IVINS CITY
PLANNING COMMISSION
MINUTES
July 5, 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 Robinson, Commissioner Bob Morris, Commissioner Doug Clifford, Commissioner Derek Larsen, and Commissioner Pam Gardiol.

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Haycock-Building and Zoning Administrator, Scott Raine, and Sharon Allen-Deputy City Recorder.

Audience Attending: Scott Stowell, Chris Haddad, Sharon Barton, CJ Koharcheck, Patrick Manning, James Barden, Helen and Dean Cavaletto, Dee Edmonds, Ed Budinsky, Angela McVey, Becky and Chuck Warren, David Andrews, Dana Cook, Michael Cook, Sherry Breitenbach, Sally and Mike Corbett, Dave Appel, Teresa Fife, Greg McArthur, Jerry Miyahara, Stephenie Nast, Dan and Jan Brown, Jared Madsen, Lance Anderson, Kevin Peterson, as well as others that did not sign in.

A. Acknowledgement of Quorum

Commissioner Pam Gardiol attended via Zoom.

B. Flag Salute--Commissioner Derek Larsen

C. Invocation--Commissioner Derek Larsen

D. Disclosures

Commissioner Derek Larsen stated that he and a business partner have $1000 refundable deposit down for Black Desert Resort. No other conflicts.

2) REPORTS AND PRESENTATIONS -None.

3) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing regarding a concurrent land use and zoning amendment, located at approximately 1500 East Black Desert Drive, north of the horse roundabout. Land use from Low-Density Residential to RC (Resort and Resort Commercial); and zone amendment from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RC (Resort and Resort Commercial.) Enlaw, LLC-Owner. Stephenie Nast-Applicant.

Mike Haycock stated this is for the Black Desert portion that adjoins the SITLA 120 property. We don't have an actual address yet in this area but the application shows the parcel numbers. They are asking for Resort Commercial. The uses there would be supporting the hotel that is already under the Conditional Use Permit and they are asking for a zone that is consistent with what has already been approved. Patrick Manning stated that this is on the far west adjacent to the SITLA property and would be the new home for Utah Tech's Men and Women's Golf Team practice facility. Where the lava rises from the roundabout in elevation quite high, and then gets down closer to the west side, it dramatically falls off about 30 feet. So it would be down in the bowl. The west side would be the short-range game and locker rooms, training and fitness facility. Further east, closer to the roundabout is our golf maintenance area and our delivery and distribution center so we can bring 18 wheelers up Red Mountain Drive and drop off there rather than coming up Snow Canyon Parkway and on the roundabout. We want to keep those off of the project itself and all the way to the west, coming off of Pioneer. We are just trying to make room

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for the golf teams. **Chairman Dave Robinson** inquired why the change? Patrick Manning stated originally we were not anticipating the golf teams coming and asking us to create a space for them and make it their home course and we hadn't contemplated how to handle laundry and grocery delivery for the restaurants and things like that. This is a good way to keep it all off the roundabout and the main Parkway. Sharon Barton lives on Mesa Vista Road and is not in favor. She feels the application itself is confusing and appears to be inaccurate. The confusion lies in the description of the location of the land. If you reference the Ivins City Transportation Master Plan roadways, there is no Black Desert Drive and the proposed location of land does not appear to be north of the horse roundabout. Stephenie Nast was the applicant, but the maps are listed as Black Desert Resort zone map and land use map. She would recommend that due to inaccurate and misleading information, this rezoning request should be declined. Later, the Planning Commission will be continuing a discussion about a rezoning request from Rize LLC. This discussion should take place first. CJ Koharcheck lives on Puerto and was confused by the material in the agenda description and associated maps. She was prepared to discuss the folly of putting a hotel in a wash. That was the only place she could imagine north of the horse roundabout. There needs to be a much clearer description of where this parcel is to get informed public reactions, good or bad. Mike Cook stated he lives in Padre Canyon Drive. He would like to see a little more about the road that goes down through SITLA land. We would like to see more of what is planned and how those semis will come in. David Andrews stated he lives on Puerto stated he is coming here and leaving here in the dark. Clear things up so that people understand what you are saying about this property. Scott Raine stated there were no comments on Zoom. **Dale Coulam** stated there is a road dedication for 1500 East Black Desert Drive will be recorded soon. It is the street north of the horse roundabout on off the Parkway. We could describe it as the southwest corner of the Ivins' portion of Black Desert Resort. Enlaw LLC as owner is accurate and Stephenie Nast is a representative of that group and signed the application. Due to a lack of addressing in that area, it is hard to describe. An option is you could leave the Public Hearing open and continue it to next meeting with a more detailed notice. **Commissioner Doug Clifford** stated it would be nice to show the connection or the road would be, but this is just zoning.

MOTION: Commissioner Doug Clifford moved to table A. Public Hearing regarding a concurrent land use and zoning amendment, located at approximately 1500 East Black Desert Drive, north of the horse roundabout. Land use from Low-Density Residential to RC (Resort and Resort Commercial); and zone amendment from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RC (Resort and Resort Commercial.) Enlaw, LLC-Owner. Stephenie Nast-Applicant until next meeting.
SECOND: Commissioner Pam Gardiol
VOTE: The motion carried.

Chairman Dave Robinson	AYE
Commissioner Doug Clifford	AYE
Commissioner Derek Larsen	AYE
Commissioner Pam Gardiol	AYE
Commissioner Bob Morris	NAY

B. Discuss and consider recommendation for regarding a concurrent land use and zoning amendment, located at approximately 1500 East Black Desert Drive, north of the horse roundabout. Land use from Low-Density Residential to RC (Resort and Resort Commercial); and zone amendment from RA-5 (Residential Agricultural, minimum lot

size 5 acres) to RC (Resort and Resort Commercial.) Enlaw, LLC-Owner. Stephenie Nast-Applicant.

C. Discuss and consider approval of Vista Final Plat, located at approximately 145 West 100 South. Sally Jensen-Owner/Applicant.

Mike Haycock stated that TRC reviewed this final plat and Staff recommends approval. We have defined by easements the turnaround and it is consistent with the Preliminary Plan. The zones surrounding it are C-1 and RE-12.5. The zoning is consistent with what has been approved. **Chairman Dave Robinson** stated this had an existing home up front and they are subdividing the back half of the lot. **Commissioner Pam Gardiol** inquired what were the elements of the TRC's review? **Mike Haycock** stated they review engineering, drainage, zoning requirements, parks, police and fire. They shortened the road for better Fire Department access and onsite drainage was added because of the drainage study. Easements were required to connect the utilities. The zoning is consistent with the General Plan. The original application was for higher density and through the process it was whittled down to these three lots to make it more consistent with the surrounding density and buffering. **Commissioner Pam Gardiol** inquired about open space and a sense of place? Were those items in the General Plan addressed? **Mike Haycock** stated no we do not address 100 percent of the General Plan. It meets the zoning which is an element of the General Plan as were other items in the General Plan during the process. The Final Plat is to the point of check the boxes and it is time to move it forward. **Dale Coulam** stated that he would indicate that most of those questions were addressed at Preliminary Plan and the purpose of the Final Plat is to make sure it conforms with the approved Preliminary Plan, which it does. Regarding open space, zoning for Single Family Residential determines the open space and there is no separate requirement that the subdivision itself provide open space like there is for multi-family projects. **Mike Haycock** stated this is a standard flag lot. **Commissioner Doug Clifford** inquired so it doesn't interfere with street parking? There is room for driveways and parking? **Mike Haycock** stated as per the zoning ordinance each are required to have two parking spots via garages.

MOTION: Commissioner Bob Morris moved to approve Vista Final Plat, located at approximately 145 West 100 South. Sally Jensen-Owner/Applicant.
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

D. Discuss and consider recommendation of Falcon Park Preliminary Plan, located at approximately 225 East 800 South, Kevin Peterson and Jared and Megan Bringhurst-Owner/Applicant.

Mike Haycock stated this is a legal non-conforming use next to Country Place and Country villas subdivisions. There are two dwellings on the one parcel and the applicant wants to make it legal conforming. The Fire Department is approving a dry standpipe as an alternate method to the turnaround requirement. Staff has reviewed and recommends approval. The Fire Department access will be to the south and have the dry standpipe to operate for fire since the structures are already built. **Chairman Dave Robinson** stated this is basically one large lot they want to separate to subdivide. **Mike Haycock** this will make it legal conforming and there were no lot

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lines there before. **Commissioner Pam Gardiol** inquired about the access into these two properties? **Mike Haycock** stated the second lot will be a flag lot. The access from the original house is off of 800 South and the north house access will be behind that. All the way to the lot in the back. They have actual property lines for access. There are easements there for utilities.

MOTION: Commissioner Doug Clifford moved to approve recommendation of Falcon Park Preliminary Plan, located at approximately 225 East 800 South, Kevin Peterson and Jared and Megan Bringhurst-Owner/Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

E. Discuss and consider recommendation of Vista Estates Preliminary Plan, located at approximately 200 West and Red Vista Drive. Sunshine Seven, LLC and Bench Seven Series, Owner. Jared Madsen-Applicant.

Mike Haycock stated that this is a 24 lot subdivision next to Red Mountain Vista Townhomes and accessed partially through that neighborhood. There is a future possible roundabout on Old Hwy 91 adjacent to this subdivision. TRC shortened the roads for better building area and access to the lots at the end of the road and Lot 32 is not a buildable lot and is for drainage only. A detention basin will be located there. **Commissioner Doug Clifford** inquired if the reason they don't need turnarounds is because of fire access? **Mike Haycock** stated that the hammerheads are compliant turnarounds for fire and are wide enough. **Commissioner Pam Gardiol** stated that the staff report says designation of common areas and amenities available for use of residents and the general public. Can you speak to that? **Mike Haycock** stated that is a general statement. This is the stage we would identify those if required. This is not in a zone that requires those amenities. If it was a Multi-Family there would be pools for example. **Commissioner Pam Gardiol** inquired in those uses is general public and residents synonymous? **Mike Haycock** stated no that paragraph does not apply to this project. The zoning does not require amenities. This is an informational statement on what we would look for in subdivisions. **Commissioner Derek Larsen** inquired if the zoning was changed on this parcel to R-1-7.5. **Mike Haycock** stated yes in the October or November timeframe. **Chairman Dave Robinson** stated this border condominiums. **Mike Haycock** stated it borders the townhome project that has shared access.

MOTION: Commissioner Bob Morris moved to approve recommendation of Vista Estates Preliminary Plan, located at approximately 200 West and Red Vista Drive. Sunshine Seven, LLC and Bench Seven Series, Owner. Jared Madsen-Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Dave Robinson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Pam Gardiol	AYE
Commissioner Derek Larsen	NAY

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F. Discuss and consider recommendation of Kwavasa Phase 2 Preliminary Plan, located at approximately Evening Star Drive. Kayenta Development (SITLA)-Owner. Lance Anderson-Applicant.

Mike Haycock stated this is on Evening Star Drive and is in the RE-43 zone and surrounded by the same zone. The drainage on the south portion has been addressed by a drainage study and looked at by engineering. The rest was pretty straight forward. This is consistent with Kayenta development and what they have done before. **Commissioner Doug Clifford** stated that there is a lot of up and down terrain.

MOTION: Commissioner Bob Morris moved to approve recommendation of Kwavasa Phase 2 Preliminary Plan, located at approximately Evening Star Drive. Kayenta Development (SITLA)-Owner. Lance Anderson-Applicant.
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

G. Discuss and consider recommendation of Black Desert Golf Village Preliminary Plan, located at approximately 1500 East Black Desert Drive, north of the horse roundabout. Enlaw, LLC-Owner. Jared Madsen-Alpha Engineering-Applicant.

Mike Haycock stated that the Golf Village subdivision is 186 units and is part of the resort use in the table of uses. It is located on Black Desert Drive and Weiskopf Way. There are186 units for the hotel and 76 parking spots required for the golf course, and that allows 33 spots for employees at this location. There is a Sensitive Lands discrepancy on this parcel and we are taking it to their Committee to clarify exactly what is approved and where these buildings are located. If approved, make it contingent on the Sensitive Lands Committee approving it prior to Final Plat. **Commissioner Doug Clifford** inquired why are we trying to approve it on a condition rather than just waiting? **Mike Haycock** stated there review is done. We just want to be sure that these buildings line up exactly where they are supposed to. They have multiple areas that they could disturb that they didn't. We feel they are within the allowable area to do that, so we can move forward and have that answer back to you from the Sensitive Land Committee before final platting. We want to present it to them just to look over. **Chairman Dave Robinson** stated so if we approve it based on the Sensitive Lands Committee's review, it will still come back to us. **Commissioner Pam Gardiol** stated if we approve with a contingency it would stop it from moving forward. Should we have the review after Sensitive Lands looks at it? **Chairman Dave Robinson** stated that when it comes back it will be for a final plat. If they wait for Sensitive Lands it puts them back a month or more. It is just expedient for the developer and for the project. **Commissioner Doug Clifford** inquired if there was any indication that there was going to be a problem? **Mike Haycock** stated that Chuck Gillette believes they have more area they could have disturbed and it is just to be sure rather that they are under that disturbable area requirement rather than making a guess on the map. Sensitive Land Committee does not convene all the time. It is at our request. We shouldn't hold up that process because we don't have regular meetings. We decided to put it forward and then hold that meeting in the interim. **Chairman Dave Robinson** stated if they had any indication it was going to be held up, they wouldn't do this. **Dale Coulam** stated we have made final plats conditioned on approval of a

Development Agreement by City Council, but not normally at a preliminary plat. Development Agreements sometimes go back and forth between attorneys, so we approve subject to approval of the Development Agreement. It goes to City Council next. **Commissioner Doug Clifford** stated if Sensitive Lands finds a problem, it stops.

MOTION: Commissioner Bob Morris moved to approve recommendation of Black Desert Golf Village Preliminary Plan, located at approximately 1500 East Black Desert Drive, north of the horse roundabout. Enlaw, LLC-Owner. Jared Madsen-Alpha Engineering-Applicant, subject to Sensitive Land Committee approval.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Dave Robinson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Derek Larsen	AYE
Commissioner Pam Gardiol	NAY

H. Discuss and consider recommendation for Zone Amendment for approximately 113 acres on the portion currently shown as R-1-10 (Single Family Residential, minimum l0,000 sq ft lots) to be changed to R-1-7.5 (Single Family Residential, minimum 7,500 sq ft lots) and the portion currently shown as RA-5 (Residential Agriculture, minimum lot size 5 acres) to be changed to RC (Resort Commercial). Located at approximately Puerto Drive and 400 South. School Institutional Trust Lands Administration-Owner. Jerry Miyahara-Applicant.

Mike Haycock stated that the original application asked for some 7500 sq ft lots. Since the Public Hearing, they are no longer asking for that. The SITLA parcel is located south of Padre Canyon. This was discussed in a previous Public Hearing. The applicant has come back with some modifications to the request. Resort Mixed Use zone requires a Project Plan for that type of development so they have submitted that and are giving some other areas as additional buffers as a concession. The original application stayed the same but they are giving the Commission other options to approve that may be more consistent, as well as the project plan to review. Jerry Miyahara represents SITLA and he has had the opportunity to discuss in detail the feedback from their last meeting and they have worked with the City Staff and SITLA and developed the submitted project plan for review. We are balancing the concerns of adjacent neighbors, the community as a whole, and being consistent with the General Plan, as well as our fiduciary responsibility to SITLA, the landowner, and the teachers and students they serve. Based on discussions and recommendations from their previous Planning Commission meeting, they are proposing the zone designation for the broader area of the site to be Resort Mixed Use instead of Resort Commercial. The allowed uses within these two zones are very similar, but Resort Mixed Use requires a project plan which we submitted for review. Resort Mixed Use requires a minimum of 35% open space. Based on the borders that are adjacent to existing neighborhoods, we have made the following enhancements. The northern portion on the map, called P-1, will keep the existing R-1-37 zone and while not required, we have memorialized in the project plan these homes will be single story with flat roofs. We will provide a secondary buffer to the 37,000 sq ft lots with a minimum of 10,000 sq ft lots. That is identified on the map as P-2B. We will retract our previous request along the west and southwest boundary of the project of 7,500 sq feet and keep the existing R-1-10 zone, mapped as P-2A. We will provide a secondary buffer to the 10,000 sq ft lots in the proposed Resort Mixed Use zone with a minimum of 7,500 sq ft lots

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along the western boundary, called out as P-3. In area 4, the vision is to continue the stepdown from low and medium density homes to duplexes and single family cluster homes with an average density range to be 5-6 units per acre. The current plan is for this area to be the location of the central recreation amenity along with significant open space and community trails. In area 5, a significant portion of this area will include the natural open space wash. Neighborhoods in this area are envisioned to be duplexes, triplexes and four-plexes with an average range of 4-6 units per acre. In area 6 the boundaries are bordered by the open space wash and the Western Corridor on the west and northwest and the lava fields on the east and Red Mountain Drive and Santa Clara City to the south. With these buffer conditions and separation from existing neighborhoods, we envision our higher density homes with average densities of 6.5-7.5 units per acre and envisioned product types may include motorcourt townhomes, stacked flats and luxury townhomes. We are targeting an overall yield of 525 to 575 homes on 113 total acres which would be an overall density of approximately 5 per acre. The traffic impact study has recently been completed by Horrocks Engineering and shows negligible impacts from the future residents of the SITLA 120 project to the intersection of 400 South and Puerto Drive. In fact, with the completion of the extension of 400 South to the future Western Corridor, these road improvements will actually provide many existing residences an alternative route to Snow Canyon Parkway that will be quicker, safer and more direct. We believe we have proposed a balanced plan that is future respectful to the adjacent neighbors and overall community and supports the business development of a resort destination as a goal in the City's General Plan with the importance of planning a stable economic future for Ivins. We believe future residents and guests of the SITLA 120 project will provide an important consumer resource to support the future restaurants and shops at Black Desert Resort as well as other locally owned businesses. Short-Term Rentals within the project will also ensure that the City captures room tax revenues instead of that demand being filled outside the City. The approval of a zone change from the holding zone of RA-5 to Resort Mixed Use aligns the City's vision as depicted on its General Plan. There is much more to this spectacular property beyond codes and ordinances to consider. There are extremely special natural conditions within the wash and lava fields that warrants our best effort to preserve that to enjoy for generations to come. With the Resort Mixed Use 35% open space requirement, this zone approval will ensure that over one-third of this land will be open space and presents an opportunity to thoughtfully integrate parks, greenbelt, trails, amenities and natural open space to deliver a project that will be worthy of the legacy of this special land. **Commissioner Derek Larsen** inquired on the 35%, how much approximately will be undisturbed land? Jerry Miyahara stated the next step to this is they will be studying the boundaries and FEMA requirements for the wash and lava fields to the east, but those will be a large portion of that 35%. On top of that will be parks, trails and amenities to comply with that 35%. It would be one-third of that brown area shown in the map. **Commissioner Pam Gardiol** inquired on the eligible areas of Short Term Rental, what is the projected percentage of this property? Jerry Miyahara stated a lot of that would be projections, but in other projects like this, the range has been between 30-50% active nightly rentals. Ultimately the market will decide that. He knows some have shared concerns about oversaturation of nightly rentals but demand will dictate how many will be in the SITLA 120 project. We think there is a significant under supply of primary and secondary homes in Ivins and this will help satisfy that need along with Short-Term Rentals. **Commissioner Pam Gardiol** stated that she drove out to Desert Colors motorcourt and was shocked at the lack of quality, hazardous environment, garbage cans and parking lot. That is not what we want in Ivins. What is your image of motorcourts? Scott Stowell

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stated that out in Desert Color the density parking is provided through parking lots. That is not what we would be doing. A motorcourt townhome is where all the parking is in garages and then guest parking is in addition. We would have more garages, less density and less surface parking. Of course we would bring detailed architectural plans in and you would vet those as it comes through the system. **Chairman Dave Robinson** stated this application is for a zone change which is typically based on how it meets our City plan and that is what is planned for, is Resort Mixed Use. The idea of what they are doing with this property is not required at this point. This is simply a zone change. We are not approving any projects or buildings, or construction, roads, nothing. Just simply a zone change. **Dale Coulam** stated that is correct with one caveat. Resort Mixed Use is required to file a Project Plan and some applicants choose at that stage to include a site plan or elevations. That is not required. If this is all going to be available for Short-Term Rental, how does it meet the definition of horizontal hotel like Black Desert Resort that will have management onsite and someone that oversees the nightly rentals and that they comply with the rules to be sure properties aren't getting trashed or run-down or have loud parties. Would there be an HOA, an onsite management and central booking company this all goes through? Jerry Miyahara stated that these units are purchased and individually owned and then made available in a pool for Short Term Rental. There will be a single management and booking company for property management. It cannot be done through AirBNB or VRBO. We would provide an office space for the on-site management for the nightly rentals, dependent on the amount of nightly rentals we have. If there are issues there would be a single point of contact to deal with those. Scott Stowell stated CCRs will also be in place that will be enforced by the HOA to be sure everyone is complying. **Dale Coulam** stated that CCRs vary and are not always enforced. He is glad to hear there will be an on-site presence. Scott Stowell stated that we expect 50-70% to be primary homeowners so we are also concerned about nuisances. **Commissioner Doug Clifford** stated that a lot of comments in the audience and emails we have received fall into three categories. We don't control water. We go by the Washington County Water Conservancy District. They will take over total control of the water here shortly and builders will go to them directly. Cities will be taken out of it. They are spending quite a bit of money on doing secondary water recapture and that will add capacity for all the communities in Washington County. They feel comfortable that even if we continue to have years like we are having right now, with both reclamation and conserving water, that we have sufficient water. They will be the ones that take first action if that turns. This change puts a pretty stiff responsibility on the builder now. They have a year to exercise their water rights, and if not they lose a chunk of change they put down to secure that water. That will add consistency from the County to each community. They are reasonably comfortable with the water for the next 5-10 years. We have a lot of capacity that is not yet being used. Sandhollow for example has twice as much water that we don't see because it is underground. Worst case they tap into the aquifer. They are optimistic that they will bring roughly 40% more water into use with the recapture of water that is starting to occur. A lot of people are saying the General Plan is changing so we should delay this, thinking we can outlaw this project. The applicants have come to the City in good faith and are being measured against today's law. Our responsibility as the Planning Commission is to uphold the law, the current General Plan, codes and zoning. If we do a General Plan review and change things that would affect this in the future, we can't hold them accountable because they are applying under today's law. We are trying to keep the City legal and from being sued. We are bound as a Commission and Council and community to uphold today's laws. The General Plan calls out this area in our Land Use Plan as Resort Mixed Use. That is what they are asking for. We really cannot deny

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them. The plan under that zoning also allows Short Term Rentals. They own this land and we owe it to them to allow them to do it if it fits the zone. We are here to make sure they conform to our laws, our zoning and ordinances. Whether we like or dislike what they are doing doesn't make a difference because we are bound to uphold the law. That is what we as a Commission are trying to do. **Dale Coulam** stated they are vested in the laws at the time of their application. With a land use of Resort Mixed Use the only zone available at the time of their application is Resort Mixed Use. There is no choice of other zones. It conforms directly to the Land Use Plan. **Commissioner Pam Gardiol** stated that the application states R-1-7.5 to Resort Commercial. **Dale Coulam** stated that the Planning Commission uses their discretion to approve what conforms to a zone. That is their initial application where they initially thought Resort Commercial may be a better fit. In meeting with Staff we informed them that the available zone is Resort Mixed Use and they may have to go through an amendment process to go to Resort Commercial. So they chose to make the concession and Jerry Miyahara asked at the beginning of this agenda item for Resort Mixed Use, which is consistent with the General Plan. **Commissioner Pam Gardiol** stated she recognizes a balance and that we need a tax base to be a community. What is SITLA's expectation on return on investment of the properties they sell? Is it ongoing or a one-time payout? **Chairman Dave Robinson** stated that SITLA will still be involved down the road as they reap some of the benefits of revenue on the nightly rentals. They retain a portion of that in perpetuity. Greg McArthur represents SITLA and stated the agreement they entered into is for both. The land sell will benefit SITLA and they get a portion of those land sales which in turn goes to the schools and beneficiaries. Then there is an ongoing component as well with revenues coming in from nightly rentals, and that would be in perpetuity. **Commissioner Pam Gardiol** inquired if they are sold as Single Family with no Short Term Rental aspect how does that influence it? Greg McArthur stated because there would be no ongoing revenues, it would be a smaller amount to SITLA. The agreement that was made with Rize Development years ago around 2018 was a higher density and had more revenue coming in for SITLA, but as they have worked together and changed the zoning to be more of what the community wants, the density has gone down and the revenue has gone down. SITLA is like a private landowner in some ways and tries to get the most money for the land that they have. We are mandated to make as much revenue as we can but we like what this group has done and are confident in the product they can deliver. That is his job at SITLA is to watch the development partners they work with. We really like what they have done and they have addressed issues and challenges that have been presented. We think they will bring a good product and have agreed to approve these changes. **Commissioner Pam Gardiol** stated she has met with Jerry Miyahara and believes they are quality developers, but if it is sold solely Single Family with no nightly rental element, how does that impact SITLA? Greg McArthur stated it would be less revenue for SITLA. You would buy from the development and then they share a percentage of that sale as a one time revenue to SITLA. **Chairman Dave Robinson** stated that SITLA is the Trust, but when you sell a piece of property it goes into fund designed for large investments. The other side is a regular revenue based off nightly rentals and it goes into a different recurring fund for like teachers salaries. Is that correct? Greg McArthur stated it all goes into the same fund. Those are handled by one big management group. **Commissioner Derek Larsen** inquired as far as tax revenue what is the property tax for sales versus nightly rentals versus what new construction could bring in? **Dale Coulam** stated he doesn't know the percentages off hand but if there was no Short Term Rentals there would be no transient room tax. If it was treated like a hotel we would get a transient tax. Horizontal hotels like Sentierre where they are developing homes will have a

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hotel on-site and that has a transient tax. That is why we like the central management and booking, so we know those taxes get paid to the Tax Commission and we get our share. If sold separately with individual ownership and possible nightly rentals, we have the potential for noise and nuisances and properties being run down. We also don't receive any transient room tax. If it is bought as a secondary residence we get 100% of taxable value. A primary residence pays a discounted property tax rate here in Washington County. **Chairman Dave Robinson** stated that currently the majority of our revenue comes from new construction. If we don't find additional revenues, our property taxes will sky rocket if we don't have other means to bring that revenue in. **Dale Coulam** stated that was visibly shown to the City Council during the budget process. We are a very few years away from a bleak period. Either we bring in more commercial and growth revenues or there will be a significant property tax increase. There could be both, and it could just be a small increase depending on what the amount of growth or commercial revenue is. When Black Desert Resort comes online that is what starts the curve to come back up. That is when those commercial revenues will kick in. He has been here 18 years and many years ago had a one-time hold on the property tax rate. We didn't do an increase, but just held it at the previous years' rate. Yet there has certainly been inflation in the last twenty years. The last two years you can see how far the City is falling behind in revenue. We are paying those higher costs of services caused by inflation and no increase in the property tax rate. It's not a good combination. **Chairman Dave Robinson** stated our City has dubbed itself as a resort community and what better way to bring in additional tax revenue? We don't want manufacturing facilities out here. That is not the type of revenue we want or what fits our community. This makes sense and it fits. He reads all the emails he is sent and he sees that people think that the City is money hungry and it has to operate somehow. We have Police, Fire and Staff. The Planning Commission gets paid about enough for a family dinner. We aren't up here making money. We do it because we love this community. He has been here 30 years. We aren't looking at this as a benefit for us personally, but as a benefit for our City. **Commissioner Doug Clifford** stated that years ago when the General Plan was reviewed, the City was trying to balance how we would survive. They talked about choices of bringing in commercial or a shopping area of some kind. They decided then, and we have continued to support the vision that we should build on our strengths, which was great views, very safe and a place that people like to come visit. Success has its downside, and that was when we got more and more people. He had been a Mayor up North and this was so different, because he had spent eight years trying to get revenues from commercial and manufacturing and retail in that City. Then he came here and Ivins didn't want that. He wondered how this community would survive. This is the first test. As a community we need to realize that a City has to have revenue to stay in business, and we are a business unfortunately. We provide services. All of us. We almost take it for granted that we have to pay for it. This will be a great way, with some downsides, but would you rather have a resort or a shopping mall in your community? We do have to make those trade-offs. The previous people in these positions have kept the vision and have done a pretty good job. They took a big leap in saying we were going to be a resort-based community. Now we are seeing that start to happen. **Commissioner Bob Morris** stated he is a short-term renter. He rents a cabin in Pine Valley short-term. He rents a room in his house short-term. It has been amazing and given him financial freedom and security in their retirement. People will have an opportunity to purchase these homes and then end up with property that is bought by other people. That is just good business. He rents his RV and it goes out. Why let it just sit there? Every report he gets on a visitor he gets great satisfaction in sharing Pine Valley with someone from Las Vegas. They list

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all the animals they saw and it brings them joy. It feeds me. He is a low renter. He rents a casita for $550 and it is affordable housing for someone. It would be lovely to have this area look like it did 27 years ago when he moved here. He sees this differently because of his personal experience but he knows what it takes to be a property manager. They are not going to spend all this money to let them junk it. It is a valuable asset to them. Being anti-growth is not the solution. **Commissioner Pam Gardiol** stated that we are each here because we respect the rule of law. She believes developers are good with good intent but there are two overriding issues that we need to consider, whoever the developer is, whatever the situation may be. First is what we are doing with planning is creating a sense of community. We have lost that in a lot of decisions and developments that have been created. Are we a community and bringing those uses that allow us that sense with each other? Transient people do not contribute to that sense of community. Second, the General Plan speaks of becoming a resort community. She thinks we have more than reached the point that we must look at the implications and cost, not financial, of becoming a resort community. We are in danger of depleting our resources. When we are looking at financial tax base for our community, we need to ask different questions. Not just manufacturing or Short Term Rentals, but how do we respond to what we deem so dear as not to exploit it just to avoid having our taxes raised. The cost of loving our natural resources to death is real. People move here because of the beauty and we have to be stewards of that beauty as well as the tax base. **Chairman Dave Robinson** stated that he would disagree that this does not lead to a sense of community. One email he was sent talked about Sedona and that current travel is dying and what they are doing is building systems so that those traveling become part of the community. How can you become part of a community in a high rise? People become part of the community when we put them in the community. He does a lot of AirBnBs. In Mexico, he was in the community with the people of Mexico. We had a fabulous time. Same with San Francisco, Phoenix and Park City. We met people and walked our dogs all within their community. This type of community goes to exactly that, where people can stay and be part of the community, rather than being shoved to the side. That is his opinion.

MOTION: Commissioner Doug Clifford moved to approve recommendation for Zone Amendment for approximately 113 acres on the portion as shown on the project plan map as R-1-10 (Single Family Residential, minimum l0,000 sq ft lots) buffer and RE-37 (Residential Estates 37,000 sq ft lots) buffer, and RA-5 (Residential Agriculture, minimum lot size 5 acres) to be changed to RMU (Resort Mixed Use). Located at approximately Puerto Drive and 400 South. School Institutional Trust Lands Administration-Owner. Jerry Miyahara-Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Chairman Dave Robinson	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Derek Larsen	AYE
Commissioner Pam Gardiol	NAY

I. Discuss Moderate Income Housing.

Commissioner Bob Morris stated that he has a handout and was asked to give a report. There was a housing list that the Affordable Housing Committee was given for housing goals and objectives and what the State was requiring at that time. It talked about availability, provision of affordable housing, preservation of existing housing and neighborhoods, encouraging affordable

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rental opportunities, and minimization of governmental constraints. Those were the five we picked out of that list of 30 items they have sent us now. So then a Committee was formed that met quarterly. On the annual moderate income housing report, on each one of those strategies we had to tell how we achieved it. One of those strategies was just that we created the Ad Hoc Committee. Towards the end of the year, most of us had given up, with the cost of land, the cost of housing it was dire. In 2019 the median monthly household income in the Ivins area was an estimated $6264. 80% can afford a $1503 housing cost per month. $628 per month was poverty level. And since 2019, wages have not gone up much. Everything else has, but wages haven't. Certainly not at the percentage of inflation. The apartments across from me are $2150 per month. Three bedroom duplexes. So last year the Committee did all they could do and celebrated the State coming down and saying you could rent your basement for 29 days with criteria. The City of Ivins did that. The Committee also reached out to City Council to rent 29 day rent your casita, even if it wasn't attached to the house. Those were our accomplishments. It was low-hanging fruit but it was significant. Having two-wage earners with children is not optimum for our community. There are a lot of fancy ideas of what to do about it, but for example the homes that were built on 100 West with sweat equity, people sell out on that affordable housing for three times what they bought it for and there goes the affordable housing. This year someone else gets to take over that Committee. **Chairman Dave Robinson** stated that he looked it up and median income for Washington County was $63-64k a year. 80% is $50k a year. How do we get someone into a house making $50k a year? He looked it up and the cheapest lot in Ivins right now was $179k. That is just dirt. If you had zero debt and a $50k a year income, you could do $1700 a month under FHA which is the most common. Based on interest rates going up that is somewhere between $240 to $280k for a house. Where can we build a house for $100k on a $179k lot? This is a whole lot bigger problem than he even realized. How do we solve this? Part of it goes back to land since that is where a large portion of the cost is. In 9 months after he started his house, his Father in Law bought a lot four lots up and for $60k more for their lot. Same lot and dimensions, everything. One grand giant plan he has is to get back on to an annexation all the way south to the ridge. Doing small subdivisions there is not enough land here to adjust prices. With a big project, if we partnered with BLM and made it one overall development with lots of different areas and start closer to the highway small affordable housing lots and up to the ridge they would increase. The front ones would lose money but it would average out with the bigger lots together. It would have to be an agreement. That could maybe be a larger solution to the problem. **Commissioner Doug Clifford** what has changed in subsidized housing in the last few years? In Pleasantview they worked with HUD and bought some property along Highway 89 and built a bunch of townhomes that were subsidized and we almost got run out of town. Everything around it was not subsidized and was an affluent area, but it turned out really well. They are not owned but rented, but it gave people housing. Purchasing homes is even more daunting. **Commissioner Bob Morris** stated they did not look into subsidies during his term on the Committee, but the State said if we didn't come up with reports that show we have moderate income housing, they would come in and mandate it for us. Then they could be 3-4 stories tall because you have to build up to be affordable. **Commissioner Doug Clifford** stated if we don't comply with the State they can also withhold funds. **Commissioner Bob Morris** stated with the cost of fuel they can't go somewhere cheaper and then drive into town. It takes all the revenue they make. Interest rates just keep going up, which will drive the value of the property down, but that is the banks that make that money. **Chairman Dave Robinson** stated the biggest employer is the Washington County School District. For entry level teachers, it takes them years

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to get to $80-90k range. **Commissioner Pam Gardiol** stated she concurs with the comments, but the assignment was to review strategies from the moderate income housing element of the General Plan, and particularly Item M-Demonstrate creation of or participation in a community land trust program for moderate income housing. Would that be an answer? Should we start discussion with some of these items? **Mike Haycock** stated we won't fix the problem, but the State wants us to find three things to help with the solution. We can go through that list to whittle it down to three. **Dale Coulam** stated out of those possibilities Chuck Gillette initially entered his comments as well as Cade Visser and myself. Did that get forwarded to the Commission? **Mike Haycock** stated no he needs to enter his comments still, so Staff will do that before next meeting. **Commissioner Pam Gardiol** stated she would like to see that list. **Mike Haycock** stated we could get your comments and combine them with ours.

MOTION: Commissioner Bob Morris moved to table Discuss Moderate Income Housing to get the Staff's report.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

J. Discuss Short Term Rentals and garage sizes, garage door heights and RV/Toy parking, garbage collection and driveway lengths.

Mike Haycock stated that Mike Scott has asked the Planning Commission to give a recommendation. His thoughts are more towards getting rid of Short Term Rentals completely. What he has presented is his own version to get rid of Short Term Rentals in other zones other than Resort. That way they are not in neighborhoods where there is single family units and then Short Term Rentals next door. He would get rid of the overlay and then zone areas Residential Resort where those type of uses would be allowed. He also added Mixed Use that would not have Short Term Rentals and separate that out and have an option outside of the Resort for other Mixed Use that may include some moderate housing options. So the three you could choose from would be Resort Residential, Resort Mixed Use and Resort Commercial. **Chairman Dave Robinson** stated his opinion is that any person in Ivins should be allowed to rent an AirBnB if they want. If it has guidelines and rules around it that they are licensed and then the City can govern it and pull money and funds from it. That is his opinion. They are well-maintained, better than monthly rentals that are out there. **Commissioner Bob Morris** stated the thing about AirBnB rentals in the City of Ivins is that it needs to be owner-occupied in residential areas. The owner lives in the home so if there is a raucous party going on, you don't just get a call, you'd hear it. As far as affordable housing, the revenue that a young couple could make with that business, and it is a business. They have to wash sheets, clean the room, make a good presentation, entered from the house inspected by the Fire Department, off-street parking. All of those requirements gets them that revenue and home ownership without having to sell a kidney. He has never had a complaint, his next door neighbor is a licensed AirBnB and he never noticed anything. There was never any problem. **Mike Haycock** stated that is completely up to the Commission if that is the direction you want to go. Councilmember Mike Scott's letter is regarding what he sees as problems, like parking and where toys are stored. Short Term Rental doesn't have anything in the ordinance for parking for that type of use. If that is direction you

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want to go, let's go through the Short Term Rental Overlay District and look at parking requirements. Maybe for the first 1000 feet you need two stalls, and one for every 1000 feet after. If you want to keep Short-Term Rentals then let's do a comprehensive look at the ordinance. **Chairman Dave Robinson** stated that his last neighborhood they had four rentals. He could have cared less and there was never a problem, but the City doesn't gain any revenue. That is the ridiculous part. **Commissioner Doug Clifford** stated he would not like to see us get rid of this. It has been a cottage industry and he thinks you get less issues for the Short Term Rentals in family communities than a whole block like Arcadia. Those are just there to party. Owner occupied should be a requirement in residential area. We can talk about trash cans in the ordinance like Mike Scott wanted us to. He has grandkids that are doing this. They live there, and are renting their basement while they go to college. **Mike Haycock** stated Hurricane allows x amounts of permits. **Commissioner Bob Morris** stated it has to fit. It takes effort to do this. It is a business. And no street parking from 2-5 am. No parking on the street. You can get a one night pass from Police. Let's get the cars off the street. **Mike Haycock** stated that would be City Council. We talk about how many stalls for that use. **Commissioner Bob Morris** stated we have that already. **Chairman Dave Robinson** stated an RV is like 48 hours for loading and unloading before it is considered parked illegally. **Commissioner Bob Morris** stated that it is not enforced, that is the problem. Only when it is a complaint. If we are going to make a rule, he would like everybody to keep it. **Chairman Dave Robinson** stated this is about property rights as well. **Commissioner Pam Gardiol** stated she lived in an area where there were these kind of uses and they were second homes for people and so there was no one to oversee them. If allowed, it should require an owner-occupied license. How is it enforced? **Dale Coulam** stated he would have to question Councilmember Adel Murphy that if this is a business in a residential is that taxed as commercial? **Commissioner Dave Robinson** stated that is home occupation. You can have those anywhere. **Dale Coulam** stated he would have to look that up to see if it meets a definition of in home business rather than Accessory Dwelling Units. **Mike Haycock** stated that usually if there is an impact on the community, that is when you look at business licensing. The State is trying to do away with in home licensing. If there is no impact on the community, you don't even know it is there. We get very few calls on in home businesses. There is not a problem with in home businesses in itself but Short Term Rental may be a bit more impactful on a neighborhood. **Commissioner Bob Morris** stated that he sent a letter to everyone within so many feet of where he was operating and he had to come to the Planning Commission for approval. Commissioner Doug Clifford stated that a bed and breakfast is different than nightly rentals. Maybe we need to look at merging the two. **Chairman Dave Robinson** stated we would rather have it stay and have it as a licensed thing you can do within the City. And if you get caught doing it and you are not licensed, you get fined and there are repercussions on that. Then at least there is revenue for the City on that. **Commissioner Doug Clifford** stated it would be better to do licensing on an individual licensing than an overlay. We don't even know how many rentals we have because they aren't licensed or reported through the City. **Commissioner Pam Gardiol** stated that she will wait until next meeting to make comment. **Mike Haycock** inquired would you want to put things in the zoning ordinance that the business license would refer to? Like a spot in the table of uses for parking requirements for Short Term Rentals? **Commissioner Doug Clifford** stated HOA still trumps our ordinance if they do not want Short Term Rentals in their subdivisions. **Dale Coulam** stated as far as licensing you can control that and if you get into parking and all those issues, you may want to keep it in zoning. Minimum, our Short Term Rental Overlay needs an overhaul and see if it

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needs to overlay a whole area. Right now there are two different design requirements. There is a Multi-Family project approved that had an overlay. They can technically do Short Term Rentals and have the zoning for it, but once they select design guidelines they go by, they have chosen. They can't design as a non Short-Term Rental Overlay and then decide to rent them out nightly. They would lose their overlay. It needs to be fine tuned. **Mike Haycock** stated he may need a month, but we will bring it back. But it sounds like you would want this for individuals, not for neighborhoods. **Chairman Dave Robinson** stated open for individuals to do this, yes.

K. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for May 17, 2022, May 31, 2022, and June 14, 2022

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for May 17, 2022, May 31, 2022, and June 14, 2022
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

4) REPORTS
A. Planning Commission
B. Chairman
C. Building and Zoning Administrator, Mike Haycock
D. City Attorney, Dale Coulam
E. Items to be placed on future agendas
5) ADJOURNMENT

MOTION: Commissioner Bob Morris moved to approve ADJOURNMENT
SECOND: Commissioner Doug Clifford
VOTE: The motion carried.

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

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