IVINS CITY
PLANNING COMMISSION
MINUTES
August 16, 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 Pam Gardiol, Commissioner Doug Clifford, and Commissioner Derek Larsen.

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

Audience Attending: James Barden, Chris Haddad, Helen and Dean Cavaletto, Angela McVey, Lance Anderson, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Chairman Dave Robinson

C. Invocation--Chairman Dave Robinson

D. Disclosures--No conflicts.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Concept Plan Report for Desert Cliffs Subdivision, located at approximately Kwavasa Drive, between Center Street and 450 North. Kayenta Development, Inc-Owner. Lance Anderson-Applicant.

Mike Haycock stated that Desert Cliffs Subdivision is along Kwavasa between 450 North and 200 North along the ridgeline. Sensitive Lands will review this application before the next time we meet to determine if they need to meet those requirements. There will also be an application brought forward for lot averaging. We will see that on the next agenda. **Commissioner Derek Larsen** inquired if we can procced before Sensitive Lands looks at it? **Dale Coulam** stated that this is just a report. We tell them the process they need to go through and that starts with Sensitive Lands. That helps them to develop their Preliminary Plan. **Commissioner Pam Gardiol** inquired other than Sensitive Lands what other issues were reviewed? **Mike Haycock** stated that we go through those details at Preliminary Plan. Engineering gave them items to work on for the Preliminary Plan and Sensitive Lands will look at that ridgeline. No other items or details are reviewed at Concept Plan. **Chairman Dave Robinson** inquired if on the other side of that ridgeline was the new reservoir? It shows as the blue area on the zoning map. **Mike Haycock** stated yes.

Commissioner Doug Clifford stated that a plan for the lots is not really required at this point in time. They are just looking for any issues they may need to be aware of.

3) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on the Moderate Income Housing Plan, an element of the General Plan.

Mike Haycock stated that this paragraph is what we wrote two weeks ago and that is what we are requesting comment on. **Commissioner Pam Gardiol** inquired if Mike Haycock could provide some context? **Mike Haycock** stated we are required by the State to amend this portion of our General Plan and we have worked the last few months on the language and we are presenting this to the City Council to move it forward to the State for our report for the year on Moderate Income Housing. **Chairman Dave Robinson** opened the Public Hearing. Scott Raine

checked Zoom and one hand was raised. Lisa Ganz inquired on Zoom that she wanted to see if before moving this to City Council if we could get detail from Staff on what has changed in the documents that need to be submitted to the State? There is a State form and strategies and goals that were previously submitted to the State. What is different than what is being proposed in that paragraph? She understands that it is important to get the form sent to the State and have a Public Hearing at the Planning Commission as well as the City Council to approve it, but if there is an urgency in submitting that form, then why are we not reviewing that format? Also, if there are changes in strategies and goals that we submitted why are we not continuing with those goals? If we are, that is great, but it is not clear in the documentation. If we are changing strategies, why? She just needs that clarification. Hearing no other comments, **Chairman Dave Robinson** closed the Public Hearing.

B. Discuss and consider recommendation on the Moderate Income Housing Plan, an element of the General Plan.

Mike Haycock stated City Council doesn't approve the form. It is the ordinance itself and so we are working on that ordinance that satisfies that State requirement. He has been through the form and there is some training on September 27th that gives us guidance a few days before the report is due. If we accomplish everything we will have that complete. The report will be done by Staff and sent directly to the State after Planning Commission's recommendation to City Council. They will make any changes if needed and give it back to him as an ordinance and plug those chosen strategies into the report. **Chairman Dave Robinson** stated we were given a list of a bunch of different strategies and asked to come up with at least three viable ones in our area and we did that. This is actually writing our General Plan, which is what the State is requiring of us, and use that information to fill out the form. **Commissioner Doug Clifford** stated that he sent the Planning Commission an email because he took advantage of the Utah League of Cities and Towns luncheon webinar, and it was on how the ARPA funds can be used in a variety of different ways, and it was primarily aimed at large communities and counties in the State. There is a lot of possible money in that affordable housing area that can be tapped in available ARPA funds. The thing he noticed was that we have an item in our list that says we seek to engage with Federal and County agencies, school districts, neighboring communities to address our collective Moderate Income Housing challenges in a way that aligns with the features of our General Plan. So we have that statement in there and maybe this could be a tactic for that strategy in the fact that there is a lot of money available to tap into. It would have to be a fairly major commitment to do something and maybe larger than what our City itself would do. That is something we should deal with but he doesn't know what action to take to move it up to the City Council. The idea that we have funding available is an important one. It may not be an overall strategy or more of a tactic is there is a potential need to get more support of some form of writing proposals and tracking funding on these types of projects and moving us into the big leagues. It would behoove us to have some kind of a meeting with neighboring communities and talk about what their plans are and if they are possibly interested in doing something as well. If we got Washington County involved, we could get a really nice grant for Moderate Income Housing support, through loans, builders, etc. The Mayor has been talking about the potential of annexation of property and turn it into some type of land designation where the City would own the land and others would own the buildings, like HUD housing that could be implemented. We will have to do that with a group. It says larger communities, and 250k is the whole County. When he worked with Weber County Association of Cities they worked with the State on these kind of properties. **Dale Coulam** stated housing here is Five County Association of Governments and they provide us

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with some funding opportunities. Chuck Gillette and Tom Jorgensen are fairly proficient in writing applications. Two million dollars is earmarked working with Congressman Stewart's office. That was approved for Hwy 91 so that can be used for Phase 2 of that project. If we were to join with another community it would likely be Santa Clara because the reserve is on the east side towards St George. We are limited in that way, but BLM land is to the south. We are trying to annex some area for the new public works yard, a park and a new cemetery. We have approached the County about getting some tourism funding for the park, so we are looking at those opportunities. Going beyond that, if the bill by Senator Lee passes, then it will open up adjoining BLM property. There may be opportunity to share in some projects depending on the scope of what is required. We are trying to take advantage of those opportunities and we have been successful so far. There are deadlines associated with the immediate ARPA funds. We have a lot of projects already on the books that need funding because there is going to be a downward trend in funding that we want to avoid any economic crisis for the City. We keep submitting those applications every year in hopes that we get additional funding. We are trying to balance all that. So far we have been successful and have a million dollars in ARPA funds and two million dollars earmarked for Phase Two of the Hwy 91 project, which would take us out to the Ivins City boundary. On Phase One we have gotten quite a bit of Federal and State funding. There is a portion we have to pay. We may be able to use some ARPA funds to finish Phase 1 because expenses have obviously gone up. We are hopeful to get Phase One done, which is paving Hwy 91 to Kwavasa and the trail to the City boundary. Phase Two is to complete the paving to our City boundary and get the Highway in a drivable and manageable state as far as maintenance. It is a lot easier to keep up a good rood that one that is falling apart. We are anxious to get those projects done. In previous years we were given a different list of goals to choose from. Some have changed and we were asked to pick three or more and we have chosen four. They don't match the goals of a prior plan because there were different goals offered by the State to choose from. **Chairman Dave Robinson** stated we have people capable of writing these grants and we also need the Affordable Housing Committee to get going so that they can be looking for these funds. **Commissioner Doug Clifford** stated grants take a lot of time and energy. Until we take on something sizeable we won't see moderate income housing happening. In his prior life, they put a larger housing project on Hwy 89 and it took a couple years to get that project going. We may have to work with other cities to do that same type of thing, like getting HUD approval for townhomes and condos. We are talking right now about objectives. We have those four strategies but below that, we need to show that things are going on. Tactics is where our emphasis needs to be put and we need to have people to work on it. We need to reinvigorate our Affordable Housing Committee to get them involved. This is a big deal for the whole County as well as the State. **Chairman Dave Robinson** stated this is bigger than we can solve. **Commissioner Doug Clifford** stated let's get the action going. They may take years to get done, but we've got to start some time. **Commissioner Pam Gardiol** stated she watched the Utah League of Cities and Towns webinar as well, and we are already doing some of those things. As far as action, are there things we already have in place and will we place milestones to reach to show our progress? Who identifies those, the Planning Commission or the Council? Who implements those? **Mike Haycock** stated that the requirements of 2022 are attached, as well as the 2023 report. That one will be us explaining what we are doing and there will be more questions on next year's report. That is our milestone is to report to the State. Those requirements are off of their website. **Chairman Dave Robinson** inquired if he would like us to have milestones within our Commission? **Mike Haycock** stated that three of our strategies will

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take an agenda item to accomplish those over the next year. We will have action items added to agendas on all three of those items. The fourth one is an interagency goal which doesn't come in front of Planning Commission. That will be a City Council and Mayor and Staff action. **Commissioner Pam Gardiol** stated that there is an accountable body to identify those milestones like Council or Commission so we can see our progress. **Mike Haycock** stated the General Plan is a cloud and we will look at it and make a recommendation to the City Council. We don't know what that outcome is. The milestone is to put it on an agenda, talk about it and present a plan. How those milestones are received in the next year he doesn't know. He is aware and knows he needs that done over the next year. **Chairman Dave Robinson** stated that within those guidelines we need to develop how we plan to accomplish it. **Mike Haycock** stated that is the last paragraph. We can change it if you like to add that we will put those items on agendas. **Commissioner Doug Clifford** stated that this discussion is out of our wheelhouse. We can throw it out there and make some suggestions, but the Mayor and Staff decide if we implement it. All we can do at this point is recommend they consider our feedback and put some accountability in. We just need to make sure we do what the law says. We need to push this up the hill and they will see if they have the staffing to do that. **Chairman Dave Robinson** stated we are approving the verbiage that goes into the General Plan and that does not give us the actual line by line process of how we are going to do it. That does not go in the General Plan. **Commissioner Pam Gardiol** stated that in the 2022 report it will say that we are compliant with the plan and a direction to follow through. **Mike Haycock** stated that 2023 is the milestones. **Commissioner Pam Gardiol** stated the General Plan doesn't lay out what those milestones are. As a guide to the report though, are we good on these so that whoever is accountable at establishing those milestones has what they need in order to move forward? **Mike Haycock** stated that we are doing this for the State requirement. After those public meetings we can open this again for tweaking but we have to maintain the goals in there. For now, this is just saying we are going to comply. That needs to get passed on to the City Council. **Chairman Dave Robinson** stated the biggest thing here is out of our hands, and that is we need an Affordable Housing Committee as soon as possible. That is where the milestones and planning will come up. **Mike Haycock** suggested that when the Commission reports, let them know you are concerned about that Committee and that you would like it up and running again.

MOTION: Commissioner Doug Clifford moved to approve recommendation on the Moderate Income Housing Plan, an element of the General Plan.
SECOND: Commissioner Pam Gardiol
VOTE: The motion carried.

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

C. Public Hearing on a Proposed Amendment to Chapter 16 of the Zoning Ordinance regarding Short-Term Rentals.

Mike Haycock stated that this is a repeat from two weeks ago. We are taking out the ability for a property owner to make application for a Short Term Rental Overlay, but keeping the standards to enforce the properties with that zone that already exist. **Chairman Dave Robinson** stated it is a dead zone. There are two already out there, but no more will be available. He Opened the Public Hearing. Hearing no comments in either the audience or Zoom, **Chairman Dave Robinson** closed the Public Hearing.

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D. Discuss and consider recommendation on a Proposed Amendment to Chapter 16 of the Zoning Ordinance regarding Short-Term Rentals.

Commissioner Derek Larsen inquired what zone was it allowed in? **Dale Coulam** stated it can be an overlay on any residential zone. Encanto shows Resort Mixed Use on the Land Use map but Resort Commercial on the Zone map. There is one on 800 South where we have seen a multi-family project proposed and larger parcel across the street with the same owner for the time being. The parcels that have the designation currently would have that ordinance available as a legal non-conforming use and would no longer be available. **Commissioner Doug Clifford** inquired that if we take out that overlay concept overall for the City, where do we state that individual residences can apply for short-term rentals as a business in the verbiage? **Mike Haycock** stated that you can say you want a business licensing program as part of your recommendation but it is not in Chapter 15 or 16 or the Zoning Ordinance. It can't be developed at the Planning Commission level. If you add it to your motion then it would go forward that way to the City Council. **Dale Coulam** stated that would be part of Title 4-Business Licensing. You suggest it, and if City Council agrees with you they will repeal the Short-Term Rental Overlay and add language to business licensing. **Commissioner Derek Larsen** stated we should reopen the Public Hearing with that clarification of our intent to allow them as businesses. **Chairman Dave Robinson** reopened the Public Hearing. Scott Raine stated he had one hand raised on Zoom. Michael Cook stated he lives on Padre Canyon Drive. He was confused about the information about what this amendment proposal was. Does this now alleviate a developer's ability to use a Short-Term Rental Overlay? You know which development I am referring to. **Chairman Dave Robinson** stated yes that would eliminate that as a nightly rental overlay, but Resort zones still can. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing. **Commissioner Doug Clifford** stated he would encourage City Council to make these the same type of classification as a Bed and Breakfast home-based business with the same regulations, oversight and ability to do licensing fees. This may be revolutionary. This is a hot topic. This may be the solution. This may be practical, feasible and enforceable. **Commissioner Pam Gardiol** suggested this be split into two motions where they are deleting an element and creating a new program. **Chairman Dave Robinson** stated that this is just a suggestion to City Council. We don't have the ability to create that. He is comfortable with combining them into the same motion. **Commissioner Pam Gardiol** voted nay because of the business licensing portion being included.

MOTION: Commissioner Derek Larsen moved to approve recommendation on a Proposed Amendment to Chapter 16 of the Zoning Ordinance regarding Short-Term Rentals and that City Council create a business licensing program.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Falcon Park Final Plat, located at approximately 225 East and 800 South. Kevin Peterson and Jared and Megan Bringhurst-Owner/Applicant.

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Mike Haycock stated that this is a two-lot subdivision that is trying to make their parcels legal conforming. They are located in between Country Villas and Country Place subdivisions. TRC has reviewed this plat and recommends approval. There are two residential single family dwellings that are already in place, and a detached building. That is why everything lands where it does. **Chairman Dave Robinson** stated we are basically creating a flag lot. **Commissioner Pam Gardiol** stated that she is concerned that the TRC review report is not provided with what is being reviewed and whatever the discussion is. She would like to refer back to the Utah League of Cities and Towns meeting when the State Office of Planning and Budget discussed that government should have transparency and public accountability ensuring trust in all levels of government. She receives phone calls and emails of frustration of not having enough information to review and those documents belong to the people. She would like to request more substantive discussion in these reports and what is reviewed at TRC. **Dale Coulam** stated that just as a formality, and Commissioner Pam Gardiol already knows this, but this application does match the Preliminary Plan. That is really our final test. TRC is a Technical Review Committee that is an administrative staff meeting that is not an open meeting. The public is not invited to those meetings. A lot of detail notes on plats that we do not report to this body because they are conversations between engineers. To be fair, additional information on the Preliminary Plan when Mike Haycock presents is in order. **Commissioner Pam Gardiol** stated that she would appreciate that for the Commission to make a more informed collaborative recommendation that is then passed on to the Council. She looks forward to that moving forward.

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

SECOND: Commissioner Derek Larsen

VOTE: The motion carried.

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

B. Discuss and consider approval of Kwavasa Phase 2A Final Plat, located at approximately Evening Star Drive. Kayenta Development/SITLA-Owner. Lance Anderson-Applicant.

Mike Haycock stated that this is a three lot subdivision on Evening Star and it is abutted by similar RE-43 zones. The drainage easements that have been added. TRC has reviewed and recommends approval.

MOTION: Commissioner Derek Larsen moved to approve Kwavasa Phase 2A Final Plat, located at approximately Evening Star Drive. Kayenta Development/SITLA-Owner. Lance Anderson-Applicant.

SECOND: Commissioner Pam Gardiol

VOTE: The motion carried.

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

C. Discuss and consider approval of Posovi Phase 3I Final Plat, located at approximately Talatawi Way. Kayenta Development-Owner. Lance Anderson-Applicant.

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Mike Haycock stated that this is a single lot subdivision in Kayenta which is RE-43. It is a two acre lot and TRC has reviewed and recommends approval.

MOTION: Commissioner Pam Gardiol moved to approve Posovi Phase 3I Final Plat, located at approximately Talatawi Way. Kayenta Development-Owner. Lance Anderson-Applicant.

SECOND: Commissioner Derek Larsen

VOTE: The motion carried.

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

D. Discuss Land Use Section of the General Plan.

Mike Haycock stated that he has asked other departments to look over areas of the General Plan that they are over. Thursday there will be a meeting to see the direction of the General Plan and what they will have us look at. You will be the recommending body of the Land Use portion of that General Plan. That will most likely be the Land Use section of it. We can open up that discussion, and then when City Council makes a decision on the direction they are going after their presentation on some options they can do, we will have more scope. We can start there. Recommendations and ideas in that area will be helpful. The Land Use is a big part of it. We can look at the different elements and chapter headings and see where we want to focus. The first part is statistics and Chuck Gillette is working on some impact fee studies for his own master planning so he was already getting those numbers together so we can update that information. That will tell us what our demographics are and how it has changed since the last General Plan update. This will be the master draft and where we will see those changes. Page 26 has their recommendations on the Moderate Income Housing section and the cross-outs are there already. We have Residential, Moderate Income Housing, Commercial and Business as headings so we just need to decide if we like those or want to change them. Benny Sorenson will work on Parks and Recreation's recommendations before we spend time on that. It talks about the municipal campus, public square and agricultural. Commercial and business may be able to be combined. The campus portion, with this building being built, it could be deleted or merged. He doesn't have a lot of recommendations for these chapters and would like to hear from the Commission on where to focus our attention. **Chairman Dave Robinson** stated that where it says "as Ivins City grows to a projected buildout population of approximately 20k people," he thinks there are more and more people staying here to work now. We have the resorts that will employ people, the University medical school. We are not just a bedroom community anymore. **Mike Haycock** stated you could start out your survey with what kind of commercial would you like to see in Ivins? Haircuts, computer repair, etc. We may see they want more small businesses rather than big box stores. **Chairman Dave Robinson** stated he looked at Davis and Weber County's commercial and in some areas they had huge scale projects. A walkable community is businesses that can support that like small clothing stores, restaurants, haircuts etc. We aren't putting a Wal-Mart here, but we need a full range of different shops to make it a true walkable community. What commercial do we want in Ivins? **Commissioner Derek Larsen** stated that the original Plan talks about Resort Destination and there is not a lot of commercial left in the City. Do we want to change courses? For the most part, we are a resort destination community. That is where we are at. There is not a lot of commercial land to do much else. Hopefully the promenade at

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Black Desert will add to that a bit. **Chairman Dave Robinson** stated that the Mayor has a vision for the piece of property west of Vista of a commercial/residential combination there. **Commissioner Derek Larsen** stated it would be hard because of height restrictions there. That would be his concern is making it fit the community. We are so far down the road with resort community that we need to own and enhance that. **Commissioner Pam Gardiol** stated we need to look at who we are as a community. Are we still resort and are the developments we are creating still in alignment with that? Are we looking to evolve into something else that commercial would align with? We can talk about it, but final recommendations would make sure all parts align. To ask what commercial we want to see in Ivins needs more context in which we say is this the community we are and what are the commercial elements that relate to that? **Chairman Dave Robinson** stated that we talk about annexation in the near future that opens up potential residential and commercial areas that we would want this to flow with so we grow consistently. **Mike Haycock** stated in our Moderate Income Housing plan we moved forward the idea of a Mixed use along transportation corridors. There are inconsistencies in a General Plan. We can't satisfy all portions of it, but that would be an inconsistency if you have a Mixed Use and not recognize Commercial in that Mixed Use. **Commissioner Pam Gardiol** inquired if we have looked at the Table of Uses based on the zones that we have? **Mike Haycock** stated the Table of Uses are consistent with the General Plan with what is allowed in the zones. Resort Commercial and Resort Mixed Use are really close to each other in what is allowed. As we develop the General Plan, we will look at the Table of Uses at the same time and make any adjustments. We can have that discussion after we review the General Plan and make sure the Table of Uses meets the direction we are headed. **Commissioner Pam Gardiol** inquired if we are asking what kind of businesses does the City want, do people also need to be aware of the Table of Uses for context? **Mike Haycock** stated if you want to limit it to what is in the Table of Uses. Let's get ideas and see if the Table of Uses matches with those visions of the future. **Chairman Dave Robinson** stated major manufacturing is what we would avoid. No more automotive shops. **Commissioner Doug Clifford** stated that the one thing that is missing in the General Plan is a section on the challenge of our community to fund itself. There is no financials in the General Plan and you could argue that it is in the budget. The discussion about what we want for commercial needs clarification to give an idea of what kind of revenue stream we need to keep the City running. We have been living on new development for at least the last 10 years. We have to look at the next phase because we will approach buildout at some point and then the funding from growth won't be there. Growth means more streets, sewer, upkeep and utilities that all needs to be funded by something. That is a good backdrop to sit behind the plan because all commercial is not the same. We calculate what kind of money it takes to run the City we need to see where it comes from rather than get a position where we have to tax the citizens. That could happen if we don't know where else to get the funding. Some communities are fine with that and live just off of resident taxes. That discussion opens up what kind of commercial we need. When the General Plan was first created they bet the farm and realized we had unbuildable property to west and south and we are not going to build a big shopping center out here in the boonies and decided to emphasize Resort Commercial. What kind of anticipated revenue could we get from things in Resort Commercial? We have seen numbers from Black Desert Resort and Sentierre. If we build commercial around resorts, like restaurants, boutiques, professional offices. If he was doing the General Plan he would start with the money flow and the budget. Then we know what we have to do in our community. **Chairman Dave Robinson** stated that we have seen a drop is residences and a large amount of funding will be

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coming in from Black Desert Resort. We worry about money because if we don't find it other ways, it comes out of the citizen's pockets. He loves that we are a resort community and fund the City on other people's money. **Commissioner Doug Clifford** stated but it isn't free because they need all kinds of services to tour here. **Commissioner Pam Gardiol** stated she goes back to what kinds of commercial we want. What kinds of businesses will help gain that tax base and align with the General Plan so that now we have a context? There is someone coming to City Council to talk about the facilitation of other elements of the General Plan? **Dale Coulam** stated yes Whitney with VCBO, the architects of City Hall, will be here. They have helped St George with their General Plan revision, and depending on the scope of our project, we will then send out a request for proposals for bids and decide who we go with. **Commissioner Doug Clifford** inquired on the timeframe? **Dale Coulam** stated it depends on when Council decides on the scope of work. Then we will prepare a request for proposals and evaluate. **Chairman Dave Robinson** stated so it could be two or three months. **Commissioner Derek Larsen** stated most things in the General Plan are interconnected. It says we will have 20k people at buildout, but do we want a City that big? Do we want more open space, or more people in a smaller area for more affordable housing? Do we want higher buildings in areas where the topography won't ruin views? How many people do we want here, how much money do we need and work backwards on where the funds come from. **Commissioner Doug Clifford** stated doing a good General Plan is like a good business plan. Knowing the finances is essential. We have to fund the needs of our community. **Chairman Dave Robinson** stated that the General Plan reads well now as far as potential businesses we want to go after. It fits with what we have attempted to accomplish and are still doing. Public input will be helpful on this. It speaks of Coyote Gulch commercial area and the Black Desert Resort area and Resort Commercial. Then it goes to commercial policies where it states that the City supports developing pedestrian oriented resort commercial centers on Snow Canyon Parkway. Strip commercial developments should be avoided. That wording needs to be evaluated. **Commissioner Doug Clifford** stated we will do that as we go through the Plan. Right now we need to set up the framework. We need a major look at the Plan. We have morphed the last 15 years as the City has grown. We can see the end and the future is not that far away with the number of open spaces still left and what to do with them. We will wait to hear from the consultant and then have some great meetings with them and talk about what we think is important. **Chairman Dave Robinson** stated getting public input as well. The financials were help as well. **Commissioner Pam Gardiol** stated that the "strip commercial should be avoided" statement speaks to her. The General Plan is a vision and a guide, but a lot of time and energy goes into creating it. What kind of discussion was held as the Canyon Crossing development came to the City? If there is an incongruity with what we are evolving to be because plans change all the time, why do we do something differently than what is in the plan? As we do this revision we have those lessons learned on what worked and what didn't work. She wants more deliberate reference to the General Plan in our discussions. **Mike Haycock** stated that we can add a section on finance. He will start with the Heading and changes will be in red. He will do a new color on what is being proposed. He will talk to Cade Visser. **Chairman Dave Robinson** stated if we just knew what it cost to run the City and what we are getting from certain types of revenue streams. **Dale Coulam** stated that is all public knowledge right now. We used to do a financial trend analysis and now the State makes us report everything to the transparency website. We may want to see where we came from, and what is projected in the next five years. We start that again in January when the department heads go through their list of priorities for the year and then take it to City Council and they set what they agree with. Then Cade Visser

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makes a budget that incorporates those items and if he can't, we put it off to create a balanced budget. We can put that in an understandable form and graphs to show that trend. We can work on it. It will take some time to put together but he can include it in a report. So far we have come in under budget every year and our department heads work very hard with juggling the needs with what the budget allows. It is good for the public to understand that if they want growth to stop what the consequences would be if it did. If we hit buildout, it resorts back to property tax increases. This year there were ninety entities that submitted for property tax increases. Next year is an election year and we won't see as many property tax increases in an election year. They come the year after. That happens when either growth has stopped or they have reached buildout and didn't put in place other sources of revenue like commercial, transient room tax or retail sales tax, or they put in commercial that doesn't generate tax other than property tax. We will try to get you that financial information.

E. Discuss Ivins City Building Heights.

Mike Haycock stated that basically we have two heights in the ordinance, 35 ft in commercial areas, and 25ft in residential neighborhoods. City Council wants us to look at possibly lowering heights and if they meet our design guidelines, they can get some height back in a development agreement. This is being opened up for recommendation on what you would like to see building heights look like. There are some view corridors in Ivins that have different height requirements if you want to look at amending those regulations. This would be on new subdivisions going forward. **Chairman Dave Robinson** stated that the new State law wants to take this away from the City so it has to be done by development agreement. He railed against the color but it is still up for debate. **Commissioner Doug Clifford** inquired what is the pending State regulation? **Chairman Dave Robinson** stated that it is not pending. Cities are no longer able to control height. Is that correct? **Dale Coulam** stated it was general design guidelines of the City. Height was not called out, so that is what is being incentivized /to have builders follow the City design guidelines. These guidelines have been in place for quite awhile. Are you comfortable with 25 ft for single family residential? Do you want to adjust heights or do you think they are too high or not high enough or do you want to use height as a way to incentivize people into a development agreement? People that don't mind signing the development agreement like what Ivins has done throughout the City. There are a couple of ways to approach this. Resort Mixed Use is 35 ft. On RM-Multi family it allows increases as you go into the interior of the project. 18 ft is in sensitive lands. **Commissioner Doug Clifford** stated we need to think about being able to set guidelines, but the design guidelines kind of move into HOA regulations. They have their own set of rules. They can be a real incentive for developers to build because they want things low. That is a valuable thing for the height. The State doesn't want cities to regulate it. They want individuals to choose. **Chairman Dave Robinson** stated the State's point was property rights. **Commissioner Doug Clifford** stated except when you move into an HOA. **Chairman Dave Robinson** stated what can we do to incentivize? What are we giving for that. **Dale Coulam** stated that color is an example that the State said we couldn't regulate outside of a development agreement. Is it right or wrong to use height as a tool to agree to the colors that have traditionally been in the City's guidelines? The other more pure approach is just whether you agree with 25 ft and 35 ft or go higher or lower regardless of an incentive. **Commissioner Pam Gardiol** inquired wasn't there an issue about asking developers to comply with our design guidelines, that they were being coerced? **Dale Coulam** stated some people felt that was what we were doing because we require a development agreement on every subdivision. It used to be that only phased subdivisions had development agreements, but then we ran into other issues where it

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was nice to have a document on exactly what they could and couldn't do, like what infrastructure was required to be put in. It was documentation we could go back on, on any subdivision. It has been seen by some that was coercion. The initial draft says the developer agrees to abide by City design guidelines. He separates those guidelines out so that they can address them. If they want to negotiate they are free to. **Commercial Pam Gardiol** inquired that we would ask to lower the heights and if the developer make these concessions they can raise it? **Dale Coulam** stated that is the incentive theory. The more intrinsic approach is what should the height be? If they are fine, is it okay to incentivize or coerce people to agree to certain design guidelines? Is that right or wrong? It is your recommendation. **Commissioner Pam Gardiol** inquired that the numbers are based on what? Is it just the personality of the community at this point and a different height would be an unwanted variation? What is the measure of success? **Chairman Dave Robinson** stated that in 25 ft you can squeeze a two story in. 18 ft is a single level home with high ceilings. Do we need to raise them to give people more ability? Do we want to lower them to be sure they stay single story? **Commissioner Derek Larsen** stated that residential allows for a variety of housing types in attractive functional neighborhoods to meet the needs of all income levels. Do we want a blanket statement across the City or do you want sections that are single story and 18 ft? Do we want sections of the City where we can go 25 ft? My house height is close to 25 ft and the color fits with my neighborhood. It is not a bad thing to go to different areas of the City and have a different type of home. Maybe we could look more along the lines of overlays to have height flexibility. For affordable housing, the more doorknobs you get on a property the better and the way to do that is to go up. Down by Ryder's they can go four stories and not have it affect anyone's view. He thinks there is a better way to approach it than just a blanket statement. **Chairman Dave Robinson** stated so a type of incentive or zoning. **Commissioner Doug Clifford** inquired why? Is the assumption that if we free this up, it would change what is being built? Would we start to see taller houses? What is the reason for opening this up? He doesn't know that is what people would do. Lance Anderson stated that it got put on the agenda because we have cities like Park City and Springdale that have always had these guidelines. We have a new house on Kwavasa that is pure white and everyone asks how that happened. It is being brought forward so that if someone wants a low house, they can have their color. To meet the standard we have now, they have to obey certain guidelines that we have had since about 2008. Every HOA has four sides on it. It isn't the people in that HOA, it is the neighbors that have to look at it outside their HOA, or what comes afterwards. People move to cities because of those guidelines because there is value in it. How can we get more height in areas that can use it, without affecting what we are trying to accomplish? Once you open up the gate, people are willing to raise 35 ft to 45 ft to get another layer on top of a townhome. **Commissioner Doug Clifford** stated if we are worried about affordable housing, somewhere in our community we need some height in order to get those doorknobs. Lance Anderson stated that affordable housing is a relative term. Because of restrictions, our town has changed and it is a different demographic here. We have to be careful. It is a slippery slope. We have worked a lot of years to make it valuable. One building changes the way a neighborhood looks and feels like. **Chairman Dave Robinson** stated that on the white house, he went and spoke with people in that area. The people that don't like the house we will hear from and others that could care less, won't say a thing. We can't worry only about the minority that complains. He likes both ideas to zone areas at different heights for affordable housing. Then it would less affect those that bought their homes for the view. **Mike Haycock** stated that we have an overlay for height. We have a viewshed from Snow Canyon Parkway. It is also in our High Density areas

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that there is a 10% density bonus if you keep your buildings low. If the whole project is lower he believes it is a 25% bonus. They put taller buildings into the center so that is a way of getting more density without taking away view corridors. **Chairman Dave Robinson** stated if they do the whole project, they get more density. We could change that. **Mike Haycock** stated that the houses are closer together, but not as tall. **Commissioner Derek Larsen** stated heights have been fine. There may be buildings we have put in wrong spots, but there is nothing wrong with the way they are listed. Maybe we could just do some overlay districts to preserve views. **Mike Haycock** stated there is also a special exception for heights if warranted that allows buildings to go higher. If we are fine with where it is at and with that exception process, we can move it forward as-is, as a recommendation. **Chairman Dave Robinson** stated exemptions to maximum height limitations can be approved by City Council as an alternative. **Commissioner Pam Gardiol** stated she concurs with Commissioner Derek Larsen, and the General Plan says we want to maintain the unique and strong sense of place and individual identity for the City and the height we have now is consistent with that sense of place and identity that we want for Ivins. **Commissioner Derek Larsen** stated as an example, Black Desert Resort wanted a height exception so they flew a drone out there for us to watch from street level and see how it would affect views, and because of the topography of the land, it made sense and he voted in favor of it. **Chairman Dave Robinson** stated so we want it to stay as it is. **Commissioner Doug Clifford** inquired if the exception is an overlay? **Mike Haycock** stated it is along view corridors. You are limited to 25 ft unless you are commercial. It cuts the height down the closer you get to the street. **Dale Coulam** stated it is a 15 degree view corridor, and the buildings can't break through that 15 degree line. This agenda item was requested by a councilmember and it would have to go to Public Hearing before recommendation. The concept is whether you want to incentivize other design guidelines as opposed to being free of those. We already do a density bonus where if you comply and lower your height you get more density. We are already doing a form of incentivizing what we want. **Commissioner Doug Clifford** stated maybe we look at affordable housing and see how it would affect the views of people. **Chairman Dave Robinson** stated that the largest portion of land on Snow Canyon Parkway is commercial and it would have to meet the view corridor. **Dale Coulam** stated if you are building 35 feet on Commercial there, it would be set back 100 feet. Rocky Vista University had read our ordinance so we didn't have to push them back. They had a parking area in front and it was not visually distracting with landscaping and a nice entrance off the roundabout. It is set back 100 ft. There is a legal question that comes up with doing that. Are we taking property rights away or is severely restricting that a taking? **Chairman Dave Robinson** stated that is a lot of square footage that could be used and be rented. If you build commercial you are losing a lot of land there. Although it could be parking. **Dale Coulam** stated they still have a use. It is a parking lot all along Snow Canyon Parkway. Is that what we want? Is that the vision of the General Plan to have a huge parking lot out front? Would you prefer underground parking and the buildings up closer? Can we see the red mountain every step of the path? Can there be brief interruptions down the corridor so we can see the view? **Chairman Dave Robinson** stated be careful what you ask for. You will get it. **Commissioner Pam Gardiol** suggests we do lower the height and let the public respond to that, with the intent that the bonus is available in the development agreement and see what happens. **Dale Coulam** stated for an example, what if it is one of our builders that already intended to fully comply with our design requirements but they want to do their 25 ft homes as in the past? He has now been penalized and we have taken away a property right he had before. Is that fair? He is trying to express the instructions and ideas he was given at City Council. He is

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trying to accurately describe why this is on the agenda. **Chairman Dave Robinson** agrees with the heights that we have and he doesn't mind looking at incentivizing density bonuses. Color is not something he would discuss as an incentive. Affordable housing means going upward is the only way to do that in many cases. **Mike Haycock** stated we will have a Public Hearing and have a recommend or no recommendation and vote and then the City Council wants to deliberate. **Commissioner Derek Larsen** stated there is nothing wrong with heights the way we have it but he would be willing to look at increased height in Multi-Family areas of the City where it makes sense. It should not be tied to color at all. That is a matter of preference. There is a reason that neighborhoods have CCRs. They get the development they want. **Mike Haycock** stated is someone comes along the Santa Clara border and wants to build a four-story with parking garage below. It would be 50 ft and there is a special exception that we can look at already. In the name of moderate income housing you could get a willing developer and the Council saying it is a good place for height. **Commissioner Derek Larsen** stated it goes back to CCRs. People that are upset at the house in Kwavasa should be upset with the developer. He has a modern house in his neighborhood and he thinks it is great because it is a very diverse neighborhood. It is all about CCRs and what you want in that neighborhood to keep things looking nice and congruent. There is room in this City to have different styles of houses in his opinion. **Commissioner Doug Clifford** stated that if we are talking about height for Multi-Family anytime soon, we should talk about it then and tie it all in one fell swoop. Leave it as it is for now. **Chairman Dave Robinson** stated we will have a Public Hearing next meeting.

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for August 2, 2022

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for August 2, 2022
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

5) REPORTS

A. Planning Commission

Commissioner Pam Gardiol stated that she attended the last Council meeting and the Mayor discussed issues coming down from the State legislature and he looked at me directly and directed the Commission to look at communities like Moab, Springdale and Park City to look at some way to counter these items from the State. **Dale Coulam** stated that those same communities were mentioned tonight but there was no desire to study their ordinances on height. It was suggested to move it forward to Public Hearing as-is. It has already been discussed. **Commissioner Pam Gardiol** inquired how we can get something to take to State legislature to show them that we are a different community like Moab and Springdale and that some of these restrictions don't relate here? To follow up on the Mayor's directive, do we need to research what they are doing to be able to counter height restrictions for unique communities? **Chairman Dave Robinson** stated it goes back to property rights. It won't matter if you live in Moab or Timbuktu, those cities will have to do the same thing and concede to the State. **Dale Coulam** stated it is not a statutory role of the Planning Commission to lobby the legislature. You are free to do it individually, but not a formal recommendation in any statutory

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role. City Council can also pass a resolution on their own. The role of a Planning Commission is clearly defined. The Mayor is addressing a legislative function to change a law and consider a special exception for the City. That is a City Council role, not Planning Commission. That is lobbying and legislative. **Chairman Dave Robinson** stated it is really a moot point because of the State's viewpoint on property rights. **Commissioner Pam Gardiol** stated she would report that back to the Mayor. **Commissioner Derek Larsen** stated we have done that legally through a development agreement. **Dale Coulam** stated the Mayor is saying since we are in close proximity to Snow Canyon and Springdale to Zion that there should be exceptions to these restrictions on design guidelines imposed by the State and so we should bind together with those other cities and lobby the legislature to come up with an exception process for the cities that live near a State or National Park. **Commissioner Derek Larsen** stated we are certainly free to talk to those cities ourselves. When lighting came up he spoke with the people at Moab about the pros and the cons. **Dale Coulam** stated you can contact cities to do that research to discuss our ordinances and design guidelines, that is relevant, but lobbying the State legislature is not the role of the Planning Commission.

B. Chairman

C. Building and Zoning Administrator, Mike Haycock

D. City Manager/Attorney Dale Coulam

E. Items to be placed on future agendas

There are a couple zone changes coming forward and a Public Hearing on height.

6) ADJOURNMENT

MOTION: Commissioner Doug Clifford moved to approve ADJOURNMENT

SECOND: Commissioner Pam Gardiol

VOTE: The motion carried.

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

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