# IVINS
## CITY COUNCIL
## MINUTES
## September 15, 2022

**NOTICE: This meeting was held electronically and in person. City Hall was the anchor location for the electronic meeting. You may watch the audio and video feed by going to www.ivins.com under "City Council" on the right of the home page and selecting "Audio".**

### 1) WELCOME AND CALL TO ORDER

**MAYOR AND COUNCIL:** The meeting was called to order at 5:31 p.m. and announced there was a quorum present.
All present included Mayor Hart, Council Member Scott, Council Member Mehr, Council Member Johnson, Council Member Murphy, and Council Member Anderson
**STAFF:** City Manager/Attorney Dale Coulam, Building and Zoning Administrator Mike Haycock, Public Works Director/City Engineer Chuck Gillette, Director of Finance Cade Visser, Parks and Recreation Director Benny Sorensen, and City Recorder Kari Jimenez
**EXCUSED:** None.
**Audience:** James Barden, Chris Haddad, Judith Hutcheson, Helen & Dean Cavaletto, Becky & Chuck Warren, Sharon Barton and others who did not sign in.

A. Acknowledgement of Quorum

**Mayor Hart** acknowledged there was a quorum present.

B. Flag Salute

**Council Member Scott** led the Flag Salute

C. Invocation

**Council Member Scott** gave the Invocation

D. Disclosures

**Council Member Anderson** referred to agenda items 5)C and 5)D and disclosed that he is the applicant on those agenda items. There were no other disclosures or conflicts of interest with items on this meeting's agenda.

### 2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. *Washington County Solid Waste District Report - Cheyne McDonald

**Cheyne McDonald** reported that they are working on obtaining grants to help alleviate pressures caused by the growth in Washington County. With the rapid increase in growth, wait times at the land fill are half an hour or more just to get to the gate. They are working on upgrading the system to handle the current traffic, as well as for growth in the coming years. They are restructuring in employment and staging to be in a better position to hire the right people to address the growth. The recycling program is still going as planned. There is a transfer station at the landfill that is sorted and then transferred to Las Vegas. There is a lot of labor and man power that is involved with sorting the material. They need to continue to be good stewards of the landfill and to extend the life of the landfill through recycling. A landfill is not an easy thing to replace and they have to plan on managing the landfill for 30 to 50 years after it is no longer in use. **Mayor Hart** inquired if the recyclable materials market was still depressed? **Cheyne McDonald** indicated that it was and they have to find buyers for the material that are in the United States, rather than overseas.

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B. Department Reports: Building Department; Public Works/Engineering; Finance

**Mike Haycock** reported that residential building is picking up, along with commercial building.

**Dale Coulam** indicated that Chuck Gillette was excused. Copies of the Public Works and Engineering reports are available as attachments to this agenda.

**Cade Visser** reported that revenues are coming in as expected. He reported that the Administrative Service Department has a new employee, Linnsey Wind, who started two weeks ago. He reported that the Auditors will be on-site Monday, October 31st through the first week of November.

C. Planning Commission Report

**Commissioner Robinson** reported that the Planning Commission held a Public Hearing on a concurrent Land Use and Zone Amendment on 31.5 acres located at approximately Black Desert North Village on Snow Canyon Parkway and the future Hamblin Parkway. The Planning Commission recommended approval to the City Council and that will now move forward to a Public Hearing before the City Council. The Planning Commission also approved Final Plats for the Taviawk 9-GG and Posovi 3-J subdivisions.

**3) CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS - None**

**4) PUBLIC HEARING AND ACTION ITEMS**

*Agenda items A and B were removed for further discussion between Ivins City Staff, Southern Utah Home Builders Association and the Consultant. These agenda items will be included on a future City Council agenda

Agenda items 4)A and 4)B were postponed.

*A. Public Hearing to receive input and consider approval and adoption of the proposed Parks and Trails Impact Fee Facilities Plan, Parks and Trails Impact Fee Analysis and Ordinance

*B. Discuss and consider approval and adoption of Ordinance No. 2022-09, an Ordinance of Ivins City, Utah, regarding the Parks and Trails Impact Fee Facilities Plan, Parks and Trails Impact Fee Analysis

C. Public Hearing on the Planning Commission's recommendation to update the General Plan language regarding the Moderate Income Housing Plan

**Mike Haycock** reported that the Public Hearing is on the statistical portion of Moderate Income Housing Plan and draft of what the report to the State will look like as it stands right now. There will also be another Public Hearing on Thursday, September 29th, the plan will then be finalized and submitted to the State. **Mayor Hart** opened the Public Hearing and inquired if there were any attendees on the Zoom platform that requested to make a public comment. **Cade Visser** confirmed that there was no one in attendance through the Zoom application that requested to make a comment. There being no comments, **Mayor Hart** closed the Public Hearing.

**Dale Coulam** explained that this will be on for a Public Hearing on September 29th and that in addition to what has been shown here tonight, there will be additional language included before it is submitted to the State. This is a very rough draft with updated statistical data that is still being worked on but he wanted the public to see what was drafted thus far. The report has to be electronically uploaded to the State. The City wanted to ensure that they are compliant in submitting the report.

D. Discuss and consider draft of updated Moderate Income Housing Plan, including the updated General Plan language

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**Mayor Hart** indicated that Council Member Scott had submitted some suggested comments on the language. A copy of the suggested changes are available as an attachment to this agenda. **Council Member Scott** inquired if they have had time to review what he submitted. **Dale Coulam** clarified that he passed the suggested changes onto Chuck Gillette who drafted the portions that Council Member Scott had phrased differently so it may be good to go through a clean plan and if there are questions, they can show both versions and choose between those, unless Council Member Scott's suggested changes are acceptable, they can use those. **Council Member Scott** stated that he did not know there was going to be another Public Hearing on this at the next meeting so he would like Chuck Gillette to look at his suggested changes. He commented that all of the data in the report was spot on and his suggested changes are wording. **Mayor Hart** suggested that the Council look through what Council Member Scott has provided before the next meeting. **Dale Coulam** suggested that a clean version be provided for the next City Council meeting. **Council Member Anderson** requested that the Council go through what Council Member Scott submitted and go through the terminology. The **Mayor and City Council** went through and discussed what Council Member Scott submitted.

**MOTION: Council Member Mehr moved to continue this discussion to the next City Council meeting**
**SECOND: Council Member Anderson**
**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

**MOTION: Council Member Mehr moved to suspend the rules and bring agenda item 5)B forward to this point in the agenda**
**SECOND: Council Member Anderson**
**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

**5) DISCUSSION AND POTENTIAL ACTION ITEMS**

B. Presentation by the Arts Commission regarding exterior building color (light reflective value/LRV) and discussion

**Mayor Hart** stated that the City Council tasked the Arts Commission with taking the Munsell Book of Color and come back with suggestions as to how this might be incorporated into an ordinance that would govern color, if that's the way the City Council decides to go. He thanked the Arts Commission for all of their time and efforts in putting their recommendations together and thanked them for the time that they put into Heritage Days as well. **Michele Adams** is the Chair member for the Arts Commission and indicated that Ivins current code on building material is written in subjective language and by introducing the Munsell color system, if that is adopted, an Ivins City color template would provide a more objective standard. It was also suggested that the Arts Commission come up with some color zones. The goal was to put the

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focus on the natural environment by setting some color guidance. This is not an effort to restrict choice, but rather an opportunity to choose from a wide range of colors. She referred to two (2) pictures of existing home in Ivins and in looking at those, those are two (2) beautiful homes. One of the homes, when looking at it, the eye goes to the color of the home and then beyond to the hills in the background. When looking at the other home, the eye focuses on the color of the house, rather than the red mountain in the background. If that home was in Miami or the Mediterranean, it would be in harmony with the environment. With that in mind, the Arts Commission came up with three (3) color zones: 1) the Red Cliffs, 2) the Lava beds, and 3) Desert Hills. There is not one page in the Munsell Book of Color that omits color. She referred to a picture of the Red Cliffs and a sample of colors with different reds and yellows. Those don't all sit comfortably with the environment but if you add the template and a home was vertically in that location, the landscape would be noticed more, instead of the house. She referred to a picture of the lave beds and a sample of colors with green, blue, and purple and commented that there are a lot of different colors to choose from and if you add the template, there are still a lot of color choices and a home would still sit in there nicely and compliment the natural environment. **Mayor Hart** commented that every page in the Munsell Book of Color has a range of colors within a certain hue. **Michele Adams** clarified that hue is color and then there is light, dark and intensity. They are trying to use color instead of the light reflective value that has currently been used this is confusing. Color and intensity can be seen in the template that works in Ivins environment. **Mayor Hart** commented that the template is simply extracting those colors that are the most intense or that fall out of the blending. **Michelle Adams** referred to a picture of the Desert Hills area where there are color of green that blend with the sage and the hills and when you add the template, sage green and some darker greens can be seen. The very dark hues were kept because sometimes those settle right into the landscape. She introduced Judith Hutchinson, one of the Arts Commission members that worked very intensely on this. Grays and neutrals are a big thing for people and referred to a photo that was taken near Black Desert and a page of gray values. If a developer chose not to go into the blues, there could still be gray color that would blend in that environment.

**Council Member Scott** inquired how many different templates there were? **Michelle Adams** indicated that there are three (3) templates, not including the grays and neutrals. The light colors were taken off but there are lot of choices. The Arts Commission was mindful that people wanted a choice and harmony and they were not trying to restrict anything. There are over 3,000 color tiles in the book that provides for a lot of choice. It's not just saying more colors of brown. **Council Member Scott** stated that he looked at the book of color and commented that there is a page that has colors of purple. The current Ivins City Code says that all building colors shall be earth tones. He did not consider a purple or green color to be earth tone. Greens are a vegetative tone but seeing the greens there, he saw how that fits. The term earth tones are just so subjective but basically every color that you can think of for the most part is included in the book. **Michelle Adams** stated that was correct. **Council Member Anderson** recalled there being two (2) charts. **Michelle Adams** indicated that the Arts commission thought about that and decided to put a cap on the top and if a person wanted to have an accent color, they could choose to do the house either darker or lighter and it could be used within the template. **Council Member Anderson** stated that he wasn't sure about a purple house but maybe for some accent colors. **Mayor Hart** indicated that if this is moved forward, accent colors would need to be defined. **Council Member Anderson** inquired if further discussion would be held in a Work Meeting. **Mayor Hart** commented that the Council decide

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on that. **Michele Adams** referred to the purple page next to the lava and commented that there is purple in the lava and purple works there. **Council Member Anderson** was concerned about throwing in a mix of colors. **Michele Adams** indicated that would be up to the developer to decide. The developer would look at the zone and choose their color palette. Everybody in that neighborhood would not get to choose from the whole book of color. **Council Member Anderson** was concerned about there being no Development Agreement. **Michelle Adams** stated that exists today and would stay the same. This is for future development. **Mike Haycock** inquired if that included white. **Michelle Adams** indicated that there is a neutral page but it is not bright white, it is more neutral. **Judith Hutchison** stated that any of the pages or colors can be eliminated. The highest and whitest values where removed but could be limited further and there are still a lot of choices. **Mayor Hart** inquired what the Council would like to do with this? **Council Member Anderson** commented that this is for new development but that the Council needs to be careful of the unintended consequences. **Mayor Hart** stated that the object of this, was to come up with a methodology that allows a quick assessment as to color qualifying or not, and being able to use some concrete evidence as to why that decision was made. **Mike Haycock** indicated that moving forward, it would be good to have this written into the Development Agreement, then a contractor can look at what is being suggested. It's easier and could be put into HOA requirements as well. Instead of Ivins City enforcing it, people are choosing to buy into neighborhoods that match the areas. **Mayor Hart** stated that the object is to remove the vague language from the ordinance and replace it with something less subjective. **Mike Haycock** clarified it would be something easier for the contractors to understand. **Mayor Hart** inquired if this was handed off to developers, does it need to be in ordinance form. **Dale Coulam** stated not necessarily because the State usurped the authority of Ivins City on regulating colors. It's only with a Development Agreement that Ivins City can do that. There has been some pushback that says it is a negotiable item but starts out as a draft saying they will abide by City colors, but if developers insist on a color, they can do that under the new State statute. Mike Haycock is saying to bring this up and negotiate as part of the Development Agreement, up front. **Council Member Anderson** inquired if this was for residential only. **Dale Coulam** stated yes, it is not for commercial. It would be beneficial to have it in the ordinance, just for that reason alone, but for residential, the authority for residential has been stripped away from the City. **Mayor Hart** commented that as far as updating design guidelines, that would still be part of the process. **Dale Coulam** stated yes, because it can still be enforced on the commercial properties. If it is put in a Development Agreement, there are a lot of builders that want to comply with Ivins Design guidelines because they came here liking what Ivins is and they want to continue that. There are a couple of builders who want to be more unique but generally there is not a lot of pushback. The pushback is from the individual builder, the homeowner who wants to build on a vacant lot and if there is no Development Agreement in place for that subdivision, Ivins City does not have any authority to enforce color. **Council Member Anderson** commented that the goal was to create continuity and he was worried about the purple and green colors being side-by-side. **Council Member Scott** liked the template idea and thought the presentation was excellent. He needed to wrap his head around the idea of purple, but it was interesting to see it and how it works. This was just a quick presentation and commented that a Work Meeting where the Council could be hands on and publicly broadcast the meeting would be good. Being able to put up the colors with the templates, to see how things fit, would be useful and how they would be written into Ivins design guidelines. There have been problems enforcing the design guidelines but they're still there for non-single family. Those

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could be revised because this is objective not subjective. Currently the Ivins design guidelines still stand for non-single family development and they're extremely subjective and more limited than with what the Arts Commission is suggesting. A Work Meeting would be a good way to test this hands on. **Council Member Anderson** questioned the word non-single family because he understood that it goes all the way through to apartments and condos. **Dale Coulam** wasn't sure where the cutoff was on residential, but would find out. **Mayor Hart** inquired if Michele would take some photographs of the three (3) zones and send them to him so that the Council could use those as a reference. **Michele Adams** indicated that she would. **Council Member Anderson** referred to the Desert Hills zone and inquired what that was located. **Michele Adams** stated it is right where Council Member Anderson is developing. Everyone knows the Red Mountain, Kayenta and the Red Cliffs. Behind there are hills with sage and they have brown and neutral colors. There is a lot there and then the lava beds are a real mix. There is blue and purple in the lava beds. **Council Member Anderson** commented that ironically the lava rock against the black brush is more subtle than the red rock for the walls. It blends and the brightness isn't seen out of the window. **Michele Adams** commented that as a Commission, they drove all over Ivins and have been thinking about color for two (2) months. Springdale uses this and it's not just happening in Utah. **Mayor Hart** indicated that architecture is vertical. When there were no houses here and you were driving into an area like this, it was just open desert. That is all interrupted by vertical structures and the vertical structures present themselves against a vertical backdrop. The point of these areas is that there is in fact a vertical backdrop to the various areas of the City. Those backdrops are what Ivins City is trying to respect. Putting a white house in front of the red mountain all you see is the white house and there is no respect for the natural environment. He inquired if the City Council would like to discuss this further in a Work Meeting. The **City Council** agreed. The City Recorder will provide available dates to the Mayor and City Council.

**4) PUBLIC HEARING AND ACTION ITEMS**

E. Public Hearing on the Planning Commission's recommendation on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding Short-Term Rentals

**Mike Haycock** indicated that the Planning Commission's recommendation on the short-term rental is to completely strike it, meaning that a developer could not request that zone. The requirements for that zone would stay in place because there are existing zones that the City needs to be able to enforce the ordinance. The Planning Commission has recommended leaving the guidelines in place, but removing the ability to request that zone. **Mayor Hart** opened the Public Hearing and inquired if there were any attendees on the Zoom platform that requested to make a public comment. **Cade Visser** confirmed that there was no one in attendance through the Zoom application that requested to make a comment. There being no comments, **Mayor Hart** closed the Public Hearing.

F. Discuss and consider the Planning Commission's recommendation on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding Short-Term Rentals

**Council Member Scott** commented that what brought this up was, there was general agreement that they did not want the short-term rental overlay to continue in residential zones and that is why this is being stricken. In June of this year, he received a lot of input from people of changes that might be wise to make to the Ordinance because the City has design requirements for short-term rentals that were written in 2015 when short-term rentals were a new product. A lot of communities around Washington County have identified problems with short-term rentals. A citizen suggested a lot of potential changes and he put those all together in a memo to the Mayor

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and City Council that he provided this morning. He looked at Washington County's short-term rental ordinance that was passed last year. It only applies to properties in unincorporated Washington County but it has some good requirements as well. Even if the City is going to eliminate the ability to create anymore short-term rental overlay districts, the City currently has a couple of overlay districts that have not been developed yet that could become short-term rentals and thought it would be good to revisit those requirements in the 2015 ordinance and improve upon them where they can. **Mayor Hart** suggested that the Council briefly review what Council Member Scott provided, a copy of which is available as an attachment to this agenda. **Council Member Murphy** indicated that there has been no opportunity to review what Council Member Scott has provided. **Mayor Hart** stated that this could be continued. **Council Member Scott** suggested that the Council could approve the elimination of additional STROs but then address his suggestions at a future meeting. **Dale Coulam** commented that this may need to start over again with the Planning Commission, with guidance from the City Council. **Mike Haycock** indicated that some changes of the changes may need to be addressed in other chapters that are not open tonight. **Mayor Hart** inquired if the Council acts on the Planning Commission's recommendation tonight, does that eliminate any additional short-term rental overlays? **Dale Coulam** clarified that it would if they were outside of an RC zone, so no application for an overlay would be allowed. It would eliminate the ability to put an overlay on a residential development in the City. **Council Member Anderson** stated that if they take this away, they would be doing the reversal of what the goal was when this was put in place. He would like to see residential in an RC zone. **Mayor Hart** suggested that they move this forward and have time to think about what Council Member Scott provided and then bring it back at the next City Council meeting.

**MOTION: Council Member Mehr moved to continue**
**SECOND: Council Member Scott**
**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

**5) DISCUSSION AND POTENTIAL ACTION ITEMS**

A. Discuss and consider approval of expenditure for construction of Contract 22-01 Ivins City Cemetery Grading and Site Improvements project

**Council Member Anderson** recused himself, indicating that he helps manage the company that is the successful bidder. **Benny Sorenson** reported the approval of the contract to start construction on the on the improvements at the cemetery. Staff publicly advertised the request for bids and reviewed the bids. Rhine Construction was the low bidder and staff recommends that the City Council award the bid to Rhine Construction. **Council Member Scott** inquired how much existing space was left. **Benny Sorenson** clarified that there are approximately 13 remaining full-size plots and 30 to 40 cremation plots. **Council Member Scott** inquired how many more this project will add? **Benny Sorenson** stated over 500 hundred. It will be nice blend and have a similar look as to what is there currently. One issue is the rock. The Parks department attempted to dig that soil out of there over to the east but it is just rock and they do not have the equipment to do it.

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**MOTION: Council Member Mehr moved to approve an expenditure for construction of Contract 22-01 Ivins City Cemetery Grading and Site Improvements project in the amount of $177,382.72**
**SECOND: Council Member Scott**
**VOTE: The motion carried.**

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| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | RECUSE |

C. Presentation and discussion on the Planning Commission's recommendation regarding a Zone Amendment from R-1-5 (Residential Single Family, minimum lot size 5,000 sq ft) and RM (Multi-Family) to RC (Resort Commercial) on approximately 9.618 acres located on approximately Guy Lane and Fitness Way. Teancum Properties, LLC-Owner. Lance Anderson/ANA Enterprises, LLC-Applicant

**Mike Haycock** reported that along Old Highway 91 is Guy Lane and Fitness Lane that is currently zoned RM (Multi-Family) at the one end and on the west end, it is zoned R-1-5 (Residential Single Family, minimum lot size of 5,000 sq ft) and the Land Use is RMU (Resort Mixed Use). RC (Resort Commercial) is one of the zones that is allowed in this area. **Council Member Mehr** inquired what the goal was with RC? **Mayor Hart** invited applicant Lance Anderson to explain. **Lance Anderson** stated that if the Ivins City RM zone was more applicable, he would have stayed with that but it's more of how can that land down that is down in that hole, be used so it has some value to it. **Mayor Hart** questioned if the thought was to have a mixture of short-term rentals and residential? **Council Member Anderson** indicated yes. Looking at the whole area, it started in Indigo where it went from RE-15 to RE-12.5 to R1-10 to R1-7.5 to R-5 and then RMU for the land use back when he did the whole plan. **Mayor Hart** clarified for the public that the property is located behind the multifamily that already exists, in the Ryder Automotive vicinity, at the bottom of the slope on Guy Lane. **Council Member Scott** commented that with Resort Commercial which allows short-term rentals, and he was not a fan of short-term rentals, but there is no sort of design requirements for those short-term rentals within the short-term rental overlay district. It just says short term rentals, but it not a short-term rental overlay district or creating so all of the requirements within the ordinance for the short-term rental overlay district doesn't apply. Short-term rentals are just an open box that one could do whatever they want basically. **Dale Coulam** clarified that in order to have a short-term rental, it needs to fit into some kind of a hotel definition, whether that's a regular hotel or a resort hotel, it's commercial. The commercial design guidelines apply so there are guidelines that would have to be followed. They may not be the same as the short-term rental overlay guidelines but there are commercial guidelines that would govern the resort hotel type of use. If the project is in a hole, a developer may try to build a regular hotel that consists of two (2) or three (3) stories. All of the steps would need to be taken to go through a central management and central booking system with amenities, for it to be considered a resort. It's not like one would just put in some homes and have an overlay over that. That is what is being considered to be stricken from the short-term overlay ordinance. **Council Member Anderson** indicated he thought about those concerns and there are some benefits. He determined that they must meet the guidelines for the City because it is a commercial project and they must have a Conditional Use Permit. He also has the same issues that the Council talked about with short-term rentals like the location of

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garbage receptacles, cars and similar. From a City standpoint, the control is the Conditional Use Permit and that must meet the City guidelines. He agreed that there are some things that need to be tightened up in Ivins ordinances. **Council Member Scott** stated that those things are not tightened up yet and that was his concern. It has been mentioned that RM (Multi-Family) doesn't work and would have been preferred. He inquired if that is because two-story is the limit and RC would allow him to build three (3) stories? **Lance Anderson** clarified that the RM zone it is almost the same density as if it were R-1-5. It's within two or three units. Why is there an RM zone when you can get almost the same amount of units for R-1-5? It's 15% and if some amenities are done, it can go to 25% or if they are all kept at a lower height level, they can go to 35%. With 25%, that is approximately 68 units but in different areas, all of that has to be over excavated because of the soils. They would be digging down 18 feet to mix the soils and then bring it back up, which can get expensive. He has been trying to figure out how to make it something that works and it is in his neighborhood so he is trying to be as careful as he can. **Mayor Hart** stated that he didn't hear the answer to Council Member Scott's question. **Council Member Scott** indicated that the question was if it would have been preferred to leave it as RM, is that just because of the height issue? **Council Member Anderson** clarified that it's density and height. Density is what drove it the first time. They might as well build R-1-5 houses there with the same density but that defeats the purpose because those would be in a hole. He has to figure out how to get up the hill and once up the hill, he would like to make the lots bigger like what is in the Indigo subdivision. **Council Member Johnson** inquired how much of the proposed was originally R-1-5 and how much is being requested to be changed? **Council Member Murphy** stated approximately 1/3rd of it.

**Mayor Hart** referred to Council Member Scott and his concern about advancing additional nightly rental units, without much control over them in the way ordinances are currently drafted. **Council Member Scott** indicated that Washington County requires that any short-term rentals in the unincorporated county be owner-occupied. That actually gets to an interesting situation. Talking about affordable housing, if it's an owner-occupied unit, but the owner goes off on vacation, they're allowed to rent it out as a short-term rental, or they are at home, they rent out a portion of the home as a short-term rental. That sort of helps with the homeowner's mortgage payments and such and is providing housing for residents of Ivins and not investors or merely tourists, which could be a plus. He still does not like the short-term rental concept but it's interesting. If some of the problems with short-term rentals could be fixed, then it becomes potentially more interesting. He understood the dilemma but those are his concerns. **Council Member Murphy** clarified that with the County, in the unincorporated county, and the owner-occupied requirement, the County doesn't have any zoning like the cities do. There is no zoning that can help to zone how the short-term rentals are done. These short-term rentals are just popping up around the county and they're in the middle of neighborhoods. There aren't any short-term rental areas where one can have the short-term rentals, that is why they came up with owner-occupied but it's not a strong way to zone for short-term rentals. It's only because they don't have zoning like what cities have. The owner-occupied thing it's something that is needed in a short-term rental neighborhood. She does not think that's the point of why a lot of people get short-term rentals. It was done because there were a lot of issues where people had 10,000 square foot homes out in the middle of Pine Valley, and they were rented by 50 people. The owner-occupied requirement is there now because there's a vested interest when one is living in the home, to not have that home turn into a party house. It is different when there is a whole neighborhood of them and it is known what they are. She spoke with the County Attorney

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briefly about the owner-occupied requirement and it was because there are zoning restrictions in the unincorporated parts of the county like there are with cities. **Dale Coulam** clarified that this is just for presentation and discussion. The Planning Commission recommended approval of this but it was being presented to the City Council for initial discussion before holding the public hearing at the next City Council meeting. That is the case with the next two (2) agenda items. **Mayor Hart** referred to the problem that Council Member Scott raised and inquired in this type of a project, are there other mechanisms to ensure that certain concerns are addressed through the rest of the process beyond just the zoning? **Dale Coulam** clarified that they are vested in the laws that are in existence at the time of the application. The applicant was correct in saying that this is zoning and then it goes through the Conditional Use Permit process to impose reasonable conditions to mitigate possible adverse consequences of the development. That would be at a time when a site plan is seen where they would see what is going to be built on the property, what portion of it is going to really be made into a resort, where the amenities are, what parts are going to be a hotel and what type of a hotel will it be. Those things that would be known at the Conditional Use stage. **Mayor Hart** clarified that the application is before the City Council and it is governed by an existing ordinance. To Council Member Scott's point, the City likely needs to make some revisions in the ordinance to address some flaws, but that is not going to alter the requirements under which this applicant would have. **Dale Coulam** stated that was correct. **Council Member Mehr** commented that Ivins needs some commercial type of things in the community and thinking about where to put this type of a project, this is a busy street. It's Highway 91 with multi-family buildings already there, as well as Movara and Riders Automotive. Coming out of the SITLA discussion with the feeling of not being consistent, this is an entirely different thing. What the applicant has proposed makes sense in the proposed location with what is already there. The **Mayor and City Council** agreed to move this forward to a Public Hearing.

D. Presentation and discussion on the Planning Commission's recommendation on a Concurrent Land Use Amendment from LDR (Low Density Residential), MDR (Medium Density Residential), HDR (High Density Residential) and CN (Neighborhood Commercial) to HDR (High Density Residential; and a Zone Amendment from RE-20 (Residential Estates, minimum 20,000 sq ft lots) RE-15 (Residential Estates, minimum 15,000 sq ft lots), RE-12.5 (Residential Estates, minimum 12,500 sq ft lots) and RA-5 (Residential Agriculture, minimum lot size 5 acres) to RE-20 (Residential Estates, minimum 20,000 sq ft lots) RE-15 (Residential Estates, minimum 15,000 sq ft lots), RE-12.5 (Residential Estates, minimum 12,500 sq ft lots) and lot averaging overlay on approximately 15 acres located at approximately Kwavasa (600 West) to 800 West. Kayenta Development, Inc and RT Marten, Utah LLC-Owners. Lance Anderson-Applicant

**Mike Haycock** stated that this is located along Kwavasa, between 450 North and 200 North and there is a commercial neighborhood right in the middle, which is the reason the applicant had to go through a concurrent land use and zone amendment to remove that commercial neighborhood. The other zone that's there is MDR (Medium Density Residential). The applicant has asked for HDR (High Density Residential) in that area. **Council Member Mehr** questioned what was envisioned with the commercial neighborhood there or why was it originally set that way? **Mayor Hart** stated when that was put there, it was through an idea that Ivins City should have little pockets of commercial throughout the City and that happened to be one of the areas that was decided upon. That idea hasn't materialized anywhere in the City yet because the nature of commercial development just doesn't shrink itself down anymore to a neighborhood sort of

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thing. The applicant is giving up a commercial opportunity there but likely one that would not develop at least not in this current environment. The only actions that have been taken on those neighborhood commercial zones, have been like this one, to convert it from a neighborhood commercial zone back to residential. **Council Member Scott** inquired how much the applicant could build as it's zoned now, compared to how much could be built if this were to be rezoned? **Lance Anderson** clarified that with high density, that allows R-1-5 or townhomes. The only reason he left it high density was because everything around it is high density. He is switching them to RE-12.5, compared to R-1-5. **Council Member Scott** commented that theoretically, the rezone would result in fewer homes than what the current zoning allows? **Lance Anderson** stated yes, by about two and a half times less. **Council Member Scott** clarified that it is currently 5,000 sq ft lots, versus 12,500 sq ft lots. **Lance Anderson** indicated that was correct, with lot averaging because he would like to leave the RE-15 area. Some of the lots average 17,000 sq ft per lot. **Council Member Mehr** commented that it's a prettier neighborhood when you can have some variety so that it is not just a cookie cutter subdivision. **Lance Anderson** indicated that it could look similar to Mohave and Indigo. The **Mayor and City Council** agreed to move this forward to a Public Hearing.

E. Presentation and discussion on the Planning Commission's recommendation regarding Building Heights

**Mike Haycock** reported that the Planning Commission has forwarded this to the City Council with a recommendation of no changes and that the building heights in the ordinances are appropriate, which are 25 feet for residential and 35 feet in commercial areas. **Mayor Hart** stated that he spoke with a few members of the Planning Commission, and they understood that the idea was to explore this as a mechanism to have some additional control on color and other issues, because there would be a requirement for a Development Agreement to exceed some reasonable minimal height. **Mike Haycock** indicated that was correct. The Planning Commission did not feel that was appropriate and wanted to leave the two discussions as separate discussions. **Council Member Anderson** commented that when he attended the Planning Commission meetings, he didn't think that the Planning Commission understood the intent and why it was in front of them. **Mayor Hart** clarified that he explained that to a couple members of the Planning Commission, so there was some understanding there. **Dale Coulam** indicated that the Planning Commission did not think that height should be a tool to twist arms for a different purpose. **Council Member Anderson** stated that when they use the word "twist arms", every ordinance anywhere in the United States, is for purpose, for that community. It's used to get back what somebody else took, it's an ordinance for that purpose. **Council Member Scott** indicated that where this came up originally, was with the Community Development Director or the Town Manager in Springdale. Their maximum height for a one or two-family residential structure, is 21 feet. The maximum building size for those structures is 3,000 square feet, inclusive of the garage and covered patios. If a property owner agrees to follow the town's design standards for exterior color building materials, architectural guidelines and landscaping, the Town of Springdale grants a five foot (5') building height increase and a 2000 square foot building size increase. The property owner signs an agreement that is recorded against the property at the County Recorder's office, to ensure the terms of the agreement are binding for future property owners. The Town of Springdale has been doing that for about the last year and it has worked well and they have found that most property owners are happy to agree to the design standards because they find them both easy to work with and part of what makes Springdale unique. The Town of Springdale was also where the information came

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from about using the Munsell Book of Colo to get back a little bit more control on building color and other design requirements that were lost. He understood both sides of the argument. **Council Member Mehr** commented that when trying to command and control all things, they could get the City in trouble. What Ivins City has in general, is working. If anyone has driven down Pioneer Parkway past the Harmons Grocery store, towards St. George, there is a huge house being built that is sitting in the lava that appears to be a mile wide and readily seen. It's one story but he would make the argument that that house is more intrusive than a two (2) story, 25 foot home. He felt like this was a kind of a solution that was looking for a problem. **Council Member Anderson** disagreed. **Mayor Hart** commented that there was no question that this is an attempt to regain some control. **Council Member Anderson** indicated that there would be transparency right out the door and no one would be hiding anything. **Mayor Hart** inquired of the City Attorney as to his legal standpoint. **Dale Coulam** stated that from a legislative standpoint, if the legislature gets wind of this ability to control building colors, it will be stricken as well because this is with purposeful intent to completely disregard what the legislature put in place. It's not subtle at all. There are a lot of developers on the legislature and if they get wind of this, municipalities will likely see another prohibition and more authority of the municipalities taken away. That's how these things happen. Something happened with the design guidelines and a legislator got upset and was able to convince enough of the other legislators to pass a law that said the State is going to control it and municipalities cannot regulate those things anymore. It's in a Gray area that they certainly should be careful about. **Council Member Anderson** commented that the legislature represents Ivins City. Ivins City is just one of their little subdivisions of the state. The legislature took control of building color in the name of moderate-income housing. **Mayor Hart** indicated that was correct. It was presented that the idea of color had an impact on cost, which is absolutely insane. The color of the building has zero impact on the cost of a home. **Council Member Anderson** stated this is a way to control what Ivins truly believes in with continuity, earth tones, vistas, views and similar. It's not a gamble and the Town of Springdale has done it. **Mayor Hart** clarified that Ivins City is trying to find a way to get something into the legislature this year that would provide an exemption for a City like Ivins that is near a State or National Park and there are other municipalities that are interested in supporting that. **Council Member Anderson** requested to move forward with this. **Council Member Mehr** commented that this is about height, yet they talked about color and using the height as a lever. **Council Member Anderson** stated that was right. **Council Member Mehr** commented that if the Planning Commission is not recommending any changes, there is no Public Hearing to give an opinion on no change. **Dale Coulam** clarified that there will be a Public Hearing because it's in the zoning ordinance. **Mayor Hart** indicated that although the Planning Commission recommended no change, the process is still in motion so there would be a Public Hearing to receive public comment. The **Mayor and City Council** agreed to move this forward to a Public Hearing.

F. Discussion regarding request for proposals, surveys, committees and similar to assist in updating the General Plan

**Mayor Hart** stated Ivins City is going to talk about what is wanted to go into the General Plan for review. He inquired if the Council wanted to send out a request for proposals for a facilitator like the one that came and made a presentation to the City Council? If not that, do they we want to create a committee of some residents to help or take it on ourselves? **Dale Coulam** stated that he previously handed out the RFP (Request for Proposal) from the City of St. George that they did, which resulted in the VCBO firm being the City of St. George's consultant. Ivins City staff

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would need to draft the RFP but the scope needs to be known in order to do that. How many community meetings are wanted and what type of surveys if they want surveys? There needs to be some parameters to put into the RFP so it can be put together and start taking some proposals. **Mayor Hart** indicated from the presentation if an RFP is done, the city would spend approximately $50,000 to get the information needed. The Council could decide on a certain amount of money that they are willing to invest in this and then when the RFP is sent out, it would state how much the City was willing to spend. **Council Member Mehr** stated that the City absolutely needs input from as wide as possible across the City. The City should not do a RFP, rather, use the process that is already in place with newsletters, town halls, City Council meetings, Work Meetings and invite community input. This is work that Ivins City and the Council can do and the City should not spend $50,000 on an RFP. As people are moving to the community and experiencing the growth, there is a fear that the Council is going rogue or doing something crazy. The Council agreed to keep Ivins the way it has been and keeping it this beautiful special place. That is why the Council is talking about colors and heights and all of these kinds of things. Holding a public relations work meetings and things that like would help people get a sense and a comfort of that. There is a lot of activisms that happens on some of the social media apps and things get blown out of proportion a little bit because they're not following what the Council has been doing. Obviously, people have come to this community because of the attraction to it. He doesn't think any of the Council members are looking to do something crazy on the General Plan, to blow it open and become some resort on commercial on steroids and he certainly does not want that. He wanted to continue to be a nice bedroom community that is a wonderful place to live and attracts a diverse group of people including families to move here. There is no question that he is willing and suspects that others on the Council would be willing to be involved in a series of open houses and so forth. **Mayor Hart** indicated that the question tonight is should the City send out an RFP and if so, what would the nature of that be and what is the Council willing to spend? It's not a budgeted item but it's an important thing. If the Council thinks that the City could get at the information from a wide spectrum of residents, he was willing to do his share of the work that would be required. There are people around who would help on a committee. One of the positives with a neutral mediator, it is an advantage. He went back and read through the Ivins City General Plan. He has been involved with where it is now. There may be people out there who think there's a lot that needs to be changed but he doubted that. If Ivins City was in a mess and really needed to completely overhaul it may be looked at differently. **Council Member Anderson** commented he was one that says let's do it (send out an RFP) but then after he heard the results, he didn't want to burden staff. **Mayor Hart** liked the idea of a survey and maybe there are other ways to do it but somebody's got to write the survey and who is qualified to do that? **Council Member Anderson** indicated he is concerned about a survey because it is a list of things to choose from. There is more to it than that. **Mayor Hart** indicated he would love to see some or multiple mechanisms to hear the feelings of the Ivins residents before getting too far into this. **Council Member Scott** commented that at the beginning of this year, the year was started by having two (2) or three (3) open houses at the City Hall. There was a great attendance at those and that is what he would like to see for the General Plan. He agreed that the Council thinks that the current General Plan is pretty close or right where it's supposed to be but maybe he is living in a bubble and the Council doesn't know. He would love to have the public come in and involve the public as much as possible. He looked at the City of St. George's report and the RFP required the consultant to perform a number of tasks. He thought that Ivins would only need a consultant to do three (3) tasks or a volunteer committee

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or similar group. It's mostly the facilitator issue. Having the community meetings broadcasted would get a good audience. Staff may be overloaded with stuff but somebody to put up boards showing the General Plan and issues. If the City is not going to hire a facilitator, the City needs a group of volunteers to do that unless staff has the time to do it, but he doubted that was the case. **Council Member Anderson** commented the word is facilitator, whether it's paid for or not. They are there to gather information from the people and they are not there for opinions. Those meetings will help the Council determine which direction is needed to go. **Mayor Hart** stated the Council are the ones who will eventually make the decision. The Council could simply participate and facilitate the meetings and listen carefully. **Council Member Anderson** indicated that at the neighborhood meetings, individuals come and listen to the Mayor and the meetings they're talking about would be for the people to speak. **Mayor Hart** stated they would be listening meetings with introductory comments, explaining what is in the General Plan. His hope was that the City would be able to get a cross section of residents to come to several of the meetings. There used to be the neighborhood meetings, sectioned off in different parts of the City but anybody from any neighborhood could attend any of the meetings. **Council Member Mehr** suggested that they hold these meetings, put something in the newsletter and have a citizen forum to submit thoughts but he found no value in spending $50,000. **Council Member Murphy** liked the idea that the Council would be present to hear from the residents and gather information. **Mayor Hart** commented that former City Manager Judy Gubler had an ingenious process that she used when the General Plan was last updated. **Council Member Johnson** referred to ideas to get the information out. For Heritage Days, the Heritage Days committee was successful getting information out with postcards that were sent out. She suggested something like that, announcing meetings. She also suggested road and other signs be put up a day or two before the meetings. **Mayor Hart** suggested that the Ivins City Youth Council could be involved and the City utilize their help as well. **Council Member Scott** stated that the City wants to have a plan and get a lot of community involvement. **Mayor Hart** offered to draft a general outline and provide it to them. The City Council agreed. **Council Member Scott** referred to the Mayor and City Council all being together and inquired if that would be considered a quorum or if there were issues with that. **Dale Coulam** clarified that as long as they were not discussing or deliberating, and only facilitating, it would not be an issue. They could save the discussing and deliberating for when they are in a meeting and on the dais. There will still be Public Hearings for the General Plan Amendment at the Planning Commission and City Council.

**6) CONSENT AGENDA**

A. Approval of City Council Meeting Minutes for August 18, 2022

**MOTION: Council Member Mehr moved to approve the Consent Agenda**
**SECOND: Council Member Johnson**
**VOTE: The motion carried.**

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|---|---|
| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

**7) CONSENT AGENDA ITEMS FOR DISCUSSION**

**8) <u>REPORTS</u>**

A. Council

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**Council Member Anderson** - no report
**Council Member Murphy** gave a shoutout to Council Member Johnson and the Heritage Days Committee and commented that it was really refreshing to see young families out and about at Heritage Days and it was a great event.
**Council Member Johnson** reported that Heritage Days was very successful. They had over 300 kids attend on Saturday. They had over 100 stuffed animals for prizes and only had 4 left at the end of the day.
**Council Member Mehr** agreed with what was said regarding Heritage Days. He referred to the National Day of Service that was held and thanked those who participated.
**Council Member Scott** invited the public to join Snow Canyon State Parks staff on Friday, September 23rd from 9:00-10:00 a.m. at the Upper Galoot picnic area parking lot, for the Grand Opening of the Parks newest trail and a sculpture piece. The trail is a short trail that highlights the history of desert tortoises and culminates a 5000 pound desert tortoise sculpture by Artist Matthew Gray Palmer. At the Park entrance booth, let the attendant know that you are there for the event and you will be let in at no charge.

B. Mayor

**Mayor Hart** commented on the success of Heritage Days and reported that in conjunction with Heritage Days, an Open House was held at the Police Station and the Fire Station, which were very well put together.

C. City Manager/Attorney Dale Coulam

No report

D. Items to be placed on future agendas

**9) CLOSED MEETING**

**10) ADJOURNMENT**

**MOTION: Council Member Anderson moved to adjourn**
**SECOND: Council Member Mehr**
**VOTE: The motion carried.**

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|---|---|
| Council Member Scott | AYE |
| Council Member Mehr | AYE |
| Council Member Johnson | AYE |
| Council Member Murphy | AYE |
| Council Member Anderson | AYE |

The meeting adjourned at 8:14 p.m.

Respectfully,

Kari Jimenez
Ivins City Recorder

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