Sept 1, 2022

To City Council Members: Lance Anderson, Adel Murphy, Jenny Johnson, Dennis Mehr, Mike Scott

Cc: Mayor Hart, Dale Coulam, Kari Jimenez - FOR PUBLIC RECORD

Re: Presentation for public hearing Sept 1, 2022 agenda item 4) A. Public Hearing on the Planning Commission's recommendation for a Zone Change per the Application and Project Plan

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General Plan p 25 reads: "major resort/hotel/commercial centers are envisioned ON Snow Canyon Parkway near the eastern boundary of the City.

Sept 2019 Patrick Manning partners with James Rose and is the applicant for SITLA 120. In acknowledging that "Access to the (SITLA) property was a huge problem," because of SITLA having NO right to come off the horse roundabout to access their property, Patrick Manning and Black Desert Resort (BDR) commit to an "inter-land agreement" granting SITA access to their property off of Snow Canyon at the horse roundabout (which puts SITLA 120 in compliance with the General Plan). Thus a land use amendment was approved (Ordinance No 2019-13).

Aug 4, 2020 at the Planning Commission Meeting public hearing Patrick Manning, applicant for SITLA stated: "Regarding traffic, SITLA HAS AN AGREEMENT with neighboring Black Desert to access it property from the horse roundabout..." And a zoning change is recommended.

Now Patrick Manning and BDR have terminated the partnership and the "inter-land agreement" with James Rose and SITLA 120. So SITLA 120 reverts back to being land-locked amongst established neighborhoods AND a quarter of a mile from Snow Canyon with no direct access to Snow Canyon. This places SITLA 120 in non-compliance with the General Plan and the validity of Ordinances No. 2019-13 and No. 2020 -10 seems questionable.

With no commercial resort access Rize LLC generates a high level of Ambiguity in their plan to create an accessible route for SITLA 120:

Black Desert Resort has their necessary "sense of arrival" entrance off of Snow Canyon and does NOT NEED the Western Corridor to open and/or operate their resort destination.

SITLA 120 does not have the required "sense of arrival" entrance until Western Corridor is built and the General Plan is amended.

So the concerns that need to be addressed and resolved to eliminate the ambiguity in road access for SITLA 120 are: WHO ARE THE INVESTORS IN THE WESTERN CORRIDOR? WHAT PORTION IS EACH PARTY RESPONSIBLE TO COMPLETE - INCLUDING A SPECIFIC TIME LINE. AND PROOF OF FUNDING/FINANCING APPROVED BY SITLA AND THE CITY.

IF the SITLA 120 project is allowed to move forward without the required resort commercial access where does the extensive amount of heavy construction equipment and construction vehicles enter and exit?

On July 21, 2022 Jerry Miyahara (Rize LLC) indicated that a traffic impact study had been completed by Horrocks Engineering (this report should be available to the public). One of the intersections they studied was Puerto and 400 South AT COMPLETE BUILD OUT. Until then it is most likely that since the majority of the SITLA land is WEST of the wash - 400 South will be used as the access road. Within two blocks WEST of the 400 South/SITLA 120 entrance is the 4-way stop sign intersecting 400 South with Puerto Dr. Puerto is a MINOR COLLECTOR EXISTING. Due to Puerto's CENTRAL LOCATION IN IVINS it currently supports 50 RESIDENTIAL DRIVEWAYS, 6 COMMUNITY MAIL BOX CENTERS, THE MAIN ENTRANCES TO VISTA SCHOOL AND LAVA RIDGE AND THE MAIN FIRE DEPARTMENT. Using Puerto Dr as any part of a construction route should be considered unacceptable, tremendously dangerous and extremely reckless.

A question I have for our city council members is: Are you ready to make a decision based upon the Rize LLC road assessment assumptions - knowing it is not in compliance with the General Plan - and knowing the "inter-land agreement" of 2019/2020 is gone.

To assist in answering that question I am including a statement made by Mayor Hart at the Sept. 19, 2019 City Council Meeting.

"IF YOU LOOK AT THE ZONING MAP THE FAR EAST END OF THE CITY HAS BEEN DESIGNATED AS RESORT COMMERCIAL BECAUSE NONE OF THE TRAFFIC IS GOING TO BE GOING THROUGH ANY OF THE NEIGHBORHOODS."

SITLA 120 is certainly not in compliance with the Mayor's statement. Ivins residents are counting on City Council to heed the words of Mayor Hart and the General Plan and vote "no" on the Planning Commission's "recommendation for a Zone Amendment per the Application and Project Plan."

Submitted by:

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