Submitted by: Michael Cook 101 S Padre Canyon Dr. Ivins
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Ivins Public Hearing Sept. 1, 2022
Please add to the public record

SITLA 120 Zoning amendment application 9-1-22

I. Summary of previous speakers
   a. As you have heard OBJECTIVE POINTS of FACT from the previous 7 speakers, you have a multitude of reasons to deny this application for a zoning amendment.
   b. You heard how it does not comply with zoning or the table of uses
   c. You heard how this development does not comply with the General Plan
      i. It does not fall within the envisioned boundaries set forth by the GP
      ii. It does not have the necessary road access required.
   d. You heard about the Public Land Policies and financial pitfalls and cost to the city in the long term.
   e. You heard Data from the Kem Gartner Institute and Granicus regarding short term rentals
      i. The Rizes plan is ambiguous but it calls out densities across the RC Zone that average between 4 – 7.5 du's/gross acre?
         1. The project plan calls for 3 story six plex's
         2. That's up to 45 rental units per acre????
      ii. The tipping point, that with this project, Ivins will have 2258 STR's
      iii. On any given night we could have more transient occupants in our town than full time residents.
      iv. and you heard the studies on the degradation of our quality of life.

II. When I bought my 30-year-old home on one acre adjacent to the SITLA property, The SITLA property was designated LDR (Low Density Residential) in the land use plan and (still is) RA5 as the zone.
I believed that to mean one home (DU) per 5 acres or agricultural.
Now you are considering a change to accommodate a plan that wants 7.5 DU's per acre.

If a duplex can be one du, then a six-plex can be one "du" and 7.5 du's per acre would be 45 rental units per acre. ALSO, 7.5 du's per GROSS acre would be total acres divided by the du's so they are including streets, wash, open space into that calculation? (Increase by 30%?) So this change would effectively be going from one dwelling per five acres to potentially 58 dwellings per acre!?!

Further, I believe the term "Holding Zone" (that you have made relative to RA5) does not exist in the code or table of uses. You can't just make up designations like that. By the same analogy, you could say that RE 37 is a "Holding Zone" for R 1-7.5. You could use that term to change any zoning you want. That is not allowed and is outside the rules of civil governance

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III. You heard about the STR's in Santa Clara, the huge number of occupants and traffic
   i. The only traffic study we are aware of is the one done by the applicant. This is like the fox telling you where your chickens will cross the road. At the very least the applicant's study should be made public. But the real numbers will be contained in a non-biased third-party study
   ii. This Plan will add significant parking congestion to our local attractions.
   iii. There are only 420 spaces in our three primary recreation attractions. People will be driving around looking for something to do, and a place to park.

b. This will change the demographic of this town: I was recently working with a bank manager in St George that told me he used to live in Ivins but moved because of Ivins direction toward STRs.

You heard about Geology, The Chinle formation and the Airport (What gets more study than an airport?) The top engineers got that wrong to the tune of $22 million dollars!
   i. That risk does not go away over time. It is volatile forever.
   ii. The study of this land is old. If this were a residence, a new study would be required.
   iii. What is the city's liability to the impacted neighbors whose foundations heave (destroying their homes) do to the huge excavation, grading and ground water redirection this project will require.
   iv. You heard the example of how a city should protect itself (and it's residents) from these potential engineering and environment disasters with completion bonds. All a developer has to do is declare bankruptcy (again) and move on.

IT IS ENCUMBANT UPON YOU TO ENSURE THAT ALL STUDIES ARE COMPLETED BEFORE YOU APROVE ANY ZONE CHANGE

1. Traffic, Geotechnical, Financial, Sensitive Lands, Envronmental...

IV. There are many studies that show development does not pay in the long run.
   a. Just google "Does Development pay for itself". IT DOES NOT.
   b. What does?
      i. Natural land. The attraction it is. The value it provides neighboring properties. The legacy that is left to our descendants. AT ZERO COST.
      ii. Stop threatening us with property tax increases. Both the Zion Bank study and Cades Holistic 5 year projection show that the current approved commercial entities will more than fund the city. You would actually be fiscally damaging the city by burdening it with this development and all the cost associated with its civil maintenances.

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V. SITLA Wants to be a good neighbor not a reckless one
   a. Their Charter says so.
   b. They don't intend to be a "Reckless" neighbor by being out of compliance with the General Plan
   c. Is it their "Confidence" in Rize or their contract?
   d. memo from Kyle Pasley dated: Sept 28, 2017 under "Transaction Financial Structures: the transaction will be a long term development lease with an initial term of 8 years (notes Lease 1132 was signed in 2017) and two five year extension options."
   e. Are the lofty revenue projections Rize is giving SITLA and Ivins realistic?
   f. SITLA already has billions of dollars, and not a penny from this development will be going to our local schools. It is already earmarked for the University of Utah.

VI. A GENERAL PLAN IS WORTHLESS IF NOT FOLLOWED
   a. The manipulation of the interpretation of the Ivins General Plan gives the appearance of bias in favor of the applicant.
   b. The statement by the City Manager / Attorney in CC Meeting July18, 2022 "That gives us the Horizontal Hotel We Want". This begs the question, Who's "WE"? It's not the constituents of this elected body.
   c. Yesterday you received an email in opposition to this plan.
      That email was made public on the website NextDoor on Monday. In 46 hours, it garnered the signatures of 245 residents. That's just the people who happened to look at that site. And more have been submitted since the cut off to send it to you.

VII. The current Land use designation of this parcel was predicated on an agreement that is no longer valid. It should revert.

VIII. All these points of fact have at the very least created reasonable doubt.

Don't be the Council that goes down in history as the one who did NOT listen to its constituents and moved ahead with what will be a disastrous development for the city of Ivins. There is no going back from zoning changes.

VOTE NO!