IVINS CITY
PLANNING COMMISSION
MINUTES
April 13, 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 Jeff Loris, Commissioner Lance Anderson, Commissioner Bob Morris, and Commissioner Doug Clifford.

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

Audience Attending: Pamela Gardiol, Chris Haddad, Tony Allen, Robert Allen, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Invocation--Commissioner Lance Anderson

C. Disclosures

Chairman Jeff Loris stated that Rosenberg worked on the Tony Allen Subdivision. He is employed there, but did not work on the project. No other conflicts.

2) REPORTS AND PRESENTATIONS -

A. Concept Plan Report for Tony Allen subdivision, located at approximately 200 West and 400 South. Burton Creations LLC-Owner. Corner of the Market LLC-Applicant.

Cody Mitchell stated that there was a zone change on this a few weeks back. This is a 30 lot subdivision. TRC gave them some recommendations last week that they modified. They had a cul-de sac that became a through street. They had to modify the distance on the street, and there is an irrigation line that comes through. What is being presented is their resubmittal. They incorporated everything that TRC recommended and it still meets lot averaging guidelines and actually works out a little better. They had six that fell under the 10,000 sq ft minimum lot size, and now they have four that fall under the size. Tony Allen is here and available if you have any questions, but this is just a report. **Chairman Jeff Loris** stated that adjacent neighbors were concerned about lot size, but it is nice to see that lots on the Haven side are larger than the lots in the Haven subdivision. Theirs are all about 8500 sq ft and these are 10,000 sq ft. That will be nice for those neighbors to have larger gaps and viewable spaces. **Cody Mitchell** stated it is actually a great example with both subdivisions being R-1-10 zoning, and the west side being a Subdivision Enhancement Overlay for Haven and Subdivision with Lot Averaging for this proposed subdivision. It gives a good aerial view of how those lots can shape out. **Commissioner Bob Morris** inquired what size the setbacks are off the street at 400? Are they the same equal size? **Cody Mitchell** stated both 400 South and 200 will have the landscape buffer and appears to be 15 to 20 feet. **Commissioner Lance Anderson** stated that on the wall offsets it appears the landscape is a straight line. The landscape buffer could be an average and give movement to the wall like Haven at Heritage Acres. Tony Allen stated when we get to Preliminary Plan we will look at the walls, but they didn't include that detail for the concept plan.

4) PUBLIC HEARING AND ACTION ITEMS—None

5) DISCUSSION AND POTENTIAL ACTION ITEMS--

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A. Discuss and consider approval of Anasazi Vista Phase 3 Final Plat, located at approximately 200 South and 620 West. Anasazi Vista LLC-Owner. James Sullivan-Applicant.

Cody Mitchell stated that all these items for Anasazi Vista are similar. They are subdividing three of their phases and the Preliminary Plan was approved by City Council in June of 2020. This will complete their subdivision. This Phase 3 is 4.76 acres and it adds 14 lots. It has been reviewed and meets City ordinances. **Chairman Jeff Loris** stated on the southeast corner on Phase 5 it has not been deeded over. **Commissioner Lance Anderson** stated it was deeded with the first phase. **Cody Mitchell** stated he will double check that it was done in a prior phase. **Chairman Jeff Loris** inquired if 600 West is a major collector? **Commissioner Lance Anderson** stated yes.

MOTION: Commissioner Bob Morris moved to approve Anasazi Vista Phase 3 Final Plat, located at approximately 200 South and 620 West. Anasazi Vista LLC-Owner. James Sullivan-Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

B. Discuss and consider approval of Anasazi Vista Phase 4 Final Plat, located at approximately 200 South and 660 West. Anasazi Vista LLC-Owner. James Sullivan-Applicant.

Cody Mitchell stated that this a 4.04 acres parcel being subdivided into 14 lots and the proposed improvements are in compliance with City Ordinances. City Council approved the Preliminary Plan in June 2020. **Chairman Jeff Loris** inquired if this is west of the previous phase? **Cody Mitchell** stated yes, and the southern phases are Phase 1 and 2.

MOTION: Commissioner Bob Morris moved to approve Anasazi Vista Phase 4 Final Plat, located at approximately 200 South and 660 West. Anasazi Vista LLC-Owner. James Sullivan-Applicant.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

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

C. Discuss and consider approval of Anasazi Vista Phase 5 Final Plat, located at approximately 200 South and 700 West. Anasazi Vista LLC-Owner. James Sullivan-Applicant.

Cody Mitchell stated that this is the 5th and final plat for this subdivision and is a 4.44 acre parcel being subdivided into 14 lots. The improvements are in compliance with City Ordinances and City Council approved the Preliminary Plan in June 2020.

MOTION: Commissioner Bob Morris moved to approve Anasazi Vista Phase 5 Final Plat, located at approximately 200 South and 700 West. Anasazi Vista LLC-Owner. James Sullivan-Applicant.

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SECOND: Commissioner Lance Anderson
VOTE: The motion carried.

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

D. Discuss and consider exteriorcolors.

Cody Mitchell stated that the last meeting we said we would bring in a display of different colors and their assigned LRV (Light Reflective Values). Our building design guidelines, in 16.19.103 it addresses the values that are allowed within Ivins City. 7 being the darkest and 38 being the lightest. Zero would be black and 100 would be white. In that value, we allow in Ivins 7 to 38. The first row of this display show values of 6 to 23. These are a stucco also, so you can see that the light reflects a little differently off of stucco as opposed to the color samples. **Commissioner Lance Anderson** stated that when he reads through this, he realizes that the LRV is just one component of our guidelines. 16.19.103 (5b) it states the LRV of materials used on all exterior walls shall be between seven (7) (darkest value of shaded vegetation) and thirty eight (38) (approximate value of red sandstone and soil in the city). Generally, the more visible the structure, the lower its LRV should be. We are always talking about what we can do to help residents preserve their views. It defeats the purpose if you are just going to put a white house in front of them. It states exterior building colors that respect and enhance the natural tones of the southern Utah environment shall be used. We say that because we are trying to protect people's view and soften what is in front of them. Our whole guideline will be thrown out the window if we allow white stucco. We are trying to preserve views and massing. Color and landscape is a large part of massing. Our eye travels to the mountain. He wants to focus on LRV, but he also wants to talk about the strength and intensity and brightness of the color selected. The ordinance states that (chroma) shall be in the range from very weak (grayish) to medium weak (neutral or earth tone). Strong chroma colors should be avoided. Stains and flat paints are encouraged. We are trying to avoid gloss so it doesn't shine out. It states that all building colors shall minimize the impact of buildings on the natural setting. All building colors shall be earth tones and muted colors that blend and do not contrast with natural desert colors. Wall extensions from buildings, and all walls and fences, shall be the same or similar color and materials as the main building. Vinyl white fencing is very visible against our red mountain. We have worked a lot of years since 2003 when he has sat in this seat, watching our improvements and changes and put a lot of hours in to produce what we have today. There are white houses that are popping up as a fad. They are very reflective. If you are an HOA and the house next door outside of your HOA has a white home, then the HOA did no good. We as a community over the years wanted to achieve this, and we are. It was a community effort. **Chairman Jeff Loris** stated that Lance Anderson was just talking about protecting views. We can't regulate or control or protect views. We don't want lighter colors to distract from view corridors. **Dale Coulam** stated we can't guarantee views, but we do have regulations that reasonably try to take that in to account and balance property rights of neighboring owners. That is not always possible. If your lot has only one place to put a house, it may block the view of someone behind you or next to you. We have regulations that, when possible, try to minimize blocking views. It is a balancing act, but LRV is just one factor. It is not necessarily the dominant factor. We take into account the other factors and it may lead you to a similar result as

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LRV, but we have seen some extreme colors that fit the LRV but no other factors. **Chairman Jeff Loris** stated he just wanted to be sure we aren't trying to dictate or control views. **Commissioner Doug Clifford** stated that the idea of blending is important. In Kayenta the homes are reasonably dense but you don't see them because they blend. That is what the founding fathers of Ivins were trying to do is replicate rural environment and not have standout or obnoxious or visible colors or characteristics. Blending with the landscape and the natural colors seem to be the emphasis people want us to pick. Some of his family is in real estate, and they are indicating whites are starting to fade away and going back to earth tone colors. We want blending and dark skies, lighting and housing that doesn't bring attention. **Chairman Jeff Loris** stated as long as we can blend the City into one color palette, we will be doing what the forefathers wanted. **Commissioner Bob Morris** stated that he wishes the State passed the law that you can't tell people what color their house is going to be. We can't have an ordinance that enforces it after they put the color on their house. His son told him that his contractor let him pick the stucco color on his house and he told him to be careful. Sure enough, he went to the City and they said no. As a kid he remembered passing the blue house and used it for directions. He has grown up in a different environment than a CCR for the entire City. **Commissioner Lance Anderson** stated that several homes have been repainted already and Cody Mitchell has the form to fill out for LRV. Maybe we need to add some of these other components to the building permit. This ordinance has been in place since 2014. They aren't new rules we have created, but the growth is so huge we have missed a few homes or they have painted them after certificate of occupancy. He doesn't want people to have to repaint their homes, but these guidelines have been here for years. It is relative to what Ivins has become. He feels for Cody Mitchell and Taylor Ence who is waiting to paint his house, but he doesn't want to change the rules. **Commissioner Doug Clifford** stated that this whole concept has been in the General Plan for a long time as well as these regulations. They are already there. Are they rules or guidelines? If we want them to be enforcing we have to have some metric, some measurement. If LVR is not a good measurement and doesn't really tie to what we are trying to accomplish in the blending of colors, we need to find some other way to do it. Then we need to decide how to enforce it and when in the process does that happen so the builders and people know it's there? **Chairman Jeff Loris** stated at the beginning of 16.109.103 it states Building Design Requirements. That is a rule that has to be followed. When Dale Coulam brought this to us he had asked us if we wanted to look at these LVR requirements and open it up and it was 50/50. We had asked staff to bring us some examples. **Cody Mitchell** stated that this presentation is bigger than the thumbnails you were viewing at the last meeting and it is stucco. The paint card is different than the stucco because there is contrast with the shadowing and appears to be a deeper color. In 2014 the tuscan colors were popular and we didn't have much issue with enforcing this. Recently with the popularity of contemporary whites and grays, a number of homebuilders are wanting to go with those lighter tones. Our tolerance numbers are from 7 to 38. Our examples shown are 6 to 22 and the back row is 45 to an 80, which is almost a white color. Our ordinance tops out at 38 so he wonders if the Planning Commission would consider lightening it to 45 or 50. That is what the demonstration is for. If you are comfortable with the tolerance set by the current ordinance, or if you would consider taking into consideration some of the lighter colors. **Commissioner Lance Anderson** stated that this is a dilemma. He wants to figure out how to help define it for Cody Mitchell's sake because it puts him in an awkward position. He pushes it because we have been living this rule and people have vested into our community. Property rights are also driven off of value and the value has risen because of the rules we have. Changing our requirements may

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change the value. That is how we create our environment. As a community we have decided this is what we want. S&S Homes repainted their Parade of Homes that was too light, but they left the color up as an accent and it looks very nice. We don't want all homes to look like Kayenta or Padre Lakes. Those are the extremes. There are opportunities to place accents on your home, but they need to meet our weak grays to neutral earth tones. **Chairman Jeff Loris** says that 7 to 38 is very specific cut-offs. We didn't round it up. 7 is the darkest shade of vegetation and 38 is the approximate value of red sandstone. So could the approximate value be 41, or 45? **Commissioner Lance Anderson** stated we don't want cookie cutter homes. They need to be subtle, not in your face. **Chairman Jeff Loris** inquired what is Red Mountain Vistas LRV? Are they in compliance? **Cody Mitchell** stated that he is unsure when they were approved on their design or if it was during this ordinance. **Chairman Jeff Loris** stated Haven at Heritage Acres are fairly new with grays and darker colors. **Cody Mitchell** stated at time of permitting we hand out a paper asking for the LRV, and as Taylor Ence mentioned a lot of people don't know what that is. It doesn't make it okay and they need to educate themselves, but they fill out that value on the paper and they are within the limit. Moving forward, we will start to do color samples, because we are bringing attention to it at the forefront of the build. Haven at Heritage is doing a good job at staying within those values. We looked online at purchasing a meter and they were upwards of $3-4,000. They are expensive but that would truly be the way to enforce this. At final inspection we would go shoot the color they applied and it is either a pass or fail. Homes that are not new construction could fall through the cracks because when they come in for permitting, they aren't including retexture or that they are recoloring the exterior as part of that build. Any resident that goes to Home Depot on the weekend and buys 20 gallons of paint are not aware of this ordinance, and that is how you see homes popping up through Ivins that are not compliant. **Chairman Jeff Loris** stated our choices are to leave it alone, let it go, change it, or modify it. **Commissioner Bob Morris** stated that this is very stringent and very much Kayenta-style. It is the Santa Fe look. He doesn't know if we can set up zones. Are our stringent requirements actually aiding something? **Commissioner Doug Clifford** stated that palette that was sent out has reds and greens that would be acceptable. LRV is not an all encompassing measurement. Again blending doesn't have to all be the same but they should work together. **Commissioner Lance Anderson** stated that our ordinance says Larger Buildings And Two-Story Structures: Larger buildings should be placed toward the interior of a development, or placed on the lower site elevation to reduce apparent mass. We do that so people driving around don't see the mass. Maybe we do the same thing with the color of stucco. Those on the interior have a lighter color. Trees and landscaping so we wouldn't see it from the street. **Chairman Jeff Loris** stated that sounds like a bigger problem for Cody Mitchell. How do we help staff? **Commissioner Lance Anderson** stated that maybe they present it at zoning. Every rule we have relates to massing and how we can make that home go away so other people can enjoy the view of our City. are subjective. **Chairman Jeff Loris** stated there are elements that are quantified and required by this ordinance. Can we come together to give staff a box to check? **Commissioner Lance Anderson** stated that hopefully a citizen listening will send in an email. There are a lot of cities that leave it subjective, and as staff changes, the subjectivity changes. **Chairman Jeff Loris** stated in his profession the nail and bolt has to be where it is or it fails and the plan review shows that if it is there, it is right. If it is not, it is wrong. **Cody Mitchell** stated the one thing that strikes him is the paint chip as opposed to the stucco. The shadowing and texture definitely makes it different from the light and sheen. The paint cards vary from the stucco shadowing. The only way we gauge the LRV is through the paint color, but

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not what it is being applied to. Recently when Council brought forward roof coverings they saw that there are roofs that are a satin finish and highly reflective, and as soon as they break that up with some texturing it changed the reflective value drastically. Everything else is arbitrary and up to the Zoning Administrator to decide if it is a neutral or earth tone, the chroma and intensity of it. The only true parameter he has is from 7 to 38. He can ask for a sample but it doesn't bring true light to the color. **Commissioner Lance Anderson** stated on patio covers, they are done in a sand finish, and after you paint a house so many times you have to restucco it, so the paint brings the texture back out. **Chairman Jeff Loris** stated that the letter or email Commissioner Lance Anderson is looking for, is our building official. We should use Cody Mitchell as an asset as to what we should do because he is playing judge and jury over these homes. **Commissioner Lance Anderson** stated he does feel for him and it isn't fair to him, but he doesn't want to open it up. He doesn't have a good answer. **Chairman Jeff Loris** inquired would it be better if we expand the palette? **Dale Coulam** stated maybe it is meant to be a subjective ordinance. All the other elements are subjective, even the LRV tried to be a check the box and sets a firm number, but it is arbitrary. The light reflective nature of that color can change depending on the texture. There are descriptions of what those numbers are supposed to match. Maybe we say the discretion of the building official, the color is to match the range of those descriptions. He can then look at the texture and if it fits. Then look at the other elements and make a decision based upon all those four factors to define whether a color works or not. **Chairman Jeff Loris** stated we know as builders and homeowners that if an inspector says it goes, it goes. If the inspector says it doesn't go, it doesn't go. He is the deciding factor. **Dale Coulam** stated the drawback of that is not having something firm up front. Right now people are signing off on their LRV with no idea what that means. They want their house so they sign the LRV form. Then they get to CO and get denied and have to repaint it and incur additional expense. So that process doesn't work either. **Chairman Jeff Loris** stated it does to a point because he is doing preliminary requirements as they come in, like the samples that we see here. **Cody Mitchell** stated that it is not his forte' and he is not an interior designer or exterior designer for this purpose. What would have helped Taylor Ence is telling them to submit what color he was going to be. No deferral. Bring me your finish colors. Moving forward, if nothing changes with this ordinance or find another way to enforce it, that is the direction he plans on going to bring more light to what LRV is. He has a home builder that went to Snow Canyon, which is visible from Ivins and picked up white sand and read our ordinance and said this is one of your native colors. What was the LRV? 58. Sorry you cannot. We do have whites and we had an applicant that submitted at TRC recently that had a photo of the snow-capped mountains. Those are roads he doesn't want to go down. 7 to 38 is much easier to enforce than being subjective and then seeing it on the house in a much broader perspective. He would rather stay within some kind of guideline or parameter. **Commissioner Lance Anderson** stated natural colors or indigenous rock are not good words to use because if we went out to the volcanic fields and put red rock on your house, the color would look pretty crazy. If we put the volcanic rock color against one of the red rock houses, it would look pretty crazy. We have lot of different natural areas here. We all have our property rights and want to work as a community to protect all of our views. **Commissioner Bob Morris** stated that in the past he has heard Commissioner Lance Anderson say that the developer decides what is going to sell and what is attractive. Property rights give us no right to our view. This is a City. It is not rural. He understands in Kayenta this concept, but we talk a lot about view and what something is going to look like, and we don't have a legal right to. **Chairman Jeff Loris** stated that was my point as well. **Dale Coulam** stated that it may be worth investing

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in a legal opinion from the Ombudsman's office on when vesting occurs on a subdivision. They file an application and pay a fee at concept plan. That same developer is building homes within his subdivision and gets towards the end after years have passed. Are they still vested under the laws that existed at the time they filed for their subdivision or is it when they go to pull the permit 10 years later and the laws have changed. Are they subject to those new laws within that subdivision? He doesn't know the answer. It might be worth checking and that is what the Ombudsman's office is for is to try to avoid litigation on these matters. We can get their opinion without spending too much money and it would be good to know going forward. We have talked about how things change depending on who is in Cody Mitchell's chair. Kevin Rudd enforced it as it was vested at the time of the subdivision and everything that happens in that subdivision is based on that date. That is the way he applied it. My subdivision predates all these ordinances but as new homes are being built in our subdivision it was applied at the time the subdivision was filed. Now we are trying to apply a new ordinance to the same developer for a lot in his subdivision. What does the law really say? He is not sure of the answer of that. He could inquire to the Ombudsman to get an advisory opinion and then will have a basis of how to proceed in the future about when vesting occurs. **Commissioner Lance Anderson** stated then let's get opinion on all building design requirements, such as lighting, color, massing, all of those requirements are the same. Talk about a problem for Cody Mitchell. How do you know how to track it? It relates to all our building requirements, not just color. It would relate to the height of a building. If a home was vested before the ordinance change, you could build a 35 ft house. If we go from building code it doesn't matter what is vested. That law goes from today. There is a conflict there. We have to build to today's ordinances. **Dale Coulam** stated who sits in that chair and their interpretation of the code is when vesting occurred. Let's get a legal opinion from the Ombudsman's office. **Commissioner Lance Anderson** inquired how would a City do anything but follow the laws of today? **Commissioner Lance Anderson** stated the Heritage Estates subdivision was built before 2014 so it would be prior to this rule. **Dale Coulam** stated possibly, yes. The same builders are in that subdivision as who applied in the first place. **Commissioner Lance Anderson** stated it would be impossible to keep track of as a whole. **Cody Mitchell** stated that it wouldn't be that tough to enforce. The height is written very explicitly in the ordinance that subdivisions after adoption of that ordinance are 25 feet and subdivisions prior to the ordinance are 35 feet. We would just look at when the subdivision was finalized, just like we do with height. **Commissioner Bob Morris** stated that the LRV needs to be relaxed a bit, but let's get Cody Mitchell a meter if we keep it in there. He wants something palatable so that builders have to fulfill the requirements of the ordinance. **Commissioner Bob Morris** stated have them go to TRC on the color. We are trying to control too much with a blanket over the whole City. **Chairman Jeff Loris** stated let's allow Dale Coulam to get an advisory opinion. **Commissioner Lance Anderson** stated let's get it for the whole building design requirements. Stucco is just one item. **Commissioner Bob Morris** stated that a friend of his got a lot in Kayenta and the requirements were a phone book. We can't enforce that. **Commissioner Lance Anderson** stated that if someone built a purple house would you like it? **Commissioner Bob Morris** stated he would have to get used to it. Like everything else in my life. **Commissioner Lance Anderson** stated you purchased your home based on rules and regulations. **Commissioner Bob Morris** stated not on the view. **Commissioner Doug Clifford** stated that he looked up LRV meters and they are not affected by ambient lighting. It excludes that and is a universal measure. **Chairman Jeff Loris** stated let Dale Coulam get the

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Ombudsman's opinion, and anyone that wants to write letters we will come back and go over any information.

E. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for March 30, 2021.

Chairman Jeff Loris had a correction. Put the word red instead of salt.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for March 30, 2021.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

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

6) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Cody Mitchell

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

Cody Mitchell stated that the Preliminary Plan for Tony Allen Subdivision will be coming up.

7) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

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