IVINS CITY
PLANNING COMMISSION
MINUTES
September 19, 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 Derek Larsen, Commissioner Pam Gardiol, and Commissioner Perry Brown.

Staff Attending: Dale Coulam-City Manager/Attorney, Fred Castagne-Building Department and Sharon Allen-Deputy City Recorder.

Audience Attending: James Barden, Steve Helm, Dean and Helen Cavaletto, Paul and Joanne Wimsatt, Rand Clawson, Bonnie Kline, Tiffany Ringwood, Chris Haddad, Denise Ashton, Gory and Joan Geritz, Lynnette Miller, Sharon Barton, Shelley Moeller, John and Kristin Hunt, Craig and Teresa Fife, Brett Henke, Matt Ence, Tom Fabio, Linda and Barry Neff, Michael Cook, Paul and Becky Liebert, Roger Siddoway, CJ Koharcheck, Mike Hugo, Chuck and Becky Warren, Jerry Miyahara, Cheyne McDonald, Chris Hart, Wayne Rogers, Lisa Ganz, Cameron Kelsch, Bob Hermansen, 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-

A. Amended Concept Plan Report for Drywash West Subdivision, located at approximately Kayenta Parkway and Hwy 91. RT Marten Utah, LLC-Owner. Lance Anderson-Applicant.

Dale Coulam stated that there are 43 lots on 106.08 acres. The land use is Low-Density Residential. The property is zoned RE-15 and RE-37. The Zoning Administrator determined the application is complete and staff gave guidance on what is required for the Preliminary Plan and TRC identified detention, storm drain and Low-Impact Development standards to be fully addressed at Preliminary Plan. A sensitive lands review may need to be done at their next application. They recommend the developer refer to all aspects of the General Plan in their design process. This is kind of in the middle where the reservoir would be and further to the west is the entrance to Kayenta. Brett Henke stated this is an amendment to the previous concept plan we submitted because we had to update the zoning south of Willow Springs and along Kayenta Parkway and a buffer zone at RE-37 and the rest is RE-20 and if the reservoir goes in the smallest lot is 22,000 sq ft. The majority are 25,000 sq ft or larger. The triangle down on the highway is the Frei piece. The Kayenta Wash is on the far right and Anasazi below. Willow Springs is on the left. The Preliminary Plan will have the detailed proposed sewer and water lines, and a plan for detention for storm water that is the LID that is referred to. It will have the profiles of the roads and a drainage report. Sensitive lands may need to be done because the hill falls outside of the slope, but the highway is a significant road. They want to discuss it to make sure it doesn't affect any of that area. When we submit the Preliminary Plan then TRC will make that determination. **Commissioner Perry Brown** inquired how many access points come off of

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Kayenta Drive from here? Brett Henke stated one new proposed one and one that ties into Sage Way and the two that are already there. The top one will eventually tie to Kwavasa. Traffic will be addressed with the Preliminary Plan with an engineer and if we need further studies. There is a calculation to determine that. **Chairman Dave Robinson** stated this is just a presentation today. We are not approving or approving this report.

B. Concept Plan Report for Movara Spa Suite Expansion, located at approximately 290 Fitness Way. Movara LLC-Owner. Cameron Kelsh-Applicant.

Dale Coulam stated that the spa suite expansion is one lot on 3.36 acres and is a land use of Resort Commercial and the zone is Commercial Resort Multi-Family with a mixed-use overlay. The Zoning Administrator determined the application was complete. They met the required zoning. Staff gave guidance on what is required for the Preliminary Plan. The TRC identified detention, storm drain and LID standards. Floodplain and sewer will be addressed fully at Preliminary Plan. They recommended the developer refer to all aspects of the General Plan in their design process. Cameron Kelsch stated this is a three-bedroom lock-off on the top. Two bedrooms on the top and one on the bottom. We have families that come so this fulfills the family suite. **Commissioner Pam Gardiol** stated that TRC recommended to follow all aspects of the General Plan to their design. How will you preserve the natural vistas that give Ivins its unique identity? Cameron Kelsch stated we are keeping within the color scheme of earth tones and same height, flow and scheme of what is already existing. It is not seen from the road but it will match what is already there. This completes the project.

3) PUBLIC HEARING AND ACTION ITEMS-

A. Public Hearing on a proposed Class V Conditional Use Permit. Located at approximately Puerto Drive and 400 South, east side of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant.

Dale Coulam stated that the narrative gives the various identities of professionals involved in this project. The location is approximately 400 South and this commercial portion is the east side of the wash and the east side of Hamblin Parkway, formerly known as the Western Corridor. It is approximately 40 acres and is zoned Resort Commercial. There are 393 proposed units. The number of hotel buildings is 35. There are 2-3 story tri-plex townhomes: 17 buildings, 51 units and 2300-4000 sq ft, and 2-3 story motorcourt: 9 buildings and 180 units. Single family range is 1000 to 1700 sq ft. Three story elevator flats: 9 buildings 162 units, 1000 to 1800 sq ft. The heights of these buildings are 35 feet or less as required by the zoning ordinance. The amenities include the central recreation amenity, model park, lava grotto/overlook park and activity park. There will be an interconnected trail walkway system. TRC did prepare a draft of some conditions. What is listed as standard conditions we have included on almost all commercial projects to comply with our ordinances and standard specifications. It points out to the developer what they need to be mindful of as they complete the project. Conditions that are specific to the project include incorporating the presentation materials submitted with the application for a Conditional Use Permit and that is what is expected to be developed. They are held to that and need to amend if that changes. This portion of the property was found to be in compliance with sensitive lands. There is lava on this side of the property but not more being disturbed than what is allowed. The 400 South connection to the Western Corridor and all underlying utilities will be constructed with Phase One. A 12 inch pipeline to be constructed across the project to connect to Cordero Drive. If this project needs the pipeline to be installed prior to the Black Desert Resort needing the pipeline in order to obtain Certificates of Occupancy, then this project will be responsible to put in those needed portions of the pipeline. The Hamblin Parkway shall be

constructed with a minimum of 36 feet of asphalt roadway width to accommodate two 12-foot lanes and two 6-foot shoulders for bike lanes. Right-of-way shall be 111 feet wide to accommodate a future five-lane facility and 21-foot-wide landscape buffers. The project shall also install curb and gutter on the east/south side of the parkway. On the west/north side of the parkway the drainage facility shall be an armored drainage channel or curb and gutter. Left hand and right hand 12-foot-wide turn lanes shall be provided at all intersections which will require additional widening. Ten foot wide shared use paths shall be provided on both sides of the parkway. The developer shall provide the landscape buffer as required by City codes. Offsite extension of Hamblin Parkway. The Black Desert Resort shall excavate the Hamblin Parkway where it is located on their project property, prepare subgrades, and deliver and place all roadbase in preparation for this extension. The Retreat at Snow Canyon shall make all additional improvements to extend the roadway to the location where Black Desert Resort ends its required improvements to create a full connection to Snow Canyon Parkway including ten-foot-wide shared use paths and landscaping. The roundabout at 400 South and Hamblin Parkway shall be constructed as part of this project. Ivins City will credit Streets impact fees towards the project based on the difference in cost to construct the roundabout versus a standard intersection that would be needed to serve the project and community needs upon completion. The roundabout design will accommodate the potential for the Hamblin Parkway to widen to a five-lane facility without any curb relocations. Roundabout at Hamblin Parkway and Red Mountain Drive shall be constructed as part of this project. Ivins City will credit Streets impact fees towards the project based on the difference in cost to construct the roundabout versus a standard intersection that would be needed to serve the project and community needs upon completion. The roundabout design will accommodate the potential for the Hamblin Parkway to widen to a five-lane facility without any curb relocations. No mass grading of the Project site will be allowed. Grading shall be contained within each phase to the maximum extent reasonably possible. Any additional disturbance that is needed by a phase under construction outside of the phase lines shall be restored and revegetated immediately (commenced within 20 days) after construction activities cease. That may need negotiating further as they meet with the City Engineer. All exterior lighting to be “Night Sky Compliant”, meeting City’s current lighting ordinance and compliant with IBC requirements for minimum foot candles in a parking lot. Outdoor lights shall be reduced/dimmed after midnight to only security lighting. The installation of utilities within the Project shall be addressed in the construction plans. Any HVAC equipment on building roof tops shall be screened from view from public streets by parapets or approved mechanical screening compatible with the building architecture. Financial Security/Backing for the Project. In order to mitigate possible adverse consequences of a project this size, type and critical location, and as a condition to issuance of the building permits for each phase of development, the applicant shall submit written evidence to the City that it has the financial resources, or commercially reasonable and reliable commitments from third-party lenders and investors to provide such resources, sufficient to pay the costs of constructing such phase of the project. Such evidence may include some or all of the following: construction/development loan commitments, agreements to provide equity capital for the project, written confirmation of Owner’s financial resources designated for development of the Project, bonding commitments, letters of credit, non-refundable deposits from unit purchasers, and similar items. At the option of the City Council, the responsibility to review and approve the sufficiency of financial resources may be assigned to an employee or advisor to the City that is acceptable to the City Council and to the Applicant, provided that in such event the Applicant shall have the right to appeal the decision of

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such person to the City Council. In connection with such review the Applicant shall not be required to submit financial information determined by Applicant to be proprietary or confidential. This requirement to provide financial assurances shall apply not only to Applicant, but to any other person or entity that may acquire the Property from Owner in the future and step into the legal position of the Owner as the developer of the Project. Prior to the issuance of any building permits, all building elevations shall be submitted to the Planning Commission for review and approval for compliance with the Ivins City Building Design Guidelines. Some of those applicants are here. Jerry Miyahara stated this is the Conditional Use Permit on the east side of Hamblin Parkway but we also have the Preliminary Plan as a discussion item later in the agenda. His key points are that this project has been evolving significantly over the years and the west side does not require a Conditional Use Permit. City Council has requested further review of the sensitive lands ordinance and we will process this other area when there is a resolution of the ridgeline/rock outcropping. We have heard and incorporated feedback from the community, neighbors, City staff and officials. With the land use designation of Resort Mixed-Use our vision has been to have a variety of residential and commercial targeting resort visitors and primary and secondary homeowners with strong and attractive architecture and creative, functional floorplans. They are sensitive to satisfy housing needs of the City and sensitive to adjacent neighbors while respecting the land by preserving areas of natural open space, lava and vistas and the world-class surrounding ridgelines. Since they first held neighborhood meetings in the first quarter of 2022, mortgage rates have gone from 3% to 7%. Through that time, the feedback has been to adjust to lower price points with smaller units to create better affordability. This is not affordable housing. But smaller is a lower price points and better affordability. We reduced unit sizes within the building envelope of the motorcourt and nine of each of those buildings. We are starting units at 1000 sq ft and the reduction in those unit sizes and resulting increase in unit counts is still within the same building footprint. The calculation of open space remains at only 45% of the total Resort Commercial area. This does not produce a material improvement in the economics of the project. The amount of sellable square footage within the building footprint is unchanged and is solely driven to adjust to current market conditions. On the east resort side on the northern edge is our main amenity and the focus is to create best-in-class entertainment, health and wellness, and physical and social activities for visitors at The Retreat. There will be resort pools, lap pools, splash pads, pickleball courts, children play areas, synthetic areas, public trails and open spaces throughout the community. There is about 500,000 lineal feet of trails, sidewalks and cart paths ultimately connecting to areas within the city and the Black Desert Resort public trails. The linear open space and Tuacahn Wash is about 17.50 acres that will be accessible to the public for exploring, hiking, biking with tremendous views of the surrounding mountains and ridgelines. There will be opportunities for educational kiosks and displays to describe the history of the land. Traffic had an impact study from Horrocks and it projects that only 5% of new trips per day created by this project will occur at 400 South. The balance of the trips will be dispersed through Hamblin Parkway to Snow Canyon to the north and Hamblin Parkway to Red Mountain to the south. Based on industry standard level of service criteria the new trips generated by the project does not cause any neighboring mitigation measures. The project will create a new important east/west connection through Ivins City. This will provide a new direct route for existing neighborhoods southwest of the project and reduce the trip counts through Puerto Drive, Mesa Vista Drive and Center Street. Black Desert Resort has a development agreement obligation on their section of Hamblin Parkway from Snow Canyon to the SITLA property line, and they anticipate completing their work by March 2024. The

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construction access plan for Red Mountain to the south or Hamblin Parkway from Snow Canyon to the north and the current road base pavement on Red Mountain can accommodate construction traffic to the site today. We don't control the completion of Red Mountain to the south but we will coordinate with that timing. Parking is a hot topic and we are at 158% above the parking spaces required by code section 16.20.111 and we feel those code requirements are inadequate so we went above bringing our total parking spaces ratio to 2.3 count. Wayne Rogers with AGEC has analyzed 36 borings created throughout the site along with 13 test pits. Those studies show that there are portions of the site that have expansive soils and hard bedrock conditions that are typical of this area. The engineering solutions for these conditions are commonly used and technically feasible to recommend this development plan. Economic benefits and fiscal impacts to the budget are important. We had an economic impact analysis done by Urban and Main projected over 25 years forecast period that shows 26.3 million dollars to Ivins City for property, sales and tourism tax against 9 million in new fiscal expenses to the City for general public safety and public works, for a net positive fiscal impact of 16.6 million dollars. Only property tax allocated to Ivins is included in that. In addition, other regional entities receiving new property tax revenues are forecasted at 71.8 million to the public school system, 11.1 million to the County, and 5.8 million to the Washington County Water Conservancy District. The Washington County Water Conservancy District controls the process to grant the rights to water. We understand the risks of water availability. We will comply fully with City codes relevant to conservation measures. The west residential area our preliminary plan reflects no pools or natural grass and in the eat resort area, only 2.2% of the total area will be pools or natural grass, when up to 8% is allowed. On public safety and crime in short-term rentals he asked Captain Rich Rodgers for call data that tracks short-term rental activity locally. In 2022 and 2023 to-date there have been a total of 10,080 calls to the Ivins/Santa Clara Police Department. of those, the number of calls recorded in the short-term rental communities in both Ivins and Santa Clara was 55. That represents one-half of one percent of call activity in both cities for the last two years. Regarding sensitive lands, we are going through the process on the ridgeline/rock outcropping, but on these preliminary plans being presented on this agenda, all sensitive lands issues have been approved by the Sensitive Lands Committee and the Planning Commission. This project has evolved significantly and many of those changes are due to community feedback. On the west side, there is a transition zone matching existing neighborhoods. The interior of the west side within the RM zone could have been stacked considerably more units in density and instead they chose to step them down smaller single family detached lots. The Resort Commercial zone on the east resort side did exactly what City code intended it to do. Short-Term Rental Overlays, not Resort Commercial zones, create significant potential conflicts as you mix visitors with full or part-time residents. The Resort Commercial zone has created an insightful planning strategy by consolidating the unique conditions of a short-term rental product and isolation. Between the golf course and Hamblin Parkway and the Tuacahn Wash our Resort Commercial zone is an island and any potential issues are isolated from existing neighborhoods. Through an arduous but refining process, we have arrived at a balanced plan with Ivins City that satisfies key General Plan goals and is consistent with the City's Resort Mixed-Use land plan vision and is sensitive to adjacent neighborhoods. It is environmentally sustainable and is respectful of the land and its valuable features. We have our consultants and team here to answer any questions. **Chairman Dave Robinson** inquired if the road from Pioneer Parkway is complete to use as an access now? Jerry Miyahara stated yes and Black Desert Resort is using it as their construction access already. **Chairman Dave Robinson** inquired if the eastern portion are sold individually. Are

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those homeowners allowed to reside in them? Jerry Miyahara stated that they are individually owned units that have the option to put into the short-term nightly rental pool if they choose. **Chairman Dave Robinson** opened the Public Hearing. Michael Cook stated he lives on Padre Canyon Drive and he has not had much time to review this. The engineering stamp was 11 days ago. He hasn't had much time to digest this. He would recommend a little more time to look at this. What will the housing prices be? Black Desert Resort has a significant anchoring effect. This is different and these people aren't anchored here like they will in Black Desert Resort. Is the best-in-class entertainment splash pads? How does the Black Desert Resort public trails mix in here? You say there is only 5% traffic by your consultant and then said it creates an important east/west connection. Those statements are conflicting. AGEC borings study were a couple decades old. 16.6 million over 25 years, isn't that much. Police calls are based on current short-term rental numbers in the City. What is the projected number of short-term rentals in the City? It is his understanding there are already 1700 approved. Another 400 more here. You stated you weren't mixing full-time resident and rentals but it is an option to reside in or rent them. You will have full-time residents right next to a rental. How will that be managed? Jeff Devore inquired if there was going to be a new traffic light? Sharon Barton stated she lives on Mesa Vista Drive and her question is about density. If we go back to 7/5/22 the stated density across Resort Mixed-Use was 4-7.5 but today that number has greatly increased. Last September a motion was passed by Councilmember Adel Murphy to approve Ordinance 2022-08 a zone amendment for the application and comprehensive map at Puerto Drive and 400 South based on the transitionary zoning, the added RM zoning and the reduction of short-term rentals. We are headed in the other direction. An extra 400 units is 1200 vehicles or people in that small piece of property. The General Plan states that we need to be responsible for this land for future generations and we owe them more consideration before approving this Conditional Use Permit. CJ Koharcheck wants to advocate off 600 South to be the access point for all construction and construction traffic. That property is a straight flat line and has been designated for the Western Corridor for years. 400 South is a major dynamite site for those sandstone ridges. We are looking at things people can expect like changes to their infrastructure. None of those homes were built expecting dynamite. If construction vehicles go from 400 South it will be difficult to calm Puerto Drive down as the minor collector it was designed to be with blind curves, walkers, community mailboxes, bicyclists and children's safety. Think about the weight of a loaded dump truck and the stopping distance required even going 25 mph. Vehicles are more likely to go south to Pioneer Parkway or Hwy 91 so the City needs to figure out how to use the 600 South portion of Hamblin Parkway. Lisa Ganz stated she lives at west Bickmore. After opposition from residents, and discrepancy in the validity of the vote, September 1, 2022 Councilmembers Lance Anderson, Adel Murphy and Jenny Johnson voted to approve a zone change request on the 113 acres. At that meeting, the applicant presented a project plan and we have never seen a revised map. Within that plan they said 525-575 units and the Resort Commercial area was planned for 6.5 to 7.5 dwellings units per gross acre which would be 257 to 297 short-term rentals. Last March their concept plan at Council was changed to 457 units with 243 short-term rentals and now we are at 603 units and 363 short-term rentals. That is a 62% increase from the last plan. At that September meeting Councilmember Mike Scott presented a Conditional Use Permit request for approving the zone for the developer and she doesn't see any of those items addressed in the plan and the Resort Mixed-Use buffer is missing from the overall plan. It feels like a bait and switch on what was originally planned and what City Council approved. Fred Castagne stated there were no comments on Zoom. Cheyne McDonald stated he lives at 100 West and stays interested

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in the things at hand so he did some research. It is important to understand that this project is consistent with the General Plan even the current one being worked. It states the following businesses that are consistent with characteristics like supporting our existing resort hotels, shops, restaurants, art galleries and studios. This project will support all those businesses. Black Desert Resort. Tuachan. The Kayenta Arts Foundation. Keep that in mind. It is consistent with the land use, the General Plan and unanimously approved by the Sensitive Lands Committee on this portion and it is the same footprint. It did not get larger. It is sad that we have had a frivolous lawsuit come forward. That failed. Now it has gone to the Utah Supreme Court and he believes it will fail there too. We are obligated when projects are consistent and meet our ordinances to approve it. Becky Liebert stated she lives on Bighorn Way. She wanted clarification on where Hamblin Parkway was because she had never heard of it. She also can't see how 600 South would be a straight shot through there. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing.

B. Discuss and consider recommendation on a proposed Class V Conditional Use Permit. Located at approximately Puerto Drive and 400 South, east side of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant.

Dale Coulam stated this is an administrative decision, not legislative. A public hearing has remained for Class IV and V Conditional Use Permits. It is not required by statute but a minimum notice of 10 days is required for any public hearing. That has been complied with. Otherwise it is 24-hour notice for a meeting. **Chairman Dave Robinson** stated he is not going into price point. The number of nightly rentals in the community he really can't attest to that. The difference of those who can remain in their units and which are rented is that some are excluded completely from the pool. Jerry Miyahara stated the area west of Hamblin Parkway are not short-term rentals and everything on the east it is allowed. If they want to choose to live there full-time they have that right. The concept is that they are buying into a zone they know is short-term rental. They can choose but they know they are buying into a short-term rental area. The yellow lots are 37k sq ft lots. Those upper lots are 7,500 sq ft lots and the next layer is 45 by 85 ft deep lots and the intersection are alley-loaded, small, single-family detached lots. Chairman Dave Robinson stated those are not a part of the nightly rentals as a clarification. There are currently 1043 nightly rentals in Ivins approved so far. **Commissioner Doug Clifford** stated those police calls were on the Santa Clara rentals as well. 600 South is Santa Clara's responsibility to build that. Black Desert Resort is currently using that as their access. That is what they have deemed as their construction access. There will not be construction traffic coming up 400 South. Hamblin Parkway is the Western Corridor that makes a giant loop around the County and that is our portion. They are using existing roads that are designed for that traffic. There is no traffic light in Ivins. **Dale Coulam** stated that Pioneer Parkway is well into Santa Clara. Matt Ence works with Santa Clara City and represents EWD, LLC. Black Desert Resort ultimately will have access south into Santa Clara, and other developers are working on Red Mountain Drive access to Pioneer Parkway, those developers are required to install a traffic light at that four-way intersection. That does not involve Ivins at all. **Dale Coulam** stated that Jerry Miyahara explained in his presentation about the number of short-term rentals and units for this project has increased due to market conditions. **Commissioner Pam Gardiol** inquired if there were any other issues that Jerry Miyahara was taking notes for that he may have answers to respond to? **Chairman Dave Robinson** inquired if she had specific questions for him to answer? **Commissioner Pam Gardiol** stated she does not. **Commissioner Perry Brown** inquired where the extra parking is? Are they at each unit? Jerry Miyahara stated they

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designed this community to not have large parking lots or exposed parking garages so we have the elevator flat and motorcourt products have all the parking interior to the building to preserve the beautiful three-sided architecture. Those extra parking spaces will be in the enclosed garages or in driveways. **Commissioner Doug Clifford** inquired about the term motorcourt? Jerry Miyahara stated it is a design element that allows you to turn the garage entries and doors into the interior. So you don't just see garage frontages. **Commissioner Pam Gardiol** inquired on the motorcourts she went out to Desert Color and she was appalled at the trash cans and desolation in the middle. How will it not look like Desert Color? Bob Hermansen stated he is with Bush and Gudgell and Desert Color does not have a motorcourt product. What we are describing is there is no exterior. Desert Color has a two-sided exterior and on the other side you can see trash enclosures. This is an entirely different product. There development is half of what Jerry Miyahara is presenting. These are fully enclosed. **Commissioner Pam Gardiol** stated there were driveways adjacent to the house and a parking lot in the middle. Bob Hermansen stated here, you park in the building. There is nothing exposed. Jerry Miyahara stated there is no parking in that interior courtyard. **Commissioner Perry Brown** inquired that if we have the parking on ground level, are there also units on the ground level? Jerry Miyahara stated yes. **Commissioner Perry Brown** inquired if they are proposing a wall or screening along Hamblin Parkway where people won't be able to see Tuacahn Wash and the open space there? Jerry Miyahara stated these triplex townhomes products will have walls and yards. The other section is just landscaping. There will be a perimeter wall along Hamblin Parkway per Ivins Code and design. **Commissioner Pam Gardiol** stated that the narrative lists seven items that are for the people residing within this development. She comes back to the General Plan elements of maintaining a strong sense of place and visual identity for the City. How are they melding those together? Jerry Miyahara stated that we are focused on the General Plan and goals. There are going to be General Plan goals that fit more specifically to projects. The breadth of those goals are pretty wide. The application to this project meets Goal 4 resort destination community with the following supporting objectives: Attract businesses and developments that can serve tourism, encourage housing options, cater to tourism, encouraging businesses and activities that promote health and fitness, including spas and recreational opportunities, develop, maintain and enhance walking, bike trails; and develop additional outdoor recreational infrastructure. General Plan Goal 3 economic development. Attract and sustain businesses that will provide opportunity for Ivins city residents and enhance its tax base. General Plan Goal 7 is residential to allow for a variety of housing types and attractive functional neighborhoods to meet the needs of various income levels. General Plan Goal 2 natural settings. Preserve the natural settings and vistas that give Ivins City its unique identity, including the red mountain and other natural hillsides that surround the city, the natural washes, open spaces and the night sky. Ultimately the land owner is SITLA. Their charter from the beginning is to raise funds for the school system in the State of Utah. General Plan Goal 11 is education. Support quality public schools, private schools, charter schools and higher education. These are all a direct fit. **Commissioner Pam Gardiol** stated she lauds him for knowing those and keeping them in mind as they are developing this project. Any change that happens in this community becomes a part of the fabric and identity of the community. As you address those goals, will it still contribute to that sense of place? Jerry Miyahara there is a residential primary and secondary housing side with non-short-term rental units, and there is a shortage of housing in this area. On the resort side we are targeting visitors and with the protection of open space and continued vistas for this amazingly unique and beautiful area. It is challenging as the City grows and morphs. Black Desert Resort announcing a

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full LPGA event and a full PGA event will change the nature of this community. There is exposure to this area already. It will go way up. We are satisfying the needs of the community here. We are providing an economic base. **Chairman Dave Robinson** inquired does SITLA retain ownership of this, meaning will they gain funds from these nightly rentals in perpetuity? Jerry Miyahara stated yes. They get revenue on home sales and participate with the nightly rentals in perpetuity. **Commissioner Perry Brown** stated he is seeing this with a different light. He understands the rationale of the market change but markets go up and down. You are asking us to go with potentially the high point of an adverse market for you. The market changes. You crammed in as many units as you can possibly get in here and he is skeptical it is a resort. It doesn't have the open space a resort has. He is concerned about that. There is a massive increase of rental units from what was originally discussed. **Chairman Dave Robinson** stated it is only in effect half a resort because east of the highway is resort and the other side is not. **Commissioner Perry Brown** stated he is talking about just this side. **Commissioner Doug Clifford** stated they are privately owned and they have a choice of whether or not to rent. It is a functioning residence so it is not quite as bad as you may think in that regard. There is very little in Ivins for people to have ownership in at a reasonable price. The road to Tuacahn has several subdivisions with smaller attractive homes that were affordable and the Mayor built a whole bunch of them. They are part-time or owned but they still have that ownership. The flexibility they will provide in this area will be attractive. **Chairman Dave Robinson** stated the square footage is the same. They aren't making any more money per square foot. **Commissioner Doug Clifford** stated traffic is the issue. These are however smaller size units and may not get the ratio you see in Arcadia. **Chairman Dave Robinson** stated 400 South is not a major thoroughfare for this in his opinion. If they go to town it is Hamblin Parkway. It will increase but not a huge increase. **Commissioner Derek Larsen** stated market conditions drive development. There is nothing to say if the market changes, that they can't come back to fit the market. Those options are out there. They addressed the concerns he had and it fits the land use and zoning. The definition of resort has changed with so many Air bnbs being built. **Commissioner Doug Clifford** stated that he went to Desert Color and they are largely designed for big parties and gatherings. These are designed for a small group, families, not 4-5 families. This is a unique concept with smaller units. These are almost like individual hotel units. These are a great size for a few people to come. If you don't think it is a resort, it is next door to a resort and they have all the big events going on. **Commissioner Perry Brown** stated we are dealing with a Conditional Use Permit what do we actually approve? **Dale Coulam** stated we start with a list of conditions that Staff puts together. You can recommend, change, add or delete some of those conditions. You can consider any potential adverse consequences of a development and put in reasonable conditions to mitigate those adverse conditions. The Preliminary Plan lays out how it develops. This is for the overall project on the east side, the resort portion of this project. You don't have to decide this tonight. You have had public comment. If you have pause and want to think about it for a couple weeks or if you want to do some homework and come back that's fine. If you are comfortable, you can make minor changes tonight. The narrative is what the applicant provided. The specific conditions were created by Staff and have standard conditions and the specific conditions were about things like traffic and infrastructure. **Commissioner Pam Gardiol** stated that all along she has had in mind the sense of place and how it integrates in the community. She would feel more comfortable to have time to think about listing any other conditions before voting. **Commissioner Doug Clifford** stated that there are no other conditions they haven't covered. It was a thorough presentation. **Commissioner Pam Gardiol** moved to table. No

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second. Motion died. Jerry Miyahara stated that in the grading section of the conditions, we are working with Chuck Gillette. **Dale Coulam** stated if this moves forward, it would need to be amended. Matt Ence stated just to understand the intent of the condition it says no grading outside of a phase, but in order for grading to be done properly, dirt may be moved outside of a boundary line. As long as you see that flexibility. **Dale Coulam** stated if you are recommending, you have time before City Council meeting, a two week interval for them to clarify that further with City Council.

MOTION: Commissioner Doug Clifford moved to approve recommendation on a proposed Class V Conditional Use Permit. Located at approximately Puerto Drive and 400 South, east side of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant.

SECOND: Commissioner Derek Larsen

VOTE: The motion carried.

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

C. Public Hearing on proposed amendments to the Ivins City General Plan.

Chairman Dave Robinson opened the Public Hearing. CJ Koharcheck lives at South Puerto and stated that she has not had enough time to review the document properly. The first vision has to do with the safety of our streets. Chairman Dave Robinson stated there were not going to be construction vehicles on 400 South. That is not stated in the Conditional Use Permit. **Chairman Dave Robinson** stated that he does not think traffic will go on 400 South. Becky Warren lives on Talasi Way and stated she is very impressed with the work that was done. She has three questions on Page 15 commercial and business properties support existing resorts. Why not support all local businesses? Rocky Vista University, Icebox, the bicycle shop? What does support mean? That can be a big can of worms. Page 28 talks about renewable energy policies. Discuss and encourage an electric vehicle fleet if cost effective and meets the demands of the job. Lisa Ganz stated that she lives on Bickmore and has been involved with the General Plan review and suggested community outreach and an outside consultant to help. It was a tremendous effort and thank you. She only had a little time to review the document and other residents haven't had the same opportunity and the City did no public outreach to let them know it was discussed today and potentially passed to City Council. The City did a fantastic job with the townhalls meetings and Judy Gubler's presentation and the survey. The community needs more time with a 30-60 day comment period and potentially more outreach to the community with the newsletter and socials. She has a plethora of comments that needs clarification. Once you get more people to review it, it becomes a better product. Take the time and don't rush this through and let the community have time to review. Sharon Barton stated that she lives on Mesa Vista Drive and that she appreciates how much hard work has been put into this document. There were areas to fine tune, or take suggestions. She has notes on every margin on every page. Let's talk about a more structured feedback system. It was not well advertised to the residents. Gather comments and show residents a way to offer critique by having the Mayor talk about it in the next newsletter and postpone any public hearing until the third Tuesday in October. Chris Haddad stated she lives on 520 South and residents need more time to go over looking at the draft. She was on the Heritage Day Committee and we put information on the back of the water

bill and it got the word out to what is going on at our City Council and Planning Commission meetings. Kristin Hunt lives on Paiute Drive and applauds those who worked so hard on this General Plan. It is a brilliant piece and thank you for listening to the survey. It is evident in the Plan. She would like a little more time to review what you have created because it is a substantial document. A couple more weeks for those residents that have heard about this recently. Thank you very much for your efforts. Dana Cook via Zoom stated thank you for your work on this valuable document. It sets the tone for all of our future building and zoning issues. She is concerned about the speed in which it is being pushed through. Does the new General Plan benefit the current applicant? Are they bound to the General Plan that is in effect when they applied? Take this document and give people an opportunity to voice their opinions. The developer kept stated that this development is in line with the General Plan. If this is going to be held as the highest standard in development, we really need to take some time to get public input. This is the only voice we have and we only have two minutes and a time goes off and it is very intimidating. We lose our train of thought and miss out on having a voice in these meetings. Take the time and don't rush this very important document. **Chairman Dave Robinson** stated that there are two emails the Commission received. CJ Koharcheck sent an email stating she has started reviewing the new General Plan. Clearly you have put many hours into it! It is also very different than the old General Plan in its format and content. She and others will need more time to give this the careful review that it deserves. She is hopeful that this is just the beginning, and that the Planning Commission meeting is not just a thumbs up / thumbs down. This document just came out with the Planning Commission agenda, and a few days just is not enough to really understand the content and the differences from the old General Plan. We will potentially live with this for years. Please propose a more lengthy review process. **Commissioner Doug Clifford** read Bill and Gillian Papanikolas' statement that is on file. He would like to change the density on his parcel. Hearing no further comments, **Chairman Dave Robinson** closed the Public Hearing.

D. Discuss and consider recommendation on proposed amendments to the Ivins City General Plan.

Chairman Dave Robinson stated that regarding supporting existing resorts, we don't have a plan for any more resorts but we have established a resort community and what the old General Plan was based around. We are here to support them as businesses. We don't mean to leave out any businesses with that statement. We didn't name any one resort in that statement, but we are supporting what we have created in Ivins. He gets that people need more time. We have worked on this Plan for months and had meeting after meeting that are all open to the public for people to be here. People should have been involved if they wanted to be along the way. They don't have to come in . They are live online. He personally has really advocated for more notice and ways to do it. Times have changed. Advertising in the paper is not the way to go anymore, the bills are all automatic and he doesn't look at them. What are the other ways to get information out there? A lot of people have had the opportunity and most didn't take it. If we can find other ways to notice people, we should do it. **Commissioner Pam Gardiol** stated the last time the Commission met there were three of us here. Thank you for your kind comments on the work we have put in. It has been a labor of love because we care passionately about this community. We don't sit up here otherwise. We have spent hours and hours on this document. The last time we received input from another Commissioner that we have not had a full quorum since to discuss the final document. This is still a draft. There are typographical errors in it. It is not ready to go to the Council. We need to look at it and finish it so that what we present to Council and the

citizens is a complete document. This is a draft. Lisa Ganz and Sharon Gillespie made comments and edits and they have caught some of the things we have not yet wrapped up. We need to be present at the Council meeting when we are ready to present what we have done. We started by looking at the existing General Plan. We have honored much of that and organized it and made it more user-friendly to get where they want to go in the document and Staff recommends developers to review the General Plan. She recommends they spend one more meeting going over all of it and feel that we have wrapped it up. Democracy is not a spectator sport. As citizens she honors that you are asking for more time. Every iteration of this document with everyone's comments have been included on every agenda we have had. **Dale Coulam** stated if you make substantial modifications to the document, then you should hold another Public Hearing on your complete document. If you make minor changes to correct typos, you are not legally required to hold another Public Hearing but it would be good form to do so. **Commissioner Perry Brown** stated thank you for the comments made and there has been a lot of work and progress made. He did not come to the meeting anticipating this was the end of the process. There are several comments in red to still be discussed. We wanted input and we got it. It will be longer on the process and look at the things that we didn't resolve ourselves. We have not completed editing. This is not the end of the process. We have things we will use from the input we have heard tonight. Councilmember Mike Scott listed all our names and emails and asked citizens to make comments to us directly. **Commissioner Doug Clifford** stated that it is bloated. It still says the same things in five different ways. It is not concise. Writers all have a style that comes through and that shows up in the document in spades as we have all put in. It is not smooth and has a tremendous amount of overlap. It is not clean. We are not going to pass it, but people want to look at it and make input. Now you will get five hundred styles instead of five. We don't want that, but we solicit substantive feedback on the content on what is in the sections in the plan. Take out any confusion and make it clean. We need to remember we are still dealing with a document that is not a binding document. It is a vision and is not cast in stone. This Plan gives us direction. He would like to make it a goal to make it half the size it is. **Commissioner Pam Gardiol** stated that the feedback is that the Council and the Mayor are impatient to get this. We have been working with deliberate speed on this. This is a rough draft and we will continue to work on it. We researched formats on General Plans and other communities have measurements. It is in the form but we have not gotten there. You have time to review because we still have work to do. **Chairman Dave Robinson** stated he would like to see the City get this into more people's hands through push text notifications. 99% of people have cell phones. They can send out a link to the website. **Commissioner Doug Clifford** stated it is already on the website. People can find that. **Chairman Dave Robinson** stated that what we are dealing with are the people that just don't know. We need to see that fixed. **Commissioner Doug Clifford** stated the Mayor can write a statement in the next newsletter asking for General Plan comment. We are not legitimizing NextDoor for commentary.

MOTION: Commissioner Derek Larsen moved to table Discuss and consider recommendation on proposed amendments to the Ivins City General Plan.
SECOND: Commissioner Pam Gardiol
VOTE: The motion carried unanimously.

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

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Commissioner Perry Brown	AYE

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider recommendation on a proposed Preliminary Plan for The Retreat at Snow Canyon-West, located at approximately Puerto Drive and 400 South. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant.

Dale Coulam stated that Jerry Miyahara has already presented the building types and what they are comprised of but they are welcome to introduce the west end of this development. Bob Hermansen stated that the biggest contributing factor is that this is not the nightly rental side of the wash. This land plan has a few different product types. This zone plan is identical to the color map but is updated to show the lot layout that matches the zone plan. The buffer is 37k or larger and then step down to 7500 sq ft and then down to approximately 4500 sq ft and in the center is the detached smaller home and come in through to access driveways. Another phase shows a different color. The Resort Commercial is Phase One including the portion of Hamblin Parkway and all of 400 South as well. Phase One is a mix of all product types and intermix those products but we would build each one so they can pick a product type and then choose a lot that fits with the plan with the models. There is a landscape plan that was submitted as well. **Chairman Dave Robinson** inquired if lot 49 needs to be two lots? Is the top estate lot drainage? Bob Hermansen stated that is a typo that he will correct. That is two lots. The other is open space and we may have our signage monument there. **Chairman Dave Robinson** inquired on lot 51 do they own that dry wash? Bob Hermansen stated no it is open space and is not included in the lots. **Dale Coulam** stated that we discussed most of this during the Conditional Use Permit but now this discussion is to consider the actual Preliminary Plan. **Commissioner Pam Gardiol** inquired that when the Sensitive Land Committee met what were the issues they discussed? Jerry Miyahara stated they focused on the ridgeline rock outcropping area. That is not a part of this Preliminary Plan. The Sensitive Land Committee reviewed a detailed list from Chuck Gillette on all their other items that are in their jurisdiction to review and were accepted. All but the rock outcropping. Then the Planning Commission accepted all items but the rock outcropping. There are no open sensitive land items left.

MOTION: Commissioner Doug Clifford moved to approve recommendation on a proposed Preliminary Plan for The Retreat at Snow Canyon-West, located at approximately Puerto Drive and 400 South. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant. Roll Call Unanimous.

SECOND: Commissioner Pam Gardiol

VOTE: The motion carried unanimously.

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

B. Discuss and consider recommendation on a proposed Preliminary Plan for The Retreat at Snow Canyon-East Resort, located approximately east of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant.

Bob Hermansen stated this is where we will do Hamblin Parkway in Phase One and 400 South and connecting the project and an additional access for construction out the south side of the project in that phase. There will be some off-site utilities in connecting to the sewer. We will be building from the north to the south in the four phases. The anticipation is that Black Desert

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Resort completes their section of the road as it connects to their project. We have three different product types. They are all attached. They can be single owned or a townhouse scenario. Stacked flats where you can buy an individual unit and be the primary or if you choose you can rent it out. These are all intermixed throughout the project. The amenities are in this portion. In addition you can see the condos and the three lines are townhomes that will look like a traditional townhome. Those are the same use where you can own or rent. Two-car garages and also driveways for parking. Another comment regarding parking we are designing a good functioning project, but regardless of code and in addition to the code but we are anticipating on our own accord, adding some parking throughout the site. A few of these sites we think we will be able to add some additional parking to help the visitors. There will be overflow parking and squeezing in stalls will account to around 30 to 35 stalls. We are concerned with parking and want it to be accommodated for. This project is very isolated and against Black Desert Resort and a similar use. He commends our General Plan and zoning plan and stepping down densities and then step into a different transition type into neighborhoods. **Chairman Dave Robinson** stated that the idea of additional parking is to keep street parking out of it. Bob Hermansen stated yes, it is public street parking, but that is the intent. We want to pepper those through the project but even without those we are over the parking requirement. **Commissioner Pam Gardiol** stated that you stated that your townhomes will be like anywhere in St George, and the ones by Harmon's came to mind. Will they not be like the ones in Santa Clara? Bob Hermansen stated the townhomes are architectural and they are a desert modern style with a lot of relief vertical and horizontal and they are very cohesive to anything you would find in Ivins. **Commissioner Pam Gardiol** stated the moderate-income housing requirement intent is that you don't see a clump of buildings. It is variation in design, shadowing, lighting and architectural interest. There can be breaks to invite people into common areas. Those type of best practices. Bob Hermansen stated yes and the wall space is limited to tri-plexes and then the architectural style from all sides is to have the relief. **Commissioner Pam Gardiol** stated that 35 stalls sounds like Desert Color. Bob Hermansen stated the difference in that product type are two totally different things. Desert Color is perfect for what it is, but it is not The Retreat. The intent here is to intermix and pepper two to four stalls sporadically so we don't have a parking lot feel. We don't anticipate having any large sea of concrete or asphalt. We have gone around the units to have them not feel congested. **Commissioner Doug Clifford** stated that it would feel better to have small open areas. It seems crowded with no hope of having a place where people can go outside and lounge. **Chairman Dave Robinson** stated Phase Two a lot of that open space is lava. Bob Hermansen stated that this area is lava on that side and significantly higher. The intent is that the main traffic will come in through the prominent entry feature and the amenity package and keep in mind there are trails that run through there. It is all landscaped. As we work our way down we do have open space. It is hard to understand the scale, but this is where it fits best with the topography. There is isolation from the majority of the traffic coming into the facility. The master plan trail system from Black Desert Resort connects us to Hamblin Parkway. We are at 45% coverage of the entire project. The rest is very specific outdoor use. It has been very well thought out as far as use and noise and parking. **Commissioner Pam Gardiol** stated that she is impressed with what has been done. Where she sees open space is she wants to walk through a neighborhood and get glimpses between structures and fit into the environment. She wants connection. Bob Hermansen stated that we incorporate the lava and this is the view angle you are referring to. It drops down through that area. All of this is viewable from the street. That is all wide open to the viewing angle. The golf putting area that Black Desert Resort is working with

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Utah Tech University on, that lower portion on the other side is currently undeveloped. It is actually below us. We have a privacy sloped retaining wall to buffer the truck dock from the other property.

MOTION: Commissioner Derek Larsen moved to approve recommendation on a proposed Preliminary Plan for The Retreat at Snow Canyon-East Resort, located approximately east of the future Hamblin Parkway. SITLA-Owner. EWD, LLC/Jerry Miyahara-Applicant.
SECOND: Commissioner Pam Gardiol
VOTE: The motion carried.

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

C. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for August 15, 2023.

MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for August 15, 2023.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried unanimously.

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

5) REPORTS
A. Planning Commission
B. Chairman

Chairman Dave Robinson stated that he wants to do the text messaging push notifications. They can get sent out in zones. He has made the suggestion multiple times but it never goes further than his suggestion. **Dale Coulam** stated that Staff will discuss it and see what information we have access to. **Chairman Dave Robinson** stated he is sure there is a cost associated with it. **Dale Coulam** stated we will look into the alternatives.

C. Building and Zoning Administrator, Mike Haycock
D. City Manager/Attorney Dale Coulam

Dale Coulam stated in addition to your work on the General Plan we will throw into the mix a revised subdivision ordinance. It contains one completely rewritten chapter on the process and a few changes in the definitions. Chuck Gillette held off on making further substantive changes until the New Year because the new subdivision process portion needs to be approved by the end of the year. The legislature passed a new law to remove the requirement for concept plans but they can still be submitted if an applicant requests a meeting with Staff. Preliminary Plan goes to a land use authority, yet to be named by the City Council but it may be the Planning Commission. You would then decide those, and the final plat, which usually makes sure it complies with the Preliminary Plan, will be decided by another land use authority. City Council is out of the subdivision process by law. They are clearly distinguishing between legislative decisions and administrative. Final plats can be one person, a Staff member or two and maybe a third person. That will be determined by City Council as a draft comes forward you may see

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some blanks. He left blanks on who the other land use authority will be. **Commissioner Doug Clifford** stated the Council is still tasked with setting the rules we all have to follow as a Commission.

E. Items to be placed on future agendas.

6) ADJOURNMENT

MOTION: Commissioner Perry Brown moved to approve ADJOURNMENT

SECOND: Commissioner Derek Larsen

VOTE: The motion carried unanimously.

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

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