IVINS CITY
PLANNING COMMISSION
MINUTES
June 1, 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 Commissioner Bryan Pack, Commissioner Doug Clifford, Commissioner Bob Morris, and Commissioner Lance Anderson.

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: Claudette Larsen, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Lance Anderson

C. Invocation--Commissioner Lance Anderson

D. Disclosures

Commissioner Lance Anderson stated he has a conflict with Item 2A. No other conflicts.

2) REPORTS AND PRESENTATIONS -

A. Concept Plan Report for Indigo Trails Phase 2, located at approximately Kwavasa Drive and Hwy 91. AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

Cody Mitchell stated this is an extension of Phase 2 of Indigo Trails. Indigo Trails is located on the south side of Hwy 91 formerly known as Bellagio and this extension is 37 lots and encompass the area to the east of the main entrance. This is 15.064 acres and zoned RE-12.5 and a standard subdivision. In review of this phase extension, TRC recommended an emergency secondary access, and that other entrance could be moved up, depending how the development pans out.

3) PUBLIC HEARING AND ACTION ITEMS—None

4) DISCUSSION AND POTENTIAL ACTION ITEMS--

A. Discuss and consider approval of Red Mountain Terrace Phase 2-A Final Plat, located at approximately 1060 South and 200 East. B&V Investments, LLC-Owner. Brett Kee-Applicant.

Cody Mitchell stated that this is the second phase of Red Mountain Terrace on 200 East and Red Mountain Blvd near Hwy 91. The Preliminary Plan was reviewed and approved by City Council in August of 2020. This is 2.66 acres being subdivided into 10 lots and zoned R-1-7.5. TRC reviewed this in May 2021. **Commissioner Bryan Pack** inquired if it is only 6 lots total? **Cody Mitchell** stated there will be a third phase. **Commissioner Bryan Pack** stated it looks like lots 21-24 are not highlighted as part of this application. The site location only shows 6 lots, but the plat is accurate. **Cody Mitchell** stated that the part of the application that denotes the lots, acreage and zoning were blank and he filled that in, so he will confirm the number of lots and bring this back to the Commission.

MOTION: Commissioner Doug Clifford moved to table approval of Red Mountain Terrace Phase 2-A Final Plat, located at approximately 1060 South and 200 East. B&V Investments, LLC-Owner. Brett Kee-Applicant.

SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

B. Discuss and consider approval of Shonto Point VI-A Amended Final Plat, Lot #130, at approximately Osage Circle. Howard and Mary Sierer-Owner/Applicant.

Cody Mitchell stated that this lot was part of Shonto 6-A and 6-B and the owner of 6A acquired a section of that parcel, which fell into 6-B. This final plat is to remove the easements to follow the new property line and clean up the plat. The easements now follow the new property line. This is Lot 130 on .9 acres right off of Kayenta Parkway, just past Coyote Gulch.

MOTION: Commissioner Bob Morris moved to approve Shonto Point VI-A Amended Final Plat, Lot #130, at approximately Osage Circle. Howard and Mary Sierer-Owner/Applicant.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

C. Discuss update on exterior colors.

Dal Coulam stated that section one goes through a definition of building design elements which does include exterior colors, and some other design elements that we will have to talk about. Subsection 2 is the prohibition, except as provided in Subsection 3, a municipality may not impose a requirement as a building design element on a one or two family dwelling. Subsection 3 are the exceptions like historic, a condition for national flood insurance, enacted to comply with urban interface code, and if it is in a development agreement. That is one that we can still consider in the future. There may be some lots that are covered by an existing development agreement that incorporated the design elements into them. This may not be a complete prohibition against every lot in the City. We'd have to look into that. The next one is for dwellings zoned primarily residential, built before 1950. Another exception we may be able to use applies to an overlay zone. We haven't passed the new overlay zones that the Planning Commission approved and sent to the City Council. It got held up on subdivision enhancement overlay. One reason it got held up was to have some element of affordable housing. There was another bill that allowed some accessory dwelling units. The old subdivision enhancement overlay it took 10% of open space to start that process, but do we still want it to be open space or design elements? Lot owners may care, but developers may not. We may get an agreement up front for a density bonus or for a development agreement, and the developer wouldn't be particular, but lot owners may be. If there was a development agreement in place, or you gave them density in consideration for it, that regulation is still applicable as an exception. So there are still some things to consider; but for the Ence couple that came before City Council this would exempt their house, Hamblin's too. **Commissioner Lance Anderson** stated if they have an application in, they have to live by the rule that existed when that application passed. **Dale Coulam** stated that a development agreement is approved at the time of the subdivision.

DRAFT

Commissioner Bryan Pack stated this doesn't make it more restrictive for a landowner. They are not bound by new ordinance, but they can always abide by the new rules. **Dale Coulam** stated we haven't heard from the Ombudsman yet. They are backed up with requests for advisory opinions. The tool to regulate is not lost forever, but it is lost on certain lots that fall within these parameters. **Commissioner Bryan Pack** stated the exceptions go through Section H. It will be interesting to see where that alphabet ends up. **Dale Coulam** stated we need to utilize the exceptions given to us, such as development agreements and density bonuses. **Commissioner Bob Morris** stated we need to let people paint the color of their house that they want to. We also need to educate people. It gets expensive to repaint when they find out too late. **Dale Coulam** stated this resolves the immediate issue that we had issued temporary COs to, but it does not resolve the issue on the agenda to see if we want to loosen up the range of colors. They still apply to townhomes, commercial developments and Multi-Family and more than two-family. **Commissioner Lance Anderson** stated we need to put density bonuses and open space on the agenda. **Commissioner Bob Morris** stated that Cody Mitchell needs a meter if it remains in the ordinance to tell them the LRV so we can come up with a percentage. **Commissioner Lance Anderson** stated that is only one of the areas that we are judging this off of. They can tell you the LRV when they come in for their permit off the paint swatch. **Cody Mitchell** stated the meter would be great, but to add to that, we started requesting swatches and the LRV is a range of 7 to 38 which is what our ordinance allows, and people would just pick a number. Since all of this has been demonstrated, we have asked for paint swatches and we do not release a permit until we have that, so people take the time to find out what LRV is, and it makes them lock in their colors in that range. That way they are understanding what LRV is and are educating themselves. If we move forward in enforcing this, a meter would be a great tool because of how light hits it and changes the color shade. **Dale Coulam** stated CCRs can enforce colors as well. **Commissioner Bob Morris** stated things are moving in a good direction. **Commissioner Lance Anderson** stated he feels it is moving in a bad direction. **Commissioner Bryan Pack** stated come to next meeting with suggestions on what to do. **Commissioner Doug Clifford** stated how do people in Ivins see it? Is there pushback on this? **Cody Mitchell** stated that some people are aware and fine with it, and others that will sign whatever it takes to get their building permit and get started. **Dale Coulam** stated an increasing number of homes are being repainted white. Homeowners are insisting on certain colors on their biggest investment and in the pending cases they are beautiful homes and should we allow those range of colors in? **Commissioner Lance Anderson** stated it is their investment but it is also your neighbors investment. Ordinances are there to protect both sides. **Dale Coulam** stated the color swatch is a great thing that Cody Mitchell has done to request right up front the LRV value. These cases we have identified didn't have that opportunity or maybe they would have acted differently. **Commissioner Lance Anderson** stated we worked on the massing rule forever and color is a rule of massing. If we pass this rule keep it interior for those that want other colors. **Commissioner Doug Clifford** stated that if we let too many exceptions in, we don't have a rule anymore. Then it is just a general guideline. They do whatever they want and we are unable to enforce it. **Commissioner Bryan Pack** stated this can't be the same route as the lighting ordinance. We need to move it forward in some way. Come with some concrete ideas and be willing to compromise. **Commissioner Bob Morris** stated we need to loosen it. **Commissioner Bryan Pack** stated we are the recommending body only and not the final say on anything. **Dale Coulam** stated he will report on it to City Council.

DRAFT

D. Discuss amending limitations on size of attached garages in relation to primary dwellings in residential zones.

Cody Mitchell started there was a variety of opinions last discussion. **Commissioner Bob Morris** stated loosen the percentage for people to fit in the bigger garages. It needs to be stipulated in such a way that a builder can understand. **Commissioner Lance Anderson** stated when we do it already on the townhomes and commercial. We have it there for a reason, so we don't have 50 ft walls of the same plane. So if we say a rule of come in 20 ft, and drop back 3 feet. Lower the ridgeline. **Commissioner Bob Morris** stated he doesn't think there is any dispute on the ridgeline, or any dispute if we added a percentage, and we said limit it to maybe 1750 total garage space. **Cody Mitchell** stated currently for lots under a half acre, they are entitled to 50% of the footprint of their home. From a half acre to less than an acre is 60% and over is 70%. From his experience, it doesn't matter where they put that percentage, the people that want larger garages will max it out. We recently had someone that was maxed out that added 1250 sq ft to his house to add to his garage. No matter where you put it, it will be maxed out. What wrote the rule was the Baker and Butler properties, where it starts to look industrial. **Commissioner Lance Anderson** stated in Indigo Trails he is designing garages, but his are 30-36 ft. It is adding an extra 15 ft onto massing. **Commissioner Bob Morris** stated let's raise it and decide the line where enough is enough. It needs to be a certain sq ftg. **Commissioner Lance Anderson** stated that Cody Mitchell showed that 1750 was too much. Maybe 12-1300 sq ft. **Commissioner Bryan Pack** stated propose the changes in writing we can look at. That would help. Then we can debate. **Cody Mitchell** stated if you put 70% on less than a half acre it would overwhelm a house. We haven't had a chance to look at 60% on less than a half acre, but that could work. Some people think 12 ft garage doors seem too big, but others think it is fine. It is personal preference, but that would be the easiest way to adjust this, is with the percentage. **Commissioner Bob Morris** stated if you put an RV garage on your house, it takes 60 years to get that money back. Don't we want people to store their RV at a facility and out of sight and out of mind? It is not financially responsible to put RV garages on. It is purely out of convenience. **Commissioner Lance Anderson** stated keep your house to human scale. Commercial scale is overwhelming to people. Bigger lots have more space between and that keeps it human scale. **Cody Mitchell** stated one builder has asked us for this, that is what drove this discussion. **Commissioner Lance Anderson** stated he has been asked to build these as well but he would rather give up 250 sq ft to not have commercial looking masses. **Commissioner Bob Morris** inquired if that can be resolved with setbacks? He asked Lance Anderson to write what he feels it should be. He wants to go 60% up to an acre, 70% percent for over an acre with a maximum sq ftg limitation. That was generous enough for them to get their newer RVs in. **Commissioner Lance Anderson** stated that the issues are the height and size of garage and if he can't tell if it is a garage, why do we care? We care when it starts to look commercial. He doesn't care how many sq ftg they have, when it looks like a house. When it starts to become a building that protrudes upwards, it dehumanizes the whole neighborhood. **Cody Mitchell** stated his recommendation is to keep three tiers. Otherwise, you are going to have 5k up to 43k sq ft lots that would allow 60%. On lots less than .50 acre, we should have another tier in there. That is a broad range and upper 70% is very miniscule in Ivins. **Commissioner Bryan Pack** stated that if we change this in any way we are saying come build your mansion on our small lots. Small lots are better reserved for more affordable homes. He is in favor of not doing anything. Leaving it where it is at. **Dale Coulam** stated that is certainly a reasonable response. You don't have to accommodate every person who asks to change an ordinance. It is reasonable to hear it,

DRAFT

to discuss it, and to say no. **Cody Mitchell** stated he feels the same and he is a garage guy. He would take advantage of it if you changed it but understand why you would not want to do it. **Commissioner Lance Anderson** stated the other thing is height because people are trying to match the RV garage with their house, so they make it taller. He thinks the percentage is too restrictive, with the addition of a design guideline, which with the Governors bill, makes this a moot point. **Dale Coulam** stated in the future you could discuss style, dimensions, materials so we already have some restrictions in there, but other design elements were defined other than just exterior colors. Popouts every 40 ft is gone, or around windows, it is just townhomes, commercial and multi-family. **Cody Mitchell** stated with one or two family homes, we could not enforce that with this House Bill. **Commissioner Lance Anderson** stated really we don't need to talk about anything, because they can do whatever they want. **Cody Mitchell** stated the percentage of garage to house is not addressed. **Commissioner Bob Morris** stated so now it is through development agreements.

MOTION: Commissioner Bryan Pack moved to deny amending limitations on size of attached garages in relation to primary dwellings in residential zones.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

E. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for May 18, 2021.

Commissioner Bob Morris stated that on Page 7 line 18, change $4 to $400.

MOTION: Commissioner Bob Morris moved to approve the Ivins City Planning Commission Meeting Minutes for May 18, 2021, as corrected.
SECOND: Commissioner Bryan Pack
VOTE: The motion carried.

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

5) REPORTS

A. Planning Commission

Commissioner Bob Morris stated that he has been following the night sky issue as it worked its way through City Council and Lance Anderson and he spoke at that Public Hearing. They held a work meeting scheduled by the City Council and met at Rocky Vista University and he was informed that Mike Scott was invited to attend. He is not a member of the City Council or a lighting expert. He is one of the original authors of the dark sky certifiable ordinance. Was it a fact finding mission? **Dale Coulam** stated Mike Scott was invited to explain how those lights were retrofitted. The work meeting is a public meeting. **Commissioner Bob Morris** stated that confirmation bias is the tendency to search, interpret, favor and recall information in a way that confirms ones' prior beliefs or values. People display this bias when they select information that supports their views, ignoring contrary information and when they interpret ambiguous evidence supporting their existing attitudes. The effect is strongest for desired outcomes for emotionally charged issues and deeply entrenched beliefs. Confirmation bias can be managed by education,

training and critical thinking skills. So much misinformation was being tossed around during that whole discussion. Illness could come from lighting, and blue light was put out as some horrible thing. They went to Coyote Gulch and our lights are 4k and he brought the invoice to prove that those lights are 4k and we were told to do it by current engineering standards for safety and security. These are dated 11/13/19. Then they reported that it doesn't matter what k it is, it just has to have the shielding. A comment was made at City Council that it should be 3k, which we didn't suggest. We suggested 4k. They grabbed onto the flag thing as well. **Commissioner Bryan Pack** stated that this is not the right forum.

B. Chairman

C. Building and Zoning Administrator, Cody Mitchell

D. City Attorney, Dale Coulam

Dale Coulam stated that the bill that passed for accessory dwelling units states that as long as you are within the footprint of the primary dwelling, and the primary resident lives at that dwelling, then you could rent a room or basement for 30 days or longer. That may help some with affordable housing. **Commissioner Bob Morris** stated it helps us meet our percentage to affordable housing.

E. Items to be placed on future agendas

Cody Mitchell stated that Red Mountain Terrace will be back next meeting. **Commissioner Bob Morris** inquired if Accessory Dwelling Units can be put back on as a discussion agenda item? **Commissioner Doug Clifford** stated that he thinks we should. **Commissioner Bob Morris** stated that Miriah Elliott had written up an ordinance, so he will bring that in. It was a thirty-day rent their casita and it was restrictive with parking, etc. It can be springboard for our discussion. **Dale Coulam** stated that she served on the Affordable Housing Committee and Commissioner Bob Morris is now on that Committee. **Commissioner Bryan Pack** stated her effort was part of that Committee. **Dale Coulam** stated he will be reporting to City Council what bills passed. **Commissioner Lance Anderson** inquired if we want to look at density bonuses? **Dale Coulam** stated we may have too much on our plate next week.

6) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

DRAFT