IVINS CITY
PLANNING COMMISSION
MINUTES
November 29, 2022
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chairman Dave Robinson, Commissioner Pam Gardiol, Commissioner Derek Larsen, Commissioner Bob Morris, and Commissioner Doug Clifford.

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

Audience Attending: Steve and Faye Helm, Sami Tall, Dan and Elaine Pacific, Patrick Manning, Louise and Elaine Baldwin, Suzanne and Dan Marino, Betty and Ron Marianetti, Michael and Maureen Lea, Chris Haddad, Susan and Steve Talley, Gwenn and Dave Davies, Lynne Mackechnie, Tom Fabio, Carol Lee Hawkins, William Mayol, Jack and MaryAnn Wolda, Marty and Kathie Spahr, Randy and Sharon Wright, Elizabeth Fortney, Karen Wolfe, Laurie Haynie, Mark McKinlay, Sharon Barton, Jack Mladek, Lois Andrews, Michael Cook, Marc West, Ed Asmus, Patricia O'Rorke, Dave Appel, Lance Anderson, David Cannon, Susan Erickson, James Shumate, Dan Arsenault, Kathleen Kirker, Mary Beck, Sharon Gillespie, Dan Clarkson as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Pam Gardiol

C. Invocation--Commissioner Pam Gardiol

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-None.

3) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing on recommendation of a Land Use Amendment from LDR (Low-Density Residential) to RC (Resort Commercial); and a Zone Amendment from RE-43 (Residential Estates, minimum lot size 43,000 sq ft) with a PD (Planned Development Overlay) to RC (Resort Commercial) on approximately 1.471 acres. Located at approximately Coyote Gulch Circle and Coyote Gulch Way. Kayenta Development, Inc. Owner. Lance Anderson-Applicant.

Mike Haycock stated that this parcel is located where Coyote Gulch Way and Coyote Gulch Circle come together. surrounded. It is surrounded by low density as the land use and below it is Resort Commercial. It is currently zoned RE-43. The applicant is looking to extend the Resort Commercial zone from the south into that area. **Chairman Dave Robinson** asked the audience that there be decorum. No cheers or jeers. This is a Public Hearing and they are looking for facts and issues they can use in the Planning Commission's decision. Keep your comments brief. He opened the Public Hearing. Dave Davies stated he lives on Kwavasa Drive and is against the proposed zone change. When purchasing the property he did his due diligence, such as flood plain and what was the zoning for the property. Also the sales piece put out by Kayenta Homes and Properties shows low-density lots there, approximately 8 acres altogether. It states that this

information was deemed to be reliable. He bought his property based on that. If it is resort behind him, it will devalue the property. David Cannon stated he is at Tuweap Drive and is opposed to this zone change. He believes that each person here and there is standing room only, represents 20 or more residents in the Kayenta area. His concern is that he selected this as a place to live and there are million dollar properties out there. The problem with high-density vacation rental areas are so numerous. We have probably the most strict HOA requirements. He can't bbq or listen to music or park in his driveway more than six hours a day. That is how strict it is. The proposal for high-density short-term rentals, which are essentially AirBnB's means we will have an influx of people coming into this development that won't have that knowledge. Our lights have to be turned off at midnight. No windows open after dusk. It is one hundred plus pages of requirements. In October of last year we drove to our home on Kayenta Blvd and were victim to an accident where a short-term resident came out of Crescent Moon development and plowed right through a stop sign and collided with us. Airbags in both vehicles went off. This will create a situation where people will come into this development and there will be significant turnover. They will disrupt the lifestyle we bought into which was low-density housing, wilderness and surrounded by similar housing. This does not conform to that. Carol Lee Hawkins stated she is a 25-year resident that lives on Two Moons Circle in Kayenta with her husband John. Her property borders SITLA land. We oppose the proposed land use and zone change. She understands that long term land use plans and specific zoning requirements help protect our property values and make possible the enjoyment of our lifestyle. We bought in Ivins City because of the vision into the future that is embedded in and protected by these specifications. Moreover, Ivins City and its residents have benefitted enormously from the values and taxes generated by the wisdom incorporated in these land use structures. Long term land use planning and specific zoning of areas should not be changed lightly. The proposed zone change is a radical shift and is quite unusual and disruptive. We oppose the zone change because the rezoning would allow an open-ended and radically different use and is inconsistent with the original low-density long-term residential vision of the area. The proposed rezoning would make legal a wide variety of possible new uses which may or may not be consistent with low noise, dark sky and open access that we all enjoy. We oppose open rezoning that will affect all of us so totally. The rezoning would cut the subject parcel away from the subdivision immediately north. That would make the subject parcel unsuitable to remedy the defects in the emerging development of segmented properties immediately to the north. This does not comply with the requirement under the RE-43 rules. Susan Erickson lives on Kayenta Parkway for 11 years now, and gave the Commission a letter outlining her objections to the proposal. She serves on the HOA board and they would have no control over this area if it were zoned Resort Commercial. Who would regulate the people staying there to get them to comply with the rules and regulations of the residents? That has been a problem with our own private rentals in the past. There are two washes through that area so she is not sure how much of 1.471 acres is buildable since they cannot interfere with the natural wash. She noted on the land use plan there are already three other locations in Kayenta that are zoned Resort Commercial; Kwavasa and Kayenta Parkway, the art village and Xetava and the Crescent Moon Inn development. That is being developed into living quarters and light manufacturing. Put it over there and not in a neighborhood. How many units are they proposing? **Chairman Dave Robinson** stated they are not required to present a plan yet. This is a zone change and we base it off the area, the needs, the City's goals and other factors. Susan Erickson stated that parcel is not much bigger than the parcel her home is on. She wonders how they will squeeze in multiple units and parking. Will it spill over into our neighborhood streets?

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SITLA has land by the pickleball courts that she believes has been rezoned Resort Commercial for the Kayenta casitas. There will be 24 of them. Is that not adequate? We need to utilize the three areas already zoned as Resort Commercial and develop those accordingly. We don't need disrupt neighborhoods with coming and going, lights and noise. Gwenn Davies lives on Kwavasa Drive and stated she against the zoning. Resort Commercial definitely conflicts and is inconsistent with the Kayenta vision and the way the homes have been marketed to us. We purchased our home ten years ago. The Kayenta marketing website which promoted Kayenta to the public reads "now more than 30 years later, its concept of living lightly on the Earth seems more relevant than ever." If this is true, then certainly Resort Commercial is a conflict and inconsistent. "Today it is difficult to imagine anything other than Kayenta resting quietly in this pristine setting." Resting quietly is certainly in conflict with this zone change to Resort Commercial. Terry Marten gives a beautiful quote on the website. "He hopes people today can appreciate the effort of doing something slightly different. By appreciating it, they are willing to protect it." She is here to honor this quote and to do what Terry Marten hoped, and that is to protect it. Lance Anderson stated that he is representing the developer. There are several parcels in there. We have no deficiency in that area, because we are very low density in the whole cluster. They brought this parcel forward in 2016. things have morphed over the years. We do care about our houses and we are trying to make it fit. People come to the Kayenta Center and want to be within in walking distance. This was a part of the SITLA property that we purchased. He sent a new legal correcting the acreage just now before he came to the meeting. We went back to the drawing board and looked at everyone that lived around this. There is a wash to the west and to the north is a hillside. The Resort Commercial is brought down lower so it is away from the housing. There will be 7 houses on approximately half acre lots. They would take up less space than some of the houses that look just like them. They will be very low profile. The parcel above is a transition area as it gets closer to the other houses there is less density. The access makes it so they do not enter into the subdivisions. It all comes through Coyote Gulch. It was where equipment was parked, then the fire station, then retail spaces so it has morphed over the years. We care about the houses there and are trying to make them fit in. People that come to the Kayenta Center want to stay within walking distance. Right now, this is the closest property that is next to other Resort Commercial zoning. With our marketing, people above it will know this is Resort Commercial before they sell. That is our transition area. The wash will be undisturbed so there is a large distance between them. We talk about keeping living space inward and away from other residents. We are trying to keep it as subtle as we can, as we have done with the rest of Coyote Gulch. If it doesn't belong there we don't put it there, but in 2016 we first applied and now we are making it smaller and to look like a subdivision in order to have a transition area. **Dale Coulam** stated that since this is the first time anyone has been able to see this new document presented and the boundaries are not really clear, the Public Hearing should be tabled and continued. If people are unable to attend a new meeting they can make comment, but if others want to look at this and study it, it would be appropriate for this to be continued. For people that have made the effort to be here tonight and can't come back let's hear their comments. **Commissioner Doug Clifford** stated he seconds that. We can't pass it or turn it down if we wanted to tonight. **Commissioner Pam Gardiol** stated that she agrees that the people here this evening have a right to speak, and it does need to be postponed before we make a decision to allow us look at that new material. We are listening and reading these comments and we will be better informed. **Chairman Dave Robinson** stated he agrees. Lance Anderson stated that his legal is incorrect. It will be an Entrada-type development but more doors. Dave Davies stated

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that it makes no difference if it is 7 units, we still don't want it. You are just putting this off. **Chairman Dave Robinson** stated we have a legal issue now to deal with. We want everyone's input. If people come back we will listen then too. Tom Fabio stated he lives on Wisteria Court and wanted to point out that this has been rushed to the Planning Commission before the survey comes out. That will point you in a different direction. Take that into consideration and wait until after the survey. James Shumate stated he submitted documents to the Planning Commission. He lives on Kotori Court. His lot is visible on that plat, it is the narrow area north from the Court. He purchased the lot in August 2001. They were cautious buyers and checked the zoning, and the agents of Kayenta Development showed future plans seven acres east of our lot. The copy we were shown in exhibit one, given to the Commission, is the AGEC outline and map. Representation was made to them that there were going to be approximately 7 one-acre lots in this area between our lots. We were told lots were one acre and being an RE-43 zone, it made sense to do that. That is not the case today. We relied on those promises and built a house that is the single biggest investment of our lives and most of our estate. We have enjoyed those promises given to us by Kayenta Development until 2014. In 2014, Kayenta Development proposed 34 vacation casitas on that acreage and there were problems with that Public Hearing. The letter he gave to the Commission was a letter he wrote to the Washington County Attorney's office back then regarding serious violations of State statute. The Commission approved that change but Kayenta Development withdrew the application from City Council. He believes it was because of liability issues that he had stated in his letter. He thought the battle was over until February 2021 when Kayenta Development submitted another change to double the number of lots. That proposal was apparently withdrawn. They were trying to use the Planned Development concept for non-contiguous lands and put smaller lots near his house and larger lots up the road. That is not a sensible thing for a Planning Commission to accept, to have non-contiguous portions used in one plan. Here we are again for another attempt to try to change this zone radically. More than 50 years ago he learned in law school that this kind of conduct is called fraud by inducement. One party makes promises of future performance and later makes breach of those promises causing injury and loss to the buyer. They are asking the Commission to become party to that fraudulent conduct. All the witnesses that would be named in that lawsuit are here now. They would be in the courtroom as well. We are suddenly having a motel put behind our houses and that is fraud by inducement and it is actionable. Though now retired, he was a trial lawyer and a Judge for almost 48 years of courtroom experience and his comments are based on that experience. The last time this type of behavior was played out in a trial in front of him, the developer made and broke promises, and the homeowner recovered approximately 80k in damages by breach of those promises made. That is the reason we have zoning as you know, so people can rely on it. If this Planning Commission approves the request, we will have another hearing and if after City Council passes it, the next hearing will be in Fifth District Court in front of a Judge. Many here tonight will seek damages of this development. There are a lot of people involved. Please don't spend taxpayer funds on attorney fees. Defendants would face thousands of dollars in court costs and attorney's fees. In addition, they would have to pay damages for loss of property values and the quiet enjoyment of this peaceful and beautiful area. Because of the failure in the property description and lack of due legal notice, this has to start over. A brand new application with appropriate mailing and due notice to everyone. You can't deny the application tonight although it should be, because it has to start over with the right property description. Brian Comnes was on Zoom and stated he lives on Pachua Circle, about four lots away from the proposed development. Lance Anderson does good

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work, but what if a year goes by and he sells out? There is no reason then to follow Kayenta guidelines. That is a possibility. A zone request is not a plan design. Having said that, he would defer any rezoning until the General Plan process is complete. What is the rush? Putting a hotel in the middle of our neighborhood which requires ugly asphalt and maybe 40 spaces for parking. The Arts Center is empty at night. It goes quiet. Short-term rentals on the other hand are notorious for parties. Rockville just passed a new ordinance controlling noise, it got so out of hand. Will there be an on-site manager? No, we will have to call the Police. Planning Commission needs to look really hard at the fire response maps. Look at 16.11.111 that says adequate infrastructure for public services will be available. There is a quote on the Kayenta Development website, "With its soaring red cliffs and sage-covered open range, this is the wild west in all its grandeur. In this setting, the thought of suburban sprawl or tightly packed high rises offends our human sense. Today, it is difficult to imagine anything other than Kayenta resting quietly." Please vote no. No one wants a 35 ft hotel here. All their neighbors would appreciate that very much. Patricia O'Rorke lives at Talatawi Way and it is important to know that we are close to Hellhole Canyon and are just as affected. Maybe even more. Every weekend and holiday we are invaded by vacationers. If you were renting one of these proposed places, 21 fairly large units, where would you go to vacation? You don't spend all day at the Arts Center or Xetava. You go up the road and cut through my yard instead of taking the trail, and take your picture and wreck the desert surface. You picnic there and throw your trash all over, curse and swear when people ask you to get off their property, and let your dog run and poop all over my property. That is what we deal with now. What you are suggesting with these additional units would bring another 200 people a day into my yard, our roads and in our common areas, which are not maintained by the City. They are paid for and maintained by the Home Owners Association. She served on that Board and the Architectural Board. She doesn't know why she volunteers her time, if developers that already make a very fine profit have no respect for homeowners in the area. This is a bait and switch by the City, if approved as well as by Kayenta Homesites. We have invested heavily in the City of Ivins on this reliance that this would be a peaceful environment, not to become a hotel like the other one did down the street. They want to hurry and jam as many people in as they can on a nightly basis, because that is where the big money is. It is not fair and she believes you will see a law suit if this is passed. She would join as a plaintiff. Dan Arsenault stated he lives on a Kotori Court lot immediately adjacent to the west of this zone change. He agrees with all that has been said and Judge Shumate stated all the legalese of the opposition on this. He is a retired engineer and asked that they annotate the drawings so that the property reflects what is being changed. 1.471 acres is not truly what it is. It is two different parcels they are changing and he would like to see which is which and the size of each of the parcels in the next meeting. Sharon Aspenberg was on Zoom and stated that she lives on Chosovi Court. She inquired if this is the same property that the developer had changed to Resort Commercial on the May 17th Planning Commission meeting where you were going through the land use map and Terry Marten asked for a change and that was approved. There is no transition between the Low-Density Residential and Commercial for the property on this map. She got the agenda and it shows that it is next to two houses on Low Density property. It needs to have a transition. Kathleen Kirker stated that she is curious since no one wants it, what do we do to stop it? Petitions? **Dale Coulam** stated that as the Chairman outlined at the beginning of the meeting that is the public's opportunity to state facts and issues that would be relevant. You give public comment. The land owner has a right to submit a Land Use application and the City has an obligation to process that application. The Planning Commission then has a Public

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Hearing and makes recommendation to City Council, which is the legislative body and they hold another Public Hearing to hear comment. The City Council then makes the final decision on it. It wouldn't be appropriate to tell you what you need to do. If you need legal counsel, you would need to retain them. Kathleen Kirker stated that we all have the same issue in that we want to keep Kayenta the way it is. We bought in here to live a certain lifestyle. It is clear that no one wants this. Lisa Ganz was on Zoom and stated that she lives on Bickmore. In an effort to possibly counter any discussion of nimbyism in the Kayenta area, you have heard recent arguments in other areas about short-term rentals. It is not just Kayenta residents that are objecting to this. The Ivins public in general don't want this and we will see this play out with the survey results. It is important to take a look at the whole Resort and Resort Commercial and Hotel land use as well as the table of uses and better understand what that means and what the options area. You have heard that people do not want anymore Resort Commercial or short-term rentals. Take this into consideration for the next time you convene on this and listen to the public. Michael Lea lives on Shonto Ridge. Kayenta Drive is just a bit over. They are fairly new residents and can hear particular events going on in the Art Village and at the community pool. His concern is an increase in noise and light issues against our dark skies. He supports seeing what the survey tells the Commission first. The idea of vacationers and congestion in that area concerns him. Wait for the survey. He would also like to hear what they are actually proposing to put on it. That is really helpful before you get the zoning changed. Mary Beck stated she lives on Wintook Drive in Kayenta and did a show of hands that no one in the audience wants this. Lynne Mackechnie stated she lives on Tuweap Drive and regarding the development Lance Anderson said their motivation is that people want to be within walking distance of the Art Village. Why do that for an unknown group of people with no economic interest in the property? We represent the long-term investment in the community. Betty Marianetti stated she lives on Kotori Court adjacent to this proposal and looking out her backyard at this. People walking on the path will look down and see this. the mountain and the parking will not block it. There will be so many more people than if it were lots like we were originally told. Sharon Gillespie stated she lives on Ridgecrest Circle. On 9/1/22 she presented a 12 page document on short-term rentals with data points to the City Council with footnotes and links. She believes Kari Jimenez entered that in as part of the record. She would encourage any that want to read through that and it will give additional data points on why short-term rentals are a problem in communities, not just ours. Almost everyone they've been built in. Dan Clarkson stated that he lives is a neighbor to the O'Rorke's. He is the compliance officer for Shonto Point HOA and a lot of what he deals with are long-term rentals. A person couldn't get their RV in the garage so it sat in violation of our rules. These problems are already going on. Marty Spahr stated he lives at Two Moons Court and the night sky is a major issue but his biggest concern is during a Kayenta arts show or a performance we can barely drive down Kayenta Parkway. Why aren't police and fire involved in that? Then to hear that Lance Anderson wants to stick in 21 or 44 units? He has two very good friends listing houses in the next two weeks because of what has been proposed. They are moving out. Lance Anderson is on your Council. No developer, builder or realtor should ever be on City Council. Dan Pacific stated he lives on Tuweap Drive and is new to the neighborhood. He came from a similar type of location and the same situation took place. Every weekend, every holiday we got an influx of short-term rentals or VRBO's and sure enough people don't see boundaries and they walk through your yard and steal things. We are not allowed to have fences. One fourth of July weekend where he came from 10 people rented a place, dropped acid and went berserk. Security got there and they stole his car and began running over multiple residents. The police arrived and

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a shooting occurred and people were shot. This was a bedroom community of maybe 1200 people. You can expect this in short-term rentals and he is retired law enforcement himself. There is not going to be a way to contain it. Your law enforcement won't be able to handle the spike. Those are facts coming from an expert. We tried to get information on where the road on this proposal goes. We were told that would be discussed later on. He got conflicting information when Lance Anderson just came in and made his presentation. Liz Fortney stated she lives on Paiute Drive. She has personal insight on vacation rentals. They built their second home in Kayenta and moved in last March. Paiute is the main transition road from Center Street to get to Coyote village. While building our home, we rented a vacation rental long-term for 22 months in Santa Clara. It was a gated community with only 12 units, not 21. Each had a garage, a two car parking space in the driveway and areas available in the public area for parking. During the time we lived there for those 22 months, the vacation rentals were frequently crammed anywhere from 10 to 20 people. The parking overflowed from the garage and into the street to the point that at times we could not get our car out of the driveway to get to work. The second issue is they are on vacation. They don't get up at 3 am like she does to go to work. Every night the people renting party all night long on the patio drinking, making noise, playing loud music. We called the police on multiple occasions and were told to call the property manager who had an answering machine. One occasions she was walking her dog on a leash. The vacation renters let their dogs out loose and we were attacked by a dobermann pinscher. Animal control didn't come because she didn't know what unit it was because it was running loose. They are not understanding or interested in the laws of the communities or even obeying them. That is not who stays in them. The people who stay in vacation rentals are looking to house a large group as cheaply as possible so they can party for as long as they are staying in that unit. None of us want that in our back yard. Commissioners included. Lance Anderson stated just for clarification former Judge Shumate said we pulled our application because of his threat. We pulled it because of what SITLA wanted. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing.

B. Discuss and consider recommendation of a Land Use Amendment from LDR (Low-Density Residential) to RC (Resort Commercial); and a Zone Amendment from RE-43 (Residential Estates, minimum lot size 43,000 sq ft) with a PD (Planned Development Overlay) to RC (Resort Commercial) on approximately 1.471 acres. Located at approximately Coyote Gulch Circle and Coyote Gulch Way. Kayenta Development, Inc. Owner. Lance Anderson-Applicant.

Dale Coulam stated Lance Anderson brought forward a map that had not been previously attached to his application. That needs to be considered. Judge Shumate suggested he start over, but the application could be amended to include that map as an attachment to the application and it needs to be clarified. The maps submitted are unclear as to boundaries and acreage and location of street names, anything to clarify that on both maps. That would be helpful. Submit that and amend the application. You will have to amend your legal description and attach the correct one as an exhibit to make it clear. We can process that. Rather than reschedule this immediately, we will process the amended application when we receive it and send it to the Planning Commission. Any person has a right to file an application to be considered. As Staff, we are required to process that within a certain time specified by statute. We are simply fulfilling our obligation and Staff doesn't make recommendation on land use or zone changes. Planning Commission makes recommendation after hearing public comment to City Council. They will hold another Public Hearing and go through new noticing and you will all have that opportunity

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to speak there as well. City Council makes that final decision. He wanted to briefly outline the process and hope that is helpful. There are a lot of questions when it comes to land use. Zoning is a density question. An applicant is not required to bring in an exact plan at zoning. They will amend the application and give us the acreage that they are talking about. **Commissioner Pam Gardiol** stated this is the process including public input based on application data whereby all of us can apply. We are looking at public comment, application data and with the alignment to the General Plan as our guiding document so that it is not an arbitrary decision. **Chairman Dave Robinson** stated to clarify a couple of comments, 35 ft would not be possible in that area. He is not for or against. This was zoning, but the applicant volunteered more information than he had to. The roads in Kayenta are technically private roads, and so they are not necessarily enforced by Public Safety.

MOTION: Commissioner Derek Larsen moved to table indefinitely until a new or amended application moves forward. Roll Call unanimous.

SECOND: Commissioner Pam Gardiol

VOTE: The motion carried.

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

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider recommendation of Black Desert Family Village Preliminary Plan, located at approximately Snow Canyon Parkway and East Black Desert Drive. Enlaw, LLC-Owner. Stephenie Nast-Applicant.

Mike Haycock stated that Family Villages is located off of Snow Canyon Parkway, south of the Resort area. There is a big knoll on the south end of the property. This is right behind it. There is a road that will be fire department access only, and parking will be valet parking. They will take the customers to their units. We had them add a parking note that when the buildings are finished and before those certificates are issue parking for the whole project will be compliant with the zoning ordinance. It ensures and protects us on the parcel. But that is why you don't see any parking on this plan. **Chairman Dave Robinson** stated the path is for golf carts. **Commissioner Doug Clifford** stated that he has issue with the parking because there should be a limit of cars per unit. **Chairman Dave Robinson** stated it is all valet so there will be no driving down there whatsoever and then people will be shuttled to the units. **Mike Haycock** stated yes. The Conditional Use Permit states they have to obey all of our zoning ordinances. We are protected under contract that they will provide the parking. But depending on what parking is done at what time. Until then, parking is on the building department's shoulders to be sure parking is available. **Commissioner Bob Morris** inquired if there are walking trails then to get to those units? Are they golf carts? Patrick Manning stated that there are a number of ways. There are not golf cart rentals but we have possibly eight stretched golf cart shuttles and there are 13 stops and we hit those every three minutes to keep people moving. As far as parking, just to clarify, you will come up to the cul-de-sac in the middle of Family Village and then they valet where they have access to two levels of parking garages. We have oversized spaces and a couple hundred electric charging stations. **Commissioner Pam Gardiol** inquired how does it preserve the natural beauty, open space and preserve a sense of neighborhood for the community? Patrick Manning stated it would not be fair to isolate one phase of this project, but this overall project in

Ivins represents over 300 acres and we are only developing on approximately 60 acres. The lava beds have not only been protected but also donated to the City. We will be erecting the nature center and the trailheads. **Commissioner Pam Gardiol** inquired if any of the lava beds are part of this development? Patrick Manning stated that there are hundreds of acres in proximity. **Commissioner Pam Gardiol** inquired about a sense of neighborhood for the community? Patrick Manning stated that between the boardwalk and the Family Village, the sense of neighborhood is absolute. City Center has a dozen restaurants and shops, a variety, it is walkable, and everyone is welcome. The vehicles go under, they don't cross over. A sense of neighborhood applies. **Commissioner Pam Gardiol** stated in a community there are people that are aware of this and those that are not and as we go through a review it shows people we are aware and cognizant of the General Plan. She spent last week every day looking at the survey calculations, and the General Plan is so important, she thinks we discuss it in every petition.

MOTION: Commissioner Doug Clifford moved to approve recommendation of Black Desert Family Village Preliminary Plan, located at approximately Snow Canyon Parkway and East Black Desert Drive. Enlaw, LLC-Owner. Stephenie Nast-Applicant. Roll Call Unanimous.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

B. Discuss additional regulations for Short-Term Rentals in the overlay district, as well as the Resort Commercial Zone.

Dale Coulam stated that there was confusion at your last meeting as to why you are seeing this again. You did partially get rid of it and City Council did adopt your recommendation but they sent it back for some further work. The portion that passed was to remove the overlay as an ability for future applicants. There does exist a couple parcels that have an existing short-term overlay on it. The regulations were left intact to regulate those short-term rentals that still exist. City Council wants the Planning Commission to look at those regulations and those portions that are considered applicable to Resort Commercial such as parking. Have we addressed parking adequately in the regulations and should that be addressed in Resort Commercial? There is not a lot of detail on the regulation side even though they are similar to short-term rentals. Getting more details on parking is an example they gave. City Council wants your set of eyes as to whether we need to modify the regulations of short-term rentals and also Resort Commercial. **Chairman Dave Robinson** stated that two weeks ago we brought this up and were given the suggestions from Councilmember Mike Scott's for changes. **Dale Coulam** stated that those were just his outline of notes and suggestions of what he was wanting them to look at. **Mike Haycock** stated it is up to you as a recommending body. You can take it and run with it, or use the regulations they recommended and see what was passed by City Council. **Chairman Dave Robinson** stated these notes have contradictions. What is currently stated was correct but in parking specifically there is a contradiction. **Dale Coulam** stated that he will get the Planning Commission the ordinance as approved. But they did leave in place those regulations for existing short-term rentals. **Chairman Dave Robinson** stated then we can compare that against the Resort Commercial. **Dale Coulam** stated yes and whether it needs updated or not and topics you

want to look into is up to you. **Commissioner Pam Gardiol** stated that there are a number of places in here that are nebulous such as "the project shall contain recreational facilities consistent with the size of the project." She would like to tighten those down and share with us her thoughts. There are punctuation issues and other areas to tighten up. **Commissioner Doug Clifford** stated he would like to give his opinion on Resort Commercial and short-term rentals and having a single set of guidelines. They are two totally different animals. We have the concept of a horizontal hotel managed by professional management as opposed to individual units and they are on their own and have very different surroundings. He suggests we don't burden either with any regulations that don't fit other areas. **Chairman Dave Robinson** stated there are actually three different concepts, Resort Commercial, short-term rental overlay and then the bed and breakfast situations. **Dale Coulam** stated yes we can bring that forward to if you want to look at that as well. **Commissioner Bob Morris** stated he would like to see it all just to delineate between them. This document said Resort Commercial has a 5 acre minimum which obviously wouldn't work in other areas. We got rid of the overlay so everyone can apply. **Dale Coulam** stated no one can apply for short-term rentals, but they can apply for bed and breakfast and/or apply for Resort Commercial. **Commissioner Bob Morris** stated that part of affordable housing is to take that extra room and it is very supervised. The parties don't happen. No neighbors have to call the police. It is supplemental income and thereby being able to afford the house with that extra room or casita. **Dale Coulam** stated they can do that now, in 30 days or more. **Commissioner Bob Morris** stated Airbnb makes more. Let's get all three of the options out there. **Mike Haycock** stated the City Council rejected the business licensing suggestion.

MOTION: Commissioner Derek Larsen moved to continue Discuss additional regulations for Short-Term Rentals in the overlay district, as well as the Resort Commercial Zone. Roll Call Unanimous.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

C. Discuss Moderate Income Housing Report.

Mike Haycock explained where we are at with the State is they want a bit more detail in our plan. They want not just a means to get there but a time frame and milestones. We need to go through that again and give them that. Of the three that we picked, two were zoning. We accomplished one with the SITLA 120 zoning. That did include Residential Multi-Family. **Chairman Dave Robinson** stated there is litigation on that. **Mike Haycock** stated yes but we did our job. The third was working with other communities and that is harder to milestone and to date. The City Council had a fourth option for accessory dwelling units so maybe either put that back in and let City Council think of what to add in. **Chairman Dave Robinson** stated they rejected that because they felt we had already accomplished that. **Mike Haycock** stated maybe City Council could look at that one again. Or a couple other on that list that we can easily milestone or date. **Chairman Dave Robinson** wondered if any Commissioners were in any other City organizations that we could bring together quickly? Do we already have that connection? **Commissioner Doug Clifford** stated we can initiate a dialogue with other cities and the realization that very few cities have the means to tackle these projects that are needed if we

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are making a dent in low income housing. **Mike Haycock** stated we have federal funding on the line and he has a meeting December 4th with Workforce Services through Zoom. **Commissioner Doug Clifford** asked him to please talk to them about that. **Mike Haycock** stated that City Council wanted the verbiage to "shall" as "maybe." We should not be forced to zone projects that don't fit our General Plan just to prove we are moving towards these goals. It is not the States place to say. But we still need to plan accordingly in the General Plan. So we should not accept an application in the name of Moderate Income Housing but more that it fits our zoning. If we don't get a mixed use project we couldn't fulfill that goal but one thing we can date is that we are working on the General Plan and the land use plan and included those new uses so people can apply for it. **Chairman Dave Robinson** inquired if the Moderate Income Housing committee had been re-established? That would be a huge help sooner than later. **Dale Coulam** and Mike Haycock had not heard anything on that, but the Mayor was for it. We have a new timeframe the State has imposed on us. It was broad enough it was most cities in the State that had plans rejected. It was vague and so we submitted in two different forms but neither of those passed entirely. Workforce Services has had some turnover and there is a new person in charge of our area there. We have to submit revised strategies and implementation plan within 90 days from date of the letter. **Mike Haycock** stated which was on the 21st or 22nd. Commissioner Doug Clifford stated we should band together with other cities in answering this. **Commissioner Pam Gardiol** stated this is a work in progress throughout the State and an opportunity to describe the complexities so that next time we do one the State is more informed. **Mike Haycock** stated that hopefully the General Plan amendments may lead us to answers as well.

D. Discuss and consider approval of Ivins City Planning Commission Meeting Dates FY 2023.

Chairman Dave Robinson stated the new draft has been corrected. Dale Coulam stated that sometimes your first meeting falls in the prior month. City Council is required to only have one meeting a month. They have two but we aren't always able to accomplish that. This draft is fine.

MOTION: Commissioner Doug Clifford moved to approve Ivins City Planning Commission Meeting Dates FY 2023. Roll Call Unanimous.
SECOND: Commissioner Bob Morris
VOTE: The motion carried.

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

E. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for November 15, 2022.

MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for November 15, 2022.
SECOND: Commissioner Derek Larsen
VOTE: The motion carried.

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

5) REPORTS

A. Planning Commission

Commissioner Pam Gardiol stated that as a survey monitor she was a part of the compilation of the surveys. The process that has been used is volunteers have been entering those numbers and data from the survey and after two people sit, one with a tally sheet and the other with the survey itself and comparing to ensure it is accurate. Every comment in the survey has been entered. They speak to the computer and it records the statement. We had a nearly 50% return and that is unheard of. It speaks to how passionately our citizens feel about having a voice and it is also a historic opportunity. On December 15, 2022 they will present the results at City Council and the Planning Commission is invited to be there as well. She supplied a list of a few of her takeaways from the hundreds of comments she has read. This is an incomplete list. She has not read them all. We need to listen to our constituents of course, but some said we want small local commercial like cafes, restaurants or a shop. Others want a Costco and a mall. She looks forward to the results. Patty Dupre and Mike Scott have worked very hard. **Commissioner Bob Morris** stated that many of the comments can't co-exist. We are a back to being a representative of government. We are not a disgrace. **Commissioner Pam Gardiol** stated sometimes as citizens we are not as informed on the process, so we get reactions based on what we know, which is incomplete. She appreciated the clarification this evening because we forget these things. In the heat of the debate, we default to something that isn't the whole picture. She was honored to be a part of it. **Commissioner Bob Morris** stated that former Commissioner Bryan Pack used to say buy the property. There are property rights. If you buy it you can do what you want with your property.

B. Chairman

Chairman Dave Robinson stated he was hoping for 75% but we will deal with what we got. He has to say on the questions it stated that it needed to be returned on the 20th which was a Sunday. Some of the questions answered themselves and left little room for input. Some did not set right with the way they were worded. There were several of those. He is glad we did it and he can't wait for responses. **Commissioner Pam Gardiol** stated then our work begins. **Commissioner Bob Morris** stated with the big company performing the survey, they guaranteed a 10% response. **Chairman Dave Robinson** stated he was disappointed we didn't go with today's technology to get more responses. **Commissioner Bob Morris** stated it will be interesting where they came back.

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated he will send out the list of options for the Moderate Income Housing report to look at those.

D. City Manager/Attorney Dale Coulam

Dale Coulam stated that the survey results will be on the December 15th meeting.

E. Items to be placed on future agendas

6) ADJOURNMENT

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

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

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