IVINS
CITY COUNCIL
MINUTES
October 5, 2023

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

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Mayor Hart, Council Member Scott, Council Member Johnson, Council Member Murphy, Council Member Anderson, and Council Member Mehr.

STAFF: City Manager/Attorney Dale Coulam, Parks and Recreation Director Benny Sorensen, Public Safety Director Bob Flowers, Fire Chief Andy Parker, Public Works Director/City Engineer Chuck Gillette, Building and Zoning Administrator Mike Haycock, and City Recorder Kari D. Jimenez.

EXCUSED: None.

Audience: Helen & Dean Cavaletto, James Barden, Bonnie Kline, Becky & Chuck Warren, Sharon Gillespie, Cheyne McDonald, Marcia Delucchi, Michael Cook and others who did not sign in.

A. Acknowledgement of Quorum

Mayor Hart acknowledged that there was a quorum present. Council Member Mehr was expected shortly.

B. Flag Salute

Council Member Murphy led the Flag Salute.

C. Invocation

Council Member Murphy gave the Invocation.

D. Disclosures

Council Member Mehr arrived at 5:34 p.m. There were no disclosures or conflicts of interest with items on this meeting's agenda.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS

A. Washington County Solid Waste District Report

Cheyne McDonald reported on the infrastructure improvements in progress, including enhancing entry points to better serve County residents. The District is also in the process of preparing Request for Proposals (RFPs) for this project. He addressed a concerning video circulating on social media. The video depicted a Republic truck picking up a general trash can and immediately following with the collection of a recycling can. This incident was not in accordance with the established agreement between the District and Republic. Upon receiving reports of this incident, the District promptly initiated an investigation and contacted Republic. It was discovered that the situation stemmed from a connection between the household and the trash truck driver. The driver had exceeded the intended usage of the recycling cans, which led to the confusion. The unauthorized practice has been addressed. He extended an invitation to any City Council member interested in touring the recycling facility located just north of Las Vegas. Both the landfill and recycling trucks end up at the same location in Washington County, except the recycling truck diverts to the transfer station. He stressed the importance of residents

familiarizing themselves with accepted recyclable materials to prevent contamination. The District's operations remain relatively uneventful at the moment and the District Manager is an Ivins resident.

B. Department Reports: Parks and Recreation; Public Safety

Benny Sorensen submitted an electronic report. A copy of the report is available as an attachment to this agenda. He reported that everything was progressing well within the department. They successfully completed the 20th year of "Movies in the Park". The football season is wrapping up, as is cross country running events. Ivins hosted a cross country meet, accommodating elementary and middle school students from various parts of the County, with 49 students who ran either a one or two-mile course at UNITY Park. Heritage Days was successful and he thanked the volunteers for assisting. Upcoming events include basketball, "Bingo in the Park," a geology lecture, a Halloween party in October, and the "Race Across America" and "Run Reindeer" in December. He referred to a handout regarding a "Healthy Utah Community" designation. A copy of the handout is available as an attachment to this agenda. There are three (3) focus areas for that designation, those being active living, access to healthy food, and mental health. Ivins is already in good shape in terms of active living. To qualify as a small city, only one qualifying initiative was required in each of the three focus areas. The City would need to establish a Community Health Plan that would be implemented over the next three (3) years and the Council would have a say in deciding who would be part of the Community Coalition responsible for the initiative. **Mayor Hart** clarified that this designation is more of a recognition and that no external entity mandated it and would be a positive distinction that aligns with Ivins City's health and wellness image, especially considering the ongoing development of health-focused resorts in the area.

Fire Chief Parker submitted an electronic report. A copy of the report is available as an attachment to this agenda. He reported that the department's call statistics and related information are readily accessible on their website. In the month of September, the department responded to 137 calls for service. Regarding response times, Station 31 achieved an average response time of approximately 5 minutes and 45 seconds, while Station 32's response time was approximately 6 and a half minutes. Response times met or exceeded national standards, although the goal is to further reduce response times below the ideal 5-minute mark. SCI Fire & EMS has an active presence on social media, where they share updates and photos of their activities. They were recently deployed to Oregon and Northern California for wildland firefighting and collaborative work with Penn State University on an ecological study. The importance of these experiences assist in preparing personnel to manage fires in different locations with similar fuel types. There has been an increase in gas leaks due to infrastructure development, with several incidents attended to in the past six months. They recently added a Fire Investigator to the department. The training facility now includes containers equipped for live fire training that is hands-on training designed to prepare personnel for real-world firefighting scenarios. SCI Fire & EMS department actively participated in community affairs events in September, including Swiss Days, Heritage Days, and a 9/11 memorial event hosted by Rocky Vista University. As part of Heritage Days, they held an open house at the Ivins fire station where they showcased equipment and tools. He referred to wildland firefighting revenues and reported they received approximately $330,000 for the year, which would be distributed between the Ivins City and the City of Santa Clara. They are looking forward to receiving a new fire truck in March of 2024, emphasizing the importance of that equipment. He invited everyone to visit their facilities and indicated that there will be an

open house for National Fire Prevention Week on Saturday, October 14th from 8:00 a.m. to 2:00 p.m. at the Santa Clara Rachel station and will feature live demonstrations.

Police Chief Flowers submitted an electronic report. A copy of the report is available as an attachment to this agenda. He referred to increasing code enforcement complaints regarding overgrown weeds. The department received 20 complaints in the past month and explained the process of addressing those complaints. He referred to the department's tagging process regarding abandoned vehicles and indicated that Officers tag vehicles to inform owners of the reasons for the tag, but they do not tow vehicles without prior notice. A letter is issued, contact is made, and attempts are made to address the issues before further action is taken. Recently, 29 vehicles were tagged due to various violations. SCI Public Safety has been actively involved in a number of events, including Santa Clara Swiss Days and Ivins Heritage Days. He reported that the electronic report included statistics on calls for service. He intends to coordinate with the City Manager for next month's report to provide insights into the department's strategies and look for input regarding potential directional changes. Future presentations may cover a wide range of topics, including high-density housing, crime rates, and drug policies. He expressed the department's willingness to adapt to national directions and concluded by emphasizing the overall positive status of their operations.

C. Planning Commission Report

Mike Haycock reported that the Planning Commission held a Public Hearing regarding Hidden Springs RV Resort and the Council will be holding a Public Hearing tonight on the same issues. The Planning Commission reviewed and approved the Preliminary Plan for the Black Desert Resort Boardwalk Village and they continued to discuss the General Plan, intending to hold one more Work meeting before making recommendations. Depending on the outcome of the Work meeting, the Planning Commission would either decide to schedule another Public Hearing on the matter or proceed with a vote to move the General Plan onto the City Council.

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

4) PUBLIC HEARING AND ACTION ITEMS

A. *Public Hearing regarding a zoning text amendment to Ivins Code section 16.17.211(1) regarding Hidden Springs RV Resort to increase the allowed total square footage of a single-family dwelling area within the clubhouse

Dale Coulam stated that the proposed modification to the clubhouse's roofline necessitated changes to the clubhouse's design, resulting in a larger footprint and an expanded second floor. The original ordinance imposed a limit of 1600 square feet of living space, as reflected in the initial design. This size also matched the cabins situated around the site. At that time the Council decided to align the dwelling area limit with what was shown in the design, which was 1600 square feet. The current second floor space encompassed not only the total square footage of the bedrooms, but also included bathrooms and some additional workspace. Consequently, the second floor now measures 4200 square feet. In accordance with the Council's instructions, staff prepared an amendment to the ordinance, amending the previously specified live/work area limit from 1600 square feet to 4200 square feet. **Mayor Hart** opened the Public Hearing and noted that owners Jon and Nicole Graf were in attendance via the Zoom application. There being no comments by the audience, Mayor Hart inquired of Cade Visser if there was anyone in attendance through the Zoom application who wished to make a comment. **Cade Visser** stated that there was no one requesting to make a comment. **Mayor Hart** closed the Public Hearing.

B. *Discuss and consider approval of Ordinance No. 2023-20, an Ordinance of Ivins City, Utah, amending Ivins Code section 16.17.211(1) regarding Hidden Springs RV Resort to increase the allowed total square footage of the living area within the clubhouse

Council Member Scott clarified the reasons for proposing changes to both the Ivins Code and the Conditional Use Permit. He acknowledged his previous reservations about the RV Resort but expressed his willingness to work constructively with the applicant and agreed that allowing the living area to exceed 1600 square feet was reasonable and commented that a more substantial space would contribute to the owner's satisfaction and effective management of the resort. **Council Member Anderson** indicated that the modern world requires 24-hour service. He pointed out that the resort had both daytime and nighttime operations, justifying the need for a larger living area. **Council Member Mehr** inquired how the change might apply to other properties in the community because RV resorts were not limited to a single location inquired about alternative approaches, such as using a Development Agreements. **Mayor Hart** emphasized that RV resorts typically occupy substantial land areas, and that a clubhouse is a significant structure within those resorts. The impact would not be overwhelming in most settings, considering the amount of property required to establish such a resort.

MOTION: Council Member Johnson moved to approve Ordinance No. 2023-20, an Ordinance of Ivins City, Utah, amending Ivins Code section 16.17.211(1) regarding Hidden Springs RV Resort to increase the allowed total square footage of the living area within the clubhouse

SECOND: Council Member Scott

VOTE: The motion carried unanimously.

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

C. *Public Hearing regarding amendments to the Hidden Springs RV Resort Conditional Use Permit to increase the allowed total square footage of the clubhouse and allowing the clubhouse height to be increased to 35 feet as allowed in the RC zone

Dale Coulam explained that the maximum height would be increased to 35 feet, in alignment with the zoning ordinance for the RC zoning district. Additionally, the total size of the clubhouse building would be expanded from the original 5040 square feet footprint to just under 9000 square feet. All other terms and conditions specified in the original list of conditions would still apply. **Mayor Hart** opened the Public Hearing. There being no comments by the audience, **Mayor Hart** inquired of Cade Visser if there was anyone in attendance through the Zoom application who wished to make a comment. **Cade Visser** stated that there was no one requesting to make a comment. **Mayor Hart** closed the Public Hearing.

D. *Discuss and consider approval of the First Amendment to the Class V Conditional Use Permit for Hidden Springs RV Resort to increase the allowed total square footage of the clubhouse and allowing the clubhouse height to be increased to 35 feet as allowed in the RC zone

Council Member Mehr inquired if this follows Ivins City ordinances. **Dale Coulam** clarified that the proposed changes adhere to the zoning ordinance for the Resort Commercial zoning district, with a maximum height of 35 feet. **Council Member Anderson** sought clarification on whether the colors and materials for the clubhouse had been provided. **Jon Graf** confirmed that

the colors would remain consistent with their previous submission that was approved. **Council Member Scott** referred to the potential impact on views due to the increased clubhouse size and height but noted that the view angle from the sidewalk on Highway 91 would be minimal and well below the 15-degree angle required by the City's ordinances. Additionally, the site's topography, with the clubhouse sitting 12 feet below the south side of Highway 91, further minimized the impact on views.

MOTION: Council Member Johnson moved to approve the First Amendment to the Class V Conditional Use Permit for Hidden Springs RV Resort to increase the allowed total square footage of the clubhouse and allowing the clubhouse height to be increased to 35 feet as allowed in the RC zone

SECOND: Council Member Mehr

VOTE: The motion carried unanimously.

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

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of the Planning Commission's 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

Mike Haycock provided an overview of the project's location, zoning, and the need for conditional use permits in certain zones. **Jerry Miyahara** the applicant, presented an overview of the project. He explained that the project had evolved over the years to incorporate feedback from the community, neighbors and City staff. The project objective is to provide various residential options for resort visitors and primary and secondary homeowners, while preserving natural open spaces, lava features, and vistas. Key points from Mr. Miyahara's presentation included reduction in unit sizes on the resort commercial side to better align with market demand. **Dale Coulam** explained that the draft list of conditions was prepared by City staff and included standard conditions related to compliance with ordinances. It also contained conditions specific to the project and included a placeholder for Sensitive Lands conditions. He inquired about the West side of the project, which is included in the application. **Jerry Miyahara** indicated that the CUP only applied to the RC zoning district and not the West side. **Dale Coulam** referred to multifamily residential design guidelines, which included density calculations for multifamily high-density residential zoning districts. He inquired if Mr. Miyahara's contention was that the project consisted of single-family homes and was therefore exempt from the requirements for multifamily developments. **Jerry Miyahara** indicated yes. **Dale Coulam** inquired about the square footage calculations for the West development, indicating that it did not include the RC zone or the area shown in white, east of the West Preliminary Plan. **A representative with Bush and Gudgell** confirmed that the calculations and numbers provided for lot coverage and density applied solely to the RM (Residential Multi-Family) zone, which extended from Hamblin to the west. He clarified that the RC (Resort Commercial) zone, located east of Hamblin, was not included in those calculations. Additionally, the area depicted in white on the overall plan was not included in the calculations. **Dale Coulam** sought further clarification on whether the Preliminary Plans for both the East and West sides of the project, were covered by the Conditional Use Permit (CUP). The Bush and Gudgell

representative clarified that the East side, which fell within the RC zone, was covered by the CUP but the West side was considered a separate residential project that did not require a CUP. **Council Member Anderson** inquired if Ivins Engineer Chuck Gillette felt that the traffic impact study was reasonable. **Chuck Gillette** stated that he found the study to be reasonable and did not have any comments on it. **Council Member Anderson** inquired if Ivins Building and Zoning Administrator Mike Haycock felt that number of parking spaces was reasonable. **Mike Haycock** confirmed that the parking numbers complied with the City's parking requirements, whether considered for residential or hotel use. He also acknowledged that there were more parking spaces than required by the ordinance. **Council Member Scott** inquired of Mr. Miyahara regarding the parking details presented. **Jerry Miyahara** indicated that the parking spaces were directly connected to individual units, with attached garages in all three buildings as well as driveway and street parking. The parking spaces in the amenity area were designated for automobile parking, not oversized vehicles like RVs or boats. **Council Member Scott** expressed the need for additional time to review the new information presented during the meeting, which he had not seen in the Preliminary Plans attached to the agenda. He requested that the discussion be tabled until the next meeting to allow for a thorough review of the details provided. **Jerry Miyahara** clarified that the additional information he shared was excerpts from the full landscape plans submitted as part of the original Preliminary Plan application. **Council Member Anderson** and **Council Member Scott** expressed concerns about the additional information presented by Mr. Miyahara, which included detailed landscape plans for amenities that were not included in the Preliminary Plans attached to the agenda. **Council Member Anderson** requested clarification on whether the new information was part of the current preliminary plan application. **Jerry Miyahara** explained that the full landscape plans, including the amenity details, had been part of the original Preliminary Plan application package from the beginning. However, he acknowledged that the specific details related to amenities were not part of the Preliminary Plans provided for this meeting and were shared separately in response to a late request. **Dale Coulam** mentioned that the amenities information, although not required by the code for the RC zone, could still be considered relevant for discussion, and it could potentially be added to a list of conditions for amenities as part of open space requirements. **Council Member Mehr** expressed a desire to proceed with the discussion without tabling the item, emphasizing that the additional information provided by Mr. Miyahara was meant to be helpful. He encouraged moving forward with the business on the agenda. **Council Member Scott** mentioned that the Preliminary Plans for this project lacked the detailed amenity information found in Preliminary Plans from other developers, reviewed by the City Council this year. He argued that the amenity details were relevant to the discussion and should have been included in the Preliminary Plans attached to the agenda. **Mayor Hart** supported the idea of Council Member Scott presenting his comments on the project, regardless of whether the discussion was tabled or not. He expressed a willingness to hear his concerns and proposals for additional conditions or solutions. **Council Member Scott** agreed to provide a condensed version of his comments but maintained that the detailed amenity information was essential for the discussion and decision-making process. He raised concerns about the opening of 400 South into the project during phase one (1) of construction and suggested that the road remain closed at Cordero until all construction was complete, to prevent construction traffic from spilling onto residential streets, particularly Puerto Drive, which already experiences traffic and safety issues. **Chuck Gillette** expressed the City's desire to have 400 South connected once construction is complete, as it could provide a beneficial alternative route for traffic. **Council Member Scott** clarified that

he was comfortable with 400 South connecting after construction was complete, but wanted it closed temporarily during construction. **Mr. Miyahara** explained that they did not intend to use 400 South for heavy construction equipment access during construction. They plan to use Hamblin Road to the north and south of Red Mountain Drive for construction traffic and could include contract provisions to instruct contractors not to use 400 South for construction traffic. **Council Member Anderson** raised concerns about the completion of a roundabout at the intersection of 400 South and Hamblin Road, which was part of the project. **Mayor Hart** sought clarification on whether the opening of 400 South was crucial for vertical building construction. The **Bush and Gudgell Representative** indicated that the opening of 400 South would be necessary. **Council Member Anderson** emphasized the need for clear access for construction equipment and suggested that the issue was not about heavy construction equipment but ensuring smooth access for construction activities.

Council Member Scott commented that 400 South should not extend beyond Cordero Drive until all construction, including both horizontal and vertical aspects, was complete. He expressed concerns about construction traffic, including deliveries of lumber and siding, potentially causing issues in residential neighborhoods like Puerto Drive. **Jerry Miyahara** responded that the traffic patterns and logistics for construction traffic would not make 400 South a practical route for them, and they were likely to use other nearby roads. **Council Member Scott** questioned the importance of opening 400 South if there seemed to be no practical reason for it. **Council Member Anderson** indicated that new residents would have the right to travel on public roads once houses were built. **Council Member Scott** stated that the traffic study indicated only about 5% of traffic would come from residents. **Council Member Mehr** highlighted the convenience of 400 South for residents traveling to Harmons grocery store and that residents would likely want it opened. **Jerry Miyahara** emphasized the importance of having two access points for development. **Mayor Hart** commented that there were conflicting opinions and suggested that determining the timing of opening 400 South during extended construction might be challenging. **Council Member Scott** referred to rooftop decks on three-story buildings, arguing that they could effectively create a four-story structure, causing disturbances to neighbors. **Jerry Miyahara** stated that they intended to be in full compliance with height restrictions. **Mayor Hart** inquired as to the intention to include rooftop decks. **Dale Coulam** discussed the absence of specific ordinance provisions regarding rooftop decks and the need to address their usage on top of buildings. **Council Member Scott** commented that sound travels great distances, potentially impacting neighbors. He referred to parking and suggested that they table that topic for further study and noted that the Conditional Use Permit allowed the Council to impose requirements to mitigate negative impacts. He mentioned that other communities had faced issues with short-term rentals not having enough parking and raised concerns about parking for recreational vehicles, boats, and similar items. He also emphasized the importance of creating designated parking areas for those things, as well as designated dumpster areas for garbage disposal. **Jerry Miyahara** indicated that they had consulted with groups experienced in parking and believed that the parking they were providing would be adequate and commented that they did not plan to allow RV and boat parking on the streets. There had been preliminary discussions about creating an area for that type of parking between the wash and Hamblin, though it might not be aesthetically ideal. **Mayor Hart** commented that there is an existing RV parking area in Santa Clara on Hamblin. **Council Member Anderson** expressed disagreement with the idea of adding another access point on Hamblin, citing concerns about the potential impact on traffic flow. **Council Member Scott** requested clarification on the potential RV parking area,

mentioning the concept of a park and whether it was the same area. **Jerry Miyahara** discussed the concept of the park as an amenity area with pathways and shade structures, suggesting it could still be used for those purposes even if part of it was allocated for RV parking. **Mike Haycock** commented that using that area for parking could affect their density calculations, as it was counted toward the 15% open space requirement. **Council Member Scott** expressed concerns about the absence of amenity areas and specific amenities in the Preliminary Plan, compared to what was shown in the Concept Plan from March of this year. The Preliminary Plan includes buildings in places where amenity areas were originally located, which raised concerns for him. **Matt Ence**, the applicant's Attorney, inquired if there was a contention that the application was not complete. He acknowledged that the amenity package had been referenced as something new but wanted clarity on whether the application was considered complete. **Council Member Scott** clarified that he wasn't contending that the application was incomplete but rather expressing concerns about the absence of amenities in the Preliminary Plan. **Matt Ence** stressed that the amenity package had been part of prior submittals. **Council Member Mehr** inquired if the application was complete and whether the City had accepted it as complete. **Dale Coulam** confirmed that the application was complete but that the supplemental information that was recently provided was relevant to this discussion. **Council Member Mehr** discussed the relevance and materiality of the supplemental information, pointing out that it had not been provided for all aspects of the application. He raised questions about what they were being asked to approve and whether the preliminary landscape plan was part of it. **Dale Coulam** clarified that the Council was considering a Conditional Use Permit for the resort project's East side, which allowed them to place conditions to mitigate potential adverse impacts. Council Member Scott's concern was related to the representation of amenities and open space within the resort, which had been shown on the Concept Plan and created expectations for the City Council. He suggested that it might be reasonable to condition the approval on building the amenities in accordance with the presentation materials that had been shown to the City Council.

Council Member Mehr inquired how they should proceed with the amenities issue and suggested that they act on other aspects of the project, while potentially tabling the amenities portion. **Council Member Anderson** agreed with Council Member Scott's concerns, emphasizing the need for amenities to be shown on the Preliminary Plan. **Council Member Johnson** suggested that the Council address most of the issues and potentially continue discussing the amenities if necessary. **Mayor Hart** summarized the suggestions, including the possibility of taking more time to study the materials provided. **Jerry Miyahara** clarified that the colored landscape pages were excerpts from a full landscape design package for the East side, which had been part of the application and was not new information but a part of the landscaping plans they had gone through with TRC and staff. **Mike Haycock** explained that the application had evolved over time, and the materials they provided were the latest documents reviewed by TRC. **Mayor Hart** inquired as to the completeness of the application and the changes it had undergone. **Jerry Miyahara** clarified that the East landscape plan and amenity package had not changed, despite other changes in the project. **Council Member Anderson** emphasized that the concern was about the amenities not showing up on the Preliminary Plan, which has been required for other projects. **Council Member Scott** pointed out that all Preliminary Plans that the Council had reviewed from other projects, all included the locations of amenities, and this project was missing that information. **Mayor Hart** acknowledged the missing information and discussed the need for specificity in referencing amenities if they were not shown on the plan. **Dale Coulam** clarified that the current agenda

item is focused on the Conditional Use Permit application, not the Preliminary Plan. The Conditional Use Permit application should include information that allows the Council to impose reasonable conditions to mitigate potential adverse consequences and the Council should not approve the Preliminary Plan until they have an approved the Conditional Use Permit. The Council needs to evaluate the Preliminary Plan against the conditions specified in the Conditional Use Permit and City ordinances. **Council Member Scott** inquired as to the legal aspects and relationship between the Preliminary Plan and the Conditional Use Permit and expressed the need to see a complete Preliminary Plan to understand potential adverse impacts and decide whether to mitigate them through the Conditional Use Permit. **Dale Coulam** acknowledged the importance of considering the conditions imposed in the Conditional Use Permit when approving the preliminary plan. **Council Member Anderson** emphasized the need for clarity in the Preliminary Plan parking and amenities and including specifically on the Preliminary Plan, pools, pickleball courts, and playgrounds, to ensure they are adequately planned and allocated within the development. He also raised the issue of dumpsters, which, in previous cases, had been clearly designated on Preliminary Plans to address potential noise and nuisance concerns. **Council Member Murphy** raised an important point by comparing the current proposal to a past development, Black Desert, which was denied the opportunity to have rooftop decks due to concerns about exceeding the 35-foot height limit. She clarified that in this case, the rooftop decks were not a concern if they complied with the height restriction, making it a different situation from Black Desert. **Council Member Scott** restated his key concerns, emphasizing keeping 400 South closed during construction, prohibiting rooftop decks if they exceeded the height limit, addressing parking issues, especially for oversized vehicles and trailers, and ensuring proper screening of those areas. He also stressed the need for transparency in the Preliminary Plan by including details on amenities like pool locations, splash pads, playgrounds, pickleball courts, volleyball courts, and dog parks, as well as specifying the location of regular and oversized parking spaces. He urged the inclusion of privacy walls, landscaping details, and the detention basin's location. **Mayor Hart** called for a motion to continue the discussion. **Council Member Scott** suggested that agenda items 5)A, 5)B and 5)C be tabled. **Dale Coulam** clarified that agenda item 5)B is the West side with single story homes and is not part of the Conditional Use Permit.

MOTION: Council Member Mehr moved to continue agenda item 5)A
SECOND: Council Member Murphy
VOTE: The motion carried unanimously.

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

B. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for The Retreat at Snow Canyon-West, located at approximately Puerto Drive and 400 South. SITLA-Owner. EWD,LLC/Jerry Miyahara-Applicant

Mike Haycock indicated that the Preliminary Plan is divided into East and West sides, with the West side comprising phases one (1) through four (4). The phases include both RM (Resort Mixed) and RE-37 (Residential Estate) zones, with buffer zones in between. **Mayor Hart** indicated his support for moving forward with the plan unless there were objections from the council. He did not see any reason to delay the approval. **Council Member**

Anderson referred to 400 South and inquired if the City had control over that road and requested clarification on whether the road could be built without a Conditional Use Permit. **Chuck Gillette** indicated that 400 South was part of the East phase and the City has control over it. The City would need to open it up once a few buildings were occupied and the exact timing would depend on the construction progress. **Council Member Scott** expressed his concern about 400 South, particularly for the residential portion of the development. **Council Member Anderson** suggested that issue be addressed in the Conditional Use Permit or Development Agreement. **Dale Coulam** stated the West side of the development would not be addressed in the Conditional Use Permit but would be included in a Development Agreement. **Council Member Mehr** indicated that the Preliminary Planning application was complete and complied with Ivins City ordinances and has been recommended for approval.

Council Member Scott noted a significant change from the Concept Plan, specifically in the area on the far-right side of the plan, highlighted in yellow. Originally, that area was intended for an active amenity park with facilities like a clubhouse, pool, spa, ball courts, dog park and similar. The Preliminary Plan now shows five (5) single-family lots in that area instead of the previously proposed amenities. He expressed concern about losing amenity and recreational space and suggested that the five (5) single-family lots be removed to reinstate the active amenity area. He believed that change would benefit both the residential neighborhood and the commercial aspects of the development. **Mayor Hart** inquired whether such a change could be considered a taking? **Dale Coulam** clarified that since the development was categorized as single-family, it might not be considered a taking. **Council Member Mehr** expressed his reservations about making changes to the plan, emphasizing that the development had been pushed to the east due to previous discussions and votes. He believed that the developer was making efforts to comply with the project requirements, and imposing additional changes might not be appropriate.

MOTION: Council Member Mehr moved to approve a Preliminary Plan for The Retreat at Snow Canyon-West, located at approximately Puerto Drive and 400 South. SITLA-Owner. EWD,LLC/Jerry Miyahara-Applicant

SECOND: Council Member Murphy

VOTE: The motion carried.

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

C. Discuss and consider the Planning Commission's recommendation to approve a Preliminary Plan for The Retreat at Snow Canyon-East, located approximately east of the future Hamblin Parkway. SITLA-Owner. EWD,LLC/Jerry Miyahara-Applicant

MOTION: Council Member Mehr moved to continue this agenda item

SECOND: Council Member Murphy

VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	AYE

Council Member Mehr	AYE

The meeting was in recess from 8:02 p.m. to 8:10 p.m.

D. Discuss and consider revising the Landscaping and Water Conservation Ordinance

Chuck Gillette provided an update on the recent recognition received by Ivins City for its water conservation efforts. He informed the City Council that the Governor had presented Mayor Hart with an award during the One Utah Summit Conference held in Cedar City. That recognition was facilitated by the Department of Natural Resources, which had recommended Ivins City for the award. The award highlighted Ivins City's notable achievements in water conservation and emphasized the City's standing as a statewide leader in that regard. Ivins City previously received a similar award in 2018 and had secured another one in 2023, coinciding with the submission of Ivins Water Conservation Plan. Despite this recognition, Ivins City has faced a challenge from the State regarding its Water Conservation Plan due to a technicality in the City's ordinance. The technicality involved the state's requirement that the City's ordinance explicitly state that grass is not allowed in strips smaller than eight feet (8') in width, regardless of whether it's in a front yard or a backyard. That means that any area with grass must have a minimum width of eight feet (8') and the change would be universal for all grass areas in the City, whether in single-family or multifamily developments. **Council Member Mehr** inquired if this change would impact residents' ability to have grass in their backyards for their children to play on. **Chuck Gillette** explained that the change was intended to prevent the installation of grass in areas so small that they couldn't be effectively used for recreational purposes and eight feet (8') is the reasonable minimum width for functional grass areas. **Mayor Hart** introduced Doug Bennett, an experienced professional in water conservation, who recently joined the Water Conservancy District as their conservation expert. **Doug Bennett** shared his extensive background, which included working as a Horticulturist, Assistant Professor of Horticulture, and contributing to water efficiency and landscaping initiatives in various communities. He worked for the City of Albuquerque, the Southern Nevada Water Authority, and has 23 years of experience managing conservation programs in Las Vegas. He emphasized the importance of conserving water. He has collaborated with the District's staff to develop recommendations for a Water Conservation Plan that is tailored to Washington County's unique needs. The recommendations are crucial for the County's long-term development plans. **Mayor Hart** emphasized the importance of adopting the recommended elements of the Water Conservation Plan, especially as the County anticipates 20 years of continued growth and development. **Doug Bennett** indicated that State funding for water conservation projects is funneled through the Washington County Water Conservancy District and municipalities must meet certain provisions to be eligible for those funds. He discussed the water efficiency standards developed for Washington County, which are aimed at promoting efficient water use in new developments. He explained that these standards are based on reviews of existing ordinances, State requirements, and measures he has implemented in his career to enhance water efficiency. He specifically addressed the provision regarding the distance between spray-irrigated turf grass and street right-of-way, to prevent water from reaching the street. Concerns similar to those expressed in the meeting were raised in Washington City, leading to discussions and potential revisions. He also mentioned that the standards have been vetted with municipal planning and utility staff, home builders, and others. Those standards are a basis for qualifying for turf replacement funding administered by the District.

Mayor Hart added that Ivins has a substantial number of applicants for this program, indicating the City's commitment to water conservation. Most of the proposed standards are already part of Ivins' existing ordinance, making it easier to align with the District's requirements and qualify for funding. He emphasized the importance of taking action to remove grass and reduce water usage in the community. During a recent board meeting, they discussed the preliminary budget, and he has been advocating for allocating sufficient funding to support the removal of grass. There is a strong demand for this initiative, and it would be a missed opportunity if the funding is not made available while there are people eager to participate. **Doug Bennett** indicated that grass lawns can consume a lot of water when not efficiently irrigated, especially in second homes where active management may be lacking. **Council Member Scott** inquired as to whether the water efficiency standards mentioned apply specifically to single-family properties or also encompass commercial and multifamily developments. **Doug Bennett** indicated that the standards cover various property types and emphasized the importance of functional turf areas, like those in parks or areas where children play. **Council Member Anderson** expressed a concern about the allocation of water permits to neighboring cities like Hurricane that may not have water conservation measures in place. He suggested that cities like Ivins, which have actively conserved water, should have priority for water permits to ensure a fair distribution. **Doug Bennett** stated that the typical role of a conservancy district in ensuring that all properties within the region have access to water, regardless of which City is growing faster and it is important to encourage all communities to implement water conservation measures. **Council Member Anderson** commented that Ivins has been conserving water for many years and other cities have not. It wouldn't be fair for those cities to benefit from Ivins' conservation efforts. **Mayor Hart** discussed the possibility of incorporating the recommended water efficiency standards into a revised ordinance and suggested reviewing the differences between the proposed standards and Ivins' existing regulations. **Chuck Gillette** indicated that there are two possible approaches: incorporating the provisions into an ordinance or adopting the water efficiency standards of the District by reference. **Council Member Anderson** expressed the need to examine the differences and the possibility of conducting a public hearing. **Dale Coulam** stated that the adoption of water efficiency standards might require a public hearing due to potential land use regulations. **Council Member Scott** favored a simple and quick adoption of the standards but expressed concerns about the complexity for homeowners and builders if the standards were not incorporated into the existing ordinance. **Mayor Hart** clarified the agenda item's purpose, which was to discuss and consider revisions to the landscaping and water conservation ordinance. He emphasized the importance of compliance with State and District requirements. **Council Member Mehr** commented that the primary issue was adding the requirement for grass areas to have a minimum width of eight feet (8'). The Council should address what is needed and worry about the rest at a later date. **Council Member Anderson** indicated that there were two subjects being discussed: one related to State requirements and the other concerning a presentation by the Water Conservancy District. He inquired as to the urgency of implementing the proposal for the grass rebate. **Chuck Gillette** stated that there was no immediate rush. He also reminded the Council about the preliminary draft of Ivins City's Water Conservation Plan, suggesting it needed a few revisions and would be brought back to the Council for a Public Hearing and discussion.

6) CONSENT AGENDA

A. Approval of expenditure for purchase of water meters in Fiscal Year 2024

B. Approval of City Council Meeting Minutes for September 21, 2023

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

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

7) CONSENT AGENDA ITEMS FOR DISCUSSION

8) REPORTS

A. Council

Council Member Scott reported that the Ivins City Youth Council attended a demonstration by the Santa Clara Ivins Police Department where they provided the Youth Council with an engaging introduction to some of the things that occur with the police department, including the handling of tactical ballistic shields, how tasers are used, and an active drug search operation carried out by the highly skilled canine Copper who found a suspicious substance planted in one of the officers' duffel bags. He expressed his admiration for the extraordinary team of police officers, commending them not only for dedicating their time to the event but also for their engaging and educational approach with the Youth Council.

There were no other reports.

B. Mayor

Mayor Hart reported on his participation in the 10th-anniversary celebration of the Southern Utah Veterans Home in Ivins. The event was a special occasion attended by dignitaries from the Veterans Administration. He was invited to make a few comments during the event where he took the opportunity to remind attendees about the history of the location of the Veterans Home wherein that journey began with Jack Reber in 1977. He recounted the moment when the site selection committee visited the area and stood on the chosen location, realizing it was the perfect place for the Veterans Home. He referred to an upcoming "Talk About" event scheduled for Wednesday, October 18th on the subject of open space. He referred to a request from the Elks Lodge for a proclamation related to a drug awareness program and inquired if the Council would like that to be on a future City Council agenda. The **City Council** agreed.

C. City Manager/Attorney Dale Coulam

Dale Coulam reported on the upcoming "What's Up Down South" Economic Summit, which will be held on January 11, 2023. **Council Member Anderson** inquired as to the date of the Ivins Christmas party. **Dale Coulam** indicated that was scheduled for Thursday, December 14th, at 6 pm at the Santa Clara City Hall.

D. Items to be placed on future agendas

9) CLOSED MEETING

10) ADJOURNMENT

MOTION: Council Member Scott moved to adjourn
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Johnson	AYE

Council Member Murphy	AYE
Council Member Anderson	AYE
Council Member Mehr	AYE

The meeting adjourned at 8:44 p.m.

Respectfully,

Kari D. Jimenez, MMC
Ivins City Recorder