looks good to him. **Commissioner Lance Anderson** inquired what was the difference in grading? **Mike Rodriguez** stated this gradually slopes to the east, but it is minimal.

MOTION: Commissioner Bob Morris moved to approve Lot 235 and 237 Palisades at Snow Canyon Amended Final Plat.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Jeff Loris	AYE

D. Discuss existing Lighting Ordinance.

Chairman Bryan Pack stated that Commissioner Doug Clifford has sent some comments to the text and he has his own comments as well. He knows we have a lot of people joining us who are interested in this topic and that is marvelous and he is excited to see public engagement in the process. This is not a Public Hearing tonight, so no public comment at this point. He has received several emails and we certainly intend to consider all of that at a later date. There will be opportunity for public comment at a Public Hearing just to set everyone's minds at ease. It appears there is a lot of confusion and misunderstanding regarding this item. City Council gave us direction to review limited things, such as message boards, that needed to be changed in the lighting ordinance, none of which affected the night sky portion. Those items are in red text. **Commissioner Bob Morris** has raised some concerns and asked us to consider additional items and those are shown in green text. We recognize the history of the lighting ordinance, and the value that many people in our community place on that. We as a Planning Commission are being thorough and deliberate and want to make sure we understand all the issues and the impacts of any changes we want to make. He is a lover of the night sky. He also feels there is a purpose and place for safety and security in any ordinance dealing with lighting. In his opinion, that should be the highest priority in Section 1. There are ways to harmonize this. It is not all or nothing. When we narrow it down, there are really only 4-5 issues to talk about. **Commissioner Lance Anderson** stated we need to take into account the emails we have received. When we talk about safety, it is relative to the amount of people and what is surrounding it, so he doesn't want to use health, safety and welfare for something that is not yet an issue in Ivins. **Commissioner Doug Clifford** stated that he sent in his notes in purple text. Night sky is an integral part of the general plan. The concept of a dark sky. It is a major statement and has been emphasized as a feature and a reason people live here. That is not the same as the Night Sky Initiative. Maybe we should define what the Ivins night sky concept is. It is a component of the general plan, so we need to support that. Lighting as safety can't be disregarded. Safety is a key feature, if we didn't

believe that, we wouldn't have lighting at all. Lighting technology has changed since our current lighting ordinance. We need to take LED into account. Many of the comments that came focused on loopholes that they felt were made in revisions, like accent lighting and light pollution. We need to define it more, like timers and how long lights can be left on. Support it as a feature of our community, and don't allow any loopholes. **Commissioner Jeff Loris** stated that he agrees with Commissioner Doug Clifford on night sky, because a lot of letters he received was about being able to see the stars and cosmos and planets from our back yards. The Night Sky Initiative was different than what we are doing and taking a look at, and we need to see if there is some way to protect that ability for us to see the sky and move away from "the night sky" stigma to fit more with Ivins. We have had a previous applicant with a safety concern and we checked with police and looked into what requirements we have and what crime we have in the area that occurs. If we rely on those records and data, that should give us a system for crime-related lighting. We have a lot of changes that need revamped into the 21st century. **Commissioner Bob Morris** stated that his proposed changes are in print. This ordinance is an invasion of people's rights to choose for themselves what level they feel they can light their property, for them to feel safe and secure. The changes he has proposed do not tell people they have to have so much light on their property. You can select darkness for yourself, but to tell others they can't because our ordinance requires a certain kelvin that is not reasonably priced, and it is so out of date, it doesn't even mention LED. Plasma lighting will one day replace LED. It isn't even mentioned in here. We shouldn't wait for there to be a problem. He has lived here 25 years. He has had his tires slashed. We had 22 car break-ins last year. Let's not wait for problems to do something about it. We should have freedom as individual homeowners to decide what is best for our property. He received 39 emails that were of strong opinion and a bit regional. He spoke with commercial owners as well. **Commissioner Lance Anderson** stated that all the technology in the world doesn't change the intent of the ordinance. It improves the ability to manage the night sky with that technology and gives us options. The technology just gives options to maintain and utilize it. Ordinances get passed on small percentages of opinions in emails all the time. This current ordinance has been a pretty consistent theme. It is in our general plan and has been thought about for years and years, and people moved here because of it. Crime doesn't matter if it is the brightest spot in town, it is about who is doing it, so don't concentrate on that. **Chairman Bryan Pack** stated let's go through this page by page on the items that have been called out. If we have a majority that are in favor of a particular item, there is not much use for additional debate because we all know where we are each coming from. We can move through it quickly in that manner to identify what the key issues are. There will be additional meetings, and also a Public Hearing to discuss and refine this. He agrees with Commissioner Lance Anderson that the technology is what the technology is. If we use standard measurements we can provide language around whatever the technology might be in the future. If we use kelvins and color rendering identifications, those measurements won't change and then we can still enforce whatever the technology is. 16.23.101-Purpose really does nothing to add to the ordinance. This is our warm fuzzy section. There is nothing that provides a standard, but it simply identifies the intent. In the third paragraph down we moved the statement safety and security up to a higher point in the list of reasons for this ordinance. They were all in favor of that. **Commissioner Lance Anderson** stated he is not okay with the inadequate lighting statement, that it can cause increased exposure to crime, accidents and unwanted fear. **Chairman Bryan Pack** stated obviously there are going to be differing opinions on this statement. The sentence above it could

be removed as well. He would like to take both statements out. **Commissioner Lance Anderson, Commissioner Doug Clifford and Commissioner Bob Morris** agreed. **Commissioner Doug Clifford** stated we have a quote from the General Plan that includes a statement about preserving scenic beauty. Can we add a definition that the night sky fits into protecting our view? It would be nice to have that in the ordinance itself. We want to preserve this ability to have no light pollution. That may be a good place to put it. **Chairman Bryan Pack** stated that the night sky has value to us, do you want to propose some language for the next meeting? **Commissioner Bob Morris** stated put it in definitions. That is a mission statement. He went from any reference of night sky to astronomical observations. Dark Sky has a stigma as an organization. **Commissioner Lance Anderson** stated that is not true. We used that statement long before that organization got started. **Commissioner Jeff Loris** stated that recently they have named themselves that, so it appears that we align with them. **Commissioner Lance Anderson** stated that it was night sky before they aligned with us. Let's not change it. **Chairman Bryan Pack** stated that he is in favor with defining night sky more specifically and putting that in the definition section. **Commissioners Doug Clifford**, **Commissioner Bob Morris** and **Commissioner Lance Anderson** agreed. **Chairman Bryan Pack** stated there is only one place we use that CRI definition or word in the entire document. We define it in definitions, but we don't use it as a measure of any relevance or connection to the rest of the document. Do we need it called out, if it never gets used here? **Commissioner Bob Morris** stated that where kelvin is mentioned, he would like to see a CRI above 50 allowed, which allows you to see actual colors. When the number is too low, we can't distinguish color. He would like to see it used in other places in this ordinance. **Commissioner Doug Clifford** stated in order to truly understand this to put in an ordinance, we may need an expert opinion to input numbers and amounts. **Chairman Bryan Pack** stated so reserve this for a future discussion? He would not be in favor of using it as it is currently being used. Kelvin already encapsulates this concept. If CRI raises as your kelvin raises, then we already have the measurements that we need. **Commissioner Bob Morris** stated that incorporates a minimum kelvin, which he is against. When plasma comes about, CRI won't change, but lumens will. **Commissioners Lance Anderson, Doug Clifford** and **Chairman Bryan Pack** agreed to move this item to the next discussion. **Chairman Bryan Pack** stated he has no problem adding in color. They all agree to that paragraph. The next paragraph is where we have taken out enhance the night sky, and added in the vibrant community of Ivins. **Commissioner Doug Clifford** stated he thinks it is okay to use the night sky here. **Chairman Bryan Pack and Commissioner Lance Anderson** stated they agree. Define it later on in the document, but leave enhance the night sky in. **Commissioner Jeff Loris** stated keep them both. Use vibrant night sky of Ivins City. **Chairman Bryan Pack** stated the next paragraph is moving safety and security to a higher position. Not changing any enforceable standards, but making it a higher priority. All agreed. **Commissioner Lance Anderson** stated don't cross out preserve, protect and enhance the natural night sky, but define what night sky means. All agreed to define that later on. He stated he would like to know what astronomical observation means. **Commissioner Bob Morris** stated it is in the General Plan. It is unnecessary. **Chairman Bryan Pack** stated he thinks we can take that out. Next, on Page 4 we have Commissioner Bob Morris' definition of home accent lighting. He thinks this is an appropriate addition. **Commissioner Lance Anderson** agreed. **Chairman Bryan Pack** inquired to Commissioner Bob Morris if we can throw fixtures between the words lighting and install? **Commissioner Bob Morris** stated no it is not a fixture. He is talking about permanent holiday LED lighting that attaches to the rain gutter. **Chairman Bryan Pack** inquired

on the end of Page 4 where it says this type of lighting is not energy efficient. He does not think that is necessary. **Commissioner Lance Anderson** and **Commissioner Doug Clifford** agreed to take that out. **Chairman Bryan Pack** stated Page 5 has the definition of kelvin. It makes sense to have this in. He has two suggestions to start the sentence with "The" not "Is". The last two sentences are not necessary for definition. They don't add to the ordinance. **Commissioner Doug Clifford** thinks you need it in there. **Commissioner Bob Morris** stated we need it in there, to determine the scale. **Chairman Bryan Pack** stated this may be a spot where we need an expert. **Commissioner Bob Morris** stated a professional, a lighting engineer or specialist is needed. **Commissioner Lance Anderson** stated that specialists have their own opinion. If one doesn't match your opinion, another one will. **Chairman Bryan Pack** stated he would expect we will hear opinions from engineers on both sides. **Commissioner Doug Clifford** stated in definitions don't want to make it a tutorial on kelvins but to show the range from white to yellow. **Chairman Bryan Pack** stated he has no problem with it if we can get sources from two or three engineers. **Commissioner Bob Morris** stated that it is a fact that the higher degree kelvin, the whiter the color temperature. You will have no trouble finding a lighting engineer to tell you that is how it works. **Chairman Bryan Pack** stated that the next definition was LED lamp. He had no concerns with that. He is in favor of it. **Commissioner Jeff Loris** and **Commissioner Lance Anderson** agreed. **Commissioner Bob Morris** stated that he wants to add plasma lamp so we don't need to redo this in 5 years. He will get that definition. **Chairman Bryan Pack** stated that the definition of light pollution goes back to astronomical observations versus the Ivins night sky. **Commissioner Lance Anderson** stated we need to think about this one and how light carries. Wait on this one to think more about. We need to identify it better. **Chairman Bryan Pack** stated that we can remove the astronomical observation portion. It will be night sky based on our definition. On the photometrics definition, he will have to defer to others. **Commissioner Doug Clifford** stated he has no idea, and we need people that can understand this tell us if this is a useful tool to establish boundaries of outdoor lighting. **Commissioner Bob Morris** stated on a commercial level, we need to demand photometric studies of parking lot lighting because that is what determines getting the lighting where you need it. If the photometrics are incorrect, you drive down the street and half of our bollards glow out to the street unnecessarily. If we have a professional review it, it is an expense a contractor will have to pay for, but we can eliminate light going where it is wasted and excessive. **Chairman Bryan Pack** stated engineers do understand what is meant when you say photometrics and we do use that word in the ordinance, so it is appropriate to have a definition. **Commissioner Doug Clifford** and **Commissioner Jeff Loris** agreed. Page 6, Section 16.23.105-General Standards and Criterial item C, the text removed the reference to metal lamps and put in LED lamps and removed high pressure sodium lamps and low pressure sodium lamps. Are those just not used anymore? **Commissioner Bob Morris** stated correct. He suggested we add plasma lamps there. **Chairman Bryan Pack** stated in Section 3, remove the word "required" to the word "encouraged". **Commissioner Lance Anderson** stated kelvins define that. **Chairman Bryan Pack** stated the word encouraged is harder to enforce. **Commissioner Bob Morris** stated it can be enforced up to 4000 degrees. You can go as low as you want. If someone wants to light up their home up to the 4000 degrees, we shouldn't limit that, and it is a personal preference. 2200 is preferred. **Commissioner Doug Clifford** stated we could insert a chart with the kelvin temperatures. **Commissioner Lance Anderson** stated the important thing is that those amber pieces that got put in, do we want to keep it under 3000 or jump it up to 4000. **Commissioner Bob Morris** stated 2800 is still considered warm, but those amber filters at

Rocky Vista University and half is 4000 and half is 2200 and it wasn't working for their safety. He was hired to add more lights. People need to be educated on what a kelvin is. **Chairman Bryan Pack** stated so this will be our biggest issue we have to grapple with. We will reserve this increase from 3000 to 4000 for next discussion. He wants to see examples. We could take the first sentence about warm lighting out. Let the kelvin cap define it. **Commissioner Bob Morris** stated that if they filter it after putting it in at 3000, it then reduces it to 2200. He doesn't know if this is the biggest change, but it is the most contentious. **Commissioner Doug Clifford** stated warm is vague. We need numbers. He inquired if we can hire someone to help us? **Commissioner Lance Anderson** stated when we have public hearing we will fill in the blanks easier. **Commissioner Bob Morris** will forward the proposal to an electrical engineer.

E. Discuss and consider approval of Planning Commission Meeting Scheduled FY2021.

MOTION: Commissioner Lance Anderson moved to approve Planning Commission Meeting Scheduled FY2021.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Jeff Loris	AYE

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for December 1, 2020.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for December 1, 2020.

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Jeff Loris	AYE

5) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

6) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE

Commissioner Jeff Loris	AYE