IVINS CITY
PLANNING COMMISSION
MINUTES
July 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 Bob Morris, Commissioner Doug Clifford, and Commissioner Lance Anderson.

A. Acknowledgement of Quorum
B. Flag Salute--Commissioner Bob Morris
C. Invocation--Commissioner Bob Morris
D. Disclosures--None.
2) REPORTS AND PRESENTATIONS -None
3) PUBLIC HEARING AND ACTION ITEMS—
A. Public Hearing regarding Hidden Springs Class V Conditional Use Permit, located at approximately 91 West Hwy 91. Jon and Jan Graf-Owner/Applicant.

Cody Mitchell stated that this parcel is located on the south side of Hwy 91, east of Movara on 24.52 acre. The project will consist of 136 RV sites, 26 cottages, 10 tent sites, two bathhouses and a clubhouse just over 7000 sq ft. The outdoor recreational facility will be accommodated with the clubhouse. This has been reviewed by TRC and has now moved forward to a Public Hearing. **Dale Coulam** stated that this is a little unusual and different than most Conditional Use Permits, because it has a very detailed ordinance that covers most if not all the conditions we would impose on a project so we codified a lot of those items. Usually TRC creates a draft list that consists of general guidelines stating that they have to comply with all laws. There is a question about whether we want to put in a warning about water. There is a condition that they must comply with the most recent presentation materials, emergency ingress and egress that has been identified, and require them comply with those provisions of the recreational vehicle resort ordinance. TRC has reviewed this and this comes forward for Public Hearing to see if the public has additional concerns or conditions that may help the Planning Commission and see if there are any conditions that we need to add to that list. That is why we don't have a list like previous projects. It is specifically covered by the ordinance in Chapter 17. **Commissioner Lance Anderson** inquired when we will see elevations of the buildings? **Cody Mitchell** stated we have seen the rendition of the clubhouse early on. The buildings will comply with our design standards for commercial buildings. **Dale Coulam** stated that is in our general standards in Chapter 19 on design guidelines and as a commercial project, the House Bill has no application to this project. Before finalizing the list of conditions, you may want to see the elevations again. They were seen early in the process. Jon Graf stated we have bathhouse elevations but we are still waiting on the clubhouse. **Cody Mitchell** stated due to timing and budget, they are requesting on building the cottages later, and replace them with RV sites until they get on their feet. **Chairman Jeff Loris** opened the Public Hearing. Mike Scott stated that he lives on Grandview Drive. The density is increasing from 110 to 136 RV sites, plus the cottages and tents. On the surface that total is fine and the density is still less than the 7.5 units per acre allowed, but the original goal was to locate uses in such a way as to minimize impact on

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neighbors. We can't see if that is the case with the site plan that is submitted. The staff report talks about trailers where cabins were planned and cabins were set along Hwy 91 to minimize visual impact of the RV Park look and this change counters the original intent. Trailers are not defined in the ordinance and utility trailers and tent trailers are referenced, but they have a specific location, not along Hwy 91. The ordinance only defines dependent and independent recreational vehicles. The Planning Commission recommended prohibiting dependent recreational vehicles and pop-up campers. The City Council disagreed as they have every right to, and even so, it seems only independent RVs and cabins should be out along Hwy 91 as originally laid out. At a previous Planning Commission meeting they talked about switching from concrete to gravel pads. In approving this RV use, the City was looking to set very high standards and felt that concrete pads rather than gravel would meet that standard. Discussion about the RV Park began about 2015 and there was a lot of public opposition. Planning Commission recommended against this use initially, but it was later approved with an ordinance to ensure it would be a top-notch first-rate RV Park. These changes, while they don't appear significant, dilute the original vision. Given all the years that have passed since this was discussed, we should publicly review those discussions to understand why those decisions were made and why they should be adhered to. Gary Pendleton stated that he lives between Movara and the RV Park. Jon Graf agreed to give a setback area and so this zone was never changed on that area. That is not part of the consideration. There are only 24 acres there, including this piece. He doesn't think they can grant a Conditional Use Permit on this whole piece, just what is platted. **Dale Coulam** stated that is correct. David Farnsworth stated he lives in Eagle Rock and moved here permanently in June. He has had his house 3.5 years so he hasn't heard the original discussions and he hasn't read the code. How can we do this from a water point of view? This is three times as dense as Eagle Rock. We are all being asked to limit water use. He would suggest that there be a development agreement called last on, first off. If the water runs out, the people who came last get turned off first. That is how water law in the United States is generally run for the history of the country. It is a very real issue to consider. The most popular tourist destination in our area is Snow Canyon and his address is Snow Canyon Drive. This will be 150 plus vehicles the size of a truck going right past his house. We have a significant traffic problem of having that many trucks go through the middle of town and down our main thoroughfare. They will have to go past two schools. It needs to be very seriously considered. Snow Canyon is already over-occupied. On a weekend or a holiday we have people parking all the way down Snow Canyon Drive past the entrance to Eagle Rock, and often into Eagle Rock. They put signs out, but they are ignored. We are adding 170 tourists that all want to visit Snow Canyon and they all have to drive through the middle of the City to get there. There is a line in the code about recreation. This does not strike him as a resort. It is a KOA on steroids. The other resorts in town are high-value low-volume facilities. The people who pay a lot of money to be there are entertained, fed and moved around by the resort. He can't tell what the recreational elements are but he doesn't see a lot. He lives across from Red Mountain Spa and he never sees though people. They bus in and out to go to Snow Canyon to hike, they aren't driving their cars and they don't go elsewhere to eat. This doesn't fit the definition of resort in any terms he has come to associate with that. We need to think about the additional 300 people here everyday and the water usage. That raises the population of the whole City greatly. Chris Haddad stated that she is also concerned with water and sewage. Is that area already plumbed and sewage and if not, who pays for that? The City or the developer? Being right off of 200 West is a direct route up to Unity Park. She has been to many RV Parks with kids, and Unity Park will be a perfect place for them

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all to go, especially the skateboard park that was designed by a very noted designer. That will add more people up to the Park area, pushing out many of our own residents, kids and families. The ball fields are a great place to have a picnic. There are a lot of things over that way that will be attractive to them. She is sure that was considered when they thought of putting this in because it is close by. 200 West already gets a lot of traffic between the parks and building, with trucks and development coming in. It is a well traveled street now. Will there be water restrictions for them on the usage per pad and shower facilities? Is it unlimited? RV'ers do their laundry, save up to get to the resort, fill up their water tanks on the RV. Those things have to be considered. The traffic is bad enough, but the water use at this time has to be a consideration for us in a City that is so small. We don't have the infrastructure to handle this traffic, the exhaust or the pollution. Sharon Barton stated that she lives on Mesa Vista Drive. She supports the previous comments. Her concern is on the May 18th meeting Dale Coulam stated we would see more info with the Conditional User Permit with more details. The map we are looking at tonight is the same map since February 6, 2019. With all the concerns, how can we make the right decision? There are no trailers defined in the Conditional Use, and under the City Staff report it states that given the applicants current request, it no longer complies with the RV Resort Ordinance. Without this information, we can't make the right decision. Kevin Gattis inquired if the road improvements on Hwy 91 have they been approved by State and Ivins? What is maximum length of stay at the RV park, and what is the time frame for build out of cabins? On the entrance to the RV park where is it in relation to 200 West? **Chairman Jeff Loris** stated Pendleton's and Graf's is in direct line with the north/south line of 200 West. Regina Roper lives on Padre Canyon Circle. She stated that 70% of RV sites are limited to a maximum occupancy of 29 consecutive days, and 30% can stay up to 180 days. She finds that outrageous that they can stay half a year. Jon Graf stated that he is the applicant and this property has been in their family since 1910. It is a piece that they wanted to keep and enjoy with their family. There will be 146 sites and 26 sites for cottages and cabins. Because they are smaller space we would like to use them as retro-type trailers until they can afford to put in the cottages. Water is very important and we do need to be conservative about it. They have 43 shares of irrigation water and landscaping will be done using that. There is a risk of it running out every year, so they will have a lot of desert-type landscape. There are natural springs, hence the name Hidden Springs, that you can't see from the road. If you look down through the wash, it is the green area and if you dig down 5 feet you will hit water. They do not have rights to that water but it is flowing through there and we will have a lot of shade down through the bottom especially. In the last 5 years, we haven't changed anything at all so yes the drawing is an old drawing, down to the easement area we are not going to use between us and Pendleton's, the size of the spaces, the design and the clubhouse. It is all the same as initially talked about. It has been on hold due to family issues and banks backing out last year. He is excited about it. Traffic concerns are people just like us that want to go on vacation and enjoy our beautiful area. It is the same reason most of us moved here. It is a nice area, and people will come here and hopefully be able to enjoy what we have all the time. Snowbirds come generally for the winter so he believes that is the reason why the City allowed 180 days. We don't want an older couple to have to move into a Wal-Mart parking lot overnight and then come back so they could stay another 29 days. They took that into consideration. It will be a benefit to the City and bring traffic to local businesses. We are excited about the BLM land, the park that the City is going to annex in the future. That will draw a lot of people and push crowds further away from town rather than through town. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

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B. Discuss and consider recommendation of Hidden Springs Class V Conditional Use Permit located at approximately 91 West Hwy 91. Jon and Jan Graf-Owner/Applicant.

Dale Coulam stated that regarding utilities, the applicant is required to connect to the sewer and water and the road improvements are covered in the ordinance itself. It talks about deceleration and turn lanes and the applicant is required to install those as well. We will have a Hwy 91 widening project going on soon and those two projects may coincide if the timing works out, so we don't tear the road up twice at different times. **Commissioner Lance Anderson** stated Ivins City is responsible for Highway 91. It is not the State. **Dale Coulam** stated yes the State owns the right-of-way, but we have been given the obligation and right to develop and maintain the Highway. It is UDOT's right-of-way, and they are not going to give up that right-of-way. Jon Graf stated that initially Gary Pendleton had concerns about having an RV park right up against his property and so we met with Gary and the Mayor and determined his house is 180 ft from property line so that line going down to the east is 180 ft and that will be left as agricultural. It is approximately 2 acres so about 22 acres and we will make sure to correct that and exclude that acreage from the plan. **Dale Coulam** stated that the Washington County Water Conservancy District controls our water and there is a note in the general conditions that in event of a water shortage, there may not be sufficient water to supply. A good point that has been raised that in the shower and bathroom they use slow-the-flow features and conserve water there. We can consider that as a condition to be added. **Commissioner Lance Anderson** stated that water conserving toilets have to be flushed three times. Jon Graf stated the temporary trailers would be the 26 spots that are set aside for cottages. They are a size where you couldn't pull in a big trailer, so it would be more like the retro-style trailers we have been seeing. They would still be set up with water, sewer and electricity like a regular camp site and then the cottages will be small enough to hook up to those RV sites. It is a way to generate an income for us and make it work until we can afford the cottages. **Chairman Jeff Loris** stated so these are not owned by you, just trailers that are coming in and parking? Not semi-permanent trailers that are set? Jon Graf stated no these are just sites. **Commissioner Doug Clifford** inquired if any cottages were going to be in the first phase? Jon Graf stated no they couldn't do it at this time. **Dale Coulam** stated staff will need time to review that and make sure that is a condition that is allowed. This needs to be continued to another meeting for further discussion. As to the concrete pads, graveling was an idea that was expressed, but the ordinance clearly requires concrete. Jon Graf stated yes he may be doing it himself to afford it, but it will be concrete. **Commissioner Doug Clifford** inquired if it is required to have full concrete or just the tire path? Jon Graf stated tire paths would be nice, but it depends on the way you read the ordinance. **Dale Coulam** stated that it is a concrete pad and it gives the dimension size. **Commissioner Lance Anderson** stated the reason was to reduce it all visually from Hwy 91. The ordinance did allow 6 month stays. **Dale Coulam** stated that was for the snowbirds and so the area never looked blighted or empty. So even during the winter months there would still be people there. City Council felt that would be appropriate and did allow that. **Commissioner Doug Clifford** regarding the list of recreational amenities, does our Conditional Use Permit call for that? **Dale Coulam** stated we would refer to our ordinance and he does not recall if it asks for that specifically. **Chairman Jeff Loris** stated we recommended items to make it high-end because it was the first thing you would see coming into town. Council chose to change the plan to meet applicant needs as well as the City's and modified it from a resort and allow those elements to be changed to lessen the costs and make it easier for the Graf's to continue their proposal and application. Jon Graf stated that this is not a KOA, but they have 3-4 different types like a pass-through for travelers, they have middle of the road, and then they

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have higher end. You won't find another RV park in Southern Utah, except for Heber that will be as detailed and as nice as this one. Every RV Park in Southern Utah has gravel parking spaces. They have 50/50 gravel and concrete. There will be a swimming pool, a clubhouse with a gathering area in the back for large groups. There is a natural spring at the bottom and that pond is full all the time. It takes about one acre of the property. It will be very nice, clean and organized. There will be pickleball, a dog run, a playground and shade structures. **Commissioner Lance Anderson** stated we just need to get those listed and how big they are and add it to the Conditional Use Permit. On the Ivins irrigation shares, because his family has been here for so long, it is different than using City water. Jon Graf stated we have 43 shares but he is unsure how much water that is, because Ivins shares are not metered. **Commissioner Lance Anderson** stated it takes 4-5 shares per acre to raise a crop of hay if he remembers correctly. He would like to make sure we have in the actual application the elevations. Jon Graf stated that we know we can't use white as the ordinance is written now. **Cody Mitchell** stated that with their commercial element they are allowed to go to 35 feet. **Commissioner Lance Anderson** stated he means colors and textures. **Commissioner Doug Clifford** stated that he RVs and Star Valley Ranch is a really nice RV area and that type of environment would be an asset to the community. An RV Park doesn't mean it is a lesser development. **Commissioner Lance Anderson** stated it is the entrance to Ivins so there is a lot of scrutiny over it. **Dale Coulam** stated that Staff needs time to evaluate the ordinance in light of comments we have heard from both the public and the applicant. We need time to consider those and have further discussion about it so we make an informed decision. Some good points were raised, and we should weigh those against the ordinance, compare and see if everything is covered. We can give you a staff report to give as guidance, but it is ultimately your discussion that makes the recommendation. **Commissioner Doug Clifford** stated that we need to remember they have applied under these existing regulations. We can not be coming up with changes. If we want to change Chapter 17, we should, but they have applied under this existing ordinance. **Commissioner Lance Anderson** stated he just wants to make sure we have a good site plan and understand the elevations and colors and textures. Those are important so if it takes a year to build, we have that information saved and something to refer back to. He wants them to check the acreage. They listed off their amenity items, but it needs to be shown on this plan the sizes of their recreation areas. **Dale Coulam** stated the ordinance requires certain types of amenities but he has listed off what he will be putting in, so we could create those as conditions to define those and hold them to those. **Cody Mitchell** inquired if changing out the cottages something the Planning Commission would entertain in the Conditional Use Permit and putting a timeline on that use? There is no direction on that through the City ordinance at this time. He is favorable on his acreage. He is well under the number he can have. He can have 184 sites and he has 146 with cottages. Less the 2 acres, he loses 15 of those lots so he is still well under that at 169 units. Would you entertain a temporary use of the trailers with a timeline? **Commissioner Doug Clifford** stated we would have to put it on a time limit. **Dale Coulam** stated we need to question if the specific language used in the ordinance gives us that flexibility. **Commissioner Lance Anderson** stated we wanted to limit the amount of cottages or trailers next to Highway 91. That was a condition put on it. We have approved the zone and the basic concept plan so far on this site. **Dale Coulam** and the ordinance defining what RV resort means in Ivins. It is not in our ordinances to require a preliminary plan.

MOTION: Commissioner Bob Morris moved to table Discuss and consider recommendation of Hidden Springs Class V Conditional Use Permit located at

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approximately 91 West Hwy 91. Jon and Jan Graf-Owner/Applicant.
SECOND: Commissioner Lance Anderson
VOTE: The motion carried.

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

C. Public Hearing regarding a proposed amendment to Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements.

Dale Coulam stated that with State legislature doing away with our design requirements and one exception to that was a development agreement. We have development agreements in two places in the code, in the zoning ordinance and in the subdivision ordinance. All subdivision applications will trigger the requirement for a development agreement. It used to just be phased subdivision required a development agreement. Now we are saying that all of them do. In that development agreement we usually have a provision in there that says you are going to comply with the design guidelines. Also now, a requirement that there is a disclaimer, similar to Palisades development agreement. Years ago we used to require a disclaimer and he thinks it should come back in light of the water situation. It is a disclaimer that there may not be sufficient water to service lots or phases in the future and the decision will be made at the time of building permit application. **Commissioner Lance Anderson** stated he would add to that if you paid the Washington County Water Conservancy District it counts as pre-paid. If they haven't paid the Washington County Water Conservancy District, they have no rights to water. **Dale Coulam** stated that all this disclaimer to the developer is saying is that there may not be sufficient water service to all the lots they are planning on. There is a small provision in the zoning ordinance requiring this of all subdivisions. He didn't put disclaimer language here, so maybe this refers back to the subdivision ordinance so the requirements are the same. Commercial doesn't need the development agreement, because they are already required to meet design guidelines. We are going to take advantage of the exception that has been given to us and utilize that to negotiate with the developers up front to meet the design guidelines to avoid the gap that has been left by the legislature striking our requirements. **Commissioner Doug Clifford** stated this seems like we are throwing it right back in the face of the legislature. He inquired which trumps? Do we get a couple extra years out of doing this? **Dale Coulam** stated they gave us the exception to utilize it. That may be the case, but right now we have developers that don't even read that provision. They are just here to get their approvals and permits and start building homes. They follow our design guidelines so they can sell it. But we may have an individual owner that wants completely different from our design guidelines. That is where we have had the clash. It was not with the developer but with the individual homeowner down the road and they'd be bound to the development agreement. He doesn't know how much push-back we will get on this. **Chairman Jeff Loris** opened the Public Hearing. Mike Scott stated that at the last meeting he thought it was a terrific idea. He has been surprised to hear that not everyone likes it. The people who don't like it want freedom to do what they want to do without government interference. The desires of us individually don't always match the needs of the community as a whole. It makes it difficult to find the proper balance between individual rights and community rights. The proposed change does meet that balance. Ivins has had design guidelines since at least 2012. All this is doing is giving the City back a tool that was discussed,

decided and approved on by our City Council. He thinks it is a good balance, a terrific idea and he applauds the Commission for it. Hearing no other comments, **Chairman Jeff Loris** closed the Public Hearing.

D. Discuss and consider recommendation regarding a proposed amendment to Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements.

Commissioner Lance Anderson stated we have a General Plan for a purpose to keep fads from changing our community. Legislature changed it this year, but who is to say it will not change back? If there is enough people upset with it, they will change out. Some of our legislators are builders that want to come in and build out and leave. They did it under the umbrella of affordable housing. We have design guidelines so we stay consistent in what we are trying to accomplish. Consistency is what has created Ivins into what it is today. Since 1978 he has seen lots of changes in Ivins because of our design guidelines. He appreciates Dale Coulam for thinking outside of the box, because it is a loophole and they gave us that in our statute. It is important to protect the General Plan and those design guidelines in our plan. If it lasts 5 years or 10 years, let's keep our community the way we've been trying to accomplish. **Dale Coulam** stated that if there is pushback, it doesn't have to be one or the other. A development agreement can and will be oftentimes be negotiated terms. A developer may have issue with a design guideline and we work that out but are still bound to build it that way. Development agreements can be negotiated. **Commissioner Doug Clifford** stated he would like this to happen, but wonders if it will fly under the radar long enough to do any good. **Commissioner Bob Morris** stated he is not going to vote for it. He is against it for individual homeowners who are told what and how they can build. It is a property rights thing. **Commissioner Lance Anderson** stated that this is not for that type of person, but when they are asking for a subdivision. **Dale Coulam** stated two lots are a subdivision but a person could be affected by what development agreement a developer agrees to. They are okay with the guidelines because they want to build the homes and move onto the next project. It is that last few lots in the development that say they want something completely different as times change. That development agreement would bind them and they are stuck with what that original developer agreed to. In that sense it does effect an individual lot owner. **Commissioner Lance Anderson** stated he is a property rights person tooo and that is what the General Plan is for, is so our whole community has the same goals in mind. We have those guidelines so we as a community can all keep our property rights. **Dale Coulam** inquired should we add the disclaimer language into the zoning ordinance as well as the subdivision ordinance? He thinks we probably should, just to be consistent. **Chairman Jeff Loris** stated water is very sensitive. We are in the high desert and should always consider water. Copy that disclaimer into the zoning ordinance. **Commissioner Lance Anderson** stated that if someone paid their Washington County Water Conservancy District ten years ago in advance, they should be able to build. **Dale Coulam** stated this is a disclaimer that say "may." If it is paid previously and can show that it has already been taken care of, they would be permitted. The Washington County Water Conservancy District suggest we put the disclaimer language back into our development agreements.

MOTION: Commissioner Doug Clifford moved to approve recommendation regarding a proposed amendment to Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements, as amended.

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SECOND: Commissioner Lance Anderson
VOTE: The motion carried.

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

E. Discuss and consider approval of Azalea Townhomes Ph 2, 3 and 4 Final Plats, located at approximately 350 West Old Hwy 91. Visionary 2020, LLC-Owner. Reed Scow-Applicant.

Cody Mitchell stated that this is parcel is on the south side of Hwy 91 and the west side of Movara. They are moving forward with Phases 2, 3 and 4 consecutively. Phase 2 is 15 lots on 1.33 acres. Phase 3 is 19 lots on 1.32 acres and Phase 4 is 13 lots on 1.08 acres for a total of 47 lots on 3.73 acres. TRC has reviewed the amended preliminary plan and found it to be consistent with the Planning Commission's approval on April 23, 2020. It was initially amended because they changed the name from Kanta to Azalea.

MOTION: Commissioner Doug Clifford moved to approve approval of Azalea Townhomes Phases 2, 3 and 4 Final Plats, located at approximately 350 West Old Hwy 91. Visionary 2020, LLC-Owner. Reed Scow-Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

F. Discuss and consider approval of Red Desert Phase 6 Final Plat, located at approximately Red Desert Trail. Red Earth Development-Property Owner. Rob Roush-Applicant.

Cody Mitchell stated that this subdivision is located on the north side of Palisades and the applicant Rob Roush is wishing to complete his development with this final plat on this 3.01 acre parcel. There are 7 lots and it is zoned RE-15. This proposal is consistent with the Preliminary Plan that was reviewed and approved by the Planning Commission and City Council in January and February 2017. The proposal is in compliance with Ivins City Ordinances.

MOTION: Commissioner Doug Clifford moved to approve Red Desert Phase 6 Final Plat, located at approximately Red Desert Trail. Red Earth Development-Property Owner. Rob Roush-Applicant.
SECOND: Commissioner Lance Anderson
VOTE: The motion carried.

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

G. Discuss and consider approval for Haven at Heritage Acres Phase 2 Partial Amendment "A" Final Plat, Lots 37 and 38, located at approximately Morning Retreat and Foster Lane. Rock Title Construction Co.-Owner/Applicant.

Cody Mitchell stated that this is an amendment for a lot line adjustment taking 4 feet from Lot 37 and making Lot 38 a bit bigger. Seth Foster is the applicant with Rock Tite Construction. This still meets the minimum widths for the zone and the minimum square footage for the lot. They own both lots. The zone is a Subdivision Enhancement Overlay.

MOTION: Commissioner Bob Morris moved to approve Haven at Heritage Acres Phase 2 Partial Amendment "A" Final Plat, Lots 37 and 38, located at approximately Morning Retreat and Foster Lane. Rock Tite Construction Co.-Owner/Applicant.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

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

H. Discuss update on exteriorcolors.

Cody Mitchell stated we have a pretty good handle on the stucco color because we are receiving the swatches but one of the things that we are challenged with is that there is natural stone. He presented a photo of white stone that we have an approved application on. They would like to put this stone on. It has been delivered on the site and the inspector noticed it and said it looks fairly light. The owner says it is a natural limestone out of the region. That is another aspect of our ordinance is not only does it have to fall between 7 to 38 LRV, but it has to be a native or natural color supporting colors found in the area. It is in a development with a development agreement which causes it to be bound by City Ordinances. We have recently had three applicants come forth with stone and one went so far as to write the Mayor and he passed on to our department. Keep in mind that we are addressing all exteriors and there is no LRV assessed to stone. The argument is we are saying it is too light and the applicant is saying it is a native limestone out of the area. He has a couple hundred sq ft so it is an accent color. **Chairman Jeff Loris** stated so not a large area. **Cody Mitchell** stated but there is just no direction on whether it is an accent or a dominant color. **Commissioner Bob Morris** stated that he thought there was a percentage that highlights color that doesn't have to meet LRV. He knows the City is trying to maintain control, but we have evolved. He has some bad news for you but lighter colors are in. Brown is old school. Why punish people because they are not following the old trend? **Commissioner Lance Anderson** stated we have a General Plan to maintain consistency. If we want to do that, get rid of the General Plan. **Commissioner Bob Morris** stated that my house is not an investment. Now people have their retirement tied into their home. It is a weak excuse to worry about resale value. We want quality neighbors and environment, but the color doesn't matter. **Commissioner Lance Anderson** stated because it doesn't mean anything to you. You don't build here. Why did we get rid of mobile homes? We have lots of rules out there already that exist to protect values. No storage units allowed. Lot of things we don't allow to protect your lifestyle, your community and where you live. It is just your opinion. **Commissioner Bob Morris** stated those design guidelines are what drive up the cost of the homes and is not conducive to buying. We are catering to one group. **Commissioner Lance Anderson** stated the old township should be catered to, because it should stay the way it was when those residents came in. He sympathizes with the Graf's. Since 1910 they have owned that property. **Commissioner Doug Clifford** stated we are just chasing our tail. We are sending our Staff to go out and make decisions they shouldn't have to make. **Cody Mitchell** stated that a meter is great tool, but once we are out there with a meter it is too late. There is a resident that has rocks on her home hoping that House Bill would

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pass and she was emotional and now she is faced with having to remove it or stain it. They have to bring in all their building materials and color samples up front before approval and permitting. We have been getting color swatches now, but we don't know that those will be the final colors. The applicants are submitting them to suffice our requirements and it is timely. We are happy to do it, but we need direction on native colors as it refers to natural stone. There is not an LRV outside of a color swatch that is readily available. **Commissioner Doug Clifford** stated so she has to change that stone? **Cody Mitchell** stated yes. **Commissioner Bob Morris** stated that is horrifying. **Commissioner Lance Anderson** inquired what did natural stone mean to us when it was written? It was red rock, volcanic rock. **Cody Mitchell** stated that one section reads as minimizing impact on buildings on the natural setting, such as earth tones and muted colors that blend and do not contrast with natural colors. It is arbitrary and tough to enforce because one section says earth tones and another introduces LRV. **Commissioner Bob Morris** stated and then you have someone who re-stuccos her house with no permit and doesn't know anything about this. That lady that has to change her stone sees that and wonders why it's okay. **Commissioner Doug Clifford** inquired if people have said they won't change it? **Cody Mitchell** stated that the current individual can send it back and get a darker stone. Everyone has worked pretty well with us, the one that put up the wrong stone we had a verbal and handshake agreement with the developer that if the House Bill didn't pass they would have to change it, and they had already stained another house that they did to comply. But he is now dealing with the new owners and the builders client, which is not where the agreement was. The builder says they will stain it, but will not do a complete tear-off. We put that sample together to show you that light changes. Do you want to see that again? Do you want to loosen the standard? **Commissioner Lance Anderson** stated in subdivisions that have been built, a lot of people buy into that standard. The bad thing is we develop a standard and then you get one individual that wants to change it. **Commissioner Doug Clifford** stated if they had an HOA that holds power. **Commissioner Lance Anderson** stated the City can't monitor it. It needs to be the neighborhoods that do. **Cody Mitchell** stated we get good compliance with whole subdivisions with a developer and old townships, or lots developed prior to 2014 are not such a big deal either. That is when the color ordinance was adopted. He reviewed the ordinance briefly and saw nothing on accents or a percentage. **Chairman Jeff Loris** stated it seems we are moving from the requirements of the City to an architectural review committee and we are held responsible for those stone and design requirements even though we are not technically a review committee. **Commissioner Bob Morris** stated he wants to get rid of LRV and keep natural colors and all the other language. That is what he would promote. Commissioner Bryan Pack has stated previously that he would be in favor of loosening it, which he would go along with. He does not want to spend night after night talking about this. **Commissioner Lance Anderson** stated if we go along with up to 2014 people before that don't have to adhere to it. Will we hold these requirements to these new developers? Is that how we are interpreting it? Because that is how it is being interpreted with Heritage Estates. **Dale Coulam** stated if they pull a new building permit they may have to comply with the new law. Depends on when they got vesting for their lot. **Chairman Jeff Loris** stated he is inclined to lighten the LRV. **Commissioner Doug Clifford** stated it is too vague. Saying the word lighter without having a way to measure won't work. Let's just go back to the General Plan. **Commissioner Lance Anderson** stated when we change the ordinance we affect subdivisions already in place, townhomes, multi-family etc. They build it out and do whatever we ask them to do. They are bigger-in-your-face buildings.

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Chairman Jeff Loris stated that our choices are to loosen the LRV or do away with the LRV. Commissioners need to research before next meeting to find what colors you want referenced in the General Plan.

I. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for June 15, and June 29, 2021.

MOTION: Commissioner Bob Morris moved to approve the Ivins City Planning Commission Meeting Minutes for June 15, and June 29, 2021.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

4) 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

Chairman Jeff Loris stated Hidden Springs will be back and exterior colors.

5) ADJOURNMENT

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

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

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