IVINS CITY
PLANNING COMMISSION
MINUTES
June 29, 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 Bryan Pack, Commissioner Doug Clifford, and Commissioner Bob Morris.
Staff Attending: Dale Coulam-City Manager/Attorney, Cody Mitchell-Building and Zoning Administrator and Sharon Allen-Deputy City Recorder.
Audience Attending: Pam Gardiol, Claudette Larsen and Richard Svien.

A. Acknowledgement of Quorum
B. Flag Salute--Commissioner Doug Clifford
C. Invocation--Commissioner Doug Clifford
D. Disclosures--None
2) REPORTS AND PRESENTATIONS -None
3) PUBLIC HEARING AND ACTION ITEMS—None
4) DISCUSSION AND POTENTIAL ACTION ITEMS--
A. Discuss and consider recommendation of Indigo Trails Phase 2 Preliminary Plan, located at approximately Hwy 91 and Kwavasa. ANA Enterprises, LLC-Owner. Lance Anderson-Applicant.

Cody Mitchell stated that Indigo Trails is on the east side and encompasses just over 18 acres. It has 37 proposed lots and is a standard subdivision with an RE-12-5 single family zone. The concept plan had a secondary access added by staff recommendation off of Hwy 91, and a roundabout to help control traffic. It ties in well with Phase 1 and complies with City ordinances. **Chairman Jeff Loris** inquired if that is only an emergency access, then there is only one access into Indigo Trails? Cody Mitchell stated that it currently has the main entrance, and as land develops around it, there are two other potential accesses on both the south and west side to serve phases 1 and 2. Then there is a third access off of Kwavasa Dr. This was to alleviate the immediate need, and as properties develop around it, this would either stay or be removed. It will be a permanent access with a crash gate. Right now, Kwavasa is the only access without the crash gate.

MOTION: Commissioner Bryan Pack moved to approve recommendation of Indigo Trails Phase 2 Preliminary Plan, located at approximately Hwy 91 and Kwavasa. ANA Enterprises, LLC-Owner. Lance Anderson-Applicant.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

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B. Discuss update on exteriorcolors.

Dale Coulam stated this is still the same and Commissioner Bryan Pack mentioned doing perhaps a broader range of colors and maybe we could do a broader range of samples to display. We could start with the Ence's house color, since that color was not objectionable to you. **Commissioner Bryan Pack** stated yes he is in favor of allowing the color in my neighborhood or others. He wouldn't paint his house those colors, but has no problem letting others. **Chairman Jeff Loris** stated he just painted his home and went from a lighter color to a darker color. **Commissioner Bryan Pack** stated trends will change and it may go darker again at some point. It is not objectionable to him to have the lighter colors. **Chairman Jeff Loris** inquired how do we quantify that? The governor signed a bill that allows single family residential to be unrestricted. **Dale Coulam** stated unless we put it in a development agreement. **Cody Mitchell** stated that the LRV is a scale from zero to 100, zero being black and 100 being white. The color on the Ence home was 73 which was very light. If you are going to relax it to allow that, he would recommend just pushing the LRV aside. There is no point in the LRV because it is almost white. **Chairman Bryan Pack** inquired if we could have our current standards to go through that next meeting? **Commissioner Doug Clifford** inquired what is our expectation that these guidelines will even be in use? It is only where there is development in place? How many homes are we surmising still falling under a development agreement? **Dale Coulam** stated we have drafted an ordinance that would require both places in our code where development agreements are discussed, that all lots and subdivisions be required to do a development agreement. We are going to try to use that tool to use a development agreement to follow our design guidelines. We currently say that in our development agreements. Right now a development agreement is only required on phased developments and may be required on larger commercial-type projects. Any one or two-home subdivisions could be required to have a development agreement. **Commissioner Bryan Pack** stated we couldn't simply impose that, without giving them something in return? **Dale Coulam** stated not necessarily. Developers are more inclined to say they will sign our development agreement because they are fine with our design guidelines. As years go by and we are left with just a lot or two in a development, that is when we have had the issue. A developer signs that and it is no issue for them, but it is binding for the successors and flows to the lot owners. **Chairman Jeff Loris** stated it almost becomes the City's CCRs. **Commissioner Bryan Pack** inquired if we withhold approvals if developers didn't want to do it? **Dale Coulam** stated we could offer a subdivision enhancement overlay. He believes most developers would sign them up front for their development and move on. Developers will pick the tone for their development and if they really like light colors people will know what they are buying into in that neighborhood. But if he signs our development agreement saying they will meet our design guidelines then they will need to abide by that. **Commissioner Doug Clifford** stated HOAs would have those restrictions. **Dale Coulam** stated right, but that is more difficult to enforce. If they didn't want to form an HOA, they might sign the development agreement and let the City be the enforcer. **Chairman Jeff Loris** stated so put this on the next agenda? **Dale Coulam** stated we scheduled this as a Public Hearing for next meeting on development agreements and you can decide to recommend it then. **Commissioner Bryan Pack** inquired if they could discuss relaxing the color chart then? **Dale Coulam** stated yes. **Commissioner Bob Morris** stated regarding Multi-Family we still make the decision, and with development agreements. **Chairman Jeff Loris** stated under the subdivision agreement with the City, they could sign an agreement that would restrict them to a color. We are also

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talking about taking the LRV out of the subdivision agreement. **Dale Coulam** stated or you change the ordinance if you wanted.

C. Discuss Accessory Dwelling Units.

Chairman Jeff Loris stated we tabled it last time for Commissioner Bob Morris so he could be involved in the discussion. **Dale Coulam** stated this ordinance was done by Miriah Elliott when she was on the task force. Commissioner Lance Anderson had wanted it to compare to what the City has put together, but all the City has done is a moderate income housing plan which is very general in scope with demographics of the area. **Commissioner Bob Morris** stated that the State passed a requirement that list ADU as what the footprint of your house is. This just addresses whether we are going to allow people to rent a casita that isn't in the footprint of your house. **Dale Coulam** stated that the State statute doesn't talk about detached casitas at all. We would have to pass our own ordinance if we want to discuss detached casitas. **Commissioner Bryan Pack** stated his concern is that we are turning single family into multi-family. There is not a more drastic change we could put into a subdivision. He is not sure that this is something he wants to see go through. He acknowledges that it is the low-hanging fruit for affordable housing. It is the quickest and easiest way to get more affordable housing on the cheaper end of the scale, but it drastically changes the nature of a subdivision. If we pass it, he would look into doing it on his own property. He sees the benefit from a homeowners standpoint. **Commissioner Doug Clifford** stated that he has mixed emotions on this. In effect, it almost doubles the families in an area. However there is a portion of our community that has a lot of existing lots and acre lots where a good portion of property is not being used. Property that was platted that way years ago for gardens and corrals and farms, and people don't do that much anymore. We have ways that flag lots and splitting lots. That is a pretty permanent solution though, where having a detached casita would allow a similar housing opportunity for some of these large lots that just aren't being used. People don't know what to do with them, and they become an eyesore. There is trash and junk and cars hidden at the back of the properties. It is a way to utilize that part of our City and has that capability and should be considered. **Commissioner Bob Morris** stated on his property he is built out, and there is nothing more than he can do. There is just dirt back there. The reason is that he can't build a mansion and instead of doing a basement, he should have spread it out for the footprint. It is all about square footage. Even the garage size. Everything is percentage. His house is 1624 sq feet with an 8 ft basement, and none of that basement area gets counted, so he is built out. We shouldn't spend weeks on this and he doesn't want this to be a night sky item, but from his point of view there is no way with current costs for young people to buy homes here without help. He is the chairman of the low-hanging fruit committee and trying to find a way to not to have 50-unit government provided area because we have no low-income housing. **Commissioner Bryan Pack** stated that if we are inclined to move forward, he would like to rewrite it. **Commissioner Bob Morris** stated so we can propose it, and then put it on for the August meeting. He had a legal Airbnb next to him; a bed and breakfast and they would come to an inside stairwell and honestly we never knew. It had no impact on me. They had off-street parking. The Ence development has everybody out on the street because they are using their garages as storage. That ruins a neighborhood, having all those cars out on the street. **Commissioner Bryan Pack** inquired how does it get enforced? **Chairman Jeff Loris** stated that Bed and Breakfast applications have to notify the surrounding area. **Commissioner Bob Morris** stated that they would need a business license. **Dale Coulam** explained that short-term rentals are required to have an overlay zone change. So you would do a rewrite and bring it in to discuss it before going to Public Hearing. Long-term doesn't

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get a license or register so there is no enforcement. **Chairman Jeff Loris** stated that in his neighborhood on 200 West and off of Center, he has Multi-Family just south of him, rundown and unkept and just down from there, a house was purchased and split into six long-term rental units and 14 cars and don't fit in the driveway and take up a street. Six or eight units in one house is not a good idea even if it is legal non-conforming. We have large farm areas, land pieces that are not being used and if they were built in by accessory dwellings that were separate from the main structure that would get more people to live here less expensively. Other municipalities have an allowance for secondary residences, use of rentals on one lot. We don't have to follow suit, we stand alone and are pretty independent here. If we can find an agreement we can come together on, he liked the way this document read and the requirements in this as far as sizes, licensing and registration of homes using this. If we can do a language change, it may be good to allow it. **Commissioner Bryan Pack** stated he will rewrite it and do standards as they are, and separately have some suggestions for the August meeting. **Cody Mitchell** stated HB 82 addressed accessory dwelling units stating that we have to follow legislation, so when rewriting this, a lot of language already has this in HB 82 and our existing ordinance. **Commissioner Bryan Pack** stated that HB 82 was for internal accessory dwelling units. We are talking about external accessory dwelling units. **Cody Mitchell** stated to add that detached element to what we already allow, because we already have to allow HB 82 in. **Commissioner Bryan Pack** stated that one of the changes he thinks he will make to this is he will take internal out of this ordinance since we already have to abide by that, and have this only apply to detached accessory dwelling units. He will hopefully rely on staff to help merge with our existing ordinance. **Cody Mitchell** stated we either allow detached casitas to fall under HB 82 or we don't and prohibit that use, if they are detached. **Commissioner Bryan Pack** stated if we allow detached, then we need to create some standards. **Cody Mitchell** stated they follow the same standards. They have to provide off-street parking. The owner still has to live there. Size was in the preliminary portion of HB 82 and was limited to 800 sq ft but it was removed. Our ordinance restricts size on casitas, but HB 82 internal, has no limitations. Ivins City currently does under their casita ordinance. Miriah Elliott's proposal has duplicate language from our ordinance and HB 82. **Commissioner Bryan Pack** stated maybe it would be helpful to do an analysis on what is duplicated. **Commissioner Bob Morris** stated that we can make it more stringent on the items not covered by HB 82. For example, rental dwelling business license, we can enforce that. For you to rent an external accessory dwelling unit, you have to get a license from the City. Then we have knowledge of who is doing it and thereby enforce and revoke a license if there are 14 cars on the street. We are talking about making accessory dwelling units on the outside of the footprint of the house have more restrictions and be more controlled than what the State has done. **Cody Mitchell** stated on a detached casita right now you can be 600 sq ft or 30% of the footprint of the home. They are restricted to that. Commissioner Bob Morris could have his basement rented as an accessory dwelling unit and the 14 cars. The bigger problem is under-roof accessory dwelling units. **Commissioner Bob Morris** stated those are not legal to be rented right now, and he wants to make them legal to be rented, but licensed to do so. The difference is that the State did not include accessory dwelling units that are outside the footprint, which is every casita. **Cody Mitchell** stated so you can rent 1600 sq ft turning your single family home into a duplex, but to rent your 400 sq ft casita we want them to come in and get a business license, pay tax and go through all the hoops. **Commissioner Bryan Pack** stated that is what he would like to do so that we have some control over this. **Commissioner Bob Morris** stated so that we can control parking. He wishes people were required to get licenses for the basement rentals. **Dale**

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Coulam stated that we would not license that anyway, because most home occupations no longer require a business license. You can allow a detached rental use, but not license it. **Commissioner Doug Clifford** stated he likes the idea of flaglots and splitting properties but in this case you are not selling it, you are renting it. You build a unit that is livable and rent it. It seems like a pretty simple thing to do and has benefits to unusable land that is locked in place due to City structure. This makes it usable and he thinks we should look into it. **Chairman Jeff Loris** stated we will move this to the August meeting.

D. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for June 15, 2021.

Table minutes until next meeting.

5) 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 Hidden Springs Conditional Use Permit will have a Public Hearing. Development Agreements will be back on for a Public Hearing as well. **Commissioner Bryan Pack** stated he won't be at the next meeting.

6) ADJOURNMENT

MOTION: Commissioner Bryan Pack moved to approve ADJOURNMENT

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

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