IVINS
CITY COUNCIL
MINUTES
March 3, 2022

NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may listen to the audio feed by going to www.ivins.com under "City Council" on the right of the home page and selecting "Audio".

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.
All present included Mayor Hart, Council Member Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, Council Member Anderson, Public Works Director/City Engineer Chuck Gillette, and City Recorder Kari Jimenez.
STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, and Building and Zoning Administrator Mike Haycock.
EXCUSED: None.
Audience: Chris Haddad, Richard & Karen Lambarth, Matt Loo, Laela Gaylord, Mark Burry, Linda Walker, Kyle Dose, Becky & Chuck Warren, Dave & Suzy Appel, Dave Robinson, Kristy Pike, Sandra Roberts, Shannon Butler and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present.

B. Flag Salute

Council Member Murphy led the Flag Salute

C. Invocation

Council Member Murphy gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Crossings at Red Desert Subdivision located at approximately 800 South and Main Street. VE Management and Investment Co. LC-Owner. Dave Lynn-Applicant

Mike Haycock reported that this subdivision consists of 82 lots on 10 acres. The land use is High Density Residential and zoned Twin home Residential and Multi-Family, with a nightly rental overlay. The property density and use is consistent with Ivins General Plan.

B. Department Reports: Parks and Recreation and Public Safety

Brock Jacobsen, City Manager for the City of Santa Clara, introduced Andrew Parker as the new SCI (Santa Clara Ivins) Fire Chief. Chief Parker comes from Southern California and grew up in Rancho Cucamonga. He spent three years with the Los Angeles Fire Department and the last 16 years with Rancho Cucamonga. He has an extensive history and background in Fire and as a Paramedic, which will fit well with the EMS and ambulance service. He moved his family to the Saint George area the first part of January this year. Brock is excited to have him with the department, to lead it and to take it to a new level, where there is a lot of room for growth in the Fire Department. **Andrew Parker** reported it has been a busy first week where he met with the

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SCI Public Safety Chief, Bob Flowers. He was able to do an analysis to see what type of response SCI Fire is providing. The Rachel station in Santa Clara is currently the only staffed station. He has established a headquarters for administration at the fire station on Center Street in Ivins so that they can work out of those offices and provide a presence in that building and make it useful. Every Thursday night they have fire fighter training. They are running 4 to 5 calls per day on emergency response. They had an illegal burn that took place but it was mitigated without incident. The burn season will start soon but residents need to remember to get a burn permit through the County. As far as organization, they are reclassifying some things to get a more efficient budget and are potentially looking at hiring a full-time Firefighter Paramedic. The Great Shakeout will happen in Ivins on April 21st from 6:00 to 8:30 p.m. He is working with Black Desert Resort on their fire prevention and making sure everything is solid and safe. They are trying to come up with solutions for homes that have long and large driveways because they can't drive a 40,000-pound firetruck on those driveways without causing damage to the driveway. There was an arson issue at Gubler Park in Santa Clara that is currently under investigation. The Ironman will be held in Washington County on Saturday, May 7th and they will be assisting SCIPD with staffing some rigs and traffic control. The **Mayor and City Council** welcomed Fire Chief Parker.

Chief Flowers reported that he is excited to work with the new Fire Chief. He submitted an electronic report, a copy of which is available as an attachment to this agenda. Regarding the arson at Gubler Park, Officer Jon Ward identified those suspects today. A few years ago Ivins had some major thefts at a couple of the construction sites and SCIPD got a call from the State of Colorado this week where they think they have identified an organized criminal ring responsible for those. **Mayor Hart** inquired as to the highspeed chase that went through Ivins and into Beaver Dam, Arizona. Chief Flowers stated that was being investigated by Mojave County Arizona but SCIPD was involved in the pursuit and two (2) of Ivins Officers were shot at in the pursuit. He was extremely proud of all of the SCI Officers who assisted in that investigation.

Benny Sorensen provided an electronic report. A copy of the report is available as an attachment to this agenda. He reported that the Red Mountain 55k/30k and Dirty Hurty Half Marathon Trail Run will be held on Saturday, March 5th. The Hog and Jog 5k Fun Run will be held on April 16th, along with the Easter Egg Hunt. Baseball Registration is open and there will be a Geology lecture on Wednesday, March 30th. Bingo-In-the-Park will return in April and there will be a Community Yard sale on April 9th. They had two (2) burials in February and there was some vandalism in the restrooms.

He referred to a residents request regarding pickleball and did some research. A few years ago Ivins City put in some recreational pickleball courts at UNITY Park on one of the basketball courts where a local welder put together a couple of portable nets that can be moved in and out so that the basketball courts can still be utilized. They are not official size pickleball courts because basketball courts can have a 2% slope but an official pickleball court, there can only be a slope of .883 to 1%. Those have been used for six (6) or seven (7) years and in late 2017 and early 2018, the City finished regulation pickleball courts at Desert Rose Park. There are no other public courts in Ivins but pickleball has always been on the City's radar. Ivins City does not currently own any property that is planned for a park. He looked south of Highway 91 below Riders Automotive and talked to an owner of land in that area but the City is not at a point of discussing purchasing property. If Ivins City were to build another park, they would need to work with developers or find something to purchase outright because right now, land is expensive to purchase. The community park that is planned for the BLM property that the City

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hopes to obtain, is slated to contain probably four (4) to eight (8) pickleball courts. He noticed that the residents' proposal to have the City put in four (4) courts on one of the soccer fields that is immediately west of the tennis courts in UNITY Park, they are already limited in space because that area is long enough for a regulation soccer game but if pickleball courts were added, that would eliminate 25% to 30% of that field and would impact not only soccer, but some of the running events. That location would not be his first choice of places for pickleball courts. The only property that the City currently owns that could possibly be a location for pickleball courts, is the detention basin by The Haven subdivision. The plan for that detention basin was that it would be grass and used for soccer or free play for families when there is no water in it. He was unsure if the neighbors in that subdivision would welcome pickleball courts. There is a sand volleyball court at Red Rock Park that he has looked at where that could be turned into one (1) pickleball court but there isn't much parking and it would serve that neighborhood like the pickleball courts do in the Desert Rose Park. He has friend who is building a park for the City of St. George with four (4) pickleball courts that are lit. Just to build the courts, including the lights, is approximately $250,000 and that depends on what else has to be done on the site. If the City were to put pickleball courts down in the detention basin, some extra work would have to be done, adding retaining walls and accessible sidewalks down into the courts. Light pricing is approximately $61,000 to $69,000, increasing the cost to approximately $276,000 for the basic pickleball court. **Mayor Hart** inquired of Benny Sorensen if he thought there was a sentiment that the lack of pickleball facilities is the greatest deficiency Ivins has in the Parks and Recreation facilities. **Benny Sorensen** indicated that it depended on who you talk to. People who play tennis say more tennis courts are needed. People who play baseball say more baseball fields are needed and people who skateboard say more skate parks are needed. The City of St. George City provides a lot of pickleball courts. There are 24 professional pickleball courts in the Little Valley area. The City of St. George re-did Vernon Worthen Park and were supposed to end up with 18 pickleball courts there. He has looked at what other cities have done and he found a chart in an article that went over what other cities are providing for pickleball courts, per 20,000 residents. The City of Seattle in Washington State provides 3 pickleball courts per 20,000 residents. Henderson Nevada provides 1.5 courts per 20,000 residents, as does Scottsdale Arizona. Based on those numbers, Ivins City is providing 2 courts for a population of less than 10,000 residents. If you add the City of Santa Clara to that, they have at least 6 courts, for a total of 10 courts for a population of 20,000 residents. Eventually Ivins will have more pickleball courts, but it will be years down the road before that happens. **Mayor Hart** referred to the detention basin location where there would be grass and then that basin could fill up with two or three feet of water in a major storm event. He inquired if a pickleball court would survive being flooded with some water. **Benny Sorensen** stated that he did not see that being an issue and he has talked to the City Engineer, Chuck Gillette, and Chuck did not seem to be concerned with that but the courts would have to be cleaned off like anything else after a flood event. **Mayor Hart** inquired if the detention basin was currently being used for anything else. **Benny Sorensen** indicated that Ivins soccer uses it.

C. Planning Commission Report

Commissioner Robinson reported that the Planning Commission reviewed the Concept Plan for Crossings at Red Desert and approved Final Plats for Indigo Trails Phase 1-I and Indigo Trails Phase 2-B. They had a short discussion on the Table of Uses and a discussion on Zoning and General Plan amendments.

3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS

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None

4) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Planning Commission's recommendation on a Concurrent Land Use Amendment from LDR (Low Density Residential) to HDR (High Density Residential) and a Zone Amendment from RA-1 (Residential Agricultural, minimum lot size 1 acre) to R-TH (Townhomes), rather than R-M (Residential Multi-Family) as requested by Applicant/Owner, on approximately 3.91 acres. Blue Cactus Dev., Ltd.-Owner; Bill Papanikolas-Applicant

Dale Coulam reported that in the back of the rezone proposal, there are maps and he referred to those maps. The rezone proposal with those maps are available as attachments to this agenda. Northeast of the roundabout on the map, there is an almost triangular piece of property that is in green and that property land use is currently Low Density Residential (LDR). Applicant is asking for that use to be changed to High Density Residential (HDR). The zoning is currently RA-1 (Residential Agricultural, 1 acre lots). The applicant requested multifamily zoning but the Planning Commission recommended townhome zoning. The applicant is present with a couple of other individuals, to provide a presentation and answer questions about the property and what the proposed use is. There is one clarification, in that directly to the south across Highway 91 where Visionary Homes is, that use is Community Commercial. It's a mixed-use zone where one use is Community Commercial and other use is Residential and that property will have townhomes on it. **Mike Haycock** clarified that the Planning Commission made their recommendation with a vote of four (4) to one (1). One of the Planning Commissioners believed that the property should be Medium Density.

Matt Lou with American Land Consulting was present representing Bill Papanikolas, the owner and developer of the property. He indicated that their proposal is similar to what the neighbors to the east might be and possibly the neighbors to the south, without the commercial zone. They proposed an opportunity to identify more affordable options for people to live in Ivins. As of February, the average home price in Ivins is approximately $540,000, which makes it tough for a School Teacher or a Police Officer to afford. Their proposal is to look at this and allow them to work with City staff on some designs that make sense. They recognized that this is the first step in the process and will present the layout, product, elevations, and site plan when working with staff. Sometimes with cities and their Master Plans, they do what's called placeholder zones, not knowing what may be built, so they either designate a blanket zone in various areas in the city or a certain zone that is a comfortable zone that serves as placeholders until something is proposed to be built. This is one of those situations with the current zone. There are always concern when they're talking about higher densities. They can no longer say affordable, but maybe more attainable housing. They are currently working with the City regarding Right-of-Ways off of Highway 91, as well as the roundabout design. The owner is very open to working with Staff, elected officials and the Planning Commission to do something amazing on this property. They hope to bring something forward that matches the Ivins look and feel with possibly flat roofs and some creative designs to make the product something that they all feel good about. The owner of the property has owned it for ten (10) years and is an Ivins resident. The owner considers this as a legacy project for him and is wants to maintain that relationship with the community.

Mayor Hart opened the Public Hearing. **Barb Pridie** stated that she is an Ivins resident and has lived here for 17 years and was concerned with high density. Highway 91 is heavily used and often when there's construction in the Gorge, Highway 91 is used even more heavily. Those deficiencies will likely be rectified in the new Highway 91 design but that is not done yet and

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they are talking more high density. She was concerned about the availability of water, more garbage along Highway 91 than there used to be and felt that with more high density, the infrastructure was not in place to address those concerns. **Laela Gaylord** resides in the Shadow Canyons subdivision and supported Barb Pridie's concerns. There are several different reasons they are looking at multifamily or townhomes because there are a lot of people who cannot afford regular homes or single-family homes in this area. Some of the construction that has taken place in Ivins started out as affordable housing but ended up being not affordable. To build something that they are looking to put families in by a roundabout could be dangerous because it's a fast highway and that was something to consider. She referred to hearing that the City Council was considered putting a moratorium on zoning changes and asked that the Council consider doing that until all of the issues that are brought up and listed in the most recent Ivins City newsletter, be addressed and completed before approving any zoning changes in an area that is already over run. **Mark Burry** resides on Foster Lane, which is the northern boundary and his home is on that property. There is ten (10) feet from his house to the and there are condos to the east of him that are two stories tall. If those were to be built on this property, they would be looking right down in to his bedroom and living room. If townhomes were built along the northern border of the property, it would be like building a block wall that is two stories high. He would have no view and it would totally obliterate the sun coming into his house. When he bought the house, he thought there would be three (3) or four (4) houses below them. That is a huge difference compared to what is being proposed. **Lisa Ganz** resides in Ivins and requested a pause on any zone changes until residents have the opportunity to provide input on the General Plan and Land Uses. Ivins needs community alignment on any type of zone change. The City has a General Plan that is supposed to be driving that decision. People want to protect as much open space as possible and keep densities down. She understood that growth was inevitable but inquired what the build-out plan will look like if the City did not do any zone changes right now. At one point there were projections for population growth and Ivins was designated as low density with some medium density and those projections were factored into population growth. She inquired if Ivins will meet the build-out in population numbers if the City keeps the density level as it is doing right now. Ivins should be looking at adjacent cities when making decisions, especially with all of the developments that surround the Harmons grocery store in Santa Clara. There's a ton of high density there, as well as the short-term rentals. The cumulative impact of all that is being built in and around Ivins should be taken into consideration. She suggested that the Council look at Ivins demographics, to better understand who Ivins is serving today, which are primarily retirees. She did some research online regarding housing in the area and there were 128 apartments available in the County. On realtor.com there are 43 listings in Ivins and almost half of them are under $500,000. The affordability issue is a problem but when someone is going to buy a house, they will have that same problem wherever they go. The comment that was made about needing housing for School Teachers, Police Officers and similar, they are living and working here now or they are commuting. This change does not make any sense and she urged the City Council to vote "no" on this and to pause and look at what's going on with the General Plan. She did not think that townhomes or multifamily was right for this piece of property and the zone change would not be compatible to the surrounding area because there is medium density to the north and low density to the west. **Shaunie Harrington** is a resident of Ivins and worked two (2) jobs all of her life so that she could come to this beautiful place. She paid a premium for the lot that she bought and she did not buy the argument about young families living in Ivins. To her, the vistas in Ivins are like the

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beach. She came from California and the reason she escaped California and moved here was she was hoping the planning was much better here. If you go to the beach now in California, you see tons of homeless people. They have raided everything to be fair and they can't be told to move off of the beach because that's not fair. For people who have been longtime residents, she would hate to lose the views. She personally thought that someone was seeing green money signs and will be making a lot of money. The owner has the right to do that with his land but if he's been here for 40 years and he has pride in the City, this doesn't make sense. If he had pride in the City, he would not want to build high density. **Sandra Robertson** is a resident of Ivins and the City Council meeting where they appointed a new City Council member. In that meeting, each applicant was asked if they were able to make hard decisions on the resources that Ivins has available and she asked the same question back to the current City Council - are they able to make the hard decisions on the resources that Ivins has, especially water, because that is a big concern. She inquired if the Council could say "no" to this proposal.

Kyle Dose commented that he also escaped California and when he moved here, they looked at multiple cities in Washington County but fell in love with the scenery and the openness of Ivins. He lives in the same development as Mark Burry. When he looks at this proposal, it reminded him of where he had left in San Diego. San Diego did the same thing where it started out as single family homes and then it became high density and that opened the floodgates. All of the new construction is high density condos and apartments. He is 33 years old, his brother-in-law is 26 years old and his neighbor is 33 years old. They all bought those homes so the whole thing about affordability, he wasn't buying that. He is a Mechanic but works hard and if others work hard, they can buy a home. Ivins does not need to build affordable housing. There is a vacant lot on the other side of his property and if this change is allowed, it's likely that high density would occur on that lot as well. This change will open it up and he would be right back to a place that he left. **Bill Papanikolas** indicated that he is the owner of the property and would be the developer of the project. The affordability issue is difficult in Ivins and throughout the St. George area and is a crisis for many people with a moderate income because it is difficult to find any housing. For this particular parcel, he is losing approximately 15% of it to right -of-ways. That is quite a large amount to give up for right-of-ways. This project would be adjacent to a roundabout with townhomes all around the property. The City owns the little corner directly west of his property. The Planning Commission suggested and recommended townhomes and they could build townhomes there, and there's a great market for townhomes but he would prefer to do something that's a little more affordable, which would either be condos or townhomes without garages. He has lived in Ivins for a long time and he loves this City. He has helped in many ways to make it a better City but the City needs affordable housing and the only way you can do that is with apartments that people rent. His project would be more affordable than the typical townhome. He requested some type of zoning that would eliminate apartments, but allow either condos or townhomes without attached garages because making it less costly to develop and build, equates into a sale that is less money than the typical townhome. The project does not configure well for the single family homes that are to the north of the property and they would be sensitive for those homes to the north. **Chris Haddad** is a resident of Ivins and lives in Shadow Canyons. After listening to everything and looking at the maps, it is really concerning to her the fact that it's starting to look a hodgepodge off of Highway 91, with expensive homes to townhomes and inquired if that is the picture that they want for Ivins. She moved to Ivins 4 1/2 years ago from California to get away from seeing so many areas being developed with as many units as possible. It jammed up neighborhoods and communities and this project reminds her of

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the way it started in California. She requested that the City Council think twice about changing this property to high density. She would even rather see duplexes because many young people starting out in duplexes is a nice way to go. She would also like to see one-story units. **Sandra Roberts** inquired if garages are not required, if that means there would be more homes. **Mayor Hart** clarified that would be for a future discussion and is not part of the zone change. **Matt Lou** indicated that he took notes on some of the concerns that were mentioned and commented that there are ways around the water issue if low flow water systems, fixtures or appliances are used and it has been found that in a multi-family project, the water use is 40%-60% less than a residential home because of the area that's being used. Regarding the safety concerns as it relates to Highway 91, that can be addressed as they go through the process of how to design the project by not allowing access or back doors or anything to access out to Highway 91. Everything could be more focused internally. Regarding privacy and the existing single-family residential homes to the north, that would all be part of the design by moving the buildings towards Highway 91 and leave the northern part of the property more open. Those are all things that will need to be worked out. He did not have all of the answers but they are open to working out something that makes sense. He referred to Senate Bill 34 that requires municipalities to come up with a plan to address attainable housing and if you look at that plan from the State, it is focused on density. There are strict guidelines through the State where each municipality is required to come up with a strategy. He was not saying that this project is the answer to that strategy, but he was hopeful that they could work through the scenario and be a part of the solution. There being no other comments, **Mayor Hart** closed the Public Hearing.

B. Discuss and consider approval of Ordinance No. 2022-03, an Ordinance of Ivins City, Utah, regarding a concurrent Land Use Change and Zone Change from LDR-RA-1 to HDR-R-TH

Mayor Hart clarified that water is a huge concern and there is a motion with the Water Conservancy District that is going to help cities understand availability but until Ivins has that information, the City cannot use water as an argument to stop development. Ivins City has no grounds to declare that they are out of water. That information comes from the Water Conservancy District. Any property owner is entitled to file an application to develop land and at that time, they are entitled to what the ordinances and regulations are at that time. This discussion cannot get speculative, it must be based on current ordinances and regulations and there will have to be grounds for the decision that's made. **Dale Coulam** clarified that land use and zoning considerations are legislative and for this body to make. There's some level of discretion in that does require there to be a finding that their decision is in the in the public interest. **Mayor Hart** indicated that it may be helpful to know that the Ivins City design limit on height, is 25 feet, whether it's multi-family or single family.

Council Member Scott indicated that he has done a lot of research and the City Council has heard from residents tonight and through emails, stating their issues and concerns about view protection, aesthetic issues, traffic and water and related items. The applicant is focused on affordability and he respects him for that. He believed that the applicant would build a very good looking product. The Council has been told that they need to think about affordability because the State of Utah is pushing municipalities to solve that problem. All of the concerns from the residents and concepts from the applicant, are issues that are echoed in Ivins General Plan. He liked the applicant's affordability component and that he is local, rather than an out-of-state developer. He believed that the most important consideration was the impact on the immediate neighbors. The decision was made years ago that land be zoned for 7,500 sq ft single family lots but the Planning Commission and the City Council decided to allow multi-family on

the site but as a buffer, duplexes has to go along the eastern boundary of the because east of that property, there is single family. Over the years, there's been a lot of focus on creating transition zones and buffers to protect adjoining properties. Late last year, the City Council considered a request to allow townhomes on 200 West between 600 South and Highway 91, right across from the Shadow Canyons subdivision, with the Red Mountain townhomes being directly west. Shadow Canyons is a single family neighborhood with 10,000 square foot lots. The City Council decided that as a transition buffer, to keep the property as a single-family zone but make the lot sizes 7,500 square feet. That is a little more dense but a similar buffer concept of going from 10,000 sg ft single family, to 7,500 sq ft single family and then to townhomes. For the property tonight, he felt that the Council needed to be consistent. The Haven subdivision is north of the applicant's property and has 10,000 sg ft single family lots. To be consistent, they shouldn't put townhomes right next to that. The current land use of Low Density Residential is impractical for the site but he also thought that townhomes were too dense, given the adjoining single family use. The City Council could change the land use to Medium Density Residential like The Haven subdivision or just leave it as Low Density Residential. He recommended no change until they have answers to a few questions that were brought up tonight. He asked the question of does Ivins really need multifamily housing, townhomes, apartments or condos, to relieve the affordability problems? and commented that the answer to that would come from an update of the Ivins Affordable Housing Plan. The current plan goes back to 2019 but a lot has changed since then. If it turns out that Ivins really does need to provide some variety of affordable housing, then the question would be, where would it be the most appropriate and where would it have the least impact for adjoining properties? He recommended leaving the property as Low Density Residential.

Mayor Hart stated that most individuals do not come from the development community but there are only certain ways to reduce the cost of housing and that is to reduce the footprint and reduce the complexity and size of the construction. Entities like Habitat for Humanity seek donated materials and volunteer labor. One cannot wave a wand and somehow magically create affordable housing. The reality is that attainable housing in Ivins City, even with the projects that are occurring, the demand for moderate income housing, is the greatest demand by far. The legislature has bills in the current session that puts pressure on municipalities to require them to open communities to higher density. If the cities fail to do that, the State will take away the municipalities land use authority and tell the municipalities what they are going to do. As elected representatives, the City Council needs to be very careful as to how they go about making decisions like this. Everyone having a perfect view of the red mountain, is not a practical reality. The Council needs to focus on realities and not speculation. The fact is, Highway 91 could sustain the traffic that would be added by this project and the Transportation Master Plan takes into account a lot of additional growth. Ivins City is under half developed in terms of the land area. The holding zones have not painted a realistic picture, or what the ultimate appearance and population of the city is going to be. **Council Member Johnson** commented that the City has an Affordable Housing taskforce that has been given the task of coming up with ways to find attainable housing in Ivins and the committee is responsible to send strategies of what is required and what the State allows. Some of the strategies were to rezone for higher densities but that is not an easy thing. She lived in Ivins when there were only 100 people and she has watched it grow. She would have preferred to only see 30 or 40 homes in Ivins but that is not the way it works because it's always going to be growing. She inquired where the Council would identify where there would be less of an impact for attainable housing

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because there will be an impact on somebody. There was a comment about does the City want high density. Absolutely not but they don't always get what they want. Sometimes concessions are made and things are done differently in order to benefit everybody. Attainable housing is difficult in Ivins and she wished that her children could live in Ivins but they cannot afford the homes in Ivins. She felt that it would be nice to have more attainable housing in Ivins. Regarding the Council thinking about the demographics, a lot of the reason why Ivins has become more of a retirement community is because of the high price in housing and the fact that Ivins does not have the ability to keep younger people and their families in Ivins. She was in favor of trying to find a solution but did not know what that solution was. **Council Member Anderson** indicated that he was on the Planning Commission when the townhomes that people complain about, were voted on. The Planning Commission didn't want Highway 91 to look like Sunset Boulevard in St. George and a legislative decision came in where affordable housing became the whole thought process of what needed to be done Ivins. That is how those townhomes got there and those townhomes have great people living in them. Those townhomes being built have caused a lot of anguish in the Ivins community and in one decision, the City went outside of what it was trying to accomplish for years for Highway 91. Land use always has more authority than zoning because land use tells someone what can be done on that property but the low density zone was just put in as a holding zone. This is giving up a lot of land for the roundabout and the access to his property is terrible because of the way the townhomes were built. **Mayor Hart** referred to Council Member Scott's argument regarding buffers, which has been consistent over the years so the idea of duplexes across the north boundary of the property may be something that is reasonable. **Council Member Mehr** stated that part of the offensiveness of the existing townhomes is that Ivins missed the way the rooflines were done and did not follow the existing ordinances. Had the City followed the existing ordinances, the townhomes would not look the way they do. **Council Member Murphy** commented that this is a difficult thing to look at because the Haven subdivision is to the north. She is a big fan of a buffer and indicated that there is a for moderate income housing. The Council needs to do the best that they can to obtain some affordable housing but the market drives that. A subdivision could be built tomorrow but if it's all bought up by investors and then the rent is sky high, the housing does not do what the Council wanted it to do. She would like to see some type of a buffer for the Haven subdivision and agreed with the Planning Commission as it related to building townhouses with garages. That raises the price of the housing but it is important that there are garages on them, especially if they are built off of Highway 91. The project could look nice if somebody came up with a plan where there was a nice buffer. People have a right to develop their property and if they didn't, none of them would be living in Ivins. When you purchase next to a vacant piece of property, that's tough because you do not know what is going to be built there.

Mayor Hart commented that the City requires connections and see connections to the project to the north and the townhome project to the east. He clarified that as plans come through for review, the City Engineer would insist that the connections are made. **Chuck Gillette** clarified that was correct and indicated there needs to be a way in and a way out and neither of those can be on Highway 91. There is not enough room to tie into 400 West. **Council Member Anderson** requested an explanation as to why the City does not allow more access onto Highway 91. **Chuck Gillette** clarified that Highway 91 is classified as an arterial street and as an arterial street, it is meant to be free flowing and to improve mobility, prevent conflicts and potential accidents. There are limited driveways and accesses are certain distances between

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intersections. If there are too many accesses that are too close together, that creates potential conflicts or accidents. **Mayor Hart** stated that roundabouts are designed for multiple intersections and inquired if that would be an option for access. **Chuck Gillette** indicated absolutely and commented that it is a little tricky but he has seen it done. **Mayor Hart** clarified that he has heard the Council express interest in attainable or affordable housing and resounding support for the idea of a buffer. **Council Member Scott** indicated that his recommendation is to leave the property as Low Density Residential but if it were changed to Medium Density Residential, that would match the Haven subdivision. He clarified that he was not suggesting that duplexes be built on this property. He was talking about how the City has used duplexes as a buffer. The City needs attainable housing and different housing types but he would like to see documentation on that and then if Ivins needs some higher density housing, that should be part of this process and then the City can figure out the best locations for that. There is no ideal place for high density but they could start looking at it site-specific and look at the whole City to see where it is the least impactful and the most beneficial. **Council Member Anderson** stated that accessing through a roundabout would be tricky and access to the property is problematic for what can be built there. Low density residential does not work on this property at all and in his opinion, medium density did not work either. He felt that the property should be R-1-5 (Residential Single Family, 7500 sq ft lots) and then townhomes against the townhomes, which would help mask the current townhomes. To be fair to those who live in the Haven subdivision, there needs to be a buffer of single family homes and then the rest could be townhomes. **Council Member Scott** inquired if that meant that the land use would be changed to High Density Residential but the zone would be R-1-5. **Council Member Anderson** clarified that it would be a double zone where there is one lay of R-1-5 single family homes and then townhomes against the townhomes. **Mayor Hart** indicated the townhomes that are currently there were wrongly approved and unfortunately a design was built that was against Ivins City ordinances. The parcel is impacted by both existing projects. He concurred that building townhomes against the existing townhome project would assist with masking the existing townhomes. **Council Member Anderson** clarified that the Havens subdivision had an overlay and some of the lots in that subdivision are 8600 sq ft. **Dale Coulam** clarified that the Haven subdivision had lot averaging. **Council Member Anderson** indicated that there are larger lots and some smaller ones in that subdivision. **Council Member Murphy** stated that she definitely wanted to see a buffer along the property bordering the Haven subdivision, meaning 5,000 sq ft single family lots and then townhomes on the east side towards the middle but the north side must help mitigate the Haven subdivision. **Mayor Hart** indicated that buffers have worked, which is why the City has continued to do them. They have solved problems in a number of applications that have come forward. Buffers may not be ideal for the developer but that is not the Council's job.

MOTION: Council Member Anderson moved to approve Ordinance No. 2022-03, an Ordinance of Ivins City, Utah, regarding a concurrent Land Use Change and Zone Change from LDR-RA-1 to High Density residential with split zone of R-1-5 on the north boundary and the remaining R-TH, townhomes with garages
SECOND: Council Member Murphy
VOTE: The motion carried.

Council Member Johnson	AYE
Council Member Murphy	AYE

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Council Member Anderson	AYE
Council Member Scott	NAY
Council Member Mehr	NAY

Council Member Scott inquired if there would be just one (1) row of single family homes or would the City require two rows deep. **Mayor Hart** clarified that in terms of buffers, the house across the street makes very little difference, it's the ones in your backyard that makes the difference so one row would be sufficient.

Roll call vote. Three (3) Council Members voted Aye and two (2) Council Members voted Nay. The Motion carried three (3) votes to two (2).

C. Public Hearing on the Planning Commission's recommendation to amend Chapter 16 regarding ground-mounted solar and allowable uses

Mike Haycock reported that the changes in red are from the original ordinance and then requirements were added for ground-mounted solar. **Mayor Hart** opened the Public Hearing. **Suzy Appel** stated that she is just looking to install ground-mounted solar panels and expressed her dissatisfaction that this process has taken over five (5) months when she felt like they did not need to go through this process or obtain a permit because there was no ordinance for ground-mounted solar. In her mind she thought that if there was no ordinance then they should have just been able to install them. She took some time with her husband to drive around the City and take pictures of other properties that have ground-mounted solar on them. Their home sit north and south facing and the solar panels that they would like to install would be on the very east side of the garage. They heard some concerns about reflection at the last City Council Meeting but the front of the panels will be approximately two (2) feet tall and as they progress back, the very last row goes up to six feet six inches (6' 6") and no one will be able to see them from Highway 91. There is also sagebrush and the ground next to her garage is not flat because the grade changes. She indicated that she does not know why she has had to go through this process and requested that the City Council grant them the ground-mounted solar so that they can pick up their permit from the City tomorrow. Her costs have most likely gone up in the last five (5) months and was upset. She stated that her Electrician was present and could answer any questions they have but she would like this issue finalized tonight. **Dave Appel** expressed his dissatisfaction for this process and as a result, an increase in cost to him when there have been other ground-mounted solar permits issued. He inquired who was going to pay for those additional costs because of this delay. **Mayor Hart** clarified that this Public Hearing was not about who was going to pay the difference; it's about what should this ordinance be. **Mike Hogan** with Mike Hogan Electric & Solar indicated his concern was that the ground-mounted frames only come in one color and that is silver. The panels are black on black, which means they're a black frame with the solar color panels. He preferred to install ground-mount solar systems rather than roof-top solar systems to avoid liability for roof penetrations. The ground-mounted solar units are easier and faster and fire departments prefer them because they don't have to deal with them if anything happens in a house fire. He felt that the City should allow ground-mounted solar because there were obviously permits issued previously but nobody ever found a prior ordinance saying "yay" or "nay" for ground-mounted solar. The cost of the panels have gone up by 40% and he felt that he should be able to come in to the City tomorrow, pick up the permit and start the job. **Andy Appel**, the son of Suzy and Dave Appel was in attendance through the Zoom application and indicated that the first thing that he did was go to Google Maps, looked at Ivins and it is clear to see that there are several people that have ground-mounted solar panels. There are multiple homes that have been permitted to have ground-

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mounted solar in the past and after five (5) months of battling this, the process has been very frustrating. He urged the City Council to look at the Google Maps satellite view and they will be able to see people's yards and where these solar panels are. Where his parents are going to install the panels, they be mounted so far away from that they will be totally invisible to anyone driving by. There being no further comments, **Mayor Hart** closed the Public hearing.

D. Discuss and consider approval of Ordinance No. 2022-04, an Ordinance of Ivins City, Utah, amending Chapter 16 regarding ground-mounted solar and allowable uses

Dale Coulam stated that if the City Council adopts this ordinance tonight, there was no question that there would be a permit issued tomorrow. The zoning ordinance does say that if something is not addressed, it is not permitted. This was not previously addressed but has been now and if they focus on the text of the ordinance, this becomes a moot point and a permit can be issued tomorrow. **Mayor Hart** indicated that it would be one thing if the City had several illegal installations but the City actually has authorized and permitted installations that were not controlled by any ordinance and his question was, since the application came during a period of time when the City had no ordinance, inquired if the applicants were subject to whatever language comes out in this ordinance. **Council Member Mehr** referred to the draft ordinance and the black and red ink and inquired if the City has a current ordinance. **Dale Coulam** clarified that the City does not have a current ordinance. **Council Member Mehr** commented that the language in red was what was being proposed. **Dale Coulam** clarified that was correct and stated that prior ground-mounted solar approvals were through prior Building Officials and subject to their interpretations of the code. The interpretation of paragraph one did not address solar and paragraph two only specifically addressed roof mounted solar. **Mayor Hart** indicated the key issue is masking and the Appels are proposing to dig it in. **Mike Hogan** with Mike Hogan Electric & Solar stated there is a big bush and tree sitting next to the garage and from the road, one cannot see the back. The solar panels start at two (2') to three (3') feet off the ground in the front and slope up to six and a half feet (6 1/2') and they will not be seen from the road. **Council Member Anderson** stated that agreed that the Appels would be screened but clarified that the ordinance would be for all of Ivins City. **Mike Hogan** commented that other proposed residential units that want ground-mounted solar, should be screened but that the Council would want to take into consideration that the more solar panels are screened causing shade, the less productive they are. **Mayor Hart** referred to the definition of what screening is and when it would be required. Most smaller lots are in a walled environment already, so a backyard system within a block wall, is essentially screened. The Appels' have chosen a different approach with digging in and berming, which is also a legitimate form of screening. He inquired if the ordinance needs to define various types of allowable screening. **Mike Haycock** indicated no and commented that what's important in this ordinance, is that it now says "ground-mounted unit frames", whereas the paragraphs above only talk about roof-mounted solar. For the details, he tried to replicate other places in the ordinance that talk about screening mechanical equipment and looked at ground-mounted solar as an accessory structure. **Mayor Hart** stated that panels that are eight feet (8') in height would be an issue but the Appels' system would extend to approximately six and a half feet (6 1/2'). **Council Member Mehr** indicated that the City has not had any complaints regarding ground-mounted solar. He has never seen them and it is only because of this discussion, that there has been any feedback about it. He appreciated the emails that the Council received with the photos. In his opinion, less is better. He referred to draft ordinance where it refers to the ground-mounted frames and components being required to be painted to match, he assumed that would not

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interfere with any kind of warranty. He referred to the next sentence "If fencing is used it shall be approved fencing materials in this ordinance." and suggested that if it should say "approved fencing materials" and not address the next sentence of screening by solid fencing that is six feet (6') high because to him, solar panels are more of an eyesore when they are on the roof. The Council should not dissuade anyone from an incentive to do ground-mounted solar if they have the property to do it. **Council Member Anderson** referred to an existing ground-mounted solar system in the Padre Canyon subdivision that sits next to a beautiful house but the panels are out in the open with no weeds, plants or anything around it. People have complained about it and he was not saying there needs to be a six foot (6') fence, but there needs to be some level of screening. **Mayor Hart** indicated that the ordinance says if fencing is used, it needs to follow the fencing requirements. **Council Member Scott** stated that the sentence is "If fencing is used it shall be approved fencing materials in this ordinance." He thought that is should just be "of approved fencing materials." because that is already in a different section of Ivins code. As long as it says screened by berms, landscaping, digging it down a foot or two then it's good and rather than allowing ground-mounted systems to be eight feet (8') tall, that could say six feet (6') above grade. He did not agree with giving the Planning Commission the right to allow taller installations. **Council Member Murphy** referred to the last sentence regarding the exception of screening not required on residential lots 1 acre or larger because if they are going to dig it in and there is screening with landscaping. The City should not give an exception just because they are not forcing a block wall. **Council Member Scott** indicated that the Appels would be screening the panes because of the size of their property but another property that is smaller, the panels may be highly visible. The City needs the ordinance to say it needs to be screened. **Mayor Hart** referred to the framework of the panels and commented that they are not a sizable type of structure. **Mike Hogan** clarified that the framework is about two inches (2") of rigid conduit that they then dig the poles in and cement them and then build the framework off of that for the solar. His solar systems are usually never more than six and a half feet (6 1/2') high in the back. They place everything between a 15 to a 30 degree slope for production. **Council Member Scott** indicated if there will be screening, he inquired if they should be concerned about painting the frame. **Dale Coulam** simplified the Councils discussion, as follows: ground-mounted solar units are an allowed use in residential zones but they will need to define that. Ground-mounted solar shall be screened and built in approved setbacks. Ground-mounted solar units can only be six and a half feet (6 1/2") tall above grade. **Council Member Scott** commented that they are a permitted use, they are screened and the height is six feet (6') six inches (6"). **The Mayor and City Council** defined residential zones as all residential zones. **Dale Coulam** read the following: ground-mounted solar units are allowed in all residential zones. Ground-mounted solar units shall be screened and built in approved setbacks. Ground-mounted solar units cannot be more than six and one-half feet (6 1/2') above grade. **Council Member Anderson** thought about the statement or where they should be allowed in all residential zones because that includes high density residential and that leads into a whole other level of residential. **The Mayor and City Council** agreed that should be defined as single-family residential zones, instead of all residential zones. **Suzy Appel** indicated that she still had a question regarding screening and inquired as to what that means. **Mike Haycock** stated that screening does not mean that it is invisible. It means that something is done to mitigate seeing it. **Dale Coulam** commented that the Council could move to approve this tonight as amended and he would then finalize the modified ordinance. **Council Member Johnson** understood that this process has been frustrating for the Appels but thanked Mike Haycock for his hard work on

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this ordinance. Not having a formal ordinance where it specified what was allowed, he did a good job putting this together to clarify things. **Council Member Mehr** inquired as to all residential zones versus the single family zone. **Mike Hogan** stated that on High-Density Residential, there is a lot of solar and those are mostly located on carports and are considered elevated ground-mounts. The **Mayor and City Council** confirmed that the ground-mounted solar units should only be allowed in Single Family Residential zones and not all residential zones.

MOTION: Council Member Mehr moved to approve Ordinance No. 2022-04, an Ordinance of Ivins City, Utah, amending Chapter 16 regarding ground-mounted solar and allowable uses, as amended

SECOND: Council Member Scott

VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

Roll call vote. All Council Members were present and voted in favor.

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discussion regarding Ordinance adopting and implementing regulations for landscaping and water conservation for developing land in Ivins City

Mayor Hart stated that the City of Santa Clara passed an ordinance adopting and implementing water regulations but there are a couple of things that are unique to Ivins City that the Council needs to pay special attention to. Black Desert Resort is a luxury resort development that requires modest bubbler water features. He proposed a provision that would give a resort a prescriptive way to put things in place that are essential for a spa setting. At some point there may be the potential for a retreat type of spa environment in Kayenta. The other issue is the amount of yard area. He heard that swimming pools are essentially the same as grass in terms of evaporation but the concept was if one has a pool, that would count against the yard turf area. **Council Member Scott** indicated that he thought that in one of the drafts that the Water Conservancy District had said pools would count towards the landscape area unless it had a pool cover. If it had a pool cover, it wouldn't count. **Mayor Hart** clarified that the Water Conservancy District was leaning towards requiring a pool to be covered but that did not mean an automatic pool cover. It could be something that's folded out. The Water Conservancy District was hoping that municipalities would adopt something that is restrictive because open pools are the biggest offenders in terms of evaporation. **Council Member Murphy** commented that she has a pool with an automatic cover and the water does not evaporate when the cover is on. **Council Member Scott** inquired if Ivins version of the ordinance would require pool covers on all new construction or would it allow for pools without covers. **Mayor Hart** inquired if he was suggesting that if a pool has cover, it does not count against the turf area and if it does not have a cover, it counts as the turf area. **Council Member Scott** stated that was correct. **Council Member Anderson** inquired why they cared about what size the lot was because was that saying that if you have a bigger lot, you can have more grass? **Mayor Hart** clarified that the Water Conservancy District was hoping that is not the way that the cities go. They would like to set a maximum. **Council Member Mehr** inquired if this was a discussion or if the Council would be acting on this tonight. **Mayor Hart** clarified that the Council could act on it if there was a draft

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but they are discussing this and making amendments. He had an objection to the .6 gallons of loss in a recirculating hot water system because he thought that number was too high. It should be less than .5 gallons and recommended .3 gallons. The **Mayor and City Council** agreed that there should not be any new car washes. **Council Member Murphy** inquired if car washes were even a permitted use in any of the use tables. **Dale Coulam** clarified that the type of car wash that is like what is at Lightfoot's gas station is permitted. The Planning Commission was discussing noise because the vacuums would create a noise, but nothing compared to the dryers that automated car washes have. The Planning Commission was leaning towards leaving that in, but that would be refined by the City Council and put in the proposed ordinance. This is not on for action tonight. What is before them is a draft from the Water Conservancy District and what the City of Santa Clara passed. It was on for discussion and they will continue to discuss this at the next City Council meeting. **Mayor Hart** inquired if misting systems should be allowed and how much water a misting system would uses. **Mike Haycock** stated that he did not know but could find out. The building department does not usually see a misting system on a final plan. They are usually added after a certificate of occupancy is issued and that would be difficult to enforce. Regarding swimming pool covers, the energy code talks about a vapor barrier so it is important for that to be defined in the ordinance. **Mayor Hart** indicated what Mike Haycock was talking about, only works on a rectangular pool. There are a lot of fold out/moisture barrier types of covers but they are not used. The ordinance needs to specify the type of pool cover that does not make your pool count against the area of turf. **Council Member Scott** stated that the City of Santa Clara's ordinance had some exceptions where they permit agricultural, horticultural and gardening uses, including fruit trees, in any zone. Some people have made comments stating they like that idea. That would use more water but people would be growing their own food and trees are cooling. **Mayor Hart** clarified that the Water Conservancy District was in favor of trees and saw them as a positive thing. **Council Member Scott** indicated that he has compared the two ordinances and for the next Council meeting, he can merge the two so that the Council Members can look at just one document. **Mayor Hart** inquired if this ordinance would include language having to do with "will serve letters" regarding defining when water entitlement occurs. **Dale Coulam** clarified that he saw that as being in a different ordinance because this document governs conservation and the use of water. **Mayor Hart** stated that the City of St. George has adopted an ordinance where an affidavit has to be signed that states that the developer recognizes that there may not be water available at the time of the application. **Dale Coulam** clarified that would be part of a different ordinance. **Mayor Hart** requested that they keep that in mind because that needs to be addressed as soon as the City adopts the water ordinance. **Mike Haycock** commented that it would be great to see what the water use in a typical townhome development, single-family development and a large development. **Chuck Gillette** indicated that there is a water metering system that collects that type of data and the Council may want to budget for a system like that. **Council Member Mehr** wanted to be sure that the City is not penalizing families as they look at this and keep that in the forefront of their minds. **Mayor Hart** commented that this is being done for new construction and existing residents would have the opportunity to make changes that are incentivized. **Council Member Anderson** referred to low-flow toilets and stated that he would not install those in any building because there are always plumbing issues and they are usually flushed twice.

6) <u>CONSENT AGENDA</u>

A. Approval of City Council Meeting Minutes for February 17, 2022

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MOTION: Council Member Johnson moved to approve the Consent Agenda
SECOND: Council Member Scott
VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Scott reported that at the last Snow Canyon State Park meeting he was asked to check on a couple of things, those being more parking inside the park and better access at the entrance for those who have a pass. Kristen Comella, the Park Manager, indicated that they put out a bid but did not get a single bidder so they are going to re-bid for those things this year. They are also planning to add another 60 parking spaces just off of Highway 18. She would also like to come back to the City Council to see if they can move the entrance gate 1000 feet into Ivins, which would allow for extra lanes.

There were no other reports.

B. Mayor

Mayor Hart reported that there is a student from Utah State University in Logan that has selected Ivins as model City to use in doing a community LEED (Leadership in Energy & Environmental Design), similar to a building LEED and he is working with Chuck Gillette to look at things like the Night Sky, Parks and Recreation opportunities, how roads drain and similar. He will then come back to the City with the LEED recommendations. He attended a meeting with the Water Conservancy District regarding the concept of them knowing what the County has as it relates to development and approvals that is now the main subject of discussion. They brought up plan for water distribution based on populations and then a City would determine how to allocate that.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported that he will not be in attendance at the next City Council meeting on March 17th. There were several City Council and Staff members who would also not be present due to that being the week of spring break. The **Mayor and City Council** agreed to move the next City Council meeting to Thursday, March 24th instead. **Council Member Scott** indicated that he would be out of town but could attend through the Zoom application.

MOTION: Council Member Murphy moved move the March 17th City Council meeting, to March 24th
SECOND: Council Member Anderson
VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

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D. Items to be placed on future agendas

Mayor Hart referred to UTOPIA fiber and inquired if the Council would be interested in a presentation from a representative of UTOPIA. The **City Council** agreed.

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Anderson moved to adjourn

SECOND: Council Member Johnson

VOTE: The motion carried.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

The meeting adjourned at 8:55 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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