IVINS CITY
PLANNING COMMISSION
MINUTES
October 5, 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, Commissioner Bob Morris, and Commissioner Lance Anderson.

Staff Attending: Dale Coulam-City Manager/Attorney and Sharon Allen-Deputy City Recorder.

Audience Attending: Glen Groves, Mike Casey, John Vrlec, Russell Christoff, CJ Koharcheck, Sharon Barton, Darren Ence, Suzy and Dave Appel, Mark and Pat Burry, Adam Allen, Chris Haddad, Cory and KayLynn Lindquist, Jerry and Stephania Nostadt, Gail Brimner, Ron Stoops, Claudette Larsen, Mike Haycock, Pamela Gardiol, Bruce and Wendy Fleshner, Michelle Delloso, Nancy Martinez, Jeff and Linda Schiller, Ileen Barlow, Renee Jensen, William Papanikolas, Randy and Verona Ence, Jessica and Patrick Griffith, Kevin Gattis, Lisa Ganz, as well as others that did not sign in.

A. Acknowledgement of Quorum
B. Flag Salute--Commissioner Bryan Pack
C. Invocation--Commissioner Bryan Pack
D. Disclosures--None

2) REPORTS AND PRESENTATIONS -None

3) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing on a proposed Concurrent Land Use Amendment from LDR to HDR and Zoning Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre) to R-M (Multi-Family District) on approximately 3.91 acres. Located at approximately 400 West and Hwy 91. Blue Cactus Dev, Ltd—Owner. Bill Papanikolas—Applicant.

Dale Coulam stated that this is located just west of our first townhome development. It is located on the north side of Hwy 91, on the corner of 400 West and Hwy 91. It is an odd-shaped piece that presents some challenges for development. It is currently Low Density Residential with R-1 zoning, which means one house per acre. The applicant is seeking moving this to High-Density Residential, and Multi-Family which is the highest density use. We have some nice looking Multi-Family on Center Street and 100 West., These are really townhomes without garages. Staff does not make recommendations to land use and zone changes, because it is a legislative decision. **Chairman Jeff Loris** opened up the Public Hearing. Kevin Gattis lives in Shadow Canyons and inquired if the application is denied will you still move forward with Single Family as zoned? Is it a foregone conclusion that the application will be approved? **Dale Coulam** stated no. This is a legislative decision and this body makes recommendation to the City Council. Stephanie Nostadt lives on 350 North and wonders why we are approving so many Multi-Family dwelling properties when we are in a water crisis? The City continues to do it and we are all feel the brunt of it by ration us and raise our prices and then think about how to get water in Ivins. She is not for that at all. Jerry Nostadt stated when he looks at it, there is a requirement for Multi-Family in our area. Where do we stand with that now? Have we reached that quota? He suspects we are over it and doesn't support increasing Multi-Family dwellings.

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Mike Casey lives on Chuckwalla and is a fairly new resident to Ivins. He lived in Las Vegas and what they did down there absolutely ruined the city. They took out the grass and let more people come in. If you want to make Ivins Las Vegas he will leave here too. He moved here for night sky, rural atmosphere and pretty much a red state. He is tired of blue policies when we don't have the resources. This is a quarter mile from my house. You will tell me to rip my grass out to bring 2500 more people in. Keep Ivins special. These townhomes get bought by corporations and get rented to people who can't afford to buy. Don't take my water and tell me the way to live. Lisa Ganz stated that she doesn't know what the process is in changing the zoning requirements. We have a General Plan for a reason, and it is zoned that way for a reason. Don't change it to add high-density. She moved here from Southern California and the area was getting overbuilt. It was ridiculous. The people that live here like the rural feel. Less light and density. High-density housing is not right for the City. John Vrlec has lived in Utah for ten hears. Prior to that, he was in the suburbs of Chicago. He served in the military as a Staff Sargent, thirty years in law enforcement, twenty of which was with the State of Illinois as a Special Agent. He knows that generally renters don't respect the area around their property. Your Police Department is not ready for those issues. High-Density housing is not what he moved here for. He wonders if the motivation is for money in someone's pocket. Corry Lindquist lives on Shield Street. We live north of this at the Haven subdivision. He echoed the sentiments of High Density and his concerns are magnifying traffic and parking congestion. The Townhome there now park on the road and don't use their garages. People race up and down that street. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

B. Discuss and consider recommendation on a proposed Concurrent Land Use Amendment from LDR to HDR and Zoning Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre) to R-M (Multi-Family District) on approximately 3.91 acres. Located at approximately 400 West and Hwy 91. Blue Cactus Dev, Ltd—Owner. Bill Papanikolas—Applicant.

Commissioner Doug Clifford stated that one thing we try to do is transition from the various densities we have in our zoning. What zones are right next door? **Chairman Jeff Loris** stated that Haven at Heritage Acres was Low and Medium Density and changed to all Medium Density. Red Mountain Vistas was Low Density and was changed to High Density. It is just north of Sage Villas across the Highway. **Dale Coulam** stated years ago most of our current zoning ordinance was created by a professional planner, who recommended that we put in holding zones and that meant that it required people to come in and ask for a change to give Ivins more control over what people were asking for. As far as land use, the holding zones were Low-Density residential, and the holding zones were either RA-5 or RA-1 which forced people to file an application and let the governing body make the decision as to how the City developed out. There has been discussion at City Council on the land use plan to try to modify it to match the current vision. When you change zoning on property without the property owner asking for it, it is very upsetting to them, so that is why it was recommended Low-Density Residential back in 2005. It is a holding zone waiting for someone to come forward to request a change. That doesn't mean you have to grant a change, but they can ask. **Commissioner Doug Clifford** stated that the truth is it was just not ever zoned. **Dale Coulam** stated that City Council wants the Planning Commission to look at the Land Use Plan and match it to the vision stated in the General Plan more closely. **Commissioner Lance Anderson** stated we left the land use alone, but we did change the zone RA-1 and RA-5. **Dale Coulam** stated it has been changed once before because we put in the bubble areas. **Commissioner Lance Anderson** stated that whole area on the south

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side was going to be a high school. It was that way for years, but then the demographics changed and they sold it. **Commissioner Bryan Pack** stated it doesn't make sense to leave it Low-Density Residential. It should be Medium-Density Residential or High-Density Residential. **Commissioner Doug Clifford** stated it doesn't fit the theme. **Chairman Jeff Loris** stated the west side of 400 West is mostly Low-Density Residential and the east side is Medium-Density Residential. It has crept close to 600 West and in the past that was an unspoken rule that 400 West would be the stop to allow for rural. That has crept to 600 West. **Commissioner Lance Anderson** stated it goes to 800 West now. **Chairman Jeff Loris** stated he thinks it should be Medium-Density Residential due to neighboring systems. If we buffer neighboring systems, the other side is Medium-Density Residential. **Commissioner Doug Clifford** stated the Highway was our Commercial and Multi-Family. **Commissioner Lance Anderson** stated we have always said we didn't want Hwy 91 to look like Sunset or Bluff Street. Eventually it has moved to the west more and more. **Commissioner Bryan Pack** stated as a developer, on three-almost-four acres, and Medium Density Residential use, what can realistically be done here? **Commissioner Lance Anderson** stated we are looking at 7 or 8 homes. That weird shape is going to be hard to deal with. Adam Allen stated that 1.25 acres will be taken for the new highway and roundabout. So the lot is significantly less. People won't want million-dollar homes next to a roundabout. **Commissioner Lance Anderson** stated every landowner by there will be giving up 30 ft right of way. Adam Allen stated the other thing we looked at with Chuck Gillette is not having an entrance into the neighborhood through the north. Trying to get a right-in, right-out off of Hwy 91. It is a hard piece. Based on the area and what is next to it, the Hwy, the roundabout, the triangle that is why we are applying for what we are applying for. The owner lives here and wants it to be a good project. **Commissioner Lance Anderson** stated that every landowner there gives up 30 feet for setbacks. The roundabout on Hwy 91 project will absorb some of that property too, as well as widening 400 West. Adam Allen stated it is roughly 2.7 acres. **Dale Coulam** stated the difference between townhome is can only be four units with a two-car garage. Multi-Family zone doesn't require garages and can be parked outside. **Commissioner Bob Morris** inquired can we recommend High Density Residential and only allow the Townhome zone? **Dale Coulam** stated yes you can recommend it. **Commissioner Bob Morris** inquired if that was viable? Adam Allen stated that was where we were running into issues with the setbacks of the Townhome zone. He would say no. **Commissioner Lance Anderson** stated Medium Density Residential 7.5 is the highest density. The only Single-Family in a High-Density use is 5000 sq ft. **Chairman Jeff Loris** stated he feels it should be a Medium-Density Residential with 7.5 rather than High-Density Residential. **Commissioner Bob Morris** stated it should match High-Density Residential which is what is next to it. It consolidates all the townhomes into one area. He knows that won't make people happy, but he has eight renters across the street from his house so he doesn't have a fear of renters. **Chairman Jeff Loris** stated if it is High-Density Residential and 2-10 is just shy of 7.5 in Medium Density Residential, the duplex system is a buffer and could be a softening of the Low-Density to the west and the High-Density to the east. **Commissioner Bob Morris** stated with the roundabout and setback issues, there doesn't need to be a transition. It is an expansion of what is already there. We need townhomes and affordable housing. We need young families. We need children. He has lived here 25 years. Most of you have moved here after me and he welcomes it. Isn't it beautiful and haven't we made a great choice to come here. Don't deny young families that. My first house cost 50k. An acre next to me ten years ago sold for 200k. He is the chairman of the Affordable Housing Committee. People have told him he is the most hated

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man in Ivins, but he is standing up for safety and young families that want to live here. **Commissioner Doug Clifford** stated what is the current status on the affordable housing plan? **Commissioner Bob Morris** stated there is nothing affordable in Ivins at this point. The people across the street from him are renting three bedroom tiny homes for $1950 a month. And they are happy to have it. Some are waiting for homes to be finished or their kids attend Tuacahn. We meet four times a year and we have to give a report at the end of each year that proves there is affordable housing in Ivins or the State gets involved. **Commissioner Doug Clifford** stated that is right. If we don't make the decision and have an affordable housing plan, it will be made for us. **Commissioner Lance Anderson** stated Governor Cox took that right away as a City when he took away our ability to oversee architecture. We need to talk to the legislature before these rules get passed. **Commissioner Doug Clifford** inquired what do we want the Highway 91 Corridor to be? A State Highway through our City? You don't want another Sunset, but what is the plan? **Commissioner Lance Anderson** stated he bought property along Highway 91 to protect it and keep it Single-Family housing and keep them low. We don't have much Highway 91 left. The control we have on the west side is Kayenta but there are sections here we still have to deal with and this is one of them. This property owner has 3.91 acres, and the City is negotiating with him to give up property for the roundabout and do the alignment. Sometimes they give up property like that in order to achieve a higher density. 2.7 acres is what they have to work with. He doesn't want to see any outside parking. Whatever goes in there should have a garage. **Commissioner Bryan Pack** stated it doesn't make sense to leave it Low-Density Residential. We don't need a buffer with that small a portion of land. It matches High-Density Residential to the east and he is comfortable with that. It makes sense. Highway 91 feels like the right spot. We have the Transportation Corridor there. **Chairman Jeff Loris** stated he ran numbers. The remaining 2.7 acres so 7500 sq ft is 12 lots. 5000 is 18 lots. The seven acres to the east had 72 units on it, so about 10 units per acres. You are going about 1/3 more from High-Density Residential from Single-Family lots. He would agree if they think it should be High-Density Residential. **Commissioner Lance Anderson** stated we don't have the ability to say that because of water, we can't zone this right now.

MOTION: Commissioner Bryan Pack moved to approve recommendation on a proposed Concurrent Land Use Amendment from LDR to HDR and Zoning Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre) to Townhome zone on approximately 3.91 acres to match the property to the east. Located at approximately 400 West and Hwy 91. Blue Cactus Dev, Ltd—Owner. Bill Papanikolas—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
Chairman Jeff Loris	NAY

C. Public Hearing on a proposed Concurrent Land Use Amendment from LDR to HDR and Zoning Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre to R-TH (Townhomes) on approximately 7 acres. Located on approximately 200 West and Hwy 91. Sunshine Seven, LLC—Owner. Visionary Homes—Applicant.

Dale Coulam stated that Visionary Homes acquired Azalea Townhomes across the street and came in and made those townhomes look more attractive. They are in favor of the wall plane

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variation and roof variation. They are proposing something similar to what they have built across the street. As you come up Highway 91 it will look similar to what is across the street and will help block the view of the townhomes that people think do not look as attractive and acts as a buffer that way. You have Medium-Density Residential to the east of that strip. It depends what you consider a buffer there. They are requesting Townhome with garages, four units per building. This would be a little less dense of a project. **Commissioner Lance Anderson** stated that they have a little section out for the road that they will have to align and will they access 200 from there homes or will it be inward? **Dale Coulam** stated we haven't seen the plan, they are asking for the zone change, but it will be similar to the product we have seen at Azalea Townhomes. **Chairman Jeff Loris** opened the Public Hearing. Stephenie Nodstadt stated that we are here and speaking loud and clear, but why come to a meeting when you are all mute and blind? Break out of the good ole boys club and stop making deals and start listening to the residents. The professional planners had a vision and here you have a whole room of people letting you know their vision. These are the taxpayers and the people you work for. Start listening to them. She came to Utah for the unique beauty of its land. You are ripping out lava fields and mowing down red dirt. That is what is unique about Utah. Shame on you. **Commissioner Bryan Pack** stated there are developers that would sell the land if interested. Michelle Delloso lived here since 2005 and came here for the beauty and fell in love with Snow Canyon State Park. She has been a resident of Chicago and Atlanta. She has had many offers to move, but would be selling her soul if she does. That is how precious it is to her. She is also inclusive and open-minded and understands development. The High-Density Residential compound on 200 West was painful, but she held herself accountable because she never came to a meeting. The skate park came in and she is pro-recreation and pro-kids even though she doesn't have kids, but the overall peace and quiet is just gone. She tries to do her homework so she looked at the vision from 2013 and 400 West was the artery that was proposed and 200 West is a connector. If we come down 200 West on soccer nights, it is similar to Sunset. Factually, there is a traffic issue right now. Peace, quiet and safety can happen anywhere. She is not going to be accusatory but vision-based on what she read from Ivins City. Multi-Family is going to be capped at 475 units. This is a great time to be in real estate if you own land. We are a community. She is here to love it and stay here. She wants to put trust in the Commission and why it is so special. She chose here because of the vision which is to be in the best interest of the community members. Kevin Gattis stated he lives in Shadow Canyons and inquired what is the process? You have never seen any plans yet? That seems odd to him. **Dale Coulam** stated they have applied to change the land use and the zone at the same time. Those are legislative decisions and Council can make a decision and courts would most likely uphold that decision. Next would be an administrative decisions to apply for a preliminary plan and show how it fits on the property depending on the zoning they were given. They can't really do a plan before the zoning because they don't know what density will be allowed to say how many lots. Once they know the density, then they can lay it out on the property and see how it fits after giving up land to the City for buffers. If it then meets requirements it should be granted because it is an administrative decision as opposed to a legislative decision. Kevin Gattis stated it seems odd to him that someone would purchase 7 acres at a very high price based on getting approval of a zone change and submit no drawings. If you all turn it down, what would happen? It seems backwards to him to vote and approve something that you can't even see. When a professional planner was hired, they recommended certain zones. On Red Vista Drive when cars come down that street all their lights come in to his house. It has turned into a dragstrip and a parking lot

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junk yard. There is not enough parking on site. The vacant lot to the north looks like garbage. The folks that rent don't care and have no stake in this. If you approve this, he has already lost half his view and the other half will be bedroom and bathroom windows of a townhome. When he bought his home he did his research that it was zoned one-acre residential. Tonight he is finding out that it was false information provided by the local government. Changing this is bad policy. Think about extra vehicle trips made out of that subdivision onto 200 and 400 for townhomes. That road is in huge disrepair. It is a mess. He doesn't hear anyone talking about how we are going to fix the infrastructure. If approved the City has a policy that the developer has to frontage improvements in front of their project. There is an existing large home. That home is already developed. Will that road be left half-done forever? Do we know the proposed number of stories on the units? It is currently one story single family dwellings. **Chairman Jeff Loris** stated that it is 25 ft. Not single story. Across the highway is commercial, which is allowed 35 ft. Kevin Gattis stated that the view going away needs to be taken into consideration. Our property values go down when those go up. If it had been built there when he moved here, he wouldn't have bought there. What would there time frame be if they get approved? The next step is this goes to City Council if they get your recommendation? **Chairman Jeff Loris** stated yes. Kevin Gattis stated he believes there is a huge conflict of interest with Commissioner Bob Morris. He is on the board for Affordable Housing. **Commissioner Lance Anderson** stated that he is a Commissioner that represents affordable housing. **Commissioner Bryan Pack** stated that Kevin Gattis has a conflict as well because he wants the opposite. You have no more conflict than he does. Kevin Gattis stated that you are elected officials. **Chairman Jeff Loris** stated we are not. We are appointed officials by the City Council. **Commissioner Lance Anderson** stated let's get back to our topic because this is a hard subject. This is what the law says and what State statute says. We have no control over it. We receive an application and have to make a recommendation. It can't be a plan until it has a zone. We ask the public for their thoughts. We don't want people to be rude, and we don't want the Commission to be rude. We know what is important to you because he has lived here since 1977 when there were 600 people. So when your house was built, you took out my red dirt, lava and sagebrush to put in your house. Everyone moved here because they want to live here. You bothered somebody else when you got here. We have all bothered someone at some time, and it will continue. We have a plan that helps us see what will work where. They are giving up 1.76 acres to help the City with our transportation plan and to have better access. When the plan comes to us, then we will make those decisions. **Commissioner Doug Clifford** stated 90% of the things that are done by the Planning Commission are laws that already exist which we try to work with for the best benefit of the City. We aren't making laws. We are trying to interpret law that has already been made. That is what the Planning Commission does. We are trying to make sense in the tremendous variations of City and State laws. Understand that is where we are coming from. **Dale Coulam** stated please limit comments to this issue. Let's maintain some civility and get back to the public hearing on the project that is being proposed. Hold our tempers and have some decorum in this meeting. James Hayward stated he grew up in Idaho and understands the dilemma. There are people in here from all over the country. These people have seen things we haven't seen. He has lived here five years. This is a nice community and you need to have guidance. Do what is best for the community. We are all in this together and we expect that guidance from you guys. Nancy Martinez lives in Shadow Canyons and she has tried to be very objective and she has been here a year. Her husband passed in February. She lives across the street but it impacts everyone. Her concerns are about water usage and how it impacts the

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budget. Is the budget a motivating factor to go past capacity in the near future? High Density Residential housing is a large influx on the water system and renters with no investment in the community. Water conservation would not be a stewardship with renters. Resort visitors use water it with abandon and a feeling of entitlement. We live where water is limited. Ivins City prides itself on the beauty of the night sky and that is available only because of a City ordinance that limits lighting. She goes out many evenings and looks at the sky and is grateful to be here. High Density housing is associated with an increase in crime and that would impact public safety and indicates a need for streetlights and necessitates budget funding. High Density housing indicated the need for surveillance to ensure public safety. That is an increase in police services. Increase in population in High Density Residential require infrastructure upgrades and maintenance and increase expenditures on a City budget. What portion of the City budget comes from taxation? Do property taxes paid by High Density housing owners cover a fair share of budget expenditures for public safety, infrastructure and maintenance? She read the vision for the City and the want power lines to be buried to remove poles from view which are tiny poles. They are being replaced with two-story townhomes which is a greater obstruction to the view. Are the City planning goals viable currently? A lot of items in the City plan feels dated. She is not in favor of the zone change and feels the proposed change does not conform with the vision for Ivins City. CJ Koharcheck stated that our Commissioners are technical guys that think about water capacity, traffic, parking spaces. Numbers people. That is what she expects of you. The change you just recommended increased water usage by a factor of six on a relatively small parcel of land. You could say no. You don't have to change the zone just because someone asked when considering quantitatively the impacts on the City to make a recommendation. Think about the numbers. Lisa Ganz stated that she is baffled why townhome was matched with High Density Residential when there was Medium Density Residential as a choice as well. There needs to be a science to this. She is disappointed that the planner came up with this plan and we are now changing it. Anyone with Low Density Residential of course are going to come in now. You are opening up the door for creeping. If it says Low Density Residential, trust the original planners. Every certain amount of acres that were developed it states there would be open space or parks. Residents want to keep it this way and open space and low density. Kayenta is all dug in and she loves that. In Orange County there was a mandate on Huntington Beach and they pushed back on the State and they had integrity in what their plan was. She would like to see more of that. Follow the General Plan and it is your job to interpret that plan. Is there an Environmental Impact Study because she wants to see a traffic study because it is so congested right now. She didn't know about the roundabouts. This is a mess. Don't change it or if you are going to change it, match it to Medium Density Residential that is right above it. Patrick Griffin lives in Red Mountain Vista Townhomes and is a perfect development for he and his wife and child at this stage of their lives. He is a licensed realtor and mortgage officer. Those townhomes are well thought out. More storage than a single family home. Azalea Townhomes look more appealing on outside but the use of square footage in those units is a completely backwards floor plan. It has no backyard and park in the back and the front is a shared area. He would not want that right behind his house. With affordable housing, now the cost of materials have gone up 30%. These are being listed at 100k over what he paid for his unit. He has friends that still can't qualify. They are listed for 300k and you can't make more than 50k per household for affordable housing. It is impossible. He wants the growth but he has a great backyard to go play with his family. In these newer developments, there is no room for that. They are more like a vacation hub. Visionary has been approved for 85 units behind and they haven't finished even one of them. Go down 200 and

look at the park. It is chaotic there. Fix the parking and make this fit the residents that it currently has. Do it right and in a timely manner. Black Desert Resort will be 1400 more residents. The congestion will be a huge factor and we are not in a position to expand those roads. Think about the impacts we are currently living with. Lyla Gaylord lives in Shadow Canyons 14 years now from Southern California. Congestion, traffic, crime, disgruntled neighbors, rudeness, trash. We have 11 square miles in Ivins. A traffic jam is two cars. She knew when she moved here that land would be cultivated and homes would be built. She was hoping for one-story, not two story townhomes. She used to take photos of beautiful sunsets, now it is a row of townhomes. Everyone deserves to live in Ivins, but not everybody can. You live where you work and earn to live. She is 80 and it took her years to afford her home. It wasn't easy or given to me because she was low income. We can't find good police, doctors, nurses, caretakers, and teachers because they can't afford to live here. Prices have gone through the roof. The infrastructure doesn't support the onslaught of people who are going to be moving here. She is sad because we are going to lose everything unless the Commission looks at this very seriously and recommend that the seven acres go to Medium Density Residential. The people in High Density Residential rent and don't care about the community surrounding them. We used to be called the armpit of St George. Is that what we want again? Especially on old Highway 91. These should be single story and look like homes. Deny wholeheartedly the High Density Residential. Leaving it open isn't realistic. Medium Density Residential she can live with. Crime will increase and we have issues with water. It would cost me more than my house to go to xeriscape. No more two-story homes. Let's build homes for families. She would like everybody to enjoy Ivins in the right way. Suzy Appel lives on 200 West and Highway 91 and thanked the Commission for serving. This is tough. She is a property owner and owns 5 acres and one day may want to develop it. She is a realtor and loves property rights. She doesn't want someone to tell her that she can't develop it. That is why she loves America. Where does the High Density in the middle of that block end? It should not realistically be Low Density Residential. Could we give a High Density Residential with affordable housing with single level? We do need affordable housing here. We don't have it. We need homes for people. She cannot find a house for her clients for 500K? It is crazy. She has a concern with traffic. They really don't want to fix that area because it will turn and that road most likely will not be any better for quite some time until they get that roundabout in. She has a sense that their contract may be contingent on a zone change and could we do higher than Medium Density Residential but keep heights low to help make the developers numbers work? We have to be willing to compromise and it will not remain Low-Density Residential. We need to make it work for the landowner and the neighbor who don't want traffic and height and still give rights to the owner and something that we can all live with. Maybe it could be something that is not like Azalea Townhomes, but shorter and more spread out. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

D. Discuss and consider recommendation on a proposed Concurrent Land Use Amendment from LDR to HDR and Zoning Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre to R-TH (Townhomes) on approximately 7 acres. Located on approximately 200 West and Hwy 91. Sunshine Seven, LLC—Owner. Visionary Homes—Applicant.

Commissioner Bryan Pack stated that he apologizes for his comments and understands the emotion of it all and he apologizes also to the Commission. It did not lead to good discussion. **Commissioner Bob Morris** stated that he believes in buffers and that the people that bought in Medium Density Residential did not want Townhomes in their face. He would say

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High Density with individual homes so 5000 sq ft and 25 feet Single-Family homes. It would transition from Medium to High Density Residential to Townhome. **Commissioner Bryan Pack** stated even at 5000 sq ft with 25 ft high you can get two stories. **Commissioner Bob Morris** stated yes and that is something people don't understand is that we have more discussion when they bring us their actual plans. **Commissioner Doug Clifford** stated that we need the transition. Young people are not represented here and they can't afford our homes. A community is a community of different levels of people. We should be welcoming. Are we going to be exclusive so people can't live here? He doesn't know how Huntington Beach got away with it. He was a Mayor for eight years and in the State of Utah you cannot. We need to take a look at the whole community to try to identify where your grandchildren would live in Ivins and afford it? That doesn't mean we ware putting townhomes and apartments everywhere, but we need places for people to live and work here. He thinks going from Medium Density Residential to High-Density to Townhome or 5000 sq ft. He agrees with Commissioner Bob Morris. **Commissioner Bryan Pack** stated he can support that as well. **Commissioner Lance Anderson** stated that he is concerned about access. Access of 200 West and come from within the subdivision. He would do RE-7.5 and Medium Density Residential. **Dale Coulam** stated that the adjoining property was Medium Density with a density bonus, so it may be close to 7.5. **Chairman Jeff Loris** stated that buffering and balancing the applicant request and the City's needs. He would prefer Medium Density Residential and 7500 sq ft. That is 32 lots. If we go 5000 that would be 49. There is a 10 acre parcel to the north that has 30 lots on 10 acres. **Commissioner Bryan Pack** inquired could we do a Subdivision Enhancement Overlay? **Dale Coulam** stated not if they don't request it. Applicant can offer amenities and follow our zoning. **Commissioner Bryan Pack** stated we could give them an incentive by zoning it lower. **Commissioner Lance Anderson** stated giving them less density has them be more creative and come back with a better product.
Commissioner Bryan Pack stated then if they wanted to go more dense than that, they would be able to offer amenities like open space and single story. Medium Density Residential and R-1-7.5 zone with that incentive and the public needs to understand that we can't guarantee that. They could come in and build two story homes on 7500 sq ft lots and there would be nothing we could do about it. **Commissioner Bob Morris** stated he could support that. If they would apply for a Subdivision Enhancement Overlay they could go more dense. Reed Scow stated that he is with Visionary Homes and is the applicant and the owner is here as well. He loves the process and is the Vice Chairman of Washington County Planning and Zoning Commission and our short term rental took five meetings and thirty hours of public input and it is a pretty good ordinance that is being voted on tonight. He loves the conversation. People put the hat of a greedy developer on us, but we pay all the impact fees. We don't control the cost of things. In order to get pricing down, we have to provide good product that people will buy. We have sold out our first two buildings across the street. It is an outdoor use product and was well-received. People buying these are 121 interested parties in the first eleven days that wanted pricing from just a sign. What we have found statewide is how people are buying houses has morphed. People are leaving town because they can't stay here. Everyone has to start somewhere. **Chairman Jeff Loris** stated he doesn't see anyone approving the proposal before us. We are trying to buffer so it is not two-story right on the street. Reed Scow stated it is just the numbers. It is the cost. Going to a second story means more square footage and more economical. We believe this a great transition with roads on all sides of us. He has a hard time believing we are going to have million dollar homes lining Hwy 91. We are surrounded by studios, townhomes and an RV Park. We believe following the code and with the roof line and offsetting and following the night sky we are

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hoping it takes your eye of what is already there that nobody likes. You've seen our plans and it is a walkable community with nice amenities. We are doing everything we can and we love the changes and we brought back a better design that utilized outdoor living. We think it is a good transition and we know that people want to buy these homes. **Commissioner Lance Anderson** stated we have spent hours talking about transition and buffer zones. This is an area that needs it. **Commissioner Bob Morris** stated the people who buy know they are buying next to townhomes. Randy Ence stated that if any of these people here were in our shoes it has been in our family for over 70 years and then listen to a group of people telling him he cannot sell his property for a value because it does not meet their standard. That is ludicrous. That is selfish. The property that is between our property, we should be able to zone the same way it is zoned. What Visionary Homes has would fit right in there. Who will want to put a single family home against those two story units? He appreciates what you are going through, but right now the City wants to take the corner off our property so it is 6 acres not 7 acres to square that section up. Work with us and cooperate with us. It makes sense to keep that zoning up to 200 or 400. **Commissioner Bryan Pack** inquired what about the point that no one will want to put a house next to two-story townhomes? **Commissioner Bob Morris** stated it won't sell for as much. Young couples will buy those houses next to townhomes to live in Ivins. **Commissioner Lance Anderson** stated he would go High Density Residential 5000. **Commissioner Bob Morris** stated he is okay with that but also High Density Residential 7500. No buffer just this transition, so people moving in know what we're getting. **Commissioner Lance Anderson** stated it was Low Density Residential so that's the value. If we change to Medium Density Residential, we are doing them a favor. This whole area used to be yellow but for people to live here, it got changed to blue. When the planner came here, that was to protect Ivins and the whole hillside. No one knows that. They just think it was bad planning. We would have 200 homes up there now that would have destroyed Ivins. There is always more to the story so don't beat everybody up. People don't know what goes on here. Right now we have Low Density Residential. It is a transition zone. He feels for the Ence's for having it for all those years, but we can't just do it in the name of affordable housing.

MOTION: Commissioner Bryan Pack moved to approve recommendation on a proposed Concurrent Land Use Amendment from LDR to HDR and Zoning Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre to R-1-5 on approximately 7 acres. Located on approximately 200 West and Hwy 91. Sunshine Seven, LLC—Owner. Visionary Homes—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
Chairman Jeff Loris	NAY

E. Public Hearing regarding Unity Village Preliminary Plan, located at approximately 400 South and 200 West. Corner The Market, LLC—Owner/Applicant.

Dale Coulam stated that this came to Technical Review Committee and the engineers comments have been incorporated with all the suggestions they had. Staff recommends approval. The developer is here to answer questions. Our engineer was not able to attend this Commission meeting. **Chairman Jeff Loris** stated this is to the south of Unity Park. A ten-acre parcel

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bordered by 200 East and 400 South. This is a Public Hearing because they are asking for an SLA, lot averaging and there were three lots that were less than 10,000 sq ft out of thirty lots. **Commissioner Bob Morris** stated these lots are bigger than the ones to the west. **Commissioner Lance Anderson** stated this doesn't change the density at all. It is the same amount of lots. Some are less, some greater. It just changes the layout. **Chairman Jeff Loris** stated they were given medium density residential with a 10,000 sq ft lot allowance, but they asked for an averaging and having some lots larger than 10,000 sq ft and some smaller for the overall project. They can have up to 25% with that lot averaging to be less than 10,000 sq ft, and they asked for three to be less. It still stays medium density. **Commissioner Lance Anderson** stated that was driven because of a road that the City asked for. The piece had to be pulled out to add the road, so they asked for averaging. **Chairman Jeff Loris** opened the Public Hearing. Hearing no comments, **Chairman Jeff Loris** closed the Public Hearing.

F. Discuss and consider recommendation of a Preliminary Plan for Unity Village, located at approximately 400 South and 200 West. Corner The Market, LLC—Owner/Applicant.

MOTION: Commissioner Bryan Pack moved to approve recommendation of a Preliminary Plan for Unity Village, located at approximately 400 South and 200 West. Corner The Market, LLC—Owner/Applicant.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

G. Public Hearing on proposed amendments to Chapter 16 of the Zoning Ordinance regarding Accessory Dwelling Units.

Commissioner Bryan Pack because of a job change this will be his last meeting, if you want him to be involved in the discussion. **Dale Coulam** stated the legislature passed the bill that within the footprint of the home, you are allowed one accessory dwelling unit that you are able to rent and provide one off-street parking space. This change considers a lot of people who have casitas and would like to rent those and have that rent help pay their mortgage. We have older folks that have children that have moved away and moved on. We also have people who have said they'd like to move into the casita and allow their grown children with their family move into the main house. These changes would allow that. The State says the owner must live in the main home, but our ordinance says the owner must live on the property. We have had that request for years. This may be contrary to HOAs and CCRs so those areas still may not be able to do it. In light of some of these requests, we made changes to allow an external accessory dwelling unit that is detached from the primary dwelling. It is a separate unit, but on the same lot. It does not have separate utilities, it can't be sold separately from the primary home. Just simply called an accessory dwelling so it could be internal or external accessory dwelling. He did have a question on if permits were required. **Commissioner Bryan Pack** inquired do we have a use application for a guesthouse already? We have a casita agreement. A simple change would be to say that an external accessory dwelling unit has to do an application must be received before a building permit. Dale Coulam stated that Item (15) stated that owners of accessory dwelling units existing on the effective date that have not been approved as required shall apply

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for approval within 180 days. That is not in the statute. **Commissioner Bryan Pack** stated he doesn't believe it is. These were in the existing ordinance. **Dale Coulam** stated that for internal accessory dwelling units, the State law would trump ours. Commissioner Bryan Pack did a great job. Does the public favor being able to rent out casitas and external guesthouses? The State said only internal like a bedroom or basement and we have a sq ftg limit that needs the language refined as well. **Chairman Jeff Loris** opened the Public Hearing. Lisa Ganz inquired did it mention Low-Density? **Chairman Jeff Loris** stated they are 15,000 and larger so one acre or 5 acres. Large lots. Lisa Ganz stated what was sq ftg size restriction? **Dale Coulam** stated 600 sq ft which is our sq ftg limit for casitas. Under State law there is no limit for internal accessory dwelling units. Lisa Ganz inquired if it requires parking? **Dale Coulam** stated yes it requires off-street parking. Jerry Nostadt inquired if using a residence this way would have any tax consequences? **Dale Coulam** stated the primary owner has to be on the property and would still be taxed. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

H. Discuss and consider recommendation of proposed amendments to Chapter 16 of the Zoning Ordinance regarding Accessory Dwelling Units.

Commissioner Bob Morris stated that there were two question marks remaining from last meeting. We should fix those and make sure the word external is added. **Commissioner Lance Anderson** inquired what the maximum sq ftg was for a casita? **Chairman Jeff Loris** stated 600 sq ft. **Commissioner Bob Morris** stated it says "or" which means whichever is larger. In his case his casita is 750 sq ft, but that is because it is 30% of the sq ftg of his primary structure. **Commissioner Lance Anderson** stated so if you have a 1500 sq ft house and a 1000 sq ft casita it doesn't qualify. **Dale Coulam** stated technically that would not meet regulations. You can't build that big of an outbuilding so it should not have been built in the first place. **Commissioner Lance Anderson** stated these builds were built back in the old days. **Commissioner Bob Morris** stated that he feels older people would benefit from this too, but he had been pushing this for younger families to give them an opportunity to buy a home in Ivins with the help of someone renting the casita, with them on the premises full-time, it helps them make their payment. **Commissioner Doug Clifford** stated this is a big step towards affordable housing. **Commissioner Bob Morris** stated that with this, we can send reports into the State that we are an affordable housing community. **Commissioner Lance Anderson** stated we don't define off-street parking and what a house needs for off-street parking. The homeowner can park out in the street to meet the requirement. **Chairman Jeff Loris** stated that residential has to have a two-car garage which gives two parking stalls in the driveway. So there are four parking spots. **Dale Coulam** stated if they don't park in the garage they need enough spaces to park in the driveway. **Commissioner Lance Anderson** stated that in our smaller zones there is a 20 ft setback requirement. Even in medium density. You can't park there. It would be legal for them to park, but it hangs over the sidewalk. **Commissioner Bob Morris** stated if they can't provide off-street parking, they can't do this. We just need to say "external accessory dwelling unit" on 14A and Item 15 then fixes item 14A. He stated he would like to remove the 180 days and eliminate the time limit. **Chairman Jeff Loris** inquired who enforces this? **Dale Coulam** stated it is going to be with the Police Department and move from the Building Department. **Commissioner Bob Morris** stated we need people to apply so when he does his report, he can say how many affordable housing units we have in Ivins. **Commissioner Bryan Pack** stated that right now it says owners of accessory dwelling units existing on the effective date of this ordinance that have not been approved are required to apply for an approval within 180 days. That was in the original ordinance. **Commissioner Lance Anderson** inquired why do

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we care? **Chairman Jeff Loris** stated that after that effective date, the owner would be subject to all applicable enforcement actions that may be available. **Dale Coulam** stated maybe we want to strike that sentence and make it friendlier but Commissioner Bob Morris stated we want them to report so the Affordable Housing Committee can report to the State and we can get a count on our moderate income housing report. **Commissioner Lance Anderson** stated that is not what he gets out of that sentence. **Dale Coulam** stated that we have been required to file with the State biannually a moderate income housing report. Legislation is requiring us to report every year. If they don't see cities implementing moderate income housing, they will implement it for us. Cody Mitchell emailed in that Accessory Dwelling Units will be duplicate language. It is currently used for a meaning other than casita and guesthouse and should be removed or re-written for clarity. **Dale Coulam** stated that he thinks Commissioner Bryan Pack clarified it when he changed it in the definitions at the very beginning of the ordinance. **Commissioner Bob Morris** stated that what Cody Mitchell wants is for us to go into other parts of our Code. He is saying that Accessory Dwelling Unit needs to to be modified in other areas of the Code. **Dale Coulam** stated that we may have to make further modifications. **Commissioner Lance Anderson** stated casitas are a Class II. Is that the way to monitor it? They come in and get a Class II Conditional Use Permit and that allows them to rent it. **Dale Coulam** stated that means the Building Official can approve it, and they get a building permit, but before a Class II they need to meet the qualifications, like the zone and the size. **Commissioner Lance Anderson** inquired is that a good measure? Could they just apply for Class II to monitor it if they want to use it for that use. **Dale Coulam** stated if they are using it as an accessory dwelling unit when they apply for the Conditional Use Permit they need to state that up front so we can use that in our reporting. **Commissioner Lance Anderson** stated we could say in this ordinance that they need to get a Class II if they want to use it for that purpose. **Dale Coulam** stated no they already have that use. We could say instead of applying for a building permit they have to apply for a Class II Conditional Use Permit. **Commissioner Lance Anderson** stated that a Class II Conditional Use Permit is more to see if they can have a casita, nothing to do with renting it out or any of that. Just to see if it fits in that zone. **Dale Coulam** stated we have given them a time limit to apply but taken away the penalty. **Commissioner Lance Anderson** stated it is confusing the way it is written. **Dale Coulam** stated we left the time limit in but removed the penalty. If their CCRs will allow it, they can rent out the casita but they need to get the use permit. **Commissioner Doug Clifford** stated it is for bookkeeping so we can report it.

MOTION: Commissioner Bob Morris moved to approve recommendation of proposed amendments to Chapter 16 of the Zoning Ordinance regarding Accessory Dwelling Units with the amendments made, removing the penalty and adding the word "external."
SECOND: Commissioner Bryan Pack
VOTE: The motion carried.

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

I. Discuss and consider recommendation of proposed amendments to Chapter 16 of the Zoning Ordinance regarding Exterior Colors.

MOTION: Commissioner Bob Morris moved to table recommendation of proposed amendments to Chapter 16 of the Zoning Ordinance regarding Exterior Colors.

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SECOND: Commissioner Lance Anderson
VOTE: The motion carried.

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

J. Discuss and consider approval of a Final Plat for Sentierre Padre Canyon, Phase 1-B, located at approximately 800 North Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant.

David Case stated we amended the Development Agreement as well as the Preliminary Plan and are now seeking to plat Phase 1-B, four more lots. We have plans ready to come in and submit for permitting on two of those lots. **Chairman Jeff Loris** stated that he can see five parcels. One shows no location, description, boundaries, lengths, anything. The other four on the right-hand side show bearings and locations. Why is that fifth one darkened and even on this plat? David Case stated that there are three areas and three different legal descriptions. **Chairman Jeff Loris** stated that normally it is shown on the map where the northern and eastings are. **Commissioner Lance Anderson** stated that the County will kick it back if you don't have a starting and ending point. **Chairman Jeff Loris** the other lots have bearings and locations not just in the description, but also the recorded picture. David Case stated that the fifth lot is a pair of adjoining villas so there are technically two parcels there. **Chairman Jeff Loris** stated he doesn't have any other issues, but this should be cleaned up and corrected. **Dale Coulam** stated you can approve, subject to engineers' corrections.

MOTION: Commissioner Bryan Pack moved to approve Final Plat for Sentierre Padre Canyon, Phase 1-B, located at approximately 800 North Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant, conditioned on engineer's final approval of the corrections.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

K. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for September 14, 2021.

MOTION: Commissioner Bob Morris moved to approve the Ivins City Planning Commission Meeting Minutes for September 14, 2021.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

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4) REPORTS

A. Planning Commission

Commissioner Bryan Pack stated he has loved his time on this Planning Commission and he is going to miss it. He is not moving, but will be working as the City Attorney for the City of Mesquite. It eliminates his ability to be here on Tuesday nights. He now has a forty-minute commute. The only negative of his job change is resigning from this Commission. He appreciates the relationships he has made here with each one of them. All good things come to an end.

B. Chairman

C. Building and Zoning Administrator, Cody Mitchell

We have a Class IV Conditional Use Permit coming for Crescent Moon Village for another car barn.

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

5) 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
Commissioner Lance Anderson	AYE

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