# IVINS CITY
# PLANNING COMMISSION
# MINUTES
# May 2, 2023
# 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 Perry Brown, Commissioner Derek Larsen, and Commissioner Pam Gardiol.

**Staff Attending:** Dale Coulam-City Manager/Attorney, Marty Thomas-Zoom and Sharon Allen-Deputy City Recorder.

**Audience Attending:** Carol Cox, Chuck and Jane Field, James Barden, Bonnie Kline, Kim Launer, Matilda Mylander, David Johnson, Andrew Kramer, Sharon Gillespie, Matt Marten, Sharon Barton, Kathy Bart, Lisa Ganz, Lance Anderson, Terry Marten, Jeff DeVore, Diane Bracie, Laurie Haynie, Karen Baker, Ed Allred, Michal Patten, 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--None**

**2) REPORTS, PRESENTATIONS AND APPOINTMENTS-None**

**3) PUBLIC HEARING AND ACTION ITEMS**

**A. Public Hearing on a Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size, 15,000 sq ft) on approximately 33.864 acres. Located at approximately Kayenta Parkway and 450 North. Kayenta Development, Inc-Owner. Lance Anderson-Applicant.**

**Lance Anderson** stated everything showing blue on the map has already been changed to RE-15. They are following the Low-Density Residential land use. RE-15 meets that requirement. You can see parcel one and parcel two there with hatch marks. We are requesting to match what is around it. This is as you come off Kayenta Parkway and Hwy 91 to the east and there is parcel between Willow Springs. This is property we purchased from SITLA last year or the year before. We want it to match the rest of what we have there. The piece that says RE-15 in blue has been that way for a lot of years. **Dale Coulam** stated Staff doesn't recommend on zone changes. **Chairman Dave Robinson** opened the Public Hearing. Chuck Field stated he and his wife Jane live on Willow Springs Way, which adjoins this parcel and they had the opportunity to sit down with Terry Marten and go over the plan of what he proposes to put there. 15,000 sq ft is what they are asking, but they will all be larger, half-acre up to three-quarter acres. He also has a generous open space area. That ravine goes right behind their property. They were happy to have a chance to sit with Terry and realized his proposal is a continuation of Kayenta and that lifestyle. Jeff Devore stated he lives on Willow Springs Circle. This parcel is right out his front door. He was told by his real estate agent when he bought here a few years ago that it was open space. Obviously it wasn't. Many people on my street are original owners, older people and he is sure that their idea of Kayenta is that it would stay lovely and mellow and a blending of housing and nature. They've had that their whole lives. It was quiet. It is a super freeway now and lots of

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construction. In the last two years, what we thought would be open space is now a condo-townhouse project down the street. There has been another rezoning. He saw the flier while walking his dog. How much development must we have? We are next to the reservation. There is a lot of residential and commercial development across the road on Hwy 91. Leave well enough alone. It is so beautiful there. It is a struggle with water issues here. Keep them 5 acre lots at least and don't increase the traffic. Kathy Barth stated she lives on Wisteria Court just out of the map's view. She has lived in Kayenta since 1996 and she looked at Terry Marten's concept plan. She is actually on the smallest lot in the entire Kayenta community at 12,000 sq ft. Her HOA has an overlay area that has some that are half-acre and some not as small as her lot but maybe 1/3 acre size. When SITLA moved up their date to plan the sale of their Kwavasa area, Terry Marten worked with the HOA to develop the lots behind them, less than 10 ft from their property line to develop open space. This development will be like Kayenta. It is Terry Marten's baby. He will work with the lower area homeowners in Willow Springs to maintain that ambience and continue it. There is an open space area already designated for some of those lots. The lots abutting the existing property owners are similar in size. Lots will get smaller as they get closer to Hwy 91. She has been fortunate because she could not afford to live in Kayenta today. They bought that lot for $18,000. No way that could ever happen again. On the flip side, no one today would be willing to pay the prices that are currently being acquired in the upper Kayenta lots in those large subdivisions. Most lots are similar in size to what existing homes have and get smaller in size closer to the Highway. If this isn't workable for Terry Marten and he chooses to sell it to someone else, do we want to look at another barracks? She hates that term, but it has been tossed around at previous meetings. She would rather see the land developed by something financially feasible for Terry Marten than have it out on the open market. Diane Bracie stated she lives in Willow Spring Circle. Terry Marten has a concept for Kayenta what happens when he is no longer with us? Is there any agreement or code that will keep that vision of Kayenta? Will they be one-story or two-story white houses? Parcel 2 is a flood zone. That needs to be considered with all the rain we have had this winter. Lisa Ganz stated she lives off Kwavasa and has for a couple years now. She attends Planning Commission and City Council meetings and is constantly reminded that landowners and developers have rights, and the only tool in the toolbox that elected officials and the Planning Commissioners have, is in zoning. After it changes, it is a free-for-all. There have been numerous discussions that RA-5 is a "holding zone" and no such term exists in the code or Land Use Plan. The public is concerned with over-development and one of the things that ranked high on the survey was to maintain a farm or agricultural feel. This is your one chance to not do an upzone and maintain RA-5. She has faith that Terry Marten will do something really nice, but not everything has to be upzoned just because the landowner or developer wants it. This is really the last of the open frontier we have in the City. Develop it in the land use it is currently designated in so that it works for the public too. Laurie Haynie stated she lives on Soaring Eagle. They have lived there a couple years with the expectation that Kayenta would stay what it is. It has very limited and very strict building codes. The developer's reasons for changing the zone doesn't make sense to her. Just because it abuts other land? It is hard to know and trust what is going to go on that parcel. She doesn't buy that as a valid reason to change it. It increases that whole area by 1/3. What happens when Terry Marten is gone? Once the zoning is changed, there is no going back. Leave it as it is. We love it and it is a special and unique place. It is unfair to the people that are already there and pull a bait and switch with this development. **Dale Coulam** stated there is no one on Zoom. Karen Baker stated she lives on Willow Springs Circle. Her concern is, along with keeping the open space, the moon rocks down

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in the RA-5 area. If they develop that area too much, it is like national-park quality rocks. It is just gorgeous. Maintain the beautiful natural aesthetic that we have. For me and all my hiking buddies it is phenomenal and really should be protected. This zoning should take that into consideration. Carol Cox stated she lives on Willow Springs Way and unfortunately her house is closest to this development. It is in her backyard. She will look directly on rooftops because her house sits higher. This is not what she ever expected Kayenta to be and she has lived there for 21 years. She can't imagine driving into Kayenta and seeing housing developments to the right and left. This is not Kayenta and never has been. Don't make it that way. 15,000 sq ft lots is astronomically small in comparison to Willow Springs Way and Circle. Propose bigger lot sizes. Don't take the beautiful pine trees out that have been there for 20 years. She is disappointed it is even being considered. She is most affected by this, and her next-door neighbor didn't even come, he is so upset. She won't have a gully behind her house like a previous speaker. She will have a house or houses behind her house. She likes Kayenta the way it is, and it is beautiful. It would be devastating to rezone that 15,000 sq ft lots. Ed Allred stated he lives on Sage Way and inquired if this proposal was for three parcels, or two? Lance Anderson stated that he was going to propose parcel three, but that needed to change the land use, so this application is just for parcels one and two. What is being shown on the map is correct. Chuck Field inquired if there is a zoning size between 15,000 sq ft and 5 acres? Michal Patten stated he lives on Sage Circle and it is important to hear how the development in Parcel 1 will change the viewshed when you drive in off Hwy 91. What sold her on moving to Kayenta was how spectacular that drive is when you come off Hwy 91. It is hard to imagine how homes will come through there without obscuring and changing that view dramatically. There is a concern about water. None of the legislation that has come through recently regarding density of homes is tagged at all to water availability and this is a small way to mitigate that. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing.

**B. Discuss and consider recommendation on Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size, 15,000 sq ft) on approximately 33.864 acres. Located at approximately Kayenta Parkway and 450 North. Kayenta Development, Inc-Owner. Lance Anderson-Applicant.**

**Chairman Dave Robinson** stated that the legend on our zoning map shows there are other selections that can be used. The applicant says that they chose this zone because it matches the surrounding area. There are other choices for that zone. As far as what happens with the land when/if Terry Marten passes away, there is nothing like a trust with the City. **Dale Coulam** stated that is his personal estate plan. That has nothing to do with the City at all. Another question was if there was a master plan filed with the City to control what happens with the property. Terry Marten has his own master plan. He has been following it for some time but has not filed one with the City. He does it in pieces with zone changes and then it goes through the subdivision process. Staff doesn't make recommendations on zone changes because it is a legislative decision, not an administrative decision. Terry Martin has his own master plan that he has followed closely but it is not filed with the City and is not a binding document with the City for future development, other than the zone changes. **Chairman Dave Robinson** stated that someone asked if they can build a white house there? Not if Terry Marten is in charge. We can't discuss yet what will be built there. Terry Marten has shown some of you the plan, but that is putting the cart before the horse. No plan has to be presented at zoning. We also have a Sensitive Lands Committee that reviews some areas. When it comes time to develop and build on a

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property they help protect those properties, like minimize building height, etc. to maintain those areas. He doesn't know if this development falls within sensitive lands. Same with the flood zone. That would be dealt with at engineering and development. It doesn't come into effect yet when we are reviewing a zone change. There was a question as to why change this at all? Unfortunately, everyone has property rights. We don't want to step on your rights, and they are allowed those rights as well. We have to work together to work that out. We all have water concerns, but that is out of our hands because the Washington County Water Conservancy District tells us whether we can or cannot build. Developments go to the Washington County Water Conservancy District and ask if they can have the water to build. That is not a decision for Ivins. That may change in the future. **Dale Coulam** stated that when they go before the Washington County Water Conservancy District, based on availability at the time they are ready to build, they get a will-serve letter. Without that, they don't get any water. **Chairman Dave Robinson** stated we have different programs to try to conserve water. When it comes to issuing water for development, we don't have the power to make that decision. **Dale Coulam** stated that there are parts of Kayenta that does have its own water system and if it is serviced by Kayenta Water Users, they would make that determination whether they have enough water to serve a development. Lance Anderson stated that Kayenta's water comes from St George City water from water shares that Terry Marten has and the Washington County Water Conservancy District supplies us that water. **Commissioner Pam Gardiol** stated that someone made the comment that they were disappointed the Commission was considering this application. It is important to understand everyone has the right to submit a petition to the City for development. That is the way we carry out government. We may agree or disagree with a petition, but we are obligated to find the findings of fact and rule on it. **Chairman Dave Robinson** stated we don't seek these applications. They are brought to us. **Commissioner Pam Gardiol** inquired if this development is part of the Kayenta master plan? Lance Anderson stated yes, the geotechnical work was done in 2004 and to the east is the reservoir. We are going with RE-15 to match the parcels around it. It will look like Taviawk Phase 11 and 12, which flows very nicely. **Commissioner Pam Gardiol** inquired if there will be a gradation where greater density is closer to Hwy 91? Lance Anderson stated that someone mentioned that, but they are not that different. RE-15 is to help keep them uniform. **Commissioner Pam Gardiol** inquired if his construction process is in alignment with previous building in Kayenta with minimal intrusion to indigenous plans as possible? Lance Anderson stated that is our goal. **Commissioner Perry Brown** inquired what about the entrance off Hwy 91? That is a stunning entrance into Kayenta. Lance Anderson stated it drops off with the topography to the east. The first row of houses will be nestled in, just like the rest of Kayenta. **Commissioner Doug Clifford** stated that RE-15 is being requested because the topography has parts you cannot put into exact squares. The property lines will be jagged, which is consistent with that area. Everyone would love to have their home and nothing around it for miles, but this will be Kayenta-style. This is zoning not the development plan. The zoning is consistent with the area. When we build we make the assumption that things in our area won't change but unfortunately they do. **Commissioner Derek Larsen** stated that change is inevitable to a certain degree, but zoning is one way the City has to control things. He understands that citizens think that RE-15 may seem small. He would love to see them come back with a more realistic zone. **Dale Coulam** stated in recommending to the City Council you can recommend a zone that is lower in density than RE-15, all the way up to RA-5. It has to fit Low-Density Residential. You have that spectrum to choose from. **Commissioner Pam Gardiol** inquired if we were to make a different recommendation would we need to state findings of fact? **Dale**

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**Coulam** stated you would need to state a reasonable basis upon why you recommended what zone you will choose. **Chairman Dave Robinson** stated zoning is not our last chance to have a say in what goes on. There are more processes where we will see a development. **Dale Coulam** stated that with a legislative decision you have a pretty broad discretion as to what zone to recommend to City Council. On subdivision applications those are administrative, and it is more check-the-box. If it complies with the ordinance, it is entitled to approval. The process is it goes to TRC and engineering and building reviews the plans and elevations. It goes through quite a process and ultimately you don't have the same discretion that you have at this stage of the land use process. Zoning is a determination of density. From there, they submit a subdivision that fits. Lots can certainly be bigger than a zone designation, but they can't be smaller. **Commissioner Doug Clifford** inquired if it would be a Conditional Use Permit to have an average lot size? **Dale Coulam** stated no. Class II is approved by the zoning administrator. Conditional Use Permits put reasonable conditions on to mitigate possible adverse consequences from a development, but if it meets the code they would be entitled to approval. **Chairman Dave Robinson** stated that there is an overlay where we can do a lot average. We want the RE-15 to be the minimum. Lance Anderson stated that this application is for lot averaging. 25% of the lots have to be greater and 25% can be smaller. When dealing with topography that would affect setbacks. It allows us to move the lots lines and protect outcroppings. Moving up in zones takes away that ability. **Dale Coulam** stated the application does say lot averaging and that is an overlay to go on the zone that allows a few lots to be smaller so the lot sizes average to a minimum of 15,000 sq ft. That is still a legislative decision. You can recommend any low-density residential zone, with or without lot averaging. **Commissioner Perry Brown** inquired if the plan on Parcel 2 is just part of a larger development? Lance Anderson stated yes. We build off topography. This has been held up because of the reservoir. **Chairman Dave Robinson** stated that he did not realize it was a lot average overlay and he is not inclined to do that. He thinks it should be 15,000 minimum. **Commissioner Derek Larsen** stated that he thinks it is okay, but we use zoning to achieve end goals. It is nice to go lower. Terry Marten has created a lovely subdivision and now they all want to keep it as open as possible. He would be more comfortable to go to move it up a lot size because once it is zoned, it is zoned. **Commissioner Doug Clifford** stated lot-averaging and it gives flexibility in an area like this. You are not constrained by streets. The property will dictate the lots and how they will be designed in there. How low could lot-averaging go? **Dale Coulam** stated if you need that exact amount, and that is a concern, he suggests tabling this. **Chairman Dave Robinson** stated he is not comfortable with doing lot averaging on this. Lance Anderson stated he believes that 25% of lots can be changed and 20% less, but if it causes grief and is a problem, take the lot averaging overlay off the table. **Commissioner Doug Clifford** stated if lot averaging is not that important, were the small 12,000 sq ft lots in Kayenta also a lot averaging? **Commissioner Pam Gardiol** stated that because the current petition states lot averaging and the developer has a proven history in this area in the caliber of development, she moved to recommend approval from RA-5 to RE-15 with lot averaging, as presented. Motion died due to lack of a second. **Commissioner Doug Clifford** stated he would be okay without lot averaging. We are trying to maintain the look and feel there.

**MOTION: Commissioner Doug Clifford moved to approve recommendation on Zone Amendment from RA-5 (Residential Agriculture District, minimum lot size 5 acres) to RE-15 (Residential Estates, minimum lot size, 15,000 sq ft) on approximately 33.864 acres,**

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**without lot averaging. Located at approximately Kayenta Parkway and 450 North. Kayenta Development, Inc-Owner. Lance Anderson-Applicant.**
**SECOND: Commissioner Perry Brown**
**VOTE: The motion carried.**

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| Chairman Dave Robinson | AYE |
| Commissioner Doug Clifford | AYE |
| Commissioner Perry Brown | AYE |
| Commissioner Pam Gardiol | AYE |
| Commissioner Derek Larsen | NAY |

**4) DISCUSSION AND POTENTIAL ACTION ITEMS**

**A. Discuss and consider recommendation on Serenity Estates Preliminary Plan, located at approximately 600 South Main. Rasmussen Properties, LLC-Owner. Frank Allen-Applicant.**

**Dale Coulam** stated this has previously been approved, but they let their time expire. They had to refile and go back through the process. It is the same as what was approved. TRC had no new comments. **Commissioner Pam Gardiol** inquired if they were to just go through the motions then, or does this need a review? **Chairman Dave Robinson** stated that before they presented the next portion their time ran out. **Commissioner Pam Gardiol** stated if it has come back for a time issue, is it open for additional questions? The only open space in this development is a detention pond. Some of the elements we are reviewing in the General Plan are not represented here. **Dale Coulam** stated the ordinance requirement is for landscape buffers and detention basin. There is a Subdivision Enhancement Overlay that would require them to provide more open space. If it is a straight subdivision, this is the minimum requirement of a landscape buffer along the street. Low-Impact Development now requires drainage on-site, so we are seeing more detention basins. That is all that is required of the ordinance. **Chairman Dave Robinson** stated that he would like to see if we can dual purpose some of these detention basins. **Commissioner Doug Clifford** stated they are pushing the density here; they are all 10,000 sq ft lots. **Chairman Dave Robinson** stated they already have to do the basin so why not put pickleball courts in some of the bigger ones. **Commissioner Doug Clifford** stated the developer decides that. And usually we have to give something back to do that. **Chairman Dave Robinson** stated right now we can't because it isn't in the code. He would just like us to look into that at some point. Not with this one. That has no bearing on this. **Commissioner Perry Brown** stated that within the General Plan we talk about connectivity between communities with roads and trails, and there is none here with the subdivision to the north or to the west. To the south there is open land and no connectivity. **Chairman Dave Robinson** stated they will share the road there. They only have to do half the road so that will connect. **Commissioner Perry Brown** stated that for the future we need to be thinking about that connectivity.

**MOTION: Commissioner Doug Clifford moved to approve recommendation on Serenity Estates Preliminary Plan, located at approximately 600 South Main. Rasmussen Properties, LLC-Owner. Frank Allen-Applicant.**
**SECOND: Commissioner Derek Larsen**
**VOTE: The motion carried.**

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| Chairman Dave Robinson | AYE |
| Commissioner Doug Clifford | AYE |
| Commissioner Perry Brown | AYE |
| Commissioner Derek Larsen | AYE |

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| Commissioner Pam Gardiol | AYE |

**B. Discussion of the General Plan Chapters 1-3**

**Commissioner Pam Gardiol** stated she made her changes in green. There are no changes in content, just presenting what was discussed last time. Vision Element E is in dark green, and Dale Coulam was going to research that. **Commissioner Doug Clifford** stated when he reviewed the 5-year budget forecast he was impressed. There is some very meaningful data in there. He will get commentary back on that. There were concerns he had as he looked at that information. Page 5 shows a change in the budget's balance, and it goes into the negative for a couple years. **Chairman Dave Robinson** stated that change is an estimation of building permits, and it tapers off. We don't have anything to replace them until Black Desert Resort and other revenue and property taxes come in. That deficit shows us switching from building permits to revenue from retail and property tax. **Commissioner Doug Clifford** stated there are things we can delay in our planned expenses until that revenue flow comes in, rather than go into the negative on the budget. **Commissioner Pam Gardiol** stated that when we send our recommendation to City Council, we can add that caveat. **Commissioner Doug Clifford** stated the data is good and the building blocks give us a good example and an idea of what we can expect. The population analysis is concerning to a lot of people that we could grow at that rate. It could double our current population by the 2040 timeframe. The only thing that may change that projection is if for some reason building or housing costs got to the point where we no longer were going to have that kind of growth. That could happen. The major information coming out of the State forums like the Land Use Institute and Utah League of Cities and Towns Spring meetings, is that the legislature is putting the thumb on housing. We have to come up with something to help, or we risk losing a lot of money in roads and infrastructure that we receive from the State. **Commissioner Pam Gardiol** stated that these two chapters were well written, but the table didn't align with the visuals. Just a few minor changes. **Chairman Dave Robinson** stated that we are just picking up where we left off. The green has been corrected and discussed from last meeting. **Commissioner Derek Larsen** stated the changes were good. He liked it. **Chairman Dave Robinson** stated then we will move forward. **Commissioner Pam Gardiol** stated she did leave one bullet the same in Vision Element C about respecting and protecting the magnificent night sky. We discussed putting the night sky in with the bullet above it, but it didn't seem to fit in that bullet or in the development bullet. It fit better in "Work to Preserve Views and the City's Natural Setting." She is proposing we leave "Work to Preserve the Night Sky" as a separate bullet rather than trying to fit it in somewhere else, especially with the desire of so many of the community wanting to protect that. **Chairman Dave Robinson** stated he humorously points out that we encourage people to come see our night sky while also saying we don't want travelers in our community. **Commissioner Pam Gardiol** stated there will be many travelers coming in with Black Desert Resort. **Chairman Dave Robinson** stated and that will eventually pay for our City to operate and run. **Commissioner Pam Gardiol** stated that there are no easy answers to anything. There was a chapter she copied from the Land Trust meeting that talked about the importance of ecology and of the approximately 8 million species on the planet, we are in peril of losing close to a million of them. She is proposing a new bullet under "Our Growth-Stewardship To Create Homes For All Who Are Drawn Here" Under Vision Element E. "Encourage indigenous open space preservation in neighborhoods to protect the land that belongs to future generations." Similar to what we discussed with Lance's development and people concerned about the indigenous land there, she would like to add that element to encourage that as we are developing neighborhoods. **Commissioner Derek Larsen** stated we

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did hear people say that, and then we voted against it. **Commissioner Pam Gardiol** stated that because he is a legacy developer, she felt that we were in good hands. **Commissioner Derek Larsen** stated most developers don't have that same history. **Commissioner Pam Gardiol** stated that is why she is proposing we encourage it. **Commissioner Doug Clifford** stated under Element E-supporting objectives. **Chairman Dave Robinson** stated he doesn't understand the reason for it. Expand on it. **Commissioner Pam Gardiol** stated that Goal A is "to allow for a variety of housing types, attractive and functional neighborhoods to meet the needs of all income levels. Encourage developments that preserve a sense of neighborhood. Preservation of areas for rural life consistent with local heritage. Residential design that complements the natural beauty." Part of complementing that natural beauty is the indigenous plants and open space that we have. **Commissioner Derek Larsen** stated not to disagree, but that goes against all income levels. None of those bullet points are possible. We want to meet the needs for all income levels, but then these bullet points make the lots bigger and cost more. He is not against that but in the General Plan, we try to put everything we love in, but they don't go together. **Commissioner Pam Gardiol** stated she has had the opportunity to do some work on best practices on Moderate Income Housing and she has been very impressed with developments that she has seen around the country that do respect the very elements we've listed here. A developer she sat next to at the Land Use Institute that is building a very large development in Washington are attempting to do these very things. They are a national developer and have a scale that not all developers will have, but if we have something in the plan that states this is what we are working toward, developers want to know what the expectations are in a community. They can then decide if they develop here, and it aligns with the community. We heard the word barracks again tonight. This bullet is a way to address some of that. **Commissioner Perry Brown** stated if we don't say "all income levels" but "multiple income levels" we get over some of the problem here. **Commissioner Doug Clifford** stated we have stayed clear of total subsidized housing because we lose a lot of control in those. You have to jump through a lot of hoops. **Commissioner Perry Brown** stated people will interpret income levels differently. Saying "all" makes it hard to meet any of these bullet points here. Several of those bullet points can be met with design. Nice design can be part of a relatively low-income housing development. **Chairman Dave Robinson** stated he doesn't see putting it in. **Commissioner Doug Clifford** stated maybe it belongs somewhere else. It isn't really creating homes for all, but the environment of that community. There are two driving factors, height and space for low-income housing. It's about how many can you put on so many square feet of land. **Chairman Dave Robinson** stated the prohibitor there is the cost of land. **Commissioner Doug Clifford** stated that Commissioner Pam Gardiol has stated it a lot that we can do more with open space between these types of residences to make it feel more open. We can change the outward appearance so that they don't all look like barracks. The Mayor had a good example of some quad homes that look like one big modern house. Architects will have to be good. How do you nicely encourage developers to spend their own money to do those features? **Commissioner Pam Gardiol** stated that is where the General Plan is so important, because we are being taken out of the review. She has heartburn with that. The General Plan allows us to hone our ordinances for more substantive guidelines when Staff does that review. She was at the Utah League meeting listening to the presentation. The presenter asked the audience of Mayors, Councils, Planning Commissioners and professionals about how many were concerned with this change, and 75% of the room raised their hands worried the review will not happen. Some were our very own Councilmembers that raised their hands. We resist change until we figure out what

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to do with it. We have a lot to learn. If it fits better under G "we build open and uncrowded spaces to bring people together." Maybe that is a better place to put it. **Commissioner Doug Clifford** stated he would be more in favor of it there. **Commissioner Derek Larsen** stated maybe we can say a variety of income levels. **Commissioner Pam Gardiol** stated she will make those changes. **Commissioner Perry Brown** stated that will that word be confused with indigenous peoples? **Chairman Dave Robinson** stated that wording has to change. **Commissioner Perry Brown** stated the word native would be more connected to the land. Indigenous lands are owned by indigenous people. **Commissioner Pam Gardiol** stated she changed it to native plants or natural habitat. **Chairman Dave Robinson** stated Section F Vision Element. "We recognize that any ecosystem including our community thrives only with diversity. Goal A-Education. To support quality public schools, private schools, charter schools and higher education." We have all of those in our area. Next is Education-Supporting Objectives. **Commissioner Pam Gardiol** stated she will renumber these and format them. **Chairman Dave Robinson** stated the first one is "Search for and utilize joint-use facilities to minimize costs to the City and the School District. **Commissioner Pam Gardiol** inquired if that is what we want to work toward? **Commissioner Doug Clifford** stated we missed our chance to make the Vista School auditorium into a City auditorium. **Chairman Dave Robinson** stated next is "Ensure that land resources are reserved for future school needs through cooperative long-range planning." **Commissioner Doug Clifford** inquired who are we cooperating with? **Chairman Dave Robinson** stated with the school and the City. **Commissioner Pam Gardiol** stated it is a variety, not just the School Board and District. **Commissioner Doug Clifford** stated through long-range planning with the City and the School District. Leave it. **Chairman Dave Robinson** stated next is "Encourage State charter schools." **Commissioner Perry Brown** and **Chairman Dave Robinson** stated to strike that. **Commissioner Doug Clifford** and **Commissioner Pam Gardiol** both agreed it should be eliminated. **Chairman Dave Robinson** stated next is "Encourage the utilization of qualified retirees to enrich public education." **Commissioner Perry Brown** stated it doesn't have anything to do with land use. **Commissioner Pam Gardiol** stated our ecosystem has diversity, so whether it is a retiree or not, we want to encourage the community. **Commissioner Doug Clifford** stated leave it because we have a lot of blatant talent in our community that could be involved. **Chairman Dave Robinson** stated we have zero control over public education's hiring abilities. **Commissioner Pam Gardiol** stated we are just encouraging. **Chairman Dave Robinson** stated it is out of our hands. He thinks we should strike it. **Commissioner Doug Clifford** stated you would have to go to the School Board for that. **Commissioner Pam Gardiol** stated the first two bullets track with education, but they are more under the government's umbrella. It is a noble cause, but it is not the government's job to find volunteers for public schools. **Chairman Dave Robinson** stated next is "Support plans for elementary schools, middle schools, high schools, libraries and other facilities for higher education in Ivins." **Commissioner Perry Brown** stated simplify it by saying "Support plans for elementary, middle and high schools, libraries and other facilities for higher education in Ivins." **Chairman Dave Robinson** stated that next is "G Vision Element we build open uncrowded spaces to bring people together to recreate, talk, support each other and work collaboratively for the common good." Goal 1 is "Protect the superior quality of life in Ivins City." Supporting Objectives are "Specify the intent of the City Council regarding the planning and regulation of growth, land use, development and distribution of density within Ivins City and surrounding areas." That is part of the Planning Commission's job too. **Commissioner Pam Gardio**l stated that City Council is in

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there because they are the elected officials, and we are not. They direct us to have that responsibility. "Superior" is a nebulous word. Quality of life is protected by how we look at growth, land use and distribution of density. Maybe it is "specifying standards regarding planning." **Commissioner Derek Larsen** stated maybe "direction" is a better word. Chairman Dave Robinson stated he would like to take the City Council out of that sentence because it depends on who is elected at the time. **Commissioner Doug Clifford** stated really we can't regulate growth. We can set the land use. We decide how much is commercial and residential and then it comes down to the people who buy, build and develop it. **Commissioner Perry Brown** stated but we control the rate in which it changes with land use. We could have denied that application tonight. **Commissioner Derek Larsen** stated we work within legal confines and timeframes. **Commissioner Perry Brown** stated that the same property may come in two years later and present the right thing for the City, and we say yes. **Commissioner Doug Clifford** stated we would have the State crawling all over us. **Chairman Dave Robinson** stated not to mention lawsuits that would be filed. **Commissioner Perry Brown** stated he disagrees. We have flexibility. The ombudsman may not like it, but there are ways that we don't stop development, but we slow it down. **Chairman Dave Robinson** stated he doesn't like the term "regulating growth" in there, because it makes people feel like we can control that. Having City Council in there is a sway as to who is elected or who is not. **Commissioner Pam Gardiol** inquired what is the intent of this bullet? We are specifying what the City Council wants. Is that something we want in the General Plan? **Chairman Dave Robinson** stated no. Remove that whole sentence and say "define the standard of planning of growth, land use and development and the distribution of densities within Ivins City." Take out "regulation" and "surrounding areas." We have no control over that. **Commissioner Pam Gardiol** stated add "Establish standards of." That sentence makes more sense to me. **Commissioner Perry Brown** inquired are we trying to get City Council to define "superior quality of life in Ivins City"? They are trying to define the quality of life through those things. He thinks that is what it is trying to say, if it needs to be in there at all. **Chairman Dave Robinson** stated we can word it "Through planning of growth, land use and development and the distribution of densities within Ivins City." Leave the word "regulation" out. **Commissioner Perry Brown** stated there is not a lot of support for regulation in there. **Chairman Dave Robinson** stated there is a lot of support from the public for regulation in there, but we don't have that ability. **Commissioner Doug Clifford** stated if you leave "regulation" in public would not understand why we couldn't stop a development. **Chairman Dave Robinson** stated the public wants us to deny a petition because of water, but we can't deny because of water unless Washington County Water Conservancy District does. **Commissioner Pam Gardiol** stated "superior" is a nebulous word. She proposes "Protect the quality of life in Ivins City." People say they moved here because of the view, whatever. Each person defined their own quality of life. **Commissioner Perry Brown** stated in the first bullet we are asking City Council to say what they believe is the quality of life in Ivins, through these things. **Chairman Dave Robinson** stated it would be the City, because we are also part of that process. **Commissioner Pam Gardiol** stated that ultimately it says City Council because they are elected, and we are not. **Commissioner Doug Clifford** stated the goal is to protect the quality of life in Ivins, through planning of growth, land use and development and distribution of densities within Ivins City. **Chairman Dave Robinson** stated next is "Encourage the type of development that enhances the qualities that make living in Ivins City desirable." **Commissioner Doug Clifford** inquired desirable to who? These are really vague. They are not universal statements. The Land Use Institute says it is okay to not have a General

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Plan anymore because it is confusing people. So we invite people to Public Hearings and they misunderstand what we are doing. We just make people mad because they come thinking they can stop it when it is the procedure of your City. We only need one Public Hearing now, and then it is administrative. **Chairman Dave Robinson** stated he agrees. **Commissioner Doug Clifford** stated a lot of this can be removed, because it gives an impression to people that it is changeable. **Commissioner Pam Gardio**l stated that after going to both the Land Use Institute and the League meetings, it seems people are being removed from having a voice against how decisions are made regarding land use. She found it humorous that at the Land Use Institute they said that General Plans can't really be used, but follow them as much as you can. As we write this General Plan, that will generally oversee ordinances and processes that public now is able to respond less to, the Plan needs to be tight and say the intent as much as possible. Which bullet points really resonate and are of value and which ones set up an expectation that will not be reality? **Commissioner Doug Clifford** stated that at the Land Use Institute they stated if we were really doing our job as a Planning Commission, half of our meeting every meeting would be on developing land use regulations so that they are bulletproof and meet the general needs of our population. **Commissioner Pam Commissioner** stated under her land use note on ordinances it says the Council is not to be the land use authority. They are the legislators. At least half of the Planning Commission's job is to update ordinances and hold work sessions as necessary. That is why reviews won't be with us anymore because this is what they want the Planning Commission to do. **Chairman Dave Robinson** inquired are we spinning our wheels then? Are we wasting a bunch of time with something that will be done away with? **Commissioner Doug Clifford** stated he thinks we are. **Commissioner Pam Gardiol** stated she thinks it is more important than ever that there be a General Plan and that ordinances align with that. **Commissioner Doug Clifford** stated but it needs to be streamlined and definitive. General Plan is right now a vision statement and gives a broad direction. **Chairman Dave Robinson** stated it contradicts itself in areas. How do you make it solid when it contradicts itself in areas? We talked about open space versus people that need a place to live and what the State wants. They are contradictory to each other. **Commissioner Pam Gardiol** stated 21st Century General Plans provide more specifics and measurable plans to be more substantive document. **Commissioner Doug Clifford** stated there is so much that is not measurable in here. What our General Plan means to you and what it means to someone else can be completely different. **Commissioner Derek Larsen** stated let's take G out. **Commissioner Pam Gardiol** stated she would feel bad about that. **Commissioner Doug Clifford** stated that for example, "preserve a unique community that reflects the serenity of its natural surroundings." Some of our ordinances have to do with visuals, like height in our community. They are driven out of that type of idea. **Commissioner Perry Brown** stated so we implemented that idea through that mechanism. **Commissioner Doug Clifford** stated so it is the vision statement and then we put teeth in it by our ordinances. Are there actionable things that come out of these? On that one, he would probably leave it in. **Chairman Dave Robinson** stated going back to "encouraging the type of development that enhances the qualities that makes living in Ivins City desirable." **Commissioner Pam Gardiol** stated using feedback from the community they want it to stay small. We heed that bullet because that is a desirable item for the General Plan. Then it goes to Council for their review. **Chairman Dave Robinson** stated a lot of those feedback comments were from residents that moved here 1 year, 3 years ago and now want to stop the growth because they are already here. He has been here 30 years and there were plenty of people here then that we didn't want that development coming in. **Commissioner Pam Gardiol** stated it

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is human nature. **Chairman Dave Robinson** stated getting all these opinions gave them the idea that we have their list and let's do it all. We can't. You cannot eliminate people living here. **Commissioner Pam Gardiol** stated that growth is inevitable. Our role in government is with wisdom, to make informed decisions to the growth that is inevitable. **Commissioner Derek Larsen** stated what we can control really is when we change zones. That is where the rubber hits the road. **Commissioner Doug Clifford** stated that is why they say we should be spending half of our time in meetings defining what those ordinances are, to be efficient. One of the fundamental building blocks of community is that we are all closet nimby's. They like that view. They don't want to change. There never used to be a dog barking across the street. **Chairman Dave Robinson** stated that is not the way he sees it. When he built 18 years ago, he knew there would eventually be a subdivision behind him. **Commissioner Derek Larsen** stated not everyone does know that or realize that, but they should. The General Plan should help us make a decision as to how we want to zone things in the City. Do we increase or decrease densities? **Commissioner Pam Gardiol** inquired and if we are increasing or decreasing densities, why? It comes back to the General Plan. That is our wish for the community. No General Plan is etched in stone. It continues to change. **Commissioner Derek Larsen** stated all of this section is subjective. **Commissioner Doug Clifford** stated remove it. Preserving the community, we could state that one better because that is one of the features of our community. Our area is a place of views and natural surroundings. **Commissioner Perry Brown** stated we modified the first bullet. We can eliminate the second and keep the third. **Chairman Dave Robinson** stated he agrees. Desirable by who? Those in Kayenta have a different desire than another subdivision would. **Commissioner Doug Clifford** inquired where in the General Plan do we state it is okay to have regional areas of lifestyle developments to the people that want to live there? Don't make the whole City conform to one type. Not everyone wants that. **Commissioner Derek Larsen** stated that is why CCRs are a great thing. Neighborhoods should decide how their area looks. **Commissioner Doug Clifford** inquired how do we get that in here? That is a fundamental pillar of the General Plan. We have a community that can cater to the needs of a lot of different people. He likes sidewalks, curb and gutters. Others may not. **Commissioner Derek Larsen** stated our only control is zoning. The Mayor was on the radio this week talking about how we have three lighting districts because our City is different. Kayenta is dark. The City of Ivins themselves are the biggest light polluter with our unshielded streetlights. We make our citizens shield the lights on their houses. **Commissioner Doug Clifford** stated as a Planning Commission, we can write ordinances to fix that. **Commissioner Pam Gardiol** stated she will make those changes and put on our next meeting. She did read that Council thinks we are presenting something to them on this in August.

**C. Discussion on the Land Use Institute Conference.**

**Commissioner Pam Gardiol** stated that she made notes of the conference, but the one thing they talked about was the difference between a property expectation and a property right. As long as property owners have an economically viable use it is not a taking. They still have the right to occupy or sell that property. **Chairman Dave Robinson** stated that needs to go in the General Plan. **Commissioner Pam Gardiol** stated she did a synopsis of the chapter from David Roush. She will share that. **Commissioner Doug Clifford** stated please put this item on the next agenda before the General Plan. **Commissioner Pam Gardiol** stated that there are some good things in there and that they are measurable items.

**D. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for April 18, 2023.**

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**MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for April 18, 2023.**
**SECOND: Commissioner Doug Clifford**
**VOTE: The motion carried.**

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| Chairman Dave Robinson | AYE |
| Commissioner Doug Clifford | AYE |
| Commissioner Perry Brown | AYE |
| Commissioner Derek Larsen | AYE |
| Commissioner Pam Gardiol | AYE |

**5) REPORTS**
**A. Planning Commission**
**B. Chairman**
**C. Building and Zoning Administrator, Mike Haycock**
**D. City Manager/Attorney Dale Coulam**
**E. Items to be placed on future agendas**
**6) ADJOURNMENT**

**MOTION: Commissioner Derek Larsen moved to approve ADJOURNMENT**
**SECOND: Commissioner Doug Clifford**
**VOTE: The motion carried.**

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| Chairman Dave Robinson | AYE |
| Commissioner Doug Clifford | AYE |
| Commissioner Perry Brown | AYE |
| Commissioner Derek Larsen | AYE |
| Commissioner Pam Gardiol | AYE |

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