IVINS CITY
PLANNING COMMISSION
MINUTES
May 3, 2022
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 Dave Robertson, Planning Commissioner Pam Gardiol, Planning Commissioner Doug Clifford, Planning Commissioner Bob Morris, and Planning Commissioner Derek Larsen.

Staff Attending: Mike Haycock-Building and Zoning Administrator, Sharon Allen-Deputy City Recorder and Scott Raine.

Audience Attending: Patrick Manning, Ed Budinsky, Jerry Miyahara, Sharon Barton, Dave and Suzy Appel, Claudette Larsen, Lisa Ganz, Sally Jensen, Mike Corbett, Rob Reid, Terry Marten, Lance Anderson, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Pam Gardiol

C. Invocation--Commissioner Pam Gardiol

D. Disclosures

Commissioner Derek Larsen stated that he and a business partner put $1000 refundable deposit down with Black Desert Resort years ago. No other conflicts.

2) REPORTS AND PRESENTATIONS -

A. Concept Plan Report for Golf Village Phase of Black Desert Resort, located at approximately 1500 East Snow Canyon Parkway, north of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

Mike Haycock stated this concept plan is for 186 golf suite units. There is individual parking for both the units and for the golf course. TRC discussed the roundabout. That will be mentioned further at the Preliminary Plan. **Commissioner Pam Gardiol** stated that in the packet there is a document that has two renderings at the bottom of that page. Do you know what the dimensions and height would be? **Mike Haycock** stated that is the basis of design for this area. **Chairman Dave Robinson** inquired that the roundabout is the main entrance for this project, correct? **Mike Haycock** stated yes that is one of the entrances. There are no dimensions until the Preliminary Plan. They will be compliant with our height. **Commissioner Pam Gardiol** stated that the packet mentions that the proposed density is consistent with the General Plan and Conditional Use Permit. **Mike Haycock** stated yes the Conditional Use Permit is for the overall project itself. The zoning and uses approved are based on the land use for the area and will meet all requirements with the land use plan. At this stage we just make sure the use matches the request.

B. Concept Plan Report for Vista Estates Subdivision, located at approximately the northwest corner of 200 West and Hwy 91. Sunshine Seven, LLC-Owner. Rick Scadden-Applicant.

Mike Haycock stated that this is located along Old Hwy 91. 200 West is getting redirected and we have addressed the location of the new road and discussed the roundabout that is on our streets master plan with the developer. When it comes back at Preliminary Plan, they will have that all addressed. They may move the detention basin to the other side of the road. This is a RE-

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7.5 zone, and most lots are over that and the bottom lots are right at 7500 sq ft single family dwellings. **Chairman Dave Robinson** inquired how could there be a roundabout on that corner and not conflict with lot 23? **Mike Haycock** stated TRC talked about possibly moving the road just a little bit to accommodate the roundabout there. That is up to Public Works and engineering. If they lose the detention basin they may do it across the street. There are different scenarios on where we could go with that. They will address it before Preliminary Plan. **Commissioner Doug Clifford** inquired what is the road width there? Aren't there plans for a number of roundabouts? Can they be built within the road easements? **Mike Haycock** stated that he doesn't know the width, but this shows the expansion. We are paying special attention to that area in order to keep that roundabout. **Commissioner Derek Larsen** stated that on the west side there is a pre-existing entrance into the development. They need to address parking on the north side of that. Those apartments park a ton of cars on that street there right now. Three lots have access off of the north. He will make sure Chuck Gillette knows to pay close attention to that.

4) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing regarding proposed city-wide Land Use Map, Zoning Map and General Plan amendments as discussed in recent Planning Commission meetings and Open Houses.

Chairman Dave Robinson opened the Public Hearing. Sharon Barton stated she lives on Mesa Vista Drive and thanked the Commission for holding the community meetings. On Mesa Vista Drive there are existing homes. In the past rezoning, there was low density and medium density, and Resort Mixed-Use was pretty much on the east side of the wash and did not encroach so much on the west side. These are very established neighborhoods and there is no real benefit to having Resort Mixed Use come over into existing neighborhoods. The SITLA land is a beautiful property. They would be spectacular homesites and add to the residential area and not encroach commercialism on the existing neighborhoods. She understands having Resort Commercial where it ties in nicely with Black Desert Resort. If we miss the mark and allow Resort Commercial, it would really abuse the beautiful land that is there right now. **Mike Haycock** stated that the areas we are looking at are the bubbled areas. That is what we are addressing through the land use change. Lance Anderson stated that Ivins City has open space for a park and should be low density residential. The rest is private property so that area is smaller than shown. That is just a correction on this map. Lisa Ganz stated she lives at Bickmore Circle and she sent in a letter for the record. She recommends not changing Kwavasa off of Hwy 91 all the way up to Kayenta and maintain a Medium Density Residential rather than High Density Residential in that area. Most of the area next to it is Medium Density Residential and High Density Residential doesn't fit. The other suggestion is that there is Resort Commercial on Kwavasa and Hwy 91 and if we can keep Resort Commercial over at the Black Desert area it makes more sense. That is one of the gateways to our City. Make sure you don't have a lot of two-story or three-story places in that area because it really distracts from the beautiful mountain view. Terry Marten stated that he lives on Chavano Drive and the parcel next to the Art Village which is a relatively small area, about 2.5 acres. That transition between residential and commercial could be considered Resort Commercial zoning. It would allow for a number of small resort units. It is not close to the home there. It would be a residential use where stays would be less than 30 days. These are properties he owns. **Scott Raine** stated that no one was on Zoom. Sharon Barton stated she has been involved with listening to these meetings regarding the SITLA parcel for several years now and it was her understanding that Low-Density Residential and Medium-Density Residential housing would occur, but they were going to reserve making

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any decisions on Resort Mixed-Use. Since then, we have had changes in City Council members as well as the developer interested in the land. She was led to believe no decision has been made on where the Resort Mixed-Use was going. She may have missed something but has been pretty involved with this since day one. She is concerned about the development of that land because it is a beautiful piece of property. On the west side there was just a small area. **Mike Haycock** stated Resort Mixed-Use land use is on both sides and an Low-Density Residential buffer between. In two weeks we have an application coming forward for this parcel but we are not looking at this area as a whole for this land use change. In two weeks it will show specifically the buffers and surrounding zones they are asking for. For this Public Hearing, we are not looking at this area specifically for a land use change right now. **Chairman Dave Robinson** stated we that is the way that the existing map is drawn. We have not changed any of that. Mike Haycock stated that in two weeks there will be another Public Hearing for that piece specifically. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing.

B. Discuss and consider recommendation of proposed city-wide Land Use Map, Zoning Map and General Plan amendments as discussed in recent Planning Commission meetings and Open Houses.

Commissioner Doug Clifford stated that the SITLA property had been in and out of a cooperative agreement with Black Desert at various times and this is just land use. When they come back in with their proposal we will look at that area then. **Chairman Dave Robinson** stated there was a person prior to Black Desert involved, and then they were working with that person but he is no longer part of this development. **Commissioner Pam Gardiol** stated regarding High-Density Residential, one of the comments that has been brought up is listed in the book we all received--Utah Land Institute handbook, edition 2021. The Legislature is directing cities with populations of 5,000 or more to have more Mixed Uses, including Medium-high-density. The Commission has been responsible in determining where the Mixed Uses be placed. The Commission has done a respectable job of how to integrate those uses into the community. **Commissioner Doug Clifford** stated that we are ahead of the game until we see what affordable housing is for our community since we won't know what the State is going to set the bar at. It is fair to say that most of the development built in the last few years has been at the mid-to-high end spectrum of homes in our area. It will continue to be a challenge as it is throughout the State of Utah to find affordable housing. We have to be reasonably creative in identifying areas to place High-Density Residential in the community. We have always tried to do transitional zones between Low, Medium and High Density. The other piece of the puzzle we have been looking at is incorporating transportation into our land use plan. It is the artery of the body and how people get out of their homes and move around throughout our community. The Transportation Plan has evolved over time to meet the growing needs of the community and the transportation needs of adjacent communities to come through our community. Such as the Western Corridor. The plans are there and we have taken them into account as much as we can with information available to us and we are ready to send this to City Council. **Chairman Dave Robinson** stated the reason we have done what we have done with High Density and the Resort Commercial area, is to put pockets where people can have a community center. Resort Commercial creates that. We try to place those areas close to the major arteries, especially High Density, to make it easier to access transportation. We have tried blending those nicely the best we can. **Mike Haycock** stated that he would like to get their opinion on separating Resort and Commercial also. Separating those out would help with the vision we've discussed these last few

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months. **Chairman Dave Robinson** stated that we used this as a theory when we discussed Resort Mixed-Use and discussed separating those types of uses. We need to make sure we are all on board. **Mike Haycock** stated we are not changing anyone's zoning to Resort at all. We keep them all Resort Commercial for now on the land use and then as projects come in we will have these options. **Commissioner Bob Morris** stated he does not think this should be bundles. He is all for it, but he wants to add it as an agenda item. Put it on the next agenda. **Commissioner Derek Larsen** stated it should be addressed at Public Hearing as well. **Commissioner Pam Gardiol** stated this is the first time she has seen this, so she is not comfortable sending it on to City Council. **Commissioner Doug Clifford** inquired if it would change the motion to move this on to City Council? **Mike Haycock** stated no the City Council will have it as an idea to start the basis of their conversation. It is the same as the asterisk that is going on to City Council as an idea, a concept, but we will need that agenda item on just to change the asterisk on the zoning map. **Chairman Dave Robinson** inquired if anyone is against this? **Mike Haycock** stated next meeting we will have a land use and zoning amendment and the map will reflect the asterisk and these changes. We will have a Public Hearing on that. It will move forward to City Council just as a concept and wait for further recommendations on the map itself. **Chairman Dave Robinson** stated so we are just moving forward the land use map.

MOTION: Planning Commissioner Bob Morris moved to approve recommendation of proposed city-wide Land Use Map amendments as discussed in recent Planning Commission meetings and Open Houses, with the addition of Terry Marten's dimensions to allow his private property to be changed to short-term rentals.

SECOND: Planning Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Dave Robertson	AYE
Planning Commissioner Pam Gardiol	AYE
Planning Commissioner Doug Clifford	AYE
Planning Commissioner Bob Morris	AYE
Planning Commissioner Derek Larsen	AYE

C. Discuss and consider recommendation of Preliminary Plan for Desert Cove Subdivision, located at approximately 200 North and 600 West. RT Marten, Utah, LLC/Terry Marten-Owner. Ryan Button-Applicant.

Mike Haycock stated that this is a Preliminary Plan for 28 lots on 10.27 acres along Kwavasa Drive at the end of 200 North. It has a retention basin that has been separated from the parcel that is being worked on between the developer and the City. It is not just for their subdivision, but also properties to the north. This plan was reviewed by TRC. Staff recommends approval. **Commissioner Pam Gardiol** inquired if this was a Kayenta-style development? Is this creating another luge road? **Mike Haycock** stated it is as per ordinance. **Commissioner Pam Gardiol** stated that her issue is as a Commission we need to look at other ways of creating fences and boundaries that do not lead to a sense of going through a tunnel to get through the community. While discussing zoning we talked about how we are placing densities and then putting some kind of commercial so there can be gathering places and a sense of community. We need to look to how we define walls while we review the General Plan. **Commissioner Doug Clifford** stated we did discuss walls last year and it is Kwavasa, so that is why the wall is there is because it is a major artery. **Chairman Dave Robinson** stated that people want their privacy. **Commissioner Pam Gardiol** stated it is an ongoing discussion and the key to our General Plan is to answer what is our vision.

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MOTION: Planning Commissioner Doug Clifford moved to approve recommendation of Preliminary Plan for Desert Cove Subdivision, located at approximately 200 North and 600 West. RT Marten, Utah, LLC/Terry Marten-Owner. Ryan Button-Applicant.
SECOND: Planning Commissioner Derek Larsen
VOTE: The motion carried.

Chairman Dave Robertson	AYE
Planning Commissioner Pam Gardiol	AYE
Planning Commissioner Doug Clifford	AYE
Planning Commissioner Bob Morris	AYE
Planning Commissioner Derek Larsen	AYE

D. Discuss and consider recommendation of Preliminary Plan for Vista Subdivision, located at approximately 145 West and 100 South. Sally Jensen-Owner/Applicant.

Mike Haycock stated that Vista Subdivision is a three lot subdivision on .94 acres with an existing house. TRC has addressed the Fire Department turnaround. There is on-site retention and some overland retention also. **Commissioner Doug Clifford** inquired what was this before? **Commissioner Derek Larsen** stated it is a flag lot. **Mike Haycock** stated they worked around different angles in order to be able to build on Lot 3. **Commissioner Doug Clifford** inquired they are all 10,000 sq ft lots so medium density? **Chairman Dave Robinson** stated this is based off our recommendation because they wanted High-Density originally. We wanted to maintain Medium-Density because of the surrounding area. **Commissioner Pam Gardiol** stated she didn't see the staff report. **Mike Haycock** stated that the engineer was on vacation so there was a delay getting it out but it did get submitted to the Commission before the meeting.

MOTION: Planning Commissioner Bob Morris moved to approve recommendation of Preliminary Plan for Vista Subdivision, located at approximately 145 West and 100 South. Sally Jensen-Owner/Applicant.
SECOND: Planning Commissioner Derek Larsen
VOTE: The motion carried.

Chairman Dave Robertson	AYE
Planning Commissioner Pam Gardiol	AYE
Planning Commissioner Doug Clifford	AYE
Planning Commissioner Bob Morris	AYE
Planning Commissioner Derek Larsen	AYE

E. Discuss and consider approval of Indigo Trails Phase 2-C Final Plat, located at approximately Wild Indigo Way. AnA Enterprises, LLC-Owner/Applicant.

Mike Haycock stated that this final plat is 13 lots on almost 7 acres. The property is Medium-Density, zoned RE-12.5 and TRC reviewed on 4-19-22. Staff recommends approval.

MOTION: Planning Commissioner Doug Clifford moved to approve Indigo Trails Phase 2-C Final Plat, located at approximately Wild Indigo Way. AnA Enterprises, LLC-Owner/Applicant.
SECOND: Planning Commissioner Bob Morris
VOTE: The motion carried.

Chairman Dave Robertson	AYE
Planning Commissioner Pam Gardiol	AYE
Planning Commissioner Doug Clifford	AYE

DRAFT

Planning Commissioner Bob Morris	AYE
Planning Commissioner Derek Larsen	AYE

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for April 19, 2022

MOTION: Planning Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for April 19, 2022
SECOND: Planning Commissioner Derek Larsen
VOTE: The motion carried.

Chairman Dave Robertson	AYE
Planning Commissioner Pam Gardiol	AYE
Planning Commissioner Doug Clifford	AYE
Planning Commissioner Bob Morris	AYE
Planning Commissioner Derek Larsen	AYE

5) REPORTS

A. Planning Commission

Commissioner Pam Gardiol stated that the Utah Land Use Institute Ground Rules: Your Handbook to Utah Land Use Regulation has been very interesting and shared a few items she has read regarding some of the processes we use to create agendas for our meetings. Page 24, "According to Utah State statute, in order to regulate local land use, communities must always have a Planning Commission. It must have the opportunity to review and make recommendations regarding the General Plan, the zoning ordinances, and other legislative and administrative matters before the legislative body can consider such an issue. Without a Planning Commission, there cannot be any land use management." Page 27, Legislative Actions–A legislative act is a decision made by a public vote of the City or town council or the County Commission or Council that results in (1) a new ordinance, (2) an amendment to an existing ordinance, (3) adoption of the General Plan, (4) an amendment to the General Plan, (5) amendment to the zoning map or (6) the creation of an official policy, rule, or code of general community-wide application. Only a body of elected government officials can make legislative land use decisions and only after receiving a recommendation on the proposed action from the Planning Commission. Page 39–Administrative decisions will be upheld if (1) they are supported by substantial evidence in the record of the decision..." Substantial evidence is more than a mere "scintilla" of evidence though something less than the weight of the evidence. It is defined in State law as evidence that (1) is beyond a scintilla and (2) a reasonable mind would accept as adequate to support a conclusion." Scintilla is latin for "a spark, a hint, a mere representation." The record of a decision includes all the documents that were before the decision-maker when the decision was made, any recordings of meetings and hearings held about the matter, and the official minutes of a board or Commission. In order to survive a challenge, the record of an administrative issue must include the basis for the decision so that the local appeal authority or a district court judge can understand the facts and law which were relied upon by the decision maker. Clearly stated findings of fact and conclusions of law must be part of the record. Her concern is these align with her experience on a previous Commission and also her concern for the processes here. She is grateful for the professionalism and expertise and dedication of Ivins City staff. We are fortunate to have such amazing people advocating for our community. Their role, in this case, is to review, research, and recommend actions to the appointed body. The Planning Commission's role is to review Staff's review and research documents in order to provide an informed recommendation to the elected representatives, who are answerable to the

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citizens. The Planning Commission does not carry out its role of providing informed recommendations to the Council with one line in the Staff report that, "The TRC recommends approval." This is the abdication of responsibility by the Planning Commission to be aware of the substantial evidence influencing their recommendations to the Council. The Planning Commission and Staff are answerable to the citizens through the elected representatives. The role of both Staff and the Planning Commission is to provide the elected representatives "substantial evidence" against which to make a decision for the good of the people. She believes it is important in light of reading this, that we have minutes or more substantial evidence from the TRC so we are not a rubber stamp from Staff to City Council. **Commissioner Bob Morris** stated that in this book it also reads public clamor is not substantial evidence and an administrative decision cannot be based primarily on citizen comment in public hearings, petitions or in social media campaigns. **Commissioner Doug Clifford** stated that his last copy was 2005. In a prior life we would have TRC checklist they passed along with their recommendation. He would like something like that rather than just saying they agreed to it. **Commissioner Pam Gardiol** stated that would be a good start or the TRC minutes, so that on the checklist we know what exactly is involved in the review and inform us better so when we vote we know why. **Commissioner Bob Morris** stated that he looks to TRC to see that they reviewed it but he forms his own opinion. He drives by it to be sure it will blend. Their job is technical but our job is to look at it freshly and decide if it fits. **Commissioner Pam Gardiol** stated to also have all the information we need to review when driving by. **Commissioner Doug Clifford** stated not adding any burden to their jobs, but it would be nice to get more insight. **Mike Haycock** stated that he highlights the items that are discussed at TRC. We could have Public Works come to the meetings. **Commissioner Doug Clifford** stated we are not trying to insert himself into TRC. **Commissioner Bob Morris** stated no we don't want that. **Mike Haycock** stated that there are additional things we can add, but if we have a 10-page report someone has to do that report. **Commissioner Bob Morris** stated you are here to answer concerns and questions if we have any. He doesn't see that we need to do anything different than what we are doing. **Commissioner Doug Clifford** stated adding those notes below is helpful. **Mike Haycock** stated by Final Plat there should be no comments. **Commissioner Pam Gardiol** stated it is important to have minutes and reports that are not just for the Planning Commission, but are also comprehensive for helping to inform citizens of the process. They are part of the public record. They mitigate questions we are asked. It would be valuable to have more complete records for the community we serve.

B. Chairman

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated there is only one meeting in June because there are three in May. We believe there is a lot coming forward so the only meeting in June is appropriate to start on the Genera Plan discussion and start with the moderate income chapter. It is important to get to know the whole General Plan and get a better understanding of it. We have changed some zones to add more townhouses and we have done what we said we would do last year but it will be good to have understanding from the State what their definition of moderate income housing is. **Commissioner Pam Gardiol** stated that some citizens have suggested we create a survey so they can offer their opinion about the General Plan. The more good-faith outreach we do, the better. She would be happy to help draft a survey. **Mike Haycock** stated that we did the comment cards for the land use and only received two prior to the open houses, one from our own Commissioners. We advertised that for a couple months straight. Councilmember Mike Scott stated he'd like one more open house session before City Council gets to a final decision on

Land Use. Our focus now needs to be the land use plan and getting through that process. **Chairman Dave Robinson** stated different ways to get the community involved is through technology. That is how we may hear from younger families and find those new ways to reach out to them. **Commissioner Pam Gardiol** stated having multi-level options to outreach, whether it is a facilitated public hearing, park gathering or technology. The more methods we use the more feedback we will get.

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

6) ADJOURNMENT

MOTION: Planning Commissioner Bob Morris moved to approve ADJOURNMENT

SECOND: Planning Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Dave Robertson	AYE
Planning Commissioner Pam Gardiol	AYE
Planning Commissioner Doug Clifford	AYE
Planning Commissioner Bob Morris	AYE
Planning Commissioner Derek Larsen	AYE

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