IVINS CITY
PLANNING COMMISSION
MINUTES
November 1, 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 Doug Clifford, Commissioner Derek Larsen, Commissioner Bob Morris, and Commissioner Pam Gardiol.

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

Audience Attending: Judy Gubler, Patrick Manning and Lance Anderson.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Derek Larsen

C. Invocation--Commissioner Derek Larsen

D. Disclosures

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

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Facilitator report on Town Hall Meetings held in October, regarding updating the General Plan - Judy Gubler.

Judy Gubler stated there were six Town Hall meetings held. She saw some of the Commissioners at those meetings. She is presenting a summary of what those meetings revealed and what the consensus was. The scope of the mission that was advertised by the Mayor and in the newsletter prior to those meetings was to build a collective vision for Ivins future. This is a critical component in your General Plan. The first set of meetings were about what is right with Ivins, why people moved here and the quality of life that is important to Ivins City residents. We broke it up into different areas of the City, but there was a lot of overlap, and some came to every meeting. That was a surprise. The consensus was that their reasons for living in Ivins and what is important to them is really the same as what is currently in your General Plan. They were supported in every meeting. There were four additions that came out of those meetings. One was night sky. One resident spoke to wanting to promote safety for the residents. As she reviewed our General Plan, it actually says protect the night sky by carefully regulating lighting, while also promoting safety for residents. That was mentioned in every group, in every meeting. Family-friendly was mentioned by two of the groups and there was not really a definition. It could be covered under sense of belonging in the community, that small-town feel. The friendliness and size is still conducive to that sense of community. Farmland and the pastures were discussed. She drives a different route each time she comes to Ivins. She came up 200 East at the off-set round about on Center and there is a contemporary medical center, the old Hafen house, a bike shop, the Icebox diner and up the street the veterans center. It is really cool. Some things happen that are just quality, like some of the open fields that people mentioned that gives it the charm and rural feel. How to encourage preserving it is the difficult part. When we got into policies we began to have some differences but there was consensus on the following. No more Short-Term Rentals outside resort destination developments. No more zoning for tourism. The consensus was

there is enough Resort Commercial. Focus more on resident needs. Balance resident and tourists needs. Be a bedroom community. One resident talked about the economic difficulties experienced when they didn't have Commercial. The consensus was no big box commercial or strip commercial. Design and location is important for Multi-Family housing. Encourage low-profile, more public and larger landscape buffers, and small gathering places. She questioned further on gathering areas and there was a mixed response to a City center area. One group felt much more strongly than the others about family activities, youth sports and rec center, and a senior center. It became an idea to combine those. There was some pretty broad opposition to it. In the first group of meetings they developed a wish list, priorities of things they would like to see. She checked to see if they were included in the current General Plan and if not, then she made some handwritten additions in the General Plan for consideration. Under residential development the consensus was that they didn't want to see what you see leaving the Harmons area. There was talk about design and location being important for Multi-Family. More open space within developments and some saying it should be public. Residents were made aware that State Legislation is moving towards limiting local control, but the desire to be a bedroom community was often expressed. Mayor Hart tried to address the economics of that. These meetings were challenging because some people came for a different meeting. Our mission and our focus was on the vision and you can see there were a number of things listed that they don't want. She tried going through the General Plan to incorporate that with positive statements. Some people wanted to air beefs and there was some anger. However, they agreed on commercial development loud and clear. No more Short-Term Rentals and Resort Commercial outside of resort developments. More residential-type commercial. Some wanted to talk about water and limiting growth. Mayor Hart brought the temperature down in the room and he stated the Washington County Water Conservancy District is handling that. They wanted no more growth in concerns about water. It is hard to explain that you have to plan assuming there is going to be growth. When she was City Manager for Ivins in 2001 there was no water and no building, so there can be limiting factors. Some ideas that came out of the meeting was to have large farmland areas submit a plan for future development, and increase room tax for getting money out of tourists. We talked a little bit about the differences. In olden days, there was a very vocal group of people that questioned the Planning Commission and City Council about a clean-up campaign. It didn't go well. People were in up in arms. The contrast with the group that was angry really wanted to limit growth and development and a have more government, almost a CCR-approach to government. The anger was pretty obvious at times and was mostly directed at the City Council and developers. So there are some issues related to growth and development. She struggled in the General Plan with how to work in enough Resort Commercial. It is harder for us to write in what we don't want to be when we grow up rather than what we do want to be. The vision for the future had a consensus especially on the quality of life elements. She was surprised that it was so similar from 2015, which was similar to the 1990s. She recommends to keep that vision in front of yourself and the public as you go about your business. The trick is you have magnificent landscapes, open space, clean and serene environment, a variety of charm, and a mix of housing. All of that everyone agrees on. The first time you get an application, it will violate some of these to one degree or another. It is a good guideline, a good vision and the reason we are all here. We are all here, and the residents are all here for the same reasons we are. You will be getting the surveys this week and hopefully receive a broad response. Hopefully even people that are too busy to come to meetings will fill out that survey so you can get a broad perspective. Who is the vocal minority or who is the silent majority will hopefully come out in

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your survey. Some of the goals in the General Plan were met, and then some. Resort Commercial was one. The history was told on why it was Resort Commercial. Matt Marten stated that back in the olden days it was determined to be the least impactful on residents and still provide an economic tax base for the City. Has that been accomplished? She noticed on one of her drives delightful infill development in the older part of town. There is great potential for the missing middle development, residential development between large lot single family homes and apartments. There is so much potential there, not only in the historic part of town. The mission was to meet with residents to establish this collective vision. Some of the stakeholders that were not present were businesses and developers that as you go through revisions, you may want to hear from. She suggests that since some of the residents wanted to focus on water and growth. It may be time to really address those issues in detail. Some people really wanted answers to their questions rather than look to the future, but through this process we heard from them, and we got to the vision statement. In Chapter Three, she has made some handwritten suggested changes based on what she heard. She added the word "and views" to landscape. Under policies, you will see encourage activities and recreational opportunities that will serve the needs of the community. She ended that sentence there. She changed the word efficiently to effectively. She took out promoting Ivins City as a resort destination. If you look at what the General Plan has done for this City she is not surprised at how it has developed. With some exceptions on architectural style and height, the uses are pretty consistent with what was envisioned. The General Plan's last point states encourage the type of development that enhances and protects qualities of life. On resort destination she struggles with whether you take it out or call it something else? The first group of meetings were given a homework assignment to study Chapter Three and come back with comments. Some provided those in writing and have been handed out to the Commission. She changed resort destination to resort destination projects. Those exist and you have to recognize and support those. Are we distinguishing the community as a whole as a resort destination community versus a community with resort destinations contained within. She changed the word attract to support businesses and developments that service destination tourism. On the second point she removed encouraging housing options that cater to tourism. The bottom three items, one was already in recreation but she recommends moving those into recreation goal. Under growth, it was suggested to add natural resources. Under residential, encourage residential development that preserves a sense of neighborhood. Does high moral values mean family-friendly? She suggested taking that out. Encourage design that compliments the natural beauty and character of the area and provides adequate open space. Under recreation, she added in a variety of recreational needs and interests for Ivins City residents, including youth sports and pickleball. She suggests taking out develop the Ivins Reservoir because it has already been done. On recreation center she added senior center. Under public services, she hears a lot about promoting water and energy conservation. She suggests moving that to the top. Under special assessment areas there was infill of older neighborhoods within the City. That has been accomplished. There was a suggestion to add internet service. Under education she removed charter and just said encourage State schools to meet resident needs. Page 17 under emergency services, it says ensure new development has adequate Public Safety services. You have the collective vision of the residents that attended those meetings. She did this because planning is fun, but primarily she returned a favor to Mayor Hart. He took some hits in those meetings and she did as well, but she can defend herself. A lot of development slowed down in 2008 and some of the City Staff were reassigned different activities. About the same time, the City was moving to become a no-kill animal shelter. It was grossly inadequate, so

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she had employees take care some of the issues at the Ivins animal shelter. There was no plan and so she called the Mayor, who was a developer back then and served on several committees. He was someone she relied on. She told him she needed some help and he came down and took on the project and volunteered his time. It is a pretty nice shelter. He took it completely off her plate and was there supervising the crews, and did that at no cost to the City. She was in way over her head. He called to see if she would do this since she'd done it once before. Really in a lot of ways, this has been the same. She owed him one and he finally called in the favor. **Commissioner Bob Morris** stated she was amazing and he watched the videos. Hats off to you. They couldn't pay her enough for what she endured. He senses that she takes pride in in the vision that was in our vision and goals. Do you think it has come to fruition? Judy Gubler stated she was not surprised other than the quantity and a few architectural features. Overall it is as it was planned. In CCRs you buy into it, and you know what you all can do. The City is a lot broader. Could you have ever zoned for Tuacahn? You had the input of developers. Without them, you would have no idea what you would get. Hearing each other and brainstorming is a much better idea in the end. You need flexibility. It is hard to do zone changes and stick your necks out and leave a holding zone. You have people pressing you to tighten regulations and almost carve your General Plan in stone. Having flexibility is why you guys get the big bucks. That General Plan was in place when she came and it has changed very little. Specific zonings have changed but Ivins City Council and Planning Commission knew what they wanted to be when they grew up and it has grown up a lot. **Commissioner Bob Morris** inquired on the silent majority and if she felt like she got a good cross-section or do you feel it was an older crowd? He is one of them. Judy Gubler stated there was a good mix in some of the meetings. There was a retired, more CCR type of group and then there was the family group and it is impressive that they all have the same vision but the implementation is different. Protecting the views and open space is the same. They moved here for the same reasons. Some were born and raised here. It is a demographic. Some are very conscious in what we are doing and keep us on our toes, which is not a bad thing. The family folks are working and were more interested in stuff for the kids to do. **Chairman Dave Robinson** stated that the biggest problem was that there were some that were there every night and only a small cross-section changing every night. There is a lot of noise from the minority and he feels the majority isn't getting heard in his opinion. Judy Gubler stated she has no idea which group is a minority. She is hoping people take the time to fill out the survey and you will know more about that. Regardless of spectrum and demographics they still agreed on what they want to see. **Commissioner Bob Morris** stated regarding the night sky, we just had a child hit on a scooter going home a few weeks ago. It is so dark, and teenagers dress in black. Judy Gubler stated night sky was in every group and the reason they moved here. Personally, she went to go get her mail and couldn't see, but then she sat on her back deck and looked up. Then she got it. There has to be a balance of safety and lighting. She can see on the path and street corners. She can take a flashlight for the mail and she wouldn't trade that for sitting on the back deck to see the stars. **Commissioner Derek Larsen** stated thank you for coming tonight. He has a lot of respect for her. He wonders if people realize we have made some changes to the night sky and that we have three different lighting areas. Judy Gubler stated it was really a quality of life item that they moved here for. Districts are a good compromise, but it is a quality of life issue. We didn't get into that level of detail. **Chairman Dave Robinson** thanked Judy Gubler for all her help and the time she put in. Judy Gubler thanked each of the Commissioners for their contribution as well and knows it is not an easy job. Keep the vision in front of you.

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3) PUBLIC HEARING AND ACTION ITEMS

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider recommendation of the Preliminary Plan for Desert Cliffs subdivision, located at approximately Kwavasa Drive between Center Street and 450 North. Kayenta Development Inc-Owner/Applicant.

Mike Haycock stated that the zoning map shows RE-12.5 and RE-15 are both in this subdivision. TRC has reviewed this plan and recommends approval. **Commissioner Pam Gardiol** stated that the Staff report focuses on the technical aspects of the layout, topography, streets, etc. The one thing that resonated with her in the Town Hall meetings is that repeatedly we talked about the role of the General Plan and ordinances tie back to that. How have you planned for the spiritual quality of the land, open space, clean and serene environment, a sense of belonging in the community, protecting spectacular vistas, those things that align in the General Plan? Lance Anderson stated that is always the conversation is how can we match the General Plan. TRC does more than technical. The technical part is that it matches the ordinances and zoning. They make sure we meet the ridgeline for views and setbacks. It is technical but it is also covered in the General Plan. The lots are designed to have a viewshed and topography. Our area is on the outside for open space. These are going to be more like Indigo Trails and they have openness by courtyard, color, height. Those are all things that help protect the General Plan. **Commissioner Pam Gardiol** stated in discussion with TRC there is a direct correlation for review in not only the technical aspects, but layout and development, all of those aspects are in alignment with the General Plan? These are pieces that are not technical, but are still key to our quality of life that has been referred to over and over again. Lance Anderson stated that quality of life shows in the transportation plan to allow the openness. It is 108 feet wide to allow paths on both sides. Setbacks, all those things are to help us. When we do a development agreement it will have the details you are looking for, like colors, height etc. It is a process. At concept we gain an understanding if the development will even function. Preliminary Plan gives detail, construction plans show all the technical work, and the development agreement meets the General Plan. **Commissioner Pam Gardiol** stated that at the Preliminary Plan there has to be that vision of that alignment of where we are trying to go. Lance Anderson stated our ordinances and State statutes do that. We can't do a development agreement until we have a Preliminary Plan. There are steps we have to take. He applies some of the rules that he helped write and for example, garages in the old part of town people were building 25 ft garages. Their house is 17 ft tall. When we were writing that, we didn't visualize someone raising their house to meet it so they could get taller garages. We have to consider unintended consequences. There are so many things to think about. Today he tried to plan using the berm rule that has been in place a long time. It says berming along the ridgeline is allowed to raise the sightline by a maximum of 4 ft of an individual parcel greater than 5 acres or a subdivision improvement when a subdivision is greater than 5 acres. But then it says that the ridgeline point is where the slope becomes steeper than 18%. That math means that out there at that 18% slope we can add 4 ft of dirt. So the dirt wouldn't even hold itself. We should have said between the house and where it starts to slope off put 4 feet berm of dirt, that works. When written it made sense, but in applying it we missed it. **Chairman Dave Robinson** stated our General Plan is not ordinance and it has to be left for adjustment. Not every subdivision will meet every line in there. It has to meet ordinances. Lance Anderson stated ordinances are CCR's of the City and they are as enforceable as a CCR. **Dale Coulam** stated Judy Gubler's point was that CCR's are more restrictive and ordinances are put in place and follow the guideline of the General Plan. The statute says that the General Plan is a

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guideline. Property owners are entitled to approval when they meet the requirements of the ordinances. That is an administrative decision. Sometimes an ordinance needs to be tweaked in application, but in this case it went through two sets of ordinances. One with the City for the subdivision and one with the Sensitive Lands Committee. Lance Anderson stated that they are pretty strict ordinances. Ordinances are legislative when we are passing them, then they become administrative. You want more information, but they are checking the ordinances, because that legislative decision has already taken place. **Commissioner Doug Clifford** stated that there is more detail on the recommendation for background on the Staff reports. His philosophical point is you don't start with a wish list. You start with a vision statement, and our vision statement is the General Plan. It is a vision but it is immeasurable. It is what we kind of want to see but it is not going to be right because it is in the future but it is never going to be what you think it is going to be. The General Plan has to be redone because as time goes by, the vision becomes real and so we go back to the current General Plan to see what has happened since we last did it. We need the facts down. Then modify the data and build in that body of facts. We have some huge holes in information. We don't understand the demographics in our community. Do we know how many people live here under 20 or 30? We need census information. We have a community that we believe is heavily weighted to senior citizens but do we have that data? We need that in the General Plan. The other thing we need to do is Ivins City is a business. We run a business of providing services and support for people that choose to live in this community and we allocate resources to do that. That costs money. It is a financial issue. Those Town Hall meetings he attended people do not know what it costs to run our City. They have no idea what we would have to do if we run out of building with no commercial base. Mayor Hart tried to explain it. Taxes in this City will triple if we don't have a revenue source and we run out of building lots or water. We didn't talk about our vision. Every night it was the same 30% group of people that spoke every night and made the same comments. Only one family that he saw was there and yet we say we want a family-friendly community. Let's find out what families want. We are not getting that information. We do not have to start from scratch on the modification of our current General Plan. We need to fill in the gaps. We need to know what is our plan for our tax base. We need to know how we are going to have money for the services we provide, like streets, roads, bridges, water. We are the business.

MOTION: Commissioner Doug Clifford moved to approve recommendation of the Preliminary Plan for Desert Cliffs subdivision, located at approximately Kwavasa Drive between Center Street and 450 North. Kayenta Development Inc-Owner/Applicant.
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

B. Discuss and consider approval of Black Desert Villages Phase 1-B Final Plat.

Mike Haycock stated that this subdivision is located between Weiskopf Way and the future Hamblin Parkway. We have approved Phase 1A already to the north. We have looked at the parking and platted that as well. **Commissioner Pam Gardiol** stated she is impressed with all the work that Patrick Manning is doing. You are in touch with the quality of life aspect, but will

you speak to those? Patrick Manning stated that he is not aware of another piece of property that has as much open space as Black Desert. Out of roughly 300 acres, we are developing about 65 acres which is open to the public. We set aside and opened it up and created 6-7 miles of foot traffic only trails. We will have connections to those existing trail networks and systems. Having miles and miles of internal foot paths amid the beautiful lava flow. You cannot really experience that lava flow safely without having a trail. We are two years into a study with Dr. Joe Platt, a biologist with the Utah Tech University that is doing a study and stewardship plan and donating that to the City of Ivins so that no future developer comes after us and tries to put houses on all of it. It will be protected forever. Not even the City could change it. We are providing trails, trail heads and public restrooms. We are maintaining them as well and the core feature trailhead is a three million dollar nature center. Dr. Joe Platt will have desert tortoises, gila monsters and give lectures. There will be a 150 seat lava amphitheater so that people can listen to the lectures. There will be interactive trails, maps and trail guides to take people out for free to experience more hands-on education about the flora, fauna and geology of the land. A viewshed study was done to show Black Desert Resort built and maintained a 16 ft height restriction within 185 feet of the Parkway and that hides everything behind it. Then it goes to a max height of 31 feet. You will not be able to see the hotel center unless you drive all the way into the project and want to have that experience. When you come down the Parkway it will be similar to seeing the Reserve. Our structures are one foot shorter. When coming into the resort it is behind a city center, a boardwalk that is uninterrupted by vehicular traffic that is over 1200 ft long, cobblestone paved with 10 restaurants and about 60,000 sq ft of shopping and all of that is open to the public. With the City's help we were able to get the PID, Public Infrastructure District to push the parking underground. It didn't cost the City a penny. Dale Coulam did a wonderful job on that. Without that, we would have had to remove the boardwalk completely and that experience and it would be a parking lot the size of four super Wal-Marts. They have done everything they can do, including the most recent water conservancy measures and power efficiency, leading to the largest CPACE funding to ever occur. Some of the people that showed up were very vocal but we have a good relationship and they know he cares about the residents and that he will do what people want that is reasonable if it is better for the City. **Commissioner Pam Gardiol** stated she appreciates the continual communication not only helps the public understand but sets a model for the kind of developers that have the understanding of quality of life we are looking for. The General Plan is not in stone. The intent and collaboration of working together is the foundation for the quality of life we are looking for, so thank you.

MOTION: Commissioner Bob Morris moved to approve Black Desert Villages Phase 1-B Final Plat.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

C. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for October 18, 2022.

MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for October 18, 2022.

SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

5) REPORTS

A. Planning Commission

Commissioner Bob Morris stated that we don't want to weaponize the General Plan. It is a vision and guiding principle. We enforce ordinances. He sees where the community has come to and there has been a lot of good stewardship. November 8th is voting day and Jane Churchfield Hoopes will have a memorial that day at noon in the Ivins stake center. She worked in City Hall. **Commissioner Derek Larsen** stated he went to the last City Council meeting and wants to give a little push back on a comment that the Planning Commission didn't understand an ordinance we moved forward on height. For the record, he is not a fan of the City acting as an HOA. We need to be careful on how we do that. It has the potential to foster an elitist attitude and a detriment to the community. We need to be careful as we put forth ordinances and make changes; there are a lot of citizens and we all have differing opinions. That does not make it right or wrong but we need to take that into consideration as we move forward. As an example, there is a white house off Kwavasa and was not part of a development agreement. Our community is more concerned about the people in the house than the color of the house. Let us be understanding of our neighbors. We need to not get into the business of becoming an HOA. It can foster that sense of elitism that is a cancer and kills the community. That is his opinion. **Commissioner Pam Gardiol** stated that regarding updating data in the General Plan and is there a timeline or strategy when we do that? **Dale Coulam** stated that the demographics are in the Moderate Income Housing Plan and contains a lot of that information. Maybe we can put it in both places, but it is in there and is updated periodically. We rely on the Kem Gardner Institute until the census gives us as close to factual as they are able to obtain. We may need to glean it from the Moderate Income Housing Plan and include it in a section in the General Plan itself. The data can serve for both. **Chairman Dave Robinson** stated there was also a financial element as well to show what it costs to run the City to give people a better understanding and appreciation for those costs involved.

B. Chairman

Chairman Dave Robinson stated he agrees we are not getting the data we need from the entire cross-section of residents, and he hopes the questionnaires get returned.

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated that the Mayor wants two volunteers from Planning Commission to help tally the survey count. Soon after the 20th when the returns come in. **Commissioners Pam Gardiol and Derek Larsen** volunteered. **Commissioner Doug Clifford** stated that he can be back up. We have one more meeting to confirm when that will be. Second, TRC will give the redline drawings and notes from a Preliminary Plan meeting to get more information to see more of our process and take away concerns. That will be helpful.

D. City Manager/Attorney Dale Coulam

The white house was prior to our ordinance of a development agreement for every subdivision. It was not an oversight, it just was not a requirement at the time. He attended the Utah Land Use

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conference last week and the Legislation may make the General Plan more enforceable. What that means he doesn't know. Moderate Income Housing was mentioned as well and they have made that more enforceable. It was just a general statement. Judy Gubler talked about what the City wanted to become and what we should be doing. The topic at the conference was with all the growth how do we not become California? They shared their perspective on that. It was a gentleman from California, a former Mayor, and he said plan what you want to become. That is what you will become. If you focus on what you don't want to become you will, because it what you are focusing on. It is the same thing psychologically. He attended a Utah League of Cities and Towns Conference once that stated the mind is a funny thing. If he tells you not to look down, the first thing you do is look down. This guy tried an experiment and focused on the positives of what he wanted people to do rather than what not to do. It is the same with coaching. As we go through the general planning process, focus on the positives and what you want to become and talk about that. Have that in your vision and that is what you will become. As Matt Marten said, the best type of commercial we could have was Resort Commercial. We didn't want big box or anything that caused too much traffic. If we have reached the saturation point, then we focus on the new thing we want to become.

E. Items to be placed on future agendas

Mike Haycock stated we will have a Concept Plan on Fitness Way and Guy Lane. We have three meetings in November.

6) ADJOURNMENT

MOTION: Commissioner Bob Morris moved to approve ADJOURNMENT
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

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