Rough notes from the March 15, 2022 Planning Commission Meeting re: Light Reflective Value

**Public Hearing on proposed amendments to exterior colors regarding Light Reflective Value:**

Jeff Loris stated that that he has here pages of comment by email for us. Voices were heard. Michon Robinson use the color they would like. The difference of what we are doing here and what is allowed by law. Dale Coulam we can't regulate colors, height unless there was a development agreement so we have said that every subdivision requires a development agreement so there is no misunderstanding what will be built there. If a developer or owner chooses and we have a standard that says they will comply but if developer or owner wants to negotiate those design guidelines they are free to do so because of that law. We tried to apply and live by our design guidelines but that won't be the case every time because the state has usurped our power. What part of the design guidelines do they want to negotiate? Most times they like the way the City has developed and the look and the breaks instead of long roof lines. architectural features around windows and porches and have shading and look interesting and take away massing. Lot of developers agree with our design guideline and may be some coming from up north and would probably negotiate some of those items away. Those have done for our city but exterior color with LRV as a measurement has created a lot of confusion and angst in the community. Is there a better or another standard that is maybe better than LRV? Bob Morris stated within the range of LRV is a john Deere green tractor color but it is within the LRV so it is allowed. People take issue with that color but not others. Today it is popular to have lighter and darker colors. Chroma I am not an expert in this area but within our design guidelines you have building material color and then LRV as your standard is that the correct measurement to use. Mike Haycock stated that clarify the ordinance and gave the whole chapter to read it in context. How it matches the neighborhood and go on a cloudy day than a sunny one. Difficult way to determine. Whatever we end up doing we need clarity out of it. As people change we see it differently. Need a solid ordinance but improve on it and make it easier for all of us to see it the same way. Jeff Loris make it easier for building official. Houses that are existing now do not have that restriction. Only developers under these agreements and negotiated subdivision to subdivision. LRV is one of those choices. Shall we use it lose it modify it or stay the same? Jeff Loris opened the PH. Mike Hugo lives on Mesa Vista. stated protected our freedom. different way to control it. Don't. you don't have a right to. More laws and regulations. Get rid of it. Nancy Martinez retain these guidelines because without guidelines you can end up with anarchy. When a developer comes in that subdivision has a HOA and they maintain consistency has some sort of agreement so that certain colors are allowed. That is appropriate. Some people don't get it. Dan Brown have the freedom to do what we want with that house within certain parameters. HOA that had to be white but they know what they are getting into. Chase Hamblin built a home up the street. rebuild and got crap from the color, the pitch of my roof Mike Rodriguez white color and then after they painted the house and did not do the lighting but we improved the home. Good looking home. To a certain standard we should do what we want with our property. My Dad dealt with this and just passed away and I’m making this statement on his

behalf.  Height and exterior colors. What happens to developer and subdivision when they do not follow those ordinances. Different for them than public. Lance Anderson stated that we have moved from state to city. When we move to HOA certain rights. 2008 anyone that has moved in agreed to those ordinances. This is not new. People coming in and saying they want what they want but also want us to solve their problems for them. He believes governor has usurped. Community is a family that agrees on certain regs to live by. These rules have been in place a long time. He lived here when there was only 600 people. People moved here for a purpose. LRV is not the ordinance. One little piece of the ordinance. LRV is for the guy that wants townhomes, apartments. We don't have control of that anymore. We are trying to protect the bigger items to keep Ivins what we grow to. RV park along Hwy 91 and salvage yard. We bought them out or it would still be there. Governor usurped our authority and what the community wanted for a long time. Jan Brown Praya Drive. Love Ivins for its uniqueness and that color palette represents Ivins. Kayenta and Entrada and she wants common sense to prevail and keep it pretty. Thank you for all your doing to keep it that way. Rachel Christiansen 855 South. Against this. Control level is getting out of control. We have rights for our property. Pam Gardiol stated there was one individual to put in public record. PC member themselves. LRV regulations are apparently prohibited by Utah law. Enforcing the LRV to costly litigation and should not bow to minority to impose their will to the entire community even though they are not as vocal. PUD HOA or some other similar association.

**Discuss and consider recommendation on proposed amendments to exterior colors regarding Light Reflective Value:**

Jeff Loris stated the reason I had Dale talk about HB 82 is we all have the right to paint our home our color. Each development has an agreement with the city and everyone in that subdivision and in that CCR the colors are stated and rectified by the city or by that agreement. Tonight, should we keep or modify this. We are trying to make this community run well together and staff is just trying to make that easier. Mike Haycock trying to make this compliant. If we want to keep or remove that is the element we are looking for development agreements in the future. Everyone already has that right. Dave Robinson stated that he would love to remove this. We talked about a PUD in St G and when you move in there is a governed color in that PUD. That is what they want and that is what you know you are getting into. Any subdivision that has no HOA and they regulate what we can do on exterior color of our house and had to alter our color. That is ridiculous. If you are buying a home in an open area of Ivins should be taken out of those agreements. My thought process is an end-run usurping state law and we say we are not forcing them to do this. What contractor will put up a stink. He will sign whatever. This is citizens saying this is our right and what we want. Doug Clifford stated that we have inconsistencies in how we approach this because we have agreements and then say the word negotiate. Then it is not a standard. Majority may like but minority may oppose and if I negotiate I can get what I want. Trouble is if we have a law or ordinance need to weigh or measure and can't be negotiated. Negotiable makes it squishy. Trying to apply something that fits our GP. It is the holy grail of the vision of the City and what we want it to be. How to quantify it? It is amorphous. Night Sky and color and lighting for their kids and different things are important to different

people. The only way to allow it to happen is to have HOA so that all people that buy in are going to agree to that set of rules. Extending that to a City. No. We can't extend that to an entire community. I can choose to live there and follow those rules and change them with my HOA but made that choice. People move into an area and don't know the rules or know the HOA and then get upset. Draw the line within our local subdivisions where we have restricted covenants then those they bind their color. City in general can't. Work on the GP that we want the area to blend with our environment. Black lava. White Snow Canyon. Can't argue with those. We are trying to measure with an inaccurate tool. Isn't the right measure. Drop it and let the color palette with HOA. Pam Gardiol stated pulled up the minutes from this body. Seems to me that we are looking at LRV as one leg as a four legged stool Section 1 paragraph 5 building materials color southern Utah environment shall be used. Minimize impact. Blend not contrast LRV Chroma from weak to medium weak and matte finishes are recommended. What we are looking at is what matters to the community. That is where the GP comes in. Commission is in the process of reviewing the GP to encourage citizens to come and talk. Some people created it. No. Before we decide on LRV one leg that there are pre-requisite to what we do. Complete GP and listen and disagree and then have a common criteria to make the decisions. If we don't know where we are going any road will take us there. Redefine Paragraph 5. Democracy is not a spectator sport. Ensuring the capability to elements and every community is going to have variation in the way things are. Do homework for consistency. Communicate and satisfactorily governor who we are as a community. If I choose to be a spectator I am not aware of what is happening part is on me but part is our city to come up with a common standard here. Table this item until GP is complete so recommend Dave Robinson that is why the PH. He posted a FB post and of the 20 and one was in favor of keeping it. The community is responding. Even reading not in contrast and that is part of our city and neither of those black or white could be painted. Browns had all white rock. It is an element of color and black lava. No color that is not a natural color of Ivins. It is not our decision to say. That is your decision. Fact is only for new subdivisions coming in. This will retrofit at some point. My opinion. We already know what the community wants and dancing around this along time. Get rid of it and move on. Mike Haycock stated that when I have to issue a CO and when a contractor says what about other houses. Why do I obey this ordinance. We would like to do the same thing. Enforcement is through contract they have signed. Jeff Loris stated that in the future a development agreement and second or third owner in that subdivision chooses to disagree for that HOA PUD or agreement what is the ability to enforce that. Dale Coulam development agreement people don't know what that is getting into but it is recorded. Read your documents when you buy. Contractual agreement that is being enforced. The governor recognized that there would be agreements in subdivisions. PUDs could create their own zoning in their agreements but we don't have those anymore. Spokesman is the developer and that is what they agree to and people who buy are subject to that agreement. HOA because of dues and use development agreement to avoid fees. It is not city wide but by subdivision. Keep or throw away he doesn't care but what you recommend and what Council adopts. Not my role to say whether building material color should be specified in an ordinance. Set forth under our design guidelines. What the governor signed did away with many of those things. Many would be upset if you had a four story house next to you. They did away with that. It is

a way to reference in agreement. Here is my vision for my subdivision. Specify height range of colors or not. Developer says what they want for their guidelines. A lot of time Technical review committee meeting and discuss development agreement and then if they don't it is the standard agreement. They have a chance to come back with changes and it is a starting place rather than pay an attorney to draft one. We start it out and what our standard form is. The exception to that states that if the people in that subdivision agree with CCRs or development agreement there is that exception. Developer hold that CCR until there is enough to turn it over to HOA. We want rights over here but if they don't like something they say City where are you? We don't involve enforcing CCRs. That is the awkward spot the City finds itself. Jeff Loris stated that people state they weren't there but chose to move into that subdivision. Pam Gardiol suggested we table this but to what end? The agreement is a single applicant and the City. That group will agree to live there or not. Don't need to extend or drag this out. Three are in agreement of removal. Doug Clifford stated that problem unquantifiable metric. Home colors should blend with our natural environment. LRV doesn't work it. Drop section B. Not solving the problem by having it. It was a reach and it didn't work. Dave Robinson stated that comment that he is frustrated with is developers choice. It even being in that document guides it. Let's not implying what we want them to be anymore. Holding their checkbook over their head. Have to go to an attorney and draft their own. Dale no guideline. It just says design guidelines. It doesn't say exterior colors at all. It could get thicker but maybe he should break out those categories such as those areas. has no objection to that going forward. I can spell it out. Pam Gardiol stated that LRV go back to larger issue that exterior building color that enhance natural tones shall be uses. Defined items ACD as subject and E as objective. Take out LRV do we not have same constraints. Shall be used. Dale Coulam stated take it all out and put the line in from the GP. If you don't like exterior color remove that section and follow the visionary document. Pam Gardiol not suggesting removing Paragraph 5. Doug Clifford remove LRV and still have in development agreement to address building colors and have that they natural blend. They make their own. Mike Haycock when they bring in home we see the palette. Enforce the ordinance at plan review rather than the end. If you don't compliant have it onsite for inspection to be sure it complies what you agreed with. Doug Clifford show the city the palette for their subdivision. Mike Haycock stated they can do that without changing the wording at all. CCRs and HOA we all come up with rules and we are bound by those. Dale Coulam stated add a subparagraph that developer shall provide building official palette of colors natural environment of the city and remove LRV. Doug recommends Item B and allow developer to provide an official palette of colors that blend with the natural environment and remove LRV as a measure. Dave Robinson move to recommend Item B LRV be removed and that developer provide a color palette that aligns with Ivins natural environment. 2nd Doug Clifford. Unanimous.