IVINS CITY
PLANNING COMMISSION
MINUTES
March 2, 2021
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 Doug Clifford, Commissioner Bob Morris, Commissioner Jeff Loris, and Commissioner Lance Anderson.

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: Chris Haddad, Dan and Debi Clarkson.

A. Acknowledgement of Quorum

B. Invocation--Commissioner Doug Clifford

C. Disclosures

Commissioner Lance Anderson stated he has a conflict with Items 4D, 4E and 4F. He is also a developer for low-light development. **Commissioner Bob Morris** stated that he is an electrician. No other conflicts.

2) REPORTS AND PRESENTATIONS -None

3) PUBLIC HEARING AND ACTION ITEMS—None

4) DISCUSSION AND POTENTIAL ACTION ITEMS--

A. Discuss and consider approval of Azalea Townhomes Phase 5 Final Plat, located at approximately 343 West Highway 91. Visionary Homes, 2020-Owner. Reed Scow-Applicant.

Mike Rodriguez stated that this is for Azalea Townhomes Phase 5 located at approximately 343 West Highway 91. Visionary Homes is the applicant. That was formerly Kanta Village and is a total of 81 townhomes east of Ryders and Sage Villas Townhomes and south of Highway 91 and 400 West. It is immediately adjacent to Movara Townhomes. It is a multi-phase project with a development agreement. This application is proposing 8 lots in Phase 5. It is consistent with the Preliminary Plan. TRC reviewed the amended preliminary plan that was submitted April 23, 2020 which proposed phased construction of the site. All improvements are in compliance with City Ordinances and staff recommends approval.

MOTION: Commissioner Jeff Loris moved to approve Azalea Townhomes Phase 5 Final Plat, located at approximately 343 West Highway 91. Visionary Homes, 2020-Owner. Reed Scow-Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

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B. Discuss and consider approval of Red Desert Phase 3 Final Plat, located at approximately Red Desert Trail. Roush Enterprises, LLC-Owner. Rob Roush-Applicant.

Mike Rodriguez stated that this final plat is for Red Desert Phase 3, located at Red Desert Trail and Roush Enterprises is the applicant. This development that had 13 lots just north of Palisades at the end of Crestview Drive up against the Reserve and the State Park. This plat is just one lot on the westernmost portion of the project on the southwest side of the cul-de-sac. It is a .92 acre site. All improvements are in compliance with City Ordinances. **Commissioner Jeff Loris** inquired if that is the cul-de-sac as well? **Mike Rodriguez** stated there is a Preliminary Plan that has been approved for this entire subdivision. This application is just that one lot that has sold recently, so they can develop.

MOTION: Commissioner Jeff Loris moved to approve Red Desert Phase 3 Final Plat, located at approximately Red Desert Trail. Roush Enterprises, LLC-Owner. Rob Roush-Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

C. Discuss and consider approval of Larsen Subdivision Final Plat, located at approximately 70 West 200 North. Scott Larsen-Owner/Applicant.

Mike Rodriguez stated that this is for a one lot subdivision located at approximately 70 West 200 North with an existing home on the site towards the northernmost portion of the site. They applied years ago, but never completed the process. They are resurrecting this application for this .93 parcel to create a flaglot for the existing home with access on 200 North, and creating another lot. It is consistent with the R-1-10 zoning in the old part of the township. The improvements are in compliance with City ordinances and TRC reviewed this on 2/25/21. Staff recommends approval.

MOTION: Commissioner Jeff Loris moved to approve Larsen Subdivision Final Plat, located at approximately 70 West 200 North. Scott Larsen-Owner/Applicant.
SECOND: Commissioner Lance Anderson
VOTE: The motion carried.

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

D. Discuss and consider approval of Posovi 2-J Final Plat, located at approximately Uwan Drive. Kayetna Development Inc.-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that this is located at approximately Uwan Drive in the Kayenta development. The applicant wishes to subdivide the less than four acre parcel into 3 lots. All the improvements are in compliance with City ordinances, and TRC reviewed it 2/25/21. Staff recommends approval.

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MOTION: Commissioner Jeff Loris moved to approve Posovi 2-J Final Plat, located at approximately Uwan Drive. Kayetna Development Inc.-Owner/Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

E. Discuss and consider approval of Taviawk 9-DD Final Plat, located at approximately Wicasa Way. Kayenta Development, Inc.-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that the applicant wishes to subdivide this 3.92 acre parcel into 4 lots at approximately Wicasa Way. This is in compliance with City ordinances and TRC reviewed on 2/25/21 and staff recommends approval.
MOTION: Commissioner Jeff Loris moved to approve Taviawk 9-DD Final Plat, located at approximately Wicasa Way. Kayenta Development, Inc.-Owner/Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

F. Discuss and consider approval of Taviawk 12-F Final Plat, located at approximately Tearasinab Way. Kayenta Development, Inc-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that this is two lots along Tearasinab Way in the Taviawk Subdivision on a 1.229 acre lot. These are in compliance with City Ordinances and TRC reviewed on 2/25/21. Staff recommends approval.
MOTION: Commissioner Jeff Loris moved to approve Taviawk 12-F Final Plat, located at approximately Tearasinab Way. Kayenta Development, Inc-Owner/Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

G. Discuss and consider recommendation of proposed amendments to the current Outdoor Lighting Ordinance.

Chairman Bryan Pack stated that the version he sent yesterday was his attempt to show everything we have discussed to this point and what at least three Commissioners were in favor of. Many of the items proposed have been changed or taken out, but he is of the opinion we have discussed it sufficiently and should do a final look at it. **Commissioner Jeff Loris** stated that he wanted to thank Chairman Bryan Pack for all the work and communication with the public, and public hearings, staff and Commissioners. He believes that three of us have signed off on these

items and we are ready to move it forward. **Chairman Bryan Pack** stated that on Page 11 Section 22 Prohibited Lighting, it is recommended to add a line item underneath electronic message boards to also prohibit on-premise digital signs. That language is what is being put forward in legislature as a potential use for billboards, and it would open up the door for billboards in other locations if we don't use that particular verbiage. While we have this before us, let's take care of that issue now. The definition would be a digital sign on a premise. The example he has seen used is if you have two locations in the City and one is a business location you have an on-site digital sign, and what is happening with legislature and lobbying from the billboard companies is that then they would be authorized to put a digital billboard in some other location if they already have the one on-site. We would like to cut that off at the pass and try to prohibit that. **Commissioner Lance Anderson** stated on Line 517 for clarification on outdoor lighting that existed prior to the adoption of the provision of this chapter shall be treated similarly to a non-conforming use. He thinks it should be the outdoor lighting that met regulation at the time they originally built. If they were breaking the rules before, they don't get to continue to break the rules. **Chairman Bryan Pack** stated outdoor lighting that conformed to Ivins City ordinances prior to the adoption of this ordinance. Take out the word existed and put in conformed. **Commissioner Bob Morris** inquired do we need a definition for those digital billboards? **Chairman Bryan Pack** stated no the only place he would recommend we add it is on Line 437 and 438 and make it and/or on-premise digital signs. It is self explanatory. It is his understanding that legislature is not passing it this year, but it has been a discussion. **Dale Coulam** stated that we are just using the same phrase the legislature uses. It says unless we prohibit on-premise digital signs, then the business can have an off-premise digital billboard. We want that prohibition in using the phrase legislature put in their draft to cover that base. We don't know if it is going to pass or not but we will have covered it by putting that phrase in there. **Commissioner Doug Clifford** stated that Line 48 and 52 we use the term night sky in the General Plan, so let's leave a reference to night sky in that paragraph instead of astronomical observations. It is such a flashpoint in our community and our General Plan refers to it several times. **Chairman Bryan Pack** stated wouldn't Line 63-68 do the trick? We didn't take it out at all. We took off the quotation marks is all. **Commissioner Doug Clifford** stated yes that looks good. On Line 91 we state that HOAs and other legal entities with CCRs can have more restrictive ordinances than our ordinance. **Chairman Bryan Pack** stated he doesn't read this line as covering that, but it is just a property law. Any seller of land can put a restrictive covenant on land that prohibits its use in the future, and that is what CCRs are. It isn't called out, but this relates to the City Ordinance. **Commissioner Doug Clifford** stated he brings it up because many comments we got from citizens referred to a situation where they felt they were going to be subject to those changes within their own areas, and they already have CCRs that are more restrictive. We need to make sure their own HOA and CCRs capabilities are still there and in effect. **Chairman Bryan Pack** stated we could add on Line 91 where the provisions of any statute, other regulation, ordinance or covenant, including any private covenant, which covers CCRs, impose greater restrictions than the provisions of this chapter. **Commissioner Doug Clifford** stated that would help to make it clear. Line 150 status should be statue, but just a typo. Home accent lighting we have now made subject to general regulations. People feel that is the way of the future. On Line 462-469 we have figures, do they still exist or do we need to remove those lines? **Chairman Bryan Pack** stated those are in the existing ordinance and nothing we have done would change those. **Commissioner Doug Clifford** stated great job with this. On Line 257 why don't we say outdoor lamps shall be less than? **Commissioner Jeff Loris** inquired

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less than or equal to? **Commissioner Lance Anderson** stated let's move it forward to City Council.

MOTION: Commissioner Jeff Loris moved to approve recommendation of proposed amendments to the current Outdoor Lighting Ordinance. Roll Call Vote All Ayes but Commissioner Lance Anderson voted Nay.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

H. Open MeetingsTraining.

Chairman Bryan Pack stated that we will postpone the training until the next meeting.

I. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for February 16, 2021.

MOTION: Commissioner Bob Morris moved to approve the Ivins City Planning Commission Meeting Minutes for February 16, 2021.

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

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

5) REPORTS

A. PlanningCommission

Commissioner Lance Anderson stated that he wanted to thank Mike Rodriguez.

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

Chairman Bryan Pack stated he wanted to express his gratitude to Mike Rodriguez for all he has done and he is welcome to visit us anytime. **Mike Rodriguez** stated that he has threatened Cody Mitchell and Sharon Allen that he is going to be our worst nightmare and biggest complainant with zoning code violations. He thanked the Commissioners and Dale Coulam as City Manager and Attorney, Sharon Allen for all of her hard work and Cody Mitchell will do a fine job assuming his position. He has appreciated the professionalism of this Commission and Chairman Bryan Pack has done an amazing job leading these meetings, and it has been recognized. Thank you all. He has worked a long time in this business for different counties and states, and it has been a joy to work here. For a small city we do an amazing job representing the residents of Ivins and he has been happy to to be part of it. He has been here four years, but as a planning and code administrator for over 35 years and in a working career for well over 50 years. What took place with COVID in 2020, and having a couple of loved ones pass, that it was time. He has retired twice before, so the third time is the charm. He has plenty to keep him busy. He won't be bored in his retirement.

D. City Attorney, Dale Coulam

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Dale Coulam stated that he would like to thank Mike Rodriguez for the four years he has worked with us. He reads bills at the legislature that may pass on the amount of time to get inspections completed and reviews completed. We do it quicker than they have requested, and our building department is known throughout the County as being one of the best of to work with. He appreciated Mike Rodriguez's leadership of that department. In spite of us being recognized for that, the State still subjects us to changing the laws from time to time and imposing some of these restrictions. But in most cases, we already meet or exceed what they have put in place for inspections and plan reviews. He appreciates all his work and wishes him well in retirement. He is sure Mike Rodriguez will love working on his classic cars and golfing more frequently. Invite us to see your cars or enjoy nine holes occasionally. If we ever need a fourth, we will include you in our tournament. He has enjoyed your friendship as well. The last Council meeting there was a citizen comment to request an agenda item to discuss exterior building colors and we have an ordinance restricting exterior colors. We will have to see what happens after this legislative session, but right now there is a bill that would prohibit a City from regulating that. So we will see what happens and we will have it on next meeting or report on it after the legislative session.

E. Items to be placed on future agendas

Mike Rodriguez stated that he wanted to take this opportunity to echo what Dale Coulam mentioned. Our building and zoning department makes me proud to have worked here as we get a lot of compliments from a lot of builders and developers that work here in Ivins and in Southern Utah and consistently say how much they appreciate working here in Ivins and that we have the best building department. We really do strive to meet or exceed the timelines we are tasked with and we meet those objectives all the time. He credits the staff here, as well as all the employees at City Hall and the Commissioners. Thank you all. We have a rezone of 10 acres coming forward on 400 South and 200 West directly south of the skate park, next to Haven at Heritage Acres and they are applying to have them be consistent with R-1-10 zoning that is adjacent to their parcel both to the east and to the west.

6) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT
SECOND: Commissioner Jeff Loris
VOTE: The motion carried.

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

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